

REGULATIONS

SUBJECT: Purchasing Goods and Services

1. PROCUREMENT STANDARDS

These regulations and the following documents listed below, shall govern the principles and practices used in conducting the Board's purchasing operations.

- a) Board Regulations R-BU-503.1 "Purchasing Code of Ethics".
- b) Board Administrative Procedures A-BU-503 "Purchasing Goods & Services".
- c) Province of Ontario "Broader Public Sector (BPS) Supply Chain Guideline (SCG) Ver 1.0 April 2009" or the latest available edition. Refer to Appendix A attached to this regulation for a summary list of these SCG Requirements.

2. METHODS OF PROCUREMENT

The purchasing of goods and services shall be undertaken using the following methods.

Purchasing Cards – the purchaser uses his/her assigned Purchasing card to tender payment as per Administrative Procedure # A-BU-509. Employee expenses are to comply with Board Regulation R-BU-502.1. Expenses Reimbursement for Staff, Trustees and Student Trustees.

Payment Authorization Forms - the purchaser picks up or verbally orders materials in accordance with the maximum limits of the Payment Authorization Form. When the goods are received, the original invoice is attached to a completed Payment Authorization Form and submitted to Accounts Payable for payment, as per Administrative Procedure # A-BU-506.

Requisitions/Purchase Orders - a school or department fills out a requisition for goods or services required and forwards it to the Purchasing department for pricing and preparation of a Purchase Order and Receiver.

Price Quotations, Requests for Proposals and Tenders – these are done by the Purchasing Department to secure volume pricing on common items used throughout the system with deliveries scheduled a minimum of three times per year or more often if required. These are also used for Capital and Furniture purchases as well as for many types of planned Maintenance programs. Committees of the user groups, when required will be established by the Purchasing Supervisor to review and update the items selected to ensure that the best products and services are being chosen.

3. SEGREGATION OF DUTIES

The following roles shall be segregated into the departments noted:

Budget - authorized and approved by the Board on an annual basis. The Finance Dept forwards/allocates the budgets to holders (Superintendents, Department Managers, School administrators.)

Requisition(s) – authorized by the budget holder (School/Department) and forwarded to the Purchasing Department for acquisition purposes.

Commitment – Purchasing Department authorize the release of the order to the supplier under agreed upon contract terms

Receipt – authorized by the budget holder (School/Department)

Payment – authorized by the budget holder (School/Department) and forwarded to the Accounts Payable Department for payment.

4. APPROVAL AUTHORITY LIMITS

Procurement shall be initiated for approved items within the limitations as defined in the following table.

Total Purchase Amount	Delegated Purchasing Authority Level	Procedure
<\$1,500 providing the item is non-cumulative, is a non-tendered product or service *see exception below	Authorized Budget Holder	Payment Authorization Form or Purchasing Card, Purchase Order 1 Quotation required
\$1,501 - \$10,000	Superintendent, Principal, Manager	At least 3 Verbal or written quotes
\$10,001 - \$25,000	Superintendent, Principal, Manager	At least 3 Written quotations, Request for Proposal or Tender by the Purchasing Department
Total Purchase Amount	Delegated Purchasing Authority Level	Procedure
\$25,001 - \$100,000	Superintendent of Business or designate	At least 3 Written quotations, Request for Proposal or Tender by the Purchasing Department
>\$100,000	Superintendent of Business or designate	Formal Tender or Request for Proposal Open Competitive procurement
>\$250,000 for major capital projects	Board of Trustees	Formal Tender or Request for Proposal

Exception – Plant Department – *Minor building renovations and repairs up to \$10,000 and be approved by the Manager of Plant or designate*

Board of Trustees shall approve all real estate sales and purchases

The Board is not obligated to accept the lowest bid and reserves the right to reject any or all bids submitted.

Emergency Purchasing

In cases of emergency, extenuating circumstances or where an item is difficult to commit to specifications, purchases, leases, lease/purchase agreements or rentals of equipment or systems

may be excluded from all of the above requirements but must have the approval of the Manager of Financial Services or Superintendent of Business before any commitment to a supplier is made.

5. SPECIAL PURCHASING PROCESSES

- a) **Request for Information (RFI)** An RFI may be issued to gather information on products, services or solutions that may be needed by the Board. This is used when it is needed to gain a better understanding of what is available in the marketplace for various products and services and to have the most up to date information about what is available, or to assess the capacity of the supplier community to provide the services or solutions needed. Information collected can also facilitate selecting the best possible competition method for a follow-up competition.
- b) **Request for Expressions of Interest (RFEI)** An RFEI may be used to gather information on supplier interest in an opportunity or information on supplier capabilities/qualifications. This mechanism should be used by the Board when wishing to gain a better understanding of the capacity of the supplier community to provide the services or solutions needed. Information collected can also facilitate selecting the best possible competition method for a follow-up competition
- c) **Request for Supplier Qualifications (RFSQ)** The purpose of an RFSQ is to gather information on supplier capabilities and qualifications, with the intention of creating a list of pre-qualified suppliers. 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.
- d) **Request for Tender (RFT):** A Request for Tender may be used when the specifications of the required products or services is known by the originating person or department and there are more than one possible suppliers. The successful supplier is normally determined by price, but ability to satisfy the necessary time requirements may be considered as well.
- e) **Request for Proposals (RFP)** A request for proposal may be used when the Board wishes to consider a variety of factors in addition to price in awarding a contract.
- f) **Negotiated Contract:** A negotiated contract usually involves a single source supplier or when it is determined that the best interests of the Board can be better served by negotiation. Negotiations shall be entered into only by the Purchasing Agent with the approval of the Superintendent of Business and a report shall be submitted to the Superintendent of Business when negotiations have been used instead of the formal tender procedures.
- g) **Non-Competitive Procurement** (exemptions from the Competitive Process)
In certain unique circumstances, the Board will not have the ability to go through a competitive process activity. Examples include professional services, purchases of educational textbooks and library books, instances where pre-existing furniture or equipment is only available from one supplier, when necessary to maintain compatible technologies, where an open competitive process could interfere with the ability to maintain security or to protect human health and various types of maintenance contracts. The purchase arrangements would then go directly to one supplier to meet the requirements of the Board.

6. ADVERTISING AND POSTING

- a) Advertising of Bids shall be conducted by the Central Office Purchasing Department by publication in one or more daily newspapers and/or through an electronic media.
- b) For contracts over \$100,000 - Advertisements shall be placed on electronic tendering systems and/or daily newspapers to be accessible to all Canadian suppliers as required by the Agreement on Internal Trade (AIT) and the Ontario-Quebec Procurement Agreement.
- c) Bids must be advertised for a period of 15 calendar days for procurements valued at \$100,000 or more. Any addenda must be issued at least seven days prior to the closing date of the Bid.
- d) Bid closing dates are to be set on a normal working day (Monday to Friday, excluding provincial and national holidays). Submissions that are delivered after the closing time will not be considered.

7. OPENING OF TENDERS/PROPOSALS

The closing date shall be set on a normal working day (Monday to Friday, excluding provincial and national holidays). Only Tenders/Proposals received prior to the closing date and time will be opened for consideration. Late Tenders/Proposals will not be accepted and will be returned to the supplier unopened accompanied with a letter of explanation.

Tenders/Proposals for building contracts and major projects will be opened formally by the Purchasing Supervisor or designate and the Manager/ Superintendent of the applicable department. All other Tenders/Proposals will be opened by at least two people; one of which will be the Purchasing Supervisor or designate and another Board employee.

8. CONTRACT AWARD

- a) Standard Quotes and Tenders will generally be awarded to the successful bidder that has submitted the lowest price in compliance and satisfactory with the conditions of the tender documents.
- b) Other competitive processes (ex. Request for Proposal RFP) – the bids received shall be evaluated using an established evaluation criteria that may be based on: mandatory requirements, rated requirements and price/cost.
- c) The Board shall not impose or consider, in the evaluation of bids or the award of contracts, local content or other economic benefits criteria that are designed to favour - the Goods and Services of a particular province or region.

9. FREEDOM OF INFORMATION

All proposals submitted to the Board become the property of the Board and as such are subject to the provisions of the Freedom of Information and Protection of Privacy Act regarding information, which may be provided in confidence. Bidders must clearly state, in their bids, if disclosure of any portion of the bid would cause injury to the company. Any information submitted by any vendor that is to be considered confidential must be clearly marked as such.

10. COOPERATIVE PURCHASING

Under the direction of the Superintendent of Business, or designate, the purchasing department shall participate in partnership with other school boards and public agencies (ie. CKLAG, Broader Public Sector Group, etc.). It is the intent of the Board that other institutions be allowed to participate in contracts as a result of any tender or proposal issued by the Board; as well, that

we would be allowed to participate in one of our members tenders/proposals. All interested organizations that commit to a joint tendering/proposal process, will be required to continue to participate for the entire duration of the contract period. All requirements must be submitted prior to the tender/proposal being issued. When it is to the Board's advantage it will use Proposals issued by the Ontario Education Collaborative Marketplace. (OECM)

11. ETHICS

Any Board personnel who purchase goods and services will not accept any gratuities, favours, direct or indirect payment that exceeds the bounds of normal social courtesies.

The Purchasing Department will be governed by the Purchasing Management Association of Canada's Code of Ethics' and guiding principles.

12. CONFLICT OF INTEREST

As outlined in the Education Act; any person involved in the ownership or operation as a potential supplier to the Board who is an employee or whose parent, spouse, child or other immediate family is an employee of the Board shall be considered to have a potential conflict of interest and will, therefore, declare this potential conflict prior to any sale, bid or proposal.

All purchases from Board employees shall be governed by applicable legislation including but not limited to: Education Act (s.217).

Implementation Date: February 14, 2006
Revised: March 27, 2007, September 28, 2010

Reference: Board Policy, Administrative Procedures
Government of Ontario Supply Chain Guideline Version 1.0
Ministry of Education School Board Expenditure Guidelines

Appendix A**