

Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum heading.

Declarations of Pecuniary Interest

Presentations & Recognitions

1. Mr. Dan Arnold, Newmarket Car Club regarding the Newmarket Car Club's 40th Anniversary.

Deputations

2. Ms. Rubaiyat Karim, York Region Centre for Community Safety to address the Committee with a video presentation regarding the need for sustainable funding. (Rescheduled from the Committee of the Whole of April 7, 2014) p. 1
3. Mr. Todd Kyle, Chief Executive Officer, Newmarket Public Library regarding the Newmarket Public Library's Strategic Plan Success. p. 2
4. Mr. Glenn Marais, Aurora United Church regarding a Benefit Concert for the Aurora United Church. p. 9

Approval of Minutes

5. Council Minutes of April 14, 2014. p. 10

Correspondence & Petitions

6. Correspondence from Mr. Richard Langley, President, Canadian Dermatology Society requesting proclamation of May 5, 2014 as 'Melanoma Monday' in the Town of Newmarket. (Proclamation is advertised on the Town's website and arrangements regarding illumination have been made.) p. 24

Recommendations:

a) THAT the correspondence from Mr. Richard Langley, President, Canadian Dermatology Society be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May 5, 2014 as 'Melanoma Monday' in the Town of Newmarket;

ii) AND THAT Riverwalk Commons be illuminated orange at 8:45 p.m. on Monday, May 5, 2014.

7. Proclamation of May 9, 2014 as a National Day of Honour in the Town of Newmarket. p. 28

WHEREAS His Excellency, the Right Honourable David Johnston, Governor General of Canada issued a Proclamation designating the National Day of Honour; and

WHEREAS the National Day of Honour is an opportunity to celebrate the strength and resolve of our men and women in uniform, their families and the many communities they call home; and .

WHEREAS a national ceremony will occur on Parliament Hill with veterans of all branches of the Canadian Armed Forces and their families; and

WHEREAS this will be an occasion to pay tribute to the fallen, the sacrifices of the wounded and the special burden borne by military families; and

WHEREAS the day will recognize the contributions of Canadian law enforcement, civil society and honour the legacy of these heroes with a national moment of silence.

THEREFORE BE IT RESOLVED THAT Council of the Corporation of the Town of Newmarket hereby proclaim May 9, 2014 as a "National Day of Honour" to bring awareness of the Government of Canada's efforts to mark the end of our Country's military mission in Afghanistan;

AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

Reports by Regional Representatives

Reports of Committees and Staff

8. Special Committee of the Whole Minutes of April 14, 2014. p. 30
9. Special Committee of the Whole (Closed Session) Minutes of April 14, 2014.
10. Special Committee of the Whole Minutes of April 22, 2014. p. 32
11. Special Committee of the Whole (Closed Session) Minutes of April 22, 2014.
12. Committee of the Whole Minutes of April 28, 2014. p. 36

By-laws

- | | | |
|---------|---|--------|
| 2014-23 | A By-law to amend By-law 1993-62, as amended. (Parking Restrictions on Millard Avenue).
(Committee of the Whole of April 28, 2014 - Items #30 and #31) | p. 56 |
| 2014-24 | A By-law to amend By-law 1993-62, as amended. (Parking Restrictions - Rannie Avenue).
(Committee of the Whole of April 28, 2014 - Item #19) | p. 57 |
| 2014-26 | A By-law to provide an exemption to By-law 2004-94, as amended, being a By-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the Town of Newmarket.

To facilitate the Canadian Cancer Society's Relay for Life event at Sacred Heart Catholic High School on May 30, 2014.
(Committee of the Whole of April 28, 2014 - Item #24) | p. 58 |
| 2014-27 | A By-law to define the procurement policies for the Corporation of the Town of Newmarket.
(Committee of the Whole of April 28, 2014 - Item #26) | p. 59 |
| 2014-28 | A By-law to amend By-law 2010-40, as amended, being a Zoning By-law (National Homes)
(Committee of the Whole of April 28, 2014 - Item #22) | p. 148 |

Notices of Motions

Announcements & Community Events

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

Confirmatory By-law

2014-29 A By-law to confirm the proceedings of a meeting of Council - May 5, 2014. p. 151

Addendum

19. Ms. Rubaiyat Karim, York Region Centre for Community Safety to address the Committee with a video presentation regarding the need for sustainable funding. (Rescheduled from the Committee of the Whole of April 7, 2014) - WITHDRAWN p. 152

20. Committee of the Whole Minutes of April 28, 2014 - Item 38 - WITHDRAWN.

THAT due to potential costs to taxpayers and liability concerns that could be transposed by Bill 69 – Prompt Payments Act, staff provide an analysis and recommendations for a resolution.

21. Replacement pages 5, 6 and 7 of the Committee of the Whole Minutes of April 28, 2014 to clarify recommendations related to Main Street District Business Improvement Area Board of Management Minutes and Environmental Advisory Committee Minutes. p. 153

Adjournment

Clerks Department
clerks@newmarket.ca

Request for deputation and/or any written submissions and background information for consideration by either Council or Committee of the Whole must be submitted to the Clerk's Department by the following deadlines:

For Council – by 12 noon on the Wednesday immediately prior to the requested meeting

For Committee of the Whole (for Items not on the agenda) – by 12 noon on the Wednesday twelve days prior to the requested meeting

Council / Committee date: APRIL MEETING. -PLEASE ADVISE

Agenda Item # _____ Subject: PRESENTATION OF NEW AGENCY/COLLABORATIVE

Name: RUBAIYAT KARIM

Address: 110775 YONGE ST SUITE 200
Street Address

NEWMARKET ON L3Y 8J4
Town/City Postal Code

Phone: Home: _____ Business: 905-836-7601 x 117

Fax #: _____ E-mail Address: Rubayat.Karim@yrcss.ca

Name of Group or Person(s) being represented (if applicable)

YORK REGION CENTRE FOR COMMUNITY SAFETY

Brief summary of the issue or purpose of your deputation:

NEED FOR SUSTAINABLE FUNDING

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2202; Fax 905-953-8100.

395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7
Tel: 905-895-5193 Fax: 905-963-5100

VISIT OUR WEB SITE AT: www.newmarket.ca



Newmarket Public Library STRATEGIC PLAN 2013-2016



Report to the Community 2013-2014

literacy debate learning discovery insight

INSPIRING

The Library's Role...

Inspiring the growth of an engaged and informed Newmarket as the centre of community dialogue, debate and discovery in dynamic and welcoming physical and virtual environments.

To fulfill this role, we will...

- Ignite Community Dialogue, Discovery and Debate
- Lead a learning community
- Ready our Capabilities

We will achieve this while focusing on five Key Elements:

- Collaborative Relationships
- Spaces
- Positioning
- Resources
- Organization & Operations

MESSAGE FROM THE CEO



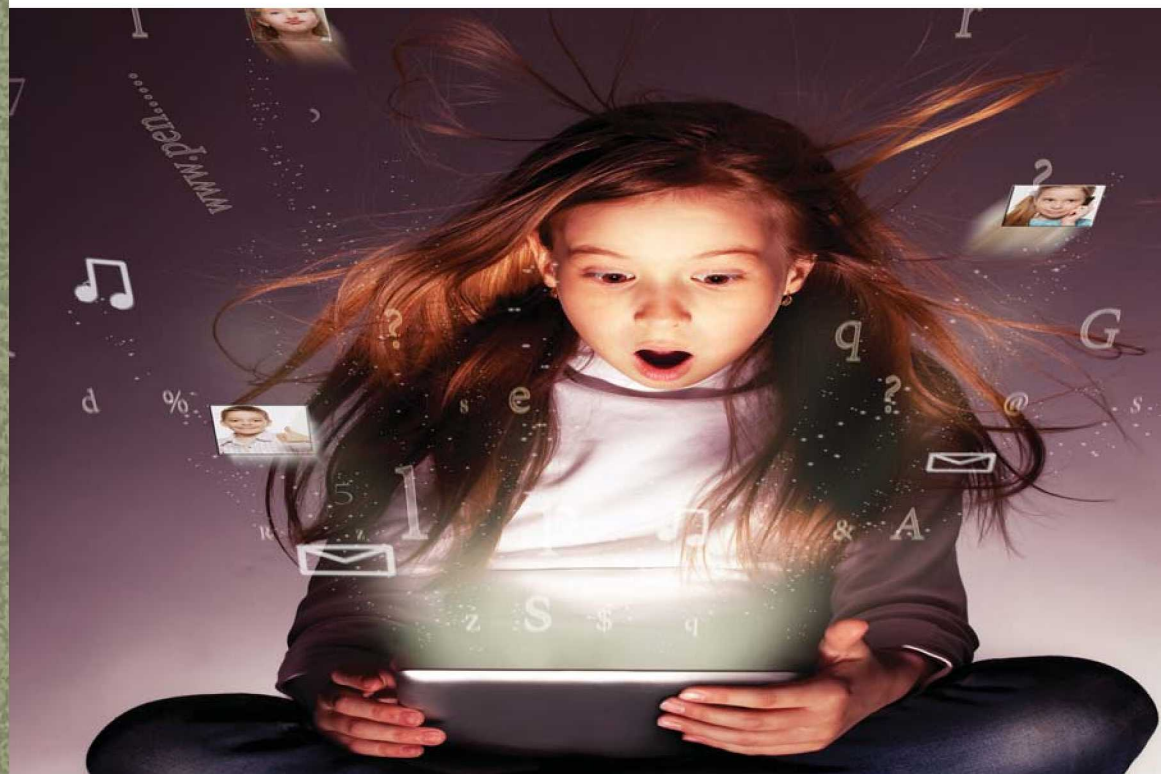
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The Library *launched its Strategic Plan 2013-2016 in February 2013 and since then the transformation of its role in the community has accelerated rapidly. This is the first in a series of annual reports of our successes to show our stakeholders how much we are achieving in implementing the plan. We hope you continue to be inspired by the Library. Contact us at any time with your feedback and ideas!*

”

Todd .

Todd Kyle, CEO
tkyle@newmarketpl.ca
April 2014



Igniting Community Dialogue, Discovery and Debate



- IdeaMarket was established as a monthly, community-led dialogue on important and controversial topics.
- A high school co-op student worked to continue digitization of The Era. Two more years have been digitized for addition to the archive.
- The Library is collaborating with the Town of Newmarket to present ArtSpeaks, a quarterly open-mic performance program.
- The Library repositioned its brand with a new visual presence featured on bus shelters, on lampposts, on the library exterior, in the town Activity Guide, and in The Era. York Region Media Group is co-sponsor of some ads.
- The Library expanded its efforts to use its digital message screens for paid and community advertising.
- The Library established partnerships with several organizations, including Welcome Centre Immigrant Services, Fair Chance Learning, Inn From The Cold, and the Architecture, Recreation, Culture, Heritage (ARCH) Committee.
- The Library expanded its efforts to provide a presence in other community spaces such as Welcome Centre Immigrant Services, Main Street Farmers Market, and Upper Canada Mall.
- Four new study/conversation rooms were created in the library as well as two new conversation nooks.
- The Library created a permanent space for the ARCH committee to display travelling exhibits from the Elman W. Campbell Museum.
- The Library purchased and installed an advanced digital book/document scanner for community digitization projects and events.
- York Info Community Information & Volunteer Centre, operated by the Library, is solidifying its role as the regional partner for the provincial 211 community information service.

By the numbers

1.1 million

number of times the Library's online resources were accessed in 2013

3,400

people who were matched with volunteer opportunities by York Info in 2013

750

number of times the Library's meeting rooms were rented in 2013

1,200

number of participants at Library outreach events in 2013

170,000

number of visits to the Library's website recorded in 2013



Leading a Learning Community

- The Library partnered with Inn From The Cold to provide computer learning sessions for their employment program. The program will continue throughout 2014.
- Library CEO Todd Kyle is co-chair of the N6 Library Settlement Partnership, arranging staff training and programming partnerships to benefit immigrants.
- The Library continues to provide a vast range of learning and literacy programming for all ages.
- The Loft young adult area was revitalized with an interactive digital media centre.
- The Library is participating in the rollout in 2014 of outcome benchmarks to measure success in digital literacy and learning in libraries. Already, the Library meets about half the benchmarks in one initiative.
- A new Collaborative Computer Learning Centre was created on the lower level of the Library as a result of a generous bequest.
- New laptop computers and a charging cart were purchased for use in technology programs.
- A supplementary provincial grant was used to purchase children's technology equipment as well as more adult eBooks.
- Staff time saved elsewhere was redeployed to conduct technology programs.
- Core technology learning and discovery programs were established, including eBooks 101, Introduction to Computers, Digital Learning Basics Lab, as well as The Digital Shift and Tech Time For Kids drop-ins.
- E-magazines, language courses and streaming music were added to the Library's online learning resources.
- In exchange for free space to train educators on classroom technology, Fair Chance Learning arranged for the donation of an interactive white board from Promethean, which is now available for public use.

33,000

number of questions answered by Library staff during 2013

206,000

number of visits to the Library recorded in 2013

16,000

number of people who attended Library programs in 2013, including storytime, reading clubs, and volunteer Reading Buddies

28,000

number of times residents logged into the Library's computer workstations in 2013

80%

percentage of graduates who found jobs after taking the computer program run by Inn From the Cold and the Library

By the numbers

Readying Our Capabilities



- The Library has reached out to over 20 community partners to engage them in its new vision.
- The Library is participating in strategically aligned projects including the Community Collaboration Ecosystem and the York Region Broadband Strategy.
- The Library implemented AskNPL, a service that allows users to get help via chat or text.
- Library programs were added to the town's Activity Guide, resulting in an increase in distribution to 26,000 for less cost than the 1,500 library newsletters previously printed.
- The Library installed cellular signal repeaters in order to provide service from all major carriers in all parts of its facility.
- The interior of the Library was refreshed with a new paint scheme, new compact catalogue stations, more meeting and study spaces, and a cleaner, more space-efficient layout.
- A redesign of customer service is underway to reduce the number of service points, redeploy staff, and increase diversion to self-service.
- To create efficiencies, the Library is preparing to install an automated materials check-in and sorting system.
- The Library implemented technology allowing it to remotely issue library cards as well as distribute introductory online-only access.
- Users now have access to over 55,000 eBook titles as part of a shared provincial service.
- The Library now has a return box at Upper Canada Mall; almost 3,000 items were returned at the mall in 2013.
- Items for loan now include laptops, GPS units, pedometers, and eReaders.

By the numbers

445,000

number of items borrowed from the Library in 2013; 6% were eBooks

22,000

number of residents with library cards

5,000

number of people who subscribe to the Library's e-newsletter, NPL News

2,500

number of followers of the Library's social media accounts

35%

percentage of items checked out using the Library's two self-serve stations

Newmarket Public Library

438 Park Ave.

Newmarket, ON L3Y 1W1

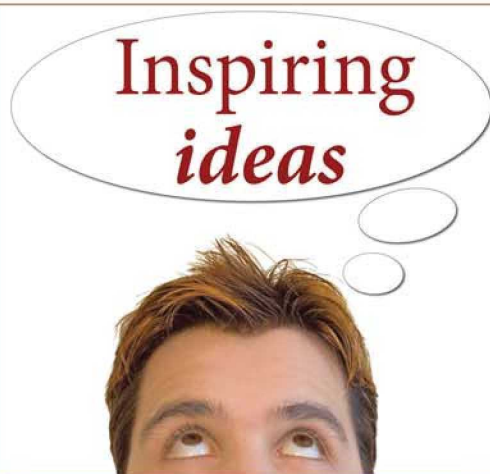
www.newmarketpl.ca



Inspiring
discovery

Imagine a lifetime
of learning
at your library

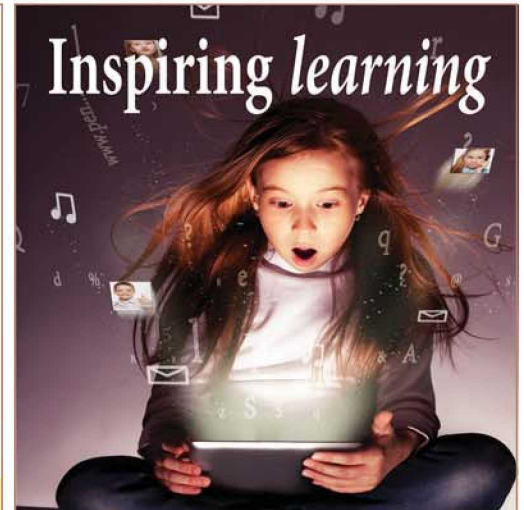
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Inspiring
ideas

IdeaMarket
at your library

newmarketpl.ca



Inspiring *learning*

Discover literacy
in all its forms
at your library



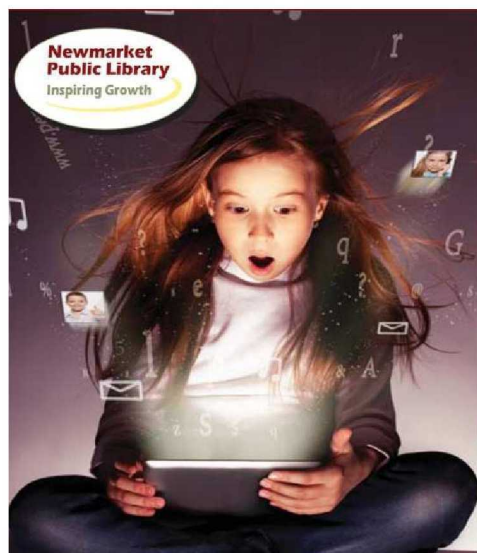
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innovation creativity connections exploration

Newmarket Public Library

Report to the Community 2013-2014

www.newmarketpl.ca/report

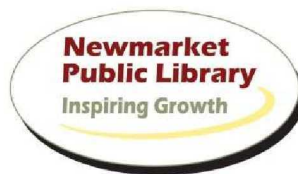
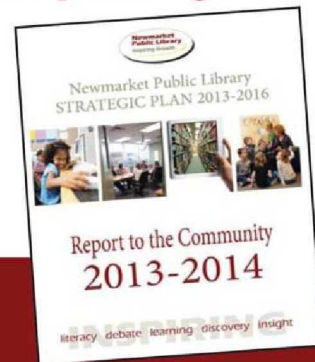


Inspiring *discovery*

Find out how your library is inspiring community and personal growth

- Providing eBooks, e-magazines, and e-music
- IdeaMarket: igniting community dialogue and debate
- Offering digital learning, assistance, and devices
- Building community outreach and discovery
- Creating collaborative, connected work spaces

**Discover more in Newmarket Public Library's
Report to the Community 2013-2014**
www.newmarketpl.ca/report





TOWN OF NEWMARKET
Legislative Services Department
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
www.newmarket.ca
clerk@newmarket.ca
905.895.5193

Request for Deputation

Request for deputation and/or any written submissions and background information for consideration by either Council or Committee of the Whole must be submitted to the Legislative Service's Department by the following deadline:

For Council – by 12 noon on the Wednesday immediately prior to the requested meeting.

For Committee of the Whole (for items not on the agenda) – by 12 noon on the Wednesday twelve days prior to the requested meeting.

PLEASE PRINT

COUNCIL/COMMITTEE DATE:

MAY.05/2014

AGENDA ITEM NO. _____

SUBJECT:

BENEFIT CONCERT.

NAME:

GLENN MAKHIS

ADDRESS:

[REDACTED]

Street Address

NEWMARKET

Town/City

Postal Code

PHONE: HOME:

[REDACTED]

BUSINESS:

[REDACTED]

FAX NO.:

E-MAIL ADDRESS:

[REDACTED]

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable)

AUROKA UNITED CHURCH

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

I WISH TO HOLD A BENEFIT CONCERT AT
NEWMARKET THEATRE FOR THE AUROKA
UNITED CHURCH.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7, Telephone 905.895-5193 Ext. 22111 Fax 905-895-5100.

The meeting of the Council was held on Monday, April 14, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Sponga
Councillor Di Muccio
Councillor Emanuel

Staff Present: R.N. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
J. Patel, Project Support Business Analyst
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

Public Notices (if required)

None.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

2. Dr. David Williams, President and Chief Executive Officer and Ms. Helena Hutton, Chief Operating Officer, Southlake Regional Health Centre regarding Southlake Regional Health Centre Updates and Future Plans.

Moved by: Councillor Emanuel

Seconded by: Councillor Twinney

THAT the presentation by Dr. David Williams, President and Chief Executive Officer and Ms. Helena Hutton, Chief Operating Officer, Southlake Regional Health Centre regarding Southlake Regional Health Centre Updates and Future Plans be received, with an additional 5 minutes of presentation time allotted.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)

(9 in favour, 0 opposed)

Carried

Deputations

3. Ms. Nicole Armstrong, MS Society regarding the 2014 MS Walk.

Moved by: Councillor Sponga

Seconded by: Councillor Emanuel

THAT the deputation of Ms. Nicole Armstrong, MS Society regarding the 2014 MS Walk be received.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)

(9 in favour, 0 opposed)

Carried

Approval of Minutes

4. Council Minutes of March 24, 2014.

Moved by: Councillor Twinney
 Seconded by: Councillor Emanuel

THAT the Council Minutes of March 24, 2014 be approved.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh,
 Councillor Kerwin, Councillor Twinney, Councillor Hempen,
 Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
 (9 in favour, 0 opposed)

Carried

5. Special Council Minutes of April 7, 2014.

Moved by: Councillor Sponga
 Seconded by: Councillor Vegh

THAT the Special Council Minutes of April 7, 2014 be confirmed.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh,
 Councillor Kerwin, Councillor Twinney, Councillor Hempen,
 Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
 (9 in favour, 0 opposed)

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

6. a) Regional Councillor Taylor advised that the Region has provided for childcare fee assistance for approximately 1200 children and increased access for early intervention services for another 600 persons over the past five year period. For 2014, an additional 7.4 million dollars in provincial funding has been provided for these programs. From the period of 2009 to 2013, the Region received 19.3 million dollars in funding, with increased dollars linked to growth, a funding formula that the Region has been advocating for some time to see implemented.

b) Regional Councillor Taylor advised of a pilot program for home repairs. The program enables seniors' and disabled persons to stay in their home. The program has funded minor upgrades such as ramps, porch lifts and in the past year, has enabled 63 families to stay in their homes.

c) Mayor Van Bynen advised that there is a by-law on the agenda to permit a Noise By-law Exemption in the evenings for the Mulock Drive road rehabilitation.

d) Mayor Van Bynen advised that York Regional Police will be celebrating Asian Heritage Month. Partnerships with community organizations have provided opportunities to learn about the many cultures that make up York Region. This event will highlight the food and music reflective of connections with various groups globally. The event will be held on Saturday, May 3, 2014 from 11:00 a.m. to 1:00 p.m. at the York Regional Police Headquarters, 47 Don Hillock Drive, Aurora. Admission to the event is free.

e) Councillor Kerwin asked if funding a sidewalk on the east side of Leslie Street would be a regional or town expense.

The Commissioner of Development and Infrastructure Services advised that the Town would be responsible for any expenses associated with constructing a new sidewalk in that area and would include the project in the 2015 capital budget considerations.

f) Regional Councillor Taylor advised that there will be a public Open House held at the Regional Office on Thursday, May 1, 2014 from 6:30 p.m. to 8:30 p.m. on the proposed annex building. Residents are invited to drop-in to learn about the proposed new Regional building at the corner of Yonge Street and Eagle Street.

Reports of Committees and Staff

7. Committee of the Whole Minutes of April 7, 2014.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT the Committee of the Whole Minutes of April 7, 2014 be received and the following recommendations be adopted:

8. THAT the deputation by Mr. Paul Jolie regarding calculations associated with water bills be received and referred to staff.

9. THAT Mr. Dowson be allotted an additional five minutes for his deputation.
10. THAT the deputation by Mr. John Dowson regarding the financial details associated with Newmarket Theatre and the Very Useful Theatre Company be received and referred to staff for a comprehensive review along with a comparison of how much sports facilities are subsidized;

AND THAT such review include consultation with key stakeholders including members of the theatre community to be reported back to Committee of the Whole within a 60 day time frame.

11. THAT the PowerPoint presentation by Mr. Craig Binning and Mr. Jason Bevan of Hemson Consulting regarding the Capital Financing Sustainability Strategy, Part 2 be received.
12. THAT Joint CAO/Corporate Services Report - Financial Services 2014-05 dated March 24, 2014 regarding Capital Financing Sustainability Strategy, Hemson Part 2 Report be received.
13. a) THAT the correspondence dated March 14, 2014 from Ms. Laura Tonelli, Executive Director, Caritas Foundation be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim April, 2014 as 'Caritas Month';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
14. a) THAT the correspondence dated March 1, 2014 from Ms. Linda Keith, President, PFLAG Canada - York Region be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim June 14 to 22, 2014 as 'Pride Week' in the Town of Newmarket;
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town website www.newmarket.ca
15. a) THAT the correspondence dated March 19, 2014 from Mr. John Cartwright, President, Labour Council, Toronto and York Region be received and the following recommendations be adopted:
 - i) THAT April 28, 2014 be proclaimed as 'Day of Mourning for Workers Killed or Injured on the Job' in the Town of Newmarket;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

16. THAT the Central York Fire Services - Joint Council Committee Minutes and (Closed Session) Minutes of February 4, 2014 be received.
17. THAT the Environmental Advisory Committee Minutes of February 12, 2014 be received.
18. a) THAT Corporate Services - Legislative Services Report 2014-10 dated March 27, 2014 regarding "Advance Voting Opportunities Additional Information" be received.
19. a) THAT Corporate Services Report - Legislative Services 2014-08 dated March 21, 2014 regarding Regional Municipality of York - Road Rehabilitation Program (Noise By-law Exemption) be received and the following recommendations be adopted:
 - i) THAT a by-law to exempt the Regional Municipality of York from the Noise By-law (By-law 2004-94) be enacted to facilitate their road rehabilitation program on Mulock Drive in the Town of Newmarket for a period from June 23, 2014 to September 12, 2014 between the hours of 7:00 p.m. to 5:00 a.m. Monday through Saturday;
 - ii) AND THAT the Regional Municipality of York notify area residents one week prior to the start of the work.
20. a) THAT Corporate Services Report – Legislative Services 2014-09 dated March 24, 2014 regarding Carnival - D.A. Campbell Amusement Ltd. Upper Canada Mall be received and the application be approved subject to the following terms:
 - i) THAT the licence be issued for a period of seven consecutive days from May 6 to May 12, 2014 to permit the setting up and dismantling of amusement devices;
 - ii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.
21. THAT the list of Outstanding Matters be received.
22. THAT Development & Infrastructure Services Report – ES2014-23, dated March 13, 2014 regarding Millard Avenue – Parking Review – Forest Glen Road to Lorne Avenue Update and Development and Infrastructure Services Report – Engineering Services 2014-24 regarding Millard Avenue – Parking Review – Haskett Park be deferred to the next scheduled Committee of the Whole meeting.

23. THAT Corporate Services Report – Legislative Services 2014-06 dated March 6, 2014 regarding “Advance Voting Opportunities and Language and Communication for the 2014 Municipal Election” be received and the following recommendations be adopted:

a) THAT a by-law be enacted to permit the following dates, times and locations for Advance Voting in the Town of Newmarket for the 2014 municipal election;

Date	Time	Locations
Saturday, October 11, 2014	12:00 p.m. – 4:00 p.m. 8:00 a.m. – 1:00 p.m.	Ray Twinney Recreation Complex Magna Centre Farmer’s Market/ Community Centre
Sunday, October 12, 2014	12:00 p.m. – 4:00 p.m.	Ray Twinney Recreation Complex Magna Centre
Saturday, October 18, 2014	12:00 p.m. – 4:00 p.m. 8:00 a.m. – 1:00 p.m.	Ray Twinney Recreation Complex Magna Centre Farmer’s Market/Community Centre
Sunday, October 19, 2014	12:00 p.m. – 4:00 p.m.	Ray Twinney Recreation Complex Magna Centre
Monday, October 20, 2014	4:00 p.m. – 8:00 p.m.	Ray Twinney Recreation Complex Magna Centre
Tuesday, October 21, 2014	4:00 p.m. – 8:00 p.m.	Ray Twinney Recreation Complex Magna Centre
Wednesday, October 22, 2014	4:00 p.m. – 8:00 p.m.	Multi Unit Residences (to be identified at the discretion of the Clerk)
Thursday, October 23, 2014	4:00 p.m. – 8:00 p.m.	Ray Twinney Recreation Complex Magna Centre

b) AND THAT a by-law be enacted to provide for reduced voting hours with respect to a voting place that is only for the use of residents of the institution or retirement home;

c) AND THAT a by-law be enacted to include other languages in addition to English and French in order to relay election related information to the general public.

24. THAT Chief Administrative Officer Report 2014-06 dated March 27, 2014 regarding Update on Collaborative Municipal Initiatives of the Six Northern Municipalities of York Region be received for information purposes.
25. THAT the following motions be deferred to the next scheduled Committee of the Whole meeting.

Councillor Emanuel: THAT due to potential costs to taxpayers and liability concerns that could be transposed by Bill 69 - Prompt Payments Act, staff provide an analysis and recommendations for a resolution.

Councillor Emanuel: THAT staff report back to Council on the implementation of improved signage and advertising for notification regarding Official Plan and Zoning By-law Amendments.

Councillor Sponga - THAT staff report back in thirty days on the implementation of removable speed humps as a pilot project, for the purpose of mitigating excessive speed on Millard Avenue west of Lorne Avenue and east of Queen Street.

26. THAT Development & Infrastructure Services Report – Public Works Services 2014-21 dated March 21, 2014 regarding Sidewalk Snow Clearing Review be deferred to the next scheduled Committee of the Whole meeting.
27. THAT the PowerPoint presentation by Mr. John Bousfield and Mr. Chris Matson and the deputations by Mr. Reilly, Mr. Healey and Ms. Vupic regarding the Application for Zoning By-law Amendment and Draft Plan of Subdivision – Sundial Homes (Davis) Limited be received.
28. THAT the Council and Committee of the Whole meeting schedule be referred to staff for review in the first two months of the new term of Council;

AND THAT such review takes into consideration frequency of meetings, days/times of the week and summer schedule.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

29. Committee of the Whole (Closed Session) Minutes of April 7, 2014.

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

THAT the Committee of the Whole (Closed Session) Minutes of April 7, 2014 be confirmed.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

By-laws

30. By-laws 2014-18, 2014-19, 2014-20 and 2014-21.

2014-18 A By-law to provide advance voting dates and times during the 2014 Municipal Election.

2014-19 A By-law authorizing the provision of election information in languages other than English and French.

2014-20 A By-law to provide for reduced voting hours in designated institutions and retirement homes during the 2014 Municipal Election.

2014-21 A By-law to provide an exemption to the Noise By-law to facilitate the necessary work by the Regional Municipality of York for the road rehabilitation program on Mulock Drive.

Moved by: Councillor Emanuel
 Seconded by: Councillor Sponga

THAT By-laws 2014-18, 2014-19, 2014-20 and 2014-21 be enacted.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh,
 Councillor Kerwin, Councillor Twinney, Councillor Hempen,
 Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
 (9 in favour, 0 opposed)

Carried

Notices of Motions

None.

Announcements & Community Events

31. a) Councillor Emanuel advised that yard waste collection has begun and will continue on a bi-weekly basis until November, 2014. Please remember to bundle branches separately and place plant trimmings and weeds into paper yard waste bags or rigid containers with handles. Due to weight restrictions, please keep excess dirt out of the bags. For more information visit www.newmarket.ca call 905-895-5193 or download the 'my-waste app'™ from the app store.

b) Councillor Di Muccio advised that the Easter Bunny will be hopping along Historic Main Street South on April 19, 2014 from 10:00 a.m. to 3:00 p.m. giving out free treats to kids. Participating businesses will also be displaying Easter eggs in their windows; count them up and fill out a ballot to win some 'eggceptional' prizes from the Main Street merchants! Get your ballots from British Imports-Sweets InStore or Good Vibes on Main Street. Also remember to visit Whatnot's Craft Studio and enter a free colouring contest. For more information, please visit www.newmarketmainstreet.ca

c) Councillor Sponga invited Ward 5 residents to the Ward 5 meeting on Tuesday April 29, 2014 at 7:30 p.m. at the Community Centre & Lions Hall, 200 Doug Duncan Drive. Come and hear about what is going on in Town and in your ward. For more information, please email jsponga@nemarket.ca or call 905-953-5323.

d) Councillor Sponga advised that the Newmarket Food Pantry is collecting food for the Spring Food Drive. Donations of non-perishables can be dropped off in the lobby of the Municipal Offices at 395 Mulock Drive until April 18, 2014. Call 905-895-5193 for further information.

e) Councillor Sponga advised that the Farmers Market will open on Saturday, May 3, 2014 at the Riverwalk Commons. Lots of local farmers, vendors and artisans and potentially a local winery will be at the market.

f) Councillor Hempen advised that the Town of Newmarket is looking for a lively, entertaining band to play a variety of popular cover music on July 1, 2014 as part of the Kanata Celebrations at Fairy Lake Park. The band must be available from 11:00 a.m. to 4:00 p.m., supply their own sound equipment, have music between sets and perform rain or shine. Interested bands are asked to drop off a recent sample of music, a bio and expected fee to the Ray Twinney Recreation Complex (100 Eagle Street West) to the attention of Rhonda Pogue. All submissions must be received by 4:00 p.m. on April 25, 2014. Contact Rhonda Pogue at 905-953-5301 for more information.

g) Councillor Hempen advised that the Ward 4 Clean-up will occur on Sunday, May 4, 2014 from 10:00 a.m. to 12:00 p.m. Participants are asked to meet at Dr. J.M. Denison Secondary School to assist in cleaning up the ward.

h) Regional Councillor Taylor advised that the Nature's Emporium Run or Walk for Southlake Regional Health Care Centre will take place on Sunday, April 27, 2014 at the Aurora Community Centre. For further information visit www.runforsouthlake.ca

i) Regional Councillor Taylor advised that he will be speaking on the need for affordable rental housing in the Greater Toronto Area, specifically in York Region and potential collaborative efforts between the public and private sector at the Canadian Apartment Symposium Series which is taking place on May 6 – 7, 2014 at the Sony Centre for the Performing Arts, 1 Front Street East, Toronto.

j) Councillor Twinney advised that KC's Cancer Cushion Fund Pub Night takes place Saturday, April 26, 2014 at the Newmarket Seniors' Meeting Place, 474 Davis Drive. The evening begins at 7:30 p.m. and features live entertainment, a late lunch, door prizes and more. Tickets are \$30.00. Funds raised will help give financial support to families in need going through cancer treatment. Come out and show your support! For tickets call Debbie at 905-715-7717 or purchase online at www.cushionfund.com

k) Councillor Twinney advised that May 1, 2014 is 'First Responders Day', acknowledging first responders and their dedication to the protection and preservation of life, property, evidence and the environment.

l) Councillor Twinney extended sympathy to the residents of Aurora and the congregation of the Aurora United Church after the loss of the church to fire.

m) Councillor Kerwin invited residents to participate in the 36th Annual Holland River and Community Clean-up on Saturday May 3, 2014 at the Newmarket Youth and Recreation Centre, 56 Charles Street. Enjoy a coffee before heading off to help with the clean-up. Registration begins at 8:30 a.m. with clean-up from 9:00 a.m. until noon. Gloves and garbage bags are provided. Following the clean-up volunteers enjoy a free lunch. Stay and take part in the Youth Centre's Family Fun Day event which runs until 4:00 p.m.

n) Councillor Kerwin expressed congratulations to Kelly Jones on her upcoming 50th Birthday and 700 kilometre hike on the El Camino de Santiago de Compostela trail from France to Spain. A kickoff evening will be held on April 19, 2014 at Col. Mustard's Pub, 16925 Yonge Street.

o) Councillor Kerwin congratulated Lloyd & Purcell Limited on their 50th Anniversary.

p) Councillor Kerwin will be hosting a Ward 2 drop-in on Saturday, April 19, 2014 from 9:30 a.m. to 12:00 p.m. at the Newmarket Public Library at 438 Park Avenue. Ward 2 residents are invited to drop-in for a chat about the community and the Ward.

q) Councillor Vegh advised that the cold and severe winter has taken its toll on Newmarket roads and there are significantly more potholes than usual. Town crews have been out for weeks patrolling roads and fixing potholes, but we also want to hear from you! Potholes can be reported by calling 905-895-5193, emailing info@newmarket.ca or by selecting "Report a Problem" in the 'my-waste app'™ available for download from the app store.

r) Councillor Vegh advised that the weather has caused driveways and lawns to heave. Those residents with protruding water caps are asked to contact the Town at 905-895-5193 or info@newmarket.ca to report any protrusion. Staff will attend to lower the cap free of charge as they are a safety hazard.

s) Mayor Van Bynen extended appreciation to Dr. Chris Gannage and the Docs on Ice group for their work on the Docs on Ice event. The event was a success, raising \$275,000 for the Canadian Mental Health Association which will be used to establish a new mental health program in York Region. The Master of Ceremonies was Sandy Frost, the voice of the Toronto Maple Leafs and Rick Mercer attended as a special guest and provided lively entertainment and insight. Mayor Van Bynen extended appreciation to Town staff for their work on the event.

t) Mayor Van Bynen will be at “Mayor in the Square” at the Newmarket Public Library on Friday, May 2, 2014 from 11:00 a.m. until noon.

u) Mayor Van Bynen advised that the Town Offices will be closed for Easter beginning Friday, April 18, 2014 and will re-open Tuesday, April 22, 2014.

v) Mayor Van Bynen advised that the next Council meeting is Monday, May 5, 2014 at 7:00 p.m.

New Business

32. a) Councillor Di Muccio has submitted her questions to staff in respect of the Newmarket Soccer Club and inquired when she would receive a response from staff.

The Commissioner of Community Services advised that an e-mail was sent inviting questions from Council for inclusion in the Q1 report. Subsequent to that, two responses were received and the responses were summarized in Information Report 2014-12 dated April 5, 2014.

Councillor Di Muccio requested that Information Report 2014-12 dated April 5, 2014 regarding the Newmarket Soccer Club Quarterly Report be included for consideration on the next Committee of the Whole agenda.

Closed Session (if required)

Mayor Van Bynen advised that there was no requirement for a closed session.

Confirmatory By-law

33. 2014-22 A By-law to confirm the proceedings of a meeting of Council - April 14, 2014.

Moved by: Councillor Sponga
 Seconded by: Councillor Kerwin

THAT By-law 2014-22 be enacted.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh,
 Councillor Kerwin, Councillor Twinney, Councillor Hempen,
 Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
 (9 in favour, 0 opposed)

Carried

Addendum

Mayor Van Bynen advised that there was no addendum to the agenda.

Adjournment

34. Adjournment

Moved by: Councillor Emanuel
 Seconded by: Councillor Sponga

THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh,
 Councillor Kerwin, Councillor Twinney, Councillor Hempen,
 Councillor Di Muccio, Councillor Emanuel

Opposed: Councillor Sponga
 (8 in favour, 1 opposed)

Carried

There being no further business, the meeting adjourned at 8:21 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Light it Orange on Melanoma Monday

**SPOTS?
DON'T CHANGE 'EM.
CHECK 'EM.**

Canadian
Dermatology
Association

Association
canadienne de
dermatologie

As president of the Canadian Dermatology Association and a resident of Nova Scotia, the province with the highest incidence of melanoma in Canada, I would like to invite you to join us in painting the nation orange for skin cancer awareness on Monday, May 5 – Melanoma Monday.

How can you help?

Simply by illuminating your City Hall with orange spotlights on May 5, 2014.

Estimates for 2013 indicated there would be more cases of skin cancer diagnosed in Canada than breast, lung and prostate cancers combined (81,700:75,000). Sadly, the life-time risk for melanoma is now 1 in 74, but luckily the survival rate is high if it is detected and treated early. Numbers like that make a world without skin cancer seem to be an impossible goal. But it is within our reach!

The **Light It Orange** national event will serve not only to raise awareness about skin cancer but also to let Canadians who have, or have had, skin cancer know we're fighting that battle with them.

Last year we had the support of a number of mayors who lit their respective city hall orange or made mayor proclamations to recognize Melanoma Monday in their community, these included:

Illuminations

- Niagara Falls (both CAN and U.S. falls)
- Ottawa, ON
- London, ON
- Whitchurch-Stouffville, ON
- Hamilton, ON
- Toronto, ON

Proclamations

- Newmarket, ON
- Windsor, ON
- St. John's, NL
- Barrie, ON
- Burlington, ON

While some cities did not have the capacity to illuminate their city halls they circulated information to staff to wear orange on Melanoma Monday for skin cancer awareness.

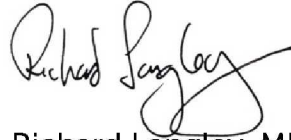
The **Light It Orange** initiative also included a large social media component where people were encouraged to wear orange and share their photos on social media with the hash tags **#melanomamonday** and **#SPOTorange**.

1385 rue Bank Street, Suite | bureau 425, Ottawa, ON, Canada K1H8N4
info@dermatology.ca t. 613.738.1748 | 800.267.3376 f. 613.738.4695 | 866.267.2178
dermatology.ca | dermatologue.ca

Help the Canadian Dermatology Association spread the word and encourage your community to be proactive in the prevention and detection of skin cancer. For more information about **Light It Orange**, please contact Jennifer Scott, Director of Communications, at jscott@dermatology.ca or 613.738.1748 x 222.

We hope you will join us to put **a spotlight on skin cancer.**

Sincerely,



Richard Langley, MD, FRCPC
President, Canadian Dermatology Association



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Light it Orange on Melanoma Monday

- Participant Information -

**SPOTS?
DON'T CHANGE 'EM.
CHECK 'EM.**

Canadian
Dermatology
Association

Association
canadienne de
dermatologie

Let's put the spotlight on skin cancer.

Thank you for participating in the **Light It Orange** on Melanoma Monday, your support is greatly appreciated and we hope to be able to do this for many years to come.

TIME

In order to paint the nation orange we are asking cities to illuminate their respective city halls, legislature and tourist attractions orange not long after sunset on May 5.

The table below gives an estimate of the sunset times across the country as determined by *timeanddate.com* and the proposed times to light up orange in their respective time zones.

REGION	SUNSET	LIGHT IT ORANGE
British Columbia	8:35 pm	8:45 pm
Alberta - Calgary	9:05 pm	9:30 pm
Alberta – Edmonton, Banff	9:11 pm	9:30 pm
Saskatchewan – Regina	8:25 pm	8:50 pm
Manitoba	8:53 pm	9:15 pm
Southern Ontario	8:25 pm	8:45 pm
Northern Ontario	8:40 pm	9:00 pm
Eastern Ontario	8:14 pm	8:30 pm
Quebec	8:00 pm	8:25 pm
Nova Scotia	8:24 pm	8:45 pm
Newfoundland	8:18 pm	8:45 pm
Prince Edward Island	8:28 pm	8:45 pm
New Brunswick	8:35 pm	8:45 pm
Northwest Territories	10:03 pm	10:30 pm
Yukon	10:13 pm	10:30 pm

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ON-SITE SUPPORT

If there is interest in having a “plugging in” ceremony, the Canadian Dermatology Association would make arrangements to have a dermatologist from the community present to participate and speak to the importance of prevention and detection of skin cancer.

In instances where there are no dermatologists in the community, the Canadian Dermatology Association would reach out to its network of public health offices to ensure a member of the sun safety program could attend.

MEDIA

The Canadian Dermatology Association will be issuing a national press release about the **Light It Orange** event and will work with participants’ offices to prepare local joint releases, if desired.

The Canadian Dermatology Association will also be pushing out messages via its social media channels to promote the event and will work with local public health offices on messaging or arranging a local media presence at a “plugging in” ceremony.

GRAPHICS

The Canadian Dermatology Association will provide, if desired, hi-resolution files of the **Light It Orange** for Melanoma Monday banner, the Spots logo, and the CDA logo.

POST EVENT

During the week following the **Light It Orange** event the Canadian Dermatology Association asks that participants send any photos they may have from the event or of a formal “plugging in” ceremony to Jennifer Scott, Director of Communications, at jscott@dermatology.ca. These images will be pushed out through the CDA’s social media channels.

PARTICIPANTS

It would also be appreciated if participants could wear orange on Melanoma Monday and, in essence, cover the venue with orange spots (people). Photos of friends or co-workers in orange could be shared via twitter or facebook with the hashtag **#SPOTorange** or **#MelanomaMonday** and to further extend participation in the national event.

The Canadian Dermatology Association will also share a list of all the cities/venues participating in **Light It Orange** amongst the participants.

SPECIAL ASSISTANCE

If there is anything that has not been addressed in the above that may be specific to your community please contact Jennifer Scott, Director of Communications, at jscott@dermatology.ca or 613.738.1748 x 222 to discuss.

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Prime Minister of Canada
Stephen Harper

PM TO COMMEMORATE CANADA'S 12-YEAR MILITARY ENGAGEMENT IN AFGHANISTAN AT NATIONAL DAY OF HONOUR CEREMONY

Ottawa, Ontario

28 April 2014

Prime Minister Stephen Harper will participate in events marking the National Day of Honour on May 9, 2014, to commemorate and recognize Canada's military mission in Afghanistan. The Prime Minister will be joined by His Excellency the Right Honourable David Johnston, Governor General of Canada, and General Thomas J. Lawson, Chief of the Defence Staff.

Prime Minister Harper today announced that Rick Hansen has agreed to act as emcee for the National Day of Honour.

Rick Hansen is an internationally recognized wheelchair athlete who has raised millions of dollars for spinal cord research, rehabilitation and quality of life initiatives through the Foundation that bears his name. For his athletic prowess and philanthropic endeavours, Mr. Hansen has received numerous accolades, including Companion of the Order of Canada, honorary university degrees and being made an honorary colonel of the Canadian Armed Forces' Joint Personnel Support Unit.

The National Day of Honour commemorates the service and sacrifice of the members of the Canadian Armed Forces and employees of the Public Service of Canada who served in Afghanistan. It also provides an opportunity to thank family members, friends and all Canadians for their tremendous support. Finally, the day recognizes the sacrifices made by the Families of the Fallen.

The National Day of Honour is being commemorated through a series of events across Canada. In the National Capital Region, the National Ceremony will begin with a parade that will travel from the Canadian War Museum to Parliament Hill. This will be followed by two minutes of silence, a two-part fly-by salute and a public viewing of the Afghanistan Memorial Vigil in the Hall of Honour in the Centre Block on Parliament Hill.

During Canada's 12-year mission in Afghanistan, more than 40,000 brave men and women of the Canadian Armed Forces, along with hundreds of courageous Canadian civilians and international allies, worked to defeat terrorism and give Afghans a chance at a better future. In the course of the mission, terrorist sanctuaries were destroyed, the Afghan security forces were built-up to defend their country, schools were built to allow more children access to education and critical infrastructure has been constructed to enable development and business.

These great achievements came at a significant price. Our country lost lives, including 158 military personnel, one diplomat and a number of civilians in this mission to make the world a safer place. Their sacrifice is one of the many things that continually inspire servicemen and women to push forward and to continue serving their country.

Quick Facts

- On March 12, 2014, Canada marked the conclusion of its military training mission in Afghanistan during a flag lowering ceremony in Kabul. The ceremony also recognized the conclusion of Canada's current civilian policing mission.
- On March 18, 2014, Prime Minister Harper welcomed home the final contingent of Canadian Armed Forces members from our mission in Afghanistan and declared May 9, 2014 a "National Day of Honour" by Royal Proclamation.
- Canada's contribution to the mission in Afghanistan began in October 2001 with Operation APOLLO. As part of that operation, HMCS Halifax was directed to detach from the NATO Standing Force Atlantic and to proceed to the Arabian Sea.
- Canada's engagement in Afghanistan was a whole-of-government effort throughout the entire mission. Since 2001, Canada has deployed members of various departments including the Canadian Armed Forces, the

Royal Canadian Mounted Police and other police services from across the country, the Department of Foreign Affairs, Trade and Development, Correctional Service Canada and the Canada Border Services Agency, to assist Afghans with the provision of governance, justice, human rights and security.

- Canada was part of one of the largest coalitions in history, bringing together 28 NATO allies and 22 partners representing over a quarter of the countries on the planet.
- Since 2011, Canada's mission in Afghanistan focused on four key areas: investing in the future of Afghans through education and health; advancing security, the rule of law and human rights; promoting regional diplomacy; and delivering humanitarian assistance to the Afghan people.
- The Canadian Armed Forces conducted operations in a number of different roles involving air, land and sea assets. Activities included combat, security, development, support and training operations in varying capacities and regions in Afghanistan.

Quotes

"The Canadians who served in Afghanistan demonstrated time and again the strength, spirit, ingenuity and determination that define our nation. Our troops left Afghanistan a more stable, secure and self-sustaining country and I look forward to joining all Canadians on May 9 in recognizing and commemorating their tremendous efforts." – *Prime Minister Stephen Harper*

"Canada played a central role in Afghanistan for more than a decade. Project by project, kilometre by kilometre, Canadians helped give Afghanistan back to Afghans. With Canada's help, thousands of members of the Afghan National Security Forces have been trained, hundreds of kilometres of roads have been built or repaired, dozens of schools have been restored, thousands of teachers trained, and millions of children have been vaccinated against diseases like polio. Their valour, sacrifices and remarkable accomplishments in the face of incredible odds will continue to inspire and guide us as Canada continues its development, aid and good governance work in Afghanistan." – *Prime Minister Stephen Harper*

Related Product

- **National Day of Honour Commemorating the End of Canada's Military Commitment in Afghanistan** (<http://pm.gc.ca/eng/news/2014/04/28/national-day-honour-commemorating-end-canadas-military-commitment-afghanistan>)

Associated Link

- **National Day of Honour**(<http://www.app.forces.gc.ca/ndoh-jndc/national-day-of-honour.html>)

Monday, April 14, 2014 at 9:00 PM
Council Chambers

For consideration by Council
on May 5, 2014

The meeting of the Special Committee of the Whole was held on Monday, April 14, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Sponga
Councillor Di Muccio
Councillor Emanuel

Staff Present: R.N. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Development and Infrastructure
Services
A. Brouwer, Director of Legislative Services/Town Clerk

The meeting was called to order at 8:35 p.m.

Mayor Van Bynen in the Chair.

Declarations of Pecuniary Interest

None.

Closed Session (if required)

Moved by: Councillor Emanuel
Seconded by: Councillor Kerwin

THAT the Special Committee of the Whole resolve into a Closed Session for the purpose of discussing a proposed acquisition of land and security of property of the municipality and a verbal update regarding Marianneville Developments Ltd. (Glenway) matter before the Ontario Municipal Board (OMB).

Carried

The Special Committee of the Whole resolved into Closed Session at 8:35 p.m.

The Special Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Special Committee of the Whole resumed into public session at 9:15 p.m.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:18 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Tuesday, April 22, 2014 at 1:30 PM
Council Chambers

For consideration by Council
on May 5, 2014

The meeting of the Special Committee of the Whole was held on Tuesday, April 22, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present:

Mayor Van Bynen
Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Di Muccio
Councillor Emanuel (1:30 to 3:05, 3:21 to 3:34,
3:37 to 4:04 p.m.)

Absent:

Councillor Sponga

Staff Present:

R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Development &
Infrastructure Services
I. McDougall, Commissioner of Community Services
E. Armchuk, Director of Legal Services
R. Nethery, Director of Planning and Building Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Moor, Council/Committee Coordinator
J. Patel, Project Support Business Analyst

Guest:

M. Bull, Wood Bull, LLP

The meeting was called to order at 1:30 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Emanuel

THAT the deputation request by Mr. Dave Sovran on behalf of the Glenway Preservation Association regarding the Marianneville Developments (Glenway) matter be included on the agenda.

Carried

Declarations of Interests

None.

Mayor Van Bynen advised that due to equipment technical difficulties, the meeting would not be live web streamed or archived on the Town's website.

Items

Mayor Van Bynen advised that Item 2 of the agenda with respect to Marianneville Developments Ltd. would be considered first to accommodate the request for deputation status by the Glenway Preservation Association. Mayor Van Bynen further advised of a memorandum dated April 21, 2014 from Ms. Ruth Victor, Ruth Victor and Associates with an attachment (Amendment #12 to the Town of Newmarket Official Plan) was distributed electronically and hard copies distributed prior to the meeting.

1. The Director of Legal Services/Municipal Solicitor provided those present with a verbal update regarding the Marianneville Developments (Glenway) matter before the Ontario Municipal Board.
2. Deputation by Mr. Dave Sovran on behalf of the Glenway Preservation Association.

Mr. Sovran addressed the Committee expressing concerns related to the proposed settlement document of the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval for Marianneville Developments Limited (Glenway). He requested that a public meeting be scheduled to explain the settlement details to the residents.

Moved by: Councillor Emanuel
 Seconded by: Councillor Di Muccio

THAT the deputation by Mr. Dave Sovran on behalf of the Glenway Preservation Association expressing concerns related to the proposed settlement of the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval for Marianneville Developments Limited (Glenway) be received.

Carried

Ms. Mary Bull, Solicitor, Wood Bull, LLP addressed the Committee with a verbal update of technical matters and compatibility plan issues that have been agreed upon by the relevant parties related to the proposed settlement. She advised of timing associated with Phase 2 of the Ontario Municipal Board hearing with finality of the hearing on Friday, April 25, 2014.

Moved by: Councillor Di Muccio
 Seconded by: Councillor Emanuel

THAT Council direct staff to organize a public meeting after the Ontario Municipal Board releases its written decision and within this term of Council, on what has been learned about the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for Marianneville Developments Limited (Glenway) process and the effects of future development as York Region prepares for growth.

Carried

The Committee recessed at 3:05 p.m.

The Committee reconvened at 3:19 p.m.

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Di Muccio

THAT the circulated memorandum from Ms. Ruth Victor, Ruth Victor and Associates and related attachment (Amendment # 12 to the Town of Newmarket Official Plan) be received.

Carried

Councillor Emanuel returned to the meeting at 3:21 p.m.

Mayor Van Bynen advised there was no requirement for a Closed Session relating to the Marianneville Developments Ltd. (Glenway) matter before the Ontario Municipal Board.

3. The Chief Administrative Officer provided a verbal update regarding the York University satellite campus initiative.

Closed Session

Moved by: Councillor Hempen
Seconded by: Councillor Twinney

THAT the Special Committee of the Whole resolve into a Closed Session for the purpose of discussing a proposed acquisition of land and security of property of the municipality regarding the proposed York University satellite campus initiative.

Carried

Councillor Emanuel left the meeting at 3:34 p.m.

The Special Committee of the Whole resolved into a Closed Session at 3:35 p.m.

The Special Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Special Committee of the Whole resumed into public session at 4:03 p.m.

Adjournment

Moved by: Councillor Hempen
Seconded by: Councillor Twinney

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 4:04 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

The meeting of the Committee of the Whole was held on Monday, April 28, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present:

Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney (1:30 to 4:46; 7:00 to 9:21 p.m.)
Councillor Vegh

Staff Present:

R.N. Shelton, Chief Administrative Officer
R. Prentice, Commissioner of Development & Infrastructure Services
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
R. Nethery, Director of Planning and Building Services
C. Service, Director of Recreation and Culture
M. Plaunt, Senior Planner – Policy
L. Lyons, Deputy Clerk
A. Brouwer, Director of Legislative Services/Town Clerk
K. Reynar, Assistant Solicitor
L. Moor, Council/Committee Coordinator
S. Niezen, Records and Projects Coordinator
C. Finnerty, Council/Committee Coordinator
J. Patel, Project Support Business Analyst

Mayor Van Bynen in the Chair.

The meeting was called to order at 1:30 p.m.

Additions & Corrections to the Agenda

Moved by: Councillor Di Muccio
 Seconded by: Councillor Kerwin

THAT the items listed on the agenda as addendum items be included.

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

1. Mr. David Clark, Design Chief, Infrastructure and Development, York Region Rapid Transit Corporation addressed the Committee with a PowerPoint presentation regarding the VivaNext - Davis Drive and Yonge Street Update.

The Director of Engineering Services addressed the Committee with four slides showing details of intersection conceptual designs for Yonge/Davis, Yonge/Eagle and Main/Davis.

Moved by: Councillor Emanuel
 Seconded by: Councillor Di Muccio

THAT the PowerPoint presentation by Mr. David Clark, Design Chief, Infrastructure and Development, York Region Rapid Transit Corporation and Ms. Rachel Prudhomme, Director of Engineering Services regarding the VivaNext - Davis Drive and Yonge Street Update and the intersections conceptual designs of Yonge/Davis, Yonge/Eagle and Main/Davis be received.

Carried

2. Mr. Brian Wolf, Senior Project Manager, Capital Planning and Delivery, Environmental Services Department, Regional Municipality of York addressed the Committee with a PowerPoint presentation regarding the Upper York Sewage System Update.

Moved by: Councillor Emanuel
 Seconded by: Councillor Vegh

THAT the PowerPoint presentation by Mr. Brian Wolf, Senior Project Manager, Capital Planning and Delivery, Environmental Services Department, Regional Municipality of York regarding the Upper York Sewage System Update be received.

Carried**Deputations**

None.

Consent Items

Moved by: Councillor Emanuel

Seconded by: Councillor Vegh

THAT the following items be adopted on consent:

3. Proclamation of May 1, 2014 as First Responder's Day in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption)
 - i) THAT the Town of Newmarket proclaim May 1, 2014 as 'First Responder's Day';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
4. Proclamation of June 2 to 6, 2014 as National Access Awareness Week in the Town of Newmarket.
 - il THAT the Town of Newmarket proclaim June 2 to 6, 2014 as 'National Access Awareness Week';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
5. Correspondence dated April 7, 2014 from Noreen Lee, Chairperson, The York Centre for Children, Youth & Families requesting proclamation of May 4 to 10, 2014 as Children's Mental Health Week in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption)
 - a) THAT the correspondence dated April 7, 2014 from Noreen Lee, Chairperson, The York Centre for Children, Youth & Families be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim May 4 to 10, 2014 as 'Children's Mental Health Week';

- ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
6. Correspondence dated March 24, 2014 from Minister Mario Sergio, Minister Responsible for Seniors Affairs requesting proclamation of June, 2014 as Seniors' Month in the Town of Newmarket.
- a) THAT the correspondence dated March 24, 2014 from Minister Mario Sergio, Minister Responsible for Seniors Affairs be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim June, 2014 as 'Seniors' Month';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
7. Correspondence received April 15, 2014 from MP Lois Brown, Newmarket-Aurora requesting proclamation of June 7, 2014 as 'National Health and Fitness Day' in the Town of Newmarket.
- a) THAT the correspondence received April 15, 2014 from MP Lois Brown, Newmarket-Aurora be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim Saturday, June 7, 2014 as 'National Health and Fitness Day';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
8. Correspondence dated April 16, 2014 from Mr. Wayne Smith, Chair, Board of Funeral Services requesting proclamation of May 4 to 11, 2014 as 'Funeral Professionals Week' in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption)
- a) THAT the correspondence dated April 16, 2014 from Mr. Wayne Smith, Chair, Board of Funeral Services be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim May 4 to 11, 2014 as 'Funeral Professionals Week';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

9. Correspondence dated April 9, 2014 from Dr. Ved Tandan, President-Elect, Ontario Medical Association requesting proclamation of May 1, 2014 as 'Doctor's Day' in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption)
 - a) THAT the correspondence dated April 9, 2014 from Dr. Ved Tandan, President-Elect, Ontario Medical Association be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim May 1, 2014 as 'Doctor's Day';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
10. Main Street District Business Improvement Area Board of Management Minutes of February 18 and March 18, 2014.
 - a) THAT the Main Street District Business Improvement Area Board of Management Minutes of February 18 and March 18, 2014 be received.
11. Item 8 of the Main Street District Business Improvement Area Board of Management Minutes of February 18, 2014 regarding Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 regarding Skateboards/Bicycles Etc. on Main Street.
 - a) THAT Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 be received and the Main Street District Business Improvement Area Board of Management recommend a courtesy campaign be implemented to compel users to dismount bicycles, skateboards or any other travel mode in the Downtown Main Street and the Heritage Conservation District Plan areas.
12. Item 3f) of the Main Street District Business Improvement Area Board of Management Minutes of March 18, 2014 regarding street closure.
 - a) THAT the matter related to the request of installation of roller casters on flower pots be referred to staff.
 - b) THAT the Main Street District Business Improvement Area Board of Management requests that the Town of Newmarket Public Works staff install rolling casters on all the large flower pots that are placed on Main Street during the summer months in an effort to utilize the pots as barriers when the street is closed to vehicular traffic.

13. Environmental Advisory Committee Minutes of March 5, 2014.
 - a) THAT the Environmental Advisory Committee Minutes of March 5, 2014 be received.
14. Item 6 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Environmental Vision Follow-up.
 - a) THAT the matter be referred to staff as part of the overall Committee review to be undertaken in the new term of Council.
 - b) THAT Council direct staff to find a dedicated staff resource to coordinate environmental matters, establish environmental priorities based on best practice guidelines, seek appropriate funding and provide environmental accountability reporting within the Town of Newmarket;
 - c) AND THAT an environmental accountability report be prepared each year for presentation to Council and the public;
 - d) AND THAT Council reaffirm the 2008 draft environmental vision statement pending the preparation of a draft Community Environmental Plan;
 - e) AND THAT Council recommend to the new council that budget priority be given in the next term of Council to fund the PCP Community Environmental Plan.
15. Item 7 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Garbage/Waste By-law Review.
 - a) THAT the matter of Garbage/Waste By-law Review be referred to staff.
16. Item 8 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Neighbourhood Community Gardens.
 - a) THAT staff consult with representatives of the York Region Food Network and if agreeable, that staff be authorized to undertake the works associated with the request.
 - b) WHEREAS there is no additional requirement for water to be provided at the existing community gardens;
 - c) THEREFORE be it resolved that Council authorize an extension of two rows at the existing community gardens;

d) AND THAT NEAC contribute a maximum of \$500.00 toward plowing and site preparation.

17. Newmarket Public Library Board Minutes of February 19, 2014.

a) THAT the Newmarket Public Library Board Minutes of February 19, 2014 be received.

18. Legislative Services Corporate Policy Committee Joint Report 2014-11 - Protection of Personal Information.

a) THAT Legislative Services and Corporate Policy Committee Joint Report 2014-11 regarding the New Corporate Policy - Protection of Personal Information Policy CORP.1-08 be received; and that the attached Protection of Personal Information Policy CORP.1-08 be approved.

19. Development and Infrastructure Services Report - ES 2014-25 dated March 25, 2014 regarding Rannie Road - Parking Restrictions.

a) THAT Development and Infrastructure Services Report - ES 2014-25 dated March 25, 2014 regarding Rannie Road - Parking Restrictions be received and the following recommendations be adopted:

i) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Rannie Road	East	Clearmeadow Boulevard to a point 40 metres north of Rita's Avenue	Anytime

ii) AND THAT the necessary By-law be prepared and submitted to Council for its approval.

20. Development and Infrastructure Services Report - ES 2014-26 dated April 7, 2014 regarding Final Acceptance and Assumption of Underground and Aboveground Works for the Summerhill South Residential Subdivision.

a) THAT Development and Infrastructure Services Report - ES 2014-26 dated April 7, 2014 regarding the Final Acceptance and Assumption of Underground and Aboveground Works be received and the following recommendations be adopted:

i) THAT the request for final acceptance and assumption of underground and aboveground works of the Summerhill South Residential Subdivision as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT Mr. Paul Minz of Criterion Development Corporation and Mr. John Kaczor, A.Sc.T., of MMM Group Limited be notified of these recommendations.

21. Development and Infrastructure Services/Planning and Building Services Report - 2014-19 dated April 17, 2014 regarding Medical Marijuana Production in Newmarket.

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2014-19 dated April 17, 2014 regarding medical marijuana be received and the following recommendations be adopted:

i) THAT staff be directed to start the public consultation process for a Zoning By-law Amendment which will consider appropriate locations and restrictions for commercial producers of medical marijuana;

ii) AND THAT following the public consultation and formal Public Meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulations, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT the public consultation process takes the form of an Open House with various stakeholders, online feedback, and a formal Public Meeting.

22. Development and Infrastructure Services/Planning and Building Services Report 2014-17 dated April 17, 2014 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision - National Homes Inc.

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2014-17 dated April 17, 2014 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT approval be given to Draft Plan of Subdivision 19TN-2005 004, Phase 2, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;

ii) AND THAT staff be directed to prepare the necessary zoning by-law amendment for Phase 2;

iii) AND THAT Servicing allocation for Phase 2 of this subdivision be granted in the amount of 11 single family units (36 population);

iv) AND THAT Mr. Mark Pavkovic 291 Edgeley Boulevard, Suite #1 Concord ON L4K 3Z4 be notified of this action.

23. Development and Infrastructure Services - Planning and Building Services Report 2014-18 dated April 17, 2014 regarding Application for Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision, 955 and 995 Mulock Drive, North Side of Mulock Drive, West of Leslie Street, Lorne Park Gardens Inc.

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2014-18 dated April 17, 2014 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by Lorne Park Gardens Inc. for lands being composed of part of Lot 31, Concession 2 E.Y.S., municipally known as 955 and 995 Mulock Drive be referred to a public meeting;

ii) AND THAT the public meeting be scheduled at such time as issues of tree preservation and road access have been further advanced;

iii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iv) AND THAT Mr. Jim Levac, Weston Consulting, 201 Millway Avenue Suite 19 Vaughan ON L4K 5K8 be notified of this action.

24. Correspondence dated April 10, 2014 from Mr. Eugene Lee, Staff Advisor, Sacred Heart Catholic High School requesting an exemption from the Noise By-law (2004-94) for the 2014 Relay for Life event from 11:30 a.m. to 11:59 p.m. on May 30, 2014.

a) THAT the correspondence dated April 10, 2014 from Mr. Eugene Lee, Staff Advisor, Sacred Heart Catholic High School regarding an exemption from the Noise By-law 2004-94, as amended, be received;

- i) AND THAT the Canadian Cancer Society, Relay for Life event be exempted from the Noise By-law 2004-94, as amended, from 11:30 a.m. to 11:59 p.m. on May 30, 2014 at Sacred Heart Catholic High School, subject to notification being provided to area residents.
25. Correspondence dated April 23, 2014 from Ms. Ariel Ogison requesting proclamation of May, 2014 as 'Ehlers Danlos Syndrome' Awareness Mmonth.
- a) THAT the correspondence dated April 23, 2014 from Ms. Ariel Ogison be received and the following recommendations be adopted:
- i) THAT the month of May, 2014 be proclaimed as 'Ehlers Danlos Syndrome' Awareness Mmonth;
- ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
26. Corporate Services Commission - Procurement Services Department Report 2014-18 dated April 14, 2014 regarding the new Procurement By-law.
- a) THAT Corporate Services - Procurement Services Department Report 2014-18 dated April 14, 2014 regarding the new Procurement By-law be received and the draft Procurement By-law, attached as Schedule 'B' be forwarded to Council for approval.
27. Corporate Services Commission Legal Services and Procurement Services Joint Report 2014-12 dated April 24, 2014 regarding New Procurement Processes and Comments.
- a) THAT the Corporate Services Commission, Legal Services and Procurement Services, Joint Report 2014-12 dated April 24, 2014 be received.
28. Joint Corporate Services Commission Legal Services Department and Procurement Services Department Report 2014-23 dated April 28, 2014 regarding Additional Comment received related to Procurement processes.
- a) THAT further to the Corporate Services Commission, Legal Services and Procurement Services Joint Report 2014-23 dated April 28, 2014 (Item 26 on the Committee of the Whole agenda) the following comment be received.
29. Corporate Services Report - Information Technology 2014-01 dated April 22, 2014 regarding Shared Information Technology Services Project.

a) THAT Corporate Services Report - Information Technology 2014-01 dated April 22, 2014 regarding an update on a shared services project with the Town of Aurora IT Department be received for information purposes.

Carried

30. Development and Infrastructure Services Report - ES 2014-23 dated March 13, 2014 regarding Millard Avenue - Parking Review - Forest Glen Road to Lorne Avenue Update.

Committee discussed the recommendations and amended the area of parking restriction on the north side of Millard Avenue.

Moved by: Councillor Sponga

Seconded by: Regional Councillor Taylor

a) THAT Development & Infrastructure Services Report – ES 2014-23 dated March 13, 2014 regarding Millard Avenue – Parking Review – Forest Glen Road to Lorne Avenue Update be received and the following recommendations, as amended, be adopted:

i) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to Forest Glen Road	Anytime

ii) AND THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to the westerly limit of 297 Millard Avenue	Anytime

iii) AND THAT the necessary By-laws be prepared and submitted to Council for their approval.

Carried

31. Development and Infrastructure Services Report - ES 2014-24 dated March 14, 2014 regarding Millard Avenue - Parking Review - Haskett Park.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

a) THAT Development and Infrastructure Services Report – ES 2014-24 dated March 14, 2014 regarding Millard Avenue – Parking Review – Haskett Park be received and the following recommendations be adopted:

- i) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	Both	East side of Queen Street to a point 700 feet easterly thereof	Anytime

- ii) AND THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Queen Street to a point 40 metres easterly	Anytime
Millard Avenue	South	Queen Street to a point 210 metres easterly	Anytime

Carried

32. Corporate Services Commission - Legal Services and Procurement Services Joint Report 2014-11 dated April 17, 2014 regarding Procurement Processes.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Emanuel

a) THAT Corporate Services Commission, Legal Services and Procurement Services Joint Report 2014-11 dated April 17, 2014 regarding procurement processes be received for information.

Carried

33. Corporate Services - Procurement Services and Development and Infrastructure Services - Facility Services Joint Report 2014-30 dated April 14, 2014 regarding Single Source Contract for Ice Resurfacers.

Moved by: Councillor Hempen
Seconded by: Councillor Sponga

a) THAT Corporate Services Commission – Procurement Services and Development and Infrastructure Services Commission – Facility Services Joint Report 2014-30 dated April 14, 2014, regarding Single Source contract for Ice Resurfacers be received and the following recommendation be adopted.

i) THAT Council approve a five (5) year Single Source contract for the supply and delivery of Ice Resurfacers, as follows:

Estimated Delivery	Unit Cost	Quantity	Description	Extended Cost
2014	\$ 86,495.00	1	Zamboni 525	\$ 86,495.00
2015	\$ 88,000.00	1	Zamboni 525	\$ 88,000.00
2016	\$ 89,500.00	1	Zamboni 525	\$ 89,500.00
2017	\$ 90,750.00	3	Zamboni 525	\$ 272,250.00
2018	\$ 92,500.00	1	Zamboni 525	\$ 92,500.00
SUB TOTAL SINGLE SOURCE CONTRACT				\$ 628,745.00

Carried

34. Community Services - Recreation and Culture Information Report 2014-12 dated April 5, 2014 regarding the Newmarket Soccer Club Quarterly Update, Q1 2014.

Moved by: Councillor Di Muccio
Seconded by: Councillor Kerwin

a) THAT Community Services - Recreation and Culture Information Report 2014-12 dated April 5, 2014 regarding the Newmarket Soccer Club Quarterly Update Q1 2014 be received.

Carried

35. List of Outstanding Matters.

Moved by: Councillor Kerwin
Seconded by: Councillor Sponga

THAT the list of Outstanding Matters be received.

Carried

Action Items

36. Development and Infrastructure Services Report - Public Works Services 2014-21 dated March 21, 2014 regarding Sidewalk Snow Clearing Review.

Moved by: Councillor Emanuel
Seconded by: Councillor Di Muccio

a) THAT Development and Infrastructure Services Report - Public Works Services 2014-21 dated March 21, 2014 regarding Sidewalk Snow Clearing Review be received and the following recommendations be adopted:

i) THAT Option 3 (Clearing of all Town sidewalks, walkways and primary trails) be the preferred option, to proceed with a comprehensive analysis for sidewalk, walkways and trail snow clearing guidelines;

ii) AND THAT staff report back to Council with a detailed plan for sidewalk, walkway and trail clearing as part of the 2015 budget process;

iii) AND THAT staff obtain comments from the Accessibility Advisory Committee on the sidewalk, walkway and trail clearing process.

Carried

37. Development and Infrastructure Services - Engineering Services Report 2014-31 dated April 28, 2014 regarding Yonge Street Sidewalk - Tom Taylor Trail to Savage Road.

Moved by: Councillor Di Muccio
Seconded by: Councillor Hempen

THAT Development & Infrastructure Services Commission – Engineering Services Report 2014-31 dated April 28, 2014 be received and Option B be the preferred option being that staff be directed to continue with the project and that additional funding of \$145,000 be provided from the reserves.

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

38. Moved by: Councillor Emanuel
Seconded by Regional Councillor Taylor

THAT due to potential costs to taxpayers and liability concerns that could be transposed by Bill 69 – Prompt Payments Act, staff provide an analysis and recommendations for a resolution.

Carried

39. Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

THAT staff report back to Council on the implementation of improved signage and advertising for notification regarding Official Plan and Zoning By-law Amendments.

Carried

40. Moved by: Councillor Sponga
Seconded by: Councillor Kerwin

THAT the matter of removable speed humps as a pilot project, for the purpose of mitigating excessive speed on Millard Avenue west of Lorne Avenue and east of Queen Street be referred to the Traffic Mitigation Strategy.

Carried

41. A resolution to welcome the expansion of the Dortec Manufacturing plant.

Moved by: Councillor Di Muccio
Seconded by: Councillor Sponga

WHEREAS Magna Closures, through its DorteC Manufacturing plant, has announced plans to reinvest in the Town of Newmarket through a \$1.5 million expansion and plans to hire 75 workers;

AND THAT statistics show that for every job created in Ontario auto manufacturing industrial sector has the potential to create nine other jobs in the local economy;

BE IT RESOLVED that the Town of Newmarket welcomes the news of the expansion of the DorteC Manufacturing plant and furthermore calls upon leaders in business, government, and labour to continue to work together, rallying to preserve and grow employment opportunities in Ontario's auto manufacturing industrial sector which remains critical to the local economy of our community.

Carried

New Business

42. Moved by: Councillor Vegh
Seconded by: Councillor Sponga

THAT staff conduct a traffic feasibility study for a 3-way stop sign installation at Kingsmere Avenue and Ataire Road.

Carried

43. Councillor Di Muccio advised that information regarding the Newmarket Soccer Club loan agreement provisions were referenced in a publicly available report.
44. Councillor Di Muccio requested a status update regarding the Queen's York Rangers Freedom of the City parade to coincide with a visit from Prince Andrew. The Commissioner of Community Services provided a verbal update and advised that the Queen's York Rangers are to submit details associated with the logistics.
45. Councillor Sponga requested information be provided regarding the future of GO rail service and information regarding a regulated crossing at Water Street.
46. Councillor Sponga advised there is some urgency in having the Downtown Parking Review Task Force conduct meetings as there are parking issues in the downtown core with the recent influx of restaurant establishments.

47. Councillor Sponga requested information from the Legislative Services Department regarding a property on Woodlawn Court and an application for an Accessory Dwelling Unit.
48. In response to Councillor Di Muccio's item of New Business related to the Newmarket Soccer Club, Regional Councillor Taylor clarified matters with respect to the Newmarket Soccer Club report, specifically, the sale of lands that remain in a Closed Session format.
49. Mayor Van Bynen commended senior staff for initializing the shared services project with the Town of Aurora Information Technology department as mentioned in Corporate Services Report - Information Technology 2014-01 dated April 22, 2014 and advised that this service is a significant step in bringing value to taxpayers.
50. Mayor Van Bynen requested that staff establish a template for draft plan of subdivision Conditions of Approval and to only bring forward portions of such conditions that do not appear within the template.
51. The Chief Administrative Officer provided a verbal update regarding the York University satellite campus bid submission.
52. Mayor Van Bynen requested that any applicable mapping attached to reports be provided for viewing on the overhead projector and/or the projection screen.

Closed Session

Mayor Van Bynen advised there was no requirement for a Closed Session.

Public Hearing Matter

53. Newmarket Urban Centres Secondary Plan - Request for Feedback.

Mayor Van Bynen welcomed members of the public to the Special Public Meeting regarding the proposed Newmarket Urban Centres Secondary Plan. The Mayor advised that while this is not a Statutory Public Meeting, Town staff, consultants, and members of Council are present tonight to hear from any members of the public on the latest draft of the Secondary Plan.

Mayor Van Bynen advised that the Committee of the Whole will not be making any decisions tonight regarding the Secondary Plan, but will refer all written and verbal comments to Planning staff and Town consultants to consider in a report that will be brought forward to a future Committee of the Whole meeting.

Mayor Van Bynen advised that if the members of the public wish to be notified of subsequent meetings, or if they are making a presentation today, to complete a form with their name and address and submit it to the Clerk's staff as this will help us contact them in the future.

Mayor Van Bynen further advised that the format for tonight's meeting will include a presentation by the Town's consultant on the latest changes to the draft Secondary Plan. Members of Committee will then have the opportunity to ask questions of clarification, after which members of the public will have an opportunity to comment or ask questions of staff and the consultants.

The Mayor thanked the public for their participation and interest in Newmarket's future.

54. Mr. Jason Thorne of planningAlliance gave a PowerPoint presentation on the proposed Newmarket Urban Centres Secondary Plan. He presented a summary of some of the changes and the policies within the plan.

Members of Committee queried staff and consultants regarding transportation planning, the Transportation Demand Study, transit mobility hub, density, future post-secondary uses within the urban centres, affordable housing, the proposed street network, and the new angular plane provisions. At this time in the meeting, Mayor Van Bynen offered the opportunity for Members of the Public to provide comments.

55. Mr. Gordon Prentice, resident, addressed the Committee regarding concerns about transportation, including the possibility of combining the GO Train Station and Bus Terminal, and the new proposed GO Train Station on Mulock Drive.
56. Mr. Gary Worters, resident, addressed the Committee regarding concerns about affordable housing in the Urban Centre.
57. Mr. Jonathan Coates, resident, addressed the Committee with questions about the possibility and potential timing of a developer purchasing his property for intensification purposes in accordance with the Secondary Plan.
58. Ms. Anne Martin, resident, addressed the Committee regarding concerns about the proposed ring roads around Yonge Street and Davis Drive, and questioned whether a similar road network was proposed for the intersection of Main Street and Davis Drive.
59. Mr. Shane McDonald, resident, addressed the Committee with questions regarding the process of rezoning properties identified for intensification in the Secondary Plan.
60. Mr. Steve Rostron, resident, addressed the Committee regarding concerns about the possible redevelopment of the Hollingsworth Arena property.

61. Ms. Debbie Heathcote, resident, addressed the Committee regarding concerns about redevelopment along Penn Ave.
62. Mr. Don McKee, resident, addressed the Committee regarding concerns about the planning process for undergrounding of utilities.
63. Mr. Luke Sugar, resident, addressed the Committee regarding concerns about the Viva construction along Davis Drive and the potential overlap with construction along Yonge Street, questions regarding the potential model of indoor bicycle storage and transit incentive programs.
64. Ms. Marisa Talarico, resident, addressed the Committee regarding concerns about shadows from development affecting pedestrians along Davis Drive and Yonge Street.
65. Mr. Peter Mine, resident, addressed the Committee with concerns about changes to property values due to the Secondary Plan and the proposed street networks.
66. Mr. Roy Smith, resident, addressed the Committee with concerns about redevelopment of the Hollingsworth Arena property.
67. Mr. Kevin Jarus, resident, addressed the Committee with concerns regarding connectivity with the Glenway development, site by site shadow studies for redevelopment, stoplights at the proposed ring roads around Yonge Street and Davis Drive, and requested that more language around pedestrian oriented development be included in the Secondary Plan.

Members of Committee queried staff and consultants regarding the secondary plan process, changes in height and density, the potential for widening certain roads such as Kingston Road within the proposed street network, parks and open space within the plan, and future development and infrastructure investment.

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

THAT the PowerPoint presentation by Mr. Jason Thorne of planningAlliance, on the Newmarket Urban Centres Secondary Plan, and all deputations and correspondence be received.

Carried

The Director of Planning and Building Services advised of the next steps associated with the planning process for the application being a report back from staff to a future Committee of the Whole meeting possibly in May, 2014 with a final version of the Secondary Plan to completed in June, 2014.

Adjournment

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

THAT the meeting adjourn.

Carried

The meeting adjourned at 9:21 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-23

A BY-LAW TO AMEND BY-LAW 1993-62, AS AMENDED, BEING A BY-LAW TO REGULATE PARKING WITHIN THE TOWN OF NEWMARKET.

[Schedule X (No Parking)]

WHEREAS it is deemed necessary to amend By-law 1993-62, as amended, being a by-law to regulate parking on highways within the Town of Newmarket.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to Forest Glen Road	Anytime

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	Both	East side of Queen Street to a point 700 feet easterly thereof	Anytime

AND THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to the westerly limit of 297 Millard Avenue	Anytime

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Queen Street to a point 40 metres easterly	Anytime
Millard Avenue	South	Queen Street to a point 210 metres easterly	Anytime

ENACTED THIS 5TH DAY OF MAY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET
BY-LAW NUMBER 2014-24

A BY-LAW TO AMEND BY-LAW 1993-62, AS AMENDED, BEING A BY-LAW TO REGULATE PARKING WITHIN THE TOWN OF NEWMARKET.
[Schedule X (No Parking)]

WHEREAS it is deemed necessary to amend By-law 1993-62, as amended, being a by-law to regulate parking on highways within the Town of Newmarket.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Rannie Road	East	Clearmeadow Boulevard to a point 40 metres north of Rita’s Avenue	Anytime

ENACTED THIS 5TH DAY OF MAY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-26

A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.

WHEREAS Section 129 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass a by-law to prohibit and regulate noise in the municipality;

AND WHEREAS Council enacted By-law 2004-94, being a By-law to Prohibit and Regulate Unusual Noises or Noises Likely to Disturb the Inhabitants of the Town of Newmarket, on July 19, 2004;

AND WHEREAS Council amended Schedule "A" to By-law 2004-94 with the enactment of By-law 2005-158 on November 28, 2005;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to provide an exemption to By-law 2004-94, as amended, to facilitate the Canadian Cancer Society, Holland River Unit, Relay for Life event at Sacred Heart Catholic High School.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT the Canadian Cancer Society, Holland River Unit be exempted from the Noise By-law 2004-94, as amended, from 11:30 a.m. to 11:59 p.m. on May 30, 2014 to permit their 2014 Relay for Life event at Sacred Heart Catholic High School, subject to notification being provided to area residents.

ENACTED THIS 5TH DAY OF MAY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-27

A BY-LAW TO DEFINE THE PROCUREMENT POLICIES FOR THE CORPORATION OF THE TOWN OF NEWMARKET

WHEREAS Section 270 of the *Municipal Act, 2001, as amended* provides that a municipality shall adopt and maintain policies with respect to its procurement of goods and services.

AND WHEREAS Council enacted By-law Number 2011-74 to define the Procurement policies and procedures for the Corporation of the Town of Newmarket, herein after, called "the Owner" and it is now deemed necessary to enact a new by-law and to repeal By-law Number 2011-74;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

Table of Contents

1. PURPOSES, GOALS, AND OBJECTIVES OF THIS BY-LAW4

2. PROCUREMENT PRINCIPLES AND PRACTICES.....4

3. DEFINITIONS OF THIS BY-LAW.....5

4. INTEPRETATION 11

5. APPLICATION 12

6. RESPONSIBILITIES 12

7. RESTRICTIONS AND EXCEPTIONS..... 13

8. PRESCRIBED COUNCIL APPROVAL 14

9. BID REVIEW PANEL (BRP)..... 14

10. OPERATING AND CAPITAL BUDGET FINANCIAL CONTROLS..... 15

11. PROCUREMENT PROCESS 15

12. STANDARD PROCUREMENT METHODS 16

13. ALTERNATIVE PROCUREMENT METHODS 18

14. MATHEMATICAL ERRORS22

15. CONTRACT EXECUTION.....22

16. CONTRACTOR PERFORMANCE.....22

17. REPORTING TO COUNCIL22

18. ACCESS TO INFORMATION.....22

19. DISPOSAL OF PERSONAL PROPERTY.....23

20. DISPOSAL OF REAL PROPERTY.....23

21. TIE BIDS RECEIVED.....23

22. CONTRACTOR INTEGRITY24

23. LITIGATION/PROBATION/SUSPENSION24

24. BLACK-OUT PERIOD.....25

25. LOBBYING PROHIBITED.....25

26. INCENTIVES AND LIQUIDATED DAMAGES25

27. DEBRIEFING.....25

28. BID DISPUTE RESOLUTION.....25

29. BY-LAW REVIEW.....25

30. AMENDMENTS26

31. SEVERABILITY26

32. SHORT TITLE26

33. REPEAL/EFFECTIVE DATE26

SCHEDULE “A” EXCEPTIONS TO BY-LAW 2014-27

SCHEDULE “A” EXCEPTIONS TO BY-LAW 2014-27 CONT’D

SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY

SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY cont’d

SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY cont’d

SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY cont’d

SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO ELECTRONIC BIDDING ONLY

SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO ELECTRONIC BIDDING ONLY cont’d

SCHEDULE “C” PROPOSAL IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY

SCHEDULE “C” PROPOSAL IRREGULARITIES- APPLICABLE TO HARD COPY BIDDING ONLY cont’d

SCHEDULE “C” PROPOSAL IRREGULARITIES -APPLICABLE FOR ELECTRONIC BIDDING ONLY

SCHEDULE "C" PROPOSAL IRREGULARITIES - APPLICABLE FOR ELECTRONIC BIDDING ONLY cont'd

SCHEDULE "D" THRESHOLDS

SCHEDULE "D" THRESHOLDS – cont'd

SCHEDULE "D" THRESHOLDS cont'd

SCHEDULE "D" THRESHOLDS cont'd

SCHEDULE "D" THRESHOLDS cont'd

SCHEDULE "D" THRESHOLDS cont'd

SCHEDULE "E" POSITION EXCEPTIONS

SCHEDULE "F" CONTRACTOR PERFORMANCE48

1. DEFINITIONS
2. PURPOSE
3. PROJECT EVALUATORS
4. PROJECT EVALUATION FORMS
5. FREQUENCY OF PERFORMANCE EVALUATIONS
6. RECOMMENDED STEPS TO RESOLVING CONTRACTOR PERFORMANCE
7. RECORD RETENTION
8. PERFORMANCE EVALUATION SYSTEM
9. IMPACT OF FINAL PERFORMANCE EVALUATIONS
10. APPEAL PROCESS
11. OTHER INCENTIVES FOR CONTRACTORS

SCHEDULE "G" P-CARD PROCEDURES

1. THE CORPORATION'S P- CARD PROVIDER:
2. INTRODUCTION:
3. OBTAINING A P-CARD:
4. P-CARD PROGRAM ROLES:
5. P-CARD OWNERSHIP- KEEPING THE CARD SECURE:
6. CARDHOLDER TO OBTAIN DETAILED RECEIPTS
7. ALCOHOL PURCHASES
8. RECONCILER RESPONSIBILITIES
9. STAFF RESPONSIBILITIES FOR ORDERING LOW VALUE GOODS AND/OR SERVICES:
10. USING THE P-CARD
11. CHOOSE THE APPROPRIATE BUYING METHODS
12. DUPLICATION OF PAYMENT
13. P-CARD STATEMENT OR SUPPORTING DOCUMENTATION
14. RETURNS, CREDITS AND DISPUTED ITEMS
15. BILLING CYCLE
16. INTERNAL AUDIT

1. PURPOSES, GOALS, AND OBJECTIVES OF THIS BY-LAW

The purposes, goals, and objectives of this by-law, and of each of the methods of procurement authorized, herein are:

- a) To encourage competition among Bidders;
- b) To make goods, service(s) and construction Contractors to be accountable to the Owner and the public;
- c) To provide the highest level of government service at the least possible cost;
- d) To ensure fairness and objectivity amongst Bidders during the procurement process;
- e) To ensure openness, accountability and transparency while protecting the financial best interests of the Owner;
- f) To obtain the Best Value for the Owner when procuring goods and service(s) and construction;
- g) To avoid conflicts between the interests of the Owner and those of the Owner's employees and elected officials;
- h) To ensure compliance with applicable International, national and Inter-Provincial Trade treaties or agreements, as amended;
- i) To promote Responsible Purchasing which encourages procurement practices which encompass social, ethical and environmental considerations when acquiring goods, services and construction.
- j) To contribute to the reduction of waste, toxic or harmful emissions and substances and to increase the development and awareness of environmentally responsible procurement, the Governments Incorporating Procurement Policies to Eliminate Refuse (GIPPER) Guide, as amended may be referenced in acquiring goods and services and/or other best green procurement practices available when developing the Bid Call Document for goods, services and construction. It is recognized that a product and cost analysis may be required;
- k) To promote, where applicable, the requirements of the *Ontarians with Disabilities Act* (ODA) and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), as amended in procurement activities of the Owner as well as any requirements contained in other legislation (either provincial or federal) which may impact the procurement activities of the Owner.

2. PROCUREMENT PRINCIPLES AND PRACTICES

Public Procurement affects and is affected by the public sector organization as a whole, and the community it serves, whether at the local, provincial, or national level. Therefore, the Corporation of the Town of Newmarket (the Owner) has adopted the Public Procurement Principles and Practices, as amended, as follows;

Accountability:

Taking ownership and being responsible to stakeholders for our actions. This value is essential to preserve the public trust and protect the public interest.

Ethics:

Acting in a manner true to these values. This value is essential to preserve the public's trust.

Impartiality:

Unbiased decision-making and action. This value is essential to ensure fairness for the public good.

Professionalism:

Upholding high standards of job performance and ethical behavior. This value is essential to balance diverse public interests.

Service:

Obligation to assist stakeholders. This value is essential to support the public good.

Transparency:

Easily accessible and understandable policies and processes. This value is essential to demonstrate responsible use of public funds.

3. DEFINITIONS OF THIS BY-LAW

“Advanced Contract Award Notice” (ACAN) means a public notice, advertised in accordance with Schedule “D” Thresholds, and the estimated project cost (to be released, at the discretion of the Owner), indicating to Suppliers that the Owner intends to award a goods, services or construction Contract to a pre-identified Supplier, thereby allowing other Suppliers to signal their interest in bidding by submitting a statement of capabilities. If no other Supplier submits a statement of capabilities that meets the requirements set out in the ACAN, on or before the closing date stated in the ACAN, the Manager of Procurement may then proceed with the award of the contract. If other Supplier(s) do submit a statement of capabilities that meet the requirements set out in the ACAN, the Manager, Procurement Services may then proceed with a solicitation in accordance with Schedule “D” Thresholds.

“Agreement on Internal Trade” (AIT) means an intergovernmental trade agreement signed by Canadian First Ministers that came into force in 1995. Its purpose is to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services, and investment within Canada and to establish an open, efficient, and stable domestic market.

“Authority” or “Authorized” means the legal right to conduct the tasks outlined in this by-law as directed by Council and delegated through the office of the C.A.O. to the Commissioners and subsequently to the Manager, Procurement Services. Authorized purchases are those that have prior approval of Council either through resolution or through the departmental budget.

“Award or Acceptance” The notification to a bidder of acceptance of a bid, which brings a contract into existence

“Best Interest” means the discretion the Owner has to take the most advantageous action on behalf of the Owner.

“Best Value” means the best combination of price, technical merit, and quality, as determined by the Owner. The best value might not be the lowest cost.

“Bid” means a Tender, Proposal or Quotation submitted in response to a solicitation from the Owner.

Solicitations for Bids may be in the form of an Informal Quick Bid (Request for Quotation (QB) or Quick Bid Request for Proposal (QBRFP)), Request for Tender (RFT), Request for Proposal (RFP) or Sale (S).

“Bid Bond” means a bond given to guarantee entry into a Contract. This bond is given to indemnify the Owner against increased costs if the Bidder does not carry out the specified undertaking to enter into a Contract. A bond given by a Bidder to guarantee entry into a Contract if the Contract is awarded to that Bidder

“Bid Deposit” means a deposit by the Bidder to the Owner of a sum of money, a cheque or other acceptable cash alternative such as an irrevocable letter of credit or a guarantee that the Bidder will enter into a Contract with the Owner if the Bid is accepted. The Bid Deposit may also be in the form of a Bid Bond issued by a Surety and deposited with a procurement activity guaranteeing the Bidder will not withdraw for a specified period of time, will furnish Bonds or Letter of Credit as required, and will accept a Contract if awarded, or forfeit the Bid Deposit.

“Bid Call Document” means the Owner’s solicitation document which may be in the form of an Informal Quick Bid (Request for Quotation (QB) or Quick Bid Request for Proposal (QBRFP)), Request for Tender (RFT), Request for Proposal (RFP) or Sale (S).

“Bid Dispute Resolution” means a provision in the Procurement Policies and Procedures manual, which outlines procedures to ensure that a protest to a bid is handled in an ethical, fair, reasonable and timely fashion.

“Bid Irregularity” means any defect or non-compliance contained within a Bid or the Bidding process. Schedule “B” Bid Irregularities of this by-law establishes the action that shall be taken.

“Bidder” means any Person who submits a response to a Solicitation. For clarity, for this by-law only; the word “Bidder” shall also include “Proponent” and “Offeror”.

“Bid Review Panel” means two or more persons appointed pursuant to this by-law to review Bid Irregularities or other issues pertaining to a Bid including, a Bid Protest, in accordance with the Owner’s Procurement Policies and Procedures, or to review matters involving Contractor Performance, in accordance with the Contractor Performance Procedure, Schedule “F” of this By-Law.

“Black-Out Period” means the period of time from when the Bid Call Document is issued and when the agreement is signed by the Owner and the selected Proponent.

“Bond” means a form of financial protection against non-performance, a binding agreement executed by a Contractor and a 3rd party (Surety) to guarantee the performance of certain obligations or duties to the Owner. See Labour and Material and Performance Bond.

“C.A.O.” means the Chief Administrative Officer of the Corporation of the Town of Newmarket or designate.

“Calendar Days” means any day of the week, Monday through Friday, including Saturday and Sunday and any recognized statutory holidays.

“Comprehensive Economic and Trade Agreement” (CETA) is a proposed free trade agreement between Canada and the European Union

“Commissioner” means a person appointed by C.A.O. with administrative responsibilities for a group of departments or designate.

“Conflict of Interest” means a real or seeming incompatibility between one’s private interests and one’s public or fiduciary duties.

“Construction” means the process of utilizing labour to build, alter, repair, improve or demolish any structure, building or public improvement and generally does not apply to routine maintenance, repair or operations of existing real property.

“Consultant Services” means services of an advisory nature required to support policy development, decision making, administration, or management of a business or public entity, generally provided by individuals or organizations who possess specific knowledge, technical skills or unique abilities not usually available in-house or from the entity.

“Contract” means a Purchase Order and/or the agreement in writing between the Owner and the Contractor in respect of the Goods and/or Services to be provided under a Bid Call Document.

“Contractor” means the selected Bidder that has a Contract with the Owner to perform the Work and/or Services described in a Bid Call Document. For clarity, for this by-law only, “Contractor” includes “Consultant” and “Supplier”.

“Contractor Performance Procedure” means the policy provided in Schedule “F” of this by-law, which provides a framework for the Owner to evaluate and improve the performance of all Contractors awarded Town Contracts by (i) pro-actively managing the performance of Contractors during the term of awarded Contracts, and (ii) creating a record of past performance for use as an evaluation tool in future Solicitations.

“Co-operative Purchasing” means; a) the action taken when two or more entities combine their requirements to obtain advantages of volume purchases including administrative savings and other benefits. b) a variety of arrangements whereby two or more public procurement entities purchase from the same Contractor(s) using a single Solicitation.

Cooperative purchasing efforts may result in a contract that other entities may Piggyback.

“Council” means the elected Council for the Corporation of the Town of Newmarket, or Local Boards.

“Debriefing” means a practice used primarily during the Request for Proposal process, whereby the Owner’s Procurement representative for a Solicitation will meet in person, but typically telephonically with those parties requesting a debriefing, whose proposals were not deemed appropriate for award. It is viewed as a learning process for Proponents who may gain a better understanding regarding perceived deficiencies contained within their submitted proposal.

“Department” means a department or commission of the Town.

“Designate” means a person authorized by the C.A.O., Commissioner, Director, Assistant Director or Manager to act on his/her behalf, for the purpose of this by-law.

“Director” means the title provided to a senior Town staff official responsible for the operational department.

“Electronic Bidding (Facsimile, Email or Internet)” means a method of issuing Solicitations and/or receiving written Bids where the process of issuing and/or receiving Bids by facsimile, email or internet is considered appropriate.

“Emergency” means an event or circumstance where the immediate purchase for goods or service(s) or the entering into of a construction contract is essential or necessary to prevent or alleviate serious delay, a threat to public health, safety or welfare, the disruption of essential services or damage to public property or any other expenditure that is necessary to respond to any emergency of the Owner.

“Emergency (Municipally declared)” means an event or circumstance where the Mayor or the Chief Administrative Officer of the Town declare that an emergency exists in the Town or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the Owner and to protect property and the health, safety and welfare of the inhabitants of the emergency area or as required under the *Emergency Management and Civil Protection Act* (as amended).

“Emergency Management Purchasing Card” - The Manager, Procurement Services, the Director, Finance or their designates may utilize this card to acquire goods, service(s) or construction, in response to a Municipally declared emergency.

“Evaluation Committee” means a component of the Request for Proposal process, whereby a committee is established to conduct proposal evaluations, interviews and negotiations during Proposal evaluation for goods, service(s) or construction. It is usually comprised of three or more persons from the functional area identified in the scope of work and chaired by a member of the Procurement Services Department.

“Ghost Card” means; a) a single Purchasing Card account number that is assigned to a Contractor for high volume purchases; b) a payment method for utility services and leases or for acquiring goods and/or services off an established contract; c) a single Purchasing Card account number for use during a declared Municipally Emergency.

No actual Purchase Card is produced. Responsibility for monitoring and reconciliation of the account usually rests with the user department. A ghost card account resembles a charge account.

“Goods” means anything purchased other than Services or Real Property.

“Letter of Credit” means a document issued by a bank authorizing the bearer to draw a specified amount from that bank or its agent; a letter or similar statement extending credit up to a given amount at a Canadian Chartered bank for a person who has paid or guaranteed that amount to the issuing bank, may be considered in lieu of a performance or labour and material bond.

“Labour and Material Bond” means a bond given to guarantee payment, as required to all persons supplying labour or material for the completion of work under the Contract. The Labour and Material Bond shall be from an Ontario based Surety

“Litigation” means any formal dispute between the Owner and any other party, including third party and cross claims, where a legal proceeding has been commenced for an injunction, a mandatory order, a declaration, or the recovery of money, or an arbitration proceeding.

“Local Board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

“Low Value Purchase” (LVP) means a purchase for goods, service(s) or construction, which is not included as part of an existing contract and is not available out of the Owner’s inventory, and which authority has been delegated to Town staff up to the amount stated in Schedule “D” Thresholds of this by-law (excluding taxes), except for the position(s) stated in Schedule “E” Position Exceptions.

“Manager” means a Town staff member responsible for oversight of a business unit or functional cluster.

“Manager, Procurement Services” means the Manager of Procurement Services or designate who is responsible for the Town’s centralized procurement function and is hereby authorized to act as an agent in all such matters pertaining thereto.

“May” means the permissive in a contract clause or specification. *Also see “Shall”.*

“Multi-Step Bid Call” means a method of source selection involving two competitive steps. The first step may require the submission of technical and price Bids with only the technical Bid being evaluated and scored. The second step involves the opening of price Bid(s) of those Bidders which have achieved the highest or have met or exceeded the stated minimum technical score(s).

“Municipal Solicitor” means the Director, Legal Services of the Corporation of the Town of Newmarket or designate.

“Offeror” means a Person that makes an offer in response to a sale of Personal or Real Property. *Also see the definition of “Bidder”.*

“Owner” means the Corporation of the Town of Newmarket and its local boards.

“P-Card” means Purchase Card.

“P-Card Policy” means Schedule “G” of this by-law.

“Performance Bond” means a Bond given to guarantee the performance or completion of a contract in accordance with its terms and conditions.

The performance bond shall be from an Ontario based Surety

“Performance Review Forms” has the meaning given to such term in the Owner’s Contractor Performance Procedure (Schedule “F” of this by-law).

“Person” means and includes any natural person, corporation, company, limited liability company, trust, joint venture, association, incorporated organization, partnership, governmental authority or other entity, and shall be construed to include such Person’s successors and permitted assigns.

“Personal Property” means tangible or intangible property, other than real property. Movable property subject to ownership, with exchange value.

“Piggyback” means a form of intergovernmental cooperative purchasing in which the Owner will be extended the pricing and terms of a contract established by another entity. Generally a larger entity will competitively award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own. The Owner may participate with other government agencies or public authorities in co-operative purchasing where it is in the best interests of the Owner to do so. The Owner will have a Piggyback clause in most Solicitations, which permits the Owner to extend the pricing, terms and conditions of a Contract to other government entities, upon approval of the Contractor.

“Privilege Clause” means a standard clause used in the Owner’s Bid Call Document and Bid advertisement. The privilege clause may include such language as “reserves the right to accept or reject all or part of any Bid and also reserves the right to accept other than the lowest Bid and

to cancel this Bid at any time". For a proposal, the privilege clause may include such languages as "The Owner reserves the right to: accept or reject any Proposal, to award in whole or in part, to award to the proposal that is in the Best Interest of the Owner and the right to cancel this Proposal call at any time without obligation". For a sale, the privilege clause may include such language as "reserves the right to award to other than the highest offer or and to reject any or all offers.

"Procurement" means; a) purchasing, renting, leasing or otherwise acquiring any goods, service(s) or construction; includes all functions that pertain to the acquisition, including the description of requirements, preparation, solicitation, selection and award of contract and all phases of contract administration. b) The combined functions of purchasing, inventory control, traffic and transportation, receiving, inspection, storekeeping, salvage and disposal operations.

"Professional Services" means any professional or general service work performed which does not result in the delivery for goods or materials.

"Project Evaluator(s)" means one or more person(s) from the Town's functional area identified in the Solicitation scope of work user department(s) that will be evaluating the Contractor's performance by completing Performance Review Forms in accordance with Schedule "F" the Contractor Performance Procedure.

"Proponent" means one who submits a response to a Request for Proposal (RFP) or Quick Bid Request for Proposal (QBRFP). For clarity, for this by-law only, "Bidder" shall also include "Proponent". Also see the definition of "Offeror"

"Proposal" means a document submitted by a Proponent in response to a Request for Proposal (RFP) or Quick Bid Request for Proposal (QBRFP) to be used as the basis for negotiation or for entering into a contract. For clarity, for this by-law only, Bid shall also include "Proposal".

"Proposal Irregularity" means any defect or non-compliance contained within a Proposal or the Bidding process. Schedule "C" Proposal Irregularities of this by-law establishes the action that shall be taken.

"Purchase" means the act and function of responsibility for the procurement for goods, service(s) or construction.

"Purchase Card" (see also Ghost Card) means a payment method whereby employees of the Town authorized by C.A.O., Commissioner and/or Director are empowered to deal directly with Contractors for LVP purchases, subject to the exceptions stated in both Schedule "E" Position Exceptions, using a credit card issued by a bank or major credit card provider. Generally, a pre-established credit limit is established for each card issued. The cards enable e-Procurement and facilitate on-line ordering, frequently from pre-approved Contractors under contracts. The Purchase Card may be used for additional usage, in addition to Low Values Purchases, as described in the Purchase Card Program Policies and Procedures.

"Purchase Order" means; a) the Owner's written document to a Contractor formalizing all the terms and conditions of a proposed transaction, such as a description of the requested items, delivery schedule, terms of payment and transportation. b) The Purchase Order (hard copy or verbal) issued by the Procurement Services Department or Low Value Purchase Orders issued by individuals authorized by the Commissioner and/or Director, to a Contractor as a written or verbal acceptance of an offer received in accordance with this by-law. A Purchase Card or Ghost Card may also be used in lieu of a Purchase Order to acquire goods, services or construction and/or a payment method.

"Procurement Services" means the department responsible for procurement for goods, service(s), and construction and the purchase and disposal of real and personal property for the Owner.

"Quick Bid (QB)" means a Solicitation document used to solicit bids for low dollar value requirements estimated to be up to the amount stated in Schedule "D" Thresholds of this by-law (excluding taxes), from one or more suppliers. It is a request to Bidders, which is evaluated with the objective of accepting the lowest-priced responsive quotation from a Responsible Bidder.

"Quick Bid Request for Proposal (QBRFP)" means a Solicitation document used to solicit proposals for low dollar value requirements estimated to be up to the amount stated in Schedule

“D” Thresholds of this by-law (excluding taxes, from Proponents. Price is usually not the primary evaluation factor. A QBRFP may provide for negotiation of all terms, including price prior to contract award. A QBRFP may include the provision for the negotiation of best and final offers and may be a single step or multi-step process.

“Real Property” means Land and its permanently affixed buildings or structures. Any property which is not personal property.

“Request for Information” (RFI) means a non-binding method whereby the Owner states its need for input from interested parties for a possible upcoming Solicitation. A procurement practice used to obtain comments, feedback or reactions from potential Bidders prior to the issuing of a Solicitation. Generally price or cost is not required. Feedback may include best practices, industry standards, technology issues, etc.

“Request for Pre-Qualification” (RFPQ) means a document used to screen potential Bidders in which factors such as financial capability, reputation, and management are considered in order to develop a list of qualified Bidders who may then be allowed to submit Bids.

“Request for Proposal” (RFP) means the document used to solicit proposals for goods, service(s) or construction. Price is usually not the primary evaluation factor. An RFP may provide for negotiation of all terms, including price prior to contract award. An RFP may include the provision for the negotiation of best and final offers and may be a single step or multi-step process, as per the thresholds stated in Schedule “D” Thresholds of this by-law (excluding taxes).

“Request for Tender” (RFT) means a Solicitation document used to solicit for bids for the provision of goods, service(s) or construction to the Owner, with the objective of accepting the lowest-priced responsive bid from a Responsible Bidder, as per the thresholds stated in Schedule “D” Thresholds of this by-law (excluding taxes).

“Respondent” means the legal entity submitting a response to a Request for Pre-Qualification or Request for Information.

“Responsible Bidder” means a Bidder whose reputation, past performance, and business and financial capabilities are such that the Bidder would be judged by the Owner to be capable of satisfying the Owner’s needs for a specific Contract. A Bidder, as the context requires, that is fully capable to meet all the requirements of the Solicitation or other process and subsequent contract. Such Bidder shall possess the full capability, including financial and technical capability, satisfactory past performance, including a satisfactory Owner’s Contractor Performance Review Form (where applicable) to perform as contractually required and shall be able to fully document the ability to provide good faith performance.

“Responsive Bidder” means Bidder that has complied in all material respects with the requirements of the Bid Call Document.

“Responsible Purchasing” means utilizing procurement practices that encompass social, ethical and environmental considerations when acquiring goods, services and construction.

“Reverse Auction” means an online auction in which Bidders bid against each other to win the Owner’s business. Typically used to purchase commodities from multiple pre-qualified providers. Also referred to as eAuction.

“Sale” means the act of selling Owner property or Real Property that is no longer needed by the Owner and is designated for disposal outside of the government organization.

“Service” means a Solicitation for a contractor’s time and effort, and can include Professional Services. The furnishing of labour, time or effort by a contractor, which may involve to a lesser degree, the delivery or supply of products.

“Shall” means the mandatory requirements or specifications. Also see “May”.

“Single Source” means a procurement decision whereby purchases for goods, service(s) or construction are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available.

“Sole Source” means a situation created due to the inability to obtain competition. May result because only one contractor possesses the unique ability or capability to meet the particular requirements of the solicitation.

“Solicitation” means the Owner’s Bid Call Document. Also see definition of “Bid”.

“Spending Authority” means the authority assigned to the Town staff by the C.A.O., or Commissioner or Director to incur expenditures, including advance and progress payments on behalf of the Owner.

“Strategic Leadership Team” means a senior leadership team consisting of the C.A.O. and Commissioners.

“Supplier” means a supplier of goods and services. Distinguished from a “Contractor”.

“Surety” means a pledge or guarantee by a (Surety) Insurance company or Canadian Chartered Bank, authorized by law to do business in the Province of Ontario and acceptable to the Owner on behalf of the Bidder which protects against default or failure of the Bidder/Contractor to satisfy the contractual obligations.

“Suspension Period” means a period of two years, during which a Supplier’s Bid will not be considered in accordance with the Owner’s Contractor Performance Procedure (Schedule “F” of this by-law).

“Term Contract” means a type of contract in which a source of supply is established for a specified period of time for specified services or supplies, usually characterized by an estimated or definite minimum quantity, with the possibility of additional requirements beyond the minimum, all at a predetermined unit price.

“Procurement Representative” means the Procurement Representative of the Corporation of the Town of Newmarket (the Owner), specified in the Bid Call Document.

“Procurement Value” means the estimated total financial cost of the procurement including all forms of remuneration such as premiums, fees and commissions over the life of the commitment. (Excluding taxes).

“Tie Bid” means two or more Bids from Responsive and Responsible Bidders that are equal in all respects after evaluation, including price for goods, service(s), sale of real or personal property or construction.

“Town” means the Corporation of the Town of Newmarket and its local boards. Herein called “the Owner”.

“Town Clerk” means the Director, Legislative Services or designate.

“Undertaking to provide a Bond or Letter of Credit” means a pledge or guarantee by an insurance company, bank, individual or Owner on behalf of the Bidder which (the Surety) protects against default or failure of the principal to satisfy the obligations of a contract.

“Unsolicited Offer / Proposal” means an offer/proposal submitted by a contractor or consultant in the absence of a solicitation from the Owner, which may be submitted in response to a perceived need but not in response to a Solicitation.

“Probation Letter” has the meaning given to such term as stated in the Owner’s Contractor Performance Procedure (Schedule “F” of this by-law).

“Working Day” means Monday through Friday, excluding any recognized statutory holiday.

To establish the definition of any other procurement terms not herein included, reference may be made to the latest edition of the Institute for Public Procurement (NIGP) Public Procurement Dictionary of Terms and/or, the Government of Canada Supply Manual Glossary.

4. INTERPRETATION

Unless otherwise expressly stated, any reference within this By-law to a statute, an agreement, an instrument or any other document, shall be construed in each case as referring to such statute, agreement, instrument or other document as from time to time amended, supplemented, replaced or otherwise modified.

5. APPLICATION

This by-law shall apply to all departments of the Town and public agencies and local boards prescribed in this by-law;

No purchase for goods, service(s) or construction or disposal of Personal Property and Real Property shall be authorized unless it is in compliance with this procurement by-law.

This by-law does not apply to those items listed in Schedule "A" Exceptions to this by-law.

6. RESPONSIBILITIES

6.1 Commissioner and/or Directors shall be responsible for:

- a) The responsibility and authority for all department procurement activity within the prescribed limits of this by-law;
- b) Delegating spending authority limits to staff in compliance with this by-law and all applicable policies;
- c) That all of Section 1 Purposes, Goals, and Objectives of this by-law are complied with;
- d) That all procurement activities and decisions shall be authorized by this By-law and shall be carried out within the financial and other limits set out in Schedule "D" Thresholds of this by-law;
- e) That no procurement activity or decision shall be contrary to this by-law;
- f) That monitoring of all contract expenditures and financial limitations have been complied with;
- g) That all accounts are paid within the times set out in the contract (provided the contractor has met all conditions of the contract) this precludes any processes undertaken by the Accounts Payable department;
- h) That all goods, service(s) or construction contracted for have been received;
- i) That all authority to award a contract is subject to the identification and availability of sufficient funds in appropriate accounts within Council approved budgets or that the required funding can reasonably be expected to be made available in the current, or future years; and
- j) That contracts are monitored and documented in compliance with the Owner's Contractor Performance Procedure (Schedule "F" of this by-law) are followed for all publicly bid contracts. The Manager, Procurement Services shall be notified if action is to be taken to correct the performance of a contractor where it falls below the standard required by the contract.

6.2 The Manager, Procurement Services shall be responsible for:

- a) Providing procurement advice and services to each department, the C.A.O., Council, Local Boards and public agencies for the purposes of fulfilling the procurement needs of the Owner;
- b) All aspects for the Solicitation process and ensuring compliance to the terms and conditions of the Bid Call Document;
- c) Ensuring the Owner's staff compliance with this by-law and reporting non-compliance, in writing, to the appropriate Commissioner, Director, the Commissioner of Corporate Services and the C.A.O.;
- d) The standardization of all goods and service(s) where appropriate and possible, in collaboration with the user department(s);
- e) The disposal of Personal Property which has been declared surplus by a Commissioner and/or Director;
- f) The disposal of Real Property which has been declared surplus by Council;

- g) Participating in co-operative purchasing with other levels of government, municipalities, boards, agencies, commissions, or private sector entities where it is in the best interests of the Owner. The Owner will abide by the calling agency's terms and conditions;
- h) Compliance with Section 1 Purposes, Goals, and Objectives of this by-law;
- i) If a Bid has been approved by Council and awarded to the selected Bidder and the selected Bidder fails to enter into a contract, the Manager, Procurement Services shall be granted the authority to proceed to the next lowest responsive and responsible Bidder or the next highest evaluated responsive and responsible Proponent for a Proposal, for the award of the contract, without going back to Council for approval, providing the requirements remain unchanged and the new contract is within budget. The approval shall be obtained from the Director, Commissioner and C.A.O. The Director shall prepare a report to Council for information purposes; and the Bidder that refused to enter into a contract with the Owner may be placed on a two (2) year suspension, subject to the procedure set out in the Owner's Contractor Performance Procedures (Schedule "F" of the by-law).
- j) In cooperation with the user department ensuring the procedures set out in the Owner's Contractor Performance Procedures (Schedule "F" of the by-law), are followed for all publicly bid contracts.

6.3 The C.A.O. has the Authority to:

- a) Authorize the Manager, Procurement Services, to award and execute Contracts as a result of Solicitation without seeking Council authority, provided the award is within the scope and budget approved by Council.
- b) Instruct Commissioners and/or Directors not to award contracts, and to submit recommendations to Council for approval, and may provide additional restrictions concerning procurement where such action is considered necessary and in the Best Interest of the Owner.
- c) Award contracts during the time that regular Council meetings are suspended, during a period of recess, or for an emergency, the C.A.O. shall be authorized to award contracts as a result of a Solicitation that normally would require Council approval, provided that a report is submitted to Council, as soon as reasonably possible, setting out the details of any contract awarded pursuant to this authority.
- d) Delegating spending authority limits to staff in compliance with this by-law and all applicable policies.

Despite any other provision of this by-law, the following contracts require the approval of the C.A.O. and the Commissioner(s) responsible for the user department(s), prior to award.

- a) Where a Bid in response to a Solicitation contains an irregularity not resolved by the Bid Review Panel; and
- b) Where there has been a challenge submitted, in accordance the Owner's Bid Dispute Resolution procedures that has not been resolved by the Bid Review Panel.

7. RESTRICTIONS AND EXCEPTIONS

- a) The open and competitive procurement procedures set out in this by-law shall not apply to the purchase of those items listed in Schedule "A" Exceptions to this by-law or Low Value Purchases, or as otherwise listed in this by-law.
- b) No contract for goods, service(s) or construction may be divided into two or more parts to avoid the application of the provisions of this by-law.
- c) No personal purchases shall be made by the Owner for members of Council or any appointed member of a Local Board or for corporate employees or their families with the exception of corporate sponsored employee programs.

- d) No employee, member of Council or local board member of the Owner shall personally obtain any real or personal property that have been declared surplus unless it is obtained through a public process.
- e) No employee or member of Council shall purchase, on behalf of the Owner, any goods, service(s) or construction, except in accordance with this by-law.
- f) All procurement undertaken by the Owner shall be undertaken in accordance with the Owner's code of conduct, policies and procedures manual, as amended and in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended.
- g) Where an applicable national (i.e.: Agreement on Internal Trade (AIT)) or international (i.e. Comprehensive Economic and Trade Agreement (CETA)) trade agreement is in conflict with this by-law, the trade agreement shall take precedence.
- h) The Owner may use the Privilege Clause contained in the Owner's Bid Call Documents for consideration of the acceptance or rejection of any Bid received by the Owner pursuant to this by-law; and
- i) The Owner may consider, amongst other items during the consideration of award of Owner contracts, previously completed Contractor Evaluations to determine if a Bidder is responsible.

8. PRESCRIBED COUNCIL APPROVAL

Despite any other provision of this by-law, save and except for the circumstances in Section 6.3 Authority, the following contracts require Council approval, prior to award:

- a) Any contract requiring approval from the Ontario Municipal Board;
- b) Any contract prescribed by statute to be made by Council;
- c) Any contract prescribed by a court order;
- d) Where the procurement by-law is being waived;
- e) Where the cost amount proposed for acceptance is higher than the Council approved budget and the necessary adjustments cannot be made;
- f) Where authority to approve has not been expressly delegated;
- g) Any contract having a Procurement Value, requiring Council approval in accordance with Schedule "D" Thresholds of this by-law;
- h) Any Single or Sole Source contract having a Procurement Value exceeding the threshold dollar limit, stated in Schedule "D" Thresholds of this by-law.

9. BID REVIEW PANEL (BRP)

- a) There shall be a Bid Review Panel hereinafter referred to as "BRP" composed of the following members of the Town's staff:
 - The Manager, Procurement Services or designate;
 - A Solicitor from Legal services;
 - (And if required) a representative from the Department requesting the procurement of the goods, service(s) or construction; and
 - Any other party deemed appropriate by the BRP.
- b) THE BRP's responsibilities include, but are not limited to reviewing and making decisions on;
 - Bid Irregularities or other issues pertaining to a Bid;
 - Bid challenges, and/or:
 - Matters involving Contractor Performance or appeals, in accordance with the Contractor Performance Procedure, Schedule "F" of this By-Law.

- c) The BRP shall use Schedule “B” Bid Irregularities to this by-law, to determine the action that shall be taken if a Bid Irregularity exists, except for Proposal Irregularities, which shall be determined in accordance with Schedule “C” Proposal Irregularities to this by-law.
- d) The BRP shall follow the procedure outlined in the Corporate Services – Procurement Services Department Procedures Manual and the Contractor Performance Procedure, Schedule “F” of this By-Law.

10. OPERATING AND CAPITAL BUDGET FINANCIAL CONTROLS

Operating and Capital Budget Financial Controls shall be in accordance with the Corporate Policy Operating and Capital Financial Policy, as amended.

11. PROCUREMENT PROCESS

Where applicable each of the procurement methods set out below shall be undertaken in compliance with the following process:

- a) The scope of the goods, service(s) or construction shall be clearly and extensively defined by the Bid Call Document;
- b) The Bid Call Document shall be, to the extent possible, standardized using common forms and processes;
- c) The Solicitation shall be advertised (except for Low Value Purchases (LVP) and Informal Quick Bid (Request for Quotation (QB) or Request for Proposal (QBRFP)) which may be advertised to ensure the best, most comprehensive and competitive response to the Solicitation, at the discretion of the Manager of Procurement in compliance with Schedule “D” Thresholds;
- d) Advertising of a Solicitation shall be in compliance with the Agreement on Internal Trade (AIT) or other Agreements having jurisdiction, as amended;
- e) All Bids received by the Owner shall be kept together in a secure place until the time for opening. Solicitations requiring the submission of proprietary information or information containing intellectual property protected by law shall contain provisions for protecting the confidentiality of same, in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection and Electronic Document Act* and the *Personal Health Information Protection Act* as amended;
- f) The Owner may elect to receive Bids electronically and the procurement process will be stated in the Bid Call Document.
- g) Bids shall be reviewed and/or evaluated using an open, fair and transparent process within the circumstances of the particular Solicitation;
- h) For Proposals, the evaluation criteria and weighting shall be identified in the Proposal document and shall be evaluated based on those criteria and weighting, subject to amendments to the same released by an Addendum
- i) All Bid Call Documents shall clearly set out the requirements for the price element of the Bid Call Document, specifying whether the bid price is submitted on a unit price or subtotal or total price basis and whether it is net of any taxes, or may include provision for early payment discounts, premiums, financing charges, administrative costs, cost of living or other escalations, contingencies or other deductions or additions and how any contract extras shall be dealt with;
- j) Bids shall be awarded based on the terms and conditions clearly specified in the Owner’s Bid Call Documents;
- k) Bid records shall be filed and shall not be destroyed for seven (7) years or in accordance with the Owner’s record retention procedures, as amended, following the completion of the procurement contract;
- k) All selected Bidders shall, where required by this by-law, be required to comply with the contract preparation and execution requirements of Section 15 Contract Execution; and

- I) Contracts shall be monitored and documented by the Commissioner and/or Director in accordance with Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

12. STANDARD PROCUREMENT METHODS

The method of procurement for goods, service(s) and construction shall be in accordance with the methods described in this section, (as recommended by the Manager, Procurement Services) and shall be advertised, reported, approved and the contract executed in accordance with Schedule "D" Thresholds of this by-law.

12.1 REQUEST FOR INFORMATION (RFI)

A request which will be used as a general market research tool to determine what goods and service(s) are available which will meet business or operational requirements and acquisition strategies and/or may occasionally request project estimate costs for the purpose of developing a Solicitation.

12.2 REQUEST FOR PRE-QUALIFICATION (RFPQ)

A Request for Pre-Qualification (RFPQ) may be conducted for any goods, service(s) or construction to select the number of qualified Bidders that may bid on the subsequent procurement process by the Owner, under any of the following circumstances:

- i. The work is considered "high risk" with respect to regulations governed under the Occupational Health and Safety Act, as amended;
- ii. The work is such that contract administration costs (work inspection, follow-up, extra fee negotiations) could result in a substantial cost to the Owner if the work is not satisfactorily performed the first time;
- iii. The goods or equipment to be purchased shall meet national safety standards or demonstrate an acceptable level of performance;
- iv. The work involves complex, multi-disciplinary activities; or
- v. Wherever the Manager, Procurement Services deems appropriate.

When the Request for Pre-Qualification (RFPQ) is utilized, a Pre-Qualification Document shall be provided to the potential Respondents setting out the evaluation criteria and weighting for pre-qualification and may be advertised in accordance with the advertising procedure, set out in Schedule "D" Thresholds.

The selection of qualified Bidders following a pre-qualification process does not create any contractual obligation between the Owner and the pre-qualified Respondents(s). Pre-qualification may be made a specific pre-condition of any other procurement procedure utilized by the Owner.

Advertisement of the Pre-Qualification shall be based on the estimated contract value, in accordance with Schedule "D" Thresholds of this by-law.

12.3 LOW VALUE PURCHASE (LVP)

A Low Value Purchase (LVP) shall be conducted for the procurement for goods or service(s), which is not covered by a term contract or cooperative contract, having an estimated contract value as stated in Schedule "D" Thresholds of this by-law, as amended. These purchases may be made utilizing a Purchase Order or a corporate Purchasing Card. The C.A.O., Commissioner and/or Director may appoint individuals and assign a limit of spending authority to make low value purchases. These purchases are within the discretion of the Commissioner and/or Director. The Commissioner and/or Director are responsible to ensure only purchases, which can be demonstrated to have been made at fair value, shall be made. This acquisition process can be performed by the Department, or if they so desire, by the Procurement Services Department. Advertising is not required.

The only exception to the threshold limits for low value purchases shall be for those position(s) or policy stated in Schedule "E" Position Exceptions of this by-law.

At the discretion of the Director, the selected Bidder may be subject to the requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

12.4 QUICK BID (REQUEST FOR QUOTATION (QB) or QUICK BID REQUEST FOR PROPOSAL (QBRFP))

An informal Quick Bid shall be conducted for the procurement for goods, service(s) or construction having an estimated contract value as stated in Schedule "D" Thresholds of this by-law.

The Bid may be done on an invitational basis and/or advertised as stated in Schedule "D" Thresholds of this by-law.

Advertising of the Solicitation is not required.

Any irregularities in the Bid shall be dealt with in accordance with Schedule "B" Bid Irregularities or Schedule "C" Proposal Irregularities of this by-law, as amended and in compliance with the procedures stated in this by-law.

The selected Bidder shall be required to comply with the contract requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

12.5 REQUEST FOR TENDER (RFT)

A Request for Tender (RFT) shall be conducted for the procurement for goods, service(s) or construction having an estimated contract value as stated in Schedule "D" Thresholds of this by-law, and where all the following criteria apply:

- i) Two or more sources are considered capable of supplying the goods, service(s) or construction;
- ii) The specifications for goods, service(s) or construction can be adequately defined; and
- iii) The market conditions are such that Bids can be submitted on a competitive pricing basis.
- iv) It is intended that the lowest cost Responsive Bid from a Responsible Bidder(s) shall be accepted.

The Bid shall be advertised. In the case of a pre-qualified Solicitation, only the selected pre-qualified Respondents shall be notified and shall be eligible to submit a Bid.

Any irregularities in the Bid shall be dealt with in accordance with Schedule "B" Bid Irregularities of this by-law, and in compliance with the procedures stated in this by-law.

The selected Bidder shall be required to comply with the contract requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

12.6 REQUEST FOR PROPOSAL (RFP)

Price is usually not the primary evaluation factor. An RFP Bid Call Document may provide for negotiation of all terms, including price prior to contract award. An RFP may include the provision for the negotiation of best and final offers and may be a single step or multi-step process.

The goal of an RFP is to implement an effective, objective, fair, open, transparent, accountable and efficient process for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution. To select the Proposal that earns the highest score and meets the requirements specified in the competition, based on qualitative, technical and pricing considerations.

This method of acquisition for goods, service(s) or construction can be used for any dollar value, when the requirements cannot be definitely specified. An RFP may be conducted for the procurement for goods, service(s) or construction when; any of the following criteria apply:

- i) The selection of the Proponent depends more upon the effectiveness of the proposed solution, than the price alone;
- ii) It is expected that negotiation with one or more Proponents may be required with respect to any aspect of the Contract; and
- iii) The precise goods, service(s) or construction, or the specifications therefore are not known or are not definable and it is expected that the Proponent will further define them.

Advertising of the RFP shall be in accordance with Schedule "D" Thresholds of this by-law. In the case of a pre-qualified RFP, only the selected pre-qualified Proponents shall be notified.

Any irregularities in the Proposal submitted in response to an RFP shall be dealt with in accordance with Schedule "C" Proposal Irregularities of this by-law and in compliance with the procedures stated in this by-law.

The selected Proponent shall be required to comply with the contract requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

13. ALTERNATIVE PROCUREMENT METHODS

13.1 MULTI-STEP BID CALL

A "Multi-Step Bid Call" is a bidding procedure consisting of two stages:

Step 1 consists of a request for technical Bid, evaluations and discussion without pricing requirements and the selection of responsive and responsible Bidder(s) whose requirements are considered most acceptable; and

Step 2 consists of reviewing sealed Bid prices from only those Bidder(s) whose technical requirements have been rated most acceptable in Step 1.

The Bid shall be advertised in accordance with Schedule "D" Thresholds. In the case of a pre-qualified Bid, only the selected pre-qualified Respondents shall be notified.

13.2 UNSOLICITED BIDS

Unsolicited bids received by the Owner shall be reviewed by the Commissioner and/or Director and the Manager, Procurement Services.

Any procurement activity resulting from the receipt of an unsolicited bid shall comply with the provisions of this by-law pertinent thereto, including the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

Where a contract resulting from an unsolicited bid is awarded on a noncompetitive basis, the single or sole source purchase provisions of this by-law shall apply; or

Instead of the above process, the Manager, Procurement Services may utilize an Advanced Contract Award Notice (ACAN).

13.3 NEGOTIATION

Negotiation may be used for the procurement for goods, service(s) or construction or for the sale of Personal or Real Property for any contract when any of the following criteria apply:

- i. The goods, service(s) or construction are deemed necessary by the C.A.O., Commissioner and/or Director as a result of an emergency purchase which would not reasonably permit the use of any other prescribed procurement process;
- ii. After the Request for Proposal (RFP) process has closed, it may be necessary for discussion to clarify;
- iii. Due to abnormal market conditions, the goods, service(s) or construction required are in short supply;
- iv. Where competition is precluded or severely restricted due to the existence of any patent right, copyright, technical secret or control of raw material;

- v. Where there is a single or sole source for the goods, service(s) or construction which would be acceptable and cost effective;
- vi. Where only one proposal/bid is received and it exceeds the amount budgeted for the procurement, negotiations may be conducted; provided the Bidder is responsive and responsible;
- vii. With the highest Offeror in response to Sale of Personal or Real property;
- viii. With the highest evaluated responsive and responsible Proponent to a Request for Proposal. If a negotiated settlement cannot be reached, the Owner may proceed to negotiate with the next highest evaluated responsive and responsible Proponent;
- ix. Where the extension or reinstatement of an existing contract with Council approval would be more cost effective or beneficial to the Owner;
- x. Where, for security or confidentiality reasons, it is in the best interest of the Owner; or
- xi. Where authorized by Council to do so.

The selected Proponent shall be required to comply with the contract requirements set out in Section 15 Contract Execution, Section 16 Contractor Performance, and the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

13.4 EMERGENCY PURCHASES

Notwithstanding the provisions of this by-law, an emergency purchase shall be made, when an event occurs that is determined by the Mayor, the C.A.O. or the Commissioner and/or Director to be a threat to any of the following:

- i. Public health;
- ii. The maintenance of essential corporate services or to prevent the disruption of essential corporate services;
- iii. The welfare of persons or of public property; or
- iv. The security of the Owner's interests and the occurrence requires the immediate delivery for goods, service(s) or construction and time does not permit for competitive Bids.

When any of the above criteria are applicable the following process shall be conducted:

- A. Where it is estimated that the expenditure is within the authority of the Commissioner and/or Director as stated in Schedule "D" Thresholds of this by-law; the Manager, Procurement Services, upon the recommendation of the Commissioner and/or Director, shall secure any goods, service(s) or construction required, in an efficient, expeditious manner that is in the best interest of the Owner:
 - i. A Purchase Order shall be issued or Purchasing Card or the Emergency Management Purchasing Card shall be used; and
 - ii. In case of an after hour emergency, a purchase order will be issued the next business day.
- B. Where it is estimated that the expenditure exceeds the authority of the Commissioner as stated in Schedule "D" Thresholds of this by-law, the prior approval of the C.A.O. shall be obtained; the Manager, Procurement Services, upon the recommendation of the C.A.O., the Commissioner and/or Director, shall secure any goods, service(s) or construction required; in an efficient, expeditious manner that is in the best interest of the Owner;
 - i. An information report shall be submitted by the Commissioner and/or Director to Council explaining the actions taken and the reason(s) therefore;
 - ii. A Purchase Order shall be issued; or Purchasing Card or the Emergency Management Purchasing Card shall be used; or
 - iii. In case of an after hour emergency, if a Purchasing Card or Emergency Management Purchasing Card is not available, a Purchase Order shall be issued the next business day.

13.5 SOLE SOURCE

A Sole Source purchase may be conducted for the procurement for goods, service(s) or construction of any contract value without the competitive Bid process, when any of the following circumstances apply:

- i. May be based on proprietary technology.
- ii. Copyright; or
- iii. A Supplier's unique capability.
- iv. And other exceptions, expressly permitted under the Agreement on Internal Trade, as amended.

Where possible a Sole Source purchase shall be arranged by the Procurement Services Department and shall be in compliance with Schedule "D" Thresholds of this by-law.

Sole Source purchases shall be required to comply with the contract requirements of Section 15 Contract Execution and Section 16 Contractor Performance of this by-law.

A semi-annual report of all Sole Source Purchases will be given to the C.A.O and the Commissioner of Corporate Services by the Manager, Procurement Services.

13.6 SINGLE SOURCE

Single Source purchasing may be conducted for the procurement for goods, service(s) or construction of any contract value without the competitive Bid process, when any of the following circumstances apply:

- i. For reasons of standardization, warranty, function or service, such as: technical qualifications;
- ii. To obtain the services from a public utility;
- iii. Where compatibility with an existing product, equipment, facility or service is a paramount consideration;
- iv. Where a good is purchased for testing or trial use;
- v. Where the contractor possesses the unique and singularly available capability to meet the requirements, such as, skills related to and/or existing knowledge of the nature of the service;
- vi. Ability to deliver at a particular time;
- vii. Where the Owner has a rental contract and an offer to buy out the equipment or extend the rental contract which may be beneficial to the Owner;
- viii. For matters involving security, police matters, or confidential issues, a purchase may be made in a manner that protects the confidentiality of the contractor or the Owner. Such purchases may be made as a Single Source purchase;
- ix. An Emergency purchase situation;
- x. Notwithstanding anything in this by-law, where a purchase is determined by Council to be fair and reasonable and is made from a non-profit corporation supported by the Owner, the Owner may make such a purchase as a single source purchase; and
- xi. Where goods are offered for sale to the Owner by auction or negotiation, such purchase will be deemed to be a Single Source purchase and the C.A.O. may authorize the submission of a bid or the conduct of negotiations where he/she determines the purchase to be clearly in the best interest of the Owner.
- xii. And other exceptions, expressly permitted under the Agreement on Internal Trade, as amended.

Where possible a Single Source purchase shall be arranged by the Procurement Services Department and shall be in compliance with Schedule "D" Thresholds of this by-law.

Single Source purchases shall be required to comply with the contract requirements of Section 15 Contract Execution and Section 16 Contractor Performance of this by-law.

A semi-annual report of all Single Source Purchases will be given to the C.A.O and the Commissioner of Corporate Services by the Manager, Procurement Services.

13.7 CONSULTING SERVICES

Where it is estimated that the expenditure for Consulting Services is within the monetary value stated in Schedule "D" Thresholds of this by-law; the Director or Commissioner or C.A.O. as applicable, will select and recommend approval of the choice of Contractor to perform the work, in consultation with the Manager, Procurement Services.

This process shall not be used to retain Consulting Services, where a short list of pre-qualified Bidders is in place for the services requested. The process stated in the pre-qualification process or subsequent Request for Proposal (if applicable) for specific consulting services shall be used to retain Contractors.

The acquisition of Consulting Services, exceeding the values stated in Schedule "D" Bid Threshold of this by-law, shall be performed by one or both of the following methods:

- i. Pre-Qualification process.
- ii. Request for Proposal process.

The selected Contractor shall be required to comply with the contract requirements set out in Section 15 Contract Execution, Section 16 Contractor Performance, and the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

13.8 CO-OPERATIVE PURCHASING AND PIGGYBACK

The Owner may participate in Co-operative Purchasing with other government agencies or public authorities where it is in the best interests of the Owner to do so.

The Owner may Piggyback on other government agencies or public authorities Contracts where it is in the best interests of the Owner to do so. The Owner may also allow other government agencies or public authorities to Piggyback contracts established by the Owner.

If the Owner decides to participate in a Co-operative Purchase or Piggyback contract, then the policies and procedures of the government agencies or public authorities calling the Bid on behalf of the participants are to be the accepted policies and procedures, even if they conflict with this By-law.

The terms of reference of the York Purchasing Co-operative and any other originating Co-operative shall form the basis of accepted policy and procedure when participating in, or calling, co-operative bids.

13.9 REVERSE AUCTIONS

The Manager, Procurement Services may consider procuring goods, services and construction using Reverse Auction bidding strategies in situations where, in the opinion of the Manager, Procurement Services, it is in the best interest of the Owner. The Reverse Auction may be conducted online, at the discretion of the Manager, Procurement Services.

Advertising of the bid opportunity shall be done in compliance with Schedule "D" of this by-law. This may include a pre-qualification of Bidders, and the selected short-listed Bidders would be invited to participate in the reverse auction.

The Bidder shall be required to comply with the contract requirements set out in Section 15 Contract Execution, Section 16 Contractor Performance, and the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

13.10 NON-BINDING REQUEST FOR PROPOSAL

The Manager, Procurement Services, may utilize a non-binding Request for Proposal (RFP), where in the opinion of the Manager, Procurement Services, it is in the best interest of the Owner.

Advertising of the bid opportunity shall be done in compliance with Schedule "D" of this by-law. This may include a pre-qualification of Proponents, and the selected short-listed Proponents would be invited to participate in the proposal process.

It is not the intent of the Owner, nor the effect of this non-binding RFP to initiate or form contractual relations by the submission of a Proposal by any Proponent in response to this RFP. The RFP is merely a call for proposals and not a bid call intending to place legally binding obligations on the Owner or any Proponent to enter into a definite agreement or to be bound by any of the terms of this RFP, unless and until, the Owner had completed the evaluation, negotiation and finalization of a proposal satisfactory to both the Owner and the selected Proponent.

14. MATHEMATICAL ERRORS

In compliance with Schedule "B" Bid Irregularities, the Manager, Procurement Services or designate will check and correct errors in any extensions. The unit prices shall govern as provided for in Schedule "B" Bid Irregularities of this by-law. The responsibility for checking and correcting mathematical errors may be delegated to the requisitioning department and/or consultant.

15. CONTRACT EXECUTION

Selected Bidder(s) may be required to submit additional documentation prior to execution of the Contract, including but not limited to: a Bond, Letter of Credit, Certified Cheque, Money Order, Insurance, a Certificate of Clearance from the Workplace Safety and Insurance Board (WSIB), the Contractor's Health & Safety policy and/or project schedule.

The award of a Contract may be made by way of an agreement and/or a Purchase Order in accordance with Schedule "D" Thresholds of this By-law. The Manager, Procurement Services shall have the sole discretion to decide whether the terms and conditions between the selected Bidder and the Owner are to be set out in a Purchase Order and/or in a written agreement.

16. CONTRACTOR PERFORMANCE

The Director and/or Manager shall be responsible for monitoring the performance of all procurement Contracts in accordance with the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

17. REPORTING TO COUNCIL

Goods, service(s) or construction shall be awarded in accordance with Schedule "D" Threshold of this by-law.

The Manager, Procurement Services shall prepare a semi-annual Information Report to Council with the following information:

- i. All goods, service(s) or construction awarded in the amount of \$250,000.00 and over in accordance with Schedule "D" Threshold of this by-law.
- ii. All emergency purchases exceeding \$50,000.00 awarded in accordance with Schedule "D" Threshold of this by-law.
- iii. All Single and Sole Source purchases.

18. ACCESS TO INFORMATION

The disclosure of information received relevant to the issue of Bids or the award of contracts shall be made by the appropriate officers in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, as amended.

19. DISPOSAL OF PERSONAL PROPERTY

- 19.1 The Commissioner and/or Director shall submit to the Procurement Services Department reports of furniture, vehicles, equipment, stocks of all supplies, and other goods and material, which are no longer used or which have become obsolete, worn out, or incapable of being used.
- 19.2 The Procurement Services Department staff shall first offer the surplus Personal Property to other departments or local boards. Any surplus assets not required by departments or local boards shall be offered through the York Purchasing Cooperative consisting of Municipalities, the Region, School Boards, Libraries and Hydro Corporations in York Region. The Manager, Procurement Services Department will determine the value of the asset. Any Personal Property still available after the provisions of subsection 19.2 have been carried out shall be disposed of by one of the following methods:
- a) Sale: If it is determined by the Manager, Procurement Services that the highest return for personal property is by a Sale Solicitation, a Sale Solicitation shall be issued and advertised on an electronic tender system or daily newspaper. Offers shall be submitted by facsimile, electronically or sealed bid, as determined by the Manager, Procurement Services; or
 - b) Public auction: If it is determined by the Manager, Procurement Services that the highest return for Personal Property is by public auction, the Manager, Procurement Services shall arrange for the Personal Property to be sold at auction. A minimum bid may or may not be set and shall be determined by the Manager, Procurement Services, the Commissioner and/or Director; or
 - c) Return to the original Supplier: If it is determined by the Manager, Procurement Services that a higher return net of disposal cost can be achieved by Sale or Trade-in of the Personal Property to the original Supplier or Suppliers in that line of business, the Manager, Procurement Services shall sell such Personal Property at the highest return.

No employee, member of Council or board member of the Owner shall personally obtain any Personal Property that has been declared surplus unless it is obtained through a public process.

Any Personal Property still available after the provisions of subsection 19.2 (a to c) have been carried out shall be disposed of by one of the following methods:

- a) The Manager, Procurement Services shall notify community interest and/or non-profit agencies for relevant items of the Owner's disposal intent. These agencies shall submit to the Manager, Procurement Services in writing a letter of interest.
- b) Where Personal Property has little or no value, the Manager, Procurement Services may dispose of the items in an alternative manner; for example; as scrap metal.

20. DISPOSAL OF REAL PROPERTY

See the Corporation of the Town of Newmarket By-law number 2013-06, as amended for the Sale of Real Property owned by the Owner.

No employee, member of Council or board member of the Owner shall personally obtain any Real Property that has been declared surplus unless it is obtained through a public process.

21. TIE BIDS RECEIVED

In the case of tie bid between two or more Responsive and Responsible Bidders and where multiple awards are not possible, the Owner shall determine the selected Bidder by the following method:

Where an Owner's Contractor Performance Evaluation rating is on file for each of the Bidders, the Bidder with the best evaluation rating shall be selected.

If the above procedure cannot determine the selected Bidder;

In the case of a tie bid between two Responsive and Responsible Bidders and multiple awards are not possible a coin toss as prescribed in the Procurement Services Department Procedures Manual, shall be conducted by the Manager, Procurement Services.

In the case of tied bids between three or more Responsive and Responsible Bidders and multiple awards are not possible, the Owner shall determine the selected Bidder by a lottery draw as prescribed in the Procurement Services Department Procedures Manual.

