

# CITY OF KELOWNA

## BYLAW NO. 10422

### Amendment No. 1 to Purchasing Bylaw No. 9590

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Council Bylaw No. 9590 be amended as follows:

1. THAT **PART 1 – GENERAL** Section 1.2 be amended by:
  - a) Deleting Subsection “Professional Consulting Services” in its entirety and replacing it with the following:

“Professional Consulting Services” means services to be provided by a person or persons who are licensed and regulated by the Province of British Columbia, Alberta and Saskatchewan in their professional capacity, and which services are provided pursuant to those regulations. Such services include, but are not necessarily limited to, engineering, landscape architecture and architecture.”; and
  - b) Deleting the word “are” before the words “opened and read at a fixed time and place.” in Subsection “Public tendering or proposal process” and replacing it with the words “can be”.
2. AND THAT **PART 2 – PURCHASING POLICY** be amended by:
  - a) Deleting the words in Section 2.1 “The Purchasing Division of the Financial Services Department” and replacing it with “The Purchasing Branch of the Corporate Services Department”;
  - b) Deleting the number “2.5” after the words “in sections 2.2 to” and replacing it with “2.6” and deleting the words “Purchasing Division” and replacing it with “Purchasing Branch.” under **Competitive Process** Section 2.2;
  - c) Deleting **Competitive Process** Section 2.3 in its entirety and replacing it with the following:

“Where goods or services to be purchased are authorized in a current budget approved by Council, the general practice with regard to competitive process and to the greatest extent possible as determined by the Manager of Purchasing and Stores shall be:

    - (a) purchases expected to exceed \$5,000.00, but not \$15,000.00, shall be decided by obtaining written or verbal competitive quotations;
    - (b) purchases expected to exceed \$15,000.00 but not \$75,000.00 shall be decided by obtaining written competitive quotations; and
    - (c) purchases expected to exceed \$75,000.00 shall be decided by public tendering or proposal process.”; and

- d) Deleting in its entirety **Competitive Process** Section 2.6 and replacing it with the following:

“Notwithstanding Sections 2.2 through to 2.5 above, a contract may be sole sourced when:

- (a) Goods, services or construction are urgently required and delay would be injurious to the public interest; or
- (b) Only one party is available and capable of performing the contract; or
- (c) The contract will not exceed \$5000 in value; or
- (d) Legislation exempts the good or service from the competitive process.

The City purchasing practices for sole sourced procurements shall employ such value analysis and negotiation methods as deemed appropriate for the occasion by the Manager of Purchasing and Stores.

Where the services sought are Professional Consulting Services, the City purchasing practices shall be single sourced by employing value analysis appropriate for the occasion and in accordance with Consultant Procurement Policy, as amended from time to time.”

3. AND THAT **PART 2 – PURCHASING POLICY** be further amended by:

- a) Deleting in its entirety **Purchasing Procedure** Section 2.8 and replacing it with the following:

“2.8 No purchase or commitment shall be made by any employee of the City, unless it falls within the current budget approved by Council or amended by the Financial Plan Amendment Council Policy No. 262, both as to nature and amount.”;

- b) Deleting the words “Financial Services Department Purchasing Policy and Procedures document” after the words “The City Manager and the Financial Officer, through the” under **Purchasing Procedure** Section 2.10 and replacing it with the words “Financial Services Department’s Purchasing and Invoice Approval Levels document”;

- c) Deleting in its entirety **Purchasing Procedure** Section 2.11 and replacing it with the following:

“2.11 City employees may approve purchases of goods or services up to their individual approval limits as set in the Financial Services Department Purchasing and Invoice Approval Levels document, so long as the process outlined in sections 2.2 to 2.6 of this bylaw has been followed, and the approving employee or the Manager, Purchasing and Stores may execute binding contracts or commitments, including amendments, related to those purchases on behalf of the City.”

- d) Deleting in its entirety **Purchasing Procedure** Section 2.12 and replacing it with the following:

“2.12 The City Manager may approve, and may execute binding contracts or commitments, including amendments and where the accepted tender is the lowest cost with no conditions or uncertainties, on behalf of the City in relation to:

- (a) purchases of goods or services in excess of individual approval limits of City employees so long as the expenditure has been approved by Council in the current year budget or approval has been obtained through budget amendment process, the purchase is within budget and the competitive process outlined in section 2.2 to 2.5 of this bylaw has been followed;
- (b) purchases of goods or services up to a total value of the budget approved by Council through the current year budget process or through budget amendment that follow the process outlined in section 2.6 of this bylaw;
- e) Adding a new **Purchasing Procedure** Section 2.13 as follows and renumbering the subsequent Sections:
  - “2.13 A written information report of the contract awards exceeding \$500,000 shall be provided to Council every quarter.”;
- f) Deleting **Purchasing Procedure** Section 2.14 in its entirety and replacing it with the following:
  - “2.14 Council’s approval is required in each individual case for all purchases of goods or services that do not fall under section 2.12. of this bylaw.”
- 4. This bylaw may be cited for all purposes as "Bylaw No. 10422, being Amendment No.1 to City of Kelowna Purchasing Bylaw No. 9095."
- 5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 4<sup>th</sup> day of October, 2010.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk