



CITY OF PRINCE GEORGE

Purchasing Bylaw

Bylaw No. 8841, 2017

CONSOLIDATED VERSION

**CONSOLIDATED FOR CONVENIENCE
Revised: February 27, 2023**

CONSOLIDATED VERSION

“CITY OF PRINCE GEORGE PURCHASING BYLAW NO. 8841, 2017”

This is a consolidation of the bylaws listed below and includes amendments up to the date noted on the cover page. This document is for convenience only and is not the legal or official version. Certified copies of the original bylaws should be consulted for all interpretations and applications of the subject Bylaw. Copies can be obtained through the Legislative Services Division at City Hall by contacting (250) 561-7792 or cityclerk@princegeorge.ca.

| <u>AMENDING BYLAW</u> | <u>EFFECTIVE DATE</u> | <u>AMENDMENT(S)</u> |
|------------------------------|------------------------------|---|
| Bylaw No. 9378, 2023 | February 27, 2023 | Section 2; Section 3.5; Section 5.1(a), (b) and (c); Section 5.3(a)(ii); Section 6.1 |

Amending
Bylaws

A Bylaw of the City of Prince George to provide for procurement procedures consistent with applicable trade agreements, and the delegation of certain purchasing powers, duties and responsibilities to designated officers and other employees.

WHEREAS Council of the City of Prince George may, by bylaw, under section 154 of the *Community Charter*, enact a bylaw to delegate certain powers, duties and functions of Council, to an officer or employee of the City;

AND WHEREAS the Council of the City of Prince George has deemed it desirable to delegate to certain officers and employees the purchasing powers, duties and functions as set out in this Bylaw;

NOW THEREFORE the Council of the City of Prince George in open meeting assembled, **ENACTS AS FOLLOWS:**

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1. SHORT TITLE

This Bylaw may be cited for all purposes as the “City of Prince George Purchasing Bylaw No. 8841, 2017”.

2. DEFINITIONS

In this Bylaw:

- (a) “Acting Manager of Risk and Procurement” means the person designated by the Manager of Risk and Procurement to act in their

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absence, notice of which shall be filed with the Director of Finance and IT Services;

- (b) “AIT” means the Agreement on Internal Trade entered into by the governments of Canada, the Provinces of Canada, the Northwest Territories and Yukon to the extent applicable by its own terms to municipalities in British Columbia, and includes amendments to that Agreement. AIT establishes general rules regarding open and non-discriminatory access to procurements, exemptions to those general rules, and other procurement procedures that apply to the City;
- (c) “Applicable Trade Agreements” means NWPTA, AIT, and any similar domestic and international trade agreements that come into force from time to time to the extent applicable by their own terms to municipalities in British Columbia, and includes amendments to those agreements;
- (d) “Assets” includes without limitation supplies, equipment, furniture, fixtures, machinery, IT Assets and vehicles, but does not include real property;
- (e) “City” means the municipality of the City of Prince George;
- (f) “City Manager” means the person holding the Officer position of the City chief administrative officer;
- (g) “Council” means the elected Council of the City;
- (h) “Director of Finance and IT Services” means the person holding the Officer position of the City corporate officer;
- (i) “Employee” means an exempt or union employee of the City other than an Officer;
- (j) “Goods and Services” includes without limitation, supplies, equipment, furniture, fixtures, machinery, IT Assets, vehicles, insurance, employee benefits, labour and materials, maintenance, services and construction, but does not include real property;
- (k) “IT Assets” means personal computers, computer servers, fax machines, cellular telephones and other handheld devices, printers, scanners, copiers and other multi-functional information technology equipment, together with any power supplies, storage media, user manuals, operating systems, software, firmware,

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peripherals and documentation relating to or incorporated within any of the foregoing items;

- (l) “Lease” means a contract by which the City is granted the use and possession of personal property for a specified period of time in exchange for payment of a stipulated price (including a price of \$0);
- (m) “Manager” means an Employee or Officer of the City holding a position as a Manager of a City division;
- (n) “Manager of Risk and Procurement” means the person designated to this position by the Director of Finance and IT Services;
- (o) “NWPTA” means the New West Partnership Trade Agreement entered into by the governments of British Columbia, Alberta and Saskatchewan to the extent applicable by its own terms to municipalities in British Columbia, and includes amendments to that Agreement. In some respects, NWPTA establishes more stringent general rules than AIT regarding open and non-discriminatory access to procurements, and narrows or eliminates certain exemptions otherwise available under AIT to the general rules;
- (p) “Officer” has the meaning set out in the City of Prince George Officer Positions and Delegation of Authority Bylaw No. 8340, 2011, as amended or replaced from time to time;
- (q) “Purchase” means the acquisition by any means, including by purchase, rental, Lease or conditional sale, of Goods and Services by the City, but does not include: (a) any form of City assistance such as grants or loans; or (b) provision by the City of Goods and Services to other persons or entities;
- (r) “Purchasing Procedures” means written processes and procedures governing the Purchase by the City of Goods and Services that have been approved by the City Manager, and includes amendments thereto;
- (s) “Term” means:
 - i. in the case of a contract for a Purchase, the initial term of the contract, not including any optional renewal term; and

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- ii. in the case of an optional renewal or unforeseen extension of a contract for a Purchase, the renewal term or extension period of the contract, not including the preceding periods; and
- (t) “Total Cost” means the sum of all costs, including all contingencies and applicable taxes (except credits against such costs, such as trade-in values on existing Assets, and amounts subject to City recovery, refund or rebate under applicable sales tax legislation) that are to be paid by the City during the Term for a Purchase of Goods and Services. For greater certainty, the Total Cost for a particular Purchase made by a buying group in which the City participates is only that portion of the cost attributable to the City (not the entire cost to the buying group).

3. INTERPRETATION

- 3.1** This Bylaw does not apply to Purchases or other emergency response activities of the City conducted under a “declaration of a state of local emergency” as defined in the *Emergency Program Act*, R.S.B.C. 1996, c. 111, as amended or replaced from time to time.
- 3.2** If there is a conflict between this Bylaw and Emergency Program Bylaw No. 7920, 2006, then Emergency Program Bylaw No. 7920, 2006, as amended or replaced from time to time, prevails.
- 3.3** If the authority for a Purchase has been delegated or authorized by another City bylaw, then this Bylaw shall not apply to such Purchase, provided that the financing has been approved by Council prior to the commitment of funds, and provided that the Purchase is made in accordance with the Purchasing Procedures or as otherwise approved by the City Manager.
- 3.4** In the absence of the Manager of Risk and Procurement, the Acting Manager of Risk and Procurement shall have all the powers, duties and functions assigned to the Manager of Risk and Procurement under this Bylaw. The Acting Manager of Risk and Procurement has no authority to further delegate to another person any power, duty or function that has been delegated to the Acting Manager of Risk and Procurement by this Bylaw.
- 3.5** In the absence of the Director of Finance and IT Services, the Acting Director of Finance and IT Services shall have all powers, duties and functions assigned to the Director of Finance and IT Services under this Bylaw. The Acting Director of Finance and IT Services has no authority to further delegate to another person any power, duty or

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function that has been delegated to the Acting Director of Finance and IT Services by this Bylaw.

4. GENERAL

- 4.1** No Purchase shall be incurred or made on behalf of the City except as provided in this Bylaw or as otherwise approved by Council.
- 4.2** No Purchase shall be incurred or made on behalf of the City except in accordance with the Purchasing Procedures or as otherwise approved by Council or the City Manager.
- 4.3** The Purchasing Procedures shall be consistent with this Bylaw and Applicable Trade Agreements.
- 4.4** No Purchase shall be authorized or incurred unless Council has provided a funding source for the Purchase in the applicable financial plan of the City.
- 4.5** No Purchase shall be made by the City for the personal use of elected officials or Officers or Employees except as provided in this Bylaw, a City agreement, a City policy or otherwise approved by Council.
- 4.6** No requirement for Purchases shall be subdivided in a manner designed to avoid the application of any provision of this Bylaw or the Purchasing Procedures.

5. PURCHASING AUTHORIZATIONS

5.1 Authorized Purchasing Limits

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(a) If the Total Cost of a Purchase does not exceed Fifty Thousand Dollars (\$50,000), then a Manager may authorize the Purchase in accordance with the applicable financial plan and the Purchasing Procedures;

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(b) If the Total Cost of a Purchase does not exceed Two Hundred Thousand Dollars (\$200,000), then the Manager of Risk and Procurement may authorize the Purchase in accordance with the applicable financial plan and the Purchasing Procedures;

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(c) If the Total Cost of a Purchase does not exceed Five Hundred Thousand Dollars (\$500,000), then the Director of Finance and IT Services may authorize the Purchase in accordance

with the applicable financial plan and the Purchasing Procedures;

- (d) If a Purchase is in accordance with the applicable financial plan, then the City Manager may authorize the Purchase;
- (e) Council may authorize any Purchase, and if a Purchase is not in accordance with the applicable financial plan, then only Council may authorize the Purchase; and
- (f) Notwithstanding the foregoing, if a contract for an approved Purchase is to be amended to increase its Total Cost (by way of amending agreement, change order, or otherwise), then the reference to “the Total Cost of a Purchase” in each of paragraphs (a) to (e) above shall be construed as a reference to “the increase in the Total Cost of a Purchase” for the purposes of authorizing the amendment.

5.2 Supplier Ineligibility and Disqualification

- (a) Without limiting the scope of the Purchasing Procedures, or the City’s privilege to reject any or all tenders and/or cancel a solicitation, the City Manager is authorized to set out grounds for ineligibility in the Purchasing Procedures, according to which a person, corporation or partnership, or a submission from a person, partnership or corporation in relation to a solicitation document issued by the City regarding a possible Purchase, will or may be rejected, on a one-time, time-limited or ongoing basis and otherwise in accordance with the Purchasing Procedures.

5.3 Disposition of Surplus Assets

- (a) If a Manager has identified surplus City Assets which are not useful to any City division, and which retain some value, then:
 - i. the City Manager is authorized to approve that the surplus Assets be disposed of by donating them, without compensation, to any non-profit corporation, association, or entity;
 - ii. the Director of Finance and IT Services is authorized to approve that City-owned IT Assets be disposed of by donating them, without compensation, to any non-profit corporation, association, or entity; and

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iii. the Manager of Risk and Procurement is authorized to dispose of surplus City Assets, through auction or for value through another formal or informal process.

(b) If a Manager has identified surplus City Assets which are not useful to any City division, and which retain no value, then the Manager of Risk and Procurement is authorized to dispose of such Assets through municipal recycling or garbage disposal, as appropriate.

(c) The Manager of Risk and Procurement is authorized to determine whether surplus City Assets retain any value.

6. AUTHORIZED SIGNATORIES

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6.1 The Director of Finance and IT Services is authorized to prepare forms of certificates and approvals necessary to administer the provisions of this Bylaw, and to develop, establish, implement and maintain Purchasing Procedures, and amendments thereto. The City Manager is authorized to approve such forms and Purchasing Procedures, and amendments thereto.

6.2 If this Bylaw gives to an Officer or Manager the authorization for a Purchase, then that Officer or Manager is also authorized to execute contracts in regard to such Purchase on behalf of the City.

7. SCOPE AND SEVERABILITY OF BYLAW

7.1 Unless a power, duty or function of Council has been expressly delegated by this Bylaw or by another City Bylaw, all the powers, duties and functions of Council remain with Council.

7.2 The Mayor and Corporate Officer are hereby empowered to do all things necessary to give effect to this Bylaw.

7.3 If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Bylaw.

8. REPEAL OF PREVIOUS BYLAW

8.1 The “City of Prince George Purchasing Delegation of Authority Bylaw No. 8365, 2011”, is hereby repealed.

City of Prince George Purchasing Bylaw No. 8841, 2017 - CONSOLIDATED

READ A FIRST TIME THIS THE **20th** DAY OF **FEBRUARY** , **2017**.

READ A SECOND TIME THIS THE **20th** DAY OF **FEBRUARY** , **2017**.

READ A THIRD TIME THIS THE **20th** DAY OF **FEBRUARY** , **2017**.

All three readings passed by a **UNANIMOUS** decision of Members of City Council present and eligible to vote.

ADOPTED THIS THE 6th DAY OF MARCH , 2017,
BY A UNANIMOUS DECISION OF MEMBERS OF CITY COUNCIL PRESENT
AND ELIGIBLE TO VOTE.

Lyn Hall
MAYOR

Walter Babicz
CORPORATE OFFICER