

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 79-2014

Being a By-law to adopt a policy to govern the purchasing of goods and services by The Corporation of the Municipality of Thames Centre.

WHEREAS Section 5 of the Municipal Act, 2001, c. 25, as amended, states that the powers of the Municipal Council shall be exercised by By-law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 271(1) of the Municipal Act, 2001, c. 25, as amended, states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services;

AND WHEREAS Section 286(1) of the Municipal Act, 2001, c. 25, as amended, requires that the Treasurer is responsible for handling all of the financial affairs of the municipality on behalf of and in the manner directed by council of the municipality;

AND WHEREAS it is deemed necessary to amend the current Purchasing Policy to conform to the requirements of the Municipal Act, 2001, c. 25, as amended, and to strengthen the procurement function while maintaining the integrity of the process;

NOW THEREFORE the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Council of The Corporation of the Municipality of Thames Centre hereby adopts the Purchasing Policy of the Municipality of Thames Centre attached hereto and marked as Schedule "A".
2. **THAT** the Council of The Corporation of the Municipality of Thames Centre hereby adopts the Guide to Accessibility Requirements for purchasing goods, services and facilities for the Municipality of Thames Centre attached hereto as Schedule 'B'.
3. **THAT** the Director of Financial Services/Treasurer is hereby authorized to make amendments to the said Purchasing Policy for the Municipality of Thames Centre without the need of Council confirming or debating such amendments provided that such amendments are of a minor or technical nature and do not contravene the general intent and purpose of the Purchasing Policy.
4. **THAT** By-law No. 88-2013 is hereby repealed.
5. **THAT** this By-law shall come into force and take effect upon the final passing thereof.

READ a FIRST and SECOND time this 24th day of November, 2014.

READ a THIRD time and **FINALLY PASSED** this 24th day of November, 2014.



Mayor, J. Maudsley



Clerk, M. Lewis



PURCHASING POLICY

PURPOSE

1. LEGISLATIVE AUTHORITY:

1.1 The Municipal Act, 2001, Part VI, Section 271, as amended states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services, including policies with respect to:

- a) The types of procurement processes that shall be used;
- b) The goals to be achieved by using each type of procurement process;
- c) The circumstances under which each type of procurement process shall be used;
- d) The circumstances under which a tendering process is not required;
- e) The circumstances under which in-house bids will be encouraged as part of a tendering process;
- f) How the integrity of each procurement process will be maintained;
- g) How the interests of the municipality or local board, as the case may be, the public and persons participating in procurement process will be protected;
- h) How and when the procurement process will be reviewed to evaluate their effectiveness; and
- i) Any other prescribed matter.

2. PURPOSE OF PURCHASING POLICY

- 2.1 The purpose of this policy is to set out guidelines for the Municipality of Thames Centre to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality and service.
- 2.2 An open and honest process shall be maintained that is fair and impartial.
- 2.3 The purchasing policy will promote and maintain the integrity of the purchasing process and protect the Council, vendors and staff involved in the process by providing clear direction and accountabilities.

IMPLEMENTATION PROCEDURE

3. DEFINITIONS

3.1 For the purposes of this Policy,

"Blanket Order" shall mean the agreement wherein a vendor will sell certain items to the Municipality for an agreed period of time with established terms and conditions.

"Bid" shall mean a submission from a prospective vendor in response to a request for the purchase of goods or services issued by the Municipality.

"Bid Deposit" shall mean a financial guarantee to ensure the successful bidder will enter into an agreement.

"Committee" shall mean a committee as designated by the Council of The Corporation of the Municipality of Thames Centre.

"Council" shall mean The Municipal Council of the Corporation of the Municipality of Thames Centre.

"Cross Liability" shall mean that neither party can sue the other party, it must follow the insurance process.

"Emergency Purchase" shall mean an event that is determined by the Mayor, CAO or Director to be a threat to: public health; the maintenance of essential municipal services, the welfare of persons or of public property, or the security of municipal interests and the event requires the immediate delivery of goods and services.

"Formal Bid" shall mean a sealed bid submission.

"Formal Quotation" shall mean a document that sets out particular requirements for goods and/or services.

"Director" shall mean a head of a department operating within the Municipality of Thames Centre (including the CAO) and being the Director of: Community Services and Development, Financial Services / Treasurer, Operations Services, and Environmental Services.

"Generic" shall mean that no specific brand or name shall be included as a part of the specifications unless such a brand or name is required to identify the intent of a purchase, order or proposal.

"Informal Quotation" shall mean a competitive bid process for goods or services that is conveyed and received from bidders in a written format by e-mail, mail or fax.

"Invoice Approval Stamp" shall mean a stamp prescribed by the Treasury Division to ensure that the required approvals are applied to an invoice.

"Manager" shall mean a head of a division/department operating within The Municipality of Thames Centre, that being the: Chief Building Official/By-law Enforcement Officer, Drainage Superintendent, Recreation and Leisure Services Manager, Manager of Roads, Senior Centre Program Coordinator, and Clerk.

"Purchasing Designate" shall mean a person designated by a Director or Manager to exercise any or all responsibilities of the Director or Manager with respect to this

"Sealed bids" are bids submitted in a sealed envelope to a specified location, by a specified date.

"Services" shall include items such as but not limited to telephone, gas, water, hydro, janitorial and cleaning services, consultant services, legal surveys, medical and related services, insurance, leases for grounds, buildings, office or other space required by the Corporation and the rental, repair or maintenance of equipment, machinery, or other personal and real property.

"Supplies" shall mean goods, wares, merchandise, material and equipment.

"Tender" means a document which sets out particular specifications for the commodity or service required. This can also refer to an offer in writing to execute some specified work or to provide some specified articles at a specified rate.

"The Corporation of the Municipality of Thames Centre" herein is also referred to as the "Municipality" or the "Corporation".

"Vendor" shall mean any person or enterprise supplying goods or services to The Corporation of the Municipality of Thames Centre.

4. PURCHASING RESPONSIBILITIES

4.1 Expenditure Authorization

- 4.1.1 The Council has the ultimate authority for all expenditures. The Council delegates this authority by the authorization of budgets or by specific resolution. The Treasury Department cannot pay for any item that has not been authorized by the Council through budget appropriation or specific resolution. This purchasing policy provides guidelines outlining how spending authority is to be used.

4.2 Director Authorization and Responsibilities

- 4.2.1 The Director shall be responsible for approval of accounts within the approved budget for such division or any amendment to the same as approved by the Council. Unspecified capital expenditures in the annual estimates require prior Council approval by resolution.
- 4.2.2 Resolutions approving budget amendments, capital expenditures or special appropriations shall contain the purpose of expenditure, cost estimates or expenditure limitation, and the fund in which an appropriation has been provided. All staff reports recommending such resolutions shall contain the applicable Director's endorsement.
- 4.2.3 A Director may appoint Managers to exercise any or all responsibilities assigned to that Director by this policy.

4.3 Manager Authorization and Responsibilities

- 4.3.1 The Manager shall be authorized to make Small Order Purchases of goods and services **up to an amount of \$5,000.00** from such vendor and upon such terms and conditions as the Director deems appropriate.

4.4 Purchasing Designate

- 4.4.1 A Director and/or Manager may appoint a Purchasing Designate to exercise any or all responsibilities assigned to that Director/Manager by this policy.

5. PURCHASING MECHANISMS

5.1 Informal Quotation Purchases

- 5.1.1 The Director/Manager and the Director of Finance & Treasurer shall be authorized to make purchases of goods and services for estimated expenditures **exceeding \$5,000.00 and less than \$25,000.00** from such vendor and upon such terms and conditions as the Director deems appropriate subject to first obtaining at least three (3) written quotations whenever possible. Bid documents and specifications (as applicable) can be issued and received by e-mail, mail and/or fax transmission at the using division/department location.
- 5.1.2 Exclusions: Single item small capital projects or purchases including those of complex specifications or requirements must be issued in a formal bid document. (i.e.; the purchase of a vehicle.)

5.2 Formal Quotation Purchases

- 5.2.1 The Director shall be authorized to make Formal Quotation Purchases for goods and services for estimated expenditures **exceeding \$25,000.00 and less than \$50,000.00** without requesting and obtaining sealed tenders for the goods and services unless specifically authorized to do so by a resolution of the Council for a particular transaction. At least three (3) bids must be obtained whenever possible.
- 5.2.2 The Director shall submit a report to the Council for direction on all Formal Quotation purchases.

5.3 Tender Purchases

- 5.3.1 The Director shall not order goods or services **exceeding \$50,000.00** without requesting and obtaining sealed tenders for the goods and services unless specifically authorized to do so by a resolution of the Council for a particular transaction. At least three (3) bids must be obtained whenever possible.
- 5.3.2 Notwithstanding the above, adherence to this Purchasing Policy is not required with respect to those items listed below, or to a transaction specifically authorized by resolution of the Council to be exempt from this tendering policy.
- 5.3.2.1 Purchases for the supply and placement of road material throughout the Municipality of Thames Centre in **excess of \$50,000.00 but do not exceed \$100,000.00** when clearly identified in the budget.
- 5.3.2.2 Purchases for consulting services for a program where services (i.e. bridge inspection/evaluation) have been awarded to a consulting firm on an on-going basis when clearly identified in the budget.
- 5.3.2.3 Purchase of replacement parts where the Original Equipment Manufacturer (OEM) is the sole provider of that equipment (i.e. transmission for Champion road grader).
- 5.3.2.4 Single source supply.

5.4 Requests for Proposals

- 5.4.1 The Director may use a Request for Proposal (RFP) in place of a tender or quotation when goods or services cannot be specifically stipulated or when alternative methods are being sought to perform certain functions or services.
- 5.4.2 For estimated expenditures **not exceeding \$50,000.00**, the evaluation criteria and process shall be approved by the Director and the Chief Administrative Officer prior to the issuance of the Request for Proposal (RFP).

For expenditures **exceeding \$50,000.00**, the evaluation criteria and process shall be approved by Council resolution prior to the issuance of the Request for Proposal (RFP).

5.4.3 When the preferred proposal;

- (i) Exceeds the approved budget appropriation;
- (ii) Exceeds \$50,000.00, the Director shall submit a report to the Council for direction.

6. BID CLOSING AND OPENING

6.1 Purchasing procedures will establish appropriate bid closing and opening procedures.

6.2 All bids **exceeding \$25,000.00** will be opened at a public opening.

7. CONDITIONS APPLICABLE TO ALL BID SUBMISSIONS

7.1 The following conditions apply to all bid submissions whether they are formal or informal:

7.1.1 Bid documents must be submitted and received in the manner as specified in the bid document. No exemptions will be permitted.

7.1.2 Bid documents received by the designated Municipal location later than the specified closing date and time will be returned to the bidder. In the case of sealed bids, the bid will be returned to the bidder unopened. No exemptions will be permitted.

7.1.3 A bidder who has already submitted a bid may submit a further bid at any time up to the official closing time. The last bid received will supersede and invalidate all bids previously received from that bidder.

7.1.4 A bidder may withdraw a submitted bid at any time up to the official closing time by letter bearing their signature.

7.1.5 All departments/divisions must document the receipt of all submissions over \$5,000.00 including the bidder's name, date/time of receipt of bid, and initials of the employee accepting the bid.

7.2 Bids may be rejected for any of the following reasons:

7.2.1 Bid received after the specified closing date and time as specified in the bid document. No exceptions.

7.2.2 Bid does not comply with the requirements at time of closing as specified in the bid document. No exceptions.

- 7.2.3 Bids which are incomplete, conditional or obscure, or which contain additions not called for, erasures, alterations or irregularities of any kind.
- 7.2.4 Does not meet specification requirements.

8. BLANKET ORDERS

- 8.1 The Director/Manager may establish Blanket Orders using the applicable bid mechanism based upon the estimated annual expenditure. Blanket Orders may also be coordinated and issued by the Treasury Department for all Municipal departments as applicable.
- 8.2 In the case of equipment repairs and equipment rentals for amounts **not exceeding \$10,000.00**, the Director/Manager shall be authorized to select vendors not solely on the basis of cost, but also on ability, quality or workmanship, service, availability, overall performance and experience without first obtaining quotations.
- 8.3 Blanket Orders shall be issued for a specific time period with all ordering departments responsible for maintaining purchases within budget allocations.

9. PURCHASE OF USED FLEET EQUIPMENT

- 9.1 The Director of Operations/designate is authorized to purchase used fleet equipment that is sold by other municipalities by private sale or public auction; sold through a vendor licensed to sell used equipment; by sealed bid; or by negotiation providing that:
 - 9.1.1 The equipment meets or exceeds the departmental equipment requirements;
 - 9.1.2 It is documented that it is fiscally responsible to purchase a used piece of equipment rather than purchase, new equipment; and
 - 9.1.3 If the total expenditure per piece of equipment **exceeds \$50,000.00**, a report will be forwarded to Council detailing purchase information and expenses.
- 9.2 The Director of Operations/designate is exempt from the Municipality's formal quotation/tender/RFP process when purchasing used fleet equipment by any of the methods detailed in section 9.1 above.

10. EMERGENCY PURCHASES

10.1 Notwithstanding the provisions of this policy, the following shall only apply in case of an emergency:

i) **During the emergency:**

- a) The CAO, or the requesting Director or Manager shall approve the purchase of goods and/or services deemed necessary to remedy the emergency.
- b) Procurement shall take place by the most expedient and economical means given the relevant circumstances.

ii) **Following the emergency:**

- a) As soon as practicable after the emergency, if an emergency purchase **greater than \$25,000.00** has been made pursuant to this Part, and where the expenditure would normally have been subject to a competitive process, a report shall be prepared by the requesting on Director, explaining the action taken and reasons therefore, and submitted as follows:
 - i) For amounts **greater than \$25,000.00 but less than or equal to \$50,000.00**, to the CAO;
 - ii) For amounts **greater than \$50,000**, to Council.

11. PURCHASE BY NEGOTIATION

11.1 A Director/Manager may purchase by negotiation with one or more vendors under which a formal bid process may be waived under any of the following conditions:

11.1.1 When market conditions and in the judgment of the Director/Manager, the goods are in short supply.

11.1.2 When there is only one source of supply.

11.1.3 When two or more identical bids have been received, the Director/Manager may negotiate with the two lowest bidders, keeping all negotiations fair and ethical.

11.1.4 When the lowest bid meeting specifications exceeds the estimated costs by at least 10% and it is not viable or in the best interest of the Municipality.

- 11.2 Any expenditure **exceeding \$50,000.00** for a one-time purchase or over an annual basis must be reported to the Council.

12. EXCEPTIONS

- 12.1 A Director/Manager may request an exemption from any or all of the purchasing methods outlined in this Policy by submission of a report requesting the same to the Council. Such exemption may be granted by resolution.

13. EXCLUSIONS

- 13.1 Competitive bids shall not be required for goods or services provided by any of the following when such goods or services are not available elsewhere, including, but not limited to:

- 13.1.1 Utilities, government agencies, Crown Corporations, traveling expenses, meals, conferences, seminars, memberships, subscriptions, medical exams, licenses, in-house services, and any other goods or services as approved by the Council.

- 13.1.2 As identified elsewhere in this Policy.

14. ADVERTISING

- 14.1 Where effective in the opinion of the Director/Manager, information regarding the bid document shall be advertised in the local newspaper and/or applicable publications necessary to comply with all existing statutory regulations. Any requirement **exceeding \$100,000.00** must be advertised.

- 14.2 Purchasing Procedures outline additional advertising opportunities and methods.

15. BID DEPOSITS

- 15.1 Bid deposits shall be required to accompany bid submissions for the following circumstances:

- 15.1.1 All bids for municipal construction projects in **excess of \$50,000.00**.

- 15.1.2 Special contracts or scope of work as deemed appropriate by the Director/Manager.

- 15.2 For estimated expenditures **less than \$100,000.00**, the Director/Manager shall determine the amount of the bid deposit.

- 15.3 Bid deposits shall be no less than 5% of the estimated value of the work prior to bidding or an amount equal to a minimum of 5% of the bid submitted. For estimated expenditures **greater than \$100,000.00**, the minimum bid deposit required shall be 10%.
- 15.4 A bid deposit shall be provided in one of the following formats:
- 15.4.1 A bid bond or an agreement to bond issued by a bonding agency currently licensed to operate in the Province of Ontario naming "The Corporation of the Municipality of Thames Centre" as the obligee.
 - 15.4.2 A certified cheque made payable to "The Corporation of the Municipality of Thames Centre".
 - 15.4.3 An irrevocable letter of credit naming "The Corporation of the Municipality of Thames Centre" as the beneficiary.
 - 15.4.4 Money orders made payable to "The Corporation of the Municipality of Thames Center".
 - 15.4.5 Canadian currency.
- 15.5 The Municipality does not pay interest on any bid deposits.
- 15.6 All bid deposits must be original documentation, signed and sealed as appropriate. No faxed or photocopies will be accepted.
- 15.7 The Municipality is authorized to cash and deposit any bid deposit in the Municipality's possession that is forfeited as a result of non-compliance with any of the terms, conditions and/or specifications of a sealed bid.

16. BONDING REQUIREMENTS

- 16.1 Performance, Labour and Material and/or Maintenance Bonds are required for all construction projects **exceeding \$100,000.00** for a minimum of 50% of the bid amount.
- 16.2 All bonds must be originals, signed and sealed. No faxed or photocopies will be accepted.

17. INSURANCE

- 17.1 Insurance requirements on a tender will be dependent on what service or commodity is being tendered. Different projects may have inherently different risks. Accordingly, the following are general insurance minimums subject to specific project requirements:

\$2 million - general liability policy
\$2 million - automobile liability policy
\$2 million - homeowners (Re.; for rental of facilities)
\$5 million - general liability and automobile liability policies - for contract work done for most Transportation and Environmental Services Department projects
\$2 million - professional errors and omissions liability
Builder's Risk - the amount of the project cost

Bid documents must clearly indicate insurance requirements to be provided by the successful bidder.

17.2 The successful bidder must furnish the Municipality at his/her cost a "certified copy" of a liability insurance policy covering public liability and property damage for no less than the minimum amounts stated in section 17.1 of this Policy to the satisfaction of the Municipality and in force for the entire contract period. The policy must contain:

- 17.2.1 both a "Cross Liability" and "Severability" clause or endorsement;
- 17.2.2 an endorsement certifying that "The Corporation of the Municipality of Thames Centre" and the successful bidder are included as an additional insured;
- 17.2.3 an endorsement to the effect that the policy or policies will not be altered, cancelled or allowed to lapse without thirty days prior written notice to the Municipality of Thames Centre;
- 17.2.4 an endorsement to the effect that the policy or policies will not be altered, cancelled or allowed to lapse without thirty days prior written notice to the Municipality of Thames Centre;

17.3 Contractor's Liability Insurance Policy shall:

- 17.3.1 be written by an insurer licensed to do business in the Province of Ontario.
- 17.3.2 include non-owned auto coverage, contractual liability, contingent employers liability, employer's liability, broad form property damage, hostile fire, pollution from hostile fire and products and completed operations.

17.4 Contractor's Liability Insurance Policy shall not contain any exclusions of liability for damage, etc. to property, building or land arising from:

- 17.4.1 the removal or weakening of support of any property, building or land whether such support be natural or otherwise;
- 17.4.2 the use of explosives for blasting; and

- 17.4.3 the vibration from pile driving or caisson work, provided that the minimum coverage for any such loss or damage shall be \$5,000,000.00.

18. ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES

- 18.1 When procuring goods, services and facilities, the Municipality of Thames Centre will comply with the requirements of the Ontario Human Rights Code, Ontarians with Disabilities Act, 2001, the Accessibility for Ontarians with Disabilities Act, 2005 and its associated standards enacted through regulation. The Municipality will integrate appropriate accessibility design, criteria and features into the purchasing process.
- 18.2 Where it is not practicable to incorporate accessibility design, criteria and features, the Municipality will prepare an explanation as to why accessibility is not included, and provide this explanation to the public, upon request.
- 18.3 In accordance with section 6 of Ontario Regulation 429/07 (Accessible Standards for Customer Service) and section 7 of Ontario Regulation 191/11 (Integrated Accessibility Standards Regulation), the contractor is responsible to ensure that all of its employees and volunteers are adequately trained. The Municipality may request training logs from contractors.
- 18.4 Successful tenderers and bidders who will be supplying a service to the Municipality shall, before proceeding, sign the Accessibility Regulations for Contracted Services, a sample of which is attached.

19. ADMINISTRATION

- 19.1 No contract or purchase shall be divided to avoid any requirements of this Policy.
- 19.2 In all purchases, price shall be the prime selection criteria prior to any special provisions or add/delete calculated into the bid price, providing that all specification requirements are met. Such specifications are to be generic or "as equivalent". All factors influencing the purchasing decision are to be included in the specifications.
- 19.3 The Municipality may participate with other units of government, their agencies or public authorities in co-operative purchase ventures when the best interest of the Municipality will be served. Where such participation is at variance with the Municipality's Purchasing Policy, the Council shall first authorize any participation.

- 19.4 Performance evaluations may be undertaken on suppliers and providers of service.
- 19.5 All invoices and accounts from vendors shall be authorized prior to payment. Authorization in the form of signatures/initials of the Director/Manager denoting clerical accuracy, budgetary or specific resolution approval and indication that goods and services were received in good order must be in place. These required signatures/initials will be deemed to authorize payment.
- 19.6 Between the last regular meeting of the Council in any year and the adoption of estimates for the next year, the Director of Finance & Treasurer is authorized to pay the accounts of any ordinary business transactions of the Municipal Corporation that are required to maintain services. This shall include the payment of accounts or previously approved capital items and projects.
- 19.7 After the adoption of estimates, the Director of Finance & Treasurer is authorized to pay the accounts approved by the appropriate Director/Manager and to pay contract accounts upon receipt of evidence of value received and which are approved by the appropriate Director/Manager.
- 19.8 Notwithstanding the provisions of this Policy, the Municipality shall have the right to reject the lowest or any bid at its absolute discretion. The Municipality also reserves the right to reissue the bid document in its original format or modified as best suits the requirements of the Municipality.

20. RETENTION OF DOCUMENTATION

- 20.1 Procurement documents shall be retained as outlined within the Municipalities Retention By-Law.

21. PURCHASING PROCESS REVIEW

- 21.1 The Director/designate and/or the Chief Administrative Officer may randomly review departmental purchasing related files on an on-going basis to review the effectiveness and integrity of the processes and policy adherence.

22. PURCHASING PROCEDURES

- 22.1 Purchasing procedures approved by the Senior Management Team are to be used as a guideline and for information on purchasing goods and services in compliance with this Policy.



