



## **The Corporation of the County of Essex**

### **By-Law Number 2025-22**

#### **A By-law to Amend By-law 2024-08, being a by-law to adopt a Procurement Policy for the Corporation of the County of Essex (To Include Provisions for a Buy Canadian Strategy).**

**Whereas** the President of the United States of America has issued executive orders to impose tariffs and has threatened to impose further tariffs on imports from Canada; and,

**Whereas** these tariffs will have a significant detrimental impact on the economic stability in Canada in general, and on goods and services produced in the County of Essex specifically; and,

**Whereas** federal and provincial leaders are encouraging Canadians to buy Canadian made goods and services, and municipalities have significant purchasing power through capital and infrastructure programs; and,

**Whereas** the Province of Ontario has created a Procurement Restriction Policy for itself and broader public sector ("**BPS**") organizations that are subject to the BPS Procurement Directive, but not municipalities; and,

**Whereas** the Council of the Corporation of the County of Essex has requested that Administration examine the viability of a buy Canadian procurement strategy for the Corporation of the County of Essex that defines "Canadian Content" for the purpose of procurement of goods and services; and,

**Whereas** Section 270(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 requires that the Corporation of the County of Essex adopt and maintain policies on its procurement of goods and services; and,

**Whereas** the Council of the Corporation of the County of Essex considers the amendment of By-law Number 2024-08, being a By-law to adopt a Procurement Policy for the Corporation of the County of Essex, to include a

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buy Canadian procurement strategy to be in the interests of the County of Essex.

**Now therefore** the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) The Procurement Policy of the Corporation of the County of Essex appended to By-law 2024-08 be and is hereby amended by inserting the following:

*20.4 **Buy Canada Procurement Strategy.** When procuring Goods and/or Services with a Dollar Value under \$353,300.00 or for construction projects under \$8,800,000.00, the County 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, the County is committed to ensuring compliance with all applicable laws. Therefore, despite this section 20.4 and the PRC, the County will not conduct a procurement in any manner contrary to applicable provincial, federal, or international laws or trade agreements.*

- 2) The Procurement Policy of the Corporation of the County of Essex appended to By-law 2024-08 be and is further amended by inserting the following:

*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, the County 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:*

- a. The Supplier must notify the County 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.*
- b. The Supplier must identify for the County all reasonable measures that have been taken or may be taken to*

*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.*

- c. The Supplier must submit a proposal to the County, 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 the County with any additional information or documentation reasonably requested by the County to consider the proposal.*
- d. Upon receiving the Supplier's proposal, the County 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 orders or documentation requested by the County to complete or delay the procurement.*

*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.*

- 3) That the Procurement Policy appended to By-law Number 2024-08 be and is amended to include the language referenced in paragraphs 1 and 2 of this By-law 2025-22 above.
- 4) That this By-law 2025-22 be appended to By-law 2024-08.
- 5) That this By-law 2025-22, be given three readings, and shall come into force and take effect after the final passing.
- 6) That this By-law 2025-22, shall take precedence over any by-law deemed to be inconsistent herewith.

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**Read a first, second and third time and Finally Passed this Seventh day of May, 2025.**

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Hilda MacDonald, Warden

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Katherine J. Hebert, Clerk

**Clerk's Certificate**

I, Katherine J. Hebert, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2025-22** passed by the Council of the said Corporation on this **Seventh day of May, 2025.**

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Katherine Hebert, Clerk  
Corporation of the County of Essex