

Present: Mayor Mitchell
Councillor Alexander
Councillor Leahy
Councillor Lee
Councillor Mulcahy (arrived at 5:32 p.m.)
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

Also Present: K. Nix, Acting Chief Administrative Officer
S. Beale, Commissioner of Public Works
J. Romano, Manager, Facilities - Operations
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
C. Harris, Town Clerk
L. MacDougall, Temporary Legislative Coordinator (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Presentations

2.1 Judy Wilson, Partner, Blakes
Re: Procurement Law in Canada - Overview of Procurement Law, Regulations, Governance and Obligations

Judy Wilson, Partner, Blakes, and Michelle Trudel, Manager of Procurement, appeared before Council and provided a PowerPoint presentation on procurement law in Canada. Highlights of the presentation included:

- detailed information regarding procurement law and regulation in Canada;
- an overview of procurement governance including trade

agreements, statutes, regulations and directives, and internal governance;

- contractual obligations including the components of a non-binding procurement and a binding procurement, the binding procurement process, and what constitutes a bidding contract;
- maintaining the integrity/fairness of competitive procurement processes and the obligation of fairness in a procurement process;
- compliance principles and obligations including the right to a contract versus fairness, whether the procuring authority could waive a failure to comply and the boundaries of waiving a failure to comply, ranking of bidders, the rights of the highest ranked bidder, awarding the contract as tendered, and amending the contract after execution;
- the differences and challenges associated with a compliant versus a non-compliant bid; and,
- risks associated with de-scoping a procurement and how it may impact the ranking of the bidders.

A question and answer period ensued between Members of Council, Ms. Wilson, and Ms. Trudel regarding:

- whether it would be possible to negotiate with the highest ranked bidder to select a lower ranked bidder;
- whether the lowest bid should always be accepted and when to either sign or cancel a contract;
- addressing changes with respect to the terms of a procurement;
- the ability to change the scope of and/or cancel a procurement and at what point in the process it would be appropriate; and,
- whether a procurement could be re-issued should the bidders be considered unsatisfactory, and what would be a reasonable length of time to re-issue.

3. Adjournment

3.1 Motion to Adjourn

Moved By Councillor Newman
Seconded By Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 6:32 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor