

City Council

Motion without Notice

MM42.46	ACTION			Ward: All
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Aligning City Procurement with Federal Sanctions - by Mayor John Tory, seconded by Councillor Mike Layton

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate*

Recommendations

Mayor John Tory, seconded by Councillor Mike Layton, recommends that:

1. City Council amend Chapter 195, Purchasing to incorporate Sanctions into the Supplier Code of Conduct, as follows:

a. Amend 195-2.1. Definitions to add: "SANCTIONS – Economic or financial sanctions or trade embargoes imposed, administered or enforced from time to time by the Federal Government of Canada."; and

b. Amend 195-13.12. Disqualification of suppliers for non-compliance to add the underlined text:

A. Suppliers shall be required to certify compliance with the Supplier Code of Conduct as set out in Article 13 of this chapter with their bid and verify compliance prior to award. Any contravention of the Supplier Code of Conduct by a supplier, including any failure to disclose potential conflicts of interest or unfair advantages, and failure to disclose Sanctions imposed by the Federal Government of Canada, may be grounds for the Chief Procurement Officer to disqualify a supplier from being awarded a contract.

B. The Chief Procurement Officer, in consultation with the City Solicitor, may also disqualify any supplier who may otherwise have an unfair advantage or conflict of interest that cannot be resolved in relation to any procurement.

C. A contravention of the Supplier Code of Conduct may also be grounds for the division head to terminate any contract awarded to that supplier and require the return of any advance payments.

c. Add a new section 195-13.15. Sanctions as follows:

A. A supplier shall disclose if they, an Affiliated Person or if anyone who has an ownership interest in the supplier have been Sanctioned by the Federal Government of Canada.

B. A supplier shall be deemed ineligible for an award while the Sanctions are in place against the named supplier or individual, an Affiliated Person or anyone who has an ownership interest in the supplier, unless otherwise approved by Council.

Summary

The City must take actions to support the Ukrainian people and ensure we are not contributing to Russia's aggression in any way.

Upon learning of a variety of agreements governments have entered into with people and firms with links to Russian oligarchs, we must look to take steps to prevent the City from doing the same. This will not impact previously awarded contracts. This Motion ensures that we can have confidence going forward City funds are spent in a manner which aligns with the Federal sanctions of Russian businesses and individuals

Background Information (City Council)

Member Motion MM42.46