



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2025-066

A By-law to amend Procurement By-law 2017-095, to increase the thresholds in accordance with the limits from the Canadian Free Trade Agreement, to allow a local preference for certain procurements below the applicable thresholds and to increase the ability for the Town to join other buying groups

**WHEREAS** Council of The Corporation of the Town of Oakville has adopted A By-law to Adopt and Maintain a Procurement Policy for the Town of Oakville 2017-095, as amended (the "Procurement Policy By-law")

**WHEREAS** it is desired to make certain changes to the Procurement Policy By-law;

#### **NOW THEREFORE COUNCIL ENACTS AS FOLLOWS:**

The Procurement Policy By-law 2017-095 is hereby amended by:

1. Section 6 COOPERATIVE PURCHASING is deleted in its entirety and replaced with the following: "6) COOPERATIVE PURCHASING
  - a) The agent is authorized to participate in cooperative purchasing arrangements with other municipalities, regions, local boards and public agencies within the province and buying groups when in the town's best interests.
  - b) In particular, the agent may choose to participate in the cooperative bid calls on behalf of Halton Cooperative Purchasing Group (HCPG) and conduct bid calls on behalf of HCPG.
  - c) For purposes of 6) a, "buying group" means a group of two or more members that combine the purchasing requirements and activities of the members of the group into one joint procurement process. Buying groups include cooperative arrangements in which individual members administer the procurement function for specific contracts for the group, and more formal corporate arrangements in which the buying group administers procurement for group members. Buying groups may consist of a variety of entities, including any combination of procuring entities, or not-for-profit organizations. The Treasurer may determine whether it is in the town's best interest to participate in any particular buying group.

- d) The agent shall ensure that any procurement conducted through cooperative purchasing is carried out in a manner consistent with CFTA and CETA.
2. In Schedule D, deleting “1) For procurement of supplies and services from \$25,000 – up to but not including \$100,000; and for the procurement of construction from \$25,000 up to but not including \$250,000,” and replaced it with the following: “1) For procurement of supplies and services from \$25,000 – up to but not including \$133,800; and for the procurement of construction from \$25,000 up to but not including \$334,400,”.
  3. In Schedule E, “1) For procurement of supplies and services with an estimated value greater than \$100,000; and for the procurement of construction with an estimated value greater than \$250,000,” is deleted and replaced with the following: “1) For procurement of supplies and services with an estimated value greater than \$133,800; and for the procurement of construction with an estimated value greater than \$334,400,”.
  4. In Schedule F, clause 2) f. is deleted and replaced with the following: “f) proposals valued over \$133,800 shall be advertised using the Bidding System for at least ten (10) calendar days preceding the closing date for proposals;”.
  5. In conjunction with the foregoing amendments, the portions of the table in 8 e) of the Procurement Policy By-law relating to “For Procurement of Supplies or Services” and “For Procurement of Construction” are deleted and replaced with the following:

Total Procurement Value	Procedure	Mandatory Requirements
For the Procurement of Supplies or Services:		
<\$10,000	Direct Award by User Departments	Payment by Purchasing Card (PCOS) or Purchase Order
\$10,000 but <\$25,000	Informal Quotations/Proposals by User Departments	Schedule “C” Purchase Order Manager Approval Required

Total Procurement Value	Procedure	Mandatory Requirements
\$25,000 but <\$133,800	Request for Quotations (RFQ) or Request for Proposals (RFP) by Purchasing Staff	Schedule "D" Schedule "F" Award Report Purchase Order
>\$133,800	Request for Tenders (RFT) and Request for Proposals (RFP) by Purchasing Staff	Schedule "E" Schedule "F" Award Report Purchase Order
For the Procurement of Construction:		
<\$10,000	Direct Award by User Departments	Payment by Purchasing Card (PCOS) or Purchase Order
\$10,000 but <\$25,000	Informal Quotations/Proposals by User Departments	Schedule "C" Purchase Order Manager Approval Required
\$25,000 but <\$334,400	Request for Quotations (RFQ) or Request for Proposals (RFP) by Purchasing Staff	Schedule "D" Schedule "F" Award Report Purchase Order
>\$334,400	Request for Tenders (RFT) and Request for Proposals (RFP) by Purchasing Staff	Schedule "E" Schedule "F" Award Report Purchase Order

6. Section 14 NO LOCAL PREFERENCE of the Procurement By-law is deleted in its entirety and replaced with the following: "14) NO LOCAL PREFERENCE
- a) The town will endeavour to achieve the best value in its commercial transactions. As a result, except as permitted in b), the town will not

- impose or consider, in the evaluation of bids or award of contracts, local content or other economic benefits criteria that are designed to favour goods or services of a particular Province or region, nor shall the town practice local preference in awarding contracts unless specifically required to do so under the authority of an upper tier government body.
- b) In the case of procurements for supplies or services in amounts less than \$133,800 or procurements for construction in amounts less than \$334,400, the town may give preference to Ontario businesses and/or Canadian business.
  - c) For the purposes of 14 b), a “Canadian business” means a supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Canada. The business either:
    - a. has its headquarters or main office in any province or territory of Canada; or
    - b. has at least 250 full-time employees in any one province or territory within Canada at the time of the applicable procurement process.
  - d) For the purposes of 14 b), an “Ontario business” means a supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Ontario. The business either:
    - a. has its headquarters or main office in Ontario; or
    - b. has at least 250 full-time employees in Ontario at the time of the applicable procurement process.
  - e) At the time of award, a business seeking to be considered an Ontario business or a Canadian business shall supply to the agent an attestation in form acceptable to the agent that such business complies with the definition of “Ontario business” or “Canadian business” as the case may be.
  - f) All procurement processes are to be conducted so as not to unduly exclude local vendors while at the same time maintaining the duty to be fair, open and transparent to all bidders.
7. Except as set forth in this By-law, the Procurement By-law continues in full force and effect otherwise unamended.
8. This By-law shall take effect immediately on the day on which it is passed.

PASSED this 24th day of March, 2025

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MAYOR

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CLERK