

M.D. of Opportunity No. 17
Finance Policy

TITLE: RESTRICTIONS ON OPEN TENDERS, QUOTATIONS & REQUESTS FOR SERVICES

EFFECTIVE DATE: June 25, 2008

POLICY NUMBER: F.4

POLICY STATEMENT:

The purpose of this finance policy is to ensure that the business activities conducted by the municipality are carried out with parties whose interests/relationships are not adverse to the municipality.

PURPOSE:

To ensure that no tender, quotation or supply of services shall be considered by any contractor or supplier of services who has initiated a litigation process with the municipality, and no consideration will be given for a period of three (3) years from the conclusion of the litigation.

COUNCIL PRINCIPLES:

1. Council believes that it would be prudent to avoid doing business with parties which may be prone to litigation;
2. Council believes that the municipality would be guarded and cautious in dealings with a party adverse in interest;
3. Council believes the municipality may be at risk of breaching confidentiality of information when dealing on a daily basis with parties against whom the municipality is in litigation;
4. Council will not give future consideration to parties whom are engaged in litigation against the municipality for a period of three (3) years after the conclusion of litigation.

CAO (Chief Administrative Officer) Delegation of Authority/Limitations/Expectations:

1. Upon the initiation of litigation, the CAO shall notify the contractor or supplier of services of this policy.
2. Any tenders or quotations received by a litigant shall not be considered and will be returned. In the case of sealed tenders, they shall be returned unopened if identified.
3. This policy also applies to the share holders and or to new companies/entities formed by any party bringing forward litigation.
4. The following exceptions apply to this policy:
 - a) The litigation is withdrawn within 30 days of being made aware of the policy and there are no adverse affects to the municipality.
 - b) There is only one supplier available, with the approval of the CAO.
 - c) There is a legal obligation to do so such as a current contract or inter-municipal agreement.
 - d) The product or service is exclusively supplied by either license, patent or regulated bodies such as the CRTC (Canadian Radio-television and Telecommunications Commission), or the Alberta Energy & Public Utilities Board.
 - e) In the case of emergency where in the best interest to health, safety and preservation of municipal infrastructure are at risk.
 - f) Prevented by funding agencies, such as funding dictated by the Public Works Act.
 - g) It is approved by Council.

PRESENTED: June 25, 2008

APPROVED: June 25, 2008

AMENDED: