

Corporation of the Town of Newmarket

By-law 2025-60

A By-law to amend Procurement By-law 2014-27 which defines the Procurement Policies for the Corporation of the Town of Newmarket.

Whereas Section 270 of the Municipal Act, 2001, as amended provides that a municipality shall adopt and maintain policies with respect to its procurement of goods and services; and,

Whereas Council enacted By-law 2014-27 to define the procurement policies and procedures for the Corporation of the Town of Newmarket (the “**Procurement By-law**”); and,

Whereas Council received Joint Staff Report titled “U.S. Tariffs Implications on Procurement and Business Supports” dated March 17, 2025 (the “**March 2025 Report**”) and provided direction to amend the Procurement By-law in accordance with the recommendations set out in that report; and

Whereas the two main recommendations set out in the March 2025 report were (1) to amend the threshold amounts in Procurement By-law 2014-27 to align with the open competition thresholds in the Trade and Cooperation Agreement Between Ontario and Quebec (OQTCA), and (2) to adopt evaluation strategies to prefer Canadian suppliers where possible within the limits of the applicable trade treaties;

Therefore, be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

Amendments to Invitational and Open Competition Threshold Amounts

1. That the procurement threshold presently in place for invitational and/or open competition acquisitions from “\$25,000.00 to \$100,000.00” in Schedule D, Table 2 of the Procurement By-law, be amended to “\$25,000.00 to \$133,799.99”; and
2. That the open, public threshold of “\$100,000.00 to \$249,999.99” in Schedule D, Table 2 of the Procurement By-law be amended to “\$133,800.00 to \$249,999.99”; and,
3. That the open, public threshold of “\$250,000.00 and Over” remain as is; and,
4. That if the threshold levels within the Trade and Cooperation Agreement Between Ontario and Quebec (OQTCA) are amended, then the threshold levels within Schedule D, Table 2 of the Procurement By-law are to be adjusted accordingly with the approval of the C.A.O.; and,

Evaluation Strategies to Prefer Canadian Suppliers for Competitive Procurements

1. Strategies to prefer Canadian suppliers are permitted up to the thresholds of the Comprehensive Economic and Trade Agreement with the European Union (CETA) of \$353,300.00 for goods and

services and \$8,800,000.00 for construction, subject to amendments over time; and

2. If the threshold levels within the Comprehensive Economic and Trade Agreement with the European Union (CETA) are amended, then the threshold levels for the implementation of strategies which favour Canadian suppliers will also be adjusted accordingly with the approval of the C.A.O.; and,

Amendments to Sole or Single Source Threshold Amounts

1. That the procurement threshold presently in place for sole or single source procurements from “\$25,000.01 to \$100,000.00” in Schedule D, Table 5 of the Procurement By-law, be amended to “\$25,000.01 to \$133,799.99”; and
2. That the procurement threshold presently in place for sole or single source procurements from “\$100,000.00 and Over” in Schedule D, Table 5 of the Procurement By-law, be amended to “\$133,800.00 and Over”.

Enacted this 24th day of March, 2025.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Revised Schedule D, Table 1, Procurement By-Law 2014-27 – Low Value Purchases

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	REPORTING	APPROVAL AUTHORITY	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 1. DELEGATED AUTHORITY FOR LOW VALUE PURCHASES (Revisions Effective March 24, 2025)					
Up to \$10,000.00	Low Value Purchase (LVP) By Department Staff or through Procurement Services. *Preference for Canadian Suppliers Permitted	Purchases made from the competitive marketplace where possible and practicable. Advertising not required.	Not Applicable	P-Card, or through a LVP Purchase Order by staff delegated by the Director or Commissioner or C.A.O.	No Agreement

Revised Schedule D Table 2, Procurement By-Law 2014-27 - Competitive Procurement

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	REPORTING	APPROVAL AUTHORITY	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 2. AUTHORITY FOR BID CALL PROCESS (Revisions Effective March 24, 2025)					
<p>\$10,000.01 to \$ 25,000.00</p>	<p>Minimum three (3) written quotes must be requested & obtained by Department Staff</p> <p>Note: Staff may also request Procurement Services to lead the Procurement process instead.</p> <p><i>*Preference for Canadian Suppliers Permitted</i></p>	<p>Advertising Not Required</p>	<p>Written Approval to proceed with recommendation to award provided to Department Staff by Approval Authority</p> <p>Written Approval and (3) Written Quotes to be maintained by Department</p>	<p>DEPARTMENT MANAGER</p> <p>Method of Payment: Purchase Order</p> <p>Note: Procurement Services requires evidence of request for 3 written quotes and Approval Authority to generate PO.</p>	<p>Purchase Order Terms or Agreement, executed by the Department Manager</p>
<p>\$25,000.00 to \$133,799.99</p>	<p>Quick Bid (QB) or Quick Bid Request for Proposal (QBRFP) through Procurement Services.</p> <p><i>*Preference for Canadian Suppliers Permitted</i></p>	<p>Advertising (invitational or public) is at the discretion of the Manager, Procurement Services.</p>	<p>Recommendation for Award to be approved by Approval Authority in consultation with the Manager of Procurement Services</p>	<p>DIRECTOR, in consultation with the Manager of Procurement Services Method of Payment: Purchase Order or P-Card as recommended by Procurement</p>	<p>Agreement</p> <p>Executed by Department Director and Manager, Procurement Services</p>

<p>\$133,800.00 to \$249,999.99</p>	<p>FORMAL BID: Request for Tender (RFT) OR Request for Proposal (RFP) through Procurement Services.</p> <p><i>*Preference for Canadian Suppliers Permitted</i></p>	<p>Open Public advertising is required.</p>	<p>Recommendation for Award to be approved by Approval Authority in consultation with the Manager of Procurement Services</p>	<p>DIRECTOR, in consultation with the Manager of Procurement Services Method of Payment: Purchase Order or P-Card as recommended by Procurement</p>	<p>Agreement Executed by Department Director and Manager, Procurement Services</p>
<p>\$250,000.00 and Over</p>	<p>FORMAL BID: Request for Tender (RFT) OR Request for Proposal (RFP) through Procurement Services.</p> <p><i>*Preference for Canadian Suppliers Permitted Applies to Goods, Services, Construction up to the limit of CETA thresholds **See note about maximum threshold</i></p>	<p>Open Public advertising is required.</p>	<p>Recommendation for Award to be approved by Approval Authority in consultation with the Manager of Procurement Services</p>	<p>COMMISSIONER, in consultation with the Manager of Procurement Services Method of Payment: Purchase Order or P-Card as recommended by Procurement</p>	<p>Agreement Executed by Commissioner and Manager, Procurement Services</p>
<p>**Maximum Threshold: The strategies to prefer Canadian suppliers, where appropriate and possible, are permitted for procurements with a Procurement Value not exceeding CETA Thresholds of \$353,300.00 for goods and services and \$8,800,000.00 for construction, subject to amendments over time.</p>					

Revised Schedule D Table 5, Procurement By-Law 2014-27 – Non-Competitive Procurement

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	REPORTING	APPROVAL AUTHORITY	Contract Agreement Requirements And Parties responsible for Contract Execution
TABLE 5. SOLE OR SINGLE SOURCE PURCHASES (Revisions Effective March 24, 2025)					
Up to \$10,000.00	*Canadian Preference recommended where appropriate and possible	Advertising not required	Director	Director and in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$10,000.01 to \$25,000.00	*Canadian Preference recommended where appropriate and possible	Advertising not required	Commissioner	Commissioner in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$25,000.01 to \$133,799.99	*Canadian Preference recommended where appropriate and possible	Advertising not required	C.A.O.	C.A.O. in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional Director and Manager, Procurement Services.
\$133,800.00 and over	*Canadian Preference recommended where appropriate and possible	Advertising not required	Council	Council A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional Director and Manager, Procurement Services.
*Canadian preference recommended where appropriate and possible; All recommendations to non-competitively award to U.S. suppliers must be reviewed and pre-approved by the CAO, the Approval Authority and in consultation with the Manager of Procurement Services up to \$133,799.99. Procurements over this threshold shall be approved by Council					

