



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Wednesday, July 9, 2025
Time: 4:00PM
Location: Essex County Civic Centre
Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6

Meeting will be held in person for Board Members and staff. Media representatives and interested members of the general public are invited to attend in person.

<u>LIST OF BUSINESS</u>	<u>PAGE NUMBERS</u>
1. Call to Order	
2. Motion to Move In-Camera	
Moved by:	
Seconded by:	
THAT the Board move into a closed meeting pursuant to Section 239 (2) (f), (k) of the Municipal Act, 2001, as amended for the following reasons:	
<ul style="list-style-type: none">• (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.• (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.	
3. Declaration of Pecuniary Interest	
4. Approval of the Minutes	
A. June 3, 2025 Regular Meeting Minutes	1-8
5. Business Arising from the Minutes	
6. Correspondence	

- A. June 26, 2025 e-mail from Charles O'Hara – Director, Resource Recovery Policy Branch Environmental Policy Division, Ministry of the Environment, Conservation and Parks 9-10
Re: Proposed Amendments to the Resource Recovery and Circular Economy Act, 2016 and Planning for Small IC&I Collection

7. Delegations

- A. Brent Langille, B.Sc., P.Geo., QP_{ESA}, Senior Technical Director / Principal, RWDI
Presentation - Regional Landfill: Leachate Management

8. Waste Disposal

- A. Regional Landfill Reverse Osmosis Leachate Treatment Plant Status and Next Steps 11-20

9. Waste Diversion

- A. 2025 Green Bin Program: Promotion & Education Update 21-34

10. Finance & Administration

- A. 2025-2026 EWSWA Insurance 35-38
B. 2025 Six-Month Update – IC&I Tipping Fee & Tonnage 39-42
C. Procurement Policy EW-008 Revision 43-87

11. New Business

12. Other Items

13. By-Laws

- A. **By-Law 13-2025** 88
Being a By-Law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority for July 9, 2025.

14. Next Meeting Dates

Wednesday, August 13, 2025
Wednesday, September 10, 2025
Tuesday, October 7, 2025
Tuesday, November 4, 2025
Tuesday, December 2, 2025

15. Adjournment



Essex-Windsor Solid Waste Authority

Regular Board Meeting

MINUTES

Meeting Date: Tuesday, June 3, 2025

Time: 4:00 PM

Location: Essex County Civic Centre
Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6

Attendance

Board Members:

Gary McNamara – Chair	County of Essex
Hilda MacDonald	County of Essex
Michael Akpata	County of Essex
Rob Shepley	County of Essex
Gary Kaschak – Vice Chair	City of Windsor
Kieran McKenzie	City of Windsor
Mark McKenzie	City of Windsor
Jim Morrison	City of Windsor

EWSWA Staff:

Michelle Bishop	General Manager
Steffan Brisebois	Manager of Finance & Administration
Cathy Copot-Nepszy	Manager of Waste Diversion
Tom Marentette	Manager of Waste Disposal
Madison Mantha	Project Lead
Teresa Policella	Executive Assistant

City of Windsor Staff:

Jim Leether	Manager of Environmental Services
Brian Lima	Executive Director, Operations/Deputy City Engineer
Mark Spizzirri	Manager of Performance Management and Business Case Development

County of Essex Staff:

David Sundin	Solicitor/Interim Director, Legislative and Legal Services
Claire Bebbington	Deputy County Solicitor, Legislative and Legal Services

Absent:

Drew Dilkens	City of Windsor (Ex-Officio)
Kirk Walstedt	County of Essex
Tony Ardovini	Deputy Treasurer Financial Planning
Melissa Ryan	Director of Financial Services/Treasurer

1. Call to Order

The Chair called the meeting to order at 4:00 PM.

2. Motion to Move In-Camera

Moved by: Mark McKenzie

Seconded by: Hilda MacDonald

That the Board move into closed meeting pursuant to Section 239 (2) (f), (k) of the Municipal Act, 2001, as amended for the following reasons:

- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**47-2025
Carried**

Moved by Mark McKenzie

Seconded by Gary Kaschak

That the EWSWA Board **rise** from the Closed Meeting at 4:38 PM.

**51-2025
Carried**

3. Declaration of Pecuniary Interest

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

4. Approval of the Minutes

Moved by Kieran McKenzie

Seconded by Rob Shepley

That the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated May 6, 2025, be ***approved and adopted***.

**52-2025
Carried**

5. Business Arising from the Minutes

No items were raised for discussion.

6. Waste Diversion

A. Green Bin Program: Promotion & Education Plan Update – (Verbal Report)

The Manager of Waste Diversion provided an update on Campaign 3: "The Green Bins are Coming". Administration is working with the municipalities on finalizing communication to residents through various channels such as municipal arena boards, notification in water bills, digital displays, etc.

Authority staff will have a booth at the "Meet the Machine" event at the WFCU Centre on June 7th. Authority staff will also be attending local markets and other municipal events.

Authority staff have been working on the "kit" that will be inside the green bin/kitchen catcher when residents receive their bins. The "how to" guide is being finalized. The Authority has secured a sponsorship with Glad. Glad will be donating one 7L compostable bag that will go inside each kit and will provide a coupon for a future purchase. This will assist in reducing P&E costs.

The Chair asked if there were any questions.

Mark McKenzie asked about promotion and education with the local school boards.

The Manager of Waste Diversion stated that the Authority is working on a letter to request to schedule time in the upcoming school year. The plan is to visit schools as well as attending camps.

Discussion took place regarding attendance at other events such as City Ward meetings and partnership discussions with both the City and County or Essex Library.

There were no further questions.

Moved by Jim Morrison

Seconded by Michael Akpata

That the Board **receive** this verbal report as information.

53-2025
Carried

B. Circular Materials Single-Stream Recycling Update

The General Manager provided an update on the correspondence received from Circular Materials (CM), which was in response to the letter sent by the Authority's General Manager, Chair and Vice, regarding concerns stemming from the change from a dual-stream recycling system to a single-stream

recycling system effective January 1, 2026 for eligible sources in the City of Windsor and the seven County of Essex municipalities.

The General Manager noted concerns with CM's response. CM has reversed previous communication that residents would be allowed to use resident-owned carts alongside the carts that will be distributed by CM. CM has also indicated that residents would be required to hold on to excess material until the next collection day if material does not fit in the CM provided cart. Another concern is that the 95-gallon cart may be an accessibility issue for some residents due to the size and that no other option is offered.

Administration will be providing a response to CM regarding outstanding issues. Administration will also be requesting a meeting with the Resource Productivity and Recovery Authority (RPRA) regarding concerns on regulatory obligations. A meeting with Windsor-Tecumseh MPP Andrew Dowie has also been scheduled to discuss these concerns.

The Chair asked if there were any questions.

Mr. Morrison asked if there will be an opportunity to drop off excess cardboard at the Authority depots

The General Manager stated that it would be at the direction from the Board. She noted that CM offers a small compensation to provide convenience depots, approximately \$100,000/year, to offset the costs at the depots. CM has indicated that they will look at those convenience depots later this year. If there are no changes, the cardboard would be accepted at the depot.

Moved by Gary Kaschak
Seconded by Rob Shepley

That the Board **receive** the report for information and direct Administration to report back on the outcomes of the meetings referenced in this report at a future meeting.

**54-2025
Carried**

7. Waste Disposal

- A. Tender Award for the Supply and Service of One (1) Front End Wheel Loader

The Manager of Waste Disposal presented the report recommending the award of the tender for one new Front-End Wheel Loader, Model CAT 950-01GC, with a preventative maintenance contract and extended powertrain warranty to Toromont CAT. The loader will be used at the Regional Landfill (RL) as part of the waste diversion composting program and replace the 2014 Caterpillar 930K

Loader. The existing Loader will be utilized at the new Source Separated Transfer Station (SSO) for the Green Bin Program.

The public tender closed on May 22, 2025. Four bids were received with three submissions meeting all the requested specifications. Toromont CAT submitted the lowest tender bid price of \$385,560 (excluding tax). Toromont's bid price included a preventative maintenance cost of \$8.17 per hour and an extended powertrain warranty cost of \$14,340.

The unfavourable variance of \$32,320 which exceeds the \$360,000 capital budget will be covered by the Waste Reduction Reserve. The preventative maintenance costs and extended warranty will be funded through operational budgets.

The Chair asked if there were any questions.

Mr. Morrison asked if there any issues on purchasing the equipment from China.

The Manager of Waste Disposal stated that there are no tariffs on the purchase of the loader.

Moved by Kieran McKenzie
Seconded by Rob Shepley

1. **That** the Board **approve** the purchase of one (1) Caterpillar Model 950 01GC, Front End Wheel Loader from Toromont CAT at a cost of \$385,560.00 plus applicable taxes.
2. **That** the Board **approve** a 5-year, 8,500 hour (whichever comes first) preventative maintenance service contract at a pre-tax cost of \$8.17 per hour for the Caterpillar 950 01GC Front End Wheel Loader as supplied by Toromont CAT.
3. **That** the Board **approve** the purchase of a 5-year, 8,500 hour (whichever comes first) Extended Powertrain Warranty at a pre-tax cost of \$14,340.00 for the Caterpillar 950 01GC Front End Wheel Loader as supplied by Toromont CAT.

55-2025
Carried

B. Extension of Specialized Equipment Operators Contract

The Manager of Waste Disposal presented the report recommending the extension of the contract for specialized equipment operators at the Regional Landfill and Transfer Station #2 with 1869096 Ontario Limited, operating as Canadian Transfer, for the period January 1, 2026 to December 31, 2031 with

an extension option for a period of up to 2 years, at the Authority's discretion, under the existing terms and conditions.

Canadian Transfer has been providing excellent service since the contract began in 2016 with pricing increased only by Consumer Price Index (CPI) adjustments. Despite the CPI increases, the rates are still favourable compared to market trends.

There are no financial implications with regards to an extension of this contract.

The Chair asked if there were any questions. No questions were asked.

Moved by Hilda MacDonald
Seconded by Mark McKenzie

That the Board **approve** the extension of the contract for the Supply of Specialized Equipment Operators at the Essex-Windsor Regional Landfill and Essex-Windsor Transfer Station 2 to 1869096 Ontario Limited, operating as Canadian Transfer, for the period of January 1, 2026 to December 31, 2031, with an extension option for a period of up to 2 years at the Authority's discretion, on the same terms and conditions contained in the existing contract, and that the Chair and General Manager be authorized to sign an Amendment to the existing contract to that effect..

**56-2025
Carried**

8. New Business

No items were raised for discussion.

9. Other Items

Mr. Kaschak introduced Brian Lima, the new Executive Director, Operations/Deputy City Engineer for the City of Windsor. He welcomed Mr. Lima to the Technical Staff Committee.

No items were raised for discussion.

10. By-Laws

A. By-Law 10-2025

Moved by Mark McKenzie
Seconded by Michael Akpata

That By-Law 10-2025, Being a By-Law to Authorize the Execution of Agreement between the Essex-Windsor Solid Waste Authority and Toromont CAT for the Supply of One (1) Front End Wheel Loader with Five (5) Year, 8,500-hour (whichever comes first) Preventative Maintenance Service Contract and purchase of 5-year, 8,500-hour (whichever comes first) Extended Powertrain Warranty.

**57-2025
Carried**

B. By-Law 11-2025

Moved by Mark McKenzie

Seconded by Michael Akpata

That By-Law 11-2025, Being a By-Law to Approve the Extension of the Contract for the Supply of Specialized Equipment Operators at the Essex-Windsor Regional Landfill and Essex-Windsor Transfer Station 2 to 1869096 Ontario Limited, operating as Canadian Transfer, for the period of January 1, 2026 to December 31, 2031, with an extension option for a period of up to 2 years at the Authority's discretion, and that the Chair and General Manager be authorized to sign an Amendment to the existing contract to that affect.

C. By-Law 12-2025

Moved by Mark McKenzie

Seconded by Michael Akpata

That By-Law 12-2025, being a By-law to Confirm the Proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be **adopted** this 3rd day of June, 2025.

**58-2025
Carried**

11. Next Meeting Dates

Wednesday, July 9, 2025

Wednesday, August 13, 2025

Wednesday, September 10, 2025

Tuesday, October 7, 2025

Tuesday, November 4, 2025

Tuesday, December 2, 2025

12. Adjournment

Moved by Jim Morrison

Seconded by Mark McKenzie

THAT the Board stand **adjourned** at 5:16 PM.

**59-2025
Carried**

All of which is respectfully submitted.

Gary McNamara
Chair

Michelle Bishop
General Manager

From: [RRPB, Mail \(MECP\)](#)
To: [Catharine Copot-Nepszy](#); [Michelle Bishop](#)
Subject: Proposed amendments to the Resource Recovery and Circular Economy Act, 2016 and planning for small IC&I collection
Date: June 26, 2025 3:55:39 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Solid Waste Authority - Essex-Windsor,

In response to your previous letter to the ministry on blue box services for small industrial, commercial and institutional (IC&I) locations, I wanted to inform you of the proposed amendments to the *Resource Recovery and Circular Economy Act, 2016*, which would strengthen Ontario's blue box program by improving transparency, cost disclosure, and collection of materials.

Maintaining blue box services for IC&I locations that previously received municipal services is an important part of this proposal.

We understand that some municipalities are taking steps this summer to plan for continued collection.

That is why on June 4, 2025, the Minister wrote to Producer Responsibility Organizations (PROs) requesting that they not wait until the proposed amendments are finalized, and that they begin to plan immediately for how they will continue to offer small IC&I service to municipalities in 2026 and beyond.

The Minister has directed PROs to prioritize providing offers for municipalities and small IC&I establishments that received services during the transition period. The Minister's expectation is that this should be in place as soon as possible to ensure there is no disruption in service for these locations upon full implementation in 2026.

The intent is that PROs and municipalities are able to discuss arrangements before legislative amendments are finalized so that local communities and businesses have more certainty as soon as possible.

PROs will be working on their response to the Minister's request this summer. We encourage municipalities to reach out to PROs if they are interested in having PROs continue small IC&I collection in their communities beyond 2026.

We appreciate your municipality's commitment to an effective and orderly transition to producer responsibility and welcome your feedback on the proposed changes. As a reminder, the [comment period](#) for proposed changes closes on July 21, 2025.

If you have any questions about the proposal, please contact Marc Peverini, Manager, Resource Recovery Policy Branch at marc.peverini@ontario.ca or (416) 908-1528.

Sincerely,

Charles O'Hara
Director, Resource Recovery Policy Branch
Environmental Policy Division
Ministry of the Environment, Conservation and Parks



Essex-Windsor Solid Waste Authority Administrative Report

June 23, 2025

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Tom Marentette, Manager of Waste Disposal

Meeting Date: Wednesday, July 03, 2024

Subject: Regional Landfill Reverse Osmosis Leachate Treatment Plant Status and Next Steps

Purpose

The purpose of this report is to provide the Board with information regarding the Essex-Windsor Regional Landfill Reverse Osmosis (RO) Leachate Treatment Pilot Plant operation and recommendations for next steps. The report provides details of efforts made to date with regards to long-term permeate management and provides recommendations for next steps towards a long-term full-scale facility.

Background

In recent years, the Essex-Windsor Regional Landfill (Landfill or Site) has experienced an increase in leachate generation. A number of factors have contributed to this increase, including:

- Change in waste stream (e.g. greenhouse vine-based waste material which has a high moisture content, and increases leachate generation) and the resultant increase to waste settlement due to the decayable nature of the greenhouse vine-based waste material; and
- Increase in waste footprint area (e.g. more area to capture precipitation, which increases leachate generation).

Leachate management at the Landfill is primarily through offsite hauling and treatment and the City of Windsor's Lou Romano Pollution Control facility, which represents approximately 96% of the leachate generated, while the remaining 4% is used to irrigate grassland at the Landfill.

To date, the primary method for managing leachate from the Landfill has been to transport it by truck to the City's wastewater treatment plants (WWTPs) for processing. This approach has historically been effective, with no significant operational issues reported at Windsor's WWTP. Additionally, trucking and treating leachate in this manner has proven to be the most cost-effective solution over the years, making it the preferred method. The Authority continues to report annually to the Ministry of the Environment, Conservation and Parks (MECP) on the Landfill's leachate management practices.

Throughout 2022 and 2023, Authority staff have provided the Board with information regarding leachate management efforts and long-term leachate management options at the Landfill. The information provided described operational challenges for both the Authority and the City of Windsor Pollution Control facility and forecasted a significant financial burden to the Authority for ongoing site and infrastructure maintenance as well as leachate transportation and treatment.

In 2022, the City's wastewater treatment plant experienced upsets due to changes in leachate quality and could not accept leachate at the same volume as it did historically. As such, the City requested that the Authority explore pre-treatment methods as well as alternative or contingency disposal options.

In December 2022, Administration engaged Stantec Consulting Ltd. to conduct a feasibility study to treat leachate at the Essex Pollution Control Plant (PCP) and further, to review the feasibility of an on-site leachate treatment system such as Reverse Osmosis (RO), Membrane Bioreactor (MBR), Moving Bed Biofilm Reactor (MBBR) or other advanced treatment methods as a potential long-term treatment option. The study findings can be summarized also follows:

- MBR technology, while offering lower long-term costs, is not well-suited for the strength of the landfill's leachate. In addition, it would take considerable time to implement and would not be able to manage the required volumes during a pilot phase.
- RO, though more expensive to operate, is more reliable for high-strength leachate and capable of removing emerging contaminants such as PFOS and PFAS. RO systems were also readily available, allowing a pilot project to begin immediately.
- Both treatment options (RO and MBR) would require approximately three years to implement a full-scale system, including necessary approvals and construction. This reinforced the need for a short-term solution, which is something the RO system was positioned to provide.

Ultimately, the Study found that treatment of leachate at the Essex PCP was not feasible nor desirable by the operators. The Study suggested the use of a pre-treatment system at the Landfill to improve leachate quality prior to off-site treatment. However, this would not be cost-effective to manage leachate long-term. Further, the Study stated that discharge of this pre-treated leachate to nearby ditch surface water would require an enhanced level of treatment, such as the addition of RO.

In 2022, Administration engaged with RWDI, which has long-term familiarity of site compliance and relations with the MECP, to evaluate leachate generation at the Landfill. RWDI concluded that leachate generation increased over 100%, in part, as a result of the vine-based waste. As part of that study, RWDI also reviewed leachate quality, which determined that common parameters of concern for a traditional municipal wastewater treatment plant were considerably elevated in the leachate as a result of the vine-based waste.

Notwithstanding the Stantec Report findings, it was assessed by RWDI that the Stantec report focused on leachate treatment to comply with municipal sewer-use by-law(s). However, traditional municipal WWTPs are designed to handle significantly different influent, primarily sanitary sewage with some industrial waste, than Landfill leachate. RWDI found that the Landfill's leachate contains much higher concentrations of certain parameters, which could adversely affect the performance and treatment capacity of a typical municipal WWTP.

To address the previously mentioned concerns from the City of Windsor and RWDI's assessment findings with respect to the leachate quality, in April 2023, the Authority engaged Rochem Americas Inc. (Rochem) to conduct an on-site bench scale demonstration study at the Landfill to demonstrate the treatment ability of their RO system to treat leachate generated at the Landfill.

The bench scale test by Rochem proved to be successful, and in August 2023, the Board approved a contract with Rochem for a one (1) year term for the rental of a 50,000 Gal-per-day (gpd) (189 m³ per day) portable high-pressure RO system (RO Plant) to treat and process leachate, including hydro service upgrades at the at Essex-Windsor Regional Landfill.

The RO Plant treats leachate by removing dissolved contaminants by forcing the leachate through a semi-permeable membrane. This process produces two streams: a purified permeate (approximately 80% of the incoming leachate) and concentrate (approximately 20% of the incoming leachate). In the current pilot study, the permeate is stored and hauled off-site for treatment, with the long-term goal of discharging it to surface water, while the concentrate is recirculated back into the Landfill.

The RO Plant was commissioned on February 20, 2024, and the lease agreement with Rochem officially began on April 1, 2024.

In summer 2024, after a successful start up of the RO Plant and with a few months of operation completed, the permeate storage capacity was increased from 2 tanks to 3 in order to extend the run time on the RO Plant during weekends and holidays. Following a further analysis of plant performance and tank rental costs, a permanent in ground retention pond was constructed in November 2024 to provide more volume, reduce monthly costs, and increase operational efficiency. Concentrate continues to be collected in an on-site storage tank and pumped daily into the active waste area.

The RO Plant has assisted in the immediate need for on-site leachate treatment, easing the load on the City's wastewater treatment plant and demonstrating the viability of RO as a long-term solution for the Authority.

The Site's Environmental Compliance Approval (ECA) states:

9.5. Leachate collected at the site shall be transported off-site for treatment to a water pollution control plant, approved for this wastewater, until such time as leachate treatment facility is approved and established on-site as proposed in Volume 2, section 2.4 of the documentation titled, "Final report of the supporting documentation to the Application for a Certificate of Approval for the Essex-Windsor Regional Landfill Site" dated October 1993.

The next steps involve developing and implementing a long-term solution for the RO Plant, including:

1. Permeate management with the goal of discharging permeate to surface water;
2. Sustainable long-term concentrate management; and
3. Design, permitting, and construction of a permanent full-scale RO facility.

Discussion

Permeate Management

In November 2024, the Authority engaged RWDI through a Request for Informal Quotation (RFQ-I) process to develop a Long-Term Permeate Management Plan (PMP) for the RO Plant. The objective of the PMP was to outline a strategy to permit the discharge of permeate to surface water via the County Road 18 Drain, thereby eliminating the need for off-site trucking and treatment.

The PMP determined there are two key parameters currently preventing direct surface water discharge: boron (a metal commonly found in leachate) and pH, which is impacted by the sulfuric acid used in the RO process. With Administration's approval, RWDI informally shared these initial findings with the MECP to assess alignment with regulatory expectations and confirm that only minor refinements are needed to meet discharge standards. The MECP was generally supportive of the plan as outlined below:

Acceptable discharge criteria – For the Site, surface water quality runoff must meet the appropriate schedules of the Landfill's ECA¹. However, based on discussions with RWDI and the MECP, the MECP is willing to accept a hybridized and less-stringent approach for final permeate discharge quality. This hybridized approach includes the 'dry ditch' discharge criteria per the Provincial Water Quality Objectives (PWQOs) for select parameters² and federal water quality objectives³ for boron.

Acceptable discharge options – two options were considered and discussed with the MECP to discharge permeate to surface water including: (1) dry ditch discharge and (2) discharge through the Site's existing stormwater management pond (SMP). Based on technical and regulatory considerations, dry ditch discharge was recommended as the preferred option for the following reasons:

- Dry ditch discharge permits higher allowable concentrations of certain nutrient parameters commonly elevated in leachate, such as total ammonia nitrogen (TAN), biological oxygen demand (BOD), and phosphorous;
- Dry ditch discharge enables a more flexible, hybrid compliance approach to water quality requirements, which are less stringent and place a lower treatment burden on the RO Plant, while still maintaining environmental protection; and
- Using the SMP for discharge would necessitate a cleaner permeate due to boron being a key parameter of concern related to landfill impacts on surface water runoff. Routing permeate through the SMP could also lead to misleading water quality data, potentially indicating false signatures of landfill-related impacts.

¹ *Essex-Windsor Regional Landfill Site, Conditions of Approval*, (Jagger Hims Limited, March 1995), which is Item 2 of Schedule 'A' of the Waste ECA.

² Total ammonia nitrogen (TAN), biological oxygen demand (BOD), total phosphorus (TP), and total suspended solids (TSS).

³ Council of Canadian Environmental Ministers (CCME) surface water criteria of 1.5 mg/L for boron, instead of the PWQO value of 0.2 mg/L.

Based on this consultation with the MECP and the feedback received regarding discharge criteria, further polishing of the permeate is still required to permit the dry-ditch discharge scenario. As such, Rochem prepared a proposal to carry out a permeate polishing pilot study, which will focus on the following components:

1. Increase RO efficiency, focusing on lowering pH and optimizing membrane configurations.
2. Boron polishing using RO.
3. Ammonia stripping.
4. Final pH adjustment.

In an effort to minimize the overall cost for the proposed pilot system, Rochem's proposal excludes commercial parts and components required for the pilot as well as analytical testing to substantiate results. Components and lab testing required for the pilot test will be procured by EWSWA and sourced in Canada where possible. EWSWA staff will facilitate construction and assembly of pilot test system with the assistance of Rochem as needed.

The key factors of this permeate polishing pilot study are:

- That the addition of a tertiary RO system can effectively achieve anticipated PWQOs in support of an ECA application required for the direct discharge scenario.
- The technology is scalable to suit leachate volumes now and as the Landfill expands.
- The timeline proposed by Rochem can coincide with expected MECP review timelines.

The MECP has requested a minimum of 6-months of data demonstrating the RO Plant's ability to consistently meet the acceptable criteria established above, which is considerably less than their typical 12-18 month requirements, as this project is building on the success that the Authority has achieved with the existing RO Plant. Therefore, the permeate polishing pilot study will operate for a minimum of six months, and following this time RWDI will finalize the PMP with the results for submission to the MECP.

Concentrate Management

A long-term concentrate management plan is required as recirculation of concentrate back into the waste mound is not recommended as a sustainable long-term practice. It is predicted that sustained release of concentrate into the waste mass may over time increase leachate strength to the level that the current RO system may not be able to effectively treat. In addition, this practise may not

decrease the contaminating lifespan of the Landfill from a long-term liability perspective. Further, a concentrate management plan is expected to be necessary for MECP-approval prior to the commissioning of a full-scale RO Plant.

Potential options for leachate concentrate management include off-site disposal, on-site mitigation through the use of evaporators powered by landfill gas to reduce quantities, use of a leachate phytoremediation treatment system, or a combination thereof. These options will require further investigation and cost-benefit analyses. Other options for concentrate management will be explored by Administration and a recommended long-term concentrate management strategy will be provided to the Board in the future.

Full Scale Long-Term Facility

As previously mentioned, a permanent, on-site leachate treatment facility is the preferred long-term solution as outlined in the Landfill's ECA and is also supported by the City's WWTP as the best approach to prevent impacts on their system. This solution aligns with both regulatory obligations and operational needs, ensuring that leachate is managed sustainably and independently on-site. As such, Administration is proactively planning for a full-scale solution that meets both regulatory requirements and operational needs.

The existing RO Plant has successfully achieved its intended outcome: pre-treating leachate to a level acceptable by the Windsor WWTP, alleviating strain on the City's infrastructure and lowering leachate volumes in the landfill. Leveraging this success, Administration anticipates that the permeate polishing pilot study will lead to a marked reduction in reliance on trucking and external treatment.

Following six months of data collection, RWDI and the Authority will finalize and submit the PMP to the MECP for review. Based on typical MECP timelines, it is anticipated that the review process will take a minimum of six additional months, placing regulatory feedback roughly 12 months from beginning the permeate polishing pilot study.

Next steps will include development of a procurement strategy for a full-scale plant. Administration has begun investigations such as a design-build procurement model, and will report back to the Board at a future meeting with a procurement strategy. Consideration will be given to timing, permits and approvals, and cost.

Future Advantages of the RO System

RO is a more reliable cost-effective for high-strength leachate treatment and capable of removing emerging contaminants of public/government concern such as PFOS and PFAS. Current industry understanding is that PFOS and PFAS can only

be treated from liquid via filtering. It is noted that there is not a consistent approach to safe levels of PFOS and PFAS globally, however, it is expected that Canada will follow the practices of what the U.S. implements, which is consistent with current practices. In Michigan, PFOS and PFAS are scrutinized at the State level for both treated liquid and stack emissions for wastewater treatment plants.

In summary, the RO system is understood to be able to remove PFOS and PFAS as the system is currently developed and therefore, when PFOS and PFAS become regulated in Ontario, this system should not require further enhancements to address this emerging regulatory obligation.

Financial Implications

Full Scale Long-Term Facility Cost Estimates

The following presents capital and operating estimates, which are intended to provide the Board with a general sense of the order of magnitude of costs associated with the development of a permanent treatment plant.

As part of the leachate treatment feasibility study initiated in 2022 by Stantec, capital and operating cost estimates were included as part of the evaluation. At the time, the Study estimated the purchase of treatment equipment to range from \$4.8 to \$6 million CAD, subject to competitive procurement. In addition, the construction of a facility and required infrastructure upgrades was estimated to fall within the range of \$4.4 to \$5 million CAD. It is important to note that these estimates were developed prior to the initiation of the PMP and before discussions with the MECP regarding dry ditch discharge. As such, equipment costs and other elements will need to be further refined.

Typical costs for design, engineering, permitting, and approvals are generally estimated at 20–25% of the total capital cost for a project of this size and complexity. Additionally, the Stantec Study recommended a 25% contingency, bringing the total capital cost investment to an estimated range of \$11 to \$13.8 million CAD. Administration is currently working to refine these figures.

With respect to operating costs, the Stantec Study projected approximately \$1.3 million CAD annually, which includes labour, utilities, consumables, and contingency. The largest component of this estimate was consumables, at approximately \$600,000 per year. Since assuming operation of the pilot facility in early 2024, Administration has observed that actual operating costs are lower and will continue to refine these estimates. For reference, as reported to the Board in February 2025, the 2025 operating budget for the RO Plant is approximately \$512,000 for labour, utilities, and consumables, and \$1.2 million for the equipment rental.

It is important to note that the original Study did not account for concentrate management. Administration has estimated that, in a worst-case scenario where concentrate is disposed of as hazardous waste, annual costs could reach up to \$2.7 million CAD. As a result, a separate study will be undertaken to identify the most cost-effective and environmentally responsible approach to managing concentrate. Options to be explored include enhanced on-site treatment, evaporation, phytoremediation, or a combination thereof. The resulting Concentrate Management Plan will help inform a sustainable path forward.

As part of the 2026 Operational Plan and Budget, Administration will bring forward refined capital and operating cost estimates for a full-scale, long-term leachate treatment facility. This will include consideration of all major cost components: facility procurement, infrastructure upgrades, equipment purchases, design and engineering, permitting and approvals, and ongoing operations.

2025 Funding Needs

In consideration of the above and in summary, next steps and immediate needs in 2025 for the RO Plant include:

1. Completion of a permeate polishing pilot study including procurement of all necessary equipment and technical services.
2. Submission of the PMP including results of the permeate polishing pilot study to the MECP.
3. Development of a Concentrate Management Plan.
4. Development of a procurement strategy for a full-scale long-term RO Plant (funding needs in 2025 to be determined).

The total budget for the Long-term Leachate Management Plan (including the PMP) for 2024 and 2025 was \$180,000 combined, with the plan to be funded from the Regional Landfill Reserve. To date, approximately \$35,000 has been spent therefore \$145,000 remains.

The estimated required funds for the next steps are listed in the table below.

Description	Cost Estimate (excludes applicable taxes)
1. Permeate Polishing Pilot Study	\$140,000
a. Rochem Fees*	\$84,000
b. Equipment	\$36,000
c. Monitoring and Reporting	\$20,000
2. Permeate Management Plan Finalization	\$5,000
3. Concentrate Management Plan	\$25,000

Description	Cost Estimate (excludes applicable taxes)
Total 2025 Funds	\$170,000
Funding Shortfall	(\$25,000)
*Note: Cost estimate is subject to USD to CAD exchange rates. Assumes an exchange rate of 40% on applicable USD costs and no tariffs.	

Administration estimates that this phase of the project will be overspent by approximately \$25,000, with this amount to be funded from the Regional Landfill Reserve.

Recommendation

- **That** the Board **receive** the information contained in this report.
- **That** the Board **approve** proceeding with the permeate polishing pilot study in collaboration with Rochem Americas Inc.
- **That** the Board **approve** proceeding with a Concentrate Management Plan.
- **That** the Board **direct** Administration to report back with a procurement strategy for the development of a long-term leachate management facility.

Submitted By



Tom Marentette, Manager of Waste Disposal



Essex-Windsor Solid Waste Authority Administrative Report

June 30, 2025

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Catharine Copot-Nepszy, Manager of Waste Diversion

Meeting Date: Wednesday, July 09, 2025

Subject: 2025 Green Bin Program: Promotion & Education (P&E) Update

Purpose

The purpose of this report is to provide the Authority Board with an update on the Promotion and Education (P&E) Program Plan and that the Board direct Authority Administration to share a Green Bin Program: Campaign Summary, where applicable, with the Clerk's Department of the City of Windsor (City), the County of Essex (County) and seven (7) County Municipalities.

Background

At the January, 7, 2025 EWSWA Board meeting, Administration shared the 2025 Green Bin Program P&E Plan that it would be used to launch this new program. This comprehensive plan is being used to *inform, engage, and connect* local residents and partners to this new, Green Bin Program. It shared that this would distinguish Phase 1 and Phase 2 municipalities in its communications to ensure it would be clear to residents as to which municipalities were launching in 2025. Finally, Administration also highlighted that this P&E Plan consisted of five major Communication Campaigns, with messages strategically aligned to support key milestones during the launch of the Green Bin Program in 2025.

Discussion

Since the publication of this plan, Administration has been sharing regular updates at Authority Board meetings and monthly Municipal Working Group meetings that consist of administrators from the City, the County and the seven (7) County

Municipalities. Administration has also discussed this program at the Regional CAO meeting, and other municipal tables. Furthermore, it has been working closely with communication contacts from each municipality to enhance residential reach through municipal forums.

As of late many of the plans include: presence at a signature municipal event(s), digital and pop-up displays at municipal facilities, water bill inserts, newsletter ads, e-newsletter ads, activity guide ads, and arena board ads. Most of these components are in progress with publications that are either live or soon to be issued. Further, as many municipalities confirmed that libraries are a key component of their community and reaching residents, the Authority is launching a Green Bin campaign with both the Windsor Public Library and Essex County Library. Starting mid-July, it will attract summer visitors of all ages to connect with different Green Superheroes and a bookmark giveaway. It will also highlight a new book, *The Apple Core*, that the Authority will be donating to each library to educate readers on the EWSWA Green Bin Program and the power of choice.

Beyond these municipal initiatives, there will be many paid ads seen on billboards, on-line, social media, and/or newsprint, as well as many heard on local radio. Finally, all of these efforts will continue to be elevated through the Green Team Trivia program. This program has been successful to-date to increase residential interactions on this new program in LaSalle, Tecumseh, and Essex, and is excited to reach more residents in other municipalities as they become available.

So that communications across all of these touch points are consistent, Administration is aligning key messaging with each scheduled Communication Campaign. As the delivery of Green Bins to single-family homes is nearing, where the first Green Bin Delivery happens the week of July 21st, messaging supporting **Campaign 3: The Green Bins Are Coming** are rapidly approaching. Specifically, it will share information such as: how to find out when Green Bins are being delivered, what to expect at delivery, what is inside your Green Bin Kit, etc. To ensure messaging is consistent, it will be published to municipal partners and stakeholders through a Green Bin Program: Campaign Summary so that it can be shared internally to staff, used to guide any communications that they want to publish, and ensure it is shared with council members (*attached to this report*).

All these efforts combined look to support a major behaviour shift in the residents of Essex-Windsor (Region) to make the easy and right choice - to put their food waste and organic materials in the Green Bin (*the other bin*) and not the garbage.

Financial Implications

There are no direct or immediate financial implications associated with this report as the cost to develop and roll out this P&E Plan for the Green Bin Program was included in the 2025 Operational Plan and Budget.

Recommendation

That the Board **receive** this report as information.

That the Board **direct** Authority Administration to provide a Green Bin Program: Campaign Summary, as applicable to the Clerk's Department at the City of Windsor, County of Essex and seven (7) County Municipalities.

Submitted By



Catharine Copot-Nepszy, Manager of Waste Diversion

Attachment(s): Green Bin Program: Campaign 3 Summary -The Green Bins Are Coming!

Figure 1. Graphic display of the five campaigns that are scheduled at key milestones in 2025 for the Green Bin Program launch.



Figure 2. Ad that will be found in Q2 of the 2025-26 Municipal Calendars for Phase 1 municipalities to kick off the Green Bin Program and the Green Team.

GROW GREEN WITH THE GREEN BIN!

Food Waste Is Too Good To Waste
Weekly residential curbside collection of food waste and organics begins in October. This new program will keep food waste out of the garbage stream, helping to grow a greener Region. The yard waste collection program will still be used for leaves and yard waste.

Green Bin It!
Putting food waste and organics in the Green Bin instead of the garbage helps the environment, extends the life of the Essex-Windsor Regional Landfill, and promotes a circular economy. This valuable resource in turn creates energy and fertilizes crops. It's the next step towards creating a greener Region.

WHAT GOES IN THE BIN?
Scan the QR code for the acceptable materials list.

Bins Are Arriving Soon
Delivery of EWSWA Green Bins to single-family households in Phase 1 will begin in July. Let's all do our part to grow greener in 2025 - and beyond!

Download the Recycle Coach app for your Green Bin delivery date and collection schedule.

JOIN THE GREEN TEAM

Become a Green Superhero! Help make the Region greener by putting your food waste and organics in the Green Bin, not your garbage. It's a lot easier than you might think - it's just a different bin, and ultimately it's the right thing to do.

Scan the QR code to see what can go in Green Bin - and what can't - and to learn more about the Green Bin program.

ewswa
ESSEX-WINDSOR SOLID WASTE AUTHORITY

PHASE 1 (FALL 2025): WINDSOR, ESSEX, LAKESHORE, LASALLE, TECUMSEH

PHASE 2 (FALL 2026): AMHERSTBURG, KINGSVILLE, LEAMINGTON

Figure 3. Ad that will be found in Q3 of the 2025-26 Municipal Calendars to provide notice that the Cart Rollout is starting (Phase 1 municipalities).

THE GREEN BINS ARE COMING!

The EWSWA is rolling out the new Green Bin collection program to keep food waste and organics out of the Essex-Windsor Regional Landfill. Bin delivery to all single-family households in Phase 1 runs from July to October. Over 150,000 homes will receive Green Bins, so please be patient – yours will be delivered before the October 21st program launch.

What To Expect

- Delivery schedules can be found on the Recycle Coach app, the EWSWA website (www.ewswa.org) and social media.
- Your 120L EWSWA Green Bin has a gravity lock and comes with a Starter Kit that includes a kitchen catcher, sample compostable bag, and information on using the Green Bin.
- Collection starts in October, so please be sure to store your Green Bin safely until then.

NOTE: Only EWSWA Green Bins will be collected.

Download the Recycle Coach app for your Green Bin delivery date and your collection schedule.

JOIN THE GREEN TEAM

Become a Green Superhero! Help make the Region greener by putting food waste and organics in the Green Bin, not your garbage. It's a lot easier than you might think - it's just a different bin, and it's the right thing to do.

Your new Starter Kit will get you going, and you can learn more at www.ewswa.org or by scanning below.

WHAT GOES IN THE BIN?

Scan the QR code for the acceptable materials list.

ewswa
ESSEX-WINDSOR SOLID WASTE AUTHORITY

For full program information, visit ewswa.org

PHASE 1 (FALL 2025): WINDSOR, ESSEX, LAKESHORE, LASALLE, TECUMSEH

PHASE 2 (FALL 2026): AMHERSTBURG, KINGSVILLE, LEAMINGTON

Figure 4. Ads that will be found in Q4 of the 2025-26 Municipal Calendars to prepare residents for the launch of the Green Bin Program and then give them tips on how to “Stay Green” all year round (Phase 1 municipalities).

JOIN THE GREEN TEAM

Essex-Windsor residents set out 48.25% of food waste in their garbage.* You can easily reduce your waste footprint by putting food waste and organics into the EWSWA Green Bin instead. Become a Green Superhero by using the Green Bin, and help create a better tomorrow!

* 2022/23 curbside audit of Essex-Windsor households

WHAT GOES IN THE BIN?

Scan the QR code for the acceptable materials list.



Download the Recycle Coach app for your Green Bin delivery date and your Green Bin collection schedule.

For full program information, visit ewswa.org

PHASE 1 (FALL 2025): WINDSOR, ESSEX, LAKESHORE, LASALLE, TECUMSEH

GREEN BIN COLLECTION STARTS WEEK OF OCTOBER 21

Get your green on! Download Recycle Coach now and know your collection start date.

5 Key Things To Know

- Your collection day.** Check your municipal collection calendar for your weekly collection dates, and download Recycle Coach for updates and notifications.
- Your set-out time.** Put your Green Bin out by **6 AM** so you don't miss the truck.
- How to use your Green Bin.** Know the do's and don'ts of using your Bin. Refer to your Starter Kit for details.
- What bags to use.** Only compostable bags can be used in this program. Refer to your Starter Kit for details.
- Proper Bin set-out.** "Park-Point-Space". Due to automated collection, you must:
 - * Park** the Bin about 30 cm (1 ft) from the curb.
 - * Point** the arrows on the Bin to the street.
 - * Space** the Bin at least 1 metre apart from other carts or structures.

NOTE: Only EWSWA Green Bins will be collected.



PHASE 2 (FALL 2026): AMHERSTBURG, KINGSVILLE, LEAMINGTON

DON'T FREEZE THIS WINTER

Keep It Green with the Green Bin Program

Winter's cold weather can present unique challenges. Here are some useful cold weather tips to help you "stay green" all year.

- Line the bottom of your Green Bin with a layer of cardboard, newspaper, or a paper egg carton to prevent contents from freezing to the Bin.
- Drain liquids before you put food waste and other organics into your Bin.
- Where possible, try to set out your Bin the morning of collection (by 6 AM) to avoid material freezing to the Bin.

Winter tips at ewswa.org/green-bin



Download the Recycle Coach app for Green Bin program updates.

PHASE 1 (Fall 2025): Windsor, Essex, Lakeshore, LaSalle, Tecumseh

STAY GREEN THIS WINTER WITH THE GREEN TEAM

Be a Green Superhero all year-round! Help make the Region greener by using the Green Bin instead of your garbage for food waste and organics. It's a lot easier than you might think - even in the winter. It's just a different bin!

WHAT GOES IN THE BIN?

Scan the QR code for the acceptable materials list.



PHASE 2 (Fall 2026): Amherstburg, Kingsville, Leamington

Figure 5. Sample ads that will be found in Phase 2 municipal calendars to provide them with details on the launch of their Green Bin Program to keep them informed while Phase 1 is launching.



Green Bin Program

Campaign 3 Summary: The Green Bins Are Coming!

July 9, 2025

The 2025 Green Bin launch is reaching a major milestone: “**The Green Bins Are Coming**”. Single-family homes that are included in the 2025 Green Bin Program will soon have a Green Bin Kit delivered to their homes. In order to distribute to almost 120,000 homes in the Essex-Windsor Region, delivery will start the week of July 21st and continue through early October. If residents are interested to know when delivery to their municipality or zone is scheduled, they can visit www.ewswa.org where it will be updated daily as needed. Another option is for residents to download the Recycle Coach App for free at the App Store or Google Play and request notifications for the Green Bin Program to get a delivery prompt.

The **Green Bin Kit** is often used by municipalities to help residents be successful with this new program. Each Green Bin Kit will contain a:

- 120L EWSWA Green Bin (made in Canada);
- 7L Kitchen Catcher (made in Canada);
- “How-To” Guide; and a
- Glad sample compostable bag and coupon.

The lid of the Green Bin will also contain a large information sticker that a resident should read ahead of storing or using the Green Bin. Key messaging tells the resident to write their address on the space provided on the Green Bin and not to use it until the week before collection begins!

At Delivery: The contractor will perform the final assembly of the Green Bin Kit at the curb. During the process, the Green Bin will be scanned and linked to the corresponding address so that it can be recorded in the EWSWA database. This information is essential to the EWSWA Green Bin Repair & Request program which will track issues related to Green Bin repairs, warranty, Bin requests for new builds, etc.

Below are sample ads for Phase 1 and Phase 2 municipalities so that they can share Campaign 3 messaging on digital displays or internally with staff. Campaign 4 messaging, “**Green Bin Collection Begins**”, will be published in early October for your team and so on for Campaign 5.

If you need assistance with ad formatting, please reach out directly to Cat Griffin, Communications Coordinator via email: cgriffin@ewswa.org.

Customer Service: To ensure the most efficient and accurate information, please always direct residents to www.ewswa.org to use our new customer service system or 1-800-563-3377.



Green Bin Delivery Runs July-October (Phase 1).

Get your GREEN On! You can be a Green Superhero by putting food waste in the right place – *in the Green Bin, not the garbage!* Green Bin Kit delivery starts in July and runs through to October. Watch for yours coming soon.

To be part of The Green Team, follow us on Facebook, Instagram or X, or visit www.ewswa.org. And stay current on Green Bin delivery and program updates by simply downloading the Recycle Coach app.



Green Bin Delivery Runs July-October (Phase 1).

Get your GREEN On! You can be a Green Superhero by putting food waste in the right place – *in the Green Bin, not the garbage!* Green Bin Kit delivery starts in July and runs through to October. Watch for yours coming soon.

To be part of The Green Team, follow us on Facebook, Instagram or X, or visit www.ewswa.org. And stay current on Green Bin delivery and program updates by simply downloading the Recycle Coach app.



Food Waste Collection Is Coming This Fall!

You too can be a Green Superhero by putting food waste in the right place – *in the Green Bin, not the garbage!* Bin delivery runs July-October in Phase 1 municipalities (Essex, Lakeshore, LaSalle, Tecumseh, Windsor). Watch for yours coming soon!

You can stay up-to-date by connecting with us on Facebook, Instagram or X, by downloading the Recycle Coach app, and by visiting us at www.ewswa.org.



The Green Bin Stays

Your new Green Bin is registered to your address. This enables us to track bins for repairs and replacements. But that also means that if you move, your Green Bin should stay behind.

For more tips on how to best use your Green Bin, connect with us on Facebook, Instagram or X, or visit www.ewswa.org. To stay current on Green Bin delivery dates and program updates, download the Recycle Coach app.



Phase 2 Collection Starts in Fall 2026

If you live in a single-family household in a Phase 2 municipality (Amherstburg, Kingsville, or Leamington), your Green Bin program will not launch until fall of 2026.

But you can still Grow Green with us! For tips on how to easily manage your food waste and organics, connect with us on Facebook, Instagram or X, or visit www.ewswa.org. Stay current on other waste collection dates and program updates by downloading the Recycle Coach app.



Food Waste Collection Is Coming This Fall!

You can be a Green Superhero by putting food waste in the right place – *in the Green Bin, not the garbage!* Green Bin delivery runs July-October in Phase 1 municipalities (Essex, Lakeshore, LaSalle, Tecumseh, Windsor). Watch for yours coming soon!

Stay up-to-date by connecting with us on Facebook, Instagram or X, by downloading the Recycle Coach app, and by visiting www.ewswa.org.

BILLBOARD CAMPAIGN

The following billboards (in both static and digital form) will be placed throughout Windsor and Essex County from July to August, and some locations will be posted longer due to contractual requirements (e.g., 6 months).



The Green Bins Are Coming!*



For Bin Delivery Info:
ewswa.org 

* ESSEX, LAKESHORE, LASALLE, TECUMSEH, WINDSOR

The Green Bins Are Coming!*



For Bin Delivery Info:
ewswa.org 

* ESSEX, LAKESHORE, LASALLE, TECUMSEH, WINDSOR

We All Win With The Green Bin.

FOOD WASTE COLLECTION STARTS IN OCTOBER*



For Bin Delivery Info:
ewswa.org 

* ESSEX, LAKESHORE, LASALLE, TECUMSEH, WINDSOR

FOOD WASTE IS TOO GOOD TO WASTE
Green Bin It!

For Bin Delivery Info:
ewswa.org 

Phase 1 Bin Delivery JULY TO OCTOBER

COLLECTION STARTS OCT. '25 FOR PHASE 1 (ESSEX, LAKESHORE, LASALLE, TECUMSEH, WINDSOR)
FALL '26 FOR PHASE 2 (AMHERSTBURG, KINGSVILLE, LEAMINGTON)



Get With It. Green Bin It!
FOOD WASTE COLLECTION IS COMING

Phase 1 Bin Delivery JULY TO OCTOBER

For Bin Delivery Info:
ewswa.org 

COLLECTION STARTS OCT. '25 FOR PHASE 1 (ESSEX, LAKESHORE, LASALLE, TECUMSEH, WINDSOR)
FALL '26 FOR PHASE 2 (AMHERSTBURG, KINGSVILLE, LEAMINGTON)





Essex-Windsor Solid Waste Authority Administrative Report

June 24, 2025

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Wednesday, July 09, 2025

Subject: 2025/2026 EWSWA Insurance

Purpose

The purpose of this report is to update the Board on the Authority's comprehensive insurance program renewal for the period of July 1, 2025 to June 30, 2026.

Background

The Authority's insurance broker is Aon Reed Stenhouse Inc. (AON). The Authority receives insurance coverage for a number of classes, with the majority being renewed annually.

The July 10, 2024, report to the Board reported a savings of \$41,248 from the 2023 expiring premiums (\$551,015 vs. \$592,2620). Further, with Transition of the Blue Box Program on August 28, 2024 to Extended Producer Responsibility (EPR) that resulted in the decommissioning of the Fibre material recovery facility (MRF) and the disposal of the Authority's recyclable processing equipment, additional savings of approximately \$100,000 were realized.

Over the past number of years AON has been challenged securing and negotiating coverage on behalf of the Authority. The challenges have been receiving 100% coverage for the replacement costs of the Authority's buildings, primarily due to the recycling operations and having fewer insurers willing to insure waste management entities. This again was the case although the Blue Box Program had transitioned to EPR and the Authority no longer processed recyclable material.

Discussion

AON was successful at securing coverage for the entire replacement costs for the Authority's property and assets. Similar to the last coverage year, AON achieved 100% coverage for the replacement cost of the Authority assets by splitting the policy. Below is a table outlining the coverage details. If the Authority were to have a claim relating to the property and equipment policy, 4 companies would pay their portion of the total cost less the deductible.

Insurer	Expiring Policy	Renewal
Zurich	50%	50%
Stewart Specialty Risk Underwriting Ltd. (Through Northbridge General Insurance)	25%	25%
Echelon	20%	20%
Aviva	5%	5%
Total	100%	100%

Premiums

The following table summarizes the various coverages and related premiums. As shown in the table below, the 2025/2026 premiums have decreased by \$60,615 from the prior year. This is in addition to the significant savings realized from the Blue Box Program. This equates to a decrease of approximately 16% year over year when including the Errors & Omissions (E&O) class and a decrease of approximately 10% if Administration removes the E&O premium from the prior insurance year.

However, the figures below do not include the current retro-fit of the Fibre MRF, Administration has advised AON of the upcoming fall 2025 organics program rollout and the commissioning of a new Source-Separated Organic (SSO) Transfer Station Building, however, premiums are reflected as of July 1, 2025.

The AON team have advised Administration that as the Authority's programs change over the term, coverages can be amended, which may result in changes to the Authority's premiums. The additional cost for the SSO Transfer Station building is unknown at this time.

Administration, in consultation with AON and legal, have opted to remove the E&O policy for 2025/26 insurance year due to the windup of the Blue Box Program. Administration reviewed all existing contracts, and no contract called for such coverage.

Class	2024/25 Premium Original	2024/25 Premium Revised	2025/26 Premium	Premium Increase / (Decrease)
Property & Equipment	\$319,814	\$227,717	\$191,944	(\$35,773)
Contractor's Equip.	\$26,718	26,718	25,965	(753)
Environmental	\$36,867	36,867	36,867	0
Owned Automobile	\$26,950	26,950	26,067	(883)
General Liability	\$34,068	34,068	34,131	63
Umbrella Liability	\$29,250	29,250	29,250	0
Errors & Omissions	\$18,000	18,000	0	(18,000)
Boiler & Machinery	\$3,528	2,552	2,398	(154)
Directors & Officers	\$6,900	6,900	6,210	(690)
Crime	\$3,800	3,800	3,800	0
Cyber (Breach Response)	\$6,300	6,300	6,300	0
Total Premium	\$ 512,195	\$ 419,122	\$ 362,932	(\$56,190)
PST (8%) on All but Auto	\$ 38,820	31,374	26,949	(4,425)
Total	\$ 551,015	\$ 450,496	\$389,881	(\$60,615)

The Authority observed the largest savings within the Property and Equipment policy, which is predominantly attributable to the reduction in the overall statement of values due to the decommissioning of the Fibre and Container MRFs. Additionally, the buildings' risk profile has changed due to the wind-up of the Blue Box program. The AON team expressed that due to a change in both the MRF building's use and risk profiles, AON negotiated a 10% rate reduction in this class.

Deductibles

The following table summarizes the deductible amounts for the various classifications:

Class	2025 / 2026 Deductible	2024 / 2025 Deductible
Property & Equipment	\$100,000 - \$250,000	\$100,000 - \$250,000
Contractor's Equipment	\$2,500 - \$50,000	\$2,500 - \$50,000
Environmental	\$25,000	\$25,000
Owned Automobile	\$5,000 - \$10,000	\$5,000 - \$10,000
General Liability & Legal	\$5,000	\$5,000
Umbrella Liability	\$10,000	\$10,000
Directors & Officers	\$15,000	\$15,000
Errors & Omissions	\$5,000	\$5,000
Boiler & Machinery	\$10,000	\$10,000
Cyber (Breach Response)	\$1,000	\$1,000

The deductible for the contractor's equipment policy varies depending on the value of the equipment. For example, if there were a claim on a piece of equipment with a value of less than \$25,000 the deductible would be \$2,500, however, if the claim were on a piece of equipment such as the compactor at the Regional Landfill with an approximate value of \$1,450,000, the deductible would be \$50,000. The Authority buildings' deductibles are dependent on their statement of values (SOV). For buildings over \$1,000,000, the deductible would be \$250,000, while buildings with an SOV under \$1,000,000 would have \$100,000 deductible.

No changes to the deductible amounts transpired in the 2025/2026 insurance renewal period.

Financial Implications

The 2025 budget document includes an expenditure of \$552,500 for insurance-related costs, with approximately \$225,250 incurred as of the term expiration date of June 30, 2025. The portion of the renewal for 2025 will be \$194,940 for a total projection of \$420,190, resulting in a favourable variance of \$132,310 for 2025.

The actual favourable financial variance may be impacted due to the commissioning of the new SSO Transfer Station Building. Any changes to the premiums as a result of the new SSO Transfer Station Building will be reflected in the 2026 Operating Plan and Budget, which will be presented at the November 2025 Board meeting.

In 2020 the Authority Board established an Insurance Reserve in the amount of \$250,000. The reserve would be used to fund and mitigate the potential financial risk to the Authority in the event of a claim. This reserve is reviewed annually as part of the budget process to ensure adequate funds are available. The reserve would need to be replenished in the event of a claim.

Recommendation

That the Board **receive** this report as information.

Submitted By



Steffan Brisebois, Manager of Finance and Administration



Essex-Windsor Solid Waste Authority Administrative Report

June 25, 2025

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Wednesday, July 09, 2025

Subject: 2025 Six-Month Financial Update - IC&I Tipping Fee and Tonnage

Purpose

The purpose of this report is to provide the Board with an update on the 2025 Industrial, Commercial and Institutional (IC&I) six-month tipping fee revenue and tonnage, as the 2025 Budget is anticipated to be negatively impacted.

Background

Annually, Administration provides the Board with a three-month and six-month financial update. The reports are provided once Administration is able to fully review the revenues and expenditures for the reporting period. Therefore, the six-month report is normally provided to the Board at the September meeting.

At the May 6, 2025, Board meeting, Administration identified a significant decrease in the number of tonnes delivered in the first three months of 2025 when compared to the same period in the previous year. Administration advised that any significant financial impact would be brought to the Board's attention.

Therefore, although Administration has not completed the full 6-month analysis, the following is being brought forward at this time.

Discussion

2025 – Six-Month IC&I Tipping Fee Revenues

Administration has identified a significant shortfall in the number of tonnes delivered to the Regional Landfill when compared to the six-month 2025 Budget. The decrease is primarily attributed to a sharp reduction in the amount of vine and other growing media received at the Regional Landfill when compared to the six-month 2025 Budget.

The six-month budget figure was formed by estimating the average amount of tonnes the Authority should have received in the first six months of the year. Administration has not identified any other significant variances in the first six months in both the municipal and/or residential landfillable tonnages. The variance is subject to change should additional tonnes of landfillable waste be received in the second half of the year than what was budgeted.

The tables below summarize the 2025 IC&I six-month budgeted tonnes and tipping fee revenues and compare them to the amounts received/earned to the end of June 2025.

IC&I Landfillable Tonnages

Description	January to June 2025 Budget	January to June 2025 Actuals	Variance
Industrial, Commercial or Institutional Waste	34,732	36,535	1,803
Greenhouse Vines and Growing Medium	29,246	7,360	(21,886)
Contaminated Soil	8,356	7,170	(1,186)
Total Tonnes	72,334	51,065	(21,269)

IC&I Landfillable Earnings

Although most expenditures at the Regional Landfill are fixed in nature, the Town of Essex Host Compensation fee is directly attributable to the amount of tonnes of material received for disposal.

Also, as included in the 2025 Operating Plan and Budget, a portion of the increased tipping fee for greenhouse vines and other growing media was to be directly contributed to the Regional Landfill Reserve to fund long-term leachate management on the site due to the impact of the material on operations.

Therefore, those figures have been deducted below.

Description	January to June 2025 Budget	January to June 2025 Actual	Variance
Industrial, Commercial or Institutional Waste, including Vine Material	\$3,952,196	\$2,691,319	(\$1,260,877)
Contaminated Soil	\$417,804	\$319,850	(\$97,954)
Less: Host Compensation (2025 -\$11.34/tonne)	(\$820,272)	(\$579,078)	\$241,194
Contribution to Reg. LF Reserve (\$25.00/tonne)	(\$731,150)	(\$184,000)	\$547,150
January – June Net Revenues	\$2,818,578	\$2,248,091	(\$570,487)

Financial Implications

The 2025 operating deficit is anticipated to be negatively impacted by (\$570,487) from the reduced sum of tonnes received in the first six months of 2025.

Administration continues to closely monitor the financial implications of this shortfall and its potential impact on year-end projections and will provide the Board the six-month financial report on September 10, 2025, which will better illustrate the complete financial impact on the operating deficit.

Recommendation

That the Board ***receive*** this report as information.

Submitted By

A handwritten signature in blue ink that reads "Steffen Brisebois". The signature is written in a cursive, flowing style.

Steffan Brisebois, Manager of Finance and Administration



Essex-Windsor Solid Waste Authority Administrative Report

June 20, 2025

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Steffan Brisebois, Manager of Finance and Administration
Meeting Date: Wednesday, July 09, 2025
Subject: Procurement Policy EW-008 Revision

Purpose

The purpose of this report is to recommend that the existing Procurement Policy EW-008 ("Policy") be revised to include sections and wording that clarify and strengthen the Authority's legal position when procuring for Goods and Services and when disposing of surplus assets. In addition, revisions include the adoption of a "Buy Canadian" policy.

Background

The current Procurement Policy EW-008 was approved on June 7, 2022 and has remained unrevised since that time. A copy is attached for information.

On May 6, 2025, the Board requested that Administration identify the implications of adopting and the opportunities of adopting a "Buy Canadian" Policy.

Discussion

Administration included revisions within the Policy, which were both driven by the Board's recommendation surrounding a "Buy Canadian" purchasing policy and due to policy gaps identified by Administration within the existing Purchasing Policy.

The revised Policy is appended to the report. Administration has summarized the significant revisions and additions to the Policy. The changes are as follows:

- a) Section number 4.1 wording was expanded, which notes that amended/ additional funds which exceed the original contract, must not exceed fifty

- (50) percent of the original contract value unless written authorization is provided by the General Manager ("GM"). The Approval Authority is determined by the revised total contract value. The change ensures that the GM is privy to significant funding changes for a contract.
- b) Section number 4.2 was revised to allow the GM or delegate to approve terminating a Contract previously approved by the Board and/or any other Contract. The original Policy (dated June 8, 2022) required the Board to terminate Contracts previously awarded by the Board, with all other contracts being terminated by the GM or delegate.
 - c) The summary table of procurement approval authority note section located in the revised Policy was updated to align with the "Buy-Canada" procurement strategy. The policy requires that *"approval and/or signature of the Board be sought for contracts and related documentation that exceed a value of \$100,000 for sole-sourced purchases from a non-Canadian company, where there may be an alternative Canadian company."*
 - d) Section 6.5 was created to ensure that Goods and/or Services that involve technology are consulted with the County IT Department to ensure that the procurement does not compromise the IT network or pose unnecessary cybersecurity risk.
 - e) Section 6.6 of the revised Policy changes the number of days that EWSWA has to terminate all Contracts for any reason upon thirty (30) days prior notice period to a ninety (90) days prior notice period unless otherwise approved by the GM. The change is to align the notice period with that of the County of Essex Procurement Policy.
 - f) Section 8, Direct Purchase, section 8.5 was revised to include pilot programs, section 8.7 was added to align with the County of Essex Procurement Policy and Section 8.9 was amended to include direct purchase for a reason of urgency. The previous document only included emergencies. The revision further states that the GM and/or the Board may declare that a matter is urgent and/or an emergency and requires that a Direct Purchase be completed for the Goods and/or Services in question.
 - g) A new section, Section 13.0 "Cancellation of Solicitations" was included to allow Administration to cancel a solicitation if:
 - 1. Costs exceed the approved funding;

2. That, in the opinion of the Department Manager, changes in the scope of work or other requirements are necessary;
3. The Goods and/or Services no longer meet the Department's requirements;
4. That, in the opinion of the General Manager, the integrity of the procurement process was compromised and
5. The solicitation failed to elicit competition or any qualified Proponents.

The Policy dated June 8, 2022, remained silent on ways solicitations could be cancelled.

- h) Section number 16.6 in the "Bidder Complaint Resolution" section was updated to better align with those of the County of Essex and allow greater transparency on how Administration manages bidder complaints.
- i) Section number 18.5 in the "Disposal of Surplus Assets" section allows Administration to seek quotes for the disposal of assets, rather than only having the ability to sell assets through an online classified site(s). In addition, surplus assets may, at the discretion of the GM, be offered to public sector agencies and charitable organizations within the Windsor-Essex Region prior to any public disposal procedures, donation or sale being conducted in accordance with the Policy (Section 18.3). These revisions align with the County of Essex's Procurement Policy and allow for some flexibility in the way surplus assets can be sold.
- j) Section number 19.0 includes revised language surrounding a Bidder's eligibility to bid on solicitations of the EWSWA. This section details when Administration can bar a Proponent, refuse any Bid from a Proponent, or remove a Proponent from a prequalified roster of Proponents. The significant addition includes:
 1. The EWSWA's ability to bar, refuse or remove a Proponent's Bid if the Proponent has previously provided unsatisfactory Goods and/or Services to the EWSWA, the County of Essex and/or the Corporation of the City of Windsor;
 2. If the Proponent, or an officer or director of the Proponent, is or has been engaged, either directly or indirectly through another corporation or personally, in a legal action against the EWSWA, the County of Essex and/or the Corporation of the City of Windsor, and
 3. A new section 19.4, which details the EWSWA approach to a "Buy Canada Procurement Strategy". The section was formed so

that it aligns with both the County of Essex and the Province of Ontario's Procurement Restriction Policy strategy, which details that:

- Goods and/or Services with a Dollar Value under \$353,300 or for construction projects under \$8.8M shall exclude "US businesses" from procurement in a manner consistent with the Province of Ontario's Procurement Restriction Policy, as amended.

EWSWA is, however, committed to ensuring compliance with all applicable laws. Therefore, despite the new section, the EWSWA will not conduct a procurement in any manner contrary to applicable provincial, federal, or international laws or trade agreements.

- k) Section 22.4 in the Procurement Policy and Reviews section includes a new policy that requires Administration to formally review the Policy at least every five (5) years, or sooner should it be legislatively required.
- l) Section 6.7 includes a new section "New Tariffs", which outlines how new tariffs shall be imposed on Goods and/or Services of the EWSWA. This section was formed using, in part, the County of Essex's procurement policy. In summary, the section requires the following:
 - 1. That the Supplier notify and detail how New Tariffs will impact EWSWA;
 - 2. That the Supplier identify reasonable measures on ways the impact can be mitigated through cost-effective alternatives or other alternatives;
 - 3. That the Supplier submit a proposal which outlines a recommendation, including a cost-benefits analysis and details the direct costs reasonably incurred solely due to the New Tariffs;
 - 4. That EWSWA be required to provide a written response to the Supplier, which could include procuring the Goods and/or Services subject to the Tariffs, either early or as planned, procuring from an alternative source and/or delaying the procurement; and
 - 5. That any adjustment to the Contract price related to New Tariffs be strictly limited to the actual, demonstrable, substantiated and auditable direct costs reasonably incurred by the Supplier due to the New Tariffs.

The Policy dated June 8, 2022, remained silent on ways New Tariffs are administered.

Implications of a “Buy Canada Procurement Strategy”

Through the direction of the Board and a growing response within Ontario municipalities to adopt a “Buy Canada” procurement strategy, Administration has included specific sections that address new tariffs and buying Canadian Goods and/or services. The sections align with those of the County of Essex, City of Windsor and the Province of Ontario’s recently issued Procurement Restriction Policy.

Some implications and legal risks Administration considered when including the specific “Buy Canada” sections were:

1. Whether the Policy breaches, contradicts or violates any national and international trade agreements;
2. Whether the Policy remains fair and transparent; and
3. Whether changes could impact competitive bidding.

The legal risks surrounding a “Buy Canada” policy is further summarized below:

Violation of Trade Agreements: Implementing a policy that explicitly favours Canadian goods and services over foreign alternatives could lead to challenges from foreign suppliers, potentially resulting in disputes or legal action.

Fairness and Transparency: The policy must maintain fairness in the procurement process, ensuring that all suppliers have an equal opportunity to compete. One key consideration is how to differentiate between products that are a “Product of Canada” versus those that are “Made in Canada”, as different “Made in Canada” products will have varying levels of Canadian content. Deciding how to allocate points for these distinctions could introduce fairness risks if not carefully structured. Any policy changes that could be perceived as discriminatory, such as unfairly favouring one category over another, may be contested, potentially leading to reputational damage or legal challenges.

Impact on Competitive Bidding: Policies that provide a preference for Canadian suppliers may reduce the competitiveness of the bidding process, resulting in higher costs or fewer options for the EWSWA.

For the Policy to combat and/or reduce some legal risks to the EWSWA, the following criteria/thresholds/flexibilities were included:

1. That “U.S. businesses” are excluded from procurements when procuring Goods and/or Services with a dollar value under \$353,300 or construction projects under \$8.8m. The dollar thresholds were strategically set so that the Comprehensive Economic and Trade Agreement (CETA) would not be applicable. Should CETA’s dollar thresholds change, the Policy may be required to be reviewed for ongoing compliance.
2. The policy includes several exceptions, for when the Buy Canada policy may not apply, and they include:
 - a. Situations where no viable alternative suppliers exist and procurement cannot be delayed;
 - b. Cases where the procurement is conducted under existing vendor-of-records arrangements; and
 - c. An overarching commitment to comply with trade agreements and other legal obligations.

“U.S. businesses” is defined by the Province of Ontario as a supplier, manufacturer or distributor of any business structure (including sole proprietorship, partnership, corporation or other business structure) that:

1. Has its headquarters or main office located in the U.S. and
2. Has fewer than 250 full-time employees in Canada at the time of the applicable procurement process

It is the Administration’s position that the recommended changes to the Policy allow EWSWA to incorporate a “Buy Canada” procurement strategy while ensuring EWSWA remains in compliance with existing trade agreements, remains open, fair and transparent, and secures the best value for EWSWA.

Financial Implications

At the time of this report, the EWSWA has not been directly impacted by new tariffs; however, Administration will continue to monitor the evolving situation and make recommendations for adjustments to the 2026 Budget if necessary. The overall financial impact due to changes to the Policy is not anticipated to impact the 2025 Budget; however, Administration will ensure that any financial impact has been contemplated and included as part of the 2026 Budget.

Recommendation

That the Board ***approve*** the revised Procurement Policy EW-008.

Submitted By

A handwritten signature in blue ink that reads "Steffen Brisebois". The signature is written in a cursive, flowing style.

Steffan Brisebois, Manager of Finance and Administration

Attachment:

- Procurement Policy EW-008, revised July, 2025



Essex-Windsor Solid Waste Authority Policy Manual

Procurement Policy

Policy Number:	EW-008
Approved by:	Essex-Windsor Solid Waste Authority Board
Department:	All Departments
Date Approved:	Click or tap to enter a date.
Effective Date:	Click or tap to enter a date.
Last Revision Date:	2022-06-07

1.0 POLICY PURPOSE

The purpose of this Procurement Policy (the "Policy") is:

- 1.1** To ensure all procurement matters, including, but not limited to publicly funded purchases of Goods and Services, construction projects, and the disposal of surplus assets of the Essex-Windsor Solid Waste Authority (the "EWSWA"), are handled through a process that is open, fair, and transparent, and that is in compliance with current best practices in public procurement;
- 1.2** To protect the interests of EWSWA, the public, and persons participating in the procurement process, by providing a clear statement of how Goods and Services will be procured;
- 1.3** To maintain the integrity of the procurement process by ensuring that, whenever possible, procurement processes are managed consistently and competitive methods of procurement are being used to attempt to secure the best value for EWSWA;
- 1.4** To clearly define the circumstances in which non-competitive procurement processes may be used;

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- 1.5 To clearly define the roles and responsibilities of EWSWA, its staff, and any other person or entity involved at any stage of the procurement process;
- 1.6 To outline the process for co-operative purchasing; and
- 1.7 To outline the process for disposing of surplus goods.

2.0 POLICY STATEMENT

The procurement policy of the Essex-Windsor Solid Waste Authority is as follows:

- 2.1 To acquire and dispose of Goods and Services in an efficient and cost-effective manner having regard to the objectives of openness, fairness and transparency in procurement while ensuring EWSWA's operational requirements are always met;
- 2.2 To ensure compliance with the Trade Agreements and applicable laws;
- 2.3 To procure necessary Goods and Services with due regard to the preservation of the natural environment.
- 2.4 To develop, support and promote the highest professional standards in order to serve the public good; and
- 2.5 To comply with and incorporate the requirements of the Accessibility for Ontarians with Disabilities Act, 2005, S.O.2005, c.11 (the "AODA"), as amended, in the procurement process of EWSWA.

3.0 GENERAL TERMS

- 3.1 Application. This policy applies to all procurements and/or disposal of surplus assets, except for the items listed in **Schedule "B"** (Exclusions from Policy Procurement Rules), appended to this Policy.
- 3.2 Definitions. In this Policy, terms first appearing in bold, shall have the meanings assigned to them, or as defined and listed in Schedule "A" (Definitions), appended to this Policy.
- 3.3 General Responsibilities. Anyone conducting a procurement and/or a disposal of surplus asset on behalf of EWSWA must comply with the

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Policy and any related procedures that may be implemented from time to time.

- 3.4** Role of the Board. It is the role of the Board to develop and evaluate the policies of EWSWA and to ensure that policies, practices and procedures and controllership policies, practices and procedures are in place to implement decisions of the Board. The Board may delegate responsibilities to officers and employees of EWSWA as the Board deems appropriate, whether through policy or otherwise. Including responsibilities with respect to procurement and/or the disposal of surplus assets, but with the Board being able to set such conditions and limits of that delegation as the Board considers appropriate, and with the Board being able to modify or revoke the delegation at any time.
- 3.5** General Manager (GM) Responsibilities. The GM is the officer responsible for exercising general control over the activities contemplated by this policy, including ensuring officers, employees and other persons conducting procurements and/or disposing of surplus assets on behalf of EWSWA comply with the requirements of this Policy.
- 3.6** Manager of Finance and Administration Responsibilities. The Manager of Finance and Administration is the officer delegated the responsibility for establishing procedures pursuant to this Policy. The Manager of Finance and Administration, directly or through their delegate(s), shall assist Department Managers, as appropriate, in the administration and compliance with this policy and related procedures.
- 3.7** Department Manager Responsibilities. Department Managers shall:
- a) Be responsible for all procurement activities within their service areas and ensure compliance with this policy and related procedures.
 - b) Make required reports to the Manager of Finance and Administration, the GM, the Board or any other party regarding compliance with this policy and procedures.
 - c) As necessary, delegate Approval Authority to appropriate staff while retaining the accountability for their delegates' actions.

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- d) Maintain procurement-related records.

3.8 Prohibitions. In carrying out procurement activities for EWSWA, a person must not:

- a) Circumvent the requirements of this policy including, but not limited to, biasing Specifications or scheduling events to prevent Proponents from meeting requirements, dividing purchases to avoid the requirements of the Policy by any method, which includes purchases made using Purchasing Cards;
- b) Purchase any Goods and Services through EWSWA Contracts for personal use by or on behalf of any member of the Board, employees of EWSWA and their immediate families;
- c) Provide information to one Proponent to give that Proponent an advantage over other Proponents;
- d) For procurements with a Dollar Value of \$100,000 or more, the following are strictly prohibited, unless otherwise approved by the Board:
 - Imposing a condition that, in order for a Proponent to participate in the procurement, the Proponent must have previously been awarded one or more contracts by EWSWA
 - Requiring prior experience where it is not essential to the procurement
 - Favouring Goods or Services of a province or region

3.9 Failure to Abide by the Policy Any person who fails to act in accordance with the provisions of the policy, may be subject to appropriate disciplinary action up to and including, for employees, termination of employment.

4.0 PROCUREMENT APPROVAL AUTHORITY

4.1 Funds Must Be Available. Any person delegated Approval Authority shall ensure that, prior to engaging in any procurement activity, an approved budget exists to cover the Dollar Value of the proposed procurement and resulting Contract. In the case of multi-year

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Contracts involving operating funds, the funding for future years of the Contract can reasonably be expected to be made available if the funding is included in the current year's approved operating budget and is based on a multi-year forecast, subject to confirmation from the Manager of Finance and Administration. In the case of amendments to a contract requiring additional funds be applied to the original contract value, the additional funds must not exceed fifty (50) percent of the original contract value, unless written authorization is provided by the GM. Additionally, the Approval Authority for any amendment is determined by the revised total contract value.

- 4.2** Levels of Approval Authority. Procurement approvals must be obtained from the designated Approval Authority, or their duly appointed delegate, for the following: (i) for the procurement, prior to releasing an RFX or publishing a tender notice (whichever is earlier); (ii) for the Contract, prior to releasing the proposed contract or Purchase Order (PO) to any Proponent; and (iii) For any amendment to, or assignment of, a Contract. Only the GM or delegate shall have the authority to approve terminating a Contract previously awarded by the Board and any other Contract.
- 4.3** Delegation of Signing Authority. The GM or a Department Manager may designate a person(s) within the Department who are authorized to sign-off on financial and procurement transactions on accounts attributed to the Department in absence of the Department Manager. Authorized person(s) must be deemed appropriate by the General Manager.
- 4.4** Procurement and Contracting Approvals Based on Dollar Value. Unlike the authority to commit funds in a budget, the procurement Approval Authority is based on the Dollar Value of the procurement or Contract as determined in accordance with Part 5 (Determining the Dollar Value). If, after a procurement process is completed and actual prices are known, it is determined that the Dollar Value of the Contract is elevated into the higher level of Approval Authority, then higher level Approval Authority shall be the Approval Authority for subsequent approvals and signatures.
- 4.5** Delegation of Approval Authority. Delegation of an approver's Approval Authority may be made as deemed appropriate by the General Manager. The General Manager's Approval Authority may

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only be delegated to the Manager of Finance and Administration. Approval Authorities may not be sub-delegated.

- 4.6** GM Must Seek Board Approval. The GM must seek Board approval prior to an award of Contract if: (a) the value of the Bid or the aggregate cost of a project is in excess of the Board approved budget by greater than ten (10) percent; (b) there is a legislative or policy requirement for Board approval; (c) if there is an irregularity in a material procurement; or (d) for any other reason the GM deems appropriate.
- 4.7** Summary Table of Approval Authority. The following table indicates the Approval Authority for a procurement as well as the persons having the authority to approve and execute contracts and related documentation in accordance with this Policy.

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SUMMARY TABLE OF PROCUREMENT APPROVAL AUTHORITY

Type of Procurement	Dollar Value (exclusive of taxes) ⁽⁵⁾	Approval Authority ⁽¹⁾		
		Procurement Strategy ⁽²⁾	Final RFx Document (2), (3)	Contracts and Related documentation – (approval and signature) ⁽²⁾
Direct Purchase Petty Cash	Under \$100	N/A	N/A	Department Manager or Delegate <i>See Note (2)(5)</i>
Direct Purchase Purchase Order Contract	Under \$5,000	Department Manager or Delegate	N/A	Department Manager <i>See Note (2)</i>
Competitive or Direct Purchase Informal Request for Quotations	\$5,001 up to \$15,000	Department Manager or Delegate	Department Manager or Delegate	Co-signed by Department Manager and Manager of Finance and Administration <i>See Note (4)</i>
Competitive or Direct Purchase Informal Request for Quotations	\$15,001 up to \$50,000	Department Manager or Delegate	Department Manager and Manager of Finance and Administration	Co-signed by Department Manager and GM <i>See Note (4)</i>
Competitive or Direct Purchase Formal Request for Quotations	>\$50,001 up to \$100,000	Department Manager and Manager of Finance and Administration	Department Manager and Manager of Finance and Administration	Co-signed by Department Manager and GM <i>See Note (4)</i>
Competitive or Direct Purchase Public Tendering (RFPQ, RFP, RFT, RFSO)	>\$100,001	Department Manager and Manager of Finance and Administration	Department Manager and Manager of Finance and Administration with co- signature of the GM	Co-signed by Chair and GM <i>See Note (4)</i>

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Notes:

- (1) Regardless of the Approval Authority set out in the summary table the General Manager can override the decisions made by all other Approval Authorities, if necessary.
- (2) The Department Manager may delegate their Approval Authority so long it follows Part 4. Approval Authorities may not be sub-delegated.
- (3) Competitive solicitation documents must be approved prior to public posting or release to bidders.
- (4) Contract must not be approved and signed by the same person that conducted the competitive solicitation process unless there is a co-signer. If the delegation designates that same person to approve and sign the contract, then to resolve the conflict, the contract should be approved by the higher-level Approval Authority. For example, if Department Manager ran a RFQ-F procurement directly, then the GM should approve and co-sign the final contract.
- (5) Approval and/or signature of the Board must be sought for contracts and related documentation that exceed a value of \$100,000 for sole-sourced purchases from a non-Canadian company, where there may be an alternative Canadian company.
- (6) Approval and/or signature of the Board must be sought for contracts and related documentation that exceed a value of \$100,000.

5.0 DETERMINING THE DOLLAR VALUE

The Dollar Value is EWSWA's estimated value, exclusive of taxes, of the requirement determined as set out in this Part. When estimating the Dollar Value of a procurement, EWSWA must:

- 5.1** Include the estimated maximum total cost of the contract, total value of the procurement over the entire duration of the Contract(s), including optional years, and all forms of remunerations including premiums, disbursements, fees, commissions, and interest. For greater clarity, travel expenses and per diems are not a "form of remuneration" unless they are included in a fixed fee contract and not reimbursed separately.
- 5.2** Include associated costs of installation, operation, maintenance, or manufacture for Goods
- 5.3** If an individual requirement for a procurement results in the award of more than one Contract, or in the award of Contracts in separate parts ("**Recurring Contracts**") the calculation of the estimated maximum total value shall be based on: (a) the value of Recurring Contracts of the same type of Good or Service awarded during the preceding 12 months, adjusted to take into account anticipated changes in the quantity or value of the Good or Service being procured over the following 12 months; or (b) the estimated value of Recurring Contracts of the same type of Good or Service to be awarded during the 12 months following the initial contract award.

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- 5.4** In the case of procurement by lease, rental or hire purchase of a Good or Service, or procurement for which a total price is not specified, the basis for valuation shall be:
- 5.4.1 in the case of a fixed-term contract:
 - (i) if the term of the contract is 12 months or less, the total estimated maximum value for its duration; or
 - (ii) if the term of the contract exceeds 12 months, the total estimated maximum value, including any estimated residual value;
 - 5.4.2 if the contract is for an indefinite period, the estimated monthly instalment multiplied by 48; or
 - 5.4.3 if it is not certain whether the contract is to be a fixed-term contract, the valuation shall be set in accordance with (ii) above.

6.0 PREPARING THE PROCUREMENT DOCUMENTS

- 6.1** Mandatory Use of Standard EWSWA Templates. Where EWSWA has implemented approved standard procurement templates and related documents ("**Standard EWSWA Template**"), such templates must be used in EWSWA contracting activities, including to prepare EWSWA procurement documents. The use of other forms of solicitation documents, agreements, templates or documents is only permitted where approved in advance by the Manager of Finance and Administration.
- 6.2** No Changes to Standard EWSWA Templates Unless Pre-Approved. No changes may be made to the Standard EWSWA Templates unless pre-approved by the Manager of Finance and Administration.
- 6.3** Responsibility for Preparing RFx and Specifications. The preparation of the RFx, Deliverables and Specifications shall be the responsibility of the originating Department working with the support of the Manager of Finance and Administration and must be approved by the appropriate Approval Authority prior to being used in a procurement process.

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- 6.4** Accessibility for Ontarians with Disabilities Act, 2005. When preparing the Specifications, the Originating Department shall be knowledgeable of the AODA and their regulations thereunder, as amended, re-enacted or replaced from time-time, and apply those requirements with respect to procuring Goods and/or Services and in the development of the Specifications, or be prepared to provide alternative accommodation for viewing drawings or other complex Specifications.
- 6.5** Consultations. When procuring Goods and/or Services that have impacts beyond the Originating Department, the Originating Department shall consult with any and all Departments that may be impacted by the procurement. Further, when acquiring Goods and/or Services that involve technology, computer hardware, and/or software, and that may impact the maintenance of records, the Originating Department shall consult with the IT Department to ensure that the procurement does not compromise the network or pose unnecessary cyber security risks and shall consult with the Manager of Finance and Administration to ensure the procurement aligns with the Record Retention Policy.
- 6.6** Mandatory Term. All Contracts must include a provision permitting EWSWA to terminate the contract for any reason upon ninety (90) days prior notice unless otherwise approved by the GM.
- 6.7** New Tariffs. When procuring Goods and/or Services that may be subject to new tariffs, taxes, duties or customs ("New Tariffs") after the bid closing, EWSWA will include in the Contract an escalation clause providing that, if the Supplier intends to request additional funds for the procurement of Goods and/or Services due to New Tariffs:
- 6.7.1 The Supplier must notify EWSWA of any price impact related to New Tariffs that have been imposed after the effective date of the Contract including a detailed description of the New Tariffs (i.e. the rates, amounts and specific products affected) as well as supporting documentation demonstrating the direct impact of the New Tariffs on the Contract.
 - 6.7.2 The Supplier must identify for EWSWA all reasonable measures that have been taken or may be taken to

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mitigate the impact of the New Tariffs on the Contract including but not limited to cost-effective alternatives, procuring the Goods and/or Services before the enactment of the New Tariffs, delaying the procurement of the Goods and/or Services or other reasonable measures.

- 6.7.3 The Supplier must submit a proposal to EWSWA, with supporting documentation, containing one or more recommendations for procuring the Goods and/or Services affected by the New Tariffs, including a cost-benefit analysis, and specifying the direct costs reasonably incurred solely due to the New Tariffs and the proposed adjustment to the Contract price associated with the Proposal. The Supplier will provide EWSWA with any additional information or documentation reasonably requested by EWSWA to consider the Proposal.
- 6.7.4 Upon receiving the Supplier's Proposal, EWSWA will provide written direction to the Supplier, which could include procuring the Goods and/or Services subject to the Tariff, either early or as planned, procuring the Goods and/or Services from an alternative source, and/or delaying the procurement. The Supplier shall issue any change order or documentation requested by EWSWA to complete or delay the procurement.
- 6.7.5 Any adjustment to the Contract price related to New Tariffs must be strictly limited to the actual, demonstrable, substantiated and auditable direct costs reasonably incurred by the Supplier due to the New Tariffs.

7.0 DETERMINING THE PROCUREMENT STRATEGY AND PERMITTED METHODS

- 7.1 Procurement Strategy. The appropriate procurement strategy, including the procurement method and contract, for a procurement will depend on whether the requirement falls under a Limited Tendering exemption listed in Part 8 (Limited Tendering / Direct Purchase) or must be competitively tendered. If the requirement

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falls under a Limited Tendering exemption, a contract negotiation may be required prior to execution of the Contract as set out in Part 12 (Negotiation of Contracts).

7.2 Procurement Methods. The following table sets out the permitted procurement methods based on the Dollar Value of the procurement.

Dollar Value ⁽¹⁾	Type of Procurement	Permitted Procurement Methods
Under \$5,000	<u>Low Dollar Value Procurements</u> Direct Purchase	<ul style="list-style-type: none">Petty Cash (up to \$100)Purchasing CardPurchase Order <u>Optional:</u> <ul style="list-style-type: none">FQ-I, RFQ-FRFPQ, RFP, RFT, RFSO
\$5,000 - \$50,000	Invitation Informal Process	<ul style="list-style-type: none">RFQ-I (\$5,000-\$50,000) <u>Optional:</u> <ul style="list-style-type: none">RFPQ, RFP, RFT, RFSO
\$50,000 - \$100,000	Competitive Process	<ul style="list-style-type: none">RFQ-F (\$50,000-\$100,000) <u>Optional:</u> <ul style="list-style-type: none">RFPQ, RFP, RFT, RFSO
>\$100,000	Open Competitive Process	<ul style="list-style-type: none">RFPQ, RFP, RFT, RFSO

Note:

(1) Procurements with a Dollar Value of over \$100,000 shall be conducted in accordance with applicable Trade Agreement requirements.

7.3 In selecting the appropriate procurement method, regard should be had to using the most efficient and effective method permitted in consideration for the time required to prepare the procurement document as compared to the Dollar Value. For example, if a Dollar Value is less than \$5,000, while not strictly prohibited, it is generally not efficient to spend resources preparing a detailed RFT-I; use of a purchasing card is more efficient and therefore more appropriate.

7.4 The Manager of Finance and Administration shall implement procedures and templates in support of the procurement methods described in this Part.

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- 7.5** Low Dollar Value Procurements: Purchasing Card, Purchase Order (under \$5,000) or Petty Cash (under \$100).
- 7.5.1 A Purchasing Card, Purchase Order, or Petty Cash (not to exceed \$100) may be used for Low Dollar Value Procurements.
- 7.5.2 Staff are encouraged to research or obtain prices from at least three (3) different Proponents prior to making purchases under \$5,000.
- 7.6** Informal Request for Quotations (RFQ-I) (\$5,000 up to \$50,000)
- 7.6.1 For procurements with a Dollar Value of \$5,000 and up to \$50,000, the originating Department may use an informal Request for Quotations ("**RFQ-I**") and conduct an Invitational Competitive Process by sending the RFQ-I to a select number of Proponents.
- 7.6.2 Staff must seek a minimum three (3) written quotes to ensure a competitive process. Department Managers may waive the requirement for three (3) quotes but will only do so where the staff has demonstrated to the satisfaction of the Department Manager that a minimum of three (3) quotes cannot be obtained.
- 7.7** Formal Request for Quotations (RFQ-F) (\$50,000 up to \$100,000)
- 7.7.1 For procurements with a Dollar Value of \$50,000 and up to \$100,000, the originating Department may use a formal Request for Quotations ("**RFQ-F**") and conduct an Invitational Competitive Process by sending the RFQ-F to a select number of Proponents. The RFQ-F is a short solicitation document and seeks a price quote from the bidder rather than a formal written proposal.
- 7.7.2 Staff must seek a minimum three (3) written quotes to ensure a more competitive process. Department Managers may waive the requirement for three (3) price quotes but will only do so where the staff has demonstrated to the satisfaction of the Department Manager that a minimum of three (3) quotes cannot be obtained.

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7.8 Request for Tenders (RFT) (>\$100,000)

- 7.8.1 An RFT is used when EWSWA is seeking the lowest cost proposal and the Specifications for Goods or Services is sufficiently detailed so as to allow a bidder to compete for the Contract based on price alone.

7.9 Request for Proposals (RFP) (>\$100,000)

- 7.9.1 The RFP is the preferred method of procurement where:
(a) EWSWA is looking for the best value proposal, meaning the decision on preferred Proponent, Goods or Services is not based solely on the lowest priced Goods or Services; (b) the Specifications are not so detailed as to allow for an evaluation on price alone; (c) when solutions are being sought to perform a certain function or service.

7.10 Request for Standing Offer (RFSO) or Standing Arrangement (RFSA)

- 7.10.1 The RFSO is a procurement method that results in a Standing Arrangement with the winning Proponents. A **"Standing Arrangement"** means an arrangement with a Proponent(s) under which a procuring entity may buy, but is not *committed* to buy, Goods or Services from the Proponent(s) over a period specified in the arrangement. Contrary to the RFPQ, the arrangement includes all terms applicable to the procurement, such as the cost of the Good or Service and delivery requirements.
- 7.10.2 An RFSO may be used where the anticipated need for Goods or Services is inconsistent but recurring (such as for office supplies or other consumables, services such as tree trimming, etc.) and EWSWA wishes to consolidate all such recurring purchases under single or several Proponents, if that is deemed more favourable and beneficial to EWSWA, in order to secure the best prices over the term of the resulting Standing Arrangement.
- 7.10.3 In each RFSO or RFSA, EWSWA must indicate how subsequent purchases will be made from a Proponent under a Standing Arrangement. For example, if three (3)

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separate Proponents will be contracted with under a Standing Arrangement, also called a “standing offer agreement”, the RFSO or RFSA must indicate if the Proponents will be called upon to supply the Goods or Services on a rotational basis, whether there will be quotes requested from each Proponent prior to a decision being made on who will supply the Goods or Services, whether a Proponent will be given the right of first refusal over all requirements over other Proponents, or any other approach EWSWA may deem advisable and appropriate in its absolute discretion.

- 7.10.4 Purchase commitments under a RFSO or RFSA are only made upon the issuance of a Purchase Order or call-up made pursuant to the terms of the Standing Arrangement.

7.11 Prequalification of Proponents (RFPQ)/Selective Tendering (Rostering)

- 7.11.1 EWSWA may elect, in certain circumstances to maintain a list of prequalified Proponents of Goods or Services on a roster.
- 7.11.2 Rosters shall be maintained for a term not to exceed three (3) years at which the department shall issue a RFPQ to establish a new roster.
- 7.11.3 Prequalification of Proponents should be considered in the following circumstances:
 - a) there is a business need to ensure Proponents have the capacity to perform the work as a condition of participating in a RFx process and there could be a substantial impact on EWSWA operations if the work is not satisfactorily performed the first time;
 - b) where the requirement for the specific Goods or Services often arise unexpectedly and efficiency in procurement is necessary to ensure EWSWA’s operational requirements are always met;

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- c) any other circumstances deemed appropriate by Department Manager.

7.12 Once a roster of pre-qualified Proponents of specific Goods and Services is established, there is no further requirement to publish tender notices when a requirement for those Goods or Services arise. The RFX may be submitted directly to the roster of qualified Proponents without any requirement to otherwise publish or post the RFX.

8.0 DIRECT PURCHASE

EWSWA may procure Goods and Services without a competitive process in the circumstances described below, but with all Direct Purchase procurements being justified in advance and in writing based on one of the exemptions below, or as further described in Schedule "B" appended hereto, and approved by the Approval Authority as set out in Section 4.0 (Approval Authority) of this Policy

8.1 No Compliant Bids Received: EWSWA may, provided that the procurement documents are not substantially modified, complete a Direct Purchase, if (i) no Bids were submitted or no Proponents requested participation; (ii) no Bids that conform to the essential requirements of the RFX documentation were submitted; (iii) no Suppliers satisfied the conditions for participation; or (iv) there is indicia of collusion on the submitted Bids.

8.2 Only One Supplier: EWSWA may complete a Direct Purchase if the Goods or Services being sought can be supplied only by a particular Supplier and no reasonable alternative or substitute Goods or Services exist for any of the following reasons: (i) the requirement is for a work of art; (ii) the protection of patents, copyrights, or other exclusive rights; (iii) due to an absence of competition for technical reasons; (iv) the supply of Goods or Services is controlled by a Supplier that is a statutory monopoly; (v) to ensure compatibility with existing Goods, or to maintain specialized Goods that must be maintained by the manufacturer of those Goods or its representative; (vi) work is to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work; (vii) work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor; or (viii) the

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procurement is for subscriptions to newspapers, magazines, or other periodicals;

- 8.3** Additional Deliveries: ESWWA may complete a Direct Purchase if it is for additional deliveries by the original Supplier of Goods or Services that were not included in the initial procurement, if a change of Supplier for such additional Goods or Services: (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, Services, or installations procured under the initial procurement; and (ii) would cause significant inconvenience or substantial duplication of costs for the procuring entity;
- 8.4** Commodity Market Goods: ESWWA may complete a Direct Purchase for Goods purchased on a commodity market such as electricity, postal Services, postage, water, fuel, natural gas, furnace oil;
- 8.5** Pilots and/or Prototypes: ESWWA may complete a Direct Purchase if ESWWA is conducting a pilot program or is procuring a prototype or a first Good or Service that is developed in the course of, and for, a particular contract for research, experiment, study, or original development;
- 8.6** Exceptionally Advantageous Conditions: ESWWA may complete a Direct Purchase for purchases made under exceptionally advantageous conditions that only arise in the very short-term in the case of unusual disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine purchases from regular Suppliers;
- 8.7** Winner of Design Contest: ESWWA may complete a Direct Purchase if a contract is awarded to a winner of a design contest provided that:
- 8.7.1 The contest has been organized in a manner that is consistent with this Policy, in particular relating to the publication of an RFx; and
 - 8.7.2 The participants are judged by an independent review panel with a view to a design contract being awarded to the successful Proponent.

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- 8.8** Confidential or Privileged Goods or Services: EWSWA may complete a Direct Purchase if Goods or consulting Services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, result in the waiver of privilege, cause economic disruption, or otherwise be contrary to the public interest;
- 8.9** A Matter of Urgency and/or Emergency. If strictly necessary, and for reasons of urgency and/or in the event of an emergency, the Goods or Services cannot be obtained in time, or cannot be obtained on economically viable terms, using an open competitive process, the GM and/or the Board may declare that a matter is urgent and/or an emergency and requires that a Direct Purchase be completed for the Goods and/or Services in question.
- 8.10** Dollar Value is Less than \$5,000. The Dollar Value of the procurement is less than five thousand dollars (\$5,000).
- 8.11** Written Justification Required. All Direct Purchase procurements must be justified in writing based on one of the above exemptions and approved by the Approval Authority as set out in Part 4 (Approval Authority).
- 8.12** Specific Exemption. EWSWA may complete a Direct Purchase if the purchase is specifically exempted from compliance with this Policy as provided for in Schedule "B" appended hereto.

9.0 COOPERATIVE PROCUREMENT (BUYING GROUPS)

- 9.1** A Department may participate in a Cooperative Procurement process, such as with other municipalities and/or government agencies to leverage their collective purchasing power, and/or in a procurement process administered by a Buying Group. A Department's participation in either a Cooperative Procurement process or through a Buying Group requires, in advance of participation, the appropriate approvals from the designated Approval Authority are obtained based on the anticipated Dollar Value of the procurement.
- 9.2** While participating in a Cooperative Procurement process or through a Buying Group, EWSWA shall

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- 9.2.1 To the extent practicable, EWSWA shall ensure that the procurement is carried out in a manner consistent with this Policy;
- 9.2.2 EWSWA shall publish a notice of its participation with the Buying Group on the tendering website normally used and the notice shall provide potential Proponents with information about how to participate in such Cooperative Procurement process and/or how to submit a bid to the Buying Group.

- 9.3 A Department may choose to work collectively with other local Municipalities to leverage the purchasing power. It is the responsibility of the Department to ensure the purchasing policy of the lead Municipality either meets or exceeds EWSWA's policy.

10.0 UNSOLICITED PROPOSALS

- 10.1 EWSWA may, from time to time, be approached by proactive Proponents seeking to engage EWSWA in a procurement or contract. For example, a proactive Proponent may offer to allow EWSWA to test, or pilot, a Good or Service, or suggest that EWSWA consider an innovative approach, or solution to an existing EWSWA problem.
- 10.2 Outside of any relevant RFx process, EWSWA staff may engage in discussions with potential Suppliers on opportunities that exist in the market as part of informing themselves of market changes and opportunities. Before engaging in any such discussions, however, the Proponent must always be advised that any procurement or contract can only be initiated pursuant to EWSWA's policies.
- 10.3 If an unsolicited proposal (document) is received from any potential Supplier, the unsolicited proposal should be forwarded to the Manager of Finance and Administration and the appropriate EWSWA Department Manager. The Department Manager shall first assess such proposals on the basis of whether they align with EWSWA's strategic goals and objectives, do not circumvent EWSWA's regular procurement processes, and the proposal's scale and scope align with the requirements and funding ability of EWSWA.

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- 10.4** If it is determined that there is a legitimate need for the Goods or Services offered by way of an unsolicited proposal, then the procurement process shall be conducted in accordance with this policy.

11.0 PUBLISHING TENDER NOTICES / ADVERTISING OPPORTUNITIES

- 11.1** All RFx notices and Open Competitive Processes exceeding a Dollar Value of \$100,000 shall be advertised using a tender notice.
- 11.2** Each tender notice must be in the form prescribed by the Trade Agreements and advertised on the tendering website authorized by the GM for posting tender notices, from the date that the RFx is issued up to and including the date on which the RFx closes.
- 11.3** Advertising opportunities are posted on EWSWA's website or any other website deemed appropriate by the GM.

12.0 NEGOTIATION OF CONTRACTS

- 12.1** EWSWA may only conduct negotiations if:
- 12.1.1 There is a Direct Purchase made in accordance with Section 8.0 (Direct Purchase) of this Policy above;
 - 12.1.2 There is only one submission received;
 - 12.1.3 The highest evaluation score or lowest compliant bid exceeds the Board Approved Budget; or
 - 12.1.4 EWSWA has indicated its intent and ability to conduct negotiations in the Tender Notice or the RFx.
- 12.2** EWSWA shall ensure that any elimination of bidders participating in negotiations is carried out in accordance with the evaluation criteria set out in the Tender Notice, RFx documentation, this Policy, and any applicable procedures, and/or Standard EWSWA Template.
- 12.3** In the course of negotiations, EWSWA shall not give an unfair advantage to, or discriminate against, a bidder.

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12.4 Negotiation of Direct Purchase Contract:

- 12.4.1 Unless otherwise approved by the GM, EWSWA shall use EWSWA's Standard EWSWA Template form of agreement as the basis of any contract negotiation of a Direct Purchase Contract.
- 12.4.2 Only the GM may authorize changes to the terms in the Standard EWSWA Template agreements.

13.0 CANCELLATION OF SOLICITATIONS

13.1 The GM shall be, and is, authorized to cancel any Solicitation where:

- 13.1.1 There is a request to do so by the Department Head for whose Department the Solicitation was initiated, where the costs submitted by Proponents exceeds the funding provided for in the EWSWA Approved Budget;
- 13.1.2 In the opinion of the Department Head for whose Department the Solicitation was initiated:
 - a) A change in the scope of work or other Solicitation requirements are necessary and therefore a new Solicitation should be issued; or
 - b) The Goods and/or Services identified in the Solicitation no longer meet the Department's requirements.
- 13.1.3 In the opinion of the GM the integrity of the procurement process has been compromised and cannot be remedied without cancelling the Solicitation; or
- 13.1.4 The Solicitation has failed to elicit competition or any qualified Proponent.

14.0 EWSWA TO EXECUTE CONTRACTS AND RELATED DOCUMENTATION

- 14.1** Only the designated Approval Authority may execute Contracts and related contract documents on behalf of EWSWA.

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- 14.2** If an amendment to a Contract increases the Dollar Value and Approval Authority, then the higher level Approval Authority is required to approve and sign that amendment, and any further amendments and contract documents relating to that Contract.

15.0 BIDDER DEBRIEFING (>\$100,000)

- 15.1** If requested, EWSWA shall offer debriefs to unsuccessful bidders of a competitive process providing bidders with an explanation of the reasons why the procuring entity did not select its tender. The debriefing shall include the Department Manager. The debrief session may be held in person, by telephone, by videoconference or by other electronic means that permits all parties to be heard.

16.0 BIDDER COMPLAINT RESOLUTION

- 16.1** EWSWA encourages the use of open and competitive procurement processes and the objective and equitable treatment of all Proponents.
- 16.2** Any Proponent that wishes to challenge or is otherwise aggrieved by a decision made by EWSWA, its staff or the Board under this Policy is required to provide a written complaint to EWSWA, within five (5) business days of the date of the award or other decision.
- 16.3** Jointly the Manager of Finance and Administration and applicable Department Manager shall respond to the complaint within ten (10) working days.
- 16.4** In the event the Proponent is not satisfied with the response provided, they can request a meeting with EWSWA. The Proponent's request shall be in writing and shall provide a detailed statement of the grounds of the complaint, including copies of relevant documents, and identify the form of relief requested.
- 16.5** If no resolution satisfactory to both parties has been achieved, the Proponent will have three (3) business days from the date of the meeting with EWSWA to make a formal written request to meet the Department Manager, the Manager of Finance and Administration or the GM regarding the Proponent's complaint. The written request for a meeting pursuant to this section 16.5 shall include the following information:

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- 16.5.1 A specific description of each act or omission alleged to have materially breached the procurement process provided for in this Policy;
 - 16.5.2 A specific identification of the provision(s) in this Policy, the Solicitation, or procurement procedure that is alleged to have been breached;
 - 16.5.3 A precise statement of the relevant facts;
 - 16.5.4 An identification of the issues to be resolved;
 - 16.5.5 The aggrieved Proponent's arguments, including any relevant supporting documentation; and
 - 16.5.6 The aggrieved Proponent's requested remedial action.
- 16.6** The Department Manager, Manager of Finance and Administration, and GM will provide the aggrieved Proponent with a final decision in regarding the complaint in writing, and which response EWSWA will endeavour to provide within ten (10) business days, and which decision, following any required consultation with the Legal, may:
- 16.6.1 Dismiss the aggrieved Proponent's complaint, either in whole or in part; or
 - 16.6.2 Accept the aggrieved Proponent's complaint, either in whole or in part, as being valid and direct the GM to take appropriate remedial action, including, but not limited to, rescinding the award of any Contract, cancelling the Solicitation, and declaring that a fresh Solicitation is to be posted.

17.0 CONTRACT MANAGEMENT

17.1 Responsibility for Managing the Contract

- 17.1.1 Each Department Manager or their delegate (the "**Contract Manager**") is responsible for ensuring all Contract requirements are satisfied by the Proponent throughout the term, including ensuring bonds and insurance certificates, WSIB, or any specified license requirements, are provided as required by the Contract.

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- 17.1.2 The Contract Manager must ensure proper oversight of the Proponent and proper inspection of Goods and Services throughout the Contract term, promptly report and address deficiencies in performance and keep records of Proponent performance.
- 17.1.3 All Contract documentation must be maintained in a central location in accordance with EWSWA's records management and retention policies.
- 17.1.4 As a condition of paying for Goods and Services: (a) Department Managers or their delegate must ensure and certify that Goods and Services supplied by a Proponent conform with the requirement of the Contract; and (b) that invoices are made in accordance with provisions of the Contract

17.2 Performance Evaluation

- 17.2.1 At the completion of every Contract where the documents identified a performance evaluation review will be performed for Goods or Services, the Department Manager should complete a Proponent performance evaluation ("**Performance Evaluation**"). Such evaluation must be kept in accordance with EWSWA's records management and retention policies and be available to review.
- 17.2.2 Documented poor performance or non-performance on any EWSWA Contract should be reported to the Manager of Finance and Administration and may be used to determine the eligibility of a Proponent to (a) continue to provide Goods or Services to EWSWA on a current Contract; (b) remain a qualified Proponent; and (c) participate in future procurements as set out in Part 19 (Bidder Eligibility).

18.0 DISPOSAL OF SURPLUS ASSETS

- 18.1** Department Managers may submit to the Manager of Finance and Administration from time to time and upon request, a list of furniture, vehicles, equipment, stocks and other assets, which are

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obsolete, damaged or surplus to that Department 's needs ("**Surplus Assets**").

- 18.2** All Surplus Assets shall first be offered to other Departments within EWSWA. Upon this first step, surplus assets to be offered outside EWSWA must be approved by the Manager of Finance and Administration.
- 18.3** All Surplus Assets not required by any other Department within EWSWA may, at the discretion of the GM, be offered to public sector agencies, and charitable organizations within the Windsor-Essex Region prior to any public disposal procedure, donation or sale being conducted in accordance with this Policy.
- 18.4** Surplus assets may be donated to non-profit agencies or non-profit institutions for educational or teaching purposes only. Donated items shall not be re-sold.
- 18.5** Department Managers shall have the authority to trade in, sell or dispose of all Surplus Assets, by seeking quotes, or public auction through the municipal website or any other online classified site(s).
- 18.6** Surplus Assets which require special training and/or licensing to operate, buy, or sell, may result in the Manager of Finance and Administration, requiring in its sole and absolute discretion, proof of a Proponent having all necessary licenses, training, etc. before a sale is completed to the said Proponent. Should a Proponent be unable to unwilling to provide the documentation required by the Manager of Finance and Administration, the Proponent may be excluded from opportunity to purchase the Surplus Assets, again, at the sole and absolute discretion of the Manager of Finance and Administration.
- 18.7** The respective Department shall be credited with the net proceeds, if any, from the disposal of its Surplus Assets unless otherwise agreed.
- 18.8** Surplus Assets with an estimated value >\$1,000 shall not be sold directly to an employee or to a member of the Board, although this does not prohibit any employee or member of the Board from purchasing Surplus Assets being sold through a public process.

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- 18.9** Surplus Assets with an estimated value <\$1,000 shall not be sold directly to an employee or to a member of the Board without the approval of the General Manager.
- 18.10** This Policy does not apply to the disposal of those Surplus Assets described in Schedule "B" appended to this Policy.

19.0 BIDDER ELIGIBILITY

- 19.1** Without limiting or restricting any other right or privilege of EWSWA and regardless of whether or not a Bid otherwise satisfies the requirements of an RFx, EWSWA may bar a Proponent, refuse any Bid from a Proponent, or remove the Proponent from a prequalified Proponent list where:
- 19.1.1 The Proponent has previously provided unsatisfactory Goods and/or Service to EWSWA, the Corporation of the County of Essex and/or the Corporation of the City of Windsor, which has been documented as part of the Performance Evaluation provided for in Section 17.1.2 of this Policy;
 - 19.1.2 The Proponent has officers, directors, or key employees, who have been affiliated with a Proponent that has been prohibited from bidding based on the Performance Evaluation provided for in Section 12.2 of this Policy;
 - 19.1.3 The Proponent, or an officer or director of the Proponent, is or has been engaged, either directly or indirectly through another corporation or personally, in a legal action against EWSWA, the Corporation of the County of Essex and/or the Corporation of the City of Windsor, EWSWA's elected representatives, EWSWA's appointed officers, and/or EWSWA's staff in relation to:
 - a) Any other Contract;
 - b) Any matter arising from EWSWA's exercise of its powers, duties, or functions; or
 - c) A dispute and/or an appeal of the award of a Contract by EWSWA to another Proponent.

