



## **Procurement**

### **# 700.01**

<b>Adopted:</b>	September 24, 2003; September 1, 2020
<b>Last Reviewed/Revised:</b>	February 10, 2020
<b>Responsibility:</b>	Superintendent of Business and Treasurer
<b>Next Scheduled Review:</b>	2023-2024

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#### **POLICY STATEMENT:**

The Brant Haldimand Norfolk Catholic District School Board will procure all goods and services in a manner that will maximize the value it receives from the use of public funds. A value-for-money approach aims to deliver goods and services with a lower total life-cycle cost while maintaining a high standard.

For clarity, "procurement" is broader than purchasing and includes procuring goods and/or services by purchase, rental, lease or conditional sale of goods or services or by other means.

Factors to be considered when determining the lowest total cost of ownership should be, but are not limited to, purchase price, implementation fees, upgrades, maintenance contracts, support contracts, license fees, and disposal costs. In doing so, the Board will ensure that all transactions are based on the five (5) key principles outlined in the BPS Procurement Implementation Guidebook to achieve value-for-money while following procurement provisions that are fair and transparent to all stakeholders:

- *Accountability* - the Board must be accountable for the results of its procurement decisions and the appropriateness of its procurement processes.
- *Transparency* - the Board must be transparent to all stakeholders. Wherever possible, stakeholders must have equal access to information on procurement opportunities, processes and results.
- *Value-for-Money* - the Board must maximize the value it receives from the use of public funds. A value-for-money approach aims to deliver goods and services at the optimum total life-cycle cost.
- *Quality Service Delivery* - front-line services provided by the Board, such as teaching, must receive the right product, at the right time and in the right place.
- *Process Standardization* - standardized processes remove inefficiencies and create a level playing field.

In doing so, the Board shall:

- protect the Board's financial interests;
- ensure compliance with all statutory and regulatory laws through open competition, where appropriate;
- adhere to socially acceptable and legal standards for fair labour practices.

#### **APPLICATION AND SCOPE:**

All goods and/or services required for the purposes of the Board, save and except only those goods and/or services listed as Exceptions in this Policy and Administrative Procedure, shall be procured and disposed of in accordance with the provisions of this Policy and Administrative Procedure unless any applicable law or policy of the Province of Ontario or Canada or applicable trade agreement, requires that the procurement or disposal can be carried out in some other manner.



The purpose of this Policy and Administrative Procedure is to promote and outline procurement processes and decisions consistent with the ethical and strategic objectives of the Board, the Broader Public Sector Accountability Act and other applicable legal requirements and applies to all staff wishing to procure in the course of performing recognized duties and responsibilities.

**REFERENCES:**

- Education Act and Regulations
- Canadian Free Trade Agreement (CFTA)
- Comprehensive Economic and Trade Agreement (CETA)
- Municipal Freedom of Information & Protection of Privacy Act (MFFIPA)
- Ontario-Quebec Procurement Agreement
- Broader Public Sector Accountability Act, 2010
- Broader Public Sector Procurement Directive and Implementation Guidebook
- Broader Public Sector Perquisites Directive
- Broader Public Sector Expenses Directive
- Professional Standards & Conflict of Interest Policy for Employees
- 700.05 – Fundraising and School Generated Funds
- 700.04 – Employee Expenses
- 700.07 – Corporate Credit Cards and Purchase Cards
- 700.10 – School Operating Budgets

**FORMS:**

- Sole or Single Source Approval
- Vendor Performance Evaluation

**DEFINITIONS:**

**Authority:** The authority delegated by the Board to a person designated to occupy a position to approve on its behalf one or more procurement functions within the plan-to-pay cycle up to specified dollar limits subject to the applicable legislation, regulations and procedures in effect at such time.

**Bid:** an offer or submission received from a vendor in response to a request, which offer or submission may be accepted or rejected.

**Board:** the Brant Haldimand Norfolk Catholic District School Board.

**Budget Holder:** a person who is accountable for the spending decisions in their area of responsibility.

**CETA:** the Comprehensive and Economic Trade Agreement.

**CFTA:** the Canadian Free Trade Agreement.

**Contract Administrator:** means the Board representative delegated the responsibility to administer a Contract.

**Competitive Procurement:** a set of procedures for developing a procurement contract through a bidding or proposal process. The intent is to solicit fair, impartial competitive bids.

**Consultant:** a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making.

**Consulting Services:** means, subject to exceptions noted on behalf of the Management Board of Cabinet, the provision of expertise or strategic advice that is presented for consideration and decision-making.



**Contract:** an obligation, such as an accepted offer, between competent parties upon a legal consideration, to do or abstain from doing some act. It is essential to the creation of a contract that the parties intend that their agreement shall have legal consequences and be legally enforceable. The essential elements of a contract are an offer and an acceptance of that offer; the capacity of the parties to contract; consideration to support the contract; a mutual identity of consent or consensus ad idem; legality of purpose; and sufficient certainty of terms.

**Designate:** a person, to the extent permitted by law, authorized by the budget holder to act on his/her behalf, for the purposes of this Administrative Procedure.

**Dispose:** the sale, exchange, transfer, destruction or gifting of goods owned by the Board which are deemed surplus to its needs, and “disposal” and “disposed” shall have similar meanings.

**Emergency:** if strictly necessary, and for reasons of urgency brought about by events unforeseeable by the Board, the goods or services could not be obtained in time using Competitive Procurement.

**Goods:** moveable property (including the costs of installing, operating, maintaining or manufacturing such moveable property) including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract, as well as all materials, equipment, fixtures, and structures to be delivered, installed or constructed.

**MFIPPA:** Municipal Freedom of Information and Protection of Privacy Act where the Board is accountable to the public and to protect personal information

**Non-Competitive Procurement:** a procurement method whereby the usual competitive process is suspended, and negotiations are entered into with one, or more than one, vendor.

**Piggyback Clause:** an option to contract with a vendor in which other Ontario school boards, public agencies or government bodies have awarded, through a Competitive Procurement, the supply of goods and/or services.

**Procurement Process:** the process by which the required goods and/or services are obtained.

**Proponent:** a person or firm who puts forward a proposal for Board consideration.

**Purchase Order (PO):** a written offer made by the Board to a supplier formally stating the terms and conditions of a proposed transaction.

**Purchasing Card (P-Card):** a commercial card approved by the Board that can be used by authorized employees of the Board to purchase low dollar value items (Refer to Board Policy and Administrative Procedure 700.07).

**Procurement Services:** the department within Business Services authorized to perform the procurement function.

**Quotation:** a statement that sets out prices on specific goods and/or services from selected vendors, which is submitted verbally, in writing or transmitted by facsimile or e-mail as specified in the Request for Quotation.

**Request for Information (RFI):** a process whereby information is requested from vendors regarding the feasibility and availability of specific goods and/or services in the marketplace.

**Request for Proposal (RFP):** a process whereby a need is identified, but how it will be achieved is unknown at the outset. This process allows vendors to propose solutions or methods to arrive at the end product and it allows for evaluation on criteria other than price.

**Request for Quotation (RFQ):** a process similar to an RFT by which the Board describes exactly what needs to be purchased and the evaluation is based solely on price.

**Request for Supplier Qualification (RFSQ):** a process used to gather information on vendor capabilities and qualifications with the intention of creating a list of pre-qualified vendor. This mechanism may be used either to identify qualified candidates in advance of expected future competitions or to narrow the field for an immediate need. Board must



ensure that the terms and conditions built into the RFSQ contain specific language that disclaims any obligation on the part of the Board to call on any vendor to provide goods or services as a result of the pre-qualification.

**Request for Tender (RFT):** a process whereby a specific need is identified, and the vendors offer to provide the specific need at a specified price.

**Requisition:** a request for goods and/or services initiated by staff, approved and electronically transmitted to Procurement Services.

**Services:** includes all professional, construction, or maintenance services, and non-consulting, including the delivery, installation, repair, restoration, demolition or removal of personal property and real property.

**Single Source:** a non-competitive method of procurement of goods or services from a supplier in situations where there is or may be another supplier or suppliers capable of delivering these goods or services.

**Sole Source:** the use of a non-competitive procurement process to acquire goods or services where there is only one available supplier for the source of the goods or service.

**Supervisor of Procurement Services:** the person responsible for the procurement functions of the Board or designate who acts as the "Purchasing Agent" for the Board.

**Tender:** an offer in writing to execute some specified services, or to supply certain specified goods, at a certain price, in response to an invitation for bids.

**Vendor:** an individual, firm, supplier, vendor, contractor, architect, consultant or anyone else providing goods and/or services to the marketplace.

## **ADMINISTRATIVE PROCEDURES:**

### **Procurement Principles**

Board staff shall conduct all procurement-related activity based on the following:

- i) highest standard of integrity in all business relationships within and outside of the Board;
- ii) honesty, care and due diligence must be integral to all Supply Chain Activities within and between BPS organizations, suppliers and other stakeholders;
- iii) highly demonstrated level of respect for each other and the environment;
- iv) confidential information must be safeguarded;
- v) consideration for the interests of the Board and its students in all transactions;
- vi) transparency and fairness in obtaining the best value for public funds;
- vii) demonstrated responsible, efficient and effective manner of using public resources;
- viii) avoidance of any activity that may create, or appear to create, a conflict of interest;
- ix) gifts and/or gratuities in excess of reasonable hospitality or applicable law will not be accepted;
- x) seek legal counsel as required;
- xi) compliance with laws in the Province of Ontario and Canada;
- xii) procure without prejudice in order to achieve maximum value for money;
- xiii) avoidance of one's authority being used for personal gain;
- xiv) continuous improvement in all areas of supply chain (process, knowledge, leading practices, etc.).



**Segregation of Duties**

Effective control in an organization includes segregation of duties across functions and individuals. Segregation of duties prevents any one person from controlling the entire procurement process by separating approvals for the key stages of the procurement process. Employees cannot independently procure goods and services without approval. The Board shall separate at least three (3) of the five (5) functional roles (Requisitioning/Ordering, Approval, Purchase Order, Receiving and Payment).

<b>Function</b>	<b>Responsibility</b>	<b>Accountable Party</b>
Requisitioning	Authorize the procurement department to place an order	Customer requesting the product or service
Requisition Approval	Authorize that funding is available to cover the cost of the order	Budget holder or designate
Purchase Order	Authorize release of the order to the vendor under agreed terms	Procurement Services
Receiving	Authorize that the order was physically received, correct and complete	Individual receiving the goods
Payment	Authorize release of payment to the vendor	Accounts Payable within Financial Services

**Approval Authority**

The following approval levels must be obtained prior to conducting all procurement and must be adhered to for all goods and non-consulting services, based on total estimated value of the procurement (excluding taxes).

<b>Approval Authority Schedule (AAS): Goods and Non-Consulting Services</b>	
<b>Total Procurement Amount (excl. taxes)</b>	<b>Delegated Purchasing Authority Level</b>
\$0 up to \$2,999.99	School Principal
\$0 up to \$4,999.99	Supervisor of Procurement Services, Manager of Human Resource Services, Manager of Communications, Manager of Information Technology Services, Superintendents of Education
\$0 up to \$9,999.99	Manager of Facility Services, Manager of Financial Services
\$0 up to \$74,999.99	Superintendent of Business
\$0 up to \$99,999.99	Director of Education
\$100,000 or more	Board of Trustees

<b>Approval Authority Schedule (AAS): Consulting Services</b>		
<b>Total Procurement Amount (excl. taxes)</b>	<b>Procurement Method</b>	<b>Purchasing Authority Level</b>
\$0 up to \$99,999.99	Invitational Competitive	Board's AAS for goods and non-consulting services
Any Value	Open Competitive	Board's AAS for goods and non-consulting services
Any Value	Non-Competitive (Exemption Based only)	Director of Education or Superintendent of Business



### **General Authority**

The procurement of goods and/or services shall not be authorized unless:

- The required goods and/or services have been requisitioned in accordance with this Administrative Procedure
- The form and content of all documents forming any part of the procurement contract including quotation, tender or proposal documents, form of agreement, special provisions, terms and conditions, insurance, surety bonds, etc. have been reviewed by Procurement Services; and
- The procurement has been approved by the appropriate level of authority.

If a tender/proposal has been awarded to the successful bidder and the successful bidder fails to enter into a contract, the Supervisor of Procurement Services shall be granted the authority to proceed to the next highest scoring bidder for the award of this contract.

Annually, the Supervisor of Procurement Services will communicate a date (typically in May) as the deadline for requisition entry for all schools and curriculum-based requirements. This deadline will allow sufficient time for receipt prior to the end of the school year.

The Supervisor of Procurement Services is authorized to prescribe the content and use of forms, whether electronic or printed, purchase orders, bonds, letters of credit and other forms of guarantees or surety, tendering, proposals and other contract documents; method of procurement or disposal which will more effectively achieve the objectives of this Policy and Administrative Procedure, where alternative methods are permitted and the process to be followed in the issuing, receipt and evaluation of quotes, tenders, proposals and other submissions; and any other aspects of the process or procedure not specifically provided for under this Policy and Administrative Procedure.

On an annual basis, the Supervisor of Procurement Services (or designate) will review and make available a summary report on a sample of purchases and their compliance with this administrative procedure to the Superintendent of Business and Treasurer. This summary report will be made available to the Board of Trustees and will include metrics outlining, at a minimum, the number of purchases, procurement method, and approval authority.

The Board may overrule any requirement of this Policy and Administrative Procedure on a transaction-specific basis through resolution, outside of any regulations or legislative requirements. The elimination of any requirement of this Administrative Procedure on a general or continuing basis must be approved through amendment to this Policy and Administrative Procedure, by the Board.

### **Centralized Procurement**

Procurement Services will standardize and oversee the procurement of office furniture, classroom furniture, office equipment, wireless communications, student uniforms, cafeteria services, and other goods and services to ensure an acceptable level of quality, consistency and to enhance cost and service efficiencies.

All technology-related products (desktops, laptops, printers, monitors, accessories and peripherals, etc.) are procured through Information Technology Services in consultation with Procurement Services to ensure acceptable level of quality and support are provided.

### **Fair Labour Practices**

The Board supports the rights of all workers and will, therefore, strive to ensure that all suppliers of goods and/or services provide the necessary assurances that the goods and/or services are provided under safe, just and healthy conditions.

#### **1. Procurement Thresholds and Process**

The following dollar thresholds indicate the procurement process to be followed by all staff for goods and/or services not included on a quotation, tender and/or contract awarded through Procurement Services or a collaborative purchasing effort on behalf of the Board.



<b>Goods and Non-Consulting Services</b>		
<b>Total Procurement Value (excl. taxes)</b>	<b>Procurement Method</b>	<b>Procurement Means</b>
\$0 up to \$4,999.99	Verbal or catalogue price Written quote(s)	P-Card (up to transaction limits) Purchase Order
\$5,000 up to \$49,999.99	Invitational competitive procurement (minimum of three (3) vendors invited to submit a bid) by the individual with budget authority	Purchase Order
\$50,000 up to \$99,999.99	Invitational competitive procurement (minimum of three (3) vendors invited to submit a bid) by the Supervisor of Procurement Services	Purchase Order
\$100,000 or more	Open Competitive process (RFP, RFT)	Purchase Order Contract

<b>Good and Non-Consulting Services - Facility and Information Technology Services Only</b>		
<b>Total Procurement Value (excl. taxes)</b>	<b>Procurement Method</b>	<b>Procurement Means</b>
\$0 up to \$9,999.99	Verbal or catalogue price Written quote(s)	P-Card (up to transaction limits) Purchase Order
\$10,000 up to \$49,999.99	Invitational competitive procurement (minimum of three (3) vendors invited to submit a bid) by the individual with budget authority	Purchase order
\$50,000 up to \$99,999.99	Invitational competitive procurement (minimum of three (3) vendors invited to submit a bid) by the Supervisor of Purchasing Services	Purchase Order
\$100,000 or more	Open Competitive process (RFP, RFT)	Purchase Order Contract

Prior to commencement, any non-competitive procurement of goods or non-consulting services must be approved by an authority one-level higher than the AAS requirements for competitive procurement.

<b>Consulting Services</b>		
<b>Total Procurement Value (excl. taxes)</b>	<b>Procurement Method</b>	<b>Procurement Means</b>
\$0 up to \$99,999.99	Invitational competitive procurement (minimum of three (3) vendors invited to submit a bid) by the individual with budget authority	Purchase Order Contract
\$100,000 or more	Open Competitive process (RFP, RFT)	Purchase order Contract



**1.1 Informal Process for Goods and Non-Consulting Services (\$0 - \$4,999.99)**

The procurement of goods and/or non-consulting services having a value up to \$4,999.99 (excluding taxes) or a lesser amount as determined by the individual with budget authority shall be procured via Board issued P-Card (up to transaction limits) or Purchase Orders with the required signatures of approval.

Sound judgment shall be exercised by the individual when determining if quotations should be obtained; regardless of this value range. Where the unit cost of an item is less than \$5,000, but the quantity required exceeds a total value of \$5,000, three (3) quotes are required as per the above thresholds.

i.e.: one utility table = \$600 = no quotation  
ten utility tables = \$6,000 = three quotes required

A division of requirements into multiple procurement to reduce the estimated value of a single purchase and avoid the application of the above thresholds is not permitted.

*Facility and Information Technology Services only:* the informal process threshold is \$0 up to \$9,999.99.

**1.2 Formal Quotation Process for Goods and Non-Consulting Services (\$5,000 - \$49,999.99)**

The procurement of goods and/or non-consulting services with an estimated value greater than or equal to \$5,000 (excluding taxes) and up to \$49,999.99 (excluding taxes) shall be obtained using a Competitive Procurement, to offer the most favourable price consistent with reliability, delivery and service requirement. This process may be initiated and completed by an individual with budget authority or Procurement Services. At least three (3) vendors known to provide the required goods and/or non-consulting services shall be invited to submit a bid. Individuals with budget authority must complete a Request for Quotation Form for each quote received, prior to executing a purchase.

All quotations received and rationale for selected file must be kept on file in accordance with the Board's Records Retention Schedule and maybe subject to a random review/audit by the Board's external auditors or Procurement Services.

*Facility and Information Technology Services only:* the formal quotation process threshold is \$10,000 up to \$49,999.99.

**1.3 Formal Quotation Process for: (i) Goods and Non-Consulting Services (\$50,000 - \$99,999.99); and (ii) Consulting Services (\$0 - \$99,999.99)**

The procurement of goods and/or non-consulting services with an estimated value greater than or equal to \$50,000 (excluding taxes) and up to \$99,999.99 (excluding taxes) shall be obtained using a Competitive Procurement, to offer the most favourable price consistent with reliability, delivery and service requirement. This process must be initiated and completed utilizing Procurement Services. At least three (3) vendors known to provide the required goods and/or non-consulting services shall be invited to submit a bid. Procurement Services shall prepare a report for the initiating department, accompanied by the quotations received indicating the selected vendor for purchase order issuance or other appropriate action.

The same Competitive Procurement described immediately above applies to consulting services with an estimated value from \$0 up to \$99,999.99 (excluding taxes).

All quotations received and rationale for selected file must be kept on file and maybe subject to a random review/audit by the Board's external auditors or Procurement Services.

**1.4 Open Competitive Process (\$100,000 or more) – RFP**

This method can be used for any dollar value and involves the solicitation of proposals for the delivery of complex goods, services and/or construction or to provide alternative options or solutions. It is a process that uses pre-defined evaluation criteria in which price is not the only factor. Bid opportunities are required to be posted for a



minimum of fifteen (15) calendar days on a nationally available electronic tendering system. Bid submissions will be evaluated to determine the successful proponent(s). This process has the most flexibility and will be governed by the terms of the RFP as developed by the Board. Depending on its terms, the process may involve negotiations subsequent to the submission of proposals on any or all the specifications, contract terms and prices.

### **1.5 Open Competitive Process (\$100,000 or more) – RFT**

This method can be used for any dollar value and involves the solicitation of goods, services and/or construction with specific delivery requirements and performance specifications and may require/include vendor pre-qualification. Tenders are required to be posted on a nationally available electronic tendering system for a minimum of fifteen (15) calendar days. Complex procurements should be advertised for a longer period of time. All bids will be sealed and received on or before the specified closing date and time. All bids will be evaluated and approved in consultation with Procurement Services and the requisitioning budget holder or designate.

### **1.6 Emergency Procurement Process – Single Source**

The emergency procurement process may be used for any dollar value, when the procurement of any goods and/or services is deemed an emergency. This process is undertaken in consultation with the Supervisor of Procurement Services. The completion of the Single/Sole Source Approval Form is required to document the emergency process. When a member of Facility Services is on call, they are delegated the authority of the Manager of Facility Services. If an emergency is declared after hours, then the Single/Sole Source Approval Form will be completed and approved the following day. Documentation describing the rationale for this type of purchase must be completed and approved by the appropriate approval authority as this may be used as supporting documents in the case of a competitive dispute.

### **1.7 Sole Sourced**

Where only one supplier is able to meet the procurement requirements, Procurement Services may conduct a non-competitive procurement in the circumstances outlined in the Sole/Single Source Approval Form, provided that they do not do so for the purposes of avoiding competition between vendors or in order to discriminate against vendors or to circumvent the requirements of this Policy and Administrative Procedure.

Documentation describing the rationale for this type of procurement must be completed and approved by the appropriate approval authority as this may be used as supporting documentation in the case of a competitive dispute.

### **1.8 Direct Negotiated**

Unless otherwise provided for in this Policy and Administrative Procedure, the Supervisor of Procurement Services may enter into negotiations with one or more vendors for the supply of goods and/or services when any of the following conditions apply:

- The goods and/or services are deemed necessary as a result of an emergency which would not reasonably permit the use of any other prescribed procurement process.
- No bids are received on a formal quotation, tender or request for proposal call.
- The extension of an existing contract would prove more cost effective or beneficial and is permissible in the original Contract, provided that original Contract was conducted through a Competitive Procurement and such procurement document contemplated that extension.
- Bids have been solicited using one of the procurement processes with all bids received being non-responsive or non-compliant
- Goods and/or services are available from a Single or Sole Source.
- Exemptions for goods and/or services outlined in applicable trade agreements



### **1.9 Request for Information (RFI)**

This is a process where information is requested from vendors regarding the feasibility and availability of specific goods and/or services in the marketplace. This process can be used for any dollar value but cannot be used as a means of pre-qualification and must not influence the chances of the participating suppliers from becoming the successful proponent in any subsequent opportunity. Based on the information received, the Board may solicit quotations, tenders or proposals consistent with the procedures prescribed in this Policy and Administrative Procedure, at which time prices would be requested.

### **1.10 Request for Expression of Interest (RFEI)**

The RFEI enables the Board to solicit supplier interest in an opportunity or information on supplier capabilities/qualifications. This mechanism may be used when the Board wishes to gain a better understanding of the capacity of the supplier community to provide the services or solutions needed. Information collected in an RFEI can also facilitate selecting the best procurement process for a follow-up competitive process. A response to an RFI or RFEI must not pre-qualify potential suppliers and must not influence their chances of being the successful supplier on any subsequent opportunity.

### **1.11 Request for Supplier Qualifications (RFSQ)**

The RFSQ enables the Board to gather information on supplier capabilities and qualifications, with the intention of creating a list of pre-qualified suppliers or a Vendor of Record (VOR). This mechanism may be used either to identify qualified candidates in advance of expected second stage competitive procurements or to narrow the field for an immediate need. The purpose of this process is to reduce subsequent effort devoted to the competitive process (i.e., bid preparation on the part of suppliers and evaluation on the part of the Board). The terms and conditions of the RFSQ must contain specific language to disclaim any obligation on the part of the Board to actually contact a supplier to supply such goods or services as a result of the pre-qualification.

### **1.12 Evaluation of Bids**

All information regarding timelines of bids, bid receipts, evaluation criteria, evaluation methodology and process, selection process, tie score process, fixed evaluation criteria, evaluation matrix, mandatory criteria, conflict of interest, dispute resolution process and bonding requirements (if applicable) are contained within the terms and conditions of the individual bid and bid specifications. Competitive procurement documents must state that submissions that do not meet the mandatory criteria will be disqualified. The Board shall not discriminate or exercise preferential treatment in awarding a contract.

Unless permitted by a specific exception within this administrative procedure, whenever a competitive process is used to acquire goods and services, the Board must then select only the highest ranked submission or low qualified bid that meets all mandatory requirements set out in the related procurement documents. All submission evaluation details must be fair, factual and fully defensible.

#### **Evaluation Criteria**

Evaluation criteria must be developed, reviewed and approved by an appropriate authority prior to commencement of the competitive procurement process. Competitive procurement documents must clearly outline rated or other criteria used to evaluate submissions, including weight of each criterion. Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria. The pricing component of all bids will be opened in the presence of the evaluation team or Tender Opening Committee, as required.

The evaluation criteria can only be altered by means of addendum to the competitive procurement documents. Competitive procurement documents must fully disclose the evaluation methodology and process to be used in assessing submissions.



### **Evaluation Team**

Every competitive process requires an Evaluation Team that will be responsible for evaluating all competitive bids. Evaluation team members should be selected, and participation confirmed before the competitive documents have been posted. Board evaluation team members may be included in the development of the evaluation criteria and general requirements. Evaluation Team members will be made aware of the restrictions related to confidential information shared through the competitive process and refrain from engaging in activities that may create or appear to create a conflict of interest. The Board will require all evaluation team members to sign a *Conflict of Interest Declaration and Non-Disclosure Agreement*. The Board must consider a Conflict of Interest during procurement activities applicable to the evaluation team members.

All competitive procurement bids will be opened in the presence of the evaluation team, including pricing components. Each member of the Evaluation Team must evaluate all supplier submissions using an evaluation matrix and must be fair, factual and fully defensible and may be subject to public scrutiny.

### **1.13 Contract Awards**

Despite the contents or any other requirement of this Policy and Administrative Procedure, the following contracts shall be awarded by the Board of Trustees:

- For the supply of goods and services which have a term of one year and a day, or greater
- Awarded following a solicitation for which the Board has made a specific exception
- Contract(s) under which the total amount to be paid over the full term of the contract is expected to exceed one-hundred thousand dollars (\$100,000.00)

The award of any bid or any part thereof will be made in writing and may be subject to the successful proponent entering into a contract that is satisfactory to the Board. The contract must be finalized using the form of the agreement/contract that was released with the procurement document. A Purchase Order will be issued upon formal award.

Unsuccessful proponents will be provided with the name of the successful proponent(s) and start and end dates, including any options for extension. Any information provided must comply with MFIPPA. Awards will be posted in the same manner as the procurement documents were posted with all relevant information applicable to the bid.

### **1.14 Proponent Debriefing**

For procurements valued at \$100,000.00 or more, the Board will allow unsuccessful suppliers sixty (60) calendar days following the date of the contract award to request a debriefing, by contacting the Supervisor of Procurement Services. The debriefing will provide the unsuccessful proponent with a critical review of its bid highlighting its strengths and weaknesses.

### **1.15 Bid Protest/Dispute Resolution**

Although procurement documents must outline any bid dispute resolution processes and comply with applicable trade agreements, should an unsuccessful proponent choose to dispute the outcome of a Competitive Procurement, the following general process will apply:

- i) The unsuccessful proponent must first avail themselves of a debriefing, as described above
- ii) If after attending a debriefing, the proponent still has concerns about the outcome of a Competitive Procurement, the proponent must submit their concerns in writing to the Supervisor of Procurement Services. This request should provide a detailed statement of the legal and factual grounds for the protest, including copies of the relevant documents and the form of relief requested.



- iii) The Supervisor of Procurement Services shall investigate the nature of the complaint by reviewing the information with the appropriate Board staff and the proponent to determine the grounds and alternatives for a resolution.
- iv) If resolution cannot be met, the proponent may direct the complaint to the Superintendent of Business and Treasurer. The Superintendent of Business and Treasurer shall review the facts of the dispute and shall make the final decision as to the action required which may include taking the matter to the Director of Education and/or Legal Counsel.

Following identification of the grounds and alternatives for a resolution, the Board and the unsuccessful proponent shall negotiate a mutually acceptable agreement to resolve the issues raised. The parties may be represented by legal counsel in the negotiation.

## **2. Contract Management/Vendor Performance Evaluation**

In order to ensure that the Board is holding vendors accountable for contractual obligations, the Board will monitor the performance of all contracted vendors in accordance with the procedures set out below:

