



Governance Review Committee
Tuesday, March 4, 2025 –10:00 a.m.
County of Frontenac Administration Building,
2069 Battersea Road, Glenburnie, ON
<https://youtube.com/live/ro8JWTr4WCU?feature=share>

AGENDA

Page

1. Call to order

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for mother earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the County is committed to working with Indigenous peoples and all residents to pursue a united path of reconciliation.

2. Adoption of the agenda

- a) **That** the agenda for the March 4, 2025 meeting of the Governance Review Committee be adopted.

3. Disclosure of pecuniary interest and general nature thereof

4. Adoption of Minutes

- a) Minutes of Meeting held February 5, 2025
That the minutes of the Governance Review Committee meeting held February 5, 2025 be adopted.
[Minutes of Meeting held February 5, 2025](#)

5. Items of Business

- a) **2025-025**
Corporate Services
Adoption of an updated Delegation of Authority Policy
Resolved That the Council of the County of Frontenac adopt a Delegation of Authority Policy to authorize the delegation of certain powers and duties under the Municipal Act, 2001, the Planning Act and other Acts, attached to this report as Appendix A;

And further That By-law 2016-0006 being a by-law to adopt a

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delegation of authority policy be hereby repealed.
[Adoption of an updated Delegation of Authority Policy](#)
[Appendix A Draft Delegation of Authority By-law](#)

- 24 - 29 b) **2025-026**
Corporate Services
Approval of Amendments to the County of Frontenac Land Use Policy
Resolved That the Governance Review Committee approved approve the amendments to the County of Frontenac Land Use Policy, attached to this report as Appendix A;

And further That the Land Use Policy be incorporated into the Sale, Disposition and Land Use By-law as Appendix B.
[2025-026 Corporate Services - Approval of Amendments to the County of Frontenac Land Use Policy](#)
[2025-026 Appendix A Draft Updated Land Use Policy](#)

- 30 - 41 c) **2025-027**
Corporate Services
Adoption of a Sale, Disposition and Land Use Policy for the County of Frontenac
Resolved That the Council of the County of Frontenac adopt a Sale, Disposition and Land Use Policy for the County of Frontenac;

And further That this Policy be adopted by By-law, attached to this report as Appendix A;

And Further That By-law 17-1995, being a By-law to establish procedures governing the sale of real property be repealed.
[Adoption of a Sale, Disposition and Land Use Policy for the County of Frontenac](#)
[Appendix A Sale, Disposition and Land Use By-law](#)

- 42 - 55 d) **2025-028**
Corporate Services
Initial Discussions on the Public Notice Policy
That the Public Notice Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment
[Initial Discussions on the Public Notice Policy](#)
[Appendix A Public Notice Policy](#)

- 56 - 106 e) **2025-029**
Corporate Services
Initial Discussions on the Procurement Policy

Resolved That the Procurement Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment

[Initial Discussions on the Procurement Policy](#)

[Appendix A 2025 Procurement Policy Review](#)

[Appendix B Procurement Policy - March 20, 2013](#)

6. Next meeting date

- a) The next meeting of the Governance Review Committee is schedule for Tuesday, April 1, 2025 at 10:00 a.m. at the County Administration Building.

7. Adjournment



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Minutes of the Governance Review Committee Meeting February 5, 2025

[Note: Minutes are not Verbatim, please refer to full video
<https://youtube.com/live/6MR0rqu2hxE?feature=share>]

A meeting of the Governance Review Committee was held the Council Chamber of the County Administration Building, 2069 Battersea Road, Glenburnie on Tuesday, January 7, 2025, at 10:00 AM

Present:

Councillor Fran Smith, Chair
Councillor Fred Fowler, Vice Chair
Councillor Judy Greenwood-Speers
Warden Gerry Lichty

Staff Present:

Richard Allen, Manager of Economic Development
Jannette Amini, Manager of Legislative Services/Clerk
Kevin Farrell, Chief Administrative Officer
Alex Lemieux, Director of Corporate Services/Treasurer

Staff Present Virtually:

Sonya Bolton, Manager of Community Planning

1. Call to Order

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for mother earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the County is committed to working with Indigenous peoples and all residents to pursue a united path of reconciliation.

2. Adoption of the agenda

Moved By: Councillor Greenwood-Speers
Seconded By: Councillor Fowler

That the agenda and addendum for the February 5, 2025 meeting of the Governance Review Committee be adopted.

Carried

3. Disclosure of pecuniary interest and general nature thereof

There were none.

4. Adoption of Minutes

a) **Minutes of Meeting held January 7, 2025**

Moved By: Councillor Fowler
Seconded By: Councillor Greenwood-Speers

That the minutes of the Governance Review Committee meeting held January 7, 2025 be adopted.

Carried

5. Items of Business

- a) **Staff Briefing:** Jannette Amini, Manager of Legislative Services/Clerk, provided a briefing regarding the reports before the Committee and their connectivity and responded to questions on same.

In terms of delegated authority for extension of approval of draft plans of subdivision and condominium, concerns were expressed that the number of extensions should be limited as to not tie up land, to which staff noted that when looking at applications for extension, they look for a number of things such as is work being done, has any progress been made, and are there challenges being faced such as difficulties in securing specific trades. Approval of extension is not automatic but more about if progress is being made.

Ms. Amini noted that since the writing of the report and presentation, it has come to staff's attention that there are several title errors at the Land Registry Office due to the 1998 Amalgamation where title for former County roads were not transferred to the new municipality. As such, the County is receiving requests to execute Quit Claim deeds to fix this error. Staff would like to add to the Delegation of Authority By-law delegated authority to the CAO to execute Quit Claim Deeds for lands that formed former County roads in the former Townships which are now part of either the City of Kingston, Township of South Frontenac, or Township of Frontenac Islands. In addition, the Land Use Policy currently delegates to staff a Certificate of Permission, however this was never identified in the Delegation of Authority By-law. Staff are recommending, as a housekeeping item, that this be added.

In terms of the recommendation to increase the size of encroachments delegated to staff to 10m² to keep this inline with the requirements for a building permit under the Ontario Building Code, it was noted that the Building Code has increase this to 15m² and the County's policy should reflect this.

b) **2025-010**
Corporate Services
Adoption of a Sale and Disposition of Land Policy for the County of Frontenac

Moved By: Councillor Fowler

Seconded By: Warden Lichty

Be It Resolved That Governance Review Committee approve the Sale & Disposition Policy, attached to this report as Appendix A, as amended to add the following definition:

“Third Party” means an additional party to an agreement already in place between the County and another entity.

Carried

The Committee felt that Section 3.5 sets out the definition of third party and asked that this be added to the definitions section. It was suggested that the definition of a third party might be found in the Planning Act given it now limits appeals with respect to third parties, however staff noted that this definition is to restrict appeals and may not reflect what is required in terms of this policy

Comments were also expressed around what the Public Notice policy will look like in terms of requirements for the sale of land, including signage. Staff noted that any large-scale sales would go through a real estate agent which includes signage.

c) **2025-011**
Corporate Services
Review and Proposed Amendments to By-law 2016-0006, Delegation of Authority Policy

Moved By: Councillor Fowler

Seconded By: Warden Lichty

That the following draft amendments be incorporated into By-law 2016-0006, Delegation of Authority Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment.

1. **That** Section 4 – County Strategic Priorities be deleted in its entirety and replaced with:

The Guiding Vision for Frontenac County is to be a thriving and sustainable County that balances economic growth, environmental preservation, and

individual lifestyles, ensuring a vibrant and inclusive community for current and future generations in Frontenac.

Our mission is committed to proactively promote and support managed growth in Frontenac County, leveraging its economic potential, while preserving the County's distinct natural environment and respecting the diverse lifestyle choices of our residents.

Strategic Goal #1 Develop a Regional Approach to Overcome Infrastructure Issues and Maximize Infrastructure Development Opportunities

Strategic Goal #2 Contribute to the Progress of Sustainable Economic Growth and Prosperity Throughout the County

Strategic Goal #3 Strengthen Quality of Life through Enhanced Service Delivery

Strategic Goal #4 Maximize Administrative Leadership within the County Administration

2. **That** Section 7 – Delegation Under the Planning Act be amended as follows:

- i. **That** the words “Extension and” be added before the words “Final Plan ...” in the first sentence;
- ii. **That** a new i) be added as follows:
 - i) Council’s power and authority with respect to all matters provided for by Section 51(33) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, related to the Extension of approval of a plan of subdivision or a plan of condominium are delegated to the Director of Planning and Economic Development or, in the absence of the Director, to the Manager of Community Planning.
- iii. **That** ii) be amended to delete “Community Planner at the end of the paragraph and replace with “Manager of Community Planning”
- iv. **That** iii) a) be amended to add the words “Extension of Draft Approval or” before the words “Final Approval”
- v. **That** iii) b) be amended to add the words “Extension of Draft Approval or” before the words “Final Approval”
- vi. **That** iii) c) be amended to add the words “Extension of Draft Approval or” before the words “Final Approval”
- vii. **That** the remainder of that portion be re-numbered accordingly;

3. **That** Schedule B be amended to add as follows:

Director of Planning and Economic Development	Delegated the authority to authorize the Extension of Draft Approval of Plans of Subdivision and Plans of Condominium subject to the following: 1. That the request for the extension is for no more than two years; 2. That County staff agree with the request; and, 3. That the applicable Township Council agrees with the request.
Director of Planning and Economic Development	The authority to execute an agreement to permit access to, or an encroachment on, County lands including rights-of-way and easements and to release those agreements as required subject to the Land Use Policy guidelines and procedures as follows: ➤ Certificate of Permission ➤ Encroachments less than 15m ² ➤ Right of Way less than =<20M width
Chief Administrative Officer	The authority to execute Quit Claim Deeds for lands that formed former County roads in the former Townships which are now part of either the City of Kingston, Township of South Frontenac, or Township of Frontenac Islands.

Carried

It was questioned if the number of extensions delegated to staff should be limited, however staff assured the committee that they do monitor these development applications to ensure that progress is being made and that studies do not become outdated.

d) **2025-012
Corporate Services
Review and Proposed Amendments to the County of Frontenac Land Use Policy**

Moved By: Councillor Greenwood-Speers

Seconded By: Councillor Fowler

That the following draft amendments be incorporated into the Land Use Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment:

1. That where delegated to staff, that the size of the encroachment be increased from the current 1m² to 15m²

2. That under examples of a Right of Way, reference to “Standard Trail Crossings,” be added which would be defined as trail crossings, no wider than 20 M, that travel in a perpendicular fashion from one side of the trail to the other.
3. That the Approval Authority language for Right of Ways be amended so that staff only be delegated the authority to approve easements equal to or less than 20 M. Anything greater than 20 M would require Council approval.
4. That the additional language being added under the Procedures:
 - f. The location of all easements shall be approved by the Director of Planning and Economic Development or designate to ensure the maximum safety and free flow of movement as outlined in this Guideline to minimize the possibility of interference with the K&P Trail and avoid the creation or aggravation of any maintenance problem.
 - g. Where an alternate means of access is available, either by connection to the lower tier road system, private road, fire route or a joint mutual entrance, direct access onto the K&P Trail will be denied.
 - h. Applicants shall use the prescribed Application for Easement form as provided by the County of Frontenac.

Carried

The committee reiterated earlier comments that the increase to 10m² should be increased to 15m².

6. Next meeting date

The next meeting of the Governance Review Committee is scheduled for Tuesday, March 4, 2025 at 10:00 a.m. in the Council Chamber of the County Administration Building

7. Adjournment

Moved By: Councillor Greenwood-Speers

Seconded By: Councillor Fowler

That the meeting hereby adjourn at 11:05 a.m.

Carried



Report 2025-025

Council Recommend Report

To: Chair and Members of the Governance Review Committee
From: Jannette Amini, Manager of Legislative Services/Clerk
Date of meeting: March 4, 2025
Re: **Corporate Services – Adoption of an updated Delegation of Authority Policy**

Recommendation

Resolved That the Council of the County of Frontenac adopt a Delegation of Authority Policy to authorize the delegation of certain powers and duties under the Municipal Act, 2001, the Planning Act and other Acts, attached to this report as Appendix A;

And further That By-law 2016-0006 being a by-law to adopt a delegation of authority policy be hereby repealed.

Background

At its meeting held February 5, 2025, the Governance Review Committee received [Report 2025-011 Review and Proposed Amendments to By-law 2016-0006, Delegation of Authority Policy](#).

The Committee's discussions focused on the following points:

1. It was questioned if the number of extensions that delegated to staff should be limited, however staff assured the committee that they do monitor these development applications to ensure that progress is being made and that studies do not become outdated.
2. A Certificate of Permission was added as a delegated authority to the Director of Planning and Economic Development. This was added as an oversight, given that the existing Land Use Policy had already delegated granting this type of permission to staff.
3. The size of an encroachment agreements delegated was increased from 10m² to 15m² to reflect updates to the Ontario Building Code.
4. The authority to execute Quit Claim Deeds for lands that formed former County roads in the former Townships which are now part of either the City of Kingston,

Township of South Frontenac, or Township of Frontenac Islands was delegated to the Chief Administrative Officer.

Based on its discussions, the Committee passed the following recommendation:

- c) **2025-011**
Corporate Services
Review and Proposed Amendments to By-law 2016-0006, Delegation of Authority Policy

Moved By: Councillor Fowler

Seconded By: Warden Lichty

That the following draft amendments be incorporated into By-law 2016-0006, Delegation of Authority Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment.

1. **That** Section 4 – County Strategic Priorities be deleted in its entirety and replaced with:

The Guiding Vision for Frontenac County is to be a thriving and sustainable County that balances economic growth, environmental preservation, and individual lifestyles, ensuring a vibrant and inclusive community for current and future generations in Frontenac.

Our mission is committed to proactively promote and support managed growth in Frontenac County, leveraging its economic potential, while preserving the County's distinct natural environment and respecting the diverse lifestyle choices of our residents.

Strategic Goal #1 Develop a Regional Approach to Overcome Infrastructure Issues and Maximize Infrastructure Development Opportunities

Strategic Goal #2 Contribute to the Progress of Sustainable Economic Growth and Prosperity Throughout the County

Strategic Goal #3 Strengthen Quality of Life through Enhanced Service Delivery

Strategic Goal #4 Maximize Administrative Leadership within the County Administration

2. **That** Section 7 – Delegation Under the Planning Act be amended as follows:

i. **That** the words “Extension and” be added before the words “Final Plan” in the first sentence;

ii. **That** a new i) be added as follows:

i) Council's power and authority with respect to all matters provided for by Section 51(33) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, related to the Extension of approval of a plan

of subdivision or a plan of condominium are delegated to the Director of Planning and Economic Development or, in the absence of the Director, to the Manager of Community Planning.

- iii. **That** ii) be amended to delete “Community Planner at the end of the paragraph and replace with “Manager of Community Planning”
- iv. **That** iii) a) be amended to add the words “Extension of Draft Approval or” before the words “Final Approval”
- v. **That** iii) b) be amended to add the words “Extension of Draft Approval or” before the words “Final Approval”
- vi. **That** iii) c) be amended to add the words “Extension of Draft Approval or” before the words “Final Approval”
- vii. **That** the remainder of that portion be re-numbered accordingly;

3. **That** Schedule B be amended to add as follows:

Director of Planning and Economic Development	Delegated the authority to authorize the Extension of Draft Approval of Plans of Subdivision and Plans of Condominium subject to the following: <ul style="list-style-type: none"> 1. That the request for the extension is for no more than two years; 2. That County staff agree with the request; and, 3. That the applicable Township Council agrees with the request.
Director of Planning and Economic Development	The authority to execute an agreement to permit access to, or an encroachment on, County lands including rights-of-way and easements and to release those agreements as required subject to the Land Use Policy guidelines and procedures as follows: <ul style="list-style-type: none"> ➤ Certificate of Permission ➤ Encroachments less than 15m² ➤ Right of Way less than =<20M width
Chief Administrative Officer	The authority to execute Quit Claim Deeds for lands that formed former County roads in the former Townships which are now part of either the City of Kingston, Township of South Frontenac, or Township of Frontenac Islands.

Carried

Comment

As noted previously to the Committee, on January 10th, the [“Governance Review Committee Consultation 2025”](#) project went live on the County’s Engage Frontenac site

and speaks to the work being undertaken by the Governance Review Committee of updating existing governance related policies and by-laws and to streamline processes and improve the efficiency of the business of the County. It also highlights the essential role that the public plays regarding the County's decision-making process.

The draft Delegation of Authority policy was added to the site following the Governance Review Committee meeting on February 5th and was promoted out through the County's social media channels.

At the writing of this report, no public comments have been received.

Financial Implications

There are no anticipated financial implications associated with this report.

Organizations, Departments and Individuals Consulted and/or Affected

Joe Gullivan, Director of Planning and Economic Development
Richard Allen, Manager of Economic Development
Sonya Bolton, Manager of Community Planning
Alex Lemieux, Director of Corporate Services/Treasurer

By-Law No. 2025-xxx

of

The Corporation of the County of Frontenac

A by-law to establish a Delegation of Authority Policy and to authorize the delegation of certain powers and duties under the Municipal Act, 2001, the Planning Act and other Acts

Whereas the Council of the Corporation of the County of Frontenac has previously delegated authority to officers and employees of the Corporation in a number of areas through by-law and/or Council Resolution, in accordance with prevailing legislation;

And Whereas section 23.1 of the *Municipal Act, 2001*, S.O.2001,c. 25 confirms that a municipality has authority to delegate its powers and duties, subject to certain restrictions;

And Whereas section 51.2(1) of the *Planning Act* R.S.O. 1990 c. P.13 as amended authorizes the delegation of authority of all or any part of the authority to approve plans of subdivision to a committee of council or to an appointed officer identified in the by-law by name or position occupied and this authority is extended to approval of plans of condominium pursuant to subsection 9(2) of the *Condominium Act, 1998* S.O. 1998 c. 19, as amended;

And Whereas Section 270(1) of the *Municipal Act* provides that the County shall adopt and maintain a policy with respect to the delegation of its powers and duties;

And Whereas the Council of the Corporation of the County of Frontenac considers it appropriate to consolidate all existing delegation of authority into one by-law;

Now Therefore Be It Resolved That the Council of the Corporation of the County of Frontenac enacts as follows:

1. **That** the County of Frontenac Delegation of Authority Policy shall be as detailed in Schedule "A" attached hereto and forming part of this by-law;
2. **That** the delegation of certain powers and duties under the Municipal Act, 2001, the Planning Act and other Acts to certain officers and employees of the County of Frontenac shall be in accordance with Schedule "B" attached hereto and forming part of this by-law;
3. **That** By-law No. 2016-0008 be hereby repealed;
4. **That** this by-law shall come into force and take effect as of the date of final passing thereof.

Read a first and second time this 19th day of March, 2025.

Read a third time and finally passed this 19th day of March, 2025.

The Corporation of the County of Frontenac

Gerry Lichty, Warden

Jannette Amini, Clerk

Consolidated Copy
Amendments

By-law No.

Title

Date of
Passage

By-law No. 2025-xxx – To authorize the delegation of certain powers and duties under the Municipal Act, 2001, the Planning Act and other Acts
March 19, 2025

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Schedule “A” to By-law No. 2025-xxx

Delegation of Authority Policy

1. Purpose/ Application

The *Municipal Act, 2001, as amended*, (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council’s legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including Section 270. This policy applies to all committees of Council, departments and staff.

2. Definition(s):

a. Legislative Powers – Includes all matters where Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority.

b. Administrative Powers – Includes all matters required for the management of the corporation which do not involve discretionary decision making.

3. Policy Statement

The Council of the County of Frontenac as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council’s decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

This policy provides guidance regarding the scope of powers and duties that Council may delegate under its legislative and administrative authority and establishes principles governing such delegation.

4. County Strategic Priorities

The Guiding Vision for Frontenac County is to be a thriving and sustainable County that balances economic growth, environmental preservation, and individual lifestyles, ensuring a vibrant and inclusive community for current and future generations in Frontenac.

Our mission is committed to proactively promote and support managed growth in Frontenac County, leveraging its economic potential, while preserving the County's distinct natural environment and respecting the diverse lifestyle choices of our residents.

Strategic Goal #1 Develop a Regional Approach to Overcome Infrastructure Issues and Maximize Infrastructure Development Opportunities

Strategic Goal #2 Contribute to the Progress of Sustainable Economic Growth and Prosperity Throughout the County

Strategic Goal #3 Strengthen Quality of Life through Enhanced Service Delivery

Strategic Goal #4 Maximize Administrative Leadership within the County Administration

5. Policy Requirements

County Council supports the delegation of powers and duties to provide efficient management of municipal operations and respond to matters in a timely fashion according to the following principles:

- (i) All delegations of Council powers, duties or functions shall be by by-law and in accordance with the rules outlined in Section 23.1 of the Act and set out in Schedule B and reviewed every term of Council.
- (ii) All delegation of powers and duties may be revoked at any time without notice.
- (iii) No delegation of powers and duties shall exceed the term of Council.
- (iv) A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the CAO or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- (v) Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised and must consider the limitations set out in the *Act*.
- (vi) Council has not deemed it necessary to authorize the delegation through this policy of any specific legislative matters not already delegated by by-law.
- (vii) Administrative Matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy and must consider the limitations set out in the *Act*.
- (viii) Council has not deemed it necessary to authorize the delegation through this policy of any specific administrative matters not already delegated by by-law.

County staff are responsible for adhering to the parameters of this policy and for ensuring appropriate application of delegated authority. In exercising any delegated power, the delegate shall ensure the following:

- Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the procurement policy by-law);
- The scope of the delegated authority shall not be exceeded by the delegate;
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy;
- All policies regarding insurance and risk management shall be complied with; and
- Delegates shall ensure the consistent and equitable application of Council policies and guidelines.

6. Description of Delegation

Council delegates the powers and duties and restrictions thereto as set out in Schedule "B" to this By-law to those officers and employees listed in Schedule "B".

- (a) Where this By-law has delegated authority to the Chief Administrative Officer and an Acting Chief Administrative Officer has been appointed by Council in the absence of the Chief Administrative Officer, the Acting Chief may exercise the delegated authority;
- (b) Should any position identified in this by-law with a delegated authority, other than that of a Chief Administrative Officer, no longer exist in the corporation, then the Chief Administrative Officer described as responsible for the delegated authority may in writing designate another position to assume the delegated authority.

Where the exercise of a delegated authority requires the expenditure of money, funding for the expenditure shall be included in an approved budget and all relevant requirements of Procurement Policy By-law 2013-0011, as amended or any successor Procurement Policy shall be followed.

All relevant by-laws and policies of The Corporation of the County of Frontenac shall apply to the exercise of delegated authority authorized by this By-law.

Delegated Authority where dollar limits are specified do not form part of this By-law and may be found in the County's Procurement Policy.

Unless otherwise specified, all delegated authority listed in Schedules "B" and exercised shall be reported on an annual basis to County Council, for information, by the Chief Administrative Officer described as responsible for the delegated authority.

7. Delegation Under the Planning Act

Applications for Extension of Draft Plan Approval and Final Plan Approval & Subdivision/Condominium Agreement Execution

- i) Council's power and authority with respect to all matters provided for by Section 51(33) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, related to the extension of approval of a plan of subdivision or a plan of condominium are delegated to the Director of Planning and Economic Development or, in the absence of the Director, to the Manager of Community Planning.
- ii) Council's power and authority with respect to all matters provided for by Section 51 (58) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, related to the final plan approval of a plan of subdivision or a plan of condominium are delegated to the Director of Planning and Economic Development or, in the absence of the Director, to the Manager of Community Planning.
- iii) Notwithstanding the provisions of Clause 7(i) of this policy, Council shall retain all powers and authority under Section 51(58) of the Planning Act, as amended, where:
 - a) The Director, or their designate acting in the position, at his/her discretion refers the request for Extension of Draft Approval or Final Approval of the plan of subdivision/condominium to Council;
 - b) The Owner/applicant requests in writing that the request for Extension of Draft Approval or Final Approval of the plan of subdivision/condominium be referred to Council. Such a request will be accompanied by a report from the Director providing advice and direction to Council with respect to the status of the draft conditions.
 - c) Any member of Council, through a notice of motion, may request that Extension of Draft Approval or Final Approval for a specific plan of subdivision/condominium be referred to Council. Such consideration will be made at a subsequent meeting with the Director providing advice and direction to Council with respect to the status of the draft conditions.

Applications for Part-Lot Control – Approval

- i) Council's power and authority with respect to all matters provided for by Section 50 (7.1) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, related to the requirement for approval for part-lot control by the appropriate approval authority for the purpose of sections 51 and 51.1 of the *Planning Act*, R.S.O. 1990, Chapter P.13 are delegated to the Director of Planning and Economic Development or, in the absence of the Director, to their designate acting in the position.
- ii) Notwithstanding the provisions of Clause 7(i) of this policy, Council shall retain all powers and authority under Section 51(58) of the Planning Act, as amended, where:

- d) The Director or, in the absence of the Director, the designate, at his/her discretion refers the request part-lot control to Council;
- e) The Owner/applicant requests in writing that the request for part-lot control be referred to Council. Such a request will be accompanied by a report from the Director providing advice and direction to Council.
- f) Any member of Council, through a notice of motion, may request that approval for part-lot control be referred to Council. Such consideration will be made at a subsequent meeting with the Director providing advice and direction to Council with respect to the approval.

8. Monitoring/contraventions

The Chief Administrative Officer shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Chief Administrative Officer shall notify County Council, where Council may revoke such delegation.

**Schedule B to By-law 2025-xxx
Delegated Authority**

Officer or Position	Description of Delegated Authority
Warden	Head of the Municipality for the Purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</i> and the <i>Ombudsman Act</i>
Clerk	Delegated the power or duty granted or vested in the head pursuant to Section 49(1) of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> ;
Director of Planning and Economic Development	Delegated the authority to authorize Final Approval of Plans of Subdivision and Plans of Condominium
Director of Planning and Economic Development	Delegated the authority to authorize Applications for Part-Lot Control – Approval
Director of Planning and Economic Development	Delegated the authority to authorize the Extension of Draft Approval of Plans of Subdivision and Plans of Condominium subject to the following: <ol style="list-style-type: none"> 1. That the request for the extension is for no more than two years; 2. That County staff agree with the request; and, 3. That the applicable Township Council agrees with the request.
Director of Planning and Economic Development	The authority to execute an agreement to permit access to, or an encroachment on, County lands including rights-of-way and easements and to release those agreements as required subject to the Land Use Policy guidelines and procedures as follows: <ul style="list-style-type: none"> ➤ Certificate of Permission ➤ Encroachments less than 15m² ➤ Right of Way less than =<20M width
Clerk	Designated as the Contact Person of the Municipality for the Purposes of the <i>Personal Health Information Protection Act (PHIPA)</i> and the <i>Ombudsman Act</i> .

Integrity Commissioner	Delegation of authority of Council's powers to impose penalties for a contravention of the Code of Conduct.
Chief Administrative Officer	The authority to execute Quit Claim Deeds for lands that formed former County roads in the former Townships which are now part of either the City of Kingston, Township of South Frontenac, or Township of Frontenac Islands.



Report 2025-026

Council Recommend Report

To: Chair and Members of the Governance Review Committee
From: Jannette Amini, Manager of Legislative Services/Clerk
Date of meeting: March 4, 2025
Re: **Corporate Services – Approval of Amendments to the County of Frontenac Land Use Policy**

Recommendation

Resolved That the Governance Review Committee approved approve the amendments to the County of Frontenac Land Use Policy, attached to this report as Appendix A;

And further That the Land Use Policy be incorporated into the Sale, Disposition and Land Use By-law as Appendix B.

Background

At its meeting held February 5, 2025, the Governance Review Committee received [Report 2025-012 Corporate Services – Review and Proposed Amendments to the County of Frontenac Land Use Policy](#).

The Committee's discussions focused on the following points:

1. The size of an encroachment agreements delegated was increased from 10m² to 15m² to reflect updates to the Ontario Building Code.

Based on its discussions, the Committee passed the following recommendation:

- d) **2025-012
Corporate Services
Review and Proposed Amendments to the County of Frontenac Land Use Policy**

Moved By: Councillor Greenwood-Speers

Seconded By: Councillor Fowler

That the following draft amendments be incorporated into the Land Use Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment:

1. That where delegated to staff, that the size of the encroachment be increased from the current 1m2 to 15m²
2. That under examples of a Right of Way, reference to “Standard Trail Crossings,” be added which would be defined as trail crossings, no wider than 20 M, that travel in a perpendicular fashion from one side of the trail to the other.
3. That the Approval Authority language for Right of Ways be amended so that staff only be delegated the authority to approve easements equal to or less than 20 M. Anything greater than 20 M would require Council approval.
4. That the additional language being added under the Procedures:
 - f. The location of all easements shall be approved by the Director of Planning and Economic Development or designate to ensure the maximum safety and free flow of movement as outlined in this Guideline to minimize the possibility of interference with the K&P Trail and avoid the creation or aggravation of any maintenance problem.
 - g. Where an alternate means of access is available, either by connection to the lower tier road system, private road, fire route or a joint mutual entrance, direct access onto the K&P Trail will be denied.
 - h. Applicants shall use the prescribed Application for Easement form as provided by the County of Frontenac.

Carried

Comment

As noted previously to the Committee, on January 10th, the [“Governance Review Committee Consultation 2025”](#) project went live on the County’s Engage Frontenac site and speaks to the work being undertaken by the Governance Review Committee of updating existing governance related policies and by-laws and to streamline processes and improve the efficiency of the business of the County. It also highlights the essential role that the public plays regarding the County’s decision-making process.

The draft Land Use policy was added to the site following the Governance Review Committee meeting on February 5th and was promoted out through the County’s social media channels.

At the writing of this report, no public comments have been received.

Financial Implications

There are no anticipated financial implications associated with this report.

Organizations, Departments and Individuals Consulted and/or Affected

Joe Gallivan, Director of Planning and Economic Development
Richard Allen, Manager of Economic Development
Sonya Bolton, Manager of Community Planning
Alex Lemieux, Director of Corporate Services/Treasurer
Cunningham Swan



FRONTENAC

Corporate Policy & Procedure Manual

Index Number: A09-HR-02-03

Subject: Land Use Policy

Page 1 of 4

Effective Date: September 17, 2014

Approved:

Revision Date: February 19, 2025

Policy:

The County of Frontenac recognizes as a property owner that requests for use of County property will arise from time to time. The timely handling of such issues is necessary for the protection of the public interest and in the interests of the citizen making a request.

Objective:

To provide a decision-making framework for Council, citizens and staff to ensure that the most efficient and least intrusive measure is applied to citizen requests for use of lands owned by the County.

Procedure:

1. Staff will review with the applicant their needs and work with them to process their application in a timely and efficient manner.
2. In reviewing applications, the table below will be used to direct the applicant to the least onerous method possible. The Table is generally structured from “least” onerous (Certificate of Permission), to “most” onerous (Right of Way and Sale).

Method	Time Period	Examples	Conditions	Approval Authority	Transferable
Certificate of Permission	Less than one year	Access across the property for a limited time (e.g., construction or tree harvesting)	Pre and post inspection Deposit equal to potential restoration Proof of insurance Site sketch Signed agreement Taxes in good standing	Delegated to staff	No
License of Occupation	Generally for a period up to three years In any case, not more than 21 years	Water line under property for a temporary period Fence encroachment Well installation Property access while a permanent access is being constructed	Pre and post inspection + periodic compliance inspections Proof of insurance Legal Survey Signed agreement Taxes in good standing	Council approval	Not as of right, but with County permission Not past original length
Encroachment Agreement	Indefinite, but may expire if the encroachment is replaced	Previously constructed structures	Pre- inspection Proof of insurance Legal survey Signed agreement Taxes in good standing	Delegate to staff for encroachment structure less than 15m ² Council approval for encroachment structures greater than 15m ²	With County permission

<p>Right of Way (RoW)</p>	<p>In perpetuity</p>	<p>Driveway access for a home or accessory building Permanent installations above, on or below Standard Trail Crossings</p>	<p>Pre and post inspection + periodic compliance inspections (because it is permanent, a post-inspection is not necessary) Proof of insurance Legal Survey Signed agreement Taxes in good standing</p>	<p>Delegate to staff for right of way less than or equal to 20 metre width Council approval for right of way greater than 20 metre width</p>	<p>No need to transfer – transferred with title as of right</p>
<p>Sale</p>	<p>Disposal</p>	<p>Sale for a lot addition Sale as surplus to County needs</p>	<p>Pre inspection Legal Survey Signed agreement Taxes in good standing</p>	<p>Approved by Council Considered a disposition of property under the County By-law</p>	<p>n/a, see sale and disposition of land policy</p>

Procedures:

1. In all instances the proponent is responsible for all costs + applicable fees
 - a. Fees and charges as per the County's annual User Fee By-law
2. Permission may be refused in the following instances:
 - a. Where granting permission would result in an unsafe condition
 - b. Where permission would interfere with or limit future development
 - c. Where the portion of County property at issue abuts waterfront
 - d. Where the permission would allow land uses that may have negative impacts on the use or users of County lands
 - e. Longitudinal access for an extended length of County lands
 - f. The location of all easements shall be approved by the Director of Planning and Economic Development or designate to ensure the maximum safety and free flow of movement as outlined in this Guideline to minimize the possibility of interference on County lands and avoid the creation or aggravation of any maintenance problem.
 - g. Where an alternate means of access is available, either by connection to the lower tier road system, private road, fire route or a joint mutual entrance, direct access onto County Lands will be denied.
 - h. Applicants shall use the prescribed Application for Easement form as provided by the County of Frontenac.
3. Conditions may be imposed on any of the above, which may include:
 - a. Requirements for engineered drawings to show improvements to County land surface, drainage, access points etc.
 - b. Conditions governing usage and safety
 - c. Requirements for fencing and signage
 - d. Insurance and indemnities



Report 2025-027

Committee Recommend Report

To: Chair and Members of the Governance Review Committee
From: Jannette Amini, Manager of Legislative Services/Clerk
Date of meeting: March 4, 2025
Re: **Corporate Services – Adoption of a Sale, Disposition and Land Use Policy for the County of Frontenac**

Recommendation

Resolved That the Council of the County of Frontenac adopt a Sale, Disposition and Land Use Policy for the County of Frontenac;

And further That this Policy be adopted by By-law, attached to this report as Appendix A;

And Further That By-law 17-1995, being a By-law to establish procedures governing the sale of real property be repealed.

Background

At its meeting held January 7, 2025, the Governance Review Committee received [Report 2025-001, Preliminary discussions on the Adoption of a Sale and Disposition of Land Policy for the County of Frontenac](#).

The Committee's discussions focused on focuses on the following:

1. Add the definition of what is considered a "third Party",
2. Wording around public notice and advertising and that this should be general and refer to the County's Public Notice Policy.

The Committee also stressed that public consultation be a key piece regarding this Committee's work and that staff make use of the Engage Frontenac site to encourage and engage public input.

At its meeting held February 5, 2025, the committee was resented with [Report 2025-010 Adoption of a Sale and Disposition of Land Policy for the County of Frontenac](#) advising the Committee of the amendments made based on the discussions of the previous meeting.

Based on its discussions, the Committee passed the following recommendation:

b) **2025-010**
Corporate Services
Adoption of a Sale and Disposition of Land Policy for the County of Frontenac

Moved By: Councillor Fowler

Seconded By: Warden Lichty

Be It Resolved That Governance Review Committee approve the Sale & Disposition Policy, attached to this report as Appendix A, as amended to add the following definition:

“Third Party” means an additional party to an agreement already in place between the County and another entity.

Carried

Comment

At the February 5, 2025 meeting, staff advised that Committee that once the report addressing the amendments to the Land Use Policy had gone through the public consultation process, that it would form part of the Sale, Disposition and Land Use By-law and would come back to the committee for full approval.

The Committee has now finalized a Land Use Policy following public consultation, and the purpose of this report in front of the Committees, is the adoption of a Sale, Disposition and Land Use By-law for Council’s consideration.

At the writing of this report, no public comments have been received.

Strategic Priorities Implications

Priority 4. Maximize Administrative Leadership within the County Administration.

- Ensure efficient and responsible financial management of County resources
- Ensure transparency and accountability of the governance of the County of Frontenac (Council and its Committees).

Financial Implications

There are no anticipated financial implications associated with the adoption of this policy. Although, it is anticipated that there will be financial implications associated with the use of the policy for the sale and disposition of land. Possible costs may include, legal fees, surveys etc.

Organizations, Departments and Individuals Consulted and/or Affected

Joe Gallivan, Director of Planning and Economic Development

Richard Allen, Manager of Economic Development

Sonya Bolton, Manager of Community Planning

Alex Lemieux, Director of Corporate Services/Treasurer

By-Law No. 2025-0xx

OF

The Corporation of the County of Frontenac

being a by-law to Establish a Policy for the Sale, Disposition and Land Use by the Corporation of the County of Frontenac

Short Title: "Sale, Disposition and Land Use By-Law"

Whereas Section 270(1) of the Municipal Act, 2001 as amended requires municipalities to adopt and maintain a policy governing the sale and disposition of land.

And Whereas the Council of the Corporation of the County of Frontenac deems it expedient to enact a by-law to amend the Policy for Sale and Disposition of Land;

Now Therefore Be It Resolved That the Council of The Corporation of the County of Frontenac does hereby adopt the "Sale and Disposition of Land" Policy attached hereto as Schedule "A";

And That the Council of The Corporation of the County of Frontenac does hereby adopt the " Land Use" Policy attached hereto as Schedule "B"

And That By-law No. 1995-0017 is hereby repealed in its entirety;

And That all resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law are hereby repealed.:

Read a First and Second Time this 19th day of March, 2025.

Read a Third Time, Signed, Sealed and Finally Passed this 19th day of March, 2025.

The Corporation of the County of Frontenac

<hr/> Gerry Lichty, Warden	<hr/> Jannette Amini, Clerk
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Schedule 'A'
To By-law No. 2025-0xx
Sale and Disposition of Land Policy

1 Purpose

This Policy sets out the procedures to be followed for the sale or other disposition of any land by the Corporation, except for any land being disposed of pursuant to Part XI of the Municipal Act, 2001.

The Corporation shall carry out the sale and disposition of land in a timely, cost-effective, and transparent manner.

2 Definitions

In this Policy:

“Agencies” means boards, commissions, public utility companies or agencies owned, controlled or operated by a lower-tier municipality in the County of Frontenac, Her Majesty in the Right of Ontario, Her Majesty in the Right of Canada or by the Government of Ontario or the Government of Canada or under the authority of the Legislature of Ontario or Parliament or the Lieutenant Governor in Council or the Governor General in Council.

“Appraisal” means a written opinion as the amount the land might be expected to realize if sold in the open market by a willing seller to a willing buyer.

“Chief Administrative Officer” means the person holding the title of the Corporation’s Chief Administrative Officer.

“Corporation” means the Corporation of the County of Frontenac.

“Council” means the Council of the Corporation.

“County” means the Corporation of the County of Frontenac or its geographic area, as the context requires.

“County Solicitor” means the firm under contract with the Corporation.

“Clerk” means the Clerk of the Corporation.

“Director” means the person holding the title of the Corporation’s Director of Corporate Services/Treasurer.

“Fair market value” means the purchase price that a property might be expected to realize if offered for sale on the open market by a willing seller to a willing buyer.

“Limited interest” means a permanent or temporary easement, right of way or other comparable limited right in favour of the Corporation in or over any land that is not owned by the Corporation in fee simple.

“Limited use” means a permission to enter, temporary license or other temporary use of land owned by the Corporation and does not include the grant of an easement or any permission or license to use any space within a buildings owned by the Corporation, to affix any structure to any land, building or structure owned by the Corporation, or to conduct any activity on lands owned by the Corporation which is otherwise prohibited, or for which a permit is required, under any other by-law or policy of the Corporation.

“Sale or other disposition” means a disposition of land through a sale and includes a transfer or release of a limited interest, a disposition of land in conjunction with the acquisition of other lands as part of a land exchange transaction, and a lease of 21 years or longer, but does not include the grant of a limited use.

“Third Party” means an additional party to an agreement already in place between the County and another entity.

3 Sale or Other Disposition of Land – General

3.1 Declaration of Land as Surplus

Prior to the sale or other disposition of land by the Corporation other than land described in Section 5.1 of this Policy, land must be declared surplus to the needs of the Corporation by Council. Such declaration of surplus shall be made by Council by by-law or by resolution passed at a meeting open to the public.

3.2 Notice to the Public

Except where lands are listed with a licensed real estate broker, a notice of the County’s intention to sell lands will follow the procedures as noted in the County’s Public Notice Policy.

If the lands are marketed using a licensed real estate broker any of the following by the broker will constitute sufficient notice for the purposes of this policy:

- The listing of the lands on MLS
- The advertisement of the lands for sale in either local newspaper at least once or the County’s website; or
- The placement of a for-sale sign on the lands.

3.3 Appraisals

Unless Council directs otherwise, the Director must obtain at least one appraisal of the fair market value of the land prior to its sale or other disposition unless the land is one of the following classes of land which may be sold or disposed of without an appraisal:

- (a) a limited interest;
- (b) land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
- (c) land that does not have direct access to a highway if sold to the owner of land abutting the land;
- (d) land repurchased by an owner in accordance with section 42 of the

Expropriations Act;

- (e) land sold under section 107 of the Municipal Act, 2001; and
- (f) land to be sold to another municipality, to a local board as defined in the Municipal Act, 2001, to a district school board as defined in the Education Act, to a conservation authority established by or under the Conservation Authorities Act or to the Crown in the Right of Ontario or Canada or their agencies.

3.4 Manner of Sale or Other Disposition

Subject to the requirements of this Policy, the Director may determine the manner or process by which the sale or other disposition of the land will be carried out, including determining whether (i) other agencies are required to be notified of the sale and/or given the opportunity to acquire the land prior to offering the land for sale to the general public; and (ii) to sell the land to the public through public tender, public auction, a proposal call, listing through a multiple listing service, direct advertising and direct negotiations with a land owner, provided that:

- (a) if a public tender process will be used, a reserve bid equal to or higher than the appraised value of the land must be provided; and
- (b) if the land will be listed through a multiple listing service, the list price must be equal to or higher than the appraised value of the land.

3.5 Disposition for Nominal Consideration to Non-Profit Non-Commercial Entity

The Director may identify certain lands for disposition to a non-profit, non-commercial entity where such disposition is in the best interest of the community and the County for nominal consideration.

The disposition of such lands shall include a term that restricts the further assignment or transfer to a third party unless the County provides its consent. Where consent to a third party is sought, the Director shall determine that the assignee is also a non-profit, non-commercial entity and agrees to similar restrictions on further transfers.

The disposition under this provision shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise by leasing or selling any property of the municipality at below fair market value. Therefore, as prospective entity shall not be a manufacturing business or other industrial or commercial enterprise.

Any proposed transfer under this provision shall be brought to Council for approval prior to disposition.

3.6 Final Council Approval

No other sale or other disposition of land by the Corporation other than a sale or disposition of land described in Section 4.1 of this Policy will be concluded without the final approval of Council authorizing the actual transfer or other disposition of land.

3.7 Non-Application

For greater certainty, the provisions of this Section 3 shall not apply to those lands referred to in Section 4 of this Policy.

4 Limited Powers for Sale or Other Disposition of Land

4.1 Limited Powers of the Chief Administrative Officer

Upon receipt of a written request from the Director, the Chief Administrative Officer of the Corporation may authorize the disposition of the following lands:

- (a) any limited interest;
- (b) land that is 0.3 metres or less in width and is being conveyed to the adjoining owner; or

5 Limited Use of Land

5.1 Authorization by the Director

The Director may authorize a limited use by third parties for the purpose of facilitating work on the said lands or on adjacent or surrounding lands, provided that:

- (a) the Director does so only upon prior consultation with staff of other departments of the Corporation, who is/are responsible for the operations or maintenance of the subject land; and
- (b) the person given the authorization to enter or use the land owned by the Corporation agrees to:
 - (i) restore the land and adequately secure that obligation;
 - (ii) indemnify the Corporation with respect to such entry or use; and
 - (iii) provide adequate insurance protection to the benefit of the Corporation.

5.2 Execution of Agreement for Entry or Use

The Director may authorize the entering into and execution of any agreements to secure the provisos to the authorization of the temporary entry or use of land owned by the Corporation set out in Section 5.1 above.

Roles and Responsibilities:

Council

- Council must determine whether land is surplus and approve the final sale or other disposition of land or of a limited interest.
- Each member of Council must take care not to disclose or release by any means to any person any confidential information disclosed to Council in closed session in relation to any sale or other disposition of land.

County Solicitor

- The County Solicitor must oversee the Director in the carrying out of all its responsibilities under this Policy.

Director

- The Director must report to Council with respect to any proposed declaration of surplus and the sale or other dispositions of land owned by the Corporation, whether initiated by the Director, staff of another department of the Corporation or an external party.
- Prior to reporting to Council, the Director must determine, in consultation with appropriate staff of the Corporation, that any municipal purpose that may have previously existed no longer exists.

Staff

- Staff with operation, maintenance, or other responsibilities in connection with land owned by the Corporation must, upon request, provide input to the Director with respect to the proposed declaration of surplus and sale or disposition of any land owned by the Corporation.

5.3 Review Cycle

This policy shall be reviewed once per term of Council.

Schedule 'B'
To By-law No. 2025-0xx
Land Use Policy

1 Policy:

The County of Frontenac recognizes as a property owner that requests for use of County property will arise from time to time. The timely handling of such issues is necessary for the protection of the public interest and in the interests of the citizen making a request.

2 Objective:

To provide a decision-making framework for Council, citizens and staff to ensure that the most efficient and least intrusive measure is applied to citizen requests for use of lands owned by the County.

3 Procedure:

1. Staff will review with the applicant their needs and work with them to process their application in a timely and efficient manner.
2. In reviewing applications, the table below will be used to direct the applicant to the least onerous method possible. The Table is generally structured from “least” onerous (Certificate of Permission), to “most” onerous (Right of Way and Sale).
3. In all instances the proponent is responsible for all costs + applicable fees
 - a. Fees and charges as per the County’s annual User Fee By-law
4. Permission may be refused in the following instances:
 - a. Where granting permission would result in an unsafe condition
 - b. Where permission would interfere with or limit future development
 - c. Where the portion of County property at issue abuts waterfront
 - d. Where the permission would allow land uses that may have negative impacts on the use or users of County lands
 - e. Longitudinal access for an extended length of County lands
 - f. The location of all easements shall be approved by the Director of Planning and Economic Development or designate to ensure the maximum safety and free flow of movement as outlined in this Guideline to minimize the possibility of interference on County lands and avoid the creation or aggravation of any maintenance problem.

Method	Time Period	Examples	Conditions	Approval Authority	Transferable
Certificate of Permission	Less than one year	Access across the property for a limited time (e.g., construction or tree harvesting)	Pre and post inspection Deposit equal to potential restoration Proof of insurance Site sketch Signed agreement Taxes in good standing	Delegated to staff	No
License of Occupation	Generally for a period up to three years In any case, not more than 21 years	Water line under property for a temporary period Fence encroachment Well installation Property access while a permanent access is being constructed	Pre and post inspection + periodic compliance inspections Proof of insurance Legal Survey Signed agreement Taxes in good standing	Council approval	Not as of right, but with County permission Not past original length
Encroachment Agreement	Indefinite, but may expire if the encroachment is replaced	Previously constructed structures	Pre- inspection Proof of insurance Legal survey Signed agreement Taxes in good standing	Delegate to staff for encroachment structure less than 15m ² Council approval for encroachment structures greater than 15m ²	With County permission

<p>Right of Way (RoW)</p>	<p>In perpetuity</p>	<p>Driveway access for a home or accessory building Permanent installations above, on or below Standard Trail Crossings</p>	<p>Pre and post inspection + periodic compliance inspections (because it is permanent, a post-inspection is not necessary) Proof of insurance Legal Survey Signed agreement Taxes in good standing</p>	<p>Delegate to staff for right of way less than or equal to 20 metre width Council approval for right of way greater than 20 metre width</p>	<p>No need to transfer – transferred with title as of right</p>
<p>Sale</p>	<p>Disposal</p>	<p>Sale for a lot addition Sale as surplus to County needs</p>	<p>Pre inspection Legal Survey Signed agreement Taxes in good standing</p>	<p>Approved by Council Considered a disposition of property under the County By-law</p>	<p>n/a, see sale and disposition of land policy</p>



Report 2025-028

Committee Recommend Report

To: Chair and Members of the Governance Review Committee
From: Jannette Amini, Manager of Legislative Services/Clerk
Date of meeting: March 4, 2025
Re: **Corporate Services – Initial Discussions on the Public Notice Policy**

Recommendation

That the Public Notice Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment

Background

Section 270 of the Municipal Act, 2001 (the “Act”) requires that all municipalities adopt and maintain several specific policies which provide a basis for decision-making to support clear and consistent implementation processes. One of the requirements is a policy which outlines the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times in which notice shall be given.

At the time that the Municipal Act, 2001, came into effect, the new legislation removed several mandatory notice requirements and put the onus on municipalities to develop policies to lay out the circumstances of providing notice to the public. The intent being that municipalities, as a mature level of government, can determine how best to ensure the public is aware of matters being considered by their local councils. With the understanding that local circumstances could mean public notice policies may, and perhaps should, differ from one municipality to another.

An example of a previous public notice requirement in the repealed Municipal Act was the sale and disposition of land. Under the previous Act, a municipality was required to pass a by-law for the sale of real land mandating three procedures: publicly declaring the land surplus, obtaining an appraisal and giving notice. The Municipal Act, 2001, now only requires that municipalities adopt and maintain a policy with respect to the sale and other disposition of land. No mandates were prescribed with this amendment.

Since its adoption 25 years ago, the Municipal Act, 2001 has also seen amendments which removed certain legislated public notice requirements, such as the adoption of the budget, or fees and charges, again, based on the realization that municipalities can make decisions in the best interests of its citizens based on local circumstances.

Another example can be found regarding Council composition. There is a legislated notice and public meeting requirement for an upper-tier municipality to change the composition of its council; however, there is no legislative requirement to provide public notice to change the composition of a local council. It would be up to the local municipality to determine if it is reasonable to provide public notice and hold a public meeting if it were to consider changes to its council composition and if determined to be reasonable, to then identify such public notice requirements.

Other legislation which sets out the requirements of public notice would be the Planning Act.

County Council adopted By-law 2014-0008 being a by-law to adopt a Public Notice Policy on February 19, 2014. As part of the requirement under the Act to maintain this Policy, this policy is now being presented to the Governance Review Committee for review.

Key changes that were made in 2014 was the addition of the definition of “Day” to clarify that this means calendar days and not business days, and that when advertising in the newspaper, it can be either a paid or unpaid publication.

It also saw the addition of some sections to reflect the County’s commitment to being open and transparent and that the policy itself represented a minimum standard and that more comprehensive notice methods may be used.

The proposed amendments to the County’s Public Notice Policy have retained many of the updates done in 2014 and has been cross referenced with similar policies from comparator municipalities.

Comment

The current Public Notice Policy identifies and sets out notice requirements for specific matters mandated under the Municipal Act. These are found in Schedule A to the Policy.

As part of the policy review, staff commenced an initial review the existing Public Notice policy and are proposing the following changes for the Committees consideration.

1. Add under Content of Public Notice and additional requirement to read:

“Where the matter relates to specific lands, sufficient information regarding the location such as the municipal address, legal description or map”

Staff are recommending this addition to reflect the addition of public notice requirements for the sale and disposition of land.

2. Add a numbering column to Schedule A

3. Add a new Section 270 for the Sale and Disposition of land as follows:

7	Section 270 Adoption of Policies Sale and Disposition of Land	No Municipal Act Requirements	Notice to be posted to the County website two weeks prior to Council meeting at which the subject lands are being considered
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At the previous meeting when reviewing the County's Sale and Disposition of Land By-law, the Committee opted to leave the public notice section general and direct users to the County's Public Notice Policy. At present the Public Notice Policy does not have any provisions for sale of land. Staff are recommending the proposed wording "Notice to be posted to the County website two weeks prior to Council meeting at which the subject lands are being considered" be added. This will advise the public that Council will be making a decision at the Council meeting to dispose of the land. This will come to Council via a staff report and at that time, Council can determine the most appropriate means of advertisement. This allows that the public notice of each sale to be determined on a case-by-case basis.

Strategic Priorities Implications

Priority 4. Maximize Administrative Leadership within the County Administration.

- Ensure efficient and responsible financial management of County resources
- Ensure transparency and accountability of the governance of the County of Frontenac (Council and its Committees).

Financial Implications

There are no anticipated financial implications associated with the adoption of this policy.

Organizations, Departments and Individuals Consulted and/or Affected

Alex Lemieux, Director of Corporate Services/Treasurer
Kevin Farrell, Chief Administrative Officer



Policy & Procedure Manual

Subject: Public Notice Policy

Index Number A09-AMD-002

Date Approved: February 19, 2014

Effective Date: February 19, 2014

Page 1 of 11

SCHEDULE "A" TO BY-LAW NO. 2014-0008

Policy Statement:

The Corporation of the County of Frontenac is committed to being an accountable, transparent and open organization through the provision of public notice thereby enabling citizens to be aware of the business of the County. Accountability, transparency and openness are principles of good government that enhance public trust.

Where the County is required to give public notice with respect to any matter, the County shall at minimum provide public notice as required by any applicable statute or regulation and/or in accordance with this policy. The County will also ensure that public notice requirements under this policy are accessible and made available in accessible formats, if required.

Purpose:

The purpose of this policy is to establish procedures for public notice and engagement that promote the open and transparent governance of the County, thereby enabling citizens to be aware of the business of the County. *The Municipal Act, 2001, S.O. 2001, as amended*, requires Council to adopt and maintain a public notice policy, which specifies the circumstances in which the municipality shall provide notice to the public related to the business of the County. In accordance with the *Municipal Act, 2001*, this policy sets out the minimum notice requirements, a list of matters for which public notice is required, the form and manner in which notice is to be given and the minimum time for giving such notice.

Definitions:

"Act" shall mean the *Municipal Act, 2001, S.O. 2001* as amended.

"Clerk" shall mean the Clerk of the Corporation of the County of Frontenac.

"Days" shall mean calendar days, not business days.

"Mail" shall mean prepaid, first-class mail unless legislation requires otherwise.



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“Newspaper” shall mean a printed publication, either paid or unpaid, in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and serving the County of Frontenac.

“Website” shall mean the County’s official web–site www.frontenacounty.ca.

Principles:

The notice provisions contained within this policy are based on the following guiding principles:

- valuing inclusiveness – ensure public notice and engagement is based on building trust and relationships that seek to involve all members of the community
- providing timely communication – ensuring information is available in a timely manner
- providing clear and accessible communication – ensuring the use of plain language in a wide variety of formats and channels of communication
- being fiscally sustainable – ensuring methods and resources for public notice and engagement reflect the magnitude and complexity of the initiative
- being transparent and accountable – sharing information and having open public engagement processes, final decisions and outcomes
- being environmentally sustainable – ensuring environmentally friendly public notice methods
- striving for continuous improvement – seeking better ways of engaging the community and providing efficient and effective public notice and engagement processes.

Principles:

The notice provisions contained within this policy are based on the following principles:



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- Citizens should be aware what, when and where the business of the County is being discussed.
 - Citizens should be aware when the business being discussed will have an impact on them.
 - Adequate time should be provided to citizens so they can make submissions.

The following principles apply to the notice:

- be provided as soon as possible;
- be distributed to the broadest possible audience;
- should be given in a variety of manners;
- provide credible, accessible information in a usable and accessible format that is easy to understand, while being open, inclusive and respectful to all citizens.
- in some circumstances, be given directly to the affected individuals.

Examples of forms of notice are:

- Direct delivery, including hand delivery, direct mail, facsimile and email
- Notice on website
- Newspapers, both daily and weekly
- Location signs
- Radio and television (i.e. media releases)
- Social media

The Clerk shall determine the most appropriate newspaper(s) to utilize in a particular notice. The decision shall be based on the citizens affected by particular subject matter.

Application:

This policy applies to all types of public notice and engagement, which may be influenced by legislation, cost, emergency situation, timeframes, geographic distance, types of notification and degree of potential impact on affected parties.

This policy shall apply except where:

- notice is otherwise prescribed by any other statute or regulation



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- where authorized, Council directs an alternative form of public notice as Council considers appropriate to give reasonable notice under the provision of any statute or regulation; or
- the Warden, in consultation with the Clerk determines that notice should be waived due to emergency, urgency or time sensitivity situation or situations which could affect the health and well being of the residents of the County, or is a State of Emergency declared, or if so advised by a provincial ministry.

This policy applies specifically to municipal responsibilities under the Act. Notice requirements identified in specific legislation (i.e. The Planning Act) shall be adhered to.

The requirement to give reasonable notice to the public shall be deemed to be fulfilled upon completion of the actions dictated in this policy.

The manner and form of notice dictated in this policy shall be deemed minimum requirements. Additional methods of giving notice may be undertaken at the discretion of the Clerk.

Notwithstanding the notice requirements dictated in this Policy, where the giving of notice to the public is required by legislation, Council may provide additional notice, reduce or amend such requirements upon passage of a resolution at a duly called meeting of council, provided the motion dictates an alternate method of giving notice deemed to be in a form and manner adequate to the circumstances. Where the giving of notice to the public is not required by legislation, Council may waive the notice requirements dictated in this Policy by passage of a resolution at a duly called meeting of Council.

Content of Public Notice:

No notice shall be required under this by-law, where the provision of notice will interfere with the ability of the County of Frontenac to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.

Unless otherwise prescribed, the form of public notice shall include the following information in addition to the information outlined in Schedule "A" to this by-law:



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- i. The date time and location of the meeting;
- ii. The name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments;
- iii. Where additional information can be obtained;
- iv. The purpose of the meeting which notice is require to be given or the purpose and effect of the proposed action; and
- v. Where the matter relates to specific lands, sufficient information regarding the location such as the municipal address, legal description or map
- v. Where written submissions to Council may be made, or where delegations for the purpose of providing a verbal submission to Council can be registered, the name and title of the person to whom they are to be sent, including the address of the official and the deadline for receipt of the submission.

Policy Applications

The notice provisions detailed in Schedule "A" shall constitute reasonable notice however; nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

Updating the Policy:

This policy will be amended in light of any changes in legislation with amendments to this policy requiring endorsement by County Council.



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Schedule A

	Section of the Municipal Act and/or Subject	Requirement of Municipal Act	County of Frontenac Notice Requirement
<u>1</u>	Section 110 (1) Agreements for Municipal Capital Facilities	Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the Clerk of the municipality shall give written notice of the by-law to the Minister of Education.	As required by the Act.
<u>2</u>	Section 135 (6) Tree By-laws Prohibition or regulation by upper-tier municipality of destruction /injuring of woodland trees	An upper-tier municipality shall immediately notify its lower-tier municipalities of the passing of a by-law.	As required by the Act.



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	Section of the Municipal Act and/or Subject	Requirement of Municipal Act	County of Frontenac Notice Requirement
3	Section 173 (1) Proposal to Restructure	<p>Before the Council of a municipality votes on whether to support or oppose a restructuring proposal, the Council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:</p> <ol style="list-style-type: none"> 1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipality considers appropriate. 	<p>Council shall hold at least one public meeting.</p> <p>Published on the web-site and in a newspaper 2 weeks prior to the meeting.</p>



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	Section of the Municipal Act and/or Subject	Requirement of Municipal Act	County of Frontenac Notice Requirement
<u>4</u>	Section 187 Change of Name of Municipality	A municipality that passes a by-law changing its name shall send a copy of the by-law to the Director of Titles appointed under the Land Titles Act and to the Minister promptly after its passage.	<p>Council shall hold at least one public meeting.</p> <p>Notice of meeting shall be published on the web-site and in newspaper.2 weeks prior to the meeting.</p> <p>Official notice to the lower-tier municipalities shall be done through mail 2 weeks prior.</p> <p>Notice shall include the proposed name change and the reasons for the proposal.</p>
<u>5</u>	Section 218-219 Change of Composition of Council	Before passing a by-law described in section 218, the municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter.	<p>Council shall hold at least one public meeting.</p> <p>Notice of meeting shall be published on the web-site and in newspaper.2 weeks prior to the meeting.</p> <p>Notice to the lower-tier municipalities done through mail 2</p>



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	Section of the Municipal Act and/or Subject	Requirement of Municipal Act	County of Frontenac Notice Requirement
			weeks prior.
<u>6</u>	Section 238 Procedural By-law	No public notice requirement prior to passage of a procedural by-law.	Procedural By-law to be posted to the website.
<u>7</u>	Section 270 Adoption of Policies <u>Sale and Disposition of Land</u>	<u>:No Municipal Act Requirements</u>	<u>Notice to be posted to the County website two weeks prior to Council meeting at which the subject lands are being considered</u>
8	Section 270 Adoption of Policies Its procurement of goods and services.	No Municipal Act Requirement	Refer to County Procurement Policy regarding Bid Requests (Including Requests for Proposals, Requests for Tenders, Requests for Quotations and Calls for Tenders).
9	Section 289 Budget – Adopt or Amend	No public notice requirement prior to passage of yearly budgets for upper-tier.	Post on website. 14 days prior to anticipated date of adoption/amendment of budget.



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	Section of the Municipal Act and/or Subject	Requirement of Municipal Act	County of Frontenac Notice Requirement
	<u>10</u> Section 295 Audited Financial Statements	Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer shall, (a) shall publish in a newspaper having general circulation in the municipality, (i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review or, (ii) a notice that this information will be available at no cost to any taxpayer or resident of the municipality upon request.	As required by the Act.
	<u>11</u> Section 391 Fees and Charges	No public notice requirement.	Notice is given to the public through the posting of the Council agenda on the County website.
	<u>12</u> Section 400 Fees and Service Charges	Under Section 400, the Minister may make regulations regarding fees and charges with priority lien status, including a requirement that the municipality give notice of its intention to pass a by-law imposing fees and charges, which will have priority lien status.	As required by the Act.
	<u>13</u> Section 402 Notice of Debt	Upon receipt of an application of a municipality to incur a debt the Ontario Municipal Board may direct the municipality to give notice of the application to such persons and in such manner as the Board determines.	As required by the Ontario Municipal Board.