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In determining whether or not to reject a Bid under this clause (a), EWSWA will consider, in its sole and absolute discretion, whether the litigation is likely to affect the Proponent's ability to work with EWSWA, its consultants, and/or representatives, and with EWSWA's experience with the Proponent indicates that EWSWA is likely to incur increased staff and/or legal costs in the administration of the Contract if it is awarded to the Proponent;

19.2 There is supporting evidence that the commercial integrity of the Proponent has been impaired by the act(s) or omission(s) of such Proponent including but not limited to any one or more of the following having occurred within the five (5) year period immediately preceding either the date on which the RFx is released or while the Proponent is on the prequalified Proponent list:

- 19.2.1 EWSWA commenced litigation against the Proponent for wrongdoing;
- 19.2.2 act(s) or omission(s) resulting in a claim by EWSWA under any security submitted by the Proponent on a RFx, including but not limited to a Bid bond, a performance bond, or warranty bond;
- 19.2.3 the failure of the Proponent to pay, in full, all outstanding payments (and, where applicable, interest and costs) owing to EWSWA by such Proponent, after EWSWA has made demand for payment of same;
- 19.2.4 the Proponent's refusal to follow reasonable directions of EWSWA or to cure a default under any Contract with EWSWA as and when required by EWSWA;
- 19.2.5 the Proponent's refusal to enter into a Contract with EWSWA after the Proponent's Bid has been accepted by EWSWA;
- 19.2.6 poor performance of a Proponent, including the Proponent's refusal to perform or to complete performance of a Contract with EWSWA;
- 19.2.7 The Proponent has threatened, intimidated, harassed, or otherwise interfered with an attempt by any other prospective Proponent to submit a Bid to EWSWA or to

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perform a Contract awarded by EWSWA to another Proponent;

- 19.2.8 The Proponent has threatened, intimidated, harassed, assaulted, and/or otherwise improperly interfered with an official, employee, representative, agent, independent consultant, and/or contractor of EWSWA in the performance of their duties, or in any way attempted to improperly influence such persons;
- 19.2.9 the Proponent having discussed or communicated, directly or indirectly, with any other Proponent or their agent or representative about the preparation of the Proponent's Bid including, but not limited to, any connection, comparison of figures or arrangements with, or knowledge of any other Proponent making a Bid for the same work except in the instance of a joint venture Bid where one is permitted;
- 19.2.10 the Proponent having unlawfully or unreasonably threatened, intimidated, harassed, assaulted or committed battery against, or otherwise interfered with an official, employee, representative, agent or independent consultant or contractor of EWSWA in the performance of his or her duties or in any way attempted to influence such persons;
- 19.2.11 the Proponent having on one or more occasions, in the performance of a Contract with EWSWA, deliberately, with willful blindness or negligence, save and except an inadvertent error corrected to the satisfaction of EWSWA within a reasonable time, as determined by EWSWA:
 - a) over-billed, double-billed and/or retained a known over-payment, or has failed to notify EWSWA of an over-payment or duplicate payment;
 - b) billed for items not supplied;
 - c) billed for items of one grade, while supplying items of an inferior grade;

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- d) made a misrepresentation as to the quality or origin of Goods, their functionality or suitability for a purpose, or their performance characteristics;
 - e) submitted false or misleading information to EWSWA;
 - f) acted in conflict with EWSWA's interests;
 - g) misappropriated any property or right of EWSWA, in any form; or
 - h) Committed any other form of deceptive practice, that in the sole and absolute discretion of EWSWA, would impair the commercial relationship to the degree that EWSWA will have difficulties working with the Proponent.
- 19.2.12 any other act or omission by the Proponent that EWSWA deems to impair the commercial relationship between EWSWA and the Proponent to the degree that working with the Proponent is not in the best interests of EWSWA.
- 19.2.13 Further to the provisions of Section above, and without limiting or restricting any other right or privilege of EWSWA, and regardless of whether or not a Bid otherwise satisfies the requirements of a Solicitation, EWSWA may, through the written decision of the GM in consultation with legal, bar a Proponent, refuse any Bid from a Proponent, or remove a Proponent from a prequalified roster of Proponents where there is supporting evidence that it would not be in the best interests of EWSWA to enter into a Contract with the Proponent, including but not limited to:
- a) the conviction of that Proponent or any person with whom that Proponent is not at arm's length within the meaning of the Income Tax Act (Canada) of an offence under any taxation statute in Canada;
 - b) The conviction or finding of liability of that Proponent, whether in Canada or elsewhere, and

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whether of a civil, quasi-criminal or criminal nature, of moral turpitude, including, but not limited to, fraud, theft, extortion, threatening, influence peddling, and/or fraudulent misrepresentation;

- c) the conviction or finding of liability of that Proponent under any environmental Legislation, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that Proponent for the environmental well-being of the communities in which it carries on business;
- d) the conviction or finding of liability of that Proponent relating to product liability or occupational health or safety, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that Proponent for the health and safety of its workers or customers;
- e) the conviction or finding of liability of that Proponent under the financial securities Legislation whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that Proponent for its stakeholders.
- f) There is supporting evidence that the Proponent has been declared bankrupt or is insolvent.

19.3 For the purposes of this Part, a reference to a Proponent shall also include: an officer, a director, a majority or controlling shareholder, or a member of the Proponent, if a corporation; a partner of the Proponent, if a partnership; any corporation to which the Proponent is an affiliate of or successor to, or an officer, a director or a majority or controlling shareholder of such corporation; and any person with whom that the Proponent is not at arm's length within the meaning of the *Income Tax Act* (Canada).

19.4 Buy Canada Procurement Strategy. When procuring Goods and/or Services with a Dollar Value under \$353,300.00 or for

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construction projects under \$8,800,000.00, EWSWA will exclude "U.S. businesses" from procurements in a manner consistent with the Province of Ontario's Procurement Restriction Policy ("PRC"), as amended. For clarity, EWSWA is committed to ensuring compliance with all applicable laws. Therefore, despite this section and the PRC, EWSWA will not conduct a procurement in any manner contrary to applicable provincial, federal, or international laws or trade agreements.

20.0 EMPLOYEE CONFLICTS OF INTEREST

- 20.1** No EWSWA Board members, appointed officer, or employees of EWSWA shall have an interest, either directly or indirectly, in any in any competitive Bid or Contract of EWSWA, unless such interest has been declared and such employee is excluded from involvement with the procurement decisions related to the Contract, or unless such interest is exempted pursuant to the provisions of the Municipal Conflict of Interest Act, as amended.
- 20.2** Employees must declare any pecuniary interest, either direct or indirect, in writing to their Department Manager, Manager of Finance and Administration or GM indicating the specific nature of the conflict and shall be excluded from any involvement with the procurement of such Goods and/or Services.

21.0 STATEMENT OF ETHICS FOR PUBLIC PROCUREMENT

- 21.1** The following ethical principles **shall** govern the conduct of every EWSWA employee delegated with the authority to procure.
- 21.1.1 EWSWA's employees must conduct themselves with the utmost integrity in carrying out their duties as public servants including avoiding any apparent, potential and actual conflicts of interest.
- 21.1.2 Every EWSWA employee shall abide by the highest ideals of honour and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
- 21.2** Employee's responsibility to EWSWA:

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- 21.2.1 Follow the lawful instructions, by-law, policies and procedures of EWSWA.
- 21.2.2 Understand the limits of the authority granted by EWSWA.
- 21.2.3 Avoid activities which would compromise or give the perception of compromising the best interest of EWSWA and the public.
- 21.2.4 Obtain the maximum benefit for funds spent as agents for EWSWA.

21.3 Employees' relationship with Proponents:

- 21.3.1 Maintain and practice, to the highest degree possible, business ethics, professional courtesy and competence in all transactions.
- 21.3.2 Undertake all purchasing activities without positive or negative bias.
- 21.3.3 Strive to obtain the maximum value for each dollar of expenditure.
- 21.3.4 Consistently reject any offer of favours, gifts, gratuities, loans regardless of the Dollar Value.
- 21.3.5 Adhere to and protect Proponents' business and legal rights to confidentiality over pricing information, trade secrets, and other proprietary information.

22.0 PROCUREMENT POLICY AND REVIEWS

- 22.1** The Manager of Finance and Administration shall from time to time and not less than once per year consult with the Department Managers to obtain feedback on this Policy.
- 22.2** Based on the consultation with Department Managers, the Manager of Finance and Administration shall prepare an annual report to the GM recommending any changes to this policy to meet the needs and requirements of EWSWA.

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- 22.3** All changes to this Policy require the approval of the Board to take effect.
- 22.4** In addition to the requirements in Sections 22.1 and 22.2 above, a formal review of this Policy shall take place at least every five (5) years, or sooner should it be legislatively required.

SCHEDULE "A" – Definitions

Words and phrases used in this Policy and related procedures have the following meanings, unless expressly stated otherwise:

"AODA" means the Accessibility for Ontarians with Disabilities Act, 2005, S.O.2005, c.11, as amended.

"Approval Authority" means the authority to approve: (i) procurements; and (ii) contract award decisions and/or the signing of contracts, including any changes to such procurements or contracts.

"Bid" means a response to a competitive Bid issued by EWSWA.

"Board" means the Board of Management of the Essex-Windsor Solid Waste Authority.

"Buying Group" means a cooperative arrangement in which individual members administer the procurement function for specific contracts for the group, and more formal corporate arrangements in which the Buying Group administers procurement for group members. Buying groups may consist of a variety of entities, including any combination of procuring entities, private sector entities, or not-for-profit organizations.

"Contract" means a written agreement for the purchase of Goods, Services, equipment or construction and includes a Purchase Order.

"Contract Manager" has the meaning assigned in Part 17 (Contract Management).

"Cooperative Procurement" means the purchase of Goods or Services as part of a Buying Group.

"Department" or **"Originating Department"** means the EWSWA department initiating the acquisition of the Goods or Services.

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"Direct Purchase" means acquiring a good or service directly from a Supplier without a competitive process.

"Dollar Value" is EWSWA's estimated value, in Canadian dollars, exclusive of taxes, of the requirement determined, as assigned in Part 5 (Determining the Dollar Value).

"Goods" includes supplies, equipment, materials, products, software, furniture, structures and fixtures to be delivered, installed or constructed.

"Invitational Competitive Process" means a general process where EWSWA acquires Goods or Services by inviting a select number of Suppliers to submit a Bid.

"Legislation" means all applicable laws, regulations, by-laws, policies and trade treaties/agreements.

"Low Dollar Value Procurements" has the meaning assigned in Part 8.1 (Low Dollar Value Procurements)

"Officer" is a high-level managerial official of EWSWA.

"Open Competitive Process" means a general process where EWSWA acquires Goods or Services by publicly advertising an invitation to Suppliers to submit a Bid.

"Petty Cash" means an accessible store of money kept by EWSWA for expenditure on Low Dollar Value items.

"Performance Evaluation" has the meaning assigned in Section 17.2

"Policy" means this procurement policy.

"Purchase Order" or **"PO"** means a written offer to procure Goods and/or Services or a written acceptance of an offer.

"Purchasing Card" means a credit card provided by EWSWA's Financial Services Department and its use is bound by the provisions of the Policy.

"Recurring Contracts" has the meaning assigned in Part 5 (Determining the Dollar Value).

"Request for Prequalification" or **"RFPQ"** means a Request for Information about Proponents to determine whether the Proponent has the capability to

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perform the contract requirements. The Request for Prequalification process is undertaken with a view to establishing a list of bidders eligible to Bid on future opportunities.

“Request for Proposals” or “RFP” means a request for Bids comprised of a technical and financial proposals that involves an evaluation of the elements in the technical proposal as well as prices.

“Request for Quotations” or “RFQ” means a request to a select class of Proponents for prices on specified Goods and/or Services and refers to a RFQ-I or RFQ-F as the context permits.

“Request for Standing Offers” or “RFSO” means a procurement document issued by EWSWA requesting pricing and details to provide certain Goods or Services on an as-required basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit. There is no obligation on the part of EWSWA to access the Goods or Services.

“Request for Tenders” or “RFT” means a request for Bids comprised of proposed prices for Goods and/or Services from Proponents, where the Goods and/or Services are specified in detail in the RFT.

“RFx” means any process inviting potential Proponents to submit Bids or information to EWSWA.

“Services” means all Services, including Construction Services, unless otherwise specified.

“Specifications” means the detailed description of, and written requirements and standards for, Goods and/or Services contained in a RFx to the extent known or available to the Department, and includes any drawings, designs and models.

“Standing Arrangement” or “RFSO” has the meaning assigned in Part 8.6 (Request for Standing Offer)

“Supplier” or “Vendor” or “Proponent” means a person who submits a response to an EWSWA solicitation for Goods or Services.

“Surplus Assets” has the meaning assigned in Section 18.0

“Tender Notice” or “Solicitation” means a document released inviting Bids, proposals, quotes, and/or tender submissions.

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“Trade Agreements” means the Canadian Free Trade Agreement (CFTA), the Canadian and European Union Comprehensive Economic and Trade Agreement (CETA), and the Trade and Cooperation Agreement between Ontario and Quebec (OQTCA), as applicable.

SCHEDULE B – Exclusions from Policy Procurement Rules

Contracts for, or payment of, the expenses, Goods or Services listed below are not subject to the competitive procurement requirements in this Policy, save and except for Part 4 (Procurement Approval Authority) and Part 19 (Employee Conflicts of Interest).

Note: Best practice ensures services are acquired through a compliant, open, fair and transparent process. Despite the exclusions provided for below, EWSWA continues to encourage all reasonable attempts be made to ensure value for money in procuring Goods and Services that are specifically excluded from this Policy.

1.0 General Exclusions: the following are excluded procurements:

- 1.1** Goods or Services financed primarily from donations that require the procurement to be conducted in a manner inconsistent with this Policy;
- 1.2** Procurements by EWSWA on behalf of an entity not covered by this Policy;
- 1.3** Procurements under a commercial agreement between EWSWA which operates sporting or convention facilities and an entity not covered by this Policy that contains provisions inconsistent with Policy.
- 1.4** Acquisition of Goods for the purpose of commercial sale or re-sale by EWSWA.
- 1.5** Surplus Assets identified by the Manager of Finance and Administration as requiring specialized training and/or licensing to operate, buy, or sell, may be offered for sale in a manner that does not comply with this Policy, should the Manager of Finance and Administration deem it in the best interests of EWSWA not to do so.

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- 2.0** Excluded Professional Services. The following Services are excluded from compliance with this Policy:
- 2.1** Health or social Services;
 - 2.2** Services that may, under applicable law, only be provided by licensed lawyers or notaries;
 - 2.3** Services of expert witnesses or factual witnesses used in court or legal proceedings; and/or
 - 2.4** Financial Services respecting the management of government financial assets and liabilities (*i.e.* treasury operations), including ancillary advisory and information Services, whether or not delivered by a financial institution.
- 3.0** Non-Procurement Transactions. The following transactions are excluded from compliance with this Policy:
- 3.1** Insurance premiums however the purchase of insurance advisory Services is not excluded.
 - 3.2** Payments of debts.
 - 3.3** Procurement or acquisition of fiscal agency or depository Services (banking Services).
 - 3.4** Any form of financial assistance, such as grants, loans, equity infusions, guarantees, and fiscal incentives.
 - 3.5** Agreements with a governmental authority or agent of government.
 - 3.6** Acquisition or rental of land, real property payments including land, buildings, leasehold interests, easements, encroachments and licenses, or the like.
 - 3.7** Insurance claims, legal settlements and grievance settlements.
 - 3.8** Binding orders, judgments or decisions of an arbitrator, tribunal or court.
 - 3.9** Refundable travel expenses.

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- 3.10** Other EWSWA and employee related expenses, such as: memberships in professional organizations (professional dues), staff attendance at seminars, testing or examination fees, and registrations for workshops, courses, training, trade shows or conferences.



**Essex-Windsor Solid Waste Authority
By-Law Number 13-2025**

**Being a By-law to Confirm the Proceedings of the Meeting of the Board
of the Essex-Windsor Solid Waste Authority**

WHEREAS by Agreement dated 18 May 1994, made between the Corporation of the County of Essex and the Corporation of the City of Windsor, the Essex-Windsor Solid Waste Authority (The Authority) was created as a joint board of management pursuant to Sections 207.5 and 209.19 of the *Municipal Act, RSO 1990, Chapter M.45* and;

WHEREAS Subsection 5.(3) of the Municipal Act, RSO 2001, Chapter 25, provides that the powers of a municipality shall be exercised by By-Law and;

WHEREAS Section 1 of the Municipal Act RSO 1990, Chapter M 46 defines a municipality as including a board, commission or other local authority exercising any power with respect to municipal affairs or purposes and;

WHEREAS it is deemed expedient that the proceedings of the Authority at this meeting be confirmed and adopted by By-Law

NOW THEREFORE the members of the Authority enact as follows:

- 1) The action of the members of the Authority in respect to each recommendation contained in the Report/Reports of the Committees and each motion and resolution passed and other action taken by the members of the Authority at this meeting is hereby adopted and confirmed as if all such proceedings were expressly set out in this by-law.
- 2) The Chair and the proper officials of the Authority are hereby authorized and directed to do all things necessary to give effect to the action of the members of the Authority referred to in the preceding section hereof.
- 3) The Chair and the General Manager of the Authority are authorized and directed to execute all documents necessary in that behalf.

**Gary McNamara
EWSWA Board Chair**

**Michelle Bishop
General Manager**

**Read a First, Second and Third Time, Enacted and Passed This 9th Day of
July, 2025.**