



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

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To: Mayor and Members of Town Council

Subject: Policy Amendment – Procurement Policy

1. **RECOMMENDATION:**

It is recommended that:

1. The Procurement Policy **BE AMENDED** to include the following clause:

“24.3.2.1 h) Where the landowner will be assessed 100% of all costs for works under the Drainage Act and the landowner wishes to choose a contractor from the prequalified list of contractors, or another contractor deemed qualified by the Town, who comply with section 23 of this policy.”

2. **BACKGROUND:**

Section 24 of the Town's Procurement Policy (Policy) allows for 'Exceptions to Procurement Procedures' to be approved by the CAO.

A developer is building a greenhouse which requires construction works on the Municipal Drain servicing the property. The estimated cost of the drainage works exceeds the threshold for direct procurement under the Policy without Council authorization. For this particular project, undertaking a Request for Tender process risks the interruption or delay in completion of the greenhouse development and also risks an increase to the benefitting property owner's cost for the drainage works. The landowner has a construction company on site doing extensive work and wants the same contractor to undertake the drainage works. Under the drainage assessment schedule for the project, the landowner will be assessed and obligated to pay the full cost of the drain works.

The exceptions currently outlined in the Policy do not allow for sole source purchasing of works and services assessed under the Drainage Act where there is a single benefitting

property owner that will be assessed and obligated to pay the full costs of the works and services.

3. DISCUSSION:

A review of procurement practices by other municipalities found that many include exemption clauses for Drainage Act works, and in some cases include a broader exemption clause for other works and purchases, that are fully (100%) reimbursed by a third party. At this time, Administration is recommending that an additional 'Exception' be allowed under Section 24 of the Policy for sole source purchasing as follows:

“Where the landowner will be assessed 100% of all costs for works under the Drainage Act and the landowner wishes to choose a contractor from the prequalified list of contractors, or another contractor deemed qualified by the Town, who comply with section 23 of this policy.”

This addition to the Policy would allow the CAO to authorize procuring a specific contractor should the landowner make such a request. However, the clause will not deter Administration from proceeding with competitive procurement, to ensure the best price is secured on behalf of the landowner, where a preferred contractor is not requested by the benefitting landowner.

The Town currently maintains a roster of prequalified engineers for engineering services related to works and services under the Drainage Act. A roster of qualified contractors for Drainage Act construction and maintenance works would also be developed as time permits.

Whether or not they are included in the prequalified roster, any contractor put forward by the benefitting landowner for award of a sole source contract for completion of works under the Drainage Act will be required to demonstrate their competency, experience, and suitability to satisfactorily complete the works. Any recommendation to use such a contractor would require support of the Drainage Superintendent based on these criteria, and approval of the CAO.

4. RISK ANALYSIS:

There is no identified risk to the recommendation in this report.

5. FINANCIAL MATTERS:

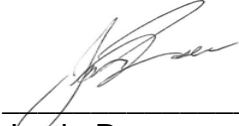
There is no financial impact to the recommendation in this report.

6. CONSULTATIONS:

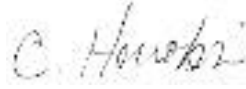
Shane McVitty, Drainage Superintendent
Antonietta Giofu, Director, Engineering and Public Works

7. **CONCLUSION:**

The Policy amendment is recommended for approval.



Justin Rousseau
Treasurer



Cheryl Horrobin
Director of Corporate Services

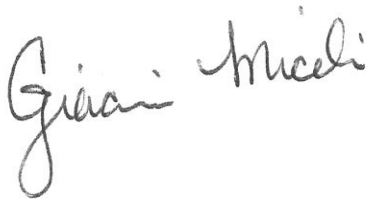
Report Approval Details

Document Title:	Policy Amendment - Procurement Drainage.docx
Attachments:	- 2015 Procurement Policy.docx
Final Approval Date:	Apr 6, 2021

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker