

Authority: Item: 8, Audit and Administration Committee
Report: 10-003
CM: March 10, 2010 & March 31, 2010

Item: 17, Audit and Administration Committee
Report: 10-011 (FCS10086)
CM: October 13, 2010

Bill No. 255

CITY OF HAMILTON

BY-LAW NO. 10-255

A By-law to Amend Purchasing Policy By-law No. 09-230

WHEREAS at its meeting of November 11, 2009, the Council of the City of Hamilton did enact Purchasing Policy By-law No. 09-230, being a by-law to adopt and maintain a purchasing policy with respect to its procurement of goods and services;

AND WHEREAS at its meetings of March 31, 2010, the Council of the City of Hamilton did approve Item 8 of Audit and Administration Report 10-003 and at its meeting of October 13, 2010, the Council of the City of Hamilton did approve of Item 17 of Audit and Administration Committee Report No. 10-011 and did thereby authorize the amendments to the Purchasing Policy By-law as set out herein;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

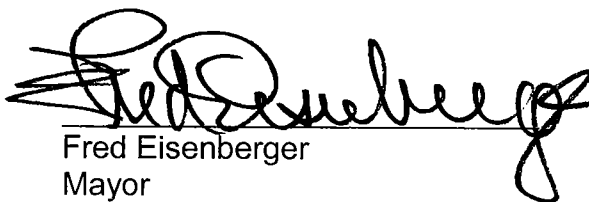
1. Policy #1 – Policy for Vendor Eligibility contained in Schedule “A” to the Purchasing Policy By-law No. 09-230 is amended as follows:
 - (a) the phrase at the beginning of subsection 4.1(3), “For the purposes of subsections (2), (4) and (5) of this policy”, is deleted and replaced with “For the purposes of subsections (2), (4), (5), (6)(d) and (7) of this policy,”.
 - (b) the following subsection 4.1(7) is added:


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- (7) Where a vendor has the lowest compliant Bid to a RFT or RFP which has been rejected due to the vendor's failure to initial a legible change such as an erasure, strike out, white out, cross out or overwriting, within one business day of the City's request, the vendor shall also be banned from competing for or being awarded any City contract for a period of one year. Only the ban, and not the rejection of the Bid, may be challenged by the vendor in accordance with Purchasing Policy #18 – Policy for Vendor Complaint Resolution.
2. Policy #18 – Policy for Vendor Complaint Resolution contained in Schedule "A" to the Purchasing Policy By-law No. 09-230 is amended by adding the following subsection 4.18(3):
- (3) Where a vendor has been banned from competing for or being awarded any City contract for a period of one year in accordance with subsection 4.1(7) of Purchasing Policy #1 – Policy for Vendor Eligibility:
- (a) the vendor may challenge the one year ban to the appropriate standing committee of Council where there are extenuating circumstances respecting why the initialling was not done within one business day of the City's request; and
- (b) the appropriate standing committee will provide to Council a recommendation with respect to the vendor's complaint.
3. This by-law comes into force on the day it is passed.

PASSED this 13th day of October, 2010


Fred Eisenberger
Mayor


Rose Caterini
City Clerk