

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: March 23, 2026
Time: 6:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor Robert Small
Deputy Mayor Charlie Chambers
Councillor Hal Davidson
Councillor Nic Furlong
Councillor Terry McManaman
Councillor Dwayne Ripley
Councillor Kathy Wells

Staff Present Jason MacDonald, Chief Administrative Officer
Sean Payne, Marketing & Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. CALL TO ORDER

Mayor Small called the meeting to order at 6:00 p.m.

2. TERRITORIAL ACKNOWLEDGMENT

Mayor Small gave the Territorial Acknowledgement.

3. APPROVAL OF AGENDA / ACCEPTANCE OF MINUTES

3.1 Approval of Agenda

Moved By Councillor Furlong
Seconded By Deputy Mayor Chambers
To approve the agenda as circulated.

Motion Carried

3.2 Acceptance of Minutes

3.2.1 February 24, 2026, Regular Council

The Mayor called for any errors or omissions in the minutes. There being none, the minutes of the February 24, 2026, regular meeting of Council were accepted as included in the agenda package.

3.2.2 March 9, 2026, Special Council

The Mayor called for any errors or omissions in the minutes. There being none, the minutes of the March 9, 2026, special meeting of Council were accepted as included in the agenda package.

4. REQUESTS FOR DECISION

4.1 Volunteers of the Year

Moved By Deputy Mayor Chambers
Seconded By Councillor Davidson
That Council nominate Paul Cormier as the Amherst Volunteer of the Year, Arilynn Menzies as the Youth Volunteer of the Year and the Short family as the Family Volunteer of the Year to be recognized at the Nova Scotia Provincial Volunteer Awards Ceremony.

Motion Carried

4.2 Amherst Board of Police Commissioners Citizen Appointments

Moved By Councillor Davidson
Seconded By Councillor McManaman
That Council appoint Alex Harrison and Chris Johanneson to the Amherst Board of Police Commissioners effective April 1, 2026, to March 31, 2027.

Motion Carried

4.3 Planning Advisory Committee Citizen Appointment
Moved By Councillor Ripley
Seconded By Deputy Mayor Chambers
That Council re-appoint Jim Lamplugh to the Planning Advisory Committee effective April 1, 2026, to March 31, 2028.

Motion Carried

4.4 Street Light Policy
Moved By Councillor McManaman
Seconded By Councillor Furlong
That Council approve the amendments to the Street Light Policy #31600-02.

Motion Carried

4.5 Procurement Policy
Moved By Councillor Furlong
Seconded By Councillor McManaman
That Council approve the amendments to the Procurement Policy #3700-01.

Motion Carried

4.6 Performance Management and Development Policy
Moved By Councillor Wells
Seconded By Deputy Mayor Chambers
That Council approve the new Performance Management and Development Policy #04000-17.

Motion Carried

TITLE:	PERFORMANCE MANAGEMENT & DEVELOPMENT POLICY
SECTION:	HUMAN RESOURCE MANAGEMENT
POLICY NO.:	04000-17

APPROVAL DATE: _____ **CAO Signature:** _____

POLICY STATEMENT

The Town of Amherst is committed to maintaining a fair, transparent, and consistent performance management process that supports employee development, organizational effectiveness, and service excellence to our community.

Performance management is a continuous process that includes ongoing feedback, a mid-year check-in and a formal annual performance evaluation with goal setting. This process ensures employees understand expectations, receive constructive feedback, and are recognized for their contributions.

Performance management is intended to be developmental in nature while also supporting accountability for results.

PURPOSE

The purpose of this policy is to:

- Support employee growth and development.
- Strengthen accountability and service delivery.
- Provide a structured and consistent process for performance evaluation.
- Align individual performance with strategic priorities.
- Establish the link between satisfactory performance and progression through salary ranges.

SCOPE

This policy applies to all non-unionized employees of the Town. Unionized staff shall follow the terms outlined in their respective collective agreement(s).

GUIDING PRINCIPLES

Performance management activities within the Town of Amherst will be:

- Fair and objective.
- Based on documented expectations and measurable outcomes.
- Conducted consistently across departments.
- Focused on development and improvement.
- Respectful and constructive.

PERFORMANCE CYCLE

The Town of Amherst operates on an annual performance cycle, April 1 – March 31, which includes:

- Ongoing feedback throughout the year.
- A mid-year check-in completed by September 30 each year.
- A formal, comprehensive annual evaluation with goal setting completed in March each year.

SALARY PROGRESSION

Progression through the salary range is not automatic.

Employees who receive an overall performance rating of "satisfactory" or higher during their annual evaluation will be eligible to advance one step within their approved salary range, in accordance with the Town's Salary Administration Policy #04530-01.

Employees whose performance does not meet expectations will not be eligible for step progression and may be subject to a performance improvement process.

ADDRESSING PERFORMANCE CONCERNS

Performance management is intended to be a supportive and developmental process focused on clarifying expectations, providing feedback, and encouraging continuous improvement.

Managers are expected to address performance concerns in a timely and constructive manner through coaching, feedback and reasonable support.

Where performance deficiencies are significant, ongoing, or unresponsive to feedback, or where employee conduct concerns arise, the matter may be addressed in accordance with the Town's Corrective Action Policy and procedure.

The performance management process is separate from, but may inform, corrective or disciplinary action where appropriate.

CONFIDENTIALITY

Performance evaluations, mid-year check-ins, and related documentation are confidential personnel records.

Information contained within performance management documents will be:

- Maintained securely with Human Resources.
- Accessible only to the employee, their manager, Human Resources, and senior leadership as required.
- Disclosed only in accordance with applicable legislation, including the Municipal Government Act and the Freedom of Information and Protection of Privacy Act.

Managers and employees are expected to treat performance discussions and documentation with discretion and professionalism.

APPEALS PROCESS

Employees who disagree with their evaluation may submit a written response to be attached to the evaluation.

ROLES AND RESPONSIBILITIES

Role	Responsibilities
Chief Administrative Officer	The CAO will: <ul style="list-style-type: none"> a. Ensure consistent application across the organization. b. Review and approve evaluations as required.
Directors/Managers	Directors/managers will: <ul style="list-style-type: none"> a. Set clear performance expectations and goals. b. Provide ongoing coaching and timely feedback. c. Conduct and document annual evaluations and mid-year check-ins. d. Address performance concerns promptly and appropriately. e. Apply the process fairly and consistently.
Human Resources	Human resources staff will: <ul style="list-style-type: none"> a. Develop and maintain performance management tools and procedures. b. Monitor compliance and support consistency across departments. c. Maintain all official performance documentation.
Employees	Employees will: <ul style="list-style-type: none"> a. Understand and work toward established performance expectations and goals. b. Actively participate in performance discussions. c. Seek clarification and support when needed. d. Take responsibility for their performance and professional development.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
New Policy	Director, Human Resources	Council	

Minutes Reference Date:

**4.7 Inquiries from Council Policy
 Moved By Councillor Ripley
 Seconded By Councillor Wells
 That Council approve the amendments to the Inquiries from Council Policy
 #10350-05.**

Motion Carried

TITLE:	INQUIRIES FROM COUNCIL
SECTION:	EXECUTIVE OFFICE
POLICY NO:	10350-05

APPROVAL DATE: _____ **CAO Signature:** _____

PURPOSE

The purpose of this policy is to ensure that all **inquiries or** requests for information are **consistently** directed through the **CAO Chief Administrative Officer or in their absence the Deputy Chief Administrative Officer**, and prepared for Council in a standard format setting out the information. The response will be forwarded directly to the CAO. This will allow him to review same and acquaint himself with the subject before he approves and refers it to Council.

