

SUMMARY:

The Purchasing Bylaw provides for the expenditure of municipal funds and to delegate certain authority with regard to the approval and execution of certain contracts and agreements.

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

# CITY OF KELOWNA

## BYLAW NO.11477

### A Bylaw to Set Purchasing Policy

---

WHEREAS pursuant to the Community Charter, Council may provide for the expenditure of municipal funds in a designated manner;

AND WHEREAS pursuant to the Community Charter, Council may by bylaw delegate its powers, duties, and functions to its officers and employees;

AND WHEREAS the Municipal Council of the City of Kelowna wishes to set authority for Purchasing Policy that provides for the expenditure of municipal funds and to delegate certain authority with regard to the approval and execution of certain contracts and agreements;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

#### **PART 1 - GENERAL**

1.1 This bylaw may be cited for all purposes as City of Kelowna "Purchasing Bylaw No. 11477".

1.2 In this bylaw:

"Best Value" means the most advantageous option for the City while considering a combination of the financial, quality and ancillary attributes of the alternatives under review;

"City" means the corporation of the City of Kelowna;

"Council" means the municipal council of the City;

"Financial Officer" means the person appointed by Council pursuant to section 149 of the Community Charter;

"Professional Consulting Services" means services to be provided by a person or persons who are licensed and regulated by a governing body in their professional capacity, and which services are provided pursuant to those regulations. Such services include, but not limited to, engineering, landscape architecture and architecture;

"Public tendering process" means the process whereby tenders are solicited by the City by means of public advertisement;

"Purchasing Manager" means the City employee that in the execution of their duties is responsible for Purchasing Policy content and the procurement activity of the City;

"Purchasing Policy" means all the so named documents that sets the authority, parameters and methods used by the City in its procurement activity;

1.3 A delegation under this bylaw includes a delegation to a person who is from time to time the lawful deputy or designate of the delegate.

- 1.4 A person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function.
- 1.5 The provisions of this bylaw are subject to any overriding requirements of the Community Charter or Local Government Act with respect to specific purchases or commitments, or with respect to the approval of certain kinds of contracts.
- 1.6 The Purchasing Manager is authorized to review and recommend amendments to Purchasing Policy.

## **PART 2 – PROCUREMENT**

- 2.1 The Purchasing Branch is established as a centralized purchasing function having control of the acquisition of all goods, services, and construction required by the City.

The Purchasing Branch will establish, adhere to, and administer general procurement practices and procedures that supports openness and transparency of business while avoiding discriminating procurement practices or circumventing competitive obligations.

### **Authority**

- 2.2 The competitive obligations outlined in Purchasing Policy, and all awards made pursuant to it, shall be conducted under the direction the Purchasing Branch.
- 2.3 Preference shall be given to the supplier offering the Best Value to the City.

### **Commitment Authority**

- 2.4 Approvals for purchases or commitments must relate only to the authorized employee's own area of responsibility; except for the City Manager or Designate.
- 2.5 No purchase or commitment shall be made by any employee of the City, unless it falls within the current budget approved or amended by Council as to nature and amount.
- 2.6 Purchases or commitments must not be issued where budget over-expenditure will result and it is the responsibility of each manager to ensure that this requirement is complied with.
- 2.7 The City Manager and the Financial Officer shall establish approval limits for City employees and procedures, not inconsistent with this bylaw, to govern and control all commitments of City funds. No City employee's approval limit shall be greater than the City Manager's.
- 2.8 City employees may approve purchases of goods, services, or construction up to their individual approval limits, so long as Purchasing Policy has been followed. The approving employee or the Purchasing Manager may execute binding contracts or commitments, including amendments, related to those purchases on behalf of the City.
- 2.9 The City Manager may approve purchases of goods, services or construction and execute binding contracts or commitments, including amendments, on behalf of the City or when the expenditure is in excess of individual approval limits of City employees providing that:
  - (a) The purchase is within budget, and
    - i. the expenditure has been approved by Council in the current year budget, or
    - ii. approved through the budget amendment process, and
  - (b) Purchasing Policy has been followed, and
    - i. the accepted tender is the best value with no conditions or uncertainties.
- 2.10 A written information report of the contract awards exceeding \$500,000 shall be made available every quarter.

2.11 Council's approval is required in each individual case for all purchases of goods, services, or construction that do not fall under section 2.08 or 2.09 of this bylaw.

2.12 In any event, the Mayor and the City Clerk together, shall be authorized signatories for any document the execution of which has been authorized by Council either through existing policy or bylaw, or on an individual case basis, and that is consistent with the current City budget, as to both nature and amount."

**PART 3 – EFFECTIVE DATE**

3.1 This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

**PART 4 – REPEAL**

4.1 City of Kelowna Purchasing Bylaw No. 9590 and all amendments thereto, are hereby repealed.

Read a first, second and third time by the Municipal Council this 30<sup>th</sup> day of October, 2017.

Adopted by the Municipal Council of the City of Kelowna this 6<sup>th</sup> day of November, 2017.

Colin Basran

\_\_\_\_\_

Mayor

Stephen Fleming

\_\_\_\_\_

City Clerk