

## TOWN OF HIGH PRAIRIE

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| <b>Policy Number</b><br>43-2009 | <b>Approval Date</b><br>May 13, 2009  | <b>Resolution Number</b><br>242/09 |
| <b>Supersedes</b><br>(nil)      | <b>Effective Date</b><br>May 13, 2009 | <b>Legal Authority</b>             |

### **TITLE: Restrictions on Procurement**

#### **Policy Statement:**

The Town of High Prairie recognizes that there may be occasions in which those entities contracted by the Town of High Prairie may launch legal proceedings against the Town. Furthermore, while litigation is pending, these entities may make submissions in response to a procurement call issued by the Town of High Prairie.

The Town of High Prairie also recognizes that litigation is costly and that it impacts on the financial well being of the Town of High Prairie.

The Town of High Prairie also recognizes that it would be prudent to avoid doing business with those entities which may be prone to litigation and that the Town of High Prairie would be guarded and cautious in dealings with those entities adverse in interest in any litigation.

Lastly, the Town of High Prairie also recognizes that there is a risk of breaching confidentiality of information when dealing on a daily basis with those entities against whom the Town of High Prairie is in litigation.

#### **1.1 DEFINITIONS:**

For the Purpose of this policy, the following definition shall apply:

- 1.1.1 "Council" shall mean the elected Council of the Town of High Prairie as defined in the Municipal Government Act of Alberta.
- 1.1.2 "Litigation" shall include, but not be limited to, any action, proceeding, in which the Town of High Prairie is adverse in interest.
- 1.1.3 "Submission" shall include any response submitted by an entity in response to a procurement request made by the Town.
- 1.1.4 "Town" shall mean the Town of High Prairie.
- 1.1.5 "Town Manager" shall mean the Chief Administrative Officer for the Town of High Prairie as defined in the Municipal Government Act of Alberta.



## **1.2 POLICY QUALIFICATIONS**

- 1.2.1 No Submission made by an entity that is in Litigation with the Town of High Prairie shall be considered by the Town of High Prairie for a period of five years from the conclusion of the Litigation
- 1.2.2 Exceptions to this policy will be made where:
- 1.2.2.1 There is only one supplier available, with approval of the Town Manager.
  - 1.2.2.2 There is a legal obligation to make an exception such as a current contract or inter-municipal agreement.
  - 1.2.2.3 Provision of an exemption is in the best interest of health, safety and/or the preservation of municipal infrastructure.
  - 1.2.2.4 An exemption is dictated by a funding agency, such as funding dictated by the *Public Works Act*.
  - 1.2.2.5 An exemption is approved by the Council of the Town of High Prairie.

## **1.3 NOTIFICATION**

- 1.3.1 Upon the commencement of the Litigation, the Town Manager shall notify the entity of this Policy.

## **1.4 RETURN OF SUBMISSION**

- 1.4.1 In the event that a Submission by an entity is received by the Town, the Submission shall not be considered and/or it shall be rejected, and the Submission will be returned to the entity.
- 1.4.2 In the case of a sealed Submission, the Town Manager or his/her delegate shall return the Submission unopened if origins of the submission can be determined without opening it.

## **1.5 GENERAL**

- 1.5.1 This Policy shall be effect approval by Council.

Accepted by Resolution 242/09 on the 13<sup>th</sup> day of May, 2009.



Mayor Rick Dumont



Town Manager Larry Baran