

THE CORPORATION OF THE TOWNSHIP OF
CENTRAL MANITOULIN
BY-LAW 2002-17

Being a by-law to provide for the authorization of tendering.

WHEREAS the Municipal Act, R.S.O. 1990, provides that councils may authorize tendering;

AND WHEREAS the municipal council of the Corporation of the Township of Central Manitoulin deems it expedient to enact a by-law to govern the authorization of tendering;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN HEREBY ENACTS AS FOLLOWS:

1. Definitions

In this by-law:

- a. "council" means the council of the Corporation of the Township of Central Manitoulin;
- b. "reeve", "clerk-treasurer" shall mean the Reeve and Clerk-Treasurer of the municipal corporation respectively;
- c. "municipal corporation" means the Corporation of the Township of Central Manitoulin;
- d. "bidder" or "tenderer" means a person, agent, company or other such entity that formally responds to a call for tenders by submitting a bid to do work or provide the product, or to purchase real property;
- e. "tender" means an application by a bidder to the municipality stating the cost of providing a good or service, or cost of real property to the municipality;
- f. "security deposit" means the deposit required by the municipality in the form of a money order, certified cheque, letter of credit, etc.;
- g. "performance bond" is a form of security provided by the bidder whereby the surety company agrees to pay to the municipality the full amount of the bid should the tender fail to complete or comply with the contract as agreed;
- h. "prequalification" is a requirement that bidders satisfy the municipality that they have undertaken similar work or supplied similar services on other tenders;
- i. "addendum" is the additional information supplied by the municipality after the original tender call.

2. Tendering

Unless otherwise authorized by Council:

- a. The municipality will supply the tender documents which outline the specifics of the tender as well as the guidelines for the completion of the tender documents;
- b. Whether the bid is received through the mail or by personal delivery, the date and time of the receipt will be stamped or written directly on the envelope containing the bid and an independent record will be kept as well by the Clerk-Treasurer.
- c. The Clerk-Treasurer will secure the sealed tenders in the office until such time as the tenders are open for inspection.
- d. The Council will not accept completed tender documents from any employee, or current member of Council, or an immediate relative (spouse, parent, child) living with either a Council member or employee.
- e. The Clerk Treasurer will secure all opened tenders awaiting Council's decision in the office.

3. Advertising for Tenders

Unless otherwise authorized by Council:

- a. Advertising for tenders will be placed at least twice in two local papers no later than 10 days, including holidays, before the dead-line for acceptance of bids;
- b. The following information will be included in each advertisement for tender;
 1. The name of the Municipality calling the tender;
 2. A description of the work, equipment required or property to be sold;
 3. Where plans, specifications and forms may be obtained;
 4. The person or place where tenders should be sent;
 5. The date and time of closing for the receiving of tenders;
 6. The bonding or deposit requirements;
 7. The statement that "the lowest or any bid not necessarily accepted";
 8. The name and position of the Clerk-Treasurer.

4. Opening Tenders

Unless otherwise authorized by Council:

- a. When tenders are being opened, the Clerk-Treasurer or the Deputy Clerk-Treasurer and one other staff member, may open the tenders, provided that the tenderers and Council members have been notified of the date and time of the opening, and invited to attend the opening;
- b. The tenders will be opened in the order in which they were received with the first tender received be opened first, etc.;
- c. After all tenders have been opened and noted, the actual tender price of each bid will be announced except where a request for withdrawal has been made;
- d. Subsequent to the announcing of the tenders, each bid must be validated by insuring that certain conditions, such as the following, have been met:
 1. The tender is properly signed, sealed and complete;
 2. The calculations, if any, must be correct;
 3. The bid must be on the forms supplied by the municipality;
 4. No unacceptable conditions to the Municipality can be enclosed;
 5. Proper security deposits and other bonds, if required, will be adhered to.
- e. Following this review, the tender prices are recorded and initialed by those present.
- f. Late tenders shall not be opened but shall be returned to the bidder in question.
- g. That all tenders, once opened by the Clerk-Treasurer or Deputy Clerk-Treasurer and one staff member, shall be submitted to Council for their decision.

5. Acceptance of Bids

- a. Written notice will be sent to the successful bidder and to all unsuccessful bidders.
- b. If more than two tenders are received, the municipality may retain at least one of the other bids in addition to the successful bidder until a formal agreement has been entered into with the successful bidder.
- c. The municipality reserves the option to re-advertise should they decide not to accept any of the bids.
- d. Where two or more tenders are equal, the tender that was received earlier shall be deemed to be higher.

6. Forms and Documents

The Clerk-Treasurer may prepare the forms of certification, approvals, and authorizations referred to herein and all members of Council, other officers and employees shall adhere the same to.

In the event that any particular provision or provisions or part of a provision is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or the part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

READ A FIRST, SECOND AND THIRD TIME THIS _____ DAY OF
_____, 2002 AND FINALLY PASSED ON THIS _____ DAY
OF _____, 2002.

Reeve

Clerk-Treasurer