POLICY STATEMENT

~~Members of Council will make inquiries for information to the Chief Administrative Officer / Acting Chief Administrative Officer or in his absence, the appropriate Director.~~

1. **An individual Councillor inquiry or request for information will be made directly to the Chief Administrative Officer, or in their absence the Deputy Chief Administrative Officer. It will be at their discretion if the inquiry or request for information should be forwarded to Council. The CAO may provide the information to all of Council should they feel it is appropriate to do so.**
2. **An inquiry or request for information from Council or a Committee of Council will be made directly to the Chief Administrative Officer, or in their absence the Deputy Chief Administrative Officer by way of motion for review and recommendation to Council.**

~~Response to a Councillor's inquiries will be prepared in the approved standard format and submitted to the Chief Administrative Officer (CAO) for review and recommendation.~~

DEFINITIONS

- a) ~~"Councillor's Inquiry" This is a request by a Councillor for information either at a regular Council meeting, committee meeting, or directly to the CAO or Director Chief Administrative Officer or Deputy Chief Administrative Officer.~~
- b) ~~"Council Inquiry" This is a request by a Councillor for information at a regular meeting of Council.~~

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Council	Ensure all inquiries and requests for information are directed to either the Chief Administrative Officer or the Deputy Chief Administrative Officer
Chief Administrative Officer / Deputy Chief Administrative Officer	Ensure all inquiries and requests for information are responded to appropriately.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Date	Approved By	Approval Date
Make the policy more reader friendly, ensure use of proper pronouns, add Deputy Chief Administrative Officer	Clerk	Council	

Minutes reference date: April 16, 1991

September 26, 2011

**4.8 Snow and Ice Management Policy
 Moved By Councillor Furlong
 Seconded By Councillor Ripley
 That Council approve the amendments to the Snow and Ice Management Policy
 #31600-25.**

Motion Carried

TITLE: SNOW AND ICE MANAGEMENT POLICY
SECTION: ENGINEERING & PUBLIC WORKS
POLICY NO.: 31600-25

APPROVAL DATE: _____

CAO Signature: _____

PURPOSE

The purpose of this policy is to establish the Town of Amherst's priorities, and service level expectations for snow and ice management to ensure streets, sidewalks, fire hydrants and parking lots are cleared of snow and ice in a safe and timely manner.

SCOPE

This policy applies to all Town snow and ice management activities and establishes Council-approved service levels and guiding principles.

POLICY STATEMENT

The Town of Amherst is committed to delivering winter maintenance services using a risk-based approach that prioritizes pedestrian and vehicular safety, emergency access, and responsible use of municipal resources.

This policy establishes service levels and guiding principles using a priority and risk-based approach to snow and ice management activities. Detailed operational practices, routes, and thresholds are set out in the companion Snow and Ice Management Operating Procedure.

GUIDING PRINCIPLES

- Public safety is top priority.
- Decisions reflect weather conditions, risk, and available resources.
- Service levels are applied consistently.
- Environmental impacts are considered.

SERVICE LEVEL EXPECTATIONS – GENERAL

The service level expectations outlined in this policy represent reasonable operational objectives under typical winter conditions, that can sometimes be unpredictable. Actual response times and outcomes may vary depending on the severity and duration of the snow/ice event.

LEVEL OF SERVICE – SNOW PLOWING

Roadways

The objective is that all Town streets will be cleared of snow within six (6) hours following the end of a snowstorm of up to 30 centimeters, with the following level of service expectation:

Priority-1 Streets

- Plow continuously during storm, conditions permitting
- Typically plowed "curb to curb" within 4 hours after storm ends

Priority-2 Streets

- Plow continuously during storm, conditions permitting
- Typically plowed "curb to curb" within 6 hours after storm ends

For the purposes of this policy, "curb to curb" refers to a snow removal standard where snow is cleared across the full width of the roadway from one curb line to the opposite curb line to allow for the safe passage of vehicles. This standard does not mean the roadway surface between the curbs will be completely free of snow or ice. Some snow or ice may remain along the curb or gutter line, as a result of normal winter maintenance operations and weather conditions.

Sidewalks

The objective is that all Town sidewalks will be cleared of snow within twenty-four (24) hours following the end of a snowstorm of up to 30 centimeters, with the following level of service expectation:

Priority-1 Sidewalks

- Cleared of snow within 12 hours

Priority-2 Sidewalks

- Cleared of snow within 24 hours

During Street Clearing Operations

- Staff will maintain pedestrian accessibility from the Downtown area to the South Albion Street commercial area during street clearing operations, depending on the severity and duration of the snow event and as outlined in the Operating Procedure.

Public Parking Lots

- Snow will be removed by private contractors before 8:00 a.m. each day.

Public Buildings

- The public entrances and adjacent sidewalks to Town operated facilities will be cleared of snow daily, before the building is open to the public.

LEVEL OF SERVICE – FIRE HYDRANTS

The objective is that fire hydrants will be accessible to emergency personnel within ninety-six (96) hours following the completion of snow clearing operations, for snowstorms up to 30 centimeters.

LEVEL OF SERVICE - SALTING

Salting will be undertaken on streets and sidewalks to improve conditions for vehicles and pedestrians by mitigating icy conditions. Salting operations are not intended to eliminate all ice or winter hazards.

Streets

The objective is that salting will begin when conditions warrant based on a risk-based assessment conducted by the on-call supervisor or when requested by the Amherst Police Department. The level of service expectation being:

Priority-1 Streets (designated Salt Route)

- Salted to achieve bare pavement conditions within 12 hours following the completion of snow removal operations.

Priority-2 Streets

- Salting of remaining streets after snow removal operations are completed, the objective is to have all streets salted within 24 hours of the completion of snow removal operations.

Sidewalks

The objective is that all Town sidewalks will be salted, when conditions warrant, within twenty-four (24) hours following the end of sidewalk snow clearing operations, with the following level of service expectation:

Priority-1 Sidewalks

- Salted within 12 hours of the completion of snow removal operations

Priority-2 Sidewalks

- Salted within 24 hours of the completion of snow removal operations

Public Parking Lots

- Will be checked daily before 8:00am for slippery conditions by supervisory staff and salted when conditions warrant to mitigate icy conditions. Further periodic checks are to be made as conditions warrant throughout the day.

Public Buildings

- The public entrances and adjacent sidewalks to Town operated facilities will be checked daily for slippery conditions and salted when conditions warrant to mitigate icy conditions before the building is open to the public. Further periodic checks are to be made as conditions warrant throughout the day.

For the purposes of this policy, “as or when conditions warrant” salting refers to the application of salt or other ice control materials when, in the judgment of the on-call supervisor, one or more of the following risk factors are present:

- Freezing rain, frost, or refreeze conditions are occurring or forecast.
- When temperatures are near freezing and moisture is present, creating a risk of black ice conditions.
- Icy or slippery conditions are observed or reported.
- Weather forecasts support the need for salt application.

The timing and extent of salting operations will be determined through the risk-based assessment and documented.

MAJOR STORMS

A major storm may be declared when snowfall intensity or duration exceeds the Town's ability to maintain normal service levels. During major storms, operations will focus on maintaining emergency access and critical transportation corridors, as outlined in the Operating Procedure.

In a major storm or emergency, and when requested, Town crews will be made available at any time to clear streets or fire hydrants in support of Police, Fire, or Emergency Health Services (EHS) operations. Other emergent situations will be dealt with at the discretion of the on-call supervisor.

Emergency response activities shall take precedence over routine winter maintenance operations.

SNOW REMOVAL AND HAULING

Snow hauling will be undertaken within 48 hours where snow accumulation presents safety, accessibility, or operational concerns at locations as determined and set out in the Operating Procedure.

SALT MANAGEMENT

The Town of Amherst is committed to the efficient management of its road salt, while continuing to provide effective winter maintenance for the safety of motorists and winter maintenance workers.

