

May 4, 2015

The Municipal Council for the Municipality of the County of Pictou met in the Council Chambers of the Municipal Administration Building on Monday, May 4, 2015 at 7:00 p.m.

PRESENT

Dist.	1	Clr. Sally Fraser
	2	Clr. Deborah Wadden
	3	Clr. Edward MacMaster
	4	Warden Ronald Baillie
	5	Clr. Robert Parker
	6	Clr. Jim Turple
	7	Clr. David Parker
	8	Clr. Leonard Fraser
	9	Clr. Larry Turner
	10	Clr. Jamie Davidson
	11	Deputy Warden Andy Thompson
	12	Clr. Chester Dewar
	13	Clr. Randy Palmer
	14	Clr. Scott Johnston

IN ATTENDANCE

Donn Fraser, Solicitor, MacIntosh, MacDonnell & MacDonald
Brian Cullen, CAO/Municipal Clerk-Treasurer
Karen E. Cornish, Deputy Municipal Treasurer
Carolyn MacIntosh, Deputy Municipal Clerk
Jane Johnson, Recording Secretary

PRAYER

Warden Baillie opened the meeting with a prayer.

WELCOME

Warden Baillie welcomed the River John Consolidated School Leadership Team, Principal Bill Chisholm, teachers Alana Wynn and Liz Craig and several members of the Support our School Group.

AGENDA

It was moved by Clr. Palmer and seconded by Clr. S. Fraser that the agenda be approved as circulated.

Motion carried.

MINUTES

It was moved by Clr. D. Parker and seconded by Clr. L. Fraser that the minutes of April 7, 2015 be approved as circulated.

Motion carried.

CORRESPONDENCE

Correspondence was received and acknowledged from the following:

- (a) Minister of Transport – Advising that the twinning of Highway 104 between New Glasgow & Sydney falls under the jurisdiction of the Province of Nova Scotia, and outlining the financial commitment of the Federal Government to public infrastructure since 2007, and for the coming 10 years.
- (b) Min. Transp. & Infrastructure Renewal – Copy of a letter sent to the Mayor of Antigonish advising that the operational & safety review study for Highway 104 will be available to the public very soon and will identify measures that can be implemented in the short and medium term to improve safety performance until such time as twinning occurs. An improvement strategy based on recommendations in the safety review will be developed and implemented.
- (c) Mun. of the County of Victoria – Copy of a letter sent to the Premier objecting to the transfer of provincial court sessions out of smaller rural areas as this increases the municipal cost of justice to cover increased travel time for police officers to attend court and reduces the level of policing coverage while officers are out of their service area.
- (d) Letter of Appreciation (uncirculated) has been received from Eugene McManus for the opportunity to attend the Municipality's recent Volunteer Appreciation Banquet.

Clr. R. Parker referred to correspondence received from the Federal Minister of Transport and the Provincial Minister of Transportation & Infrastructure Renewal regarding safe transportation on our highways. Clr. R. Parker noted that there has been an announcement from the Provincial Minister on some of the methods that may make Highway 104 safer and alternative methods to get it done a lot faster and suggested that we should continue through the UNSM and do whatever else is necessary so hopefully something will happen.

RECOGNITION OF INDIVIDUALS /GROUPS – RIVER JOHN CONSOL. SCHOOL LEADERSHIP TEAM

Warden Baillie reported that the River John Consolidated School Leadership Team is a group of 10 students from grades 7, 8 and 9 who promote leadership and help with events in the school. These students must make a commitment to attend meetings during their lunch hour and sometimes afterschool. They participate in leadership training where they learn and practice the skills needed to be good leaders in their school and community. Once completed, these students' help train other students in the school as part of our school leadership program. This core team and the students they train help plan all the events for students and staff throughout the year such as school dances, winter carnival, art activities, physical active activities, and yearbook planning. The core River John leadership team plan and run any extra events that take place during the school year like the Remembrance Day Service, Flag Day, as well as fund-raising activities such as the Spring Fling and the school breakfast. This year members of our leadership team helped run a benefit for a student from the school who was in a terrible car accident and with help from staff as well as community members the leadership team helped to raise over \$5,000. This team is able to lead their fellow classmates to help set up our gym and library for any event that is taking place at the school and always eager to help with the cleaning up as well. As well as planning events the students are also eager to help whenever their services are needed and often welcome guests for the evening events and take turns attending School Advisory Committee meetings and School Board meetings when asked to represent the students at the River John Consolidated. This year the leadership team has also assisted the River John Consolidated School, "Support our School Committee" by welcoming people to their public meetings and providing babysitting services for parents attending the meetings. This team of 10 students represents their school at various leadership events such as United Way Day, the More Run and the Halifax Me-to-We Day. These events help to strengthen their leadership skills. The River John Consolidated School Leadership Team is a group of dedicated, hardworking students who are a great asset to their school and community. On behalf of the Municipality Warden Baillie, Deputy Warden Thompson

and Clr. R. Parker presented certificates of recognition to the following members of the River John Consolidated School Leadership Team:

Elizabeth Heighton	Kaitlyn Heighton
Haley Murray	Cameron Gaudet
Olivia O'Brien	Demetria O'Brien
Karley Scotland	Ryan Bezanson

Absent members Savannah and Madison Cormier were also recognized.

Warden Baillie reported that it was an honor to participate and recognize the River John Consolidated School Leadership Team this evening.

COMMUNITY ANNOUNCEMENTS

There were no community announcements to present to Council at this time.

PROPERTY SERVICES COMMITTEE REPORT

Clr. D. Parker presented the report of the Property Services Committee as follows:

PROPERTY SERVICES COMMITTEE REPORT

For information purposes the Property Services Committee submits the following report on the activities of the Committee for the month of April:

1. Reviewed the report of the Building Inspector, By-Law/Dog Control Officer and Warden for the month of March.
2. Discussed the status of the River John Sewer Extension. This project was unable to proceed due to a delay in receiving necessary approvals from the Department of Environment. Information has been resubmitted to the Department and the required approvals have been granted. The Public Works & Development Department will be advancing this project in the near future as weather conditions permit.
3. Reviewed information supplied by the CAO on the Riverton Wind Project, and on other privately owned wind developments through the Municipality.
4. Received a status report on the Highway 4 Sewer & Water Development Project.

DATED at Pictou, N.S. this 4th day of May, 2015.

(Sgd.) David Parker
Jim Turple

MOTION

It was moved by Clr. D. Parker and seconded by Clr. Turple that the report of the Property Services Committee be received for information purposes.
Motion carried.

FINANCIAL SERVICES COMMITTEE REPORT

Clr. Palmer presented the report of the Financial Services Committee as follows:

FINANCIAL SERVICES COMMITTEE REPORT

For information purposes the Financial Services Committee submits the following report on the activities of the Committee for the month of April:

1. Reviewed the list of Accounts Paid for the month of March.
2. Considered requests for financial assistance, and requests to extend deadlines to expend moneys previously granted by Council. (Resolution to follow)
3. Agreed to defer a decision on a request from the Pictou County Trails Association to provide funding for a permanent Trails Coordinator position to the May agenda of the Committee.
4. Considered a request from Highland Community Residential Services to have two residential properties on the Viggo Holm Road in Abercrombie which are used to support persons with intellectual disabilities and/or mental health included in Schedule "A" of the Municipality's Tax Exemption & Tax Reduction Policy. Administration will require further discussion on this request before a decision is conveyed to the applicant.
5. Reviewed material received from the UNSM regarding membership in the NS Association of Police Governance and agreed to refer the material to the Police Advisory Committee.
6. Discussed proposed amendments to the Heritage Property Act and Regulations for Heritage Conservation Districts by the Province and requested that the Heritage Advisory Committee review this document and submit recommendations to Council.
7. Agreed to recommend the reappointment of AC Kevin MacDonald & Associates Inc. as auditors for the Municipality for a 3 year term. (Resolution to follow)
8. Agreed to have discussions on the impact of the Provincial Budget on capital funding for recreation facilities, and the closure of the Land Registry as it relates to the lease in the Administration Building for Registry office space.
9. Met in closed session to discuss legal matters eligible for solicitor-client privilege.
10. Agreed to recommend the adoption of a Procurement Policy. (Resolution to follow)

DATED at Pictou, N.S. this 4th day of May, 2015.

(Sgd.) Randy Palmer
Chester Dewar

MOTION

It was moved by Clr. Palmer and seconded by Clr. Dewar that the report of the Financial Services Committee be received for information purposes.

Clr. Turner referred to Item #4 and asked why there will be further discussion on the request and the CAO explained that at the time of the Financial Services Committee meeting it was stated that there were similar properties that have been granted a tax exemption. That information was incorrect and so the matter is being brought back to the Committee for further consideration.

Motion carried.

MUNICIPAL ALCOHOL PROJECT

Clr. Wadden reported that their meeting in April was cancelled as all committee members had conflicting schedules. Both sessions were held at our high schools but we do not have the results as yet. The next meeting is scheduled for Tuesday May 12th.

RESOLUTION – MUNICIPAL GRANTS

Clr. Turple presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the payment of the following Municipal Grants:

Municipal Services:

D 1 Culloden Committee	\$ 1,500.00	Monument Repairs
D 6 Lyons Bk. Community Hall	12,101.37	Basement Ceiling, Heat Pump, Foundation Repairs & Doors
D 6 Scotsburn Fire Dept.	4,092.85	Nozzles, Hose Bridge, & Generator
D 6 Bethel Presby. Church	<u>8,000.00</u>	Manse Kitchen Renovations
TOTAL:	\$25,694.22	
D 3 Pictou Island Comm. Ass.	\$ 1,500.00	Approval to extend the completion of this project (originally approved on July 7, 2014) to March 31, 2016
D 9 Alma Cemetery Trust	\$ 8,000.00	Approval to extend the completion of this project (originally approved on October 2, 2014) to March 31, 2016
D14 Garden of Eden Comm. Club	\$ 800.00	Approval to extend the completion of this project (originally approved on February 2, 2015) to March 31, 2016

Council:

North Nova Education Centre	\$ 1,000.00	To provide five \$200 bursaries for graduating students from the Municipality who will be attending Community College or University
Northumberland Regional High School	1,000.00	To provide five \$200 bursaries for graduating students from the Municipality who will be attending Community College or University
Marathon of Respect & Equality	<u>167.00</u>	Bursary at Pictou Campus of NSCC dedicated to Henderson Paris
TOTAL	\$ 2,167.00	

Pictou Co. Council of Seniors/Outreach \$ 5,000.00

Approval to extend the completion of this project (originally approved on July 7, 2014) to March 31, 2016

DATED at Pictou, N.S. this 4th day of May, 2015.

(Sgd.) Jim Turple
David Parker

MOTION

It was moved by Clr. Turple and seconded by Clr. D. Parker that the preceding resolution be adopted as presented.

Motion carried.

RESOLUTION – PROCUREMENT POLICY

Deputy Warden Thompson presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council adopt the following policy with respect to the procurement of goods, services, construction and facilities:

POLICY #2015-05-37



MUNICIPALITY OF THE COUNTY OF PICTOU PROCUREMENT POLICY

Purpose and Objectives

1. To provide guidelines for the procurement of all goods, services, construction and facilities for the Municipality of the County of Pictou based on sound management and public procurement practices. Procurement methods shall be open, fair, transparent and consistent, while being both efficient and effective; procurement methods should reflect the need to make timely decisions and make best use of staff time to reach defensible procurement decisions.
2. The Municipality of the County of Pictou ("Municipality") is committed to:
 - a. Providing for the procurement of goods, services, construction and facilities in a fair, open, consistent, and transparent manner resulting in best value
 - b. Encouraging competition, innovative ideas and solutions, while respecting all Legislative and trade agreement obligations
 - c. Promoting sustainable procurement in procurement decisions, including identifying and exploring opportunities to work with and support social enterprises and businesses that are owned by and who employ under-represented populations
 - d. Ensuring that qualified suppliers have equal opportunity to bid on the Municipality's procurement activity
 - e. Being accountable for procurement decisions.

Definitions

3. *Alternative Procurement Circumstances* means “the circumstances detailed in Appendix 1 where procurement activity may be carried on, absent a public tender”.
4. *Alternative Procurement Practice* means “procurement activity conducted without a public tender process in a situation where Alternative Procurement Circumstances exist.”
5. *Atlantic Standard Terms & Conditions* means “Standard instructions that support public tenders issued by the four Atlantic Provinces for goods and services. Supplements may be added if and when required”.
6. *Best Value* means “Evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing, and the capacity of the supplier to meet other criteria as stated in the tender documents.”
7. *Bid* means “A supplier response to a public tender notice to provide goods, services, construction or facilities.”
8. *Construction* means “The construction, reconstruction, demolition, repair, or renovation of a building, structure, road or other engineering or architectural work, excluding the professional consulting services related to the construction contract unless they are included in the procurement.
9. *Construction Contract Guidelines* means “Standard instructions developed in consultation with the Construction Association of Nova Scotia that support construction tenders.”
10. *Goods* means “Materials, furniture, merchandise, equipment, stationery, and other supplies required by the Municipality for the transaction of its business and affairs and includes services that are incidental to the provision of such supplies.
11. *Facilities (also referred to as Building Leases)* means “All building lease requirements covering the conveyance of the right to use tangible building property for a specified period of time in return for rent.”
12. *Procurement Activity* means “The acquisition of all goods, services, construction, or facilities procured by purchase, contract, lease, or long-term rental.”
13. *Procurement Value* means “The value of the total contract excluding taxes but including all options whether exercised or not. For Facilities this value is determined by the monthly lease/rent times the term of the contract.”
14. *Procurement Web Portal* means “The public website maintained by the Province of Nova Scotia where all public tender notices are posted.”
15. *Public Advertisement* means “Advertising a public tender notice on the procurement web portal.”
16. *Public Procurement Act (PPA)* means the *Public Procurement Act*, S.N.S. 2011, c.12, as amended from time to time.
17. *Public Tender* means “Procurement for goods, services, construction, or facilities obtained through public advertisement. (See appendix 2 for an outline of the various tools that can be used for public tender.)
18. *Public Tender Notice* means “Notice of intended procurement for goods, services, construction, or facilities obtained through public advertisement.”

19. *Services means* “services required by the Municipality for the transaction of its business and affairs, excluding services provided by an employee through a personal services contract.”
20. *Standing Offer means* “A standing offer is a contractual arrangement with a supplier to provide certain goods or services on an ‘as required’ basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.”
21. *Supplier means* “a person carrying on the business of providing goods, services, construction and facilities.”
22. *Sustainable Procurement means* “Sustainable Procurement involves taking a holistic approach to obtain best value. This will be done by integrating the following considerations in the procurement process:
 - a. Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction
 - b. Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy
 - c. Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.

Application

23. This policy applies to all procurement activity of the Municipality.
24. The Chief Administrative Officer is responsible for ensuring compliance with this policy.
25. All Municipality personnel who have responsibility for the procurement of goods, services, construction, or facilities must adhere to this policy.

Directives

26. *Low Value Procurement* means procurement for:
 - a. Goods valued up to \$25,000
 - b. Services valued up to \$50,000
 - c. Facilities valued up to \$50,000
 - d. Construction valued up to \$100,000
27. Except when using an alternative procurement practice, accessing a publicly tendered standing offer, or as otherwise provided below, for all low value procurement activity, with a procurement value as outlined above (excluding taxes), the Municipality’s personnel are expected to, as far as practicable, attempt to obtain at least three quotes and award to the supplier offering best value.
 - a. Purchases of goods and services under \$1000 do not require three quotes. They should be purchased under a standing offer if:
 - i. one exists; and
 - ii. it provides best value.

Department heads must approve such purchases and appropriate documentation (e.g. receipts, invoices) must be kept.

28. When selecting the list of suppliers to be provided the opportunity to quote, the Municipality's personnel will make every effort to ensure a fair and open process is followed. While the Municipality's personnel are expected to invite only qualified suppliers, they are not to consistently invite bids from only one or a select group of suppliers. Invitations and bidding opportunities are to be equitably distributed among all potential bidders in an area, and all interested and qualified suppliers are to be evaluated on a consistent and equitable basis. Where increased competition is appropriate, the Municipality's personnel may choose to publicly tender for goods, services, construction or facilities that fall within the above thresholds.
29. *High Value Procurement* means procurement of:
- a. Goods valued at \$ 25,000 or greater
 - b. Services valued at \$ 50,000 or greater
 - c. Facilities valued at \$ 50,000 or greater
 - d. Construction valued at \$100,000 or greater
30. All procurement activity with a procurement value over the high value thresholds (excluding taxes) outlined above must be obtained through a public tender. See appendix 2 of this Policy for an outline of some of the various tools that can be used for public tender.
- a. The only exception to this would be when the Municipality's personnel are using alternative procurement practice, or are accessing a publicly tendered standing offer.
 - b. All public tender opportunities must be posted on the Province of Nova Scotia Procurement Web Portal.
 - c. The Municipality's personnel may wish, where appropriate, to also advertise in local, provincial, or national media; however, there is no obligation to do so.
 - d. In addition, a notice of tender opportunity may be sent to selected suppliers where required to ensure an adequate degree of competition.

Alternative Procurement Practices

31. In order to balance the need for open, competitive process with the demands of urgent or specialized circumstances, alternative procurement circumstances have been developed. Where alternative procurement circumstances exist, alternative procurement activities may be used. Alternative procurement practices must be used only for the purposes intended and not to avoid competition or used to discriminate against specific suppliers. To ensure appropriate use, each circumstance must be documented by The Municipality personnel stating the rationale permitting the alternative procurement practice, and signed by the Chief Administrative Officer, or as otherwise indicated in Appendix 1. All documents must be filed and maintained for audit purposes. See Appendix 1 for a list of the alternative procurement circumstances, as well as further requirements on documentation.

Bid Opening, Evaluation, and Award

32. *Bid Opening*
- a. Bids are accepted in accordance with the closing time, date, and place stipulated in the bid request documents. Members of the public may receive the list of bidders electronically after bid opening.
33. Bid Evaluation

- a. All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.

34. Award

- a. The winning bidder and contract award amount for all high value procurement activity must be posted on the Province of Nova Scotia's Procurement Web Portal.
- b. After contracts have been awarded, routine access to information at the vendors' request shall be provided in the following areas:
 - i. Bidders list
 - ii. Name of winning bidder
 - iii. Award price excluding taxes of the winning bidder
- c. Access to tender documents or other proprietary information is subject to the provisions of the *Municipal Government Act*, S.N.S. 1998, c.18, as amended, Part XX Freedom of Information and Protection of Privacy.

35. Supplier Debriefing

- a. At the request of a supplier who submitted a bid, The Municipality's personnel will conduct a supplier debriefing session to provide feedback on the evaluation of the public tender. At this session:
 - i. Suppliers can find out how their proposal scored against published criteria
 - ii. obtain comments on their bid, and
 - iii. gather information on how future bids may be improved
 - iv. Bids are not compared to others, nor will information on other bids be provided.

36. Supplier Complaint Process (SCP)

- a. When a supplier is not satisfied with the information provided in a supplier debriefing, the supplier may file a complaint in accordance with the Supplier Complaint Process as set out in the *Public Procurement Act*. The SCP is not a dispute resolution process, but rather is intended to handle supplier complaints and to improve faulty or misleading procurement processes. The SCP is an integral part of a fair and open procurement policy.

Fair Treatment for Nova Scotia Suppliers

- 37. Based on the principle of best value for the Municipality and when deemed to be in the Municipality's best interest, the Municipality's personnel may apply a preference for goods valued up to \$25,000 that are manufactured or produced in Nova Scotia.
- 38. The final decision to apply a preference to a Nova Scotia supplier shall be approved by the Chief Administrative Officer.

39. Municipality personnel may also choose to apply a Nova Scotia preference or restrict the receipt of quotations at or below the low value procurement thresholds to Nova Scotia suppliers.
40. Any decision made by The Municipality personnel should be based on budget considerations, and shall be approved by the Chief Administrative Officer.
41. At or below the low value procurement thresholds, the Municipality's personnel may give preference to purchasing goods, services, construction and facilities from local businesses in accordance with the following:
 - a. In evaluating which goods or services offer best value to the Municipality, the Municipality may apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods or services offer best value.
 - b. All requests for quotations and notices of public tender for these low value procurements must state that a local preference applies to the procurement.

Other Considerations

42. Cooperative Procurement
 - a. The Municipality's personnel are encouraged to look for opportunities to collaborate with government agencies when the arrangement may result in overall cost savings or other substantial advantages. For example, joint procurement may be appropriate to procure commonly used goods, services, fuel oil, natural gas, telecommunications, etc.
43. Standing Offers
 - b. The Municipality personnel may access all Province of Nova Scotia standing offers, as well as any standing offer established through the Procurement Advisory Group for the Province should the Municipality's personnel wish to make use of the savings opportunities.

Obligations under the *Public Procurement Act*

44. In addition to the areas already covered by this Policy, the following are additional obligations of the *Public Procurement Act* that the Municipality personnel are required to adhere to with their Procurement practices:
 - a. Terms and Conditions
 - i. Every public tender notice must include or have attached the terms and conditions that govern the purchase of goods, services, construction, or facilities. The terms and conditions of every public tender notice must be consistent with the Atlantic Standard Terms and Conditions for the procurement of goods, services, or facilities and the Construction Contract Guidelines developed in collaboration with the Construction Association of Nova Scotia for the procurement of construction.
 - b. Posting Tender Notices and Awards
 - ii. All opportunities subject to a public tender must be advertised on the Province of Nova Scotia Procurement Web Portal. The Municipality personnel must also post on the Procurement Web Portal the name of the successful bidder for the public tender and the contract amount awarded.

- c. Code of Ethics
 - iii. The Municipality personnel and Council must ensure their conduct in relation to procurement activity is consistent with the “duties of public sector entity employees” in the *Public Procurement Act*. This includes a request for removal from a procurement activity when a personal conflict of interest is perceived.
- d. Other
 - iv. Policy Posting
 - 1. The Municipality’s personnel will ensure this policy is posted on the Municipality’s web site.
 - v. Supplier Development Activities
 - 1. The Municipality personnel will make every attempt where appropriate to participate in vendor outreach activities as requested by the Procurement Governance Secretariat.
 - vii Regulations
 - 1. The Municipality personnel will make sure that procurement practices remain consistent with any regulations that are adopted under the *Public Procurement Act*.

APPENDIX 1

1. *Alternative Procurement Approval, Consultation, and Reporting Process*

- a. Only those holding the appropriate role/position within the Municipality may delegate signing authority.
- b. *Low Value:*
 - i. The Chief Administrative Officer may delegate signing authority for low value alternative procurement practice transactions to the head of a given business area. No further approvals will be necessary.
 - ii. The Chief Administrative Officer will ensure persons with delegated signing authority will be held accountable for their actions and that all procurement activities by the Municipality’s personnel are properly documented and filed for follow up and audit.
 - iii. The Chief Administrative Officer shall remain accountable for the proper use of alternative procurement practices.
- c. *High Value:*
 - i. The Municipality personnel wishing to make use of a high value alternative procurement practice (with the exception of an emergency) must consult with the Chief Administrative Officer to obtain his or her approval and identify the most appropriate means by which to proceed.
 - ii. If in agreement, the Chief Administrative Officer may direct the Municipality’s personnel to proceed with the procurement.

- iii. The Chief Administrative Officer may wish to confer with provincial government procurement officials for discussion, validation, and/or alternative options.
- iv. The Chief Administrative Officer may delegate signing authority for high value alternative procurement transactions to an Acting Chief Administrative Officer in his or her absence. All appropriate documentation will be maintained on file for audit purposes.
- v. The Chief Administrative Officer will ensure persons with delegated signing authority will be held accountable for their actions. The Chief Administrative Officer shall remain accountable for the proper use of alternative procurement practices.

Alternative Procurement Circumstances

2. *No Threshold Restrictions*

- a. The Municipality's personnel may use alternative procurement practices for the procurement of goods, services, construction or facilities, with no threshold restrictions in the following circumstances:
 - i. Where an unforeseeable situation of urgency exists and the goods, services, or construction cannot be obtained in time by means of open procurement procedures. The Municipality's personnel must ensure inadequate planning does not lead to inappropriate use of this exemption.
 - ii. Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption, or otherwise be contrary to the public interest.
 - iii. Where compliance with the open tendering provisions set out in this Policy would interfere with the Municipality's ability to maintain security or order, or to protect human, animal, or plant life or health.
 - iv. In the absence of compliant tenders in response to an open or selective tender.
 - v. For the procurement of goods intended for resale to the public.
 - vi. For the procurement from philanthropic institutions, prison labour, persons with disabilities, sheltered workshop programs, or through employment equity programs.
 - vii. For the procurement from a public body or a non-profit organization.
 - viii. For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.
 - ix. Procurement of services that in the Province of Nova Scotia may, by legislation or regulation, be provided only by any of the following licenses professional: medical doctors, dentists, nurses, pharmacists, veterinarians, engineers, land surveyors, architects, accountants, lawyers and notaries.

3. *One Supplier*

- a. Where only one supplier is able to meet the requirements of a procurement, the Municipality's personnel may use alternative procurement practices for the procurement of goods, services, construction or as follows:

- i. To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright, and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative.
- ii. Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists.
- iii. For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly.
- iv. For the purchase of goods on a commodity market.
- v. For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.
- vi. For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work.
- vii. For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases.
- viii. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases.
- ix. For the procurement of original works of art.
- x. For the procurement of subscriptions to newspapers, magazines, or other periodicals.
- xi. For the procurement of real property.

Threshold Restrictions

- 4. The Municipality's personnel may use alternative procurement practices up to the high value thresholds of this Policy in the following circumstances:
 - a. For the procurement of goods or services for the purpose of evaluating or piloting new or innovative technology with demonstrated environmental, economic, or social benefits when compared to conventional technology, but not for any subsequent purchases.
 - b. For procurement that fosters the development of minority businesses.

APPENDIX 2

- 1. Below is an outline of some of the various tools available for use when issuing a public tender:
 - a. *Request for Proposal (RFP)*
 - i. Used when a supplier is invited to propose a solution to a problem, requirement, or objective.
 - ii. Suppliers are requested to submit detailed proposals (bids) in accordance with predefined evaluation criteria.
 - iii. The selection of the successful proposal is based on the effectiveness, value, and price of the proposed solution.

- iv. Negotiations with suppliers may be required to finalize any aspect of the requirement.
- b. *Request for Construction (RFC)*
- i. Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work.
 - ii. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project.
 - iii. Suppliers are requested to submit a response (bid) in accordance with predefined criteria.
 - iv. The selection of the successful proposal is based on a number of factors as described in the tender documents.
 - v. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- c. *Request for Quotation (RFQ)*
- i. A request for quotation on goods or products with a minimum specification. Award is usually made based on the lowest price meeting the specification. An RFQ does not normally, but may sometimes, include evaluation criteria.
- d. *Request for Standing Offer (RSO)*
- i. A public tender to provide commonly used goods or services. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. RSO's may include evaluation criteria depending on the requirement.
- e. *Request for Expression of Interest (REI)*
- i. The Request for the Expression of Interest is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem.
 - ii. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process.
 - iii. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.

DATED at Pictou, NS this 4th day of May, 2015.

(Sgd.) Andy Thompson
Deborah Wadden

MOTION

It was moved by Deputy Warden Thompson and seconded by Clr. Wadden that the preceding resolution be adopted as presented.

Clr. R. Parker reported that he has some serious concerns with the Procurement Policy as he finds it to be unfair to local companies in our county. Our taxpayers money goes to build places like the Wellness Center and now the hospital, and before that the new jail. It is the large contractors who usually get the contracts to build these types of facilities and they have their own sub-contractors that they use on every job. There are a number of small companies in this county struggling to survive and they should have a fair opportunity to bid on these jobs. These small companies are not looking for preference but just an opportunity to bid on these projects. Clr. R. Parker asked why we can have an 80% - 20% rule that favors local truckers and not apply that same rule to local sub-contractors. Clr. R. Parker asked why we can do it for one type of business and not others and the CAO responded that we are going to have to review that other policy to make sure it is compliant.

Clr. D. Parker asked if there were any concrete examples of where this might help a small business, other just the economic threshold.

Warden Baillie replied the only work this policy would have affected in recent years would have been the Municipality's administration building, noting that the new correctional facility would fall under the Province's jurisdiction and the Wellness Center involved all 6 municipal units.

Clr. D. Parker asked who was involved with the work done in the administration building and Warden Baillie replied that he did not know who got the tender.

Deputy Warden Thompson pointed out that S.W. Weeks was awarded the tender for the McLellan's Brook/Plymouth sewer project and he also attended the project planning sessions with the Truckers Association. There are some projects that are beyond the local companies' scope and we need our local companies to do a better job of self-promotion.

The CAO explained that this policy brings the Municipality into compliance with the Procurement Act of Nova Scotia which Council and the Municipality has a legal obligation to be compliance with.

Clr. R. Parker reported that it seems that we are being told by the Province what we can or cannot do in terms of the economy in this County. His concern was that if you do not have an opportunity to bid on these larger projects, then there seems to be a bias against local companies if there is not an open bidding process.

Clr. Palmer spoke to the complications of ensuring that general contractors were aware of the local sub-contractors that are available and questioned whether or not general contractors would be bound to hire local contractors if they were the low bidder. He also pointed out that there are only a few general contractors that are able to do these projects because they are too expensive for most local companies.

Motion carried. (Nay Vote: Clr. R. Parker)

RESOLUTION – AUDITOR APPOINTMENT

Clr. Palmer presented a resolution to Council as follows:

RESOLUTION

WHEREAS the Municipality's contract with A C Kevin MacDonald & Associates Inc. for audit services expired with the completion of the 2013/14 audit;

WHEREAS the annual cost for audit services is \$17,800;

WHEREAS A C Kevin MacDonald & Associates Inc. has expressed interest in continuing to provide audit services for an additional 3 year period with no increase in the fees for services, providing the current ability to rely on internal controls will remain as they have in prior audit years;

WHEREAS administrative staff has indicated satisfaction with the quality of work provided by this firm;

WHEREAS the Financial Services Committee recommends that the contract with the firm be extended for this period;

THEREFORE BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou, that Council appoint A C Kevin MacDonald & Associates Inc. as auditors for the Municipality for the 2014/15 to 2016/17 fiscal periods inclusive.

AND FURTHER BE IT RESOLVED that Council approve an annual expenditure of \$17,800 for audit services during the term of this appointment.

DATED at Pictou, N. S. this 4th day of May, 2015.

(Sgd.) Randy Palmer
Chester Dewar

MOTION

It was moved by Clr. Palmer and seconded by Clr. Dewar that the preceding resolution be adopted as presented.

Clr. D. Parker asked how often we are required to put this out for bids and the CAO responded it is classified as a professional service so you can sole source it but because of the specialized nature you cannot just hire anyone. The CAO reported given the circumstances we are in with the MOU that is the only reason Administration would recommend extending the contract at this time; under normal circumstances the Municipality should be tendering for audit services.

Motion carried.

RESOLUTION – MUNICIPAL OFFICER'S POLICY

Deputy Warden Thompson presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council adopt the following policy with respect to Municipal Officers:

POLICY # 2015-05-05



MUNICIPALITY OF THE COUNTY OF PICTOU MUNICIPAL OFFICERS POLICY

WARDEN

1. The Warden and Deputy Warden shall be chosen by Ballot.
2.
 - (1) The Warden shall do, perform and carry out all acts duties and things required of a Warden by the Statutes of Nova Scotia, and the By-Laws, Resolutions and Orders of the Council.
 - (2) In the absence or inability of the Warden to act, or in the event of the office of Warden being vacant, the Deputy Warden shall do, perform and carry out all acts, duties and things required of a Warden by the Statutes of Nova Scotia and by the By-Laws, Resolutions and Orders of the Council.

CLERK

3. (1) The Clerk shall be chosen by ballot.
 - (2) The Clerk shall do, perform and carry out all acts, duties and things required of a Municipal Clerk by the Statutes of Nova Scotia and by the By-Laws, Resolutions and Orders of the Council.
 - (3) The Deputy Clerk if required to act as Clerk shall do, perform and carry out all acts, duties and things required by a Municipal Clerk by the Statutes of Nova Scotia and By-Laws, Resolutions and Orders of the Council.
4. Every Clerk or Deputy Clerk, before entering upon or continuing to perform the duties of his office, shall give security in an amount not less than TEN THOUSAND DOLLARS (\$10,000.00) for the faithful performance of the duties required of him as Clerk or Deputy Clerk and in the performance of any other office held by him under the Council.

TREASURER

5. The Treasurer shall be the collector of rates and taxes for the Municipality under the provisions of the Assessment Act.
 6. Every Treasurer or Deputy Treasurer before entering upon or continuing to perform the duties of his office, shall give security in an amount not less than TEN THOUSAND DOLLARS (\$10,000.00) for the faithful performance of the duties required of him as Treasurer or Deputy Treasurer and in the performance of any other office held by him under the Council.
7. (1) The Treasurer shall do, perform and carry out all acts, duties and things required of a Municipal Treasurer by the Statutes of Nova Scotia and by the By-Laws, Resolutions and Orders of the Council.
 - (2) All payments made for charges lawfully incurred by the Municipality shall be paid by cheque signed by one of the Treasurer, Deputy Treasurer, or Deputy Clerk and countersigned by one of the Warden or Deputy Warden.
8. Notwithstanding anything contained in this Part, the Treasurer or Deputy Treasurer may refer any account charged the Municipality to the Financial Services Committee for direction and approval of payment.

SOLICITOR

9. (1) Subject to subsections (2) and (3) of this clause, the Council shall at each regular April Meeting which next follows the general election of Councillors, choose by ballot a Barrister of the Supreme Court of Nova Scotia to be the Solicitor of the Municipality, at an annual retainer and fees which shall be determined by the Council, and who shall hold office until the regular April Meeting following the next general election of Councillors.
- (2) Notwithstanding subsection (1) of this clause, the Solicitor for the Municipality, for cause, may be removed by a resolution of Council.
- (3) Notwithstanding subsection (1) of this clause, the present Solicitor of the Municipality shall remain in office at the annual retainer and fees earlier determined by Council until the regular April Meeting which follows the next general election of Councillors.

10. The Municipal Solicitor shall attend all meetings of Council, and
- (a) advise the Warden, Clerk, Treasurer, and Councillors on laws in relation to the performance of their duties of their respective offices;
 - (b) attend meetings of committees, boards and commissions of Council when requested;
 - (c) draft and revise all legal documents required by the Municipality;
 - (d) act as Solicitor and counsel for the Municipality, its boards and commissions, in all proceedings in which the Municipality or its boards or commissions are parties;
 - (e) draft all legislation on behalf of the Municipality and all necessary documents in connection therewith;
 - (f) attend before any Committee of the House of Assembly on behalf of the Municipality upon direction from Council.
11. All former policies heretofore enacted with respect to Municipal Officers are hereby repealed.

DATED at Pictou, NS this 4th day of May, 2015.

(Sgd.) Andy Thompson
Sally Fraser

MOTION

It was moved by Deputy Warden Thompson and seconded by Clr. S. Fraser that the preceding resolution be adopted as presented.

Clr. D. Parker asked what amendments are in the Municipal Officer's Policy and the CAO replied what has been deleted from the policy is all the sections relating to procurement.

Clr. D. Parker referred to the security that the Clerk, Deputy Clerk and Deputy Treasure are to provide and asked if that is being followed.

The CAO replied that it was not being followed and they would have to look at that section of the policy to see if it is relevant.

Motion carried.

EMERGENCY RESOLUTIONS

There were no emergency resolutions to present to Council at this time.

COUNCIL GRANT REQUEST – SALVATION ARMY RED SHIELD EVENT

Council considered a funding request from the Salvation Army which is hosting its Red Bucket Cooking Challenge at the Pictou Lodge Resort on May 25, 6:30 p.m. as part of the Red Shield Campaign.

MOTION

It was moved by Clr. R. Parker and seconded by Clr. Wadden that a Council Grant in the amount of \$120.00 be approved for the Salvation Army Red Shield Event.

Motion carried.

RECREATION GRANT – HECTOR ARENA

Clr. D. Parker reported the Hector Arena finds itself in a situation where there are more bills than income and payments have been arranged as best they can. NSPI is the biggest cost because of the electricity used to make ice and they are behind on their HST so they would like an advancement of the \$7,000 recreation operating grant from the Municipality.

MOTION

It was moved by Clr. D. Parker and seconded by Clr. L. Fraser that Council approve the advancement of the \$7,000 recreation operating grant to the Hector Arena Commission and the same amount to the Ivor MacDonald Memorial Arena.

Motion carried.

REFERRALS TO COMMITTEES & NOTICES OF MOTION

Clr. D. Parker reported that sometime in March he asked that Council look at a policy for evaluating the CAO and asked when that item will be on the agenda.

Warden Baillie replied it will be an agenda item in May.

Clr. R. Parker asked that the weight restrictions on municipal roads be added to the next Property Services Committee agenda. He advised that Stanwood Drive has sustained a lot of damage because of a cement truck and there is no weight restriction on that road.

Clr. R. Parker reported there was some discussion at his ratepayers meeting on comfort stations (the West Branch Hall is used as one). The residents of District 5 would like a list of comfort stations published in the Rural News and Views and where they are located in the Municipality. This past winter there was no access to the West Branch Hall but in the past the hall was plowed out by the Pictou County Transportation Depot and kept open. This year in part because of the bad winter the hall was not kept open and the question was asked, how can you use a comfort station when you cannot access it? Clr. R. Parker asked that this item be put on the Property Services agenda.

STATUS UPDATE – LED STREET LIGHTS

Clr. Wadden asked for an update on the tenders for conversion to LED street lights and the CAO replied he is waiting for one piece of information from the Town of Pictou before the tender could be called.

THANK YOU – MOU MEETING

Clr. D. Parker thanked the Warden, the CAO and the CAO from the Town of Pictou for attending the MOU Information meeting in Alma. There were some tough questions and opinions at the meeting and Clr. D. Parker reported he heard from some residents after the meeting who now understand the process.

MOU MEETING

Clr. Wadden informed Council there will be an MOU meeting tomorrow evening, May 5, 2015 at 7:00 p.m. at the Pictou Landing Fire Hall.

ADJOURN

It was moved by Clr. Turple and seconded by Deputy Warden Thompson that the meeting adjourn.
Motion carried. (8:05 p.m.)

Ronald Baillie
Warden

Brian Cullen
Municipal Clerk