



The Municipal Corporation of the Town of Fort Erie

By-law No. 98-2017

Being a By-law to Amend Purchasing By-law No. 2-10 as amended (Contractor Safety Program)

Whereas By-law No. 2-10 was passed by the Municipal Council of the Town of Fort Erie on January 18, 2010 to provide for the Town's policies with respect to its purchasing of goods, services and construction; and

Whereas By-law No. 97-12 was passed by the Municipal Council of the Town of Fort Erie on September 24, 2012 to amend By-law No. 2-10 with respect to insurance exemptions; and

Whereas Report No. CS-17-2017 was considered at the Council-in-Committee Meeting held on August 21, 2017, and subsequently authorized and approved by Council, to further amend Purchasing By-law No. 2-10 in order to facilitate the Contractor Safety Program; and

Whereas it is deemed desirable to further amend By-law No. 2-10 to facilitate the Contractor Safety Program;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Subsection 1.1 (c) of By-law No. 2-10 is repealed and replaced with the following:
“(c) To maximize savings for taxpayers;”
2. **That** the definition of “Request for Pre-Qualification” contained in Subsection 2.1 of By-law No. 2-10 is repealed and replaced with the following:
“ **REQUEST FOR PRE-QUALIFICATION**” means a public request by the Corporation seeking submissions from potential suppliers which may include the experience, financial strength, education, background, significant personnel, and safety program of potential suppliers who may, from time to time, qualify to supply Good and Services to the Corporation; ”
3. **That** Subsections 15.1 (a) and (b) of By-law No. 2-10 are repealed and replaced with the following respectively:
“15.1 (a) A Request for Pre-Qualification may be issued by the Manager of Supply and Services to develop a list of potential suppliers eligible to submit a Bid in the subsequent competitive processes.

(b) Pre-Qualification may be considered if:

- (i) the work will require substantial project management by the Corporation and could result in substantial cost to the Corporation if the supplier is not appropriately experienced;
- (ii) the Goods, Services or Construction to be purchased must meet Provincial or Federal safety standards or require suppliers be approved or certified by Provincial or Federal departments or regulatory bodies;
- (iii) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials or financial requirements;
- (iv) there could be substantial impact on the Corporation's operations if the work is not satisfactorily performed the first time;
- (v) the safety program and safety record of potential contractors is to be assessed; or
- (vi) any other circumstances deemed appropriate by the Manager of Supply and Services."

4. That Subsection 27.1 (b) of By-law No. 2-10 is repealed and replaced with the following:

- "(b) The Corporation may, in its sole discretion, reject a Bid, including a low bid, if a bidder:
- (i) has commenced or is engaged in legal claims or litigation against the Corporation at any time in the preceding three (3) years;
 - (ii) previously provided goods or services to the Corporation in an unsatisfactory manner;
 - (iii) has failed to satisfy an outstanding debt to the Corporation;
 - (iv) has a history of illegitimate, frivolous, unreasonable or invalid claims;
 - (v) provides incomplete, unrepresentative or unsatisfactory references;
 - (vi) has engaged in conduct that leads the Corporation to determine that it would not be in the Corporation's best interests to accept the Bid;
 - (vii) is in contravention of any By-law of the Corporation and has failed to comply with an Order or Notice to remedy the contravention; or
 - (viii) has failed to comply with required safety program criteria or satisfied safety record requirements as described in the bid solicitation."

5. **That** Schedule “C” to By-law No. 2-10 is amended by added thereto the following immediately following “Irregularity and Response” No. 16:

“17. If required in the bid solicitation, failure to Pre-Qualify in advance of the bid solicitation.”	“Automatic Rejection”
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6. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of August, 2017.

Mayor

Interim Clerk

I, _____, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 98-2017 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____
