



**THE RESORT MUNICIPALITY OF WHISTLER
COUNCIL POLICY**

POLICY NUMBER: F-29	DATE OF RESOLUTION: APRIL 24, 2018
NAME: Procurement Policy	

1.0 SCOPE OF POLICY

To establish governing principles and practices for procurement activities at the Resort Municipality of Whistler (RMOW).

This policy applies to all individuals and organizations employed or engaged by the RMOW that have been given purchasing authority to procure goods and services, including construction contracts. Specifically, this Procurement Policy (“Policy”) covers the:

1. Procurement of goods and services required by the RMOW;
2. Sale or disposal of assets by the RMOW;
3. Execution and administration of procurement contracts for the RMOW; and
4. Delegation of purchasing authority for the RMOW.

This Policy does not apply to:

1. Acquisition or sale of land;
2. Legal services;
3. Insurance;
4. Financial investments;
5. Utilities including gas and hydro-electricity;
6. Employee benefit services;
7. Professional development, education, employee training; and
8. Agreements or transactions with other government agencies or First Nations.

2.0 OBJECTIVE

To achieve the maximum economy, efficiency and effectiveness in the performance of the procurement function. The RMOW is committed to open, transparent, fair and accountable access to municipal business utilizing leading practices and ensuring compliance with legislation and applicable trade agreements. The RMOW procurement practices will ensure respect for environmental and social values.

3.0 DEFINITIONS

Best value	To establish the best value of goods/services/construction/facilities offered, bids may be evaluated not only on purchase price and total cost of ownership, but also on environmental and/or social considerations, delivery, servicing, and the capacity of the bidder to meet other criteria, all stated in the bid/proposal documents.
BC Bid	The British Columbia government electronic sourcing mechanism in which procurement opportunities for goods and services are listed and in accordance, as may be required, with the New West Partnership Trade Agreement and other legislated requirements.
Competitive bid	A competitive solicitation process such as an Invitation to Tender (ITT); or Request for Proposals (RFP); or Request for Quotation (RFQ), in competition with other suppliers.
Conflict of Interest	Where an employee of the RMOW has financial or other interest in goods or services which the RMOW desires to acquire or dispose of, the employee is disqualified from approving the transaction or being an evaluator on any proposals notwithstanding their written authority governed by applicable bylaws.
Contract	An agreement in writing or a verbal commitment between the RMOW and one or more parties which create obligations that are enforceable or otherwise recognizable at law.
Debriefing	After a competitive process has been concluded and a contract awarded to the successful proponent, unsuccessful proponents may contact the RMOW to gain an understanding of where their proposal might be improved for future bid opportunities.
Director of Finance	Refers to the person holding the position of Financial Officer as defined by Section 149 of the Community Charter.
Emergency Purchase	a purchase made due to an unexpected and urgent request which may affect the health, safety, environment, life and or property, or the welfare of the public; or cause delays, liabilities or damages to the RMOW.
Local supplier	A supplier located within the RMOW municipal boundaries.
Notice of Intent	a public notice to potential suppliers of the intent by the RMOW to make a direct award or negotiate a contract with a chosen supplier, without a competitive process

Purchasing Authority	The authority to approve the acquisition of goods or services
Purchaser	An RMOW employee who is responsible for the purchasing decision and is responsible for the program or project impacted by the purchase.
Purchasing Card (P-card)	<i>A P-card is the corporate purchasing card issued to departments and or staff for purchases as per the terms and conditions of the P-card policy. See the P-card policy for further advice. P-cards can be used to buy goods or services from a supplier or to pay an invoice for same.</i>
Sole source	A contract directly awarded to or negotiated with a sole supplier, without a competitive process. With a sole source, there is only one capable and available supplier.
Supplier	A vendor who has been selected through a procurement process to supply goods or services.
Supplier performance	Measurable indicators that can be tracked to assess predetermined contract performance goals. Supplier performance can include subjective evaluations of the supplier by RMOW staff during the performance of a contract.
Sustainability	Goods and services which contribute to long-term positive impacts on economic, environmental and social values.
Total cost of ownership (TCO)	TCO takes into account not just the initial purchase, but also the ongoing maintenance and operations costs, transition and disposal costs. TCO may include but is not limited to the costs related to shipping, packaging, energy, warranty, consumable supplies, transition costs, training, sustainability and the like.

