

Council considers new policy for Town to Buy Canadian

A revised municipal procurement bylaw to make it easier for the Town to buy Canadian could be on the books by the end of this month.

Lawmakers are set to convene a Special Council meeting this week to consider a number of measures in response to the significant tariffs U.S. President Donald Trump is threatening to place on Canada and Mexico.

Despite a deal resulting in a reprieve of at least 30-days being reached last week, any potential revisions approved this week will be proactive.

“On February 5, the Mayor directed staff to undertake research and provide advice to Council to review and recommend amendments to the Town's Procurement Bylaw to prioritize Canadian businesses in our procurement process both locally and nationally in accordance with applicable trade agreements and regulations,” said Anna Ruberto, Manager of Procurement Services, in the report before Council this week.

Municipalities, she says, must abide by trade treaties in setting procurement thresholds and these need to be considered in any changes that come forward.

Presently, however, she notes that “almost all” of the Town's current procurement contracts are with Canadian suppliers.

“Most of the suppliers that the Town procures goods and services are located in Canada,” she said. “Of the 2,515 suppliers the Town works with, only 18 are from the US which is 0.7 percent of the total suppliers. These suppliers provide goods or services which are typically not able to procure within Canada and have been engaged through non-standard procurements. The Town also has other international vendors including one each from Australia, Italy and the United Kingdom.”

A way to support a further emphasis on Buy Canadian can come with new thresholds, but also include changes to wording within the document, including an insertion of a clause along the lines of “so long as treaty partners are acting in good faith” and “Preference should be given to Canadian suppliers or to vendors that use Canadian-made products or Canadian-based services where possible.

“We have always wanted to look at how we can support local businesses – not just Canadian, but right here in Aurora,” says Mayor Mrakas. “Certain aspects of trade treaties don't allow us to do certain things in legislation. That is still the case right now, but we're able to refine it to allow for a greater scope.

“Whereas the threshold was \$50,000, what is being recommended now is that be moved up to \$100,000. We're able to do that for more procurement to occur and to have that Made in Canada approach to it.

An additional clause could read, “Bids submitted by suppliers that are located wholly outside Canada and in countries not acting in good faith of trade treaties will not be considered, unless deemed in the discretion of the PGC to be essential for the operation of the Town or if no other viable bids, as determined in the discretion of the PGC are submitted.”

“The most relevant treaty impacting Aurora, given the thresholds and that the large majority of Town suppliers are Canadian is the Canadian Free Trade Agreement (CFTA) which prohibits various practices that favour local vendors or suppliers, Ruberto concludes. “The CFTA does not prevent entities from limiting its tendering to Canadian vendors and suppliers if done in compliance with other international treaties, which require that procurement above the thresholds not discriminate against the entities that are parties to such agreements.

“Additionally, bylaw or bylaw amendments have to be enacted with respect to matters that are within municipal powers and made in

good faith. Consequently, the purpose of the proposed amendments should be tied to matters that affect the municipality, as matters of foreign trade or foreign policy are within the federal jurisdiction. If amendments are made to the Procurement Bylaw to respond to challenges resulting from the imposition of the tariffs by the USA, the scope of the bylaw changes should be limited to this purpose.?

Mrakas said going in this direction will allow communities like Aurora to ?essentially now bypass them (those who aren't adhering to trade treaties) or ban them from bidding in our procurement policy.?

At the end of the day, he said it will take a ?three-level government approach? to band together to ensure Canada ? and its communities ? are ready to tackle trade threats as they arise.

?If it does happen in 30 days, you'll see that same response from the Provincial level, the Federal level, as well as from us,? he says. ?Hopefully we'll pass a new amended Tariff Policy [as] it allows us to react immediately. Quite frankly, if the President of the United States plans to move forward with tariffs on Canada, we would move to ban any American companies from bidding on any procurement.?Ward 1 Councillor Ron Weese added he looked forward to hearing the discussion around the Council table this week.

?This is what everybody is looking for right now ? the opportunities that exist within the law that allow us to do that,? he said of supporting local and Canadian. ?The typical response [we've heard from constituents] is we want Canada first and we should always be doing things like buying from Canadians. This just opens that conversation up; I think residents here will be asking to hear what we do, provided that it provides value for them.?

By Brock Weir