
Subject: Proposed Amendments to the Procurement Advisory Committee Terms of Reference

Report to: Procurement Advisory Committee

Report date: Monday, March 11, 2019

Recommendations

That the Committee **APPROVE** the proposed amendments to the Terms of Reference for the Procurement Advisory Committee as outlined in Appendix 1.

Key Facts

- The purpose of this report is to seek Committee approval for proposed amendments to the Terms of Reference in accordance with Section 11 of the current Terms of Reference which suggests that they should be reviewed and refined at a minimum of every four years to ensure that they remain current and meaningful.
- Aside from minor housekeeping and formatting and other changes to Sections, more substantive amendments are being proposed for Section 3: Responsibilities and Section 5: Meetings.

Financial Considerations

Not Applicable.

Analysis

The Public Works Bidding Process Evaluation Review Committee was formed and met initially on Sept 23, 2013. Draft Terms of Reference were received for information at this time.

At that time, the mandate set out by Council and outlined in the draft Terms of Reference was that: *“This Committee shall assess and re-evaluate our existing grading, weighting and scoring matrix for all Public works projects and provide recommendations to improve the effectiveness and transparency of the bidding process”*

Recommendation 1 from CSD 49-2015 dated May 13, 2015 was approved to amend the committee name from the Public Works Bidding Process Evaluation Review Committee to the Procurement Advisory Committee. On June 30 of that year, the Committee approved the current Terms of Reference which expanded the focus of the original mandate to effectively include the broader procurement purview of the Corporation.

Terms of Reference Section 11 suggests that the Terms of Reference should be reviewed and refined at a minimum of every four years to ensure that they remain current and meaningful.

With the exception of minor housekeeping and formatting changes which have been incorporated and accepted, the remaining changes to the Sections including the more substantive amendments to Section 3 (Responsibilities) and Section 5 (Meetings) are reflected in the “red line” document appended to this report, specifically:

- Section 3 which now includes the addition of due consideration to trends related to challenges and opportunities for innovation in Public Sector Procurement and the inclusion of external delegates to address the committee on matters related to public procurement; and
- Section 5 which proposes that the frequency of scheduled meeting be increased from semi-annually to quarterly.

Alternatives Reviewed

The Committee may elect to maintain the current Terms of Reference however this would not be recommended by staff as the proposed amendments seek to increase the frequency of meetings and in addition to bringing greater clarity to the mandate of the committee. Alternatively, the committee may elect to incorporate further amendments to the proposed Terms of Reference. Matters outside of the mandate of this committee would be brought directly to Corporate Services Committee.

Relationship to Council Strategic Priorities

Procurement and its related activities are critical in maintaining taxpayer affordability.

Other Pertinent Reports

- CSD 49-2015 Procurement Advisory Committee, May 13, 2015
- PAC-C 1-2015 Procurement Advisory Committee, June 30, 2015

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Appendices

Appendix 1

Proposed Red Line changes to Terms of Reference

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**PROCUREMENT ADVISORY~~procurement Advisory~~ COMMITTEE~~committee~~ .
TERMS OF REFERENCE~~Terms of Reference~~**

1. Background & Preamble

The Bidding Process Evaluation Review Committee was established by direction of Regional Council in April 2011, to review the bidding and/ evaluation process for awarding Public Works projects and make recommendations on ways of improving its effectiveness and transparency.

In 2015 the Committee, for a variety of reasons, was repositioned to take on an expanded role and review procurement matters on an organization-wide basis. Due to this new focus the Committee's name was changed to the Procurement Advisory Committee (PAC). The PAC operates in accordance with these terms of reference.

2. Mandate

The Committee's mandate is to:

- a) Review the Procurement By-law and recommend changes as necessary.
- b) Review and provide feedback on processes and procedures involving procurement.

3. Responsibilities

The Committee will:

- a) Recommend to the Corporate Services Committee and Regional Council any potential changes to the Procurement By-law.
- b) Review Niagara Region's procurement processes and procedures including such matters as bid solicitation and methodology, and evaluation methodology.
- c) Give due consideration to procurement related trends related to challenges and opportunities for innovation in Public Sector Procurement including but not limited to legislative changes and their impact in the aforementioned (3a and 3b)
- e)d) Additionally, the ~~The~~ Committee may from time to time hear from Niagara Region staff or external delegates on public procurement matters, initiatives and trends including those identified above, delegations on the Procurement By-law or Niagara Region's procurement processes or procedures.

4. Composition

The Committee will be comprised of a minimum of three ~~members of Regional Council~~ to a maximum of eight members of Regional Council.

The Committee shall appoint from the membership a Chair and Vice-Chair at its first meeting. All members of the Committee shall be allowed a vote. There shall be no compensation payable to the members of the Committee.

The following members of staff will serve as resources for the work of the Committee:

- (i) The Commissioner of Enterprise Resource Management Corporate Services (or designate);
- (ii) The Commissioner of Public Works (or designate);
- (iii) The Director of Procurement and Strategic Acquisition;
- (iv) The Director of Legal and Court Services; and
- (v) Any additional members of staff who from time to time may be required.

~~Additional members of staff may be present from time to time as needed.~~

5. Meetings

The meetings of the PAC are public. Meetings shall be held quarterly ~~semi-annually~~ or at the call of the Chair for special issues or circumstances. Meetings shall be governed by the Region's Procedural By-law, being a by-law to govern the calling, place and proceedings of the meetings of Council and its Committees, as may be amended from time-to-time.

6. Reporting Structure

The PAC will report to Regional Council through the Corporate Services Committee.

7. Committee Work Plan

The PAC will provide guidance to staff in the development of an annual work plan identifying the specific initiatives and activities to be undertaken within each of the areas of focus, inclusive of budget needs, to further guide decision-making and resource management.

8. Term

The term of membership shall be four years, concurrent with Regional Council's elected term of office, and the membership shall be approved by Council in accordance with membership requirements in the Terms of Reference.

~~9. Roles OLES & Responsibilities~~ **RESPONSIBILITIES**

~~10.9.~~

Chair & Vice Chair

A Chair and Vice Chair will be elected from Committee members on a biannual basis at the first meeting of the New Year to preside over meetings and Committee business.

It is the role of the Chair to preside over Committee meetings so that its business can be carried out efficiently and effectively, and to act as a liaison between the Committee, the Corporate Services Committee and Regional Council.

It is the role of the Vice Chair to preside over Committee meetings in the absence of the Chair and to perform any other duties delegated by the Chair or as assigned by the Committee through a majority vote.

Committee Members

All PAC members, including the Chair and Vice Chair, have the responsibility to help achieve the PAC's Mandate and Responsibilities. Committee members are also responsible for:

- Reviewing meeting materials in advance of the meetings and arrive prepared to provide a broad perspective on the issues under consideration;
- Working diligently to complete assigned activities;
- Participating on working groups, as appropriate;
- Agreeing to describe, process and resolve issues in a professional and respectful manner;
- Providing input ~~to~~ into help the identification of ~~identify~~ future projects or strategic priorities which will form the basis of ~~for~~ future years' work; and

- Communicating activities of the Committee to groups represented or those who may have an interest and offer information back to the Committee.

11.10. Absenteeism ~~BSENTEEISM~~

Members who miss three unauthorized consecutive meetings shall be deemed to have resigned from the Committee and will be notified of this in writing by the Committee Chair.

12.11. Amendments ~~MENDMENT to the Terms of Reference~~ ~~S TO THE TERMS OF REFERENCE~~

The Terms of Reference should be reviewed and refined at a minimum of every four years to ensure that they remain current and meaningful.

Proposed amendments to the ~~Proposals to amend the~~ Terms of Reference shall require the approval of a majority of the Procurement Advisory Members present and those amendments if approved will ~~members present. Proposed amendments to the Terms of Reference~~ ~~shall~~ be submitted to Regional Council for approval through the Corporate Services Committee. Amendments to the Terms of Reference ~~and~~ shall take effect only upon the approval of Council.