The complete Tie Bid procedure to be conducted is outlined in the Corporate Services – Procurement Services Department Procedures Manual.

22. CONTRACTOR INTEGRITY

The Owner may reject Bids and/or terminate existing Contracts for reasons including but not limited to circumstances where a Contractor:

- a) has been suspected or convicted of; corruption, collusion, bid-rigging any other anti-competitive activity or any other offence under the Criminal Code;
- b) the Owner is likely to incur increased staff legal costs in the administration of the Contract if it is awarded to the Bidder;
- c) has failed to satisfy an outstanding debt to the Owner or one of its local boards or corporations; or
- d) There are reasonable grounds to believe it would not be in the Best Interests of the Owner to enter into a contract with the Bidder.

Notwithstanding the foregoing, in cases where the basis for rejection or termination, as set out above is with respect to an individual who is currently an owner or member of the board of directors of the Contractor, and the individual resigns or is dismissed within a reasonable period of time, the Owner may continue or award the Contract or supply arrangement with heightened scrutiny.

The Owner may, within the limits of the law, have to contract with a Supplier who has been convicted of an offense, when required to do so by law or legal proceedings, or when the Owner considers it necessary to the public interest for reasons which include, but are not limited to the exceptions, set out in Section 23 Litigation / Probation / Suspension.

23. LITIGATION/PROBATION/SUSPENSION

The Bid Review Panel shall reject a Bid from any Bidder or any other party (including any related or affiliated entities and any principal thereof) who is in unresolved litigation with the Owner or who is currently serving a Suspension Period, in accordance with Schedule “F” Contractor Performance Procedure. Furthermore, the Owner shall retain the right to reject Bids which may have been received and/or awarded by the Owner, notwithstanding efforts by the Owner to screen the acceptance of Bids from parties engaged in unresolved litigation with the Owner or serving a Suspension period, once the Owner becomes aware of such unresolved litigation or Suspension period.

Notwithstanding the foregoing, where it is the Owner’s best interest, the Owner may award a Contract to a Bidder who is:

- i. In unresolved litigation with the Owner or
- ii. Currently serving a Suspension Period, or is on Probation, in accordance with the Owner’s Contractor Procedures.

In the following circumstances:

- i) Where there is only one Bidder/Contractor and the C.A.O. has approved the award;
- ii) In the case of an Emergency Purchase as outlined in this by-law;
- iii) Where there is a legal obligation on the part of the Owner to enter into the contract; or
- iv) Where the proposed Contract is pursuant to an inter-municipal or cooperative agreement and where another public agency has approved the award.

24. BLACK-OUT PERIOD

The Black-Out Period begins when the Bid Call Document is issued and ends when the agreement is signed by the Owner and the selected Bidder. During the Black-Out Period, Bidders must conduct all communication about the procurement only with the Procurement Representative stated on the first page of the Bid Call Document.

Any communication initiated by a Bidder to elected officials or staff of the Owner other than to the Procurement staff during the "Black-Out Period" may be grounds for disqualifying the offending Bidder from consideration for contract award.

During the competitive period (Black-Out Period) Bidders may submit an emailed written question to the Procurement representative. The Procurement representative may issue a written addendum to provide clarification or modification to the Bid Call Document. The addendum will be published on the Owner's Bid Opportunities website.

25. LOBBYING PROHIBITED

If any director, officer, employee, agent or other representative of a Respondent or Bidder, including any other parties that may be involved in a joint venture, consortium or similar business relationship with the Respondent or Bidder, makes, from the time the Bid Call Document is released, any representation or solicitation to any elected representative or employee or agent of the Owner including project consultants, or to the media, with respect to the Bidder's Bid, the Owner will be entitled to reject the Bid. This requirement does not extend to any public deputations.

26. INCENTIVES AND LIQUIDATED DAMAGES

The Manager, Procurement Services or designate, may utilize Incentive and Liquidated Damages clauses in any bid, with the approval of the Director or Commissioner or C.A.O., where it is in the best interest of the Owner.

The Incentive and liquidated damages clauses may be used where there will be a financial and/or operational benefit to the Owner if the project is substantially completed to the satisfaction of the Owner prior to a stated completion date and/or there will be a financial and/or operational liability to the Owner if the project is delayed past that stated date. Accordingly, the Contractor and the Owner agree that the Contractor should be rewarded for substantially completing the project expeditiously and the Contractor should be assessed damages if the project is delayed.

27. DEBRIEFING

Upon request of a Proponent in accordance with the Instructions to Proponents, the Owner will provide such Proponent a debriefing of their Proposal submission. The debriefing shall not take place until after the Contract has been executed.

28. BID DISPUTE RESOLUTION

Bidders shall advise the Procurement Representative, prior to the deadline of written questions, if a Bidder needs to address any discrepancies, errors, concerns and/or omissions in the Bid Call Document, or if they be in doubt as to any part thereof.

After the award of the Bid, Bid challenges pertaining to the above matters shall not be considered by the Owner.

The Owner may consider all bid challenges in accordance with the Procurement Services Department Policies and Procedures Manual.

29. BY-LAW REVIEW

This Procurement By-law shall be reviewed to evaluate its effectiveness every five (5) years or earlier by the Manager, Procurement Services or if Council deems it appropriate.

30. AMENDMENTS

Schedules “A” through “G” to this by-law may be amended from time to time upon the approval of the C.A.O or the Strategic Leadership Team in order to add or delete or modify matters listed.

31. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

32. SHORT TITLE

The short title of this shall be the “Procurement By-law”.

33. REPEAL

By-law 2011-74 and any amendments thereto are hereby repealed.

34. EFFECTIVE DATE

The provisions of this By-law shall come into force and be effective upon the final passage thereof.

ENACTED THIS 5TH DAY OF MAY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

SCHEDULE "A" EXCEPTIONS TO BY-LAW 2014-27

The Procurement methods described in this by-law do not apply to the following items:

1. Training and Education
 - a. Conferences, conventions, courses and seminars.
 - b. Magazines, books and periodicals.
 - c. Memberships.
 - d. Facilitators and Program Hosts.
2. Refundable Employees Expenses
 - a. Advances.
 - b. Meal allowances.
 - c. Travel.
3. Employer's General Expenses
 - a. Payroll deductions remittances.
 - b. Medical.
 - c. Licenses (vehicle, firearms, elevators, etc.).
 - d. Debenture payments.
 - e. Grants to agencies.
 - f. Damage claims.
 - g. Petty cash replacement.
 - h. Tax remittances.
 - i. Charges to and from other government bodies, including Crown Corporations.
 - j. Sinking fund payments.
 - k. Payments for employment.
4. Professional and Special Services
 - a. Committee fees.
 - b. Medical, laboratory, and pharmacy services.
 - c. Legal fees for expert or professional legal services for all Corporation of the Town of Newmarket requirements and Insurance matters.
 - d. Fees for Professional Witnesses - appearing on the Owner's behalf at the administrative Court Hearings
 - e. Medical fees.
 - f. Appraisal fees.
 - g. Honorariums.
5. Postage.

SCHEDULE "A" EXCEPTIONS TO BY-LAW 2014-2, CONT'D

6. Commodities such as Electricity, Natural Gas, Fuel, etc, under the regulation O. Reg 653/05, as amended or replaced, is defined as "whether in the original or processed state, an agricultural product, a forest product, a product of sea, a mineral, a metal, a hydro-carbon fuel, electricity, a precious stone or other gem and other physical goods but does not include chattel paper, a document of title, an instrument, money or securities". – see Owner's Commodity Hedging Policy- Policies and Goals, as amended, for the consideration of commodity price hedging by the Owner.
7. Utilities (monthly charges, maintenance, utility relocations, construction, acquisition or where proprietary).
 - a. Water and Sewer.
 - b. Telephone (excludes cellular).
 - c. Cable Television.
8. Events supporting local non-profit organizations.
9. The purchase of Real Property.
10. Employee Purchase Plans (Corporate sponsored employee programs).
11. Licenses, Certificates and other approvals required.
12. Entertainers for theatre or special events.
13. Cost sharing agreements approved by Council.
14. Investments, as recommended by the Treasurer and/or C.A.O.
15. Any additional Exceptions, expressly permitted in the Agreement on Internal Trade, as amended.

SCHEDULE "B" BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY

For the purposes of this by-law, the following actions shall be taken regarding Bid Irregularities, as defined in this by-law, excluding Proposal Irregularities.

ITEM #	DESCRIPTION	ACTION
1.	Late Bid	Automatic rejection
2.	Bid submitted in other than the original Bid Form format.	Automatic rejection
3.	Bid completed in other than ink or a typed format;	Automatic rejection
4.	Bid not legible.	Automatic rejection, unless; in the opinion of the Bid Review Panel, the illegibility is not pricing and is considered to be immaterial to the Owner which may upon request by the Owner, remedied by the Bidder, within five (5) Working Days or the Bid shall be rejected
5.	Bid Form not signed	Automatic rejection
6.	Incomplete Bid.	Automatic rejection, unless: (i) it is stated in the Bid Call Document that partial Bids are acceptable, and the Bid is complete in respect of the portion of the scope of work or deliverable(s) bid upon; or (ii) In the opinion of the Bid Review Panel, the omission is of a minor nature and is upon request by the Owner, remedied by the Bidder, within five (5) Working Days or the Bid shall be rejected. Incomplete pricing shall not be considered minor in nature and the Bid shall be rejected, with the exception of those irregularities stated in accordance with paragraphs 14 and 15 below. Failure to submit a Schedule of the List of Subcontractors (when required) shall not be considered minor in nature and the Bid shall be rejected.
7.	All Addendum(s) not acknowledged or enclosed in the Bidder's Bid.	Automatic rejection, unless the relevant addendum issued is solely for the purpose of revising a closing date and/or time and the Bid is received in accordance with the revised closing date and/or time.
8.	Bid submitted by a Bidder who is in unresolved litigation with the Owner.	Automatic rejection, unless it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.

SCHEDULE "B" BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY cont'd

ITEM #	DESCRIPTION	ACTION
9.	Alterations, additions, deletions or qualifying statements (referred to as a "variation") made to or provided with the Bid Form.	Automatic rejection, unless in the opinion of the Bid Review Panel, such variation is considered to be immaterial to the Owner.
10.	Strikeouts, erasures, whiteouts or overwrites made to the Bid Form, not initialed by an authorized person.	Automatic rejection, unless in the opinion of the Bid Review Panel, the failure to initial is minor in nature and is capable of being remedied. Upon request of the Owner, the Bidder shall be given five (5) Working Days to initial, or the Bid shall be rejected, or, alternatively, the failure to initial is otherwise immaterial to the Owner. Un-initialed alterations to pricing information shall be dealt with in accordance with paragraphs 11 to 13 below.
11.	Mathematical errors which are not consistent with the Unit Price; Mathematical errors such as tax calculation errors.	Upon request of the Owner, Bidder shall accept and initial corrections made by the Owner within five (5) Working Days or the Bid shall be rejected.
12.	Unit Price in the Schedule of Prices which has been changed but not initialed and the Unit Price extension is consistent with the Unit Price as amended.	Upon request of the Owner, Bidder shall initial within five (5) Working Days or the Bid shall be rejected.
13.	Unit Price in the Schedule of Prices which has been changed but not initialed and the Unit Price extension is not consistent with the Unit Price as amended.	Automatic rejection.
14.	If a unit price has been given but the corresponding extended total has been omitted,	The extended total will be calculated from the unit price and the estimated quantity by the Owner
15.	If an extended total has been given but the corresponding unit price has been omitted,	The unit price will be calculated from the extended total and the estimated quantity by the Owner.
16.	Where there is a calculation error in the addition of individual lump sum prices into a subtotal price.	The Owner may make the appropriate mathematical correction to the subtotal price and/or subtotal contract price, as the case may be, so that the calculation is correct. The Bidder shall be given five (5) Working Days to accept and initial corrections made by the Owner.

SCHEDULE "B" BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY cont'd

ITEM #	DESCRIPTION	ACTION
17.	Bid received by a Bidder serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
18.	Bid received by a Bidder who has served the Suspension Period and the Bidder cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
19.	Bid received by a Bidder that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Bidder cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
20.	Failure to provide Bid Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection, unless; A copy of the Undertaking to provide a Bond or Letter of Credit is submitted with the Bid and the signature(s) shall be visible. Upon request by the Owner, five (5) Working Days shall be given to the Bidder to submit the original Undertaking to provide a Bond or Letter of Credit Form to the Owner or the Bid shall be rejected.
21.	Insufficient Bid Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Bid Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Bidder to remedy.
22.	Bidder did not attend a mandatory site meeting.	Automatic rejection
23.	Other Bid Irregularities.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Bidder may be given five (5) Working Days to correct such Bid Irregularity

All Bid Irregularities (except late bids that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Bidder has been given five (5) Working Days to correct an irregularity, should the Bidder fail to make the correction within that time period, then the Bidder shall be deemed to be in default and;

- the Bid shall be rejected and the Bidder's Bid Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Bidder may be suspended for a period of two years.

SCHEDULE "B" BID IRREGULARITIES - APPLICABLE TO ELECTRONIC BIDDING ONLY

For the purposes of this by-law, the following actions shall be taken regarding Bid Irregularities (as defined in this by-law, excluding Proposal Irregularities).

ITEM	DESCRIPTION	ACTION
1.	Late Bid	Automatic rejection. Electronic Bidding system shall not accept late Bid submissions.
2.	Bid submitted in other than the original Bid Form format.	Automatic rejection
3.	Bid Form not signed	Automatic rejection. The Electronic Bidding system shall not accept bids unless the Bidder has checked a box confirming authority to submit a bid on behalf of the Bidder.
4.	All Addendum(s) not acknowledged (if issued).	Automatic rejection. <ul style="list-style-type: none"> i. A Bidder's submission shall not be accepted by the Electronic Bidding system without acknowledgement of Addendum(s). ii. Addendum(s) that are issued, after a Bidder has submitted their Bid, are automatically withdrawn by the Electronic Bidding system and the Bidder is required to acknowledge the new addendum(s) and re-submit their submission prior to the closing time and date.
5.	Bid received by a Bidder who is in unresolved litigation with the Owner.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
6.	Bid received by a Bidder serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation,
7.	Bid received by a Bidder who has served the Suspension Period and the Bidder cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation, .

ITEM	DESCRIPTION	ACTION
8.	Bid received by a Bidder that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Bidder cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
9.	Failure to provide Bid Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection.
10.	Insufficient Bid Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Bid Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Bidder to remedy.
11.	The Owner is unable to verify Digital Bond(s).	Upon request by the Owner, the Bidder shall be given five (5) Working Days to either; remedy the verification to the Owner's satisfaction or to submit the original Bid Deposit and/or Undertaking to provide a Bond or Letter of Credit form to the Owner or the Bid shall be rejected.
12.	Bidder did not attend the mandatory site meeting.	Automatic rejection
13.	Other Bid Irregularities.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Bidder may be given five (5) Working Days to correct such Bid Irregularity

All Bid Irregularities (except late Bids that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Bidder has been given five (5) Working Days to correct an irregularity, should the Bidder fail to make the correction within that time period, then the Bidder shall be deemed to be in default and;

- the Bid shall be rejected and the Bidder's Bid Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Bidder may be suspended for a period of two years.

SCHEDULE "C" PROPOSAL IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY

For the purposes of this by-law, the following actions shall be taken regarding Proposal Irregularities (as defined in this by-law, excluding Bid Irregularities).

ITEM	DESCRIPTION	ACTION
1.	Late proposal.	Automatic rejection.
2.	Proposal completed in other than ink or a typed format.	Automatic rejection.
3.	Proposal not legible.	Automatic rejection, unless; In the opinion of the Bid Review Panel, the illegibility is not pricing and is considered to be immaterial to the Owner which may upon request by the Owner, remedied by the Proponent, within five (5) Working Days or the Proposal shall be rejected.
4.	Proposal not signed	Automatic rejection.
5.	All Addendum(s) not acknowledged or enclosed in the Proponent's Proposal (if issued).	Upon request of the Owner, the Proponent shall be given five (5) Working Days to acknowledge acceptance of the Addendum(s), provided such acknowledgement does not alter the Proponent's Proposal in any manner, apart from the acknowledgement of the Addendum /Addenda, otherwise the Proposal shall be rejected
6.	Proposal received by a Proponent who is in unresolved litigation with the Owner.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
7.	Proposal received by a Proponent serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
8.	Proposal received by a Proponent who has served the Suspension Period and the Proponent cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation,

SCHEDULE "C" PROPOSAL IRREGULARITIES- NOT APPLICABLE TO HARD COPY BIDDING ONLY
cont'd

ITEM	DESCRIPTION	ACTION
9.	Proposal received by a Proponent that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Proponent cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
10.	Failure to provide Proposal Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection, unless; A copy of the Undertaking to provide a Bond or Letter of Credit is submitted with the Proposal and the signature(s) shall be visible. Upon request by the Owner, five (5) Working Days shall be given to the Proponent to submit the original Undertaking to provide a Bond or Letter of Credit Form to the Owner or the Proposal shall be rejected.
11.	Insufficient Proposal Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Proposal Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Proponent to remedy.
12.	Proponent did not attend a mandatory site meeting.	Automatic rejection
13.	Other Proposal Irregularities, including deviations in terms.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Bidder may be given five (5) Working Days to correct such Bid Irregularity

All Proposal Irregularities (except late proposals that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Proponent has been given five (5) Working Days to correct an irregularity, should the Proponent fail to make the correction within that time period, then the Proponent shall be deemed to be in default and;

- the Proposal shall be rejected and the Proponent's Proposal Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Proponent may be suspended for a period of two years.

SCHEDULE "C" PROPOSAL IRREGULARITIES - NOT APPLICABLE FOR ELECTRONIC BIDDING ONLY

For the purposes of this by-law, the following actions shall be taken regarding Proposal Irregularities (as defined in this by-law, excluding Bid Irregularities).

ITEM	DESCRIPTION	ACTION
1.	Late Proposal	Automatic rejection. Electronic Bidding system shall not accept late Proposal submissions.
2.	Bid Form not signed	Automatic rejection. The Electronic Bidding system shall not accept proposals unless the Proponent has checked a box confirming authority to submit a proposal on behalf of the Proponent.
3.	All Addendum(s) not acknowledged (if issued).	Automatic rejection. iii. A Proponent submission shall not be accepted by the Electronic Bidding system without acknowledgement of Addendum(s). iv. Addendum(s) that are issued, after a Proponent has submitted their proposal, are automatically withdrawn by the Electronic Bidding system and the Proponent is required to acknowledge the new addendum(s) and re-submit their submission prior to the closing time and date.
4.	Proposal received by a Proponent who is in unresolved litigation with the Owner.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
5.	Proposal received by a Proponent serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation, .
6.	Proposal received by a Proponent who has served the Suspension Period and the Proponent cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.

SCHEDULE "C" PROPOSAL IRREGULARITIES - APPLICABLE FOR ELECTRONIC BIDDING ONLY
cont'd

7.	Proposal received by a Proponent that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Proponent cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation, .
8.	Failure to provide Proposal Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection.
9.	Insufficient Proposal Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Proposal Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Proponent to remedy.
10.	The Owner is unable to verify Digital Bond(s).	Upon request by the Owner, the Proponent shall be given five (5) Working Days to either; remedy the verification to the Owner's satisfaction or to submit the original Proposal Deposit and/or Contract Security to the Owner or the Proposal shall be rejected.
11.	Proponent did not attend the mandatory site meeting.	Automatic rejection
12.	Other Proposal Irregularities, including deviations in terms.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Proponent may be given five (5) Working Days to correct such Proposal Irregularity

All Proposal Irregularities (except late proposals that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Proponent has been given five (5) Working Days to correct an irregularity, should the Proponent fail to make the correction within that time period, then the Proponent shall be deemed to be in default and;

- the Proposal shall be rejected and the Proponent's Proposal Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Proponent may be suspended for a period of two years.

SCHEDULE “D” THRESHOLDS

The award amounts shall be within the scope and budget approved by Council					
Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra *see note	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 1. DELEGATED AUTHORITY FOR LOW VALUE PURCHASES					
Up to \$10,000.00	Low Value Purchase (LVP) By Department Staff or through Procurement Services.	Purchases made from the competitive marketplace where possible and practicable. Advertising not required.	Not Applicable	P-Card, or through a LVP Purchase Order by staff delegated by the Director or Commissioner or C.A.O.	No Agreement

The award amounts shall be within the scope and budget approved by Council					
Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra *see note	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 2. AUTHORITY FOR BID CALL PROCESS					
\$10,000.01 to \$ 50,000.00	QUICK BID (QB) or QUICK BID REQUEST FOR PROPOSAL (QBRFP) through Procurement Services.	Advertising is at the discretion of the Manager, Procurement Services.	Manager A copy of the signed report shall be provided to all Directors, Commissioners and C.A.O.	Staff delegated by the Director, or Commissioner or C.A.O. Purchase Order or P-Card to \$ 50,000.00 including taxes.	No Agreement
\$50,000.01 to \$ 99,999.99	QUICK BID (QB) or QUICK BID REQUEST FOR PROPOSAL (QBRFP) through Procurement Services.	Advertising is at the discretion of the Manager, Procurement Services but will be done in accordance with Trade Agreements.	Director A copy of the signed report shall be provided to all Commissioners and C.A.O.	Director Purchase Order or P-Card to \$ 99,999.99 including taxes.	Agreement optional Manager, User Department & Manager, Procurement Services
\$100,000.00 to \$249,999.99	FORMAL BID: REQUEST FOR TENDER (RFT) OR REQUEST FOR PROPOSAL (RFP) through Procurement Services.	Advertising is required.	Commissioner A copy of the signed report shall be provided to all Commissioners and C.A.O.	Commissioner Purchase Order or P-Card to \$ 99,999.99 including taxes.	Agreement Director & Manager, Procurement Services
\$250,000.00 AND OVER	FORMAL BID: REQUEST FOR TENDER (RFT) OR REQUEST FOR PROPOSAL (RFP) through Procurement Services.	Advertising is required.	Council OR C.A.O. subject to Section to 6.3 of this by-law A copy of the signed report shall be provided to all Commissioners and C.A.O.	Council OR C.A.O. subject to Section 6.3 of this by-law A Purchase Order is required.	Agreement Director & Manager, Procurement Services

*For the Agreement on Internal Trade (AIT) - the “Procurement Value” definition differs in that the valuation includes taxes.
Advertising of bids shall be done in accordance with AIT.

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	Report to	Authority	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 3. EMERGENCY PURCHASES					
Up to \$50,000.00	Not Applicable	Advertising not required	Not Applicable	Directors or Commissioner or C.A.O. Or Managers with the prior written approval of their Director or Commissioner. A JD Edwards Emergency Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$50,000.01 to \$99,999.99	Not applicable	Advertising not required	Not applicable	Commissioner or C.A.O. A JD Edwards Emergency Purchase Order is generated by Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$100,000.00 and over	Not applicable	Advertising not required	Information report shall be submitted by the Director and /or Commissioner to Council explaining the actions taken and the reason(s) therefore	C.A.O. A JD Edwards Emergency Purchase Order is generated by the Procurement Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required

TABLE 4. MUNICIPAL DECLARED EMERGENCIES under the Emergency Management and Civil Protection Act, as amended					
The C.A.O. or Commissioner or Director may authorize the Manager, Procurement Services to increase staff Delegated Authority limits for low value purchases and/or Authority limits upon the declaration of a Municipal Emergency by the Mayor and/or C.A.O.					

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 5. SOLE OR SINGLE SOURCE PURCHASES					
Up to \$10,000.00	Not applicable	Advertising not required	Director	Director and in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$10,000.01 to \$25,000.00	Not applicable	Advertising not required	Commissioner	Commissioner in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$25,000.01 to \$49,999.99	Not applicable	Advertising not required	C.A.O.	C.A.O. in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional Director and Manager, Procurement Services.
\$ 50,000.00 and over	Not applicable	Advertising not required	Council	Council A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional Director and Manager, Procurement Services.

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 6. CONSULTING SERVICES					
Up to \$ 20,000.00	Not applicable	Advertising not required	Not Applicable	Director or Commissioner Or C.A.O. in consultation with the Manager, Procurement Services. A JD Edwards Consulting Purchase Order is generated by the Procurement Services Department	Agreement Optional Manager, User Department Manager, Procurement Services

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	SOURCE OF BIDS/ ADVERTISING	Report to	Authority	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 7. REQUEST FOR INFORMATION					
N/A	RFI	Advertising not required.	Director and/or Commissioner and/or C.A.O. (where appropriate).	Not Applicable	Not Applicable

TABLE 8. REQUEST FOR PRE-QUALIFICATION					
N/A	PRE-QUAL	Advertisement of the Pre-Qualification shall be based on the estimated contract value, in accordance Schedule “D” Thresholds	Not Applicable	Pre-qualified Contractors approved by Evaluation Committee	Not Applicable

SCHEDULE "E" POSITION EXCEPTIONS

Position exemptions to the dollar value limit for Low Value Purchases

1. Fire Chief
2. Deputy Fire Chiefs
3. Manager, Facility Services
4. Manager, Parks and Property Services
5. Manager, Operations
6. Manager, Water and Waste Water
7. Fleet Supervisor
8. Mechanics
9. Procurement Systems Officer
10. For Financial Services staff to make a payment for a public bid up to \$99,999.99 (inclusive of taxes), where it is in the best interest of the Owner and approved by the Treasurer or
11. When a Emergency (Municipally declared) is declared by the Mayor and/or CAO, the limits for any or all Staff P-Cards will increase, as per the Procurement By-law Schedule "D", or
12. Emergency Municipal P-Cards may be used by Procurement staff up to an unlimited value during an Emergency (Municipally declared), when pre-approved in writing, as per the Procurement By-law Schedule "D", or
13. The Manager, Procurement Services may at the direction of a Director, Commissioner or C.A.O., add additional positions or permit temporary transaction increases to other positions, that are exemptions to the transaction dollar value of Low Value Purchases, where it is in the best interest of the Owner.



SCHEDULE "F" CONTRACTOR PERFORMANCE

CONTRACTOR PERFORMANCE SYSTEM PROCEDURAL DOCUMENT

Revision date: April 16, 2014

Table of Contents

1. DEFINITIONS48

2. PURPOSE.....48

3. PROJECT EVALUATORS48

4. PROJECT EVALUATION FORMS.....48

5. FREQUENCY OF PERFORMANCE EVALUATIONS.....48

6. RECOMMENDED STEPS TO RESOLVING CONTRACTOR PERFORMANCE49

7. RECORD RETENTION.....49

8. PERFORMANCE EVALUATION SYSTEM.....50

9. IMPACT OF FINAL PERFORMANCE EVALUATIONS.....50

10. APPEAL PROCESS.....53

11. OTHER INCENTIVES FOR CONTRACTORS53

SCHEDULE A- PROJECT EVALUATION FORMS

1. DEFINITIONS

“Performance Evaluation Form” has the meaning set out in Section 4.1 of this procedure document, as amended.

“Project Evaluator(s)” means one or more person(s) from the Owner’s user department(s) and/or a consultant to the Owner, that will be evaluating the Contractor’s performance by completing Performance Evaluation Forms in accordance with this procedural document, as amended.

All other initially capitalized terms not defined above shall have the meanings given to such terms in the Owner’s Procurement By-law #2014-27, as amended.

2. PURPOSE

This procedure provides a framework for the Owner to evaluate and improve the performance of all Contractors awarded publicly bid Contracts by;

- (i) pro-actively managing the performance of Contractors during the term of awarded Contracts, and
- (ii) creating a record of past performance for use by the Manager, Procurement Services, in determining the award for future Solicitations.

Project Evaluator(s) may utilize this Contractor Performance Procedure for all other contracts including but not limited to; invitational bids, Single or Sole Source purchases, Emergency Purchases and wherever it is in the Best Interest of the Owner.

3. PROJECT EVALUATORS

Prior to participating in the evaluation of a Contractor, each Project Evaluator shall confirm that he or she does not have a Conflict of Interest.

Project Evaluators shall at all times abide by the Owner’s Employee Code of Conduct, as amended.

