

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2025-20

A bylaw to amend Bylaw No. 2021-103 Procurement Bylaw to amend section 20 (Contingencies) to provide authorization to the CAO relating to tariff-related additional expenditures

WHEREAS on November 25, 2021, The Regional Municipality of York passed Bylaw No. 2021-103 Procurement Bylaw (the "Procurement Bylaw");

AND WHEREAS, in response to a report entitled "Overview of Potential Economic and Fiscal Impacts of Tariffs" describing the potential impacts to York Region of tariffs from the United States and potential retaliatory tariffs from Canada which are creating uncertainty for governments and business, on March 6, 2025, Committee of the Whole recommended to Regional Council that Council authorize the Chief Administrative Officer to negotiate any tariff related increases beyond the current 15% contingency threshold set in article 20.1 of the Procurement Bylaw using a rigorous vetting process on a case-by-case basis;

AND WHEREAS on March 20, 2025, Regional Council authorized the Chief Administrative Officer to negotiate any tariff related increases beyond the current 15% contingency threshold set in article 20.1 of the Procurement Bylaw using a rigorous vetting process on a case-by-case basis;

The Council of The Regional Municipality of York enacts as follows:

1. Section 2.1 of the Procurement Bylaw is amended by inserting the following definition before the definition for "bid":

"tariff" means a duty imposed on a good or service imported into Canada;

2. Section 20.1 of the Procurement Bylaw is repealed and substituted with the following:

20.1 Where any purchase of deliverables has been authorized under this bylaw, the Commissioner may, upon being satisfied that a contingency has arisen (except for an additional expenditure arising from an additional tariff), authorize expenditures that exceed the originally approved contract amount, provided that any additional expenditures shall not exceed fifteen

percent (15%) of the total cost of the contract at the time of award and further provided that the additional expenditures are required to fulfill the requirements of the contract.

3. Section 20 of the Procurement Bylaw is amended by inserting the following sections after Section 20.2:

20.3 Despite Section 20.2 and subject to a rigorous vetting process to be determined by the Chief Administrative Officer, the Chief Administrative Officer may, on a case-by-case basis, authorize additional expenditures that exceed the originally approved contract amount, provided that:

- (a) the additional expenditure is required to fulfill the requirements of the contract;
- (b) the additional expenditure is directly attributable to an increased or new tariff that comes into effect after the time of contract award; and
- (c) the supplier provides sufficient documentary evidence to substantiate the additional expenditure.

20.4 In conducting the rigorous vetting process described in Section 20.3, the Chief Administrative Officer may consider additional factors, including but not limited to whether the additional expenditure could have reasonably been mitigated.

20.5 A report shall be submitted to Council on a regular basis to advise of all additional expenditures authorized pursuant to Section 20.3.

4. Where this bylaw refers to a schedule, enactment, statute, regulation, or bylaw, it also includes that schedule, enactment, statute, regulation, or bylaw, as amended, supplemented, or replaced from time to time.
5. Except as expressly modified by this bylaw, all provisions of the Procurement Bylaw, and shall continue to be, in force and effect.
6. This bylaw comes into force and effect upon passage.

ENACTED AND PASSED on March 20, 2025.

Regional Clerk

Regional Chair

Authorized by Item 1.2.6 of the Committee of the Whole of March 6, 2025, adopted by Regional Council at its meeting on March 20, 2025

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