The Town will demonstrate environmental responsibility by implementing and maintaining a Salt Management Plan (SMP) and associated best management practices.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Operations	<ul style="list-style-type: none"> • Ensure the policy is reviewed periodically and updated as needed to reflect changes in best practices and ensure it meets the needs of the Town. • Be able to interpret and explain policy content
Council	<ul style="list-style-type: none"> • Review Policy recommendations for approval consideration (approve, reject or edit)
Operations Staff	<ul style="list-style-type: none"> • Implement policy through operating procedures

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
<p>Policy Revised to:</p> <p>Include salting of priority-2 streets (streets not on the designated salt route) will be salted after snow removal operations are completed, with an objective to have these streets salted within 24 hours of the completion of snow removal operations. Previously, "side streets" were salted only as needed.</p> <p>Define the term "as needed" has been removed from the policy and replaced with "when conditions warrant" and has been defined in the policy.</p> <p>Create a Council-approved policy and a separate operating procedure.</p>	Director of Operations	Council	

Minutes Reference Dates: 16 December 2003 26 April 2011 26 January 2015

4.9 By-law to Amend the Commercial Development Support By-law Second Reading Moved By Deputy Mayor Chambers Seconded By Councillor McManaman That Council give Second Reading of the By-law to Amend the Commercial Development Support Program By-law P-9.

Motion Carried

BY-LAW TO AMEND THE COMMERCIAL DEVELOPMENT SUPPORT PROGRAM BY-LAW P-9

The Commercial Development Support Program By-law P-9 is hereby amended as follows:

In the first paragraph, change 10 years to 5 years and add the wording "from May 1, 2026, forward"

SHORT TITLE

Fix spelling errors to change also to "also" and know to "known"

APPLICATION

Add the words "Mixed Use, Business Park, and"

REBATE CALCULATION

Remove the current table and add the following table

Year	Rebate (as % of the rebate eligible assessment)	Maximum Annual Rebate Amount Paid
1	90	\$100,000
2	70	\$100,000
3	50	\$100,000
4	20	\$100,000
5	10	\$100,000

REBATE LIMITS

Add the words "The maximum annual rebate paid will be \$100,000. Any assessment increase that calculates a rebate amount over \$100,000 will be capped at \$100,000 annually."

PAYMENT

Section 26 - Remove the word "disposition" and replace it with "decision"

SCHEDULE A OF THE BY-LAW

Replace the Land Use By-law Zoning Map in its entirety

SCHEDULE B - THE AGREEMENT - DEFINITIONS

Section 2.5 - Change 10 years to 5 years and add the words "for agreements from May 1, 2026, forward."

ASSESSMENT REBATE FUNDING CALCULATION

Section 4.2 - Add the words "The maximum annual rebate will be \$100,000. Any assessment increase that calculates a rebate amount over \$100,000 will be capped at \$100,000 annually."

Section 4.6 - Change ten to "five"

FUNDING PAYMENT

Section 5.1 Change ten (10) to "five (5)" and add the words "(for agreements from May 1, 2026, forward)"

CONDITIONS OF PAYMENT

Section 6.2 change "A" to "An"

ADDITIONAL PROVISIONS

Section 12.1(c) change 10 to 5 and add the words "for agreements from May 1, 2026, on"

REGISTRATION

Section 12.4 - Remove this section in its entirety and renumber the remaining parts in this section.

SCHEDULE B – EXAMPLE OF ASSESMENT REBATE CALCULATION

Remove this section in its entirety and replace it with the following

**SCHEDULE B
EXAMPLE OF ASSESSMENT REBATE CALCULATION**

A. Pre-Development Base Year Taxable Assessed Value:

(1)	
Base Year	Base Year Taxable Assessed Value
2026	\$150,000

B. Post-Development Actual Taxable Assessment Value:

Years	Rebate Year	(2)		(3)	
		Actual Taxable Assessed Value	Current Commercial Municipal General Tax Rate (excluding any area rates)	Rebate Amount \$	Cumulative % Payable
1	2027	\$350,000 *	4.059	\$7,306	90.0%
2	2028	350,000	4.059	5,683	80.0%
3	2029	350,000	4.059	4,059	70.0%
4	2030	350,000	4.059	1,624	57.5%
5	2031	350,000	4.059	812	48.0%

*The PVSC assessment in the year following the completion of the development. This amount will NOT change for purposes of the rebate calculation.

C. Assessment Rebates:

Years	Rebate %	(4)		(5)=(2-1)		(6) = (5 x 3)		(7) = (6 x 4)		(8) = (7/6)	
		Rebate Eligible Assessment	Rebate Eligible Taxes	Rebate Amount \$	Cumulative % Payable	Maximum Annual Rebate Amount \$100,000					
1	90	\$200,000	\$8,118	\$7,306	90.0%						
2	70	200,000	8,118	5,683	80.0%						
3	50	200,000	8,118	4,059	70.0%						
4	20	200,000	8,118	1,624	57.5%						
5	10	200,000	8,118	812	48.0%						
		Totals (9) & (10):	\$40,590	\$19,483							
		Re-calculate:	50%								
		Total Allowable Rebate:	\$20,295	\$19,483							

- If the program ends at any point before the cumulative payout falls below 50%, the rebate needs to be adjusted down accordingly. The cumulative payable must be below 50% by the end of the phase-in period.
- The maximum annual rebate amount is \$100,000. Any assessment increase that calculates a rebate amount over \$100,000 will be capped at \$100,000 annually.

SCHEDULE C OF THE AGREEMENT

Remove the second "S" to correctly read "CDS Bylaw – Town of Amherst"

SCHEDULE E OF THE AGREEMENT - ASSESSMENT REBATE CALCULATION

Remove this section in its entirety and replace it with the following

**SCHEDULE E
ASSESSMENT REBATE CALCULATION**

Address:

Property Identification No:

A. Pre-Development Base Year Taxable Assessed Value:

(1)	
Base Year	Base Year Taxable Assessed Value
	\$

B. Post-Development Actual Taxable Assessment Value:

Years	Rebate Year	(2)		(3)	
		Actual Taxable Assessed Value*	Current Commercial Municipal General Tax Rate (excluding any area rates)	Rebate Amount \$	Cumulative % Payable
1		\$			
2		\$			
3		\$			
4		\$			
5		\$			

*The PVSC assessment in the year following the completion of the development. This amount will not change for purposes of the rebate calculation.

C. Assessment Rebates:

Years	Rebate %	(4)		(5)=(2-1)		(6) = (5 x 3)		(7) = (6 x 4)		(8)	
		Rebate Eligible Assessment	Rebate Eligible Taxes	Rebate Amount \$	Cumulative % Payable	Maximum Annual Rebate Amount \$100,000					
1	90	\$	\$	\$							
2	70	\$	\$	\$							
3	50	\$	\$	\$							
4	20	\$	\$	\$							
5	10	\$	\$	\$							
		Totals (9) & (10):	\$	\$							
		Re-calculate:	50%								
		Total Allowable Rebate:	\$	\$							

- If the program ends at any point before the cumulative payout falls below 50%, the rebate needs to be adjusted down accordingly.
- The cumulative payable must be below 50% by the end of the phase-in period.
- The maximum annual rebate amount is \$100,000. Any assessment increase that calculates a rebate amount over \$100,000 will be capped at \$100,000 annually.

4.10 Parish of Christ Church Parking Lot Lease

Moved By Councillor Wells

Seconded By Councillor Ripley

That Council approve the parking lot lease agreement between the Parish of Christ Church and the Town of Amherst and further authorize the Mayor and CAO to sign on behalf of the Town.