4. PROJECT EVALUATION FORMS

4.1 Project Evaluators are to use one of the following Project Evaluation Forms, as provided in Schedule “A” of this Procedural Document:

- i. Infrastructure Consultant Project Evaluation Form
- ii. General Consultant Project Evaluation Form
- iii. Equipment/Vehicle Supplier Project Evaluation Form
- iv. Supplier of Goods/Services Project Evaluation Form
- v. Contractor Project Evaluation Form

5. FREQUENCY OF PERFORMANCE EVALUATIONS

- 5.1 The Procurement Services Department strongly recommends that Project Evaluators perform an **Interim Performance Evaluation** using the applicable form in Schedule “A” (the “Performance Evaluation Forms”) of this procedural document, at least every 12 months for all Contracts with a term longer than one year. Additional Performance Evaluation Forms may be completed and discussed with the Contractor at any time throughout the term of the Contract as needed based on the Contractor’s performance.
- 5.2 It is good practice to keep the Procurement Representative assigned to the Solicitation informed throughout the course of a Contract of any performance concerns with the Contractor. Departmental project managers should not hesitate to contact the Procurement Representative for advice or assistance regardless of the significance of the problem or to attend a meeting with the Contractor.
- 5.3 Project Evaluators shall ensure that each completed Performance Evaluation Form is clearly marked as either **“Interim”** or **“Final”**.

- 5.4 Project Evaluators should complete a **Final Performance Evaluation** for all Contracts using the applicable form in Schedule "A" (the "Performance Evaluation Forms") of this procedural document, as amended, in a timely manner, preferably **within two weeks** of the following occurrences, depending on the type of good, service or construction:
- (i) For Construction contracts; upon the issuance of a Certificate of Final Completion or
 - (ii) For Consulting contracts; upon completion of the Contract or
 - (iii) For Goods; upon delivery and inspection of goods and/or after the expiry of any applicable deficiency or
 - (iv) for Services, upon completion of services and/or after the completion of deficiencies or
 - (v) for Vehicles and Equipment; upon deliver and inspection and/or after the expiration of the warranty period or
 - (vi) upon termination of a Contract for any reason prior to the Contract end date.
- 5.5 Interim Performance Evaluation Forms with rating(s) of CAUTIONARY AND BELOW for the Contractor's performance shall also request in writing, appropriate corrective action within an acceptable timeframe, in accordance with the Terms and Conditions of the Solicitation and failure of the Contractor do so, in the sole opinion of the Owner, may lead to termination of the Contract.
- 5.6 Project Evaluators are not obliged to complete Performance Evaluation Forms for Contracts obtained through a non-competitive procurement process, but may do so at their discretion.
- 5.7 Project Evaluators shall complete all Performance Evaluation Forms, for approval, by their immediate Supervisor and the Manager, Procurement Services. The approved Evaluation form will be sent to the Contractor by Procurement Services. The Manager, Procurement Services shall consider Owner's options, with the Legal Services Department, in situations where, the Contractor receives a rating of "NOT SATISFACTORY OR UNACCEPTABLE" in any category on a Final Performance Evaluation Form.

6. RECOMMENDED STEPS TO RESOLVING CONTRACTOR PERFORMANCE

- 6.1 It is important to have open communication with the Contractor throughout the project and to inform the Contractor in writing when their performance is a concern and to request appropriate corrective action within an acceptable timeframe, in accordance with the Solicitation's terms and conditions. It is equally important to keep a written record of all correspondence with the Contractor.
- 6.2 If the Contractor's response or corrective action is still a concern, departmental staff should involve the Procurement Representative. Where it is deemed appropriate an Interim Performance Evaluation should be performed by the Project Evaluator(s) and provided to the Contractor by the Procurement Department. The Contractor will be held responsible for the performance of its sub-contractors.
- 6.3 If the Contractor's response or corrective action continues to be a concern, the terms and conditions of the contract regarding non-performance will be utilized by the Manager, Procurement Services.

7. RECORD RETENTION

- 7.1 Project Evaluators shall maintain the following documents and Bid records for seven (7) years or in accordance with the Owner's record retention procedures, as amended, following the completion of the Project warranty or maintenance period as supporting rationale to augment the Performance Evaluation Form:
- i. internal and external correspondence (e.g. emails, letters, telephone logs describing the issues discussed, copies of faxes);
 - ii. meeting minutes describing all issues discussed, decisions made, issues unresolved, and action items assigned;
 - iii. progress reports;

- iv. project diaries which record significant daily events;
- v. inspection and laboratory reports;
- vi. photographs and video tapes; and
- vii. rejected project deliverables.

8. PERFORMANCE EVALUATION SYSTEM

8.1 Project Evaluators shall assign Contractors one of the following ratings to each category set out on the Performance Evaluation Form. A critical aspect of the assessment rating system described below is the **second sentence** of each rating that recognizes the Contractor's resourcefulness in overcoming challenges that arise in the context of Contract performance.

Rating		Description of Rating
A	Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit, for example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
B	Good	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
C	Satisfactory	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
D	Cautionary	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
E	Not Satisfactory	Performance <i>does not meet some</i> contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the Contractor has submitted minimal corrective actions, if any. The Contractor's proposed actions appear only marginally effective or were not fully implemented.
F	Unacceptable	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

9. IMPACT OF FINAL PERFORMANCE EVALUATIONS

- 9.1 The Owner, at its sole discretion, may;
- terminate a Contract prior to completion of a project or prior to the expiration of a Contract period term due to Contractor performance issues or
 - if the Bid Call Document permitted, a Contract may be extended by the Owner, beyond the original contract term, up to a period of two (2) years, in accordance with this procedural document.
 - Or take other action, in the Owner's best interest.
- 9.2 Final Performance Evaluation Forms shall be used by the Owner for consideration of award of Solicitations, (if a Final has not been performed at time a Solicitation award is under review, an Interim Evaluation, if available, may be used by the Owner to:
- i. determine if a Bidder submitting a Bid is a Responsible Bidder, and/or

ii. Evaluate Past Performance in Proposal Solicitations.

- 9.3 A Contractor that has received an **“EXCEPTIONAL”** rating in the majority (50% or more) of the categories on the Performance Evaluation Form and at least a **“GOOD”** rating in all other categories;
- a) The Contractor may be considered a Responsible Bidder for future similar Bid submissions to the Owner,
 - b) If permitted by the Solicitation document, the Contractor may be eligible for an additional two (2) year extension to the term of the current Contract, at the sole discretion of the Owner.
- 9.4 A Contractor that has received a **“GOOD”** rating or above in the majority (50% or more) of the categories on the Performance Evaluation Form and at least a **“SATISFACTORY”** rating in all other categories;
- a) The Contractor may be considered a Responsible Bidder for future similar Bid submissions to the Owner, and
 - b) If permitted by the Solicitation document, the Contractor may be eligible for an additional one (1) year extension to the term of the current Contract, at the sole discretion of the Owner.
- 9.5 A Contractor that has received at least a **“SATISFACTORY”** rating or above in all categories of the Performance Evaluation Form;
- a) The Contractor may be considered a Responsible Bidder for future similar Bid submissions to the Owner, and
 - b) is not eligible for extensions to its current Contract.
- 9.6 A Contractor that has received at least a **“CAUTIONARY”** rating in any category of the Performance Evaluation Form;
- a) may or may **not** be considered a Responsible Bidder for future similar Bid submissions to the Owner, and
 - b) is not eligible for extensions to its current Contract.
 - c) Prior to awarding the Contractor any future Contracts, the Owner may request the Bidder to demonstrate in writing or by other acceptable means to the Manager, Procurement Services that the Contractor has corrected all previously documented areas of **“CAUTIONARY”** performance concerns to a standard satisfactory to the Owner. In addition, a list of new references may be required by the Owner in respect of work completed by the Contractor since the date of the Performance Evaluation Form where a rating of **“CAUTIONARY”** in any category was given. The Owner reserves the right, at its sole discretion not to award a Contract to any Contractor, for an indefinite period, that fails to provide satisfactory evidence of correcting any documented past performance concerns by the Owner.
- 9.7 A Contractor that has received a **“NOT SATISFACTORY”** rating in any one category on the Performance Evaluation Form;
- a) The Contractor may **not** be considered a Responsible Bidder for future similar Bid submissions to the Owner;
 - b) The Contractor will receive an active **“Probation Letter”** advising the Contractor that if a second **“NOT SATISFACTORY OR WORSE”** rating in any category is received on the next Final Performance Evaluation Form the Contractor may be subject to a Suspension Period.

- c) A Contractor receiving a **“NOT SATISFACTORY”** rating in any one (1) category on a Final Performance Evaluation is not eligible for extensions to its current Contract, and the Owner may terminate the current Contract due to poor performance.
 - d) Prior to awarding the Contractor any future Contracts, the Owner may request the Bidder to demonstrate in writing or by other acceptable means to the Manager, Procurement Services that the Contractor has corrected all previously documented areas of **“NOT SATISFACTORY”** performance concerns to a standard satisfactory to the Owner. In addition, a list of new references may be required by the Owner in respect of work completed by the Contractor since the date of the applicable Final Performance Evaluation Form where a rating of **“NOT SATISFACTORY”** in any category was given. The Owner reserves the right, at its sole discretion not to award a Contract, for an indefinite period, to any Contractor that fails to provide satisfactory evidence of correcting any documented past performance concerns by the Owner.
- 9.8 A Contractor that has received (i) an **“UNACCEPTABLE”** rating in any one category on the Performance Evaluation Form, or (ii) a **“NOT SATISFACTORY”** rating in two or more categories, or (iii) a **“NOT SATISFACTORY”** rating in at least one category on two consecutive Final Performance Evaluations;
- a) The Contractor shall not be considered a Responsible Bidder and shall be Suspended for at least a **two-year period**
 - b) A Contractor receiving this rating is not eligible for extensions to its current Contract, and the Owner may terminate the current Contract early due to poor performance.
 - c) The Owner will issue a letter to the Contractor confirming the Suspension Period setting out the requirements for reinstatement, which shall include at a minimum;
 - i. Expiration date of the Suspension Period, and
 - ii. Prior to awarding the Contractor any future Contracts after the above expiration date, the Owner may request demonstration by the Bidder in writing or by other acceptable means to the Manager, Procurement Services that the Contractor has corrected all previously documented areas of **“NOT SATISFACTORY”** or **“UNACCEPTABLE”** performance concerns to a standard satisfactory to the Owner. In addition, a list of new references may be required by the Owner in respect of work completed by the Contractor since the date of the Performance Evaluation Form which resulted in the Suspension. The Owner reserves the right, at its sole discretion not to award a Contract, for an indefinite period, to any Bidder that fails to provide satisfactory evidence of correcting any documented past performance concerns by the Owner.
- 9.9 Any Bidder that refuses or fails to execute a Contract awarded to that Bidder by the Owner may be subject to a Suspension Period, at the discretion of the Owner based on the recommendation of the Bid Review Panel.
- 9.10 The Owner may apply the Suspension or Probation period, where it is in the best interest of the Owner, based either on:
- i. **Commodity Basis:** which will be specific to the commodity of good(s) and/or service or construction evaluated on the applicable Final Performance Evaluation or on a
 - ii. **Blanket Basis:** which will cover all contracts regardless of the type of good, service or construction.
- 9.11 If a Bidder has multiple Performance Evaluation Forms on record with the Owner, the Owner will consider the most recent Final Performance Evaluation completed for similar contracted goods, services or construction.

Where a Bidder has a Performance Evaluation for an unrelated good/service/construction, the Owner reserves the right to consider this Evaluation amongst other sources in determining if a Bidder is Responsible.

Furthermore the Owner reserves the right to consider Interim Performance Evaluation(s), in determining if a Bidder is Responsible, if a Final Performance Evaluation has not been completed, or in addition to a completed Final Performance Evaluation.

Interim evaluations may be done by more than one department, facility etc, however Final Performance Evaluations shall be based on a consensus of all Project Evaluators.

10. APPEAL PROCESS

- 10.1 The Contractor may submit an appeal of the rating received on a Final Performance Evaluation Form to the Manager, Procurement Services, in writing, within ten (10) calendar days following receipt of the completed Final Performance Evaluation Form.
- 10.2 Within two (2) weeks of receiving an appeal letter in respect of a Final Performance Evaluation Form where the Contractor received a rating of **"CAUTIONARY"** or better in any or all categories, the Manager, Procurement Services and the head(s) of the functional area which worked directly with the Contractor shall have sole discretion to decide if any rating should be adjusted in any or all categories, based on information received in the appeal letter. The decision shall be final and binding on all parties.
- 10.3 Within two (2) weeks of receiving an appeal letter in respect of a Final Performance Evaluation where the Contractor received a rating of **"NOT SATISFACTORY"** or below in any or all categories, the Manager, Procurement Services will arrange a meeting with Bid Review Panel to review the appeal. The Owner may render a final decision based on the appeal information or request additional information of the Contractor. The Probation or the Suspension Period shall be upheld during any appeal under review by the Owner. The decision shall be final and binding on all parties.

11. OTHER INCENTIVES FOR CONTRACTORS

The Owner may consider other incentives in future bid projects to ensure satisfactory and above Contractor performance and/or to provide a financial bonus for completing a project on time. These types of incentives are to be used at the discretion of the Manager, Procurement upon approval of the Director or Commissioner or C.A.O., depending on the value of the incentive, in accordance with the Staff authority limits stated in the Procurement By-law .

SCHEDULE A - PROJECT EVALUATION FORMS

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
CONSULTANT NAME		CONSULTANT CONTACT	
CONSULTANT ADDRESS			
CONSULTANT EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timeliness to complete project	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Cost Control of project	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Contract Management	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Quality of Services Provided	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		

TOWN STAFF GENERAL COMMENTS			
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Project Evaluator Supervisor Name		Staff Project Evaluator Supervisor Name	
Manager of Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Consultant response reply procedures)

Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
Good	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
Satisfactory	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
Cautionary	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
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Unacceptable	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

A Consultant shall receive a Suspension letter if an “Unacceptable” rating is received in any category(s) for a final evaluation. A Consultant shall receive a Probation letter if a “Not Satisfactory” is received in any category(s) for a final evaluation.

The Consultant may comment on this evaluation and/or appeal any, “Probation” or “Suspension” to the Manager, Procurement Services (gsears@newmarket.ca), in writing, within ten (10) calendar days of receiving the Final Performance Evaluation form; otherwise the evaluation shall be final.

For further information on the Town of Newmarket’s Performance Evaluation Procedures (see Schedule F of the Procurement By-law, as amended).

CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	

Consultant Representative Name		Consultant Representative Signature	
Consultant Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
CONSULTANT NAME		CONSULTANT CONTACT	
CONSULTANT ADDRESS			
CONSULTANT EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timeliness to complete project	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Cost Control of project	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Contract Management	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Quality of Services	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		

TOWN STAFF GENERAL COMMENTS			
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Director Name		Staff Director Signature	
Manager of Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Consultant response reply procedures)

Rating	Description of Rating
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CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Consultant		Consultant	

Representative Name		Representative Signature	
Consultant Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
VENDOR NAME		CONSULTANT CONTACT	
VENDOR ADDRESS			
VENDOR EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
Administration	Not Satisfactory		
	Unacceptable		
	Exceptional		
Quality of	Exceptional		

Equipment/Vehicle for purpose of use	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timelines	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
Training	Unacceptable		
	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
After Sales and Service Support	Not Satisfactory		
	Unacceptable		
	Exceptional		
	Good		
	Satisfactory		
TOWN STAFF GENERAL COMMENTS	Cautionary		
	Not Satisfactory		
	Unacceptable		
	Exceptional		
	Good		
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Director Name		Staff Director Signature	
Manager of Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Vendor response reply procedures)

Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
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	The Contractor's proposed actions appear only marginally effective or were not fully implemented.
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CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Vendor Representative Name		Vendor Representative Signature	
Vendor Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
VENDOR NAME		CONSULTANT CONTACT	
VENDOR ADDRESS			
VENDOR EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Quality of Goods/Services	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timelines	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Cost Control	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Health and Safety	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
TOWN STAFF GENERAL COMMENTS			

Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Director Name		Staff Director Signature	
Manager of Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Vendor response reply procedures)

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CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Vendor Representative Name		Vendor Representative Signature	

**Vendor Comments on
Evaluation (use
separate form if
necessary)**

**Date of reply to Town
Procurement
Representative**

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
CONTRACTOR NAME		CONSULTANT CONTACT	
CONTRACTOR ADDRESS			
CONTRACTOR EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Execution of Project / Project Management	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timelines	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Cost Control	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Health and Safety	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		

TOWN STAFF GENERAL COMMENTS			
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Director Name		Staff Director Signature	
Manager, Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Contractor response reply procedures)

Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
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CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Contractor Representative Name		Contractor Representative Signature	

Contractor Comments on Evaluation (use separate form if necessary)	
Date of reply to Town Procurement Representative	

SCHEDULE "G" P-CARD PROCEDURES



The Corporation of the Town of Newmarket

P-Card Policy

Revision Date: September 10, 2013

Procurement Services P-Card Staff and US Bank Contact Information:

Lead P-Card Coordinator	Lisa Gold, CPPB	Procurement Systems Officer Procurement Services 905-953-5300, press 2, ext. 2353 lgold@newmarket.ca
Primary Backup P-Card	Christine Wood	Procurement Officer Procurement Services 905-953-5300, press 2, ext 2355 cwood@newmarket.ca
Secondary Backup P-Card	Anne Sugar	Procurement Clerk Procurement Services 905-953-5300, press 2, ext 2352 asugar@newmarket.ca
Lost or Stolen Card	US Bank	1-800-588-8065, then notify the Corporation's Lead P-Card Coordinator

35. THE CORPORATION'S P- CARD PROVIDER:

Royal Bank of Canada (RBC) has established a joint marketing agreement with U.S. Bank Canada to provide commercial cards to our Cardholders.

36. INTRODUCTION:

The purpose of this Policy is to communicate procedures for use of the Corporation's Procurement Card, hereafter called P-Card, to enable P-Card Cardholders to efficiently purchase goods, service(s) and construction, in compliance with this policy, as amended and the Procurement By-law, as amended:

- a) Valued up to \$ 10,000.00, or
- b) Where the Cardholder, Treasurer, Department Head or Commissioner have approved a temporary increase, where it is in the best interest of the Town.
- c) As per Schedule "E" Position Exceptions of the Procurement By-law, as amended or
- d) For Financial Services staff to make a payment for a public bid up to \$99,999.99 (inclusive of taxes), where it is in the best interest of the Town and approved by the Treasurer or
- e) When a municipal emergency is declared by the Mayor and/or CAO and the limits for any or all P-Cards will increase, as per the Procurement By-law Schedule "D", as amended or
- f) Emergency Municipal P-Cards may be used by Procurement staff up to an unlimited value during a municipal emergency, when pre-approved in writing, by the Commissioner or CAO.

H.S.T. is additional to all transaction limits (except for item d above).

The Manager, Procurement Services may at the direction of a Department Head, Commissioner or C.A.O., add additional positions exceptions (Schedule "E" of the Procurement By-law, as amended) that have higher transaction and monthly limits, where it is in the best interest of the Town.

In addition all corporate P-Cards have been blocked for the Standard Merchant Category Codes (MCC) and some P-Cards may be blocked from the Optional Merchant Category Codes (MCC) based on Cardholder application approved by the Department Head. See Appendices Form -07 for MCC categories.

All purchases made with the P-Card shall be on behalf of the Corporation. Purchasing on behalf of the Corporation requires special sensitivity on the part of the Cardholder to obtain fair and reasonable prices in accordance with this policy and adhering to ethical behavior.

Individual user profiles are established for each employee, hereinafter referred to as "Cardholder" for the P-Card program. Dollar limits are established for each Cardholder based on the nature of the work performed and as stipulated by their Commissioner and/or Director. There are two dollar limits established for all P-Cards:

- Total Cycle Dollar Limit per month.
- Maximum Dollar Amount per Transaction (not to exceed \$10,000.00 per transaction), except for the exemptions stated above.

Cardholders may use a P-Card for travel expenditures (with the permission of their Department Head or Commissioner).

37. OBTAINING A P-CARD:

A P-Card request form (see Appendices P-Card Form 01) shall be completed and authorized by the Department Head or Commissioner or C.A.O., (a request for a Department Head's P-Card shall be approved by their Commissioner, and a request for a Commissioner's P-Card shall be approved by the C.A.O.).

Before a Cardholder can receive a P-Card and be authorized to make purchases on behalf of the Corporation, the Cardholder shall attend a P-Card training class, read and understand this P-Card policy and sign a Cardholder Agreement. Signing of the Cardholder Agreement indicates that the employee understands and agrees to abide by the P-Card Policy.

38. P-CARD PROGRAM ROLES:

To ensure compliance when using the P-Card, the following roles were created:

- Cardholder:** The individual whose name appears on the P-Card and who is accountable for all charges made with the card. Cardholders are required to complete P-Card training when applying for their first P-Card, comply with the terms of the P-Card policy and sign the Cardholder Agreement Form (appendices Form-02). The Cardholder's name and the Corporate Logo will be embossed on their Corporate P-Card that is designed to prevent confusion with personal credit cards. It is suggested that P-Cardholders keep their P-Card in a separate section of their wallet to differentiate the corporate card from personal cards.
- Approver:** This is typically the person the Cardholder reports to, it is this person's responsibility to complete the administrative review of the Cardholder's statement and receipts. It is the responsibility of the Approver to address Cardholders about questionable transactions. After the review is completed and any questions have been answered, the Approver is required to sign the statement indicating approval of the reported transactions. Approvers are required to comply with the terms of the P-Card policy and sign the Approver Agreement Form (appendices Form-03).
- Reconciler:** The Cardholder or a staff person designated by the Cardholder's Department Head shall perform the monthly P-Card reconciliation. Reconcilers are required to comply with the terms of the P-Card policy and sign the Reconciler Agreement Form (appendices Form-04).

39. P-CARD OWNERSHIP- KEEPING THE CARD SECURE:

The P-Card should be treated with the same security as a personal credit card:

Keep it with you—do not lock it in a desk or file cabinet.

Do not write any portion of the P-Card number down or share the number with others.

Do not give the P-Card number to a merchant to “keep on file” or share your card and/or number with another staff member. This practice opens a greater window of opportunity for fraudulent activity to be placed on the card. A staff member that does not have a P-Card but their job function requires that person to make corporate purchases shall request a P-Card through their Department Head using Form-01 (see appendices)

40. CARDHOLDER TO OBTAIN DETAILED RECEIPTS

A proper detailed receipt shows the itemized description of the items purchased, the date of purchase, the amount paid, taxes paid and the method of payment. It is the Cardholder's responsibility to obtain detailed receipts and other documentation (i.e. warranty information) from the merchant(s) each time the Cardholder uses the P-Card.

It is vital that the detailed receipt be submitted, as it is required by the Financial Services Department to claim for the H.S.T. rebate (if applicable) for the purchase, otherwise the Cardholder's department will not receive these rebate funds. **IN OTHER WORDS, THE DEPARTMENT HAS LOST MONEY.**

The detailed receipt is also a good audit trail to prove that the purchase was made and what it was for.

41. ALCOHOL PURCHASES

Alcohol shall **not** be purchased on the P-Card, with the sole exception being, where the purchase has been pre-authorized in writing by the Manager, Procurement Services, or designate for purchase of alcohol for a corporate event.

The following positions are exempt from this restriction:

1. The Economic Development Officer, or designate
2. The Executive Assistant to the Mayor, or designate, with the authorization of the Mayor.
3. The Executive Assistant to the C.A.O., or designate, with the authorization of the C.A.O.
4. The C.A.O.

42. RECONCILER RESPONSIBILITIES

Each Cardholder **either** does their own reconciliation or the responsibility is assigned to a Reconciler by the Department Head. For the monthly P-Card reconciliation, the Reconciler:

Checks receipts against transactions on statement to ensure the charges are correct.

Verifies the dollar value for each transaction.

Enters the following information:

- General Ledger Account number(s)
- Description of Purchase
- For charges to conferences general ledger, the employee vendor type and number
- The National Tax if it is not stated (this is the H.S.T. amount shown on the Cardholder's detailed receipt). The following list provides some examples (not an exclusive list) of purchases, where the National Tax (H.S.T) should be corrected:

Grocery Store purchases

Restaurants

Any out of province purchases

- If the National Tax amount stated is **not correct** for this purchase (**DO NOT** change it if the difference is **five cents or less**)

Prints the P-Cardholder Activity Report after reconciling all transactions

Assembles the P-Card statement and supporting documentation and forwards all to the Cardholder and/or Approver for review and signatures.

Note: The time constraints for submitting the reconciled statement to the Procurement Services Department, prior to the deadline makes it challenging to have the Cardholder sign off on the reconciled statement. It is permissible for the Reconciler, at the end of the billing cycle, to print the statement of purchases for that cycle for each Cardholder and have the Cardholder review all purchases to ensure accuracy, sign the statement and return it to their Reconciler promptly to include with the statement to be signed by the Approver.

If a Cardholder is on vacation or off due to illness – the Statement should be signed upon their return to work and submitted to Procurement Services.

43. STAFF RESPONSIBILITIES FOR ORDERING LOW VALUE GOODS AND/OR SERVICES:

Staff that are purchasing low value goods and services on behalf of the Town should at the time of ordering, provide the Vendor either:

a. A P-Card or P-Card information if ordering by phone/web.

Note: All existing processes for payment of term contracts paid by P-Card will remain status quo and are to be paid by the user department using their own P-Card or Ghost Card.

b. A Low Value Purchase Order generated by the user in JD Edwards. Staff shall instruct the Vendor to send the invoice directly to Financial Services – Accounts Payable and that the Low Value Purchase Order is referenced on the invoice.

Staff should obtain three quotations where ever possible.

Staff are to obtain both WSIB and Insurance from the Vendor when acquiring a service, failure to do so, may subject the Town to risk including but not limited to:

WSIB Act s.141 (6) If the person is not deemed to be the employer, the person shall ensure that the contractor or subcontractor complies with his, her or its obligations to make payments under the insurance plan. The person is liable to the extent that the contractor or subcontractor does not meet those obligations

c. The Procurement Department staff, when bidding goods, services, construction up to \$ 99,999.99, will be asking bidders if they would accept visa for payment. These bids will be paid by Financial Services – Accounts Payable staff using their P-Card, after the user department has approved the invoice for payment.

d. New Policy: Financial Services will be returning all invoices for the purchase of goods and services that do not reference a low value purchase order to the user department to enter a low value purchase order.

44. USING THE P-CARD

The P-Card may be used to make transactions over-the-counter, by mail, via telephone, or over the Internet. The Cardholder has the responsibility to account for all transactions made using the P-Card. This includes maintaining detailed printed receipts including confirmations of Internet transactions.

45. CHOOSE THE APPROPRIATE BUYING METHODS

Before making a purchase with the P-Card, Cardholders should consider the following steps, which are presented in the order in which you should consider using them:

- a. **Internal Service Providers:** If a good or service is available through another department. For example:

Does another department have the tool or equipment that can be used, rather than renting or buying?

Can Town staff paint the office, instead of hiring an outside painter?

- b. **Formal Term Contracts:** Employees should utilize formal Term contracts with suppliers established by Procurement Services that support the procurement needs of the entire Corporation for specific goods or services. Cardholders are not responsible for obtaining Insurance and WSIB certificates for purchases made from Term contracts, as these forms are already on file with the Corporation. For example:

Office supplies

HVAC

Overhead Door repair

For a complete list of Town Term contracts visit the Town's TONI intranet at:
<http://toni/Page132.aspx>

Corporate Term Contracts should be considered the primary sources for any purchase of goods or services. If the required good or service is available through a Corporate Contract it should be purchased from that contract.

- c. All other Purchases for goods and/or services:

After consideration of the first two buying options, Cardholders may purchase goods and/or services up to their transaction limit.

If you are obtaining **a service** which is not available through the first two buying options, you are required to obtain the following documentation **prior** to the Contractor performing any service for you:

- i. A faxed or emailed copy of the Contractor's current WSIB Certificate of Clearance
- ii. The Contractor shall have their Insurance Company complete the Town Insurance Certificate form for the minimum following coverage. –link to

T:\Public\Procurement Services\Low Value Purchases

(a) Comprehensive general liability insurance on an occurrence basis for an amount of not less than Two Million Dollars (\$2,000,000) and shall include the Owner, The Corporation of the Town of Newmarket, as an Additional Insured with respect to the Contractor's operations, acts and omissions relating to its obligations under this Agreement, such policy to include, but not be limited to, non-owned automobile liability; personal injury; broad form property damage; blanket contractual liability; owners and contractors protective liability; products and completed operations liability; contingent employers' liability; and, cross liability and severability of interest clauses.

(b) Automobile liability insurance for an amount not less than Two Million Dollars (\$2,000,000) on forms meeting statutory requirements covering all licensed vehicles used in any manner in connection with the performance of the terms of this Agreement.

Note: If it is a service that will be used more than once - contact the Procurement Services Department, as it may be more appropriate for the Procurement Services Department to bid the service and establish a formal term contract.

Once the service is completed, follow the steps stated on the Procedures for Receiving and Inspecting Goods Services Poster displayed at all Town facilities. If you obtained a service, the Contractor's WSIB Certificate and Insurance form shall be included in the Cardholder's P-Card Statement along with the detailed receipt/invoice.

46. DUPLICATION OF PAYMENT

Invoices that are received by the Town should either indicate the Purchase Order Number or if paid by P-Card the Invoice should state:

- Paid by P-Card and
- the Cardholders name

This will help ensure that invoices are not paid twice by the Corporation.

47. P-CARD STATEMENT OR SUPPORTING DOCUMENTATION

If Cardholder's P-Card Statement is incomplete (e.g., the Cardholder has not signed the statement, or you have not provided all required receipts), the Approver will return the statement to you for correction. Once corrected, you must return the statement and

supporting documents to the Approver to complete the review process. The completed and signed statements are then forwarded to Procurement Services Department (P-Card Coordinator) for review prior to payment. The P-Card Coordinator will advise both the Cardholder and Approver, to provide any missing information or to provide further clarification, prior to the closing date for statements. Failure to do so may result in progressive discipline, as detailed in this policy.

48. RETURNS, CREDITS AND DISPUTED ITEMS

If you have a problem with a purchased item or with billing resulting from the use of the Corporate P-Card, you should first try to resolve the issue with the supplier that provided the item. In most cases, disputes can be resolved directly between the Cardholder and the supplier. The Cardholder must use the following guidelines when returning an item:

The Cardholder must send the item back to the supplier in a manner agreed upon by the Cardholder and the supplier.

Record the return on Cardholder P-Card Statement. The supplier should issue a credit to the Cardholder's P-Card for any item that has been agreed to for return. This credit will appear on a subsequent monthly statement.

Documentation of the return (such as a credit receipt) should be issued by the supplier and kept on file by the Cardholder for reconciliation to the monthly statement. Cardholders must specifically request a credit to the P-Card for any return that was originally charged to the P-Card.

If a supplier refuses to credit the Corporate P-Card, the Cardholder shall report this information to Corporate P-Card Coordinator at 905-953-5335.

If you are unable to resolve a dispute with the supplier, contact the Corporate P-Card Coordinator at 905-953-5335. The card provider will investigate and assist in resolving the dispute on the Cardholder's behalf.

49. BILLING CYCLE

The P-card cycle runs from the 16th of one month to the 15th of the following month. P-card transactions posted on-line can be reconciled on-line at any time throughout the month. Following the cycle close, an email is issued to all cardholders as a reminder to complete their reconciliations and submit their signed cardholder activity statement to their Approver within 7 calendar days, but no later than the 22nd of the month. Once reviewed and approved by the Approver, the submission envelope will be forwarded immediately to the Procurement Services Department. The P-Card Coordinator will review all transaction summaries for accuracy and completeness. The accounts will lock in Access On-line at the end of the day on the 28th of the month and no further account coding can be done on-line. The Supplier of the Card Program will then send a file to be uploaded into the general ledger in JD Edwards on the 29th of the month. Any

further adjustments to the account coding can only be done through a journal entry by the Financial Services Department staff.

50. INTERNAL AUDIT

On a monthly basis, approximately twenty (20) Town of Newmarket Cardholders will be audited and on a quarterly basis, approximately three (3) Newmarket Public Library Cardholders will be audited by Town staff to ensure compliance with this policy. Those Cardholders found to be non-compliant and if it is a 1st offense, a notice of the non-compliance will be issued by the Manager, Procurement Services to the following staff and the Cardholder's monthly statement will be audited for an additional consecutive three (3) month period.

NOTIFICATION TO BE SENT TO:	
Cardholder	
Cardholder Approver	

2nd Offenses will be escalated to the following staff and the Cardholder's monthly statement will be audited for an additional consecutive three (3) month period.

NOTIFICATION TO BE SENT TO:	
Cardholder	
Cardholder Approver	
Department Head	
Commissioner	

3rd Offenses will be escalated to the following staff and the Cardholder's monthly statement will be audited for an additional consecutive three (3) month period.

NOTIFICATION TO BE SENT TO:	
Cardholder	
Cardholder Approver	
Department Head	
Commissioner	
C.A.O.	
Director, Human Resources	
Treasurer	

In addition to the 3rd notification or at any time, depending of the severity of the non-compliance, the Manager, Procurement Services may suspend the Cardholder's card for a period of at least thirty (30) days and the Cardholder must attend a re-orientation session before the card is re-activated.

SCHEDULE "G" P-CARD PROCEDURES

P-CARD APPLICATION FORM*P-Card Form-01**Return this completed form to the P-Card Coordinator
Procurement Services Department***EMPLOYEE INFORMATION**

First Name	Initial	Last Name
Employee Number	Commission	Department
Town Facility Office Location	Default Business Unit (i.e. 13-221)	

The information provided herein is for the sole purpose of the financial institution security. This information is private and confidential and will not be released to other parties without prior written consent of the applicant.

CARD TYPE REQUESTED AND AMOUNTS

Type	Description	Single Transaction Limit (STL) \$ Amount – H.S.T. is additional		Monthly Transaction Limit (MTL) \$ Amount – H.S.T. is additional	
Type 1	Basic Cardholder	Maximum:	\$	Maximum:	\$
Type 2	Ghost Card	Maximum:	\$	Maximum:	\$

All Corporate P-Cards will not be eligible to purchase from commodities/services listed in Standard Town Merchant Category Code (MCC) Restrictions, such as; (Services for Ambulance, Veterinary, Medical, Financial, Insurance, Legal, Taxes, and Counselling), for a detailed list see the P-card Policy Appendices Form-07.

Check if this Card should not be eligible to purchase from the ***Additional MCC Exclusions such as:*** (Airlines, Rail, Hotels, Entertainment, Amusement Recreation, Bars, Taverns, Vehicle Dealers, Barber/Beauty, Furriers)

☐ NOT ELIGIBLE

Employee Signature		Date:	
Department Head or Commissioner Signature		Date:	

SCHEDULE "G" P-CARD PROCEDURES

P-Card Coordinator		Date:	
Manager, Procurement Services Signature		Date:	

1. The P-Card should arrive in approximately five (5) business days of the submitted request to US Bank.
2. The Cardholder will be notified by Procurement Services, when the P-Card has arrived and shall be required to attend a training session with a member of Procurement Services P-Card staff.

SCHEDULE "G" P-CARD PROCEDURES

Town of Newmarket P-Card Cardholder Agreement Form-02

You are being entrusted with a US BANK Purchase Visa Card ("the Card"). The Card is provided to you based on your need to purchase supplies and/or services for the Town of Newmarket. The Card is the property of the Town of Newmarket and use of the Card may be terminated at any time. Your signature below indicates you have read this Cardholder Agreement and will comply with the terms herein.

I understand that I shall be making financial commitments on behalf of the Town of Newmarket and shall strive to obtain the best value for Town of Newmarket in any purchase I make.

I shall obtain **detailed receipts** for all Card transactions (especially at Restaurants get the detailed receipt which shows the taxes paid). In order for the Town to receive a tax rebate, the Cardholder shall obtain a detailed receipt, indicating items purchased and the HST paid (where applicable).

I or a department designate shall review my monthly P-Card statements and reconcile with my receipts.

I shall follow the procedures and policies outlined for me in the use of the Card. Failure to follow these procedures and policies could be considered as misappropriation of Town of Newmarket funds. Failure to comply with this Cardholder Agreement may result in either revocation of my privileges or other corrective action, up to and including termination of my employment.

I understand that **under no circumstances will I use the Card to make personal purchases**, either for myself or for others. Using the Card for personal charges could be considered misappropriation of Town of Newmarket funds and could result in corrective action up to and including termination of my employment.

I agree that should I violate the terms of this Cardholder Agreement and use the Card for personal use or gain, I will immediately reimburse the Town of Newmarket for all incurred charges and any fees related to the collection of those charges.

The Card is issued in my name and the name of the Town of Newmarket. **I shall not allow any other person or staff member to use the Card or its number.** I am considered responsible for any and all charges against the Card.

I **shall not split a transaction** to remain under my transaction threshold.

I shall not use the Card to purchase alcohol. When travelling on corporate business, I shall advise the P-Card Coordinator of my plans at 905-953-5335.

I shall not purchase computer equipment or software, without the prior approval of the IT department.

I shall not purchase office furniture, office equipment or corporate stationery (business cards, letterhead or envelopes), without the prior approval of the Procurement department.

The Card is the property of the Town of Newmarket. I understand that I may be periodically required to comply with internal control procedures and audits designed to protect the funds of the Town of Newmarket.

SCHEDULE "G" P-CARD PROCEDURES

If the Card is lost or stolen, I shall immediately notify the US BANK Visa Business Card Group or US BANK Visa Customer Service at 1.800.588.8065 and the Town of Newmarket P-Card Coordinator at 905-953-5335 during business hours.

I or my Reconciler will reconcile the statement and I will resolve any discrepancies with the supplier. I will submit all receipts and the transaction statement signed by me to my Department Head for authorization, who will then forward it to the Procurement Services Department.

I agree to surrender the US BANK P-Card immediately at the request of the Manager, Procurement Services or upon termination of my employment.

I have been provided a copy of the P-Card Policy and have received appropriate training.

Cardholder Name		Cardholder Signature	
Date of P-Card Training Session			

SCHEDULE "G" P-CARD PROCEDURES

**Town of Newmarket P-Card
Approver Agreement Form-03**

The Town's P-Card program delegates both authority and responsibility for the purchase of low value goods and services to staff, up to the limits approved by the applicable Department Head and/or Commissioner. As the Approver of your staff(s) P-Card monthly statements, it is your responsibility to review and approve these purchases to ensure compliance with the P-Card Policy, as amended. This Agreement lists your primary responsibilities in the P-Card Program:

- I shall promptly obtain and review the monthly P-Card Statements and associated transaction records in my area. If all transactions are appropriate I will indicate my review and approval by signing the monthly statement and forward to the Procurement Services Department.
- I shall promptly report to the Town's P-Card Coordinator at 905-953-5335, any suspected misuse of the P-Card.
- I shall review transactions to ensure that:
 - All receipts are provided for all transactions.
 - In my opinion, the purchases represent the best value for the Town.
 - Transactions are not split.
 - Alcohol is not purchased, except where provided by this policy.
 - The g/l account assigned is accurate and complete.
- To reduce the chance of fraud, I shall endeavour that P-Card numbers are not written down and/or shared amongst staff.
- I shall ensure that Cardholders promptly report any lost or stolen P-Cards.
- I shall ensure that Cardholders who are leaving employment at the Town return their P-Card to the P-Card Coordinator for cancellation.
- I shall notify the P-Card Coordinator of any changes or deletions to the authorities delegated.
- I have been provided a copy of the P-Card Policy and have received appropriate training.

Approver Name		Approver Signature	
Date of P-Card Training Session			

SCHEDULE "G" P-CARD PROCEDURES

**Town of Newmarket P-Card
Reconciler Agreement Form-04**

I, the undersigned, hereby acknowledge that I will be responsible for the following:

1. Reviewing transactions in a timely manner and reallocating the purchases to appropriate G/L accounts with assistance from either the Cardholder or the Card Approver.
2. Verifying that receipts and other appropriate supporting documentation are attached for all purchases.
3. Notifying the Approver and P-Card Coordinator of any suspected inappropriate or fraudulent card use.
4. I have been provided a copy of the P-Card Policy and have received appropriate training.
5. As an authorized Reconciler I agree to comply with the terms and conditions of this Agreement and with the P-Card Policy.

Reconciler Name		Reconciler Signature	
Date of P-Card Training Session			

SCHEDULE "G" P-CARD PROCEDURES

P-CARD MAINTENANCE FORM

(Changes required in card status, employee information, etc.) P-Card Form-05

☐**TEMPORARY CHANGE**

Effective Date		End Date	
-----------------------	--	-----------------	--

☐**PERMANENT CHANGE****NAME CHANGE IN CARD INFORMATION****CURRENT NAME INFORMATION**

First Name	Initial	Last Name

REQUESTED NAME CHANGE INFORMATION

First Name	Initial	Last Name

CHANGES TO EMPLOYEE WORK AREA AND /OR REPORTING

Previous Commission	Previous Department

New Commission	New Department

New Cardholder Approver (who will be responsible for approving the Cardholder's P-	Effective Date:

CHANGES IN TRANSACTION LIMIT AND/OR MONTHLY LIMIT

Current Transaction Limit		Current Monthly Limit	

Requested Transaction Limit		Requested Monthly Limit	

SCHEDULE "G" P-CARD PROCEDURES

APPROVED BY			
Cardholder Signature		Date	
Department Head or Commissioner Signature		Date	
Treasurer Signature (required for limit increases)		Date	
P-Card Coordinator		Date	
Manager, Procurement Services Signature		Date	

**P-CARD - NOTICE OF NON COMPLIANCE
NEWMARKET FORM-06**

NOTICE OF NON-COMPLIANCE

This Notice of Non-Compliance will be used by the Manager, Procurement Services to report non-compliance with P-Card policy.

P-Card activity and purchases will be monitored and each Cardholder will be audited at least once annually to ensure that the use of the P-Card and procedures are in compliance with P-Card Policy, as amended. Cardholders found to be non-compliant will be audited for an additional three month period to ensure compliance with P-Card Policy.

Detected non-compliance will be escalated and reported to higher senior management on each occurrence of non-compliance by P-Card User over a one (1) year period, or at the discretion of the Manager, Procurement Services, where it is in the best interest of the Town. Non-compliance may lead to:

- a. immediate and irrevocable forfeiture of the card and/or
- b. progressive discipline, up to and including termination of employment

NON-COMPLIANCE ACTIVITY

Transaction Date	State description of non-compliance

SCHEDULE "G" P-CARD PROCEDURES

NOTIFICATION		
1 st Offense	NOTIFICATION TO BE SENT TO:	DATE OF NOTIFICATION
	Cardholder	
	Cardholder Approver	
	Internal Auditor	

2nd Offense	NOTIFICATION TO BE SENT TO:	DATE OF NOTIFICATION
	Cardholder	
	Cardholder Approver	
	Department Head	
	Commissioner	
	Internal Auditor	

3rd Offense card is re- activated	NOTIFICATION TO BE SENT TO:	DATE OF NOTIFICATION
	Cardholder	
	Cardholder Approver	
	Department Head	
	Commissioner	
	C.A.O.	
	Director, Human Resources	
	Treasurer	
	Internal Auditor	

In addition to the 3rd notification or at any time, depending of the severity of the non-compliance, the Manager, Procurement Services may suspend the Cardholder's card for a period of at least thirty days and the Cardholder must attend a re-orientation session before the card is re-activated.

SCHEDULE "G" P-CARD PROCEDURES

CC CODE RESTRICTIONS – FORM 07	
MCC RESTRICTIONS – ALL CARDHOLDERS ARE RESTRICTED FROM PURCHASING	
742	VETERINARY SERVICES
4119	AMBULANCE
4829	WIRE TRANSFER MONEY
5975	HEARING AIDS
5976	ORTHOPEDIC
6010	FINANCIAL - MANUAL CASH
6011	FINANCIAL - AUTO CASH
6012	FINANCIAL - INSTITUTIONS
6051	FINANCIAL - FOREIGN
6300	INSURANCE SALES
6381	INSURANCE PREMIUMS
6399	INSURANCE DEFAULT
7261	FUNERAL SERVICES
7273	DATING SERVICES
7276	TAX PREPARATION SERV
7277	COUNSELLING SERVICES
7297	MASSAGE PARLORS
7995	BETTING & CASINOS
8011	DOCTORS
8021	DENTISTS
8031	OSTEOATHS
8041	CHIROPRACTORS
8042	OPTOMETRISTS
8043	OPTICIANS
8044	OPTICAL GOODS
8049	CHIROPODISTS
8050	NURSING / PERSONAL CARD
8062	HOSPITALS
8071	MEDICAL / DENTAL LABS
8011	LEGAL SERVICES
8351	CHILD CARE SERVICES
9211	COURT COST/ALIMONY
9222	FINES
9223	BAIL & BOND PAYMENTS
9311	TAX PAYMENTS
ADDITIONAL MCC RESTRICTIONS - OPTIONAL	
ARIL	AIRLINES

SCHEDULE "G" P-CARD PROCEDURES

7011	HOTELS/MOTELS/RESORTS
4011	RAILROADS
5681	FURRIERS
5698	WIGS
5921	BEER/WINE
7230	BARBER/BEAUTY
441	STEAMSHIPS
4457	BOAT RENTALS
4468	MARINAS
5271	MOBILE HOMES
5551	BOAT DEALERS
5561	TRAILER CAMPER DEALERS
5592	MOTOR HOME DEALERS
5598	SNOWMOBILE DEALERS



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-28

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW (National Homes)

WHEREAS it is deemed advisable to amend By-Law Number 2010-40 as amended;

THEREFORE BE IT ENACTED by the Council of the Corporation of the Town of Newmarket as follows:

THAT By-law Number 2010-40 be and the same are hereby further amended by:

- 1. Delete from 2010-40 Schedule "A", Map No.19, the Transition (TR) Zone on Part of Lot 29, Concession 11, EYS and substituting therefore on Schedule 'A' Map No. 19 the:
Residential Detached Dwelling 18.0 m (R1-C-123) Exception Zone
Residential Detached Dwelling 15m (R1-D-123) Exception Zone;
as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.
- 2. Adding the following regulations relating to the to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference	File Reference
123	R1-C-EX; R1-D-EX;	19	2014-28	19TN 2005 004; D14-NP12 29/D12-NP12 29
i) Location:				
ii) Legal Description: Part of Lot 29, Concession 11, EYS				
iii) Development Standards:				
			R1-D-X	R1-C-X
Min Lot Area			n/a	n/a
Min lot Frontage			15m	18m
Min lot depth				
With a sidewalk			26m	
Without a sidewalk			25m	
Min front yard				
With a sidewalk			4.5m	
Without a sidewalk			3.5m	
Min rear yard			7.0m	
If one storey dwelling			6.5m	
Side yard setbacks				
one side			1.2m	
other side			0.6m	
Min building separation			1.2m	
Max building height			11m	
Max driveway width(*7)			6.0m	
Min driveway length(*11)			10m	
Lot Coverage			50%	50%

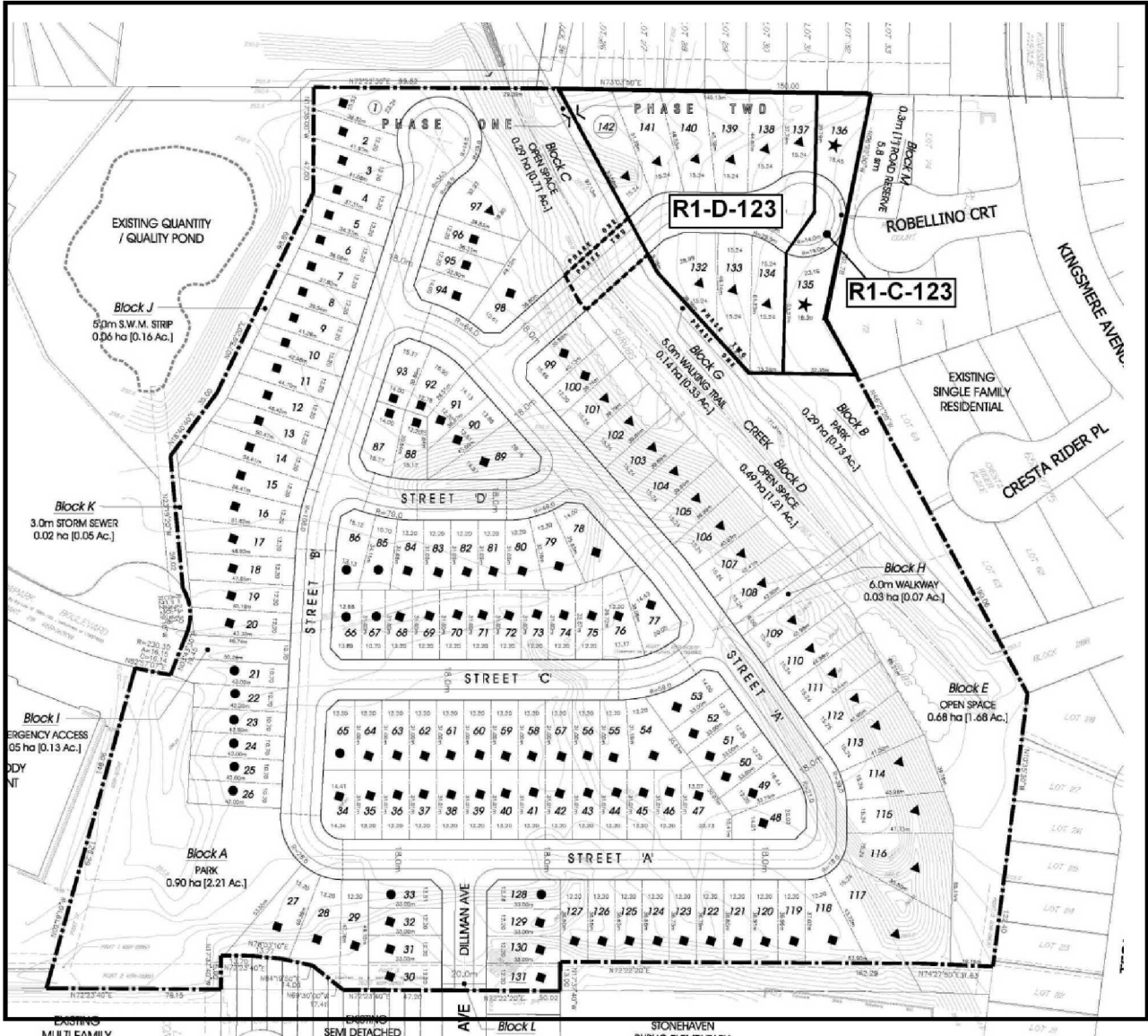
- (a) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 5.0 metres.
 - (b) Notwithstanding the minimum required *driveway* length for a *driveway* adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double *driveway* of at least 6.0 metres in width, the minimum *driveway* length may be reduced to 7.0 metres provided that the garage does not protrude past the front wall on the ground level of the dwelling unit or porch towards the front lot line.
 - (c) Permitted Encroachments:
 An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramps(s) shall be permitted to encroach 3.0 metres into the required front yard and 1.5 metres into the required exterior side yard and shall be permitted to have a maximum permitted height of 4.5 metres measured from the established grade to the underside of the rafters or ceiling of the porch, however, in no case shall the porch or steps be closer than 1.5 metres from the front lot line.
 Bay or box windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metres into the required front yard, rear yard or exterior side yard for a maximum width of 4.0 metres. In addition, a bay or box window projection into the required rear yard may include a door.
 Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.5 metres into any required yard.
 - (d) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.0 metres from the lot line of the flanking street. Further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.
 - (e) On a corner lot where a daylighting triangle or rounding has been conveyed to a public authority, the exterior side lot line and the front lot line shall be deemed to be the continued projection of the exterior side lot line and the front lot line to a point of intersection, for the purposes of calculating the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.
3. AND THAT all other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-Law.

ENACTED THIS 5TH DAY OF MAY, 2014.

 Tony Van Bynen, Mayor

 Andrew Brouwer, Town Clerk

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
PART OF BLOCK 2, PLAN 65M-2559



SCHEDULE 'X' TO BY-LAW 2014-28
TOWN OF NEWMARKET
PLANNING AND BUILDING SERVICES

This is Schedule 'X' to
By-Law 2014-28
Passed this _____
Day of _____
Mayor _____
Clerk _____

**CORPORATION OF THE TOWN OF NEWMARKET****BY-LAW NUMBER 2014-29**

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– MAY 5TH, 2014.**

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

THEREFORE BE IT ENACTED by the Council of the Corporation of the Town of Newmarket as follows:

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 5TH DAY OF MAY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

9. Correspondence dated April 9, 2014 from Dr. Ved Tandan, President-Elect, Ontario Medical Association requesting proclamation of May 1, 2014 as 'Doctor's Day' in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption)
 - a) THAT the correspondence dated April 9, 2014 from Dr. Ved Tandan, President-Elect, Ontario Medical Association be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim May 1, 2014 as 'Doctor's Day';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
10. Main Street District Business Improvement Area Board of Management Minutes of February 18 and March 18, 2014.
 - a) THAT the Main Street District Business Improvement Area Board of Management Minutes of February 18 and March 18, 2014 be received.
11. Item 8 of the Main Street District Business Improvement Area Board of Management Minutes of February 18, 2014 regarding Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 regarding Skateboards/Bicycles Etc. on Main Street.
 - a) THAT Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 be received and the Main Street District Business Improvement Area Board of Management recommend a courtesy campaign be implemented to compel users to dismount bicycles, skateboards or any other travel mode in the Downtown Main Street and the Heritage Conservation District Plan areas.
12. Item 3f) of the Main Street District Business Improvement Area Board of Management Minutes of March 18, 2014 regarding street closure.

THAT Item 3f) of the Main Street District Business Improvement Area Board of Management Minutes of March 18, 2014 listed below be referred to staff.

THAT the Main Street District Business Improvement Area Board of Management requests that the Town of Newmarket Public Works staff install rolling casters on all the large flower pots that are placed on Main Street during the summer months in an effort to utilize the pots as barriers when the street is closed to vehicular traffic.

13. Environmental Advisory Committee Minutes of March 5, 2014.
 - a) THAT the Environmental Advisory Committee Minutes of March 5, 2014 be received.
14. Item 6 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Environmental Vision Follow-up.
 - a) THAT the recommendations contained within Item 6 of the Environmental Advisory Committee Minutes of March 5, 2014 listed below regarding Environmental Vision Follow-Up be referred to staff as part of the overall Committee review to be undertaken in the new term of Council.
 - i) THAT Council direct staff to find a dedicated staff resource to coordinate environmental matters, establish environmental priorities based on best practice guidelines, seek appropriate funding and provide environmental accountability reporting within the Town of Newmarket;
 - ii) AND THAT an environmental accountability report be prepared each year for presentation to Council and the public;
 - iii) AND THAT Council reaffirm the 2008 draft environmental vision statement pending the preparation of a draft Community Environmental Plan;
 - iv) AND THAT Council recommend to the new Council that budget priority be given in the next term of Council to fund the PCP Community Environmental Plan.
15. Item 7 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Garbage/Waste By-law Review.
 - a) THAT the recommendations contained within Item 7 of the Newmarket Environmental Advisory Committee Minutes of March 5, 2014 regarding Garbage/Waste By-law Review listed below be referred to staff.
 - i) WHEREAS staff and NEAC recommended approximately four years ago a plan to reduce the amount of garbage bags picked up at curbside; and
 - ii) WHEREAS Council decided that more time was needed before making a change; and
 - iii) WHEREAS green bin success continues to reduce the need for actual garbage to be picked up; and

- iv) WHEREAS there have been successful program to use clear plastic bags with Aurora being the first to proceed in the N6 municipalities;
 - v) It is therefore recommended that Council direct staff to prepare a report on waste reduction and curbside garbage pickup;
 - vi) AND THAT such report addresses the waste strategy and communication implementation plan;
 - vii) AND THAT NEAC be consulted on any recommendations included in the plan;
 - viii) AND THAT the report be presented to Council in the first quarter of 2015.
16. Item 8 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Neighbourhood Community Gardens.
- a) THAT staff consult with representatives of the York Region Food Network and if agreeable, that staff be authorized to undertake the works associated with the request listed below:
 - i) WHEREAS there is no additional requirement for water to be provided at the existing community gardens;
 - ii) THEREFORE be it resolved that Council authorize an extension of two rows at the existing community gardens;
 - iii) AND THAT NEAC contribute a maximum of \$500.00 toward plowing and site preparation.
17. Newmarket Public Library Board Minutes of February 19, 2014.
- a) THAT the Newmarket Public Library Board Minutes of February 19, 2014 be received.
18. Legislative Services Corporate Policy Committee Joint Report 2014-11 - Protection of Personal Information.
- a) THAT Legislative Services and Corporate Policy Committee Joint Report 2014-11 regarding the New Corporate Policy - Protection of Personal Information Policy CORP.1-08 be received; and that the attached Protection of Personal Information Policy CORP.1-08 be approved.