**Guide to Accessibility Requirements
for purchasing goods, services and facilities for the
Municipality of Thames Centre**

**Integrated Accessibility Standards Regulation – Ontario Regulation 191/11 made under the
Accessibility for Ontarians with Disabilities Act, 2005 (AODA)**

“One in seven people in Ontario have a disability. Over the next 20 years, that number will rise as the population ages”.

Source: Ministry of Community and Social Services, Making Ontario Accessible

What is my responsibility as an employee of the Municipality

Your responsibility as an employee of the Municipality of Thames Centre is to incorporate accessibility criteria and features when purchasing goods, services or facilities and when designing, procuring or acquiring self-service kiosks. This is in accordance with section 5 and 6 of the Integrated Accessibility Standards Regulation (Ontario Regulation 191/11).

Goods, services or facilities that are not accessible, may deny people the opportunity to become employees, service users or engaged citizens!

Whether purchasing computers, office equipment, self-service kiosks, renovating a building, purchasing a facility, etc.... accessibility criteria must be considered.

“70 % of disabilities are non-visible”.

Source: Ministry of Community and Social Services, Making Ontario Accessible

What are disabilities and barriers?

Sometimes when people think of disabilities, they usually think about someone who is using a wheelchair; however, there are many other disabilities and barriers to participation that are both visible and non-visible.

Accessibility for Ontarians with Disabilities Act definitions:

Disability:

1. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
2. a condition of mental impairment or a developmental disability,
3. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
4. a mental disorder, or
5. an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*

Barrier:

Anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or practice, (“obstacle”)

Accessibility:

A general term used to describe the degree of ease that something (e.g. device, service environment) can be used and enjoyed by persons with a disability. The term implies conscious planning, design and/or effort to ensure it is barrier-free to persons with a disability, and by extension, highly usable and practical for the general population as well.

Before you purchase... ask yourself:

- Can a person with a disability use this good, service or facility?
- What are the barriers?
- Can someone with a disability use the facility you are planning to acquire, as easily as a person without a disability?
- Will the good, service or facility adapt to the needs of an individual with a disability?
- Will the good, service or facility be used by members of the public or by employees?
- What are the appropriate accessibility criteria and how can they be incorporated into the procurement process?
- Does the product meet ergonomic standards and can it be customized to meet a variety of needs?
- Are your brochures, handouts and information accessible for people with visual impairments or a learning disability?

Some criteria to consider when purchasing services:

- Has the service provider provided their staff with accessible customer service training, as required under the Accessible Customer Service Standard?
- Can the service provider accommodate the needs of people of all abilities?
- Will the company use accessible signage, audio and/or print materials?
- Does the company have an accessible website?
- Can the service provider accommodate the needs of people of all abilities?

Some criteria to consider when purchasing facilities:

- Can someone using a mobility aid, like a wheelchair or walker get around the facility?
- Are signs placed at an accessible height?
- Is a ramp provided to the main entrance? Or is there only stairs?
- Is there enough accessible parking?
- Are there accessible washrooms?

Give yourself time to make a purchase. Sometimes finding the right accessible good, service or facility takes time.

What if I can't find an accessible option?

If you can't find a good, service or facility that meets your needs, look for ways to make it more accessible. If someone asks, you must explain why the option you chose isn't accessible

If you determine that it is technically infeasible, or not "practicable" to incorporate accessibility criteria and features, fill out Form A and send it to the Accessibility Coordinator.

What resources should I consider for the built environment?

When purchasing items related to the built environment, staff should consult the following:

- City of London – Facility Accessibility Design Standard
- City of Markham – Accessibility Design Guideline
- Ontario Building Code – Barrier Free Section

What about print material or online documents?

Documents created, adapted or otherwise presented on behalf of the Municipality shall be developed in accordance with the Accessible Digital Office Document manual. When posting documents on the Municipal website, staff must ensure compliance with the Web Content Accessibility Guidelines.

Accessible formats may also be requested. Accessible formats include, but are not limited to: Braille, audio, plain language, accessible documents that are compatible with screen reading software.

What if I'm purchasing the services of a consultant?

Consultants who may facilitate a public open house or otherwise seek/receive feedback on behalf of the Municipality shall ensure that all communication, equipment and materials take into account a person's disability so that all in attendance may participate equally as outlined in the AODA legislation. This includes but is not limited to:

- Communicate in a format that allows an individual to receive information in an alternate format;
- Holding events in venues that are physically accessible;
- During events be prepared to provide ASL interpreter services;
- Understand emergency evacuation procedures and be ready and willing to provide assistance to event.
- Ensure that the event aligns with the Municipality's Accessibility for Ontarians with Disabilities Act policies and procedures.

When obtaining a third party:

In accordance with the AODA legislation the Supplier (Third Party Provider) must ensure appropriate employees have completed the following:

- Serve-Ability: Transforming Ontario's Customer Service and;
- Access Forward: Training for an Accessible Ontario

Suppliers are to ensure that training records are maintained, including dates when training is provided, the number of personnel who received training and individual training records. The suppliers are to ensure that this information is available, to the municipal contact, any time during the Term of the Contract.

How can I make a self-serve kiosk accessible?

The Integrated Accessibility Regulation requires that accessibility features be incorporated when designing, procuring or acquiring self-service kiosks.

A kiosk is defined in this legislation as an interactive electronic terminal, including a point-of-sale device, intended for public use that allows users to access one or more services or products or both. The vendor/supplier must demonstrate how the kiosk will comply with the Integrated Accessibility Regulation.

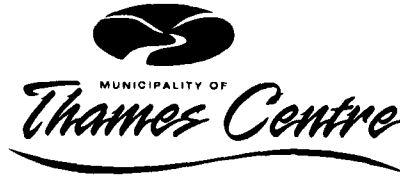
What should I know about technology?

Staff should demonstrate that the purchase is compliant with the Web Content Accessibility Guidelines 2.0 as per the Integrated Accessibility Regulation.

For more information....

- Learn more about the Accessibility for Ontarians with Disabilities Act at Ontario.ca/AccessON
- To learn about how to prevent barriers to accessibility in a wide range of goods, services and facilities, visit Ontario.ca/pp30
- Incorporate accessibility criteria in all stages of your procurement practices, including writing and assessing tenders at the [Centre for Excellence and Universal Design](#).
- [Checklist](#) to ensure your meeting is accessible.

Jennifer Cowan
Accessibility Coordinator
Middlesex County
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ACCESSIBILITY REGULATIONS FOR CONTRACTED SERVICES

In accordance with the Ontario Regulation 429/07, Accessibility Standards for Customer Service and Ontario Regulation 191/11, the Integrated Accessibility Standards Regulation, the Municipality of Thames Centre is required to train all third parties or persons who provide goods, services or facilities on behalf of the organization.

Contracted employees, third party employees, agents and others who deal with members of the public on behalf of the Municipality of Thames Centre must meet requirements of Ontario Regulation 429/07 and Ontario Regulation 191/11 with regard to training.

Training for the aforementioned regulations can be accessed online at the following website addresses:

- Serve-Ability: Transforming Ontario's Customer Service – <http://www.mcscs.gov.on.ca/en/serve-ability/index.aspx>
- Access Forward: Training for an Accessible Ontario - www.accessforward.ca
- Ontario Human Rights Code - <http://www.ohrc.on.ca/en/learning/working-together-ontario-human-rights-code-and-accessibility-ontarians-disabilities-act>

Contracted services suppliers are to ensure that training records are maintained, including dates when training is provided, the number of personnel who received training and individual training records. The suppliers are to ensure that this information is available to the Municipality of Thames Centre any time during the Term of the Contract.

I acknowledge the aforementioned accessibility regulations:

Company Name: _____ Date: _____

Authorized Official: _____
Signature

Print Name

Title

Attached: Municipality of Thames Centre Accessibility Policy