Motion Carried

4.11 Housing Accelerator Funding

Moved By Councillor McManaman

Seconded By Councillor Davidson

That Council approve applying for additional Housing Accelerator Funding by undertaking an initiative to adopt the CMHC Housing Design Catalogue and explore the option to digitize the Town's planning documents as an optional initiative.

Motion Carried

5. INTERNAL COMMITTEE REPORTS

5.1 Amherst Board of Police Commissioners - Davidson

Information item only.

5.2 Amherst Youth Town Council - Avery Hoeg-Burbine

Information item only.

6. EXTERNAL COMMITTEE REPORTS

6.1 Cumberland YMCA - Wells

Information item only.

6.2 Northern Region Solid Waste Management - Furlong

Information item only.

6.3 L. A. Animal Shelter - Davidson

Information item only.

7. ADJOURNMENT

There being no further business, Mayor Small adjourned the meeting.

Natalie LeBlanc
Municipal Clerk

Robert Small
Mayor

Draft

TITLE: STREET LIGHT POLICY
SECTION: ENGINEERING & PUBLIC WORKS
POLICY NO.: 31600-02

APPROVAL DATE: _____ **CAO Signature:** _____

PURPOSE

The purpose of this policy is to establish a clear, consistent, and fiscally responsible framework for the planning, installation, operation, and management of street lighting on public roads within the Town of Amherst. The policy supports safe conditions for pedestrians and motor vehicles while balancing accessibility, environmental stewardship, and long-term operating and lifecycle costs through a risk-based approach.

SCOPE

This policy applies to all public streets within the Town of Amherst where the Town has authority or responsibility for street lighting.

Street lighting shall be provided on all public roads in accordance with this policy and the associated operating procedure. The specific lighting design, spacing, output, and infrastructure selection shall be determined based on roadway function, pedestrian activity, safety risk, surrounding land use, existing infrastructure constraints, and fiscal sustainability.

POLICY STATEMENT

Street lighting shall be provided on all public streets within the Town of Amherst to support safe movement for both pedestrians and motor vehicles.

The Town shall plan, implement, and manage street lighting using a risk-based decision-making framework, with detailed requirements established in the operating procedure. This framework will consider:

- Public safety
- Accessibility
- Environmental and neighborhood impacts
- Fiscal responsibility and lifecycle costs
- Consistency
- Asset management
- Energy efficiency

All street lighting installations shall align with this policy and be implemented in accordance with the Town's approved operating procedures.

GUIDING PRINCIPLES

- Public Safety – Reduce safety risks for motorists and pedestrians.
- Accessibility – Minimize glare and support pedestrian movement.
- Environmental Stewardship – Reduce unnecessary light spill and pollution.
- Fiscal Responsibility – Consider lifecycle costs.
- Asset Management – Align with Town asset management practices.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Operations	<ul style="list-style-type: none"> • Ensure the policy is reviewed periodically and updated as needed to reflect changes in best practices and ensure it meets the needs of the Town. • Be able to interpret and explain policy content
Council	Review Policy recommendations for approval consideration (approve, reject or edit)
Operations Staff	<ul style="list-style-type: none"> • Implement policy through operating procedures

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Policy Revised to clearly explain its purpose and brings it in line with good asset management practices.	Director of Operations	Council	

Minutes Reference Dates: 16 December 2003 26 April 2011 26 January 2015

THIS LEASE made this ___ day of _____, 2026.

BETWEEN:

THE RECTOR, WARDENS & VESTRY OF THE PARISH OF CHRIST CHURCH,
of Amherst, in the County of Cumberland, Province of Nova Scotia, a body corporate
under the *Anglican Church Act*, S.N.S. 1967, c. 130, as amended.

(hereinafter called the “**Landlord**”)

- and -

TOWN OF AMHERST, a municipal corporation in the said County of Cumberland,
Province of Nova Scotia.

(hereinafter called the “**Tenant**”)

WHEREAS the Landlord is the registered owner of certain lands known as Lot 2003-1, 5
Lawrence Street, Amherst, being identified as PID Number 25005513:

AND WHEREAS the fee simple owner of certain lands known as the LaPlanche Street parking
lot, being PID 25004151, cannot be determined at this time;

AND WHEREAS the Landlord is the owner of a registered right of way over PID 25004151
registered at the Registry of Deeds Office in and for the County of Cumberland in Amherst, Nova Scotia
in Book 112 at page 419 as Document Number: 502547762 (the “**Right of Way**”);

AND WHEREAS the Tenant wishes to lease a portion of PID 25005513 and the Right of Way
(the “**Leased Lands**”) as more particularly set out in the attached Schedule “A” hereto for the use of the
parking lot situate thereon for the purpose of providing public parking;

NOW THEREFORE in consideration of the mutual covenants herein contained, the Landlord
hereby leases to the Tenant, and the Tenant hereby leases from the Landlord, the Leased Lands on the
following terms and conditions:

1. The term of this lease be for a period of ten years, commencing on the date of execution of this lease,
and ending on the tenth anniversary thereof (the “**Term of the Lease**”).
2. Either party may terminate this lease on ninety days’ written notice delivered to the other party as
provided herein.
3. The Tenant shall pay to the Landlord the sum of \$1.00 as rent for the Term of the Lease, the receipt
and sufficiency of which is hereby acknowledged by the Landlord.
4. During the Term of the Lease, the Tenant shall have exclusive use of the Lease Lands, which shall be
used by the Tenant as a public parking lot and for such other uses as the Tenant may deem appropriate
from time to time.
5. During the Term of the Lease, the Tenant, at its own expense, and its sole discretion, may make any
alterations to the Lease Lands that it may deem necessary and/or beneficial to including but not
limited to landscaping, erection of signs, informational displays and holiday lighting and displays.
Upon the termination of the Lease the Tenant may, in its sole discretion, remove any personal
property or fixtures it installed on the Leased Lands, at its sole expense. Any personal property or
fixtures remaining on the Leased Lands after the termination of the Lease shall become the property
of the Landlord.
6. During the Term of the Lease the Tenant shall be responsible for the upkeep (maintenance and capital
in nature) of the Leased Lands. The Tenant covenants to maintain the Leased Lands at reasonable
commercial standards for public parking lots. The maintenance and capital expenditures shall be
carried out by the Tenant at the Tenant’s expense and at the Tenant’s sole discretion, provided
reasonable commercial standards are maintained.

7. The Tenant shall be responsible for keeping the Leased Lands clear of debris, and to remove snow and ice from the Leased Lands in accordance with the standards established by the Tenant's Department of Operational Services.
8. The Landlord covenants that during the Term of this Lease, the Tenant shall have quiet enjoyment of the Leased Lands, and the Landlord shall not interfere with the right of the public use of the Leased Lands.
9. The Tenant shall maintain its own public liability insurance for the Leased Lands and its use thereof.
10. This Lease is not assignable by the Tenant. The Landlord may assign this Lease to its successor in title.
11. Any notice required or contemplated by any provision of this Lease shall be sufficiently given if addressed, in the case of the Landlord, to it at:

PO Box 637
Amherst, NS B4H 4B8

And in the case of the Tenant, to it at:

98 East Victoria Street
Amherst, NS B4H 1X6

Attention: CAO of the Town of Amherst.

And delivered personally or mailed by prepared registered mail. Such a notice shall be deemed to have been received on the date of delivery.

12. This Lease shall be binding upon and shall enure to the benefit of the parties hereto and their respective heirs, administrators, executors, successors, and permitted assigns, as the case may be.
13. This Lease may be executed in several counterparts and by way of facsimile executed copies, each of which when so executed shall be deemed to be an original and which counterparts together shall constitute one and the same instrument and notwithstanding the date of execution shall be deemed to bear date as of the date written in the beginning of this Lease.

IN WITNESS WHEREOF the parties hereto have executed these presents the day and year first hereinbefore written.