4.0 POLICY

4.1 PRINCIPLES

1. To acquire the necessary quality and quantity of goods and services in an efficient and cost-effective manner with the primary objective being to provide the best value to the tax payer.
2. To act in a manner which provides potential suppliers equal opportunity to participate in the business of the RMOW and to ensure open and transparent procedures that withstand public scrutiny at all times.
3. To ensure that the RMOW maintains its reputation as a preferred customer by completing timely and accurate transactions within all aspects of the purchasing and contracting processes.
4. To encourage open competitive bidding on the acquisition of goods and services where practical.

5. To participate with other governmental entities in co-operative purchasing programs and utilize the Province of BC's Corporate Supply Agreements where the best long-term interests of the RMOW would be served.
6. To comply with all applicable domestic and international trade agreements.
7. To use procurement practices to promote social and economic development wherever possible.
8. Environmental impact will be considered when purchasing products and services known to contribute to greenhouse gas emissions, energy/fuel consumption, air pollution, water contamination, landfill accumulation, or human toxicity.
9. Total cost of ownership will be considered whenever there is sufficient information for a reasonable comparison of alternatives.
10. Product specification or qualifying conditions will not be introduced to knowingly favour or exclude a specific vendor.
11. To conduct business in a professional manner.

4.2 CONTRACT RENEWALS AND EXTENSIONS

The Director of Finance or designate will monitor contract extensions or renewals to not exceed the maximum contract term except where expressly authorized by the sole source provisions as defined by the RMOW.

4.3 TRADE AGREEMENTS

The RMOW must comply with applicable trade agreements that have been signed by the pertinent province and /or federal government departments as may be required by law. These agreements generally state that goods, services and construction over certain dollar values must be posted publicly as to not discriminate among bidders on the basis of origin of the supplier of goods, services or construction materials.

4.4 PURCHASING AUTHORITY

The RMOW, in the performance of the duties assigned to it under the terms of the *Community Charter* and the *Local Government Act*, must of necessity engage in the procurement of goods and services. The RMOW's Director of Finance shall have oversight of all procurement by the RMOW.

The RMOW operates a decentralized purchasing system. Employees have the authority to proceed with the procurement of goods or services up to their purchasing authority limit so long as there is an approved budget with adequate funding. (All employees with authority to purchase are referred to as a "Purchaser" for the purpose of this policy).

Authority Limits:

General Manager or CAO and Director of Finance	\$500,000
General Manager or CAO	\$250,000

Director	\$250,000
Manager	\$100,000
Supervisor	\$10,000
Executive Assistant	\$50,000
Administrative Assistant	\$10,000
Lead Hand	\$5,000

Council must approve all procurement commitments, purchases and contracts greater than \$500,000. Purchasers will endeavor to determine if goods, equipment or services, including construction services, can be provided internally prior to commencing any external purchases. To obtain better value through larger scale purchases, the RMOW may access other public agencies' agreements when appropriate.

4.5 PROCUREMENT RESTRICTIONS

In order to ensure compliance with the Policy and avoid conflict of interests, the following activities are prohibited:

1. Purchases of goods or services on behalf of the RMOW from any Council member, appointed officers, employees of the RMOW, or from other sources that would result in an actual or perceived conflict of interest.
2. Purchase by the RMOW of any goods or services for personal use by or on behalf of any member of Council, appointed officials, employees or their immediate families. The employee computer purchase program is *exempt* from this prohibition.
3. The purchase of any surplus goods, materials, or equipment by an employee of the RMOW responsible for declaring the goods, materials, or equipment surplus to the RMOW's need.
4. No employee or any appointed or elected official shall divulge proprietary information, including unit prices paid by the RMOW for goods and/or services, unless allowed under the Freedom of Information and Protection of Privacy Act.
5. No contract shall be entered unless elector approval has been obtained, where it would result in a liability to the RMOW for a period greater than 5 years, including extensions and renewals. This is to be in compliance with *Community Charter Section 175*.

4.6 SUPPLIER PERFORMANCE

The RMOW reserves the right to measure supplier performance for the supply of goods or services against performance goals in a contract and may use a supplier's record of performance when evaluating the potential for future work with the RMOW.

4.7 SUPPLIER DEBRIEFING

Unsuccessful proponents in a competitive bid can contact the RMOW for debriefing as per the New West Partnership Trade Agreement mechanism.

4.8 ASSET DISPOSAL

Goods, materials, and equipment considered surplus to a department may be used as trade-in, transferred to another department, stored for later use, donated, or sold through public auction, as determined by the responsible department seeking the best return possible. In all cases of an asset disposal, an asset disposal form must be filled out and forwarded to finance

4.9 EXCEPTIONS TO THE POLICY

1. Where goods, services or construction are urgently required and delay would be injurious to the RMOW's interests, the Chief Administrative Officer or their designate will authorize any and all actions to be taken and these will be considered as an exception to this policy, as per the Community Charter SS 173(3). At the conclusion of the emergency conditions, the Director of Finance will report back to the CAO with the cost implications and summary actions taken to mitigate the event.
2. Where P-cards have been issued to authorized staff to purchase goods and services, which do not exceed their expenditure limit in accordance with the RMOW P-card policy. [P-Card Procedure](#)
3. Where sole source purchases are deemed necessary by the Director of Finance or his/her designate and where a Notice of Intent is issued.
4. Where single source service providers have been prequalified to provide goods and or services to the RMOW.
5. Where circumstances set out in the policy do not apply, then approval to procure must be obtained from the Director of Finance and the CAO.

4.10 PURCHASING RESPONSIBILITIES

Purchasers must be consistent in following this policy and the RMOW has provided a procurement reference manual and guide to ensure this objective. All motor vehicle equipment (vehicles, tractors, snowmobiles etc.) acquisitions with the exception of fire fighting vehicles, will be coordinated through the Central Services supervisor to ensure proper fleet management. Where equipment and/or vehicles are to be acquired through a lease agreement, the Director of Finance shall have authority to sign the lease contracts on behalf of the RMOW.

In addition to the basic responsibilities described in this Policy, purchasers have the following specific roles and responsibilities:

1. Ensuring that this policy is complied with, including understanding the procurement process, requirements and authorizations;
2. Obtaining budget approval for all intended purchases, and provide evidence of such budget approval to the Finance department upon request;

3. Ensuring that the contractual requirement for their programs and projects are met wherever possible;
4. Ensuring that the specifications of products and level of services requested represent the best value to the RMOW for fit and purpose;
5. Ensuring that the primary objective of contracting for the supply of goods, services and construction is the attainment of value for public funds expended;
6. Ensuring that the procurement of goods and services is performed with consideration and alignment with the RMOW's commitment of encouraging the use of environmentally sustainable products and energy savings;
7. Allowing adequate time to conduct an appropriate procurement process;
8. Providing appropriate and timely documentation related to disputes with vendors, and provide the Finance Department with a reasonable opportunity to investigate and resolve the dispute;
9. Selecting appropriate sourcing strategies and prepare competitive bid documents using municipal sectors' best practices;
10. Ensuring that competitive bidding documents are written concisely and fairly to encourage competition;
11. Ensuring that contract awards are made on the basis of sound business, ethical and legal considerations;
12. Ensuring that all RMOW purchasing decisions are properly documented, with accurate and complete records of all purchasing processes being maintained;
13. Ensuring that accurate and up-to-date records are maintained regarding any potential conflict of interest that may arise for purchasers involved in purchasing decisions, and that all such purchasers are aware of their responsibilities regarding potential conflicts of interest;
14. Ensuring that the Director of Finance is informed of any procurement or contractual matter which are of a sensitive or potentially controversial in nature;
15. Ensuring that vendors to whom contracts have been awarded perform to the terms and conditions as set out in their contracts;
16. Conducting the RMOW procurement practices in compliance with the Supply Chain Management Association professional code-of-ethics. (<http://scma.com/en/about-scma/join-scma/code-of-ethics>)
17. Managing the disposal of scrap and assets identified as being surplus to the RMOW's requirements or having reached the end of their useful life.

Certified Correct:

Brooke Browning
Municipal Clerk