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Report 2025-029

Committee Recommend Report

To: Chair and Members of the Governance Review Committee
From: Alex Lemieux, Director of Corporate Services/Treasurer
Date of meeting: March 4, 2025
Re: **Corporate Services – Initial Discussions on the Procurement Policy**

Recommendation

Resolved That the Procurement Policy, and the draft policy be placed on the Governance Review Committee Consultation 2025 project on Engage Frontenac for 21 days for public comment

Background

Section 270 of the Municipal Act, 2001 (the “Act”) requires that all municipalities adopt and maintain several specific policies which provide a basis for decision-making to support clear and consistent implementation processes. One of the requirements is a policy which outlines the circumstances with respect to a municipality’s procurement of goods and services.

County Council adopted By-law 2013-0011 being a by-law to adopt a Procurement Policy on March 20, 2013.

Comment

Staff are recommending that a new policy and by-law be adopted to modernize procurement practices, align with updated legislation, and improve efficiency. This update reflects best practices in municipal procurement, ensuring transparency, fairness, and value for money while reducing administrative burden. The key objectives of the updated policy include:

- Modernizing procurement practices, including e-procurement and updated trade agreements.
- Increasing procurement thresholds to reduce unnecessary administrative burden, while ensuring due diligence is maintained when evaluating procurement options.
- Clarifying roles and responsibilities to improve efficiency and accountability.
- Enhancing clarity and ease of use by simplifying language and procedures.

This briefing note outlines the key changes, their rationale, and the benefits of adopting the new policy. For the purposes of this discussion, the current policy is referred to as the “2013 policy”, whereas the proposed draft policy is referred to as the “2025 policy”

1. Increased Procurement Thresholds for Efficiency

The 2025 policy increases purchasing thresholds to align with other municipalities and streamline smaller purchases.

Process	2013 Policy Thresholds	2025 Policy Thresholds	Rationale
Informal Low-Value Purchases	Up to \$5,000	Up to \$10,000	Reduces administrative steps for low-risk procurements.
Informal Request for Quotation (RFQ)	\$5,000.01 - \$10,000	\$10,000.01 - \$50,000	Simplifies procurement for routine purchases.
Formal RFQ	\$10,000.01 - \$25,000	Over \$50,000	Aligns with current market practices.
Request for Proposal (RFP)	Over \$10,000	Over \$50,000	Reduces unnecessary RFPs for smaller projects.
Request for Tender (RFT)	Over \$25,000	Over \$250,000	Ensures tenders are used for major projects only.

These changes enable staff to process lower-value purchases more efficiently while maintaining appropriate oversight for higher-value procurements.

2. Enhanced Separation of Council & Administrative Roles

- Clarifies that Council is responsible for policy and budget approval, while staff handle procurement execution.
- Ensures Council does not participate in vendor selection, except for major contract approvals.
- This change reduces potential political influence in procurement decisions and aligns with best practices.

3. Simplified Procurement Procedures for Clarity & Usability

- Policy language has been simplified to improve readability for staff and vendors.
- Complex and overly technical phrasing has been replaced with plain language.
- These changes hopefully make the 2025 policy easier to understand and follow.

4. Introduction of E-Procurement & Modernization Measures

- The 2025 policy introduces electronic bidding and digital procurement tools.
- Benefits include:
 - Improved transparency and accessibility for vendors.
 - Reduced paper-based inefficiencies.
 - Stronger record-keeping and audit trails.
- These changes align with the County’s current procurement processes.

5. Stronger Conflict of Interest & Ethical Guidelines

- Requires all procurement participants to immediately disclose conflicts of interest.
- Establishes a Supplier Code of Conduct outlining ethical requirements for vendors.

- These updates strengthen integrity and accountability in procurement.

6. Expanded Provisions for Emergency & Non-Competitive Procurement

- Emergency purchases over \$50,000 must be reported to Council.
- Single-source and sole-source procurements must be documented and approved at appropriate levels.
- These changes improve oversight and transparency in urgent procurement situations.

Strategic Priorities Implications

Priority 4. Maximize Administrative Leadership within the County Administration.

- Ensure efficient and responsible financial management of County resources
- Ensure transparency and accountability of the governance of the County of Frontenac (Council and its Committees).

Financial Implications

There are no direct financial implications associated with adopting the 2025 Procurement Policy, as it does not introduce new spending obligations or require additional budget allocations. However, the policy is designed to enhance financial stewardship by ensuring that public funds are used responsibly and that all purchases provide value for money.

Organizations, Departments and Individuals Consulted and/or Affected

Jannette Amini, Manager of Legislative Services/Clerk



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1. Purpose

This policy ensures the County of Frontenac acquires goods, services, and construction in a transparent, fair, and cost-effective manner while maintaining compliance with applicable laws and regulations. The policy aligns with relevant municipal legislation in Ontario, including the Municipal Act, 2001, and applicable trade agreements ensuring fair and open access to all eligible suppliers.

2. Scope

This policy applies to all employees, Council members, suppliers, vendors, and any third party involved in procurement activities for the County. It also extends to municipal bodies unless specifically exempted by Council.

3. Procurement Principles

3.1 Transparency

- Procurement opportunities must be publicly disclosed on appropriate channels.
- Clear criteria for selection will be established for each procurement process to ensure transparency.

3.2 Accountability

- Ensure an efficient, timely, and cost-effective approach while maintaining the internal controls required for the use of public funds.

3.3 Fair and Open Competition

- Competitive bidding processes must be used to secure the best value for taxpayers, except when justified through strict criteria.
- Equitable treatment of all suppliers and vendors to ensure fairness.

3.4 Value for Money

- Obtain the best value for the County of Frontenac when procuring goods and services.



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- Total cost of ownership, including lifecycle costs, will be considered in procurement decisions.

3.5 Ethics and Integrity

- Employees and officials involved in procurement must avoid conflicts of interest.

3.6 Technology and Innovation

- The County will adopt e-procurement solutions where feasible.
- The County will leverage group purchasing opportunities where available and financially beneficial.

3.7 Legal Compliance

- Procurement activities must comply with relevant laws, including but not limited to the **Municipal Act, 2001**, and applicable trade agreements.

3.8 Environmental Considerations

- Consideration should be given to reducing waste, minimizing carbon footprint, and promoting energy-efficient solutions.

4. Definitions

Municipal Act: Municipal Act, 2011, S.O. 2001 c. 25

Authorized Person: An individual responsible with purchasing goods or services on behalf of the County. This includes, but is not limited to, Managers, Department Heads, the Chief Administrative Officer (CAO), Council, or any other designated official with authority to make purchasing decisions on behalf of the County.

Chief Administrative Officer (CAO): The individual appointed as Chief Administrative Officer (or "CAO") under the Municipal Act, 2001, Section 229.

Contract: Any formal or deliberate written agreement for the purchase of goods, services, equipment or construction including but not limited to Purchase Orders and contractual



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agreements that are used for the acquisition of goods and/or services for a specific requirement.

Council: Elected by the residents of the County of Frontenac, and includes two council representatives from the rural area, four council representatives from the urban area and one Mayor elected at large.

Department Head: A Director-level employee of the County of Frontenac.

Director of Corporate Services/Treasurer: The designated contact within the County responsible for overall administration and management of procurement processes.

Emergency: An event or occurrence that the Chief Administrative Officer or their designate deem as an immediate threat to public health, the maintenance of essential Municipal services or the welfare and protection of persons, property or the environment, and the event or occurrence necessitates the immediate need for goods or services to mitigate the emergency and time does not permit for a competitive procurement process.

Project Number: A number assigned by the Director of Corporate Services/Treasurer or their delegate to procurement projects.

Proposal: A sealed written offer from any company or individual in response to a publicly advertised invitation to provide goods or services to the County where the requirements cannot be definitively specified and may be subject to further negotiation.

Quotation: An offer or submission received from a vendor, contractor or consultant in response to a request for Quotation.

Single Source Procurement: A procurement made where there is more than one source of supply in the open market, but only one source is recommended due to predetermined and approved specifications.

Sole Source Procurement: A procurement made where goods or services are only available from one supplier.

Standing Offer: A written offer from a pre-approved Supplier to supply Deliverables to the County, upon request, through the use of an ordering process during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit. The



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Standing Offer does not create a contractual commitment from either party for a defined volume of business.

Tender: A sealed written offer submitted on a Municipal Tender form by any company or individual in response to a publicly advertised invitation to supply stipulated goods, services or construction at a particular price, which may be subject to acceptance or rejection.

Authorization Levels

Total Acquisition Cost	Authorized Person
Up to \$25,000 (if in budget)	Department Heads
Greater than \$25,000 (if in budget)	CAO
Greater than \$50,000 (if not in budget)	Council

5. General Provisions

1. The Director of Corporate Services/Treasurer is responsible for ensuring that the Purchasing Policies and Procedures approved by Council are understood and used consistently by all Municipal Departments. The Director of Corporate Services/Treasurer shall also, according to the aforementioned policies, direct the purchasing function and act as a resource during all aspects of purchasing decision making including Contract management.
2. No purchase of goods, services and construction shall be authorized unless it is in compliance with this Policy. The County reserves the right to not accept any goods, services and construction that are obtained without following the provisions of this Policy, and any invoices received may not be processed for payment.
3. Subdividing, splitting or otherwise structuring procurement requirements or Contracts in order to reduce the procurement value or in any way circumvent the requirements or intent of this Policy is not permitted.
4. The Director of Corporate Services/Treasurer is responsible for maintaining procedures, protocols, templates and forms for use during the procurement process.



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From time to time, the Director of Corporate Services/Treasurer is authorized to revise these items, and establish new administrative policies, direction and procedures.

5. Authorized persons may enter into Standing Offers for goods and/or services which will be required frequently or repetitively but where the exact quantity of goods and/or services required may not be precisely known or the time period during which the goods and/or services are to be delivered may not be precisely determined.
6. Upon the recommendation of the Director of Corporate Services/Treasurer, the County may participate in cooperative purchasing agreements with any legitimate organization to leverage buying power and reduce workload in Contract issuance and administration. If the County enters into such an agreement they may adhere to the policies of the entity conducting the purchasing process, provided they comply in spirit with this policy.
7. No purchase of goods and services associated with computer software, hardware and/or telecommunications equipment will be authorized without the completion of an appropriate review by the County's information technology function.
8. Where the County has conducted a competitive procurement process, unsuccessful bidders may request a debriefing to be conducted by the authorized person(s).
9. The County shall preclude a respondent from bidding if such respondent has made a formal demand or otherwise put the County on notice of a pending action or is involved in any actual litigation proceedings (excluding construction lien demands, notices or proceedings) by or against or otherwise involving the County, until a final decision is rendered, and for three years afterwards.
10. Any unsolicited bids must comply with the provisions of this Policy, including the requirement for a competitive procurement process.
11. Notwithstanding any assistance in the preparation of specifications by a consultant, the specifications shall be and remain the property of The County of Frontenac.



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12. Where Electronic Bid submission is indicated, all bids must be submitted using the e-bidding process. Electronic bids sent in any manner other than the prescribed solution will be rejected as invalid unless otherwise indicated.
13. The County may at its discretion enter into multi-year agreements when it is beneficial to do, such as securing pricing for a set period of years to avoid price increases, or negotiating increases based on Consumer Price Index or another objective measurements to ensure continued value for the County.

5.1 Separation of the Role of Council and Operational Decision-Making

1. In accordance with best practices in Municipal procurement, there is a need for clear separation of political and administrative functions in relation to the County's procurement of goods, services and construction. It is the role of Council to establish policies and approve expenditures through the County's budget process. Through this Policy, Council delegates authority to Municipal employees to incur expenditures in accordance with approved budgets through the procurement of goods, services and construction in accordance with the rules and requirements set out herein.
2. To avoid the potential appearance of bias or political influence in procurement Contract award decisions, members of Council will have no involvement in competitive procurement processes from the time those procurement processes have been initiated through the advertisement or issuance of the solicitation document until a Contract has been entered into with the successful bidder, except where Council is required to approve the Contract award in accordance with the provisions of this Policy.

5.2 Delegated Authorities

1. Delegated authorities to commence a procurement, award a Contract and execute a legal agreement or issue a Project Number evidencing a Contract are set out in the table below. A Contract must be established by evidence of a legal agreement and/or the issuance of a Purchase Order before the delivery of goods, services or construction commences.
2. The delegated procurement authorities under this Policy are conditional upon:



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- a. The availability of approved funding in an amount sufficient to cover the procurement value excluding HST; and
- b. The procurement process being conducted in accordance with this Policy

Process	Threshold	Circumstances for Use	Method	Approval Authority
Informal Low Value	Up to \$10,000	For flexible and efficient purchases	3 quotations may be undertaken	Authorized Person
Informal Request for Quotation	\$10,000.01 - \$50,000	When timely purchasing is critical	Minimum of 3 documented quotations	Authorized Person and Treasurer
Request for Quotation	Greater than \$50,000.00	Requires seeking quotes without commitment to a contract	Request for quotation	Authorized Person, Treasurer, CAO
Request for Proposal	Greater than \$50,000.00	When project requirements are not specifically delineated	Obtain innovative and broad solutions	Authorized Person, Treasurer, CAO
Request for Tender	Greater than \$250,000.00	Requirements clearly defined	Open, fair, and transparent bidding process	Authorized Person, Treasurer, CAO
Non-Competitive or Single Source	Various	Statutory or market-based monopoly, emergencies, or exclusive rights	Allow for exceptions to competitive sourcing	Department Head, Treasurer, CAO



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3. The dollar figures set out in the above threshold include any other applicable costs (e.g. freight, installation, licensing fees). For multi-year Contract awards, the thresholds are determined based on the total value of the Contract, and not the annual cost.
4. Notwithstanding any other provisions of this Policy, Council approval is required for the following procurements:
 - a. Any Contract prescribed by statute to be made by Council
 - b. Any procurements that are not compliant with the provisions of the Policy
 - c. Any Contracts not previously approved by Council during the budget process for which staff have not identified sufficient funding from other sources
 - d. Any recommendations to amend the total value of a Contract, where the amount of the amendment is equal to or more than the greater of 50% of the original procurement value, or \$50,000.

5.3 Informal Low Value Procurements

1. Procurements up to \$10,000 shall be considered low value procurements.
2. No solicitation of competitive Quotations is required for informal low value procurements. However, due diligence must still be used to ensure that the goods or services are purchased in a manner that provides value for money to the ratepayer.

5.4 Request For Quotation

1. Procurements greater than \$10,000, but not exceeding \$50,000 shall be eligible to be completed through an Informal Request for Quotation.
2. All Informal Requests for Quotation shall require the receipt of three (3) Quotations. Where three Quotations are requested but not received, appropriate documentation shall be maintained on file to evidence the request for Quotations.
3. When obtaining the three quotes, due diligence must be used to ensure that the goods or services are purchased in a manner that provides value for money to the ratepayer.
4. For purchases exceeding \$50,000 where quantities and specifications are available, a formal procurement procedure will occur, similar to what is outlined in 5.5.



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5.5 Request for Proposal

1. Request for Proposals and Requests for Proposal shall be used for procurements in excess of \$50,000, where:
 - a. The requirement is best described in a general performance specification;
 - b. Innovative solutions are sought; and
 - c. To achieve best value, the award selection will be made on an evaluated basis involving a combination of mandatory requirements, which may include but not be limited to cost, technical requirements, ability to meet specifications, compliance, relevant experience, qualifications, and support. A scoring matrix showing the weight of each evaluation component will be provided as part of each Request for Proposal.
2. All Requests for Proposal shall require an open solicitation of proposals posted on the County's website or bidding platform.
3. All Requests for Proposal shall require the issuance of a Project Number by the Director of Corporate Services/Treasurer or their delegate.
4. The Director of Corporate Services/Treasurer shall be the lead for the Request for Proposal process and will have overall responsibility for coordinating the technical aspects of the Request for Proposal process.
5. During the Request for Proposal process, all communication with the proponents shall be through the County's bidding platform.
6. The County reserves the right in its absolute sole discretion to accept or reject any submission.
7. Once the departments have evaluated the bids and selected a successful bidder, they will complete the necessary paperwork and submit to the Director of Corporate Services/Treasurer who will, upon satisfactory review, issue an award letter.



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8. When reviewing submissions, due diligence must be used to ensure that the goods or services are purchased in a manner that provides value for money to the ratepayer.

5.6. Requests for Tenders

1. Request for Tender procedures shall be used for procurements in excess of \$250,000 that are not related to exempt items or non-standard procurements where:
 - a. The requirements can be fully defined.
 - b. Best value for the County can be achieved by selecting the lowest bid that meets all terms, conditions, and specifications.
2. The Director of Corporate Services/Treasurer shall be the lead for the Request for Tender process and will coordinate the technical aspects, including arranging for the public disclosure of bid submissions at the specified date and time.
3. The County reserves the right, in its absolute sole discretion, to accept or reject any submission.
4. All Requests for Tenders shall require the issuance of a Project Number by the Director of Corporate Services/Treasurer or their delegate.
5. Once the departments have selected the successful bidder, they will complete the necessary paperwork and submit it to the Director of Corporate Services/Treasurer, who will, upon satisfactory review, issue an award letter.

5.7 Emergency Procurements

1. In the event of an Emergency, as defined by this Policy, the Chief Administrative Officer, and their designate(s) are authorized to enter into purchase agreements without requiring a formal competitive process.
2. Emergency procurements in excess of \$50,000 must be reported to Council at the next scheduled meeting following the Emergency.
3. The Department Head (or designate) responsible for the Emergency procurement must forward an appropriate purchase requisition and supporting documents to the



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Director of Corporate Services/Treasurer within five business days after the purchase agreement date.

4. All Emergency procurements shall require the issuance of a Project Number by the Director of Corporate Services/Treasurer or their delegate.

5.8 Non-Standard Procurement

1. Sole Source Procurement

A Sole Source Procurement may be conducted if goods and/or services are available from only one supplier due to:

- a. Statutory or market-based monopoly.
- b. Legal restrictions such as patents, copyrights, licenses, or controlled raw materials.
- c. The uniqueness of the item, service, or system with no viable alternative.

2. Single Source Procurement

A Single Source Procurement may be conducted when multiple suppliers exist, but one supplier is selected for valid reasons, including:

- a. A failed attempt to solicit competitive or compliant bids.
 - b. Compatibility with previously acquired goods/services.
 - c. The supplier's specialized expertise.
 - d. Advantageous procurement in cases of liquidation, bankruptcy or receivership.
 - e. Cooperative procurement through another organization.
 - f. Short supply due to abnormal market conditions.
3. Where a Sole Source or Single Source Procurement is undertaken, the Department Head and the Director of Corporate Services/Treasurer must document the rationale.



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4. A Project Number shall be issued by the Director of Corporate Services/Treasurer or delegate.
5. Once the successful bidder is selected, the department shall complete necessary paperwork and submit it to Procurement for the issuance of an award letter.

5.9. Exempt Procurement

This Policy does not apply to the following:

1. Training & Education:
 1. Conferences, courses, and seminars
 2. Newspapers, books, and periodicals
 3. Memberships
2. Professional Services:
 1. Medical, legal, notary, and expert witnesses
3. Cultural & Artistic Services:
 1. Non-profit event sponsorships
 2. Entertainers and original artwork
 3. Design contest awards
4. Payment-Related Transactions:
 1. Payroll deductions, WSIB premiums, benefits, and union expenses
 2. Legal settlements, arbitrations, and damage claims
 3. Government body charges, licensing fees, and council-approved grants
 4. Utilities, insurance, and real estate transactions



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6. Issues Encountered in the Administration of Procurement Procedures

6.1 Where Strict Adherence to the Policy is Unmanageable

If, during any stage of the bidding process—whether approving a Bid Request, conducting a Bid, or deciding on a contract—strictly following this policy becomes impractical, or goes against the County’s best interests, the Authorized Person responsible for the procurement must:

- Inform both the Chief Administrative Officer (CAO) and Director of Corporate Services/Treasurer, who will decide the best course of action together.
- If they are the CAO, inform Council, which will decide the next steps.

6.2 Unresponsive or Excessive Bids

If all bids exceed the project estimate or do not meet the bid requirements, the Authorized Person may:

- Issue a revised Bid Request, or
- Work with the Department Head, Treasurer, and CAO to negotiate with the lowest compliant bidder to reach an acceptable price.

6.3 When Multiple Bidders Submit the Same Lowest Price

- a. If two or more bidders submit identical lowest bids, the Authorized Person, along with the Treasurer and CAO, may negotiate with those bidders to secure a lower price, keeping a record of the process.
- b. Details of these negotiations, including how the final price was determined, will not be shared with any of the bidders. The Authorized Person will document the results.
- c. If negotiations do not lead to a lower price, the Authorized Person will break the tie using methods specified in the Bid Documents, avoiding any arbitrary decision-making.



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6.4 When Only One Bid Is Received

If only one bid is submitted, the Authorized Person must may either accept the bid if it meets cost and performance requirements. If not, the Authorized Person may enter into negotiations with the sole bidder on price and/or scope, or may reissue the Bid Request.

7. Dispute Resolution

1. Disputes shall be addressed by the Director of Corporate Services/Treasurer and Chief Administrative Officer as needed.

8. Records Retention & Disclosure

1. All procurement records shall be managed per the County's document management policies.
2. Disclosure of procurement-related information must comply with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA).

9. Code of Conduct & Conflict of Interest

1. Municipal employees and Council members must uphold integrity and:
 - a. Maintain professional business relationships.
 - b. Foster professional competence.
 - c. Optimize resources for maximum benefit.
 - d. Comply with the Municipal Conflict of Interest Act, relevant trade agreements, and municipal policies.
2. Anyone involved in procurement must disclose conflicts of interest immediately.
3. Employees and Council members shall not:
 - a. Purchase goods/services outside this Policy.
 - b. Bid on municipal procurements.



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- c. Purchase surplus assets outside of public auction.
- 4. Personal purchases using municipal funds are prohibited unless for service awards.

10. Supplier Code of Conduct

- 1. Suppliers must conduct business ethically and adhere to fair bidding practices.
- 2. The County may refuse to do business with suppliers who:
 - a. Engage in unethical bidding.
 - b. Have conflicts of interest.
 - c. Have demonstrated poor past performance.
 - d. Do not adhere to ethical business practices.
- 3. Suppliers must declare conflicts of interest.
- 4. Illegal/unethical bidding includes bid-rigging, bribery, collusion, and false information.
- 5. Suppliers must comply with legal, ethical, and environmental standards.



PROCUREMENT POLICY

Schedule A

to

By-law No. 2013-0011

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Part I: Procurement Policy Goals

- 1.1 To ensure openness, fairness, accountability and transparency while protecting the financial best interests of the County of Frontenac.
- 1.2 To set out guidelines for the County to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality, service, product delivery, efficiency and effectiveness.
- 1.3 To promote and maintain the integrity of the purchasing process and protect Council, vendors and staff involved in the process by providing clear direction and accountabilities and by reviewing the policy every four years or earlier to evaluate its effectiveness.
- 1.4 To have regard to the accessibility of persons with disabilities in the procurement of Goods and/or Services purchased by the County of Frontenac.
- 1.5 To encourage the procurement of Goods and/or Services with due regard to the preservation of the natural environment, vendors may be selected to supply goods or provide services made by methods resulting in the least damage to the environment. Consideration may be given to energy efficiency, reduction in solid waste for disposal, reduction in chemical emissions, and incorporation of recycled materials where practicable. When feasible, and when stated in the tender documents, preference will be given to those purchases that reduce the life cycle costs.
- 1.6 To promote the use of innovation and the use of technology in procurement activities to ensure the utilization of the most efficient and effective processes and practices.
- 1.7 To monitor and report on the economic climate and legislative changes which may have an impact on the County of Frontenac and to determine the appropriate actions to be taken through purchasing policies and procedures.

Part II: Definitions

As used herein the following definitions shall apply unless otherwise indicated:

“AOPPOQ” is the Agreement on the Opening of Public Procurement for Ontario and Quebec;

“Authorized” in relation to a Person, means authorized by this Policy to act on behalf of the County to: (i) initiate Bid Requests and other forms of Procurement activities; (ii) govern the conduct of a Bid Request; and (iii) make an Award;

“Authorized Person” means a Person who is Authorized and includes any Designates. Authorized Persons are specified in Appendix B;

“Award” means the approval given by the Authorized Person to enter into a Contract;

“Bid” means a tender, quotation, proposal or other form of submission from a prospective Vendor in response to a Bid Request;

“Bid Bond” means a written, valid, subsisting, binding and irrevocable undertaking by a surety company to pay to the County a specified amount in the event the successful bidder fails to enter into a Contract;

“Bid Documents” means the documents issued by the County in connection with a Bid Request;

“Bid Request” means a written request by the County for Bids in connection with the provision of Goods and or Services and includes, without limitation, Requests for Proposals, Requests for Tenders, Requests for Quotations and Calls for Tenders;

“Bidder or Tenderer” means a Person that submits a Bid;

“CAO” the Chief Administrative Officer of the County;

“Construction” when used to describe a class of Procurement means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional services related to the construction contract unless they are included in the procurement;

“Contract” means the acceptance by the County of a Bid in the form of a duly signed agreement or Purchase Order between a chosen Bidder and the County for the provision of Goods and or Services;

“Council” means the Council of the County;

“County” means the Corporation of the County of Frontenac;

“Department” means an organizational business or service unit of the County to which Council has allocated a budget;

“Department Head” means the County staff person responsible for the directional and operational control of a Department, including, without limitation, the Department’s budget;

“Designate” means a Person to whom authority to conduct Procurement activities has been delegated by the Authorized Person be approved by the CAO;

“Electronic Tendering System” means a world wide web or Internet based system (such as MERX) that is used by purchasers of Goods and or services to submit Bid Requests;

“Emergency” means an urgent situation involving a real or perceived threat to public health, safety or security and includes threats to financial and property interests, or that presents a risk of negative cost impacts to the County;

“Goods and Services” means all supplies, equipment, materials, services (including without limitation, insurance, professional consulting services, and Construction contracts) to be supplied or furnished by a Vendor and all components thereof;

“In-house bidding” means a process that permits Departments to respond to Bid Requests in competition with external Bidders;

“Irregularity” in reference to the contents of a Bid means a departure from the strict requirements of a Bid Request as reflected by the Bid Documents;

“MASH Annex” means Annex 502.4 to the Federal *Agreement on Internal Trade*, where in which the MASH refers to municipalities, municipal organizations, school boards and publicly-funded academic, health and social service entities;

“No Cost Procurement” means a procurement of Goods and Services or Construction where the County shall not bear any expense or capital expenditure cost;

“Pecuniary Interest” means a pecuniary interest, whether deemed, direct or indirect, within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, By-law No. 2013-0011 – Procurement Policy Schedule A
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Chap. M. 50 (the "MCIA") and specifically excludes any of the exceptions noted under section 4 of the MCIA;

"Person" includes individuals, corporations, partnerships, firms and trusts and may include Council;

"Policy" means this procurement policy;

"Pre-qualification" means the process of selecting a number of prospective Vendors who are determined by Council to be experienced in the provision of a specific type of Goods and/or Services;

"Purchase / Procure" means the acquisition of Goods and/or Services by or on behalf of the County by way of purchase, lease, or rental;

"Purchase Order" means a written offer from the County to Purchase Goods and or Services in the form prescribed by Council;

"Request for Expressions of Interest" – a general market research tool to determine vendor interest in a proposed procurement, used prior to issuing a call for bids or proposals and not intended to result in the award of a contract;

"Single Sourcing" means the process of procuring Goods and or Services from a particular Vendor without the utilization of a Bid Request issued to other potential Vendors;

"Total Acquisition Cost" means the County's estimate of the amount of a particular Contract plus applicable taxes and less any applicable rebates; and

"Vendor" means any Person supplying Goods and or Services to the County in accordance with the terms of a Contract.

Part III: General Provisions

Application of Policy

- 3.1 The provisions of this Policy shall be followed by all Persons who act on behalf of the County in: (i) the issuance of a Bid Request; (ii) the conduct of a Bid Request; and (iii) the making of an Award.
- 3.2 Save and except for the provisions of Part VIII, which provisions apply to all Purchases on behalf of the County, the Purchase of Goods and/or Services listed in Appendix A attached to this Policy are exempt from the provisions of this Policy.
- 3.3 The terms of this Policy are applicable to the County *mutatis mutandis*. Any Person carrying on activities on and from County property must refer to the appropriate Department Head all proposals for Purchases of any Goods or Services that will be used by such Person on County property and will thereafter become the property of the County.

Compliance with Legislation and Trade Agreements

- 3.4 All Procurement activities on behalf of the County shall be undertaken in compliance with Section 13 of the *Ontarians with Disabilities Act, 2001*, S.O. 2001, Chap. 32, the *Accessibility for Ontarians with Disabilities Act, 2005*, and all related regulations requiring regard to accessibility for persons with disabilities to the Goods or Services.
- 3.5 The provisions of the MASH Annex and the AOPPOQ are incorporated by reference into this Policy, and shall form a part hereof. In the event of a conflict or inconsistency between any provision of this Policy and a provision of the MASH Annex or the AOPPOQ, the provision of the latter referenced trade agreements shall prevail.

Restrictions

- 3.6 No Person shall approve or initiate the Purchase of Goods and or Services except in accordance with the terms and conditions set out in this Policy.
- 3.7 No Person shall divide any Contract or Bid Request into two or more parts with the intent of avoiding the application of the provisions of this Policy.
- 3.8 Unless otherwise provided, no Purchase shall be made unless approved by a Person Authorized to do so in accordance with the provisions of Appendix B (Procurement Authorizations) attached to this Policy.

3.9 Any lease financing must be undertaken in accordance with the County's Lease Financing By-law.

Conflict of Interest

3.10 Where a Person with the ability to influence or otherwise affect the outcome of a decision to Award a Contract or to select a Bidder, either on his or her own behalf, or while acting for, by, with or through another Person, has any Pecuniary Interest in the subject matter of such Contract or Bid Request, that Person:

- (i) shall immediately disclose the fact of the Pecuniary Interest to the Authorized Person and shall describe the general nature thereof, provided that:
 - (a) in the case where a Department Head is the Authorized Person and such Department Head has a Pecuniary Interest, the Department Head will disclose his or her Pecuniary Interest to the CAO who shall then make such directions and take such steps as are necessary to ensure that the provisions of this Policy are adhered to; and
 - (b) in the case where the CAO is the Authorized Person and also has a Pecuniary Interest, the CAO shall disclose his or her Pecuniary Interest to Council which shall then make such directions and take such steps as are necessary to ensure that the provisions of this Policy are adhered to;
- (ii) shall not take part in any deliberations regarding the Award of the Contract including any vote in relation thereto; and
- (iii) shall not attempt in any way to influence the Award of the Contract.

Authorized Persons

3.11 The Persons to whom authority is granted to carry on Procurement activities as Authorized Persons are identified in Appendix B (Procurement Authorizations) attached to this Policy. Unless otherwise provided in this Policy, Authorized Persons shall have full authority and responsibility for the conduct of the Bid Request (including without limitation, the preparation, issuance and advertising of Bid Documents) and the Award of a Contract.

3.12 Unless otherwise provided in this Policy, Authorized Persons may appoint Designates to assist with or carry out the responsibilities of the Authorized Person, in which case, such Designates shall be deemed to be Authorized

Persons for the purposes of this Policy to the extent of the authority that has been delegated to them. Authorized Persons must be approved by the CAO.

- 3.13 Where Council is the Authorized Person, any documents that are to be executed by the Authorized Person shall be signed by the Warden and CAO of the County.

Prescribed Council Approval

- 3.14 The following matters are subject to Council approval:

- (i) Any proposed Bid Request in connection with a procurement having a Total Acquisition Cost in excess of \$50,000 which has not specifically been authorized through the budget process.
- (ii) Any proposed Bid Request in connection with a procurement where the Total Acquisition cost, or in the case of proposed multiple Bid Requests with respect to a particular project or program, the sum of the respective proposed Total Acquisition Costs and other related expenses, is greater than the Council approved budget for such project or program;
- (iii) The Award of a proposed Contract where an Irregularity precludes the Award of a Contract to the Bidder that otherwise would likely have been selected;
- (iv) The Award of a Proposed Contract or the making of a proposed Bid Request in respect of the procurement of a Good and/or Service that is known to be available from only one source of supply or the making of a proposed Bid Request where the Bid Request is to be restricted to a single source of supply because standardization or compatibility of supply is determined by the Authorized Person as being the overriding consideration in the selection of a Bid and where the Total Acquisition Cost of such Good and/or Service exceeds \$25,000.
- (v) Any proposed cooperative procurement in which the policies of the agency or public authorities calling the cooperative Bid Solicitation are not consistent with this Policy; and
- (vi) The Approval of a Contract in the case where a Contract is required in accordance with the County's Lease Financing By-law.

Part IV: Preparing for a Bid Request

Bid Documentation

- 4.1 All documents related to Procurement activities, including without limitation, all Bid Requests and Bid Documents, shall be reviewed by the County's Treasurer before release to prospective Bidders to ensure:
- (i) compliance with this Policy;
 - (ii) internal consistency between any Bid Documents that are proposed to be issued and those that have been issued by the County in the past; and
 - (iii) that any substantive amendments to standard clauses have been approved by the County's legal counsel.
- 4.2 The Authorized Person may seek out the expertise of external engineers, lawyers, architects, planners and other qualified professional consultants for assistance in the design of Bid procedures and in the preparation of Bid Requests and Bid Documents./ external consultants
- 4.3 The Bid Documents issued in connection with every competitive Bid Request shall contain:
- (i) a privilege clause advising Bidders that the lowest or any Bid may not necessarily be accepted; and
 - (ii) a provision reserving the right of the County to cancel the Bid Request at any time up to the Award of a Contract.
- 4.4 The Authorized Person shall ensure that all terms and criteria, apart from price, that are to be relied upon in awarding a Contract be fully disclosed in the Bid Documents.

Advertisement of Bid Requests

- 4.5 Bid Requests in respect of Procurements having a Total Acquisition Cost in excess of \$10,000 shall be advertised on an Electronic Bulletin Board.
- 4.6 The Authorized Person shall ensure that the provisions of the MASH Annex and the AOPPOQ are adhered to especially where the Total Acquisition Cost of a proposed Bid Request trigger the following thresholds:

- Goods and/or Services procurement with a Total Acquisition Cost of \$100,000 or more (both the MASH Annex and the AOPPOQ apply)
- Construction procurement with a Total Acquisition Cost of \$100,000 or more (the AOPPOQ applies)
- Construction procurement with an estimated value of \$250,000 or more (both MASH Annex and AOPPOQ apply)

- 4.7 In addition to the minimum standards set out in this Policy, Bid Request advertisements may be supplemented by other means of notification where deemed appropriate by the Authorized Person in keeping with the stated goals and objectives of this Policy as set out in Part I.
- 4.8 The minimum advertisement period for Bid Requests shall be seven (7) days from the posting of the Bid Request.

Bonds and Security

- 4.9 The provisions of Appendix E apply to this Section.
- 4.10 The Authorized Person in consultation with the Treasurer may require that a Bid be accompanied by a Bid Bond or other similar security.

Unless otherwise specified, in circumstances where a Bid Bond or other security is required, the refundable deposit requirements for Requests for Tenders and Requests for Proposals shall be as follows, with the exception that those projects using the Ontario Provincial Standard Specifications based tender documents the value of the Bid Bond required will be consistent with Ontario Provincial Standard Specifications guidelines (see Appendix E):

Total Acquisition Cost	Minimum Deposit Required
\$20,000.00 or less	\$500 (requirement at discretion of Authorized Person)
\$20,000.01 to \$100,000.00	5% of the Bid
>\$100,000.01	10% of the Bid

- 4.11 The Authorized Person shall select the appropriate means to guarantee execution and performance of the Contract. Means may include one or more of, but are not limited to, certified cheque, bank draft, irrevocable letter of credit, money order and where appropriate, a Bid Bond issued by an approved guarantee company properly licensed in the province of Ontario, on bond forms acceptable to the Treasurer.
- 4.12 Prior to the commencement of the supply of Goods and or Services in connection with a Contract, all Vendors shall provide:

- (i) in respect of Contracts where the Bid is in excess of \$50,000, all Construction and other service Contracts, and in other Contracts at the sole discretion of the Authorized Person, the following security in addition to the security referred to in subsection 4.11:
 - (a) a performance bond to guarantee the performance of a Contract; and
 - (b) a labour and material Bond to guarantee the payment for labour and materials to be supplied in connection with a Contract;
- (ii) evidence of insurance coverage satisfactory to the Treasurer (at no less than the minimum levels set out in Appendix E) ensuring indemnification of the County from any and all claims, demands, losses, costs or damages resulting from the performance of the Vendor's obligations under the Contract and from any other risk determined by the Treasurer as requiring coverage;
- (iii) a Certificate of Clearance from the Workplace Safety and Insurance Board ensuring all premiums or levies have been paid by the Vendor to the Workplace Safety and Insurance Board to the date of payment for all contracts with a labour component (no dollar threshold);
- (iv) an acknowledgement by the Vendor of its obligations under the *Occupational Health and Safety Act*, and the County's safety policy satisfactory to the Authorized Person in his or her sole discretion;
- (v) an acknowledgement by the Vendor of its obligations under the *Accessibility for Ontarians with Disabilities Act, 2005*, and its regulations and evidence of compliance satisfactory to the Authorized Person in his or her sole discretion;
- (vi) where the Contract contemplates work within the traveled portion of a roadway, an acknowledgement of its understanding of the Ontario traffic Manual and agreement to abide by that manual prior to performing any work within the roadway; and
- (vii) evidence of compliance with any other legislation by which the trade or activity is governed is to be provided.

Part V: Purchasing Methods

5.1 Appendix C applies to this section.

Informal Low Value Procurement: Purchases Up to \$5,000 Inclusive

5.2 At the discretion of the Authorized Person, a documented solicitation of 3 quotations may be undertaken for purchases up to \$5,000 inclusive.

Informal Request for Quotation: Purchases Between \$5,000.01 and \$10,000 Inclusive

5.3 A documented solicitation of 3 quotations must be undertaken for Purchases having a Total Acquisition Cost of between \$5,000.01 and \$10,000.

Request for Quotation: Purchases Between \$10,000.01 and \$25,000 Inclusive

5.4 Subject to Section 5.9, a Request for Quotation shall be issued for Purchases having a Total Acquisition Cost of between \$10,000.01 and \$25,000 where the Vendor is not a single source vendor.

Request for Tender: Purchases Exceeding \$25,000.00

5.5 Subject to Section 5.9, a Request for Tender shall be used for any purchases of goods and/or Services having a Total Acquisition Cost exceeding \$25,000.

5.6 The Authorized Person shall follow the provisions of Part VIII regarding the form of Contract required to complete the Purchase.

Request for Proposal

5.7 For Purchases having a Total Acquisition Cost exceeding \$10,000, a Request for Proposal shall be used in place of a Request for Tender or a Request for Quotation in circumstances where, in the opinion of the Authorized Person:

- (i) Owing to the nature of the project: (i) the project requirements are not capable of being specifically delineated; (ii) Bidders are invited to propose a solution to a problem, requirement or objective; and (iii) the selection of a Vendor is to be based on the effectiveness of the proposed solution rather than on price alone; or

(ii) It is expected that negotiations with one or more Bidders may be required with respect to any aspect of the requirement.

5.8 Bids in response to a Request for Proposal shall be evaluated in accordance with the value-based selection methodology set out in the "Consultant Selection Guidelines (1999)" issued by the Consulting Engineers of Ontario (www.ceo.on.ca). Appendix F attached to this Policy contains a sample of an evaluation grid.

5.9 The Finance Department shall maintain a list of suggested evaluation criteria for assistance in preparing an Evaluation Grid, which criteria may include factors such as approach, equipment and facilities, experience and qualifications, methodology, past performance and scheduling, price and strategy.

5.10 The Authorized Person may Award a Contract emanating from Bids in response to a Request for Proposal provided that:

(i) The Award is made to the Bidder meeting all mandatory requirements and determined, by reference to an Evaluation Grid, as providing best value;

(ii) Sufficient funds are available and identified in appropriate accounts within Council Approved Budgets; and

(iii) The provisions of this Policy are complied with.

5.11 The Authorized Person shall follow the provisions of Part VIII regarding the form of Contract required to complete the purchase.

Non-Competitive Procurements: Suppliers of Specialized goods and/or Services

5.12 Annually, during budget deliberations, all Department Heads shall submit, for the approval of Council, a report setting out:

(i) a list of those prospective Vendors, if any, identified to be used in Single Sourcing Procurements of specialized Goods and/or Services which must be recorded on the Vendor of Record list;

(ii) the Total Acquisition Costs involved in any such Contracts; and

(iii) the rationale for Single Sourcing in the specific circumstances of such Contracts.

5.13 Authorized Persons may Award Contracts on a Single Source, non-competitive basis to suppliers of specialized goods and/or services who

are on the Vendor of Record list. The Award of the Contract will be documented by the issuance of a blanket purchase order to recognize the standing agreement.

Non-competitive contracting may be justified under the following set of criteria which includes, but is not limited to:

- when there is a statutory- or market-based monopoly on the item
- when no bids were received in a competitive process
- when the required item is covered by an exclusive right such as a patent, copyright or exclusive licence
- when the purchase is already covered by a lease-purchase agreement where payments are partially or totally credited to the purchase
- when it is necessary to ensure compatibility with existing products or to avoid violating warranty/guarantee requirements when service is required
- when the required item is in short supply due to market conditions
- when competitive sourcing for low value procurement would be uneconomical or would not attract bids
- when competitive procurement may be found to be impractical for such items as meal expenses, incidental travel expenses (e.g. taxi service, phone calls), and training and education expenses
- when an urgent procurement is necessary for fulfilling a statutory order issued by a federal or provincial authority, such as an environmental, public health, or workplace safety compliance order
- when specialized experience, knowledge or expertise is required
- when by legislation or regulation, the service can be provided only by the following licensed professionals: medical doctors, dentists, nurses, pharmacists, veterinarians, engineers, land surveyors, architects, chartered accountants, lawyers and notaries

Vendors of Record (VOR)

5.14 Authorized Person(s) may select the VOR process of procurement if the Vendors are included on a Vendor of Record list. Generally, there shall be a documented detailed working relationship with the Vendor who will be providing the Goods or Services needed by the County without the County absorbing the administrative costs of seeking several quotes. The VOR process may be used either directly to Procure Goods and or Services (i.e. without further competition) or it may be used as the basis for a Bid Request.

Every three years vendors will be provided with the opportunity to be included on the Vendor of Record list through an open solicitation of expressions of interest. Current Vendors and new submissions will be

reviewed using the standard evaluation process available for the specific good or service to which the vendor relates..

A vendor who is the successful bidder in a competitive process for the County and who provides the contracted service consistent with the requirements of the contract in a manner satisfactory to the Authorized Person will be added to the Vendor of Record list.

The VOR list shall be reviewed at least once per fiscal year by County Council during budget deliberations to ensure the County continues to receive Goods and Services at the best possible value. However, any VOR vendor can be removed from the list at any time on recommendation to Council by the Authorized person.

In-House Bids

5.15 In-House Bids would not normally be accepted in the Procurement of Goods and/or Services but may be considered in circumstances where County departments can offer the goods or service at a competitive rate and the CAO considers it appropriate to do so. An evaluation of the In-House Bid would be undertaken under the same criteria as that required for external vendors.

Emergency Purchases

5.16 Where, in the opinion of the Authorized Person, an Emergency exists requiring the immediate procurement of Goods and/or Services, he or she may authorize the Purchase of the required Goods and/or Services by the most expedient and economical means subject to the following:

- (i) any Authorized Person may authorize Emergency Purchases having Total Acquisition Costs of \$5,000 or less;
- (ii) for Emergency Purchases having a Total Acquisition Cost greater than \$5,000 and less than \$50,000, Department Heads who are Authorized Persons require the written approval of the CAO to authorize the Emergency Purchase; and
- (iii) for Emergency Purchases having a Total Acquisition Cost greater than \$50,000, only the County Warden may authorize such a Purchase.

Cooperative Purchasing

5.17 The County may participate with other government agencies or public authorities in cooperative purchasing where, in the view of County Council

it is in the best interest of the County to do so and where the purposes, goals and objectives of this Policy are complied with by such government agencies and public authorities.

- 5.18 Notwithstanding section 5.20, where the he policies of the government agencies or public authorities calling the cooperative Bid Solicitation are not consistent with the County's, the CAO will document the policy differences and present the rationale for continuing with the cooperative procurement. The CAO may recommend the cooperative procurement to County Council for approval. The CAO will document the policy differences and present the rationale for continuing with the cooperative procurement.

No Cost Procurement

- 5.19 No Cost Purchasing shall be acquired in the same manner and using the same Purchasing methods and Authorized Persons as procurements that have a cost to the County, depending on the estimated value of the No Cost Purchase.

Corporate credit/purchase card

- 5.20 Corporate credit/purchase cards may be used by an authorized cardholder to purchase any eligible good or service where the total purchase price, including all applicable taxes, is within the cardholder's authorized monthly maximum.

All use of corporate credit cards must be in accordance with current procedures defined by the Treasurer and supported by valid authorized source documents. All such source documents must be approved by the Department Head in accordance with Appendix B.

Part VI: Opening and Evaluating Bids

Opening Bids

- 6.1 All Bids, where the estimated Total Acquisition Cost exceeds \$25,000, shall be received at the County office where they shall be opened with at least the CAO or designate and the Treasurer or designate present. If the Authorized Person is County Council, the Warden or designate shall also be present.
- 6.2 Bids received later than the specified closing time will be returned unopened to the Bidder.
- 6.3 Bidders may withdraw their bids at any time up to the official closing time specified in the Bid Documents in the manner specified therein.
- 6.4 Bid requests with estimated Total Acquisition Cost exceeding \$10,000 will be opened in public.

Preference to Local Suppliers

- 6.5 Subject to the provisions of the MASH Annex, the AOPPOQ and all other applicable law, and all else being equal, local Bidders may be given preference in the selection of a Vendor.

Rejection of Bids in Reliance on Privilege Clause

- 6.5 In the event that the Authorized Person is relying on the so-called privilege clause as the basis for the rejection of a particular Bid, the Authorized Person must document the specific reasons for such rejection and the reasons so stated must be consistent with considerations contained within the Bid Documents.

Only Compliant Bids to be Considered

- 6.7 Subject to Section 7.7, in evaluating Bids, the Authorized Person shall not consider any Bids that are not in compliance with the terms and conditions set out in the Bid Documents.

Duty of Fairness to Bidders

- 6.8 The Authorized Person:
 - (i) shall not permit a Bidder to alter or amend his Bid once the time for Bid submissions tenders has closed;

- (ii) shall act fairly, bargain in good faith, and not give any Bidder an unfair advantage over other Bidders; and
- (iii) shall not conduct bid shopping or procedures akin to bid shopping.

Part VII: Problems Encountered in the Administration of Procurement Procedures

Where Strict Adherence to Policy Unmanageable

- 7.1 If, in the context of either the approval to issue a Bid Request, the actual conduct of a Bid Request, or the determination of whether the County shall enter into a Contract and with whom, circumstances arise that, in the view of the Authorized Person, would make strict adherence to the provisions of this Policy difficult, impractical, unmanageable or would otherwise run counter to the stated goals of this policy or not be in the best interests of the County, the Authorized Person shall:
- (i) where the Authorized Person is a Department Head, advise both the CAO and Treasurer of the County who shall together have joint authority to determine the appropriate action;
 - (ii) where the Authorized Person is the CAO, advise Council which shall have the authority to determine the appropriate action; and
 - (iii) notify Council immediately or at the earliest possible opportunity.

Unresponsive or Excessive Bids

- 7.2 Where Bids are received in response to a Bid Request, but all are in excess of project estimates or are non-compliant with or unresponsive to the Bid Documents then:
- (i) The Authorized Person may issue a revised Bid Request; or
 - (ii) The Authorized Person, Department Head, Treasurer and CAO, jointly may enter negotiations with the lowest compliant Bidder to achieve an acceptable Bid within the project estimate.

Identical Bids

- 7.3 If the Lowest Compliant Bids from two or more Bidders are identical in total cost or unit price, as the case may be, the Authorized Person, in conjunction with the Treasurer and CAO, may enter into negotiations with the Bidders who have submitted the identical price in an attempt to obtain a lesser price and shall maintain a record in respect of such negotiations.
- 7.4 The Authorized Person, CAO, or Treasurer shall not reveal information pertaining to such negotiations or the manner in which the final price was determined to any of the Bidders concerned. The Authorized Person shall

include as part of the record, a report concerning the results of such negotiations.

- 7.5 If the Lowest Compliant Bids from two or more bidders are identical in total cost or unit price, as the case may be, and negotiations for the purposes of obtaining a lower price have not been successful, the Authorized Person may break the tie in a manner consistent with the provisions of the Bid Documents. In this regard, the Authorized Person shall not utilize any arbitrary means in order to break a tie, but may have regard to certain factors provided such factors are specifically identified in the Bid Documents as being available for consideration in the event of identical Bids.

Where Only One Bid Received

- 7.6 In the case where only one Bid is received in response to a Bid Request, the Authorized Person shall advise the lone Bidder of the fact that only one Bid was received and shall attempt to negotiate the rules under which the Bid might be opened, failing which, the County shall offer to return the Bid unopened.

Bid Irregularities

- 7.7 The procedure for administering Irregularities shall be as set out in Appendix D. The Authorized Person is directed to respond to an Irregularity in the manner specified in the third column.

Part VIII: Form of Contract

- 8.1 The Award of a Contract over \$100 may be made by way of a Purchase Order.
- 8.2 A formal agreement shall be used instead of a Purchase Order if the Authorized Person and Treasurer determine that the resulting Contract will be complex and will contain terms and conditions other than standard contractual terms and conditions.
- 8.3 Where it is deemed that a formal agreement is required, the formal agreement shall be reviewed by the Treasurer and Legal Counsel as required.
- 8.4 Where a formal agreement is required, the agreement shall be executed by the Authorized Person.
- 8.5 Where a Contract includes work performed by the Vendor on County of Frontenac property, no letter of intent shall be issued until the Vendor has provided proof of required insurance and proof of compliance with WSIB, the *Accessibility for Ontarians with Disabilities Act, 2005*, and the *Occupational Health and Safety Act, 1990* and all applicable regulations.

Part IX: Other

Access to Information

- 9.1 The disclosure of information received relevant to the issue of Bid Requests or the Award of Contracts emanating from Bid Requests shall be in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M56, as amended.

Accessibility

- 9.2 The County of Frontenac will incorporate accessibility criteria and features into its procurement of Goods and Services and facilities. Where it is impractical for the County to incorporate accessibility criteria and features when procuring or acquiring specific Goods and Services and facilities, the Treasurer will provide a written explanation, upon request. Bid Documents shall, upon request, be made available in an accessible format to persons with a disability at no additional charge.
- 9.3 The Vendor, and all sub-contractors hired by the Vendor in the completion of its work, will meet or exceed compliance with all applicable regulations under the *Accessibility for Ontarians with Disabilities Act, 2005*, as may be amended from time to time. It is the responsibility of the Vendor to ensure that they are fully aware of, and meet all requirements under the Act and all applicable regulations.

Policy Review

- 9.4 The Treasurer will randomly review Departmental purchasing on an ongoing basis to assess the effectiveness and efficiency of the procedures and to ensure that this Policy has been consistently applied.
- 9.5 This Policy shall be reviewed prior to the end of each Council term and any amendment thereto shall be made prior to the inaugural meeting of the next Council.

This is Schedule A to By-law No. 2013-0011 passed by the Council of the County of Frontenac this 20th day of March, 2013.

Janet Gutowski, Warden

K. Elizabeth Savill, Clerk

APPENDIX A

Goods and Services “Exempt” from Provisions of the Procurement Policy

1. Petty Cash Items
2. Training and Education
 - a) Conferences
 - b) Courses
 - c) Conventions
 - d) Memberships
 - e) Seminars
 - f) Periodicals
 - g) Magazines
 - h) Staff training
 - i) Staff development
 - j) Staff workshops
 - k) Subscriptions
3. Employee Expenses
 - a) Advances
 - b) Meal Allowances
 - c) Travel & Hotel accommodation
 - d) Entertainment
 - e) Miscellaneous – Non-Travel
4. Employer’s General Expenses
 - a) Payroll deduction remittances
 - b) Licenses (vehicles, elevators, radios, etc)
 - c) Debenture payments
 - d) Grants to agencies
 - e) Payments of damages
 - f) Tax remittances
 - g) Charges to/from other Government or Crown Corporations
 - h) Employee income
 - i) Petty cash replenishment
5. Professional and Special Services
 - a) Committee fees
 - b) Witness fees
 - c) Court Reporters’ fees
 - d) Honoraria
 - e) Arbitrators
 - f) Mediators
 - g) Legal settlements
 - h) Contracts related to the provision of “controlled acts” by persons “governed by a health profession Act” as those expressions are used in the Regulated Health Professions Act, S.S. 1991, c18 as amended
6. Utilities
 - a) Postage
 - b) Water and sewer charges
 - c) Hydro
 - d) Cable television charges
 - e) Telephone

f) Natural Gas

7. Advertising services required by the County on or in but not limited to radio, television, newspaper and magazines
8. Bailiff or collection agencies

APPENDIX B

Procurement Authorizations

The following table shall determine the identity of the Authorized Person in respect of a proposed Bid Request.

Total Acquisition Cost	Authorized Person
Up to \$20,000 inclusive if in the approved budget	Department Heads
Greater than \$20,000.00 if in the approved budget.	CAO
Greater than \$50,000 if not in the approved budget or any project not in the approved budget	Council

APPENDIX C

Purchasing Process, Circumstances for Use and Goals

Process	Dollar Threshold	Circumstances for Use	Goals
Informal Low Value Procurement	Up to \$5,000.	At the discretion of the Authorized Person.	
Informal Request for Quotation	Between \$5,000.01 and \$10,000 inclusive.	When timely purchasing is critical. When the formal process is not cost beneficial.	To obtain competitive pricing for procurement in an expeditious and cost effective manner through phone, fax, e-mail, other similar communication method vendor advertisement or vendor catalogues.
Request for Quotation	Between \$10,000.01 and \$25,000 inclusive.	When the process requires seeking out quotes without commitment to a contract. However the magnitude of the project requires a more formal process.	Same as for Request for Tender except that bid solicitation is done primarily on an invitational basis from a pre-determined bidders list but may be supplemented with public advertising of the procurement opportunity.
Request for Tender	Over \$25,000.01	Requirements clearly defined.	To implement an effective, objective, fair, open, transparent and accountable and efficient process for obtaining competitive bids based on precisely defined requirements for which a clear or single solution exists.
Request for Proposal	Over \$10,000.01.	Project requirements not specifically delineated	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.
Non-Competitive or Single Source		<ul style="list-style-type: none"> • Statutory or market-based monopoly. • No bids received in competitive process. • Item covered by exclusive right such as patent, copyright or exclusive licence. • Item covered by a lease-purchase agreement where payments are partially or totally credited to the purchase. • Where it is necessary to 	<p>To allow for procurement in an efficient and timely manner without seeking competitive pricing.</p> <p>To provide for exceptions to the procurement requirements of interprovincial trade agreements.</p>

		<p>ensure compatibility with existing products or to avoid violating warranty/guarantee requirements.</p> <ul style="list-style-type: none"> • When item is in short supply due to market conditions. • When competitive sourcing would be uneconomical. • Emergency situations. • Exempted goods, services as outlined in Appendix A. • Vendor is the only supplier of goods and or services. • Previously identified as a specialized service or product. 	
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APPENDIX D

Administering Irregularities in Bid Opening

	Irregularity	Response
1	Late Bids	Automatic rejection and not opened or read publicly
2	Where a sealed bid is required in the bid documents and the document is not sealed	Automatic rejection
3	Bids written in pencil rather than typewriter or completed legibly in ink	Automatic rejection
4	Bids received on tender documents other than those provided by the County	Automatic rejection
5	Corporate Seal or Authorized Signatory signature missing	Automatic rejection
6	Failure to provide bid securities as required by tender document	Automatic rejection
7	Documents in which addenda with financial implications have not been acknowledged	Automatic rejection
8	Bid requirements not completely met	Rejection depends on significance of bid requirements oversight
9	Restricted or qualified bids	Rejection depends on significance of bid restriction or qualification
10	Bids containing clerical and/or arithmetical errors	An acknowledgement and correction by fax within 1 hour of notification, to be followed in letter form within 24 hours to correct and initial errors
11	Overwrites, strikethroughs, or erasures of bidder's entries are not initialed	24 hours to initial from time of notification
12	All other irregularities	Depending on the significance of the irregularity, at the discretion of the Department Head, in consultation with the CAO or Treasurer, the bid envelope will either be automatically rejected, 24 hours will be given to correct and initial, or the bid may be accepted with the irregularities. Where the Authorized Person is the CAO, the CAO shall seek the direction of Council. In any case of questionable direction, the Authorized Person may seek the opinion of the County's legal counsel.

APPENDIX E

Risk Management

SECURITY DEPOSITS

Each bidder must submit a security deposit with his bid, if requested to do so. Deposit ensures that a successful bidder will enter into a formal agreement with the County upon acceptance of the bid. If for some reason the successful bidder does not enter into a Contract, his security deposit is forfeited to the County. Security deposits help to ensure that only serious bids are received for tender call.

Security deposits must be in the form of a certified cheque of appropriate bid bond made out to the order of the County.

After the Contract has been executed, the County will return the deposits of all unsuccessful bidders.

For those projects using the Ontario Provincial Standard Specification based tender documents the value of the Bid Bond will be consistent with the Ontario Provincial Standard Specification.

PERFORMANCE BONDS & LABOUR AND MATERIAL BONDS

Whenever a tender is let for construction or service supply, the County requires a Performance Bond and a Labour and Material Bond, guaranteed by a surety company of good standing. These bonds protect the County from a successful bidder who does not complete the work required in the formal contract. Where this occurs, the surety company may be required to pay the County an amount up to the bond limit. The bond must be taken for 100% of the contract fee and be included as part of the bid itself. Otherwise the County will not consider the bid.

Insurance requirements may be modified at the request of the Authorized Person. A written rationale for the modification shall be provided by the Authorized Person to the Treasurer for approval prior to the release of the Bid Documents. The Treasurer shall provide a written explanation for approving the modification of insurance requirements.

INSURANCE

The standard insurance minimums are as follows:

- \$2 million – general liability policy
- \$2 million - automobile liability policy
- \$2 million – homeowners (e.g. for rental of facilities)
- \$5 million – general liability and automobile liability policies – for contract work done for most Public Works and Environmental Services Department projects which have specific high risk activities such as shoring or blasting
- \$2 million – professional errors and omissions liability
- Builder's Risk – the amount of the project cost where new construction abuts existing structures

Bid documents must clearly indicate insurance requirements to be provided by the successful bidder.

The successful bidder must furnish the County at his/her cost a "certified copy" of a liability insurance policy covering public liability and property damage for no less than the minimum amounts stated above in the tender documents to the satisfaction of the County and in force for the entire contract period. The policy must contain:

- a. a "Cross Liability" clause or endorsement;
- b. an endorsement certifying that The Corporation of County of Frontenac and the successful bidder are included as an additional named insured;

- c. an endorsement to the effect that the policy or policies will not be altered, cancelled or allowed to lapse without thirty days prior written notice to the County.
- d. Contractor's Liability Insurance Policy shall not contain any exclusions of liability for damage, etc. to property, building or land arising from:
 - the removal or weakening of support of any property, building or land whether such support be natural or otherwise;
 - the use of explosives for blasting;
 - the vibration from pile driving or caisson work, provided that the minimum coverage for any such loss or damage shall be \$5,000,000.00

APPENDIX F

CEO SELECTION

A Worked Example of Value Assessment

Four proposals for a detailed design project with prices as follows:

- A: \$615,000
- B: \$859,000
- C: \$906,000
- D: \$1,021,000

Proposal A was discarded as a rogue bid (more than 25% below average of the four proposals).

Marking of Quality and Price

Points will be awarded for each quality criteria on a stepped approach wherein the proposal judged best would receive 10 points and the others 8, 6, 4, and 2 points respectively according to how they best satisfy the particular criteria. Similarly, fees would also be rated on a stepped basis wherein the proponent with the lowest fee would be awarded 10 points, and the others 8, 6, 4, and 2 points respectively.

Decision

Even though Proposal C is a higher fee than Proposal B, the total points awarded to Proposal C was higher than Proposal B and therefore Proposal C should be awarded the project.

Weighting Criteria	%	Proposal B		Proposal C		Proposal D	
		Points 0-10	Points Weighted	Points 0-10	Points Weighted	Points 0-10	Points Weighted
Experience and Qualifications of the Project Team							
Project manager/engineer and senior designers	20	6	120	10	200	8	160
Technical support staff	6	8	48	6	36	10	60
Sub-Consultants	5	10	50	8	40	6	30
Management Qualifications							
Experience on similar projects	12	6	72	10	120	8	96
Availability of key staff	5	8	40	6	30	10	50
Stability and reputation of the firm	5	6	30	10	50	8	40
Multi-disciplinary/specialty capabilities	5	6	30	8	40	10	50
Quality assurance system	0	0	0	0	0	0	0
Local office	0	0	0	0	0	0	0
Insurance coverage	5	10	50	6	30	8	40
Project Implementation							
Approach and methodology	12	6	72	10	120	8	96
Schedule of key activities and resources	7	8	56	6	42	10	70
Project quality assurance program	8	10	80	8	64	6	48
Price	10	10	100	8	80	6	60
TOTAL MARKS 100%		748		852		800	