SIGNED, SEALED AND DELIVERED

Witness:

Witness:

Witness:

Witness:

**THE RECTOR, WARDENS & VESTRY OF
THE PARISH OF CHRIST CHURCH**

Per:

Name:

Title:

Name:

Title:

TOWN OF AMHERST

Per:

Name:

Title:

Name:

Title:

PROVINCE OF NOVA SCOTIA
COUNTY OF CUMBERLAND

ON THIS ____ day of _____, 2026, before me, the subscriber personally came and appeared _____, a subscribing witness to the foregoing Lease, who, having been by me duly sworn, made oath and said that The Rector, Wardens & Vestry of the Parish of Christ Church, one of the parties hereto, caused the foregoing Lease to be signed, sealed and delivered in _____ presence by its duly authorized officers.

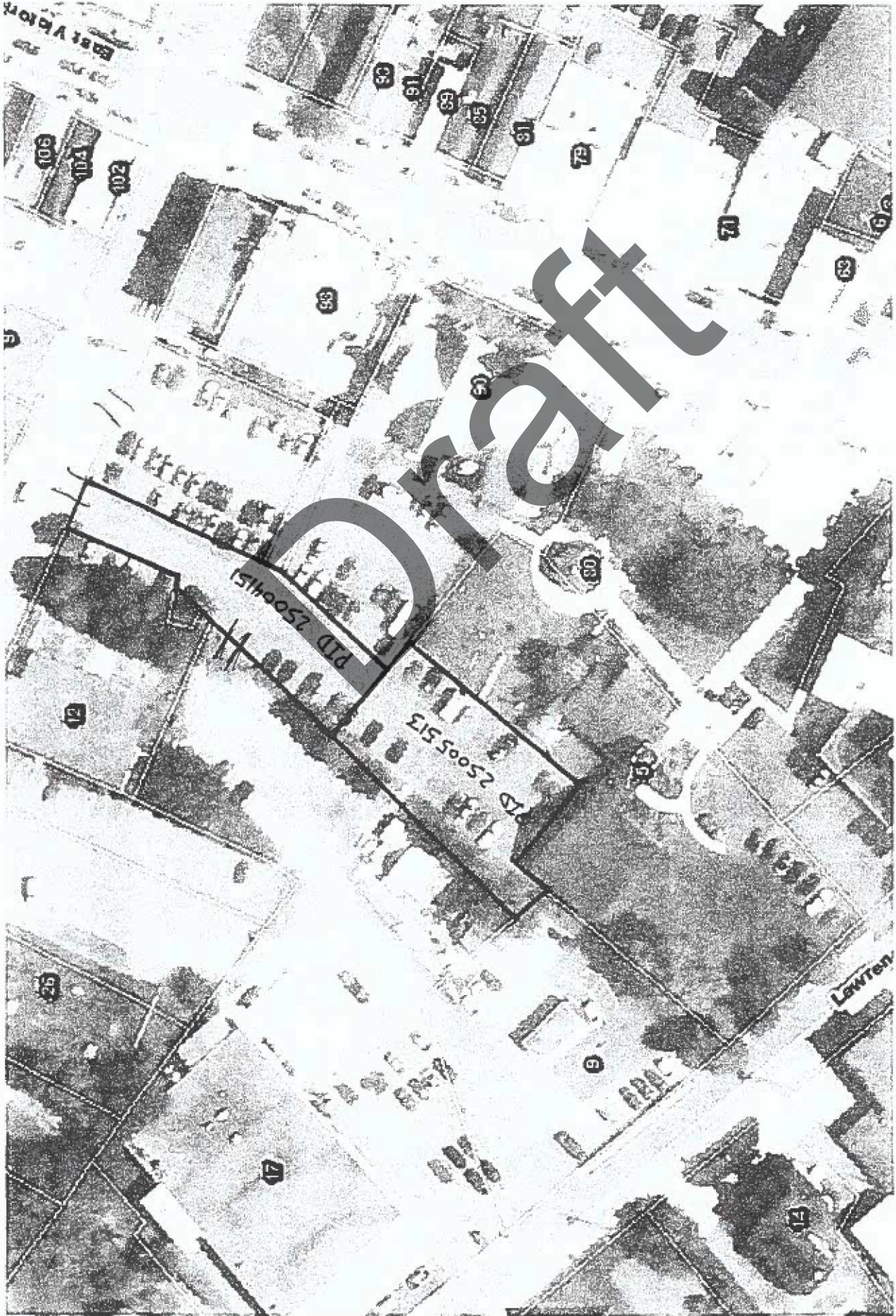
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF CUMBERLAND

ON THIS ____ day of _____, 2026, before me, the subscriber personally came and appeared _____, a subscribing witness to the foregoing Lease, who, having been by me duly sworn, made oath and said that the Town of Amherst, one of the parties hereto, caused the foregoing Lease to be signed, sealed and delivered by the Mayor and Chief Administrative Officer in _____ presence.

A Commissioner of the Supreme Court of Nova Scotia

Draft



Schedule 'A'



TITLE: Procurement Policy
SECTION: Financial Management
POLICY NO: 3700-01

APPROVAL DATE: _____ **CAO Signature:** _____

1) Policy Statement

The purpose of this policy is to establish transparent procurement guidelines to ensure the most effective and efficient methods are used to provide best value for the procurement of goods, services and construction for the Town of Amherst (hereinafter referred to as the "Town").

The Town will conduct procurement practices in compliance with all Provincial legislation, International, National and Regional Trade Agreements, including the ~~Nova Scotia Public Procurement Act and any amendments thereto~~, Atlantic Trade and Procurement Partnership (ATPP) and the Canadian Free Trade Act (CFTA)

2) Definitions

- a) Alternative Procurement (ALTP) - the procurement of goods, services and construction without a competitive process due to certain conditions/situations.
- b) Best Value - the bid that is determined ~~by the Town~~ as a result of a procurement process to be in its best interests, not necessarily the lowest price bid, which is determined by evaluation of bids based on criteria or factors that may include purchase price, life cycle cost considerations, environmental and social considerations, delivery, servicing, past experience and performance, and any other criteria or factors stated in the requesting documents.
- c) Bid - a supplier's response to a Request for Quotation (RFQ), Request for Construction (RFC), Tender, Request for Proposal (RFP), Request for Expression of Interest (REI) or a Two Phase Bid to provide goods, services or construction.
- d) Invitational Competition - is a competitive process in which an invitation to submit bids is issued to three suppliers, provided three suppliers can be identified.
- e) Local Preference Area - all suppliers located within the County of Cumberland and the Town of Tantramar, New Brunswick.
- f) Procurement Web Portal - means the public website owned by the Province of Nova Scotia where all public tender notices are posted.
- g) Public Request for Submission - refers to inviting responses to tenders, request for proposals, two phase bids, request for construction, request for expression of interest and request for standing orders.
- h) Purchase Card - a corporate credit card for the Town with various restrictions and limits based on the cardholder.
- i) Purchaser - a Town employee with the authority to purchase goods.
- j) Request for Construction (RFC) - used to publicly tender for a construction, reconstruction, demolition, remediation, repair or renovation of a building, structure, road, bridge or other engineering or architectural work.
- k) Request for Expression of Interest (REI) - process in which suppliers are invited to propose a solution to a problem and then those chosen are asked to respond to a subsequent Request for Proposal.
- l) Request for Quotations (RFQ) - informally obtaining price quotations from a number of different suppliers.

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- m) Request for Proposal (RFP) - a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Town.
- n) Purchase Requisition/Purchase Order-an electronically generated document for the supply of goods or services from an approved vendor.
- o) Single Source – A single source procurement is an alternative procurement practice in which two or more suppliers can supply the goods and/or perform the services required by the Town of Amherst, but where the Town of Amherst selects one supplier over the others for reasons such as expertise, previous municipal or their related experience and not through a competitive process.
- p) Sole Source Procurement – is an alternative procurement practice in which it is evident that only one supplier can supply the goods and/or perform the services required and an award is made to that supplier.
- q) Standing Offer- a contractual arrangement with a supplier 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.
- r) Sustainable Procurement- involves taking a holistic approach to obtain best value by integrating the following considerations in the procurement process:
 - Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction;
 - Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy;
 - Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.
- o) Tender- a formal request to solicit for goods, services or construction obtained through posting on the Town and the Provincial websites.
- p) ~~Two Phase Bid – a two stage process in which suppliers submit proposals for evaluation, and separately submit prices.~~

3) Guiding Principles

The following principles will guide the procurement practices of the Town:

- a) ~~Procurement policy and procedures should provide the most efficient and effective methods resulting in best value for the Town.~~
- b) ~~The procurement process is to ensure a fair, open, consistent and transparent process in the acquisition of goods, services and construction.~~
- e)a) Procurement methods are to encourage competition, innovative ideas and solutions, wherever possible, while respecting all legislative and trade agreement obligations for the supply of goods services and construction.
- e)b) Procurement policy provides for the use of suppliers, who can be expected to provide satisfactory performance, based on, but not limited to:
 - (i) past performance and/or previous contacts
 - (ii) financial and other resources to complete the contract bid;
 - (iii) references

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- e)c) Promoting the use of Sustainable Procurement when evaluating bids by striving to obtain best value, taking into consideration environmental, economic and social considerations.
- f) This policy does not apply to payments for reoccurring items such as utilities, leases, rentals and similar reoccurring operating charges, while recognizing that in some circumstances, the initial commitment that leads to these ongoing payments is subject to the provisions of this policy.

4) General

- a) This policy applies to all departments, agencies, boards and commissions of the Town over which the Town has jurisdiction.
- b) The procuring of goods, services and construction will be facilitated by the Director of the requesting department according to this policy. The Director shall approve all purchases in excess of \$25,000 prior to any employee acting within this policy.
- c) The Town will be under no obligation to accept any bid received which is considered to be not in its best interest, in response to a verbal or written request.
- d) The Town may work with other levels of government, other municipal units, other agencies, boards and commissions, and associations such as the FCM (Federation of Canadian Municipalities) and NSFM (Nova Scotia Federation of Municipalities) to encourage standardization of items and/or reduce overall costs to the Town for joint purchasing.
- e) The dollar values indicated within this policy are exclusive of ~~the Town's non-recoverable~~ HST and are in Canadian Dollars.

5) Purchasing Guidelines

The Town of Amherst must procure goods, services, and construction which are over the High Value Threshold using Public Competition. Where Public Competition is not possible, a department may, with the explicit written approval of the CAO, engage in Alternative Procurement Practices. When the maximum value of the procurement will be below the High Value Threshold, procurement must be completed in a manner consistent with, and in accordance with direction from the CAO, as outlined in the Operational Procedure. Staff must consider using competitive methods whenever practical to do so. When not practical or where there is urgency, technical or quality constraint, supplier scarcity, or other reasonable, in the opinion of the CAO, constraint which prevents competition staff may use Select Invitational methods (inviting two or more suppliers to bid) or non-competitive methods (direct award), subject to due diligence. Public Competition may be used at any threshold and is encouraged. The following guidelines will be followed for the procurement of goods services and construction for the Town:

Spending Category	Low Value Quotations	Low Value Invitational Competition	High Value Open Competition
Goods	Less than \$15,000	\$15,000 – \$49,999	\$50,000 and above
Services	Less than \$15,000	\$15,000 – \$74,999	\$75,000 and above
Construction	Less than \$15,000	\$15,000 – \$74,999	\$75,000 and above

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~~Dividing procurement activity to reduce or keep the procurement value below certain thresholds is not permitted.~~

~~Breaking up procurement activity to reduce or keep the procurement value below certain thresholds is not permitted.~~

~~Canada Free Trade Agreement ("CFTA") thresholds are subject to adjustment and the actual threshold as of the date of the procurement will apply.~~

~~**The High Value Threshold for goods and services is \$133,800 (plus HST) and \$334,400 (plus HST) for construction.**~~

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~~This Policy will be updated as soon as practical if those thresholds should change. The value of the Procurement relative to the Threshold does not relieve Staff from the obligation to manage risk when Identify the Need/Plan Over High Value Threshold, Alternative Procurement Practices, Public Competition Under High Value Threshold, Request Quotations/Select Invitational, Due Diligence/Direct Award Public Competition~~

~~**a) – Low Value Procurement**~~

~~If the value of the Goods, Services or Construction are less than \$15,000:~~

~~For procurement under \$15,000, the minimum of three quotations is not mandatory, however staff are expected to perform due diligence in selecting such suppliers, including obtaining quotations in cases where there are sufficient suppliers to do so, where there is sufficient time to do so, and when the value of the goods, services or construction makes it practical to do so.~~

~~If the value of the Goods, Services or Construction is \$15,000 and over but less than the Open Competition thresholds:~~

~~The acceptable process is to use an Invitational Competition. All Invitational Competitions must be conducted in accordance with the Procurement Guidelines and are subject to review by the Director of the Department prior to issue.~~

~~**b) – High Value Procurement**~~

~~If the value of the Goods, Services or Construction is above Open Competition thresholds, staff must work with the Director and Deputy Chief Administrative Officer to conduct a public competitive process. Open competitions are posted on the Town of Amherst website and the Nova Scotia Procurement Web Portal.~~

~~If an Invitational Competition is issued and the results demonstrate that the cost from the supplier determined to be providing best value is above the High Value Procurement threshold, the CAO may, at their discretion:~~

- ~~— Cancel the competition and not award~~
- ~~— Accept the result and award. The resulting award is an Alternative Procurement Practice; or~~
- ~~— Reject the result and require that the Competition be re-issued as an Open Competition.~~

6) Methods of Procurement

All procurement activity must be obtained through one of the following methods:

- a) **Tender** - A formal invitation to solicit competitive bids. It is used when detailed specifications are available that permit the evaluation of tenders against clearly stated criteria and specifications. A Request for Tenders (RFT) is a formal, competitive, sealed bidding process. Bid deposits and performance security may be required. The award is normally to the lowest bid received from a qualified bidder meeting the

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requirements of the tender and providing best value. Tender purchases shall be made by purchase order. Tenders must be opened in the presence of at least one elected official and the CAO or his/her designate at a time and location that is open to the public.

- b) **Request for Proposal** - A Request for Proposal (RFP) is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet specific needs of the Town. It is used when a supplier is invited to propose a solution to a problem, requirement, or objective. Request for Proposals are evaluated against stated criteria to the terms of the RFP to determine if any should be accepted.

Negotiations with suppliers may be required to finalize any aspect of the proposal provided such discussion and negotiations are conducted to:

- (1) Award equitable treatment to each qualified bidder with respect to an opportunity for discussion and the revision of the proposal.
- (2) Prevent the disclosure of the proposal content of one proponent to another.

Proposals submitted in response to a request for proposal need not be opened in public. A list of the proponents may be made available upon request. An award of a contract based upon a request for proposals will be made to the supplier whose proposal has the highest score based upon the criteria for evaluation set out in the request for proposals and equitably applied to all proposals. RFP purchases shall be made by purchase order.

- c) **Request for Quotation** - A request for quotation is an informal request for prices for goods and services that the purchaser will attempt to solicit from at least three (3) different suppliers. This process is normally used where bid deposit and performance bonds are not required and where the cost of the work does not warrant the time and level of effort and expense required for a normal tender process. Quotations should be in written form and attached to the Request for Quotation form which must be completed and given to the Deputy CAO for filing once it has been awarded.

If a quote is obtained verbally, the person obtaining it must document the quotation, including time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation. The RFQ form should be used for documentation purposes. RFQ purchases shall be made by purchase order, or purchase card if in US Dollars.

- d) **Invitational Competition** - A competitive procurement method in which the Town invites a minimum of three suppliers to submit bids – provided that three suppliers can be identified. This method is used when a full public competition is not required (often because the value is below the high value threshold) but competitive pricing and fairness are still desired.

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- d)e) **Standing Offer** – A type of contract that results from a tender process to guarantee a continuous supply of various goods, services or construction at a specific price for a specific period of time. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. Standing Offers of the Government of the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Town.

- e) **Two Phase Bids** – Where detailed specifications are not available or it is impractical to prepare a specification based on price, a two phase bid may be issued, inviting for the submission of bids as follows:

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Phase One - Pre-qualification step in which bidders submit proposals/expressions of interest in response to basic terms of reference for evaluation; need not be opened in public

Phase Two - Only those bidders whose submissions were determined to be acceptable in Phase One will be invited to submit priced bids for further consideration. Phase Two bids must be opened in public.

This type of purchasing has the advantage of a request for proposal in Phase One and the advantages of a tender in Phase Two. Two phase bid purchases shall be made by purchase order.

- f) Request for Expression of Interest - This process is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.
- g) Request for Construction - Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- h) Negotiations - Negotiations with suppliers for the supply of goods and/or services would take place when any of the following conditions exist:
- (a) Due to market conditions, goods and/or services are in short supply;
 - (b) There is only one source of the goods or services;
 - (c) All bids received are non-compliant or exceed the amount budgeted for the purchase;
 - (d) The extension or reinstatement of existing contract would be more cost effective or beneficial to the Town. The extension or reinstatement of existing contract is subject to the approvals listed in section 9 – Award of Contracts.
- i) Alternative Procurement - In certain circumstances, described in this section, the Town may purchase goods, services and construction without using one of the options set out above. An alternative procurement purchase may occur.

(a) Alternative Procurement Practices may be used in the following circumstances:

4 1. Emergency - If strictly necessary, an urgent, serious, unexpected, and often dangerous situation requiring immediate action.

(b) 2. Ability to Maintain Security / Life / Health - Compliance with the competitive process requirements would interfere with the Province's ability to maintain security or order or to protect human, animal, or plant life or health. Non-urgent emergency.

(c) 3. Absence of competition a. Technical - Due to an absence of competition for technical reasons. b. Monopoly - For the procurement of goods or services where the supply is controlled by a supplier that is a monopoly. c. Prototype - For a prototype or first good or service that is developed in the course of, and for a particular contract for research, experiment, study or original development. d. Advantageous Circumstances - Purchases made under exceptionally

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advantageous conditions that only arise in short term cases of unusual disposals. e. Additional Deliveries – Additional Deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons.

(d) 4. Compatibility - To ensure compatibility with existing products, or to ensure the protection of patents, copyrights, warranties or other exclusive rights.

(e) 5. Confidentiality - Where goods or services regarding confidential matters are to be purchased and the disclosure through an open tendering process could be expected to compromise government confidentiality, cause economic disruption, or be contrary to public interest.

(f) 6. No Suppliers Satisfied the Conditions - No bids were submitted or no suppliers requested participation; no bids that conform to requirements of solicitation were submitted; no suppliers satisfied the conditions for participation.

7. Sustainability - To support businesses owned by members of underrepresented and underserved communities, including: Mi'kmaq and persons of Indigenous descent, African Nova Scotians and persons of African descent, persons of colour/racialized persons, newcomers (immigrants and refugees), 2SLGBTQIA+, persons with disabilities, minority faithbased groups and persons who are neurodivergent.

(g) 8. Health and Social Services - For vital public services that prioritize public health and welfare.

(a) 9. Procurement Financed By Donations - For the procurement of goods and services financed primarily from donations that are subject to conditions that are inconsistent with this Policy. Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures. An emergency purchase occurs when a situation creates immediate and serious need which may not be reasonably met by any other procedure and includes without limitation:

A condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health or safety of the public.

Emergency purchases are completed using the most expedient method, but will take economy into consideration.

Emergency purchases must be pre-approved by the CAO (or designate) where such approval may be reasonably sought.

(b) Where 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, cause economic disruption or otherwise be contrary to the public interest;

(c) Where compliance with the open tendering provisions set out in this policy would interfere with the Town's ability to maintain security or order or to protect human, animal or plant life or health;

(d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;

(e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;

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- ~~(f) Where there is an absence of competition for technical reasons and the goods or services can only be supplied by a particular supplier and no alternative or substitute exists;~~
- ~~(g) For the purchase of goods on a commodity market;~~
- ~~(h) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;~~
- ~~(i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;~~
- ~~(j) For work 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;~~
- ~~(k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for routine purchases;~~
- ~~(l) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;~~
- ~~(m) For the procurement of original works of art;~~
- ~~(n) For the procurement of subscriptions to newspapers, magazines or other periodicals;~~
- ~~(o) For the procurement of real property;~~
- ~~(p) For the procurement of goods intended for resale to the public;~~
- ~~(q) For the procurement from charitable institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;~~
- ~~(r) For procurement from a public body or non-profit organization; or~~
- ~~(s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.~~

****When an alternative procurement purchase occurs, the reason for doing so must be documented.**

7) Local Preference

Nova Scotian Goods and Services Section 14 of the Public Procurement Act allows for preference to be given to Nova Scotia suppliers when the value of the procurement is below the High Value Threshold. Therefore, below the High Value Threshold, Municipal personnel (with the authorization of the CAO) may:

- Choose to apply a Nova Scotia preference, in accordance with the Public Procurement Act, including when considering evaluative criteria;
- Restrict the receipt of Invitational Competitions to Nova Scotia suppliers; and
- Such preference must be disclosed at the beginning of the procurement process and must be explicitly stated in the procurement documents.

The Town will apply a maximum 10% local preference to Nova Scotian bidders. The preference could be split between price and non price factors/scores Example: with 5% on pricing and 5% on non price factors/scores. If local preference is to be used, it will be disclosed in the procurement documents at the time of release.

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- ~~To be considered for local preference you must be a company with it's head office in Nova Scotia or a branch in Nova Scotia where regular business activities are conducted on a permanent basis, is clearly identified by name and is accessible during normal business hours.~~

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~~If the goods, services or construction available from a local business are equal in providing best value to those available from a non-local business, the goods, services or construction from the local business shall be purchased.~~

~~In evaluating which goods, services or construction offer best value to the Town of Amherst, the Town shall apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods, services or construction offer best value.~~

~~In accordance with the Atlantic Trade and Procurement Partnership (ATPP) and the CFTA, the local preference described above does not apply to the following procurements:~~

- a) ~~goods that have a value of \$100,000 or greater;~~
- b) ~~services that have a value of \$100,000 or greater;~~
- c) ~~construction that has a value of \$250,000 or greater.~~

~~All requests for quotations and public requests for submissions must state that local preference applies to the procurement.~~

8) Award of Contracts

- a) The Chief Administrative Officer (CAO) ~~or designate~~ may authorize the award of the procurement of goods, services and construction:
 - i) that are ~~\$250,000~~334,400 or less and are included within the approved operating and capital budgets; Awards over the value of ~~\$250,000~~334,400 (plus HST) will be submitted to Council for approval.
 - ii) that exceed the approved budget by 25% or ~~\$75,000~~100,000, whichever is less. This will be done when it is reasonable to do so and when options to achieve project completion or item procurement are limited.
 - iii) that is an emergency situation. In these cases, the CAO is authorized to make reasonable and informed procurement decisions (operating and capital) which are determined by him/her to be necessary. Among other things such decisions may be deemed by the CAO to be necessary to protect the legal interests or satisfy legal obligations of the Town, or involve a situation where failure to act could reasonably be expected to compromise Town confidentiality, cause economic disruption, or would otherwise be contrary to the public interest. Authorizations for such expenditures are considered to be over and above the other authorities given under this policy to exceed approved budget amounts.
 - iv) ~~where the purchase was made in accordance with this policy and falls within the thresholds established within the Atlantic Trade and Procurement Partnership and all subsequent amendments thereto.~~
 - v) Where the purchase was the result of a public purchasing process conforming to the Town's procurement policy and The Atlantic Trade and Procurement Partnership, and all appropriate Trade Agreements and their subsequent amendments.

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~~vi) Where the purchase is awarded to the supplier providing best value and meeting specifications.~~

~~vii) Where the award of a Request for Proposal is made to the highest scoring qualified proponent based upon evaluation criteria within the Request for Proposal.~~

~~viii) Where there is no legislative requirement to obtain Council approval.~~

- b) All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.
- c) Where award is over the limits established in the Atlantic Trade Procurement Partnership for the purchase of goods, services and construction, award amount and company name is to be posted on the Provincial Procurement Web Portal.
- d) A quarterly report to Council of awards of contracts under the value of ~~\$250,000~~**334,800** approved by the CAO or designate shall be made available to Council and shall show the name of the contract, the name of the successful bidder, the amount of the award, any person or company to whom a single or sole source has awarded, and the budgetary provision.
- e) At the discretion of the CAO, any award of goods, services or construction may be referred to Council for approval.

10) **Vendor Documentation Requirements**

The following documents are required in order to work for the Town:

Workers Compensation Board (WCB) - WCB certificates are required any time a service and/or construction project is being completed on Town of Amherst property. The proponent **MUST** provide a valid WCB certificate prior to the commencement of any work. This certificate will state when the coverage expires. If the WCB certificate expires before the project is finished, then the replacement certificate **MUST** be received in order for the work to continue. Town employees have the right to stop any work in progress if an up-to-date WCB certificate is not provided. If the approved vendor is exempt from WCB, proof of the exemption will be supplied before work can commence.

Liability Insurance - Proponents must provide a valid certificate from their insurance company with the Town named and added under Additional Insured for liability purposes with at least \$2,000,000 liability coverage. This certificate must be provided before the commencement of any work.

Construction Safety- A Certificate of Good Standing is required from a registered safety certified company such as the Nova Scotia Construction Safety Association whenever any type of construction, reconstruction, demolition, remediation, repair or renovation is being completed on Town property for any projects that are over \$10,000. This documentation must be provided before the commencement of any work.

11) **Code of Ethics**

All procurement carried out by the Town must be conducted according to policies, provincial and federal legislation, trade agreements and ethical business practices. All employees must in good faith, conduct business with current and prospective suppliers and be fair in all business dealings. We shall encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises and request removal from a procurement process when a personal conflict of interest is perceived. We shall require suppliers to provide accurate representations of goods, services and construction and encourage them to consider sustainability in their products. We shall strive to obtain best value for each expenditure.

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12) Supplier Performance

- a) Suppliers may be subject to disqualifications if there is sufficient evidence of failure to meet the standards specified by the Town. Suppliers may be evaluated based on competitive price, quality of a product, contract adherence and performance and after sales service. Upon reasonable notice in writing to the supplier involved, and after a reasonable opportunity for response, a supplier can be disqualified for a period not exceeding three years from participation in solicitation for goods, services and construction when:
 - i. Serious breach of contract indicating unwillingness to perform a contract in accordance with the terms and conditions or specifications or a record of unsatisfactory performance of one or more contracts in accordance with its specifications or both.
 - ii. The offer of any gratuity to an official or employee of the Town by a supplier or contractor for consideration.
- b) A written decision shall be issued to the person disqualified or suspended setting out its reasons for disqualification or suspension, to the usual business address of that person as shown in the records of the purchasing section.
- c) Disqualification will be approved by the CAO.

13) Supplier Debriefing

Upon request of a supplier who is an unsuccessful bidder, the Town must conduct a debriefing with that supplier to provide feedback on the evaluation of the bid. The debriefing must be conducted as follows:

- a) the CAO or designate and/or Director, along with the person named in the documents, will attend the meeting;
- b) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
- c) the debriefing must also provide information to the supplier on how to improve future submissions;
- d) the debriefing must not disclose any information regarding other bidders or their submissions.

14) Contract Documents, Bid and Performance Securities and Specifications

- a) The CAO may, from time to time, approve such standard forms including bid and performance securities if any, for purchase by Invitation to Tender, Request for Proposals, Request for Quotations, sole source, or emergency purchases as well as forms of contract for types of purchase including but not limited to construction, supplies and installation or service as they may deem advisable.
- b) Bid bonds, performance bonds, irrevocable letters of credit and other securities including labour and material bonds may be required for such purposes in such form and in such amounts as the CAO deems advisable.

15) Special Services

- a) Legal Services - Legal services will be acquired by staff based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The acquisition of legal services must be approved by the CAO in consultation with the Director(s) of the user department(s). (These services include expert witnesses, and subject experts required for legal proceeding, hearing or similar

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matter.) Legal services having a value of ~~\$5010,000~~ **133,800** or more shall be approved by Council. The term for legal services will be at the discretion of the Town.

- b) Financial Auditing Services – These services may be contracted on a one year term to be renewed on an annual basis on terms satisfactory to the Town. Selection of an auditor shall be completed by the Audit Committee of Council who will recommend the selection of an auditor to Council. Annual selection and/or renewal of the contract for audit services will be made by the Audit Committee.

16) Tie Bids

After the assessment process is complete and it cannot be reasonably determined who has submitted the lowest compliant bid and a tie exists, the CAO or Deputy CAO may flip a coin to determine the award.

17) Suppliers indebted to the Town of Amherst

Any supplier/contractor having a customer account with the Town, which is in arrears, will have such arrears deducted from any payments due to the supplier/contractor. Such deduction may be waived by the CAO, where the supplier/contractor has entered into a payment arrangement deemed to be suitable by the Treasurer.

18) Purchases by Town of Amherst Employees

Employees or immediate family members (husband, wife, son, or daughter) of employees of the Town are not permitted to purchase personal use items through the purchasing system except where employee purchase plans are being offered.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Policy Owner	The policy owner is responsible for ensuring that the policy is implemented and being followed. In addition, they are responsible for reviewing the policy regularly for relevancy and compliance with provincial guidelines.
Staff Procurement Coordinator	All personnel that fall within the scope of this policy must follow the policy Facilitate the implementation of the policy, including the Open and Invitational procurement processes. Support procurement at all threshold levels. Develop and provide procurement templates and tools. Periodically review procurement practices within the province.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
	Title/Last Name	Council	
Creation of the policy	CAO, MacDonald	Council	April 30, 2007
Amendment to bring the policy into compliance with Atlantic Procurement Agreement	CAO, MacDonald	Council	Sept 28, 2009
Amendment to bring the policy into compliance with Atlantic Procurement Agreement	CAO, MacDonald	Council	Nov 26, 2012
CAO may authorize the procurement of goods, services	CAO, MacDonald	Council	Nov 27, 2017

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and construction that are \$250,000 or less and are included within the approved operating and capital budgets.			
Increased purchasing limits and minor housekeeping amendments	CAO, MacDonald	Council	March 27, 2023
Increased purchasing limits and minor housekeeping amendments, changing titles	CAO, MacDonald	Council	
<u>Increased purchasing limit thresholds, revised local preference, removed redundant clauses</u>	<u>CAO, MacDonald</u>	<u>Council</u>	

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