- Board employees responsible for managing a contact must track a vendor's performance, including timely deliveries; quality of goods and services; meeting milestones; and invoices in line with the contact. Detailed notes and records should be kept during the term of a contract with respect to any performance issues.
- Where a serious performance issue has occurred, the Board employee must complete a Vendor Incident Report. Vendor Incident Reports should be completed when a vendor fails to abide by the contract terms and conditions or fails to meet specifications. Where a performance issue is serious enough, the Board may also consider terminating the contract, subject to the terms of the contract.
- At the end of every contract, the responsible Board employee should complete a Vendor Performance Evaluation Form. The responsible Board employee should ensure that these forms are completed with sufficient detail to ensure that any decision taken with respect to records of poor performance are fully defensible. Copies of all completed Vendor Performance Evaluations forms should be kept with Procurement Services.
- Vendor Incident Reports and Evaluation forms may be used to support disqualification, suspension, or Removal from pre-qualified or vendor of record lists of this Administrative Procedure.
- Where there is a Vendor Incident Report or negative Performance Evaluation form (a copy of which will be presented to the vendor), the vendor at issue should be allowed to comment on the documentation for same and any such comments should be included in the file.

### **Vendor Suspension and/or Removal from Pre-Qualified or Vendor of Record Lists**

The Board's vendor suspension process has two goals:

- to protect the Board from risks associated with awarding contracts to vendors that have demonstrated an inability or unwillingness to fulfill or execute contractual requirements; and
- to protect the interests of the Board and the integrity of the procurement process

A suspension operates to prohibit vendors who have displayed improper conduct (as further detailed below), from participating in a competitive bid process or contract. The Board may, as the circumstances warrant, suspend a vendor from participating in any competitive bid process if any of the following occurs:

- failure on the part of the vendor to sign or execute a contract or honour the terms within its bid submission may result in the suspension of bidding privileges for up to two years



- unsatisfactory performance on the part of the vendor or failure to comply with a rectification notice or provide a satisfactory rectification plan may result in the suspension of bidding privileges for up to two years
- a vendor receiving two provisional performance evaluations regardless of the project may result in the suspension of bidding privileges to the Board for up to two years

Any suspension must be approved by the Manager of the department responsible and by the Superintendent of Business and Treasurer and must be supported by a written business case. A suspension decision should be communicated in writing to the vendor in question and should include full details as to the reason for the suspension and the length of the suspension.

### **3. Claims or Possible Claims**

The Board will preclude a vendor from bidding if the vendor has made a formal demand or otherwise put the Board on notice of a pending action (this includes a bid protest/dispute resolution, as described in section 1.15) or is involved in any actual litigation proceedings (except only construction lien demands, notices or proceedings) by or against or otherwise involving the Board.

### **4. Cooperative Procurement**

The Board will actively participate in cooperative procurement ventures with other school boards and other branches of government or their agencies of public authorities to obtain maximum value for money through economies of scale and/or shared services. This may also include the Board utilizing a piggy-back clause to existing Ministry or government services, district school boards and/or other cooperative group contracts, to the extent permitted by applicable law. The Board reserves the right to exercise any of the above; provided that ventures adhere to the Board's policies and administrative procedures and serve the best interests of the Board.

The eventual Cooperative Purchasing Agreement will be exempt from the normal Board approval process and will be presented at the appropriate monthly Board meeting for information purposes only.

### **5. Environmental/Sustainable Purchasing**

The Board will encourage and make every reasonable effort to consider environmentally responsible and sustainable products and services as part of the procurement decision. This will include, but not be limited to, landfill diversion, waste reduction, energy efficiency, ability to be recycled, reusability and supplier selection.



## **6. Exceptions**

The following items are not subject to the Board's Procurement Policy and Administrative Procedure:

1. Licenses (vehicles, elevators, radios, etc.)
2. Charges to or from other government bodies or Crown Corporations except for construction and/or maintenance projects
3. Real Estate including land, buildings, leasehold interests, easements, encroachments and licenses
4. Certain professional services, refer to the CFTA and CETA as applicable
5. Freight charges
6. Legal Fees and other professional services related to litigation or legal matters
7. Charges to or from government legislated controlled agencies (i.e. – Technical Standards & Safety Association, Electrical Safety Authority, Liquor Control Board)
8. Entertainers (i.e. – for Theatre, Special Events)
9. Conferences, Courses, Seminars, Conventions, Memberships, Periodicals, Magazines Subscriptions
10. Refundable Employee Expenses, Meal Allowances, Travel Expenses
11. Miscellaneous – Non-Travel, Hotel Accommodation, Mileage
12. Postage, Water, and Sewage Charges,
13. Natural Gas and Hydro
14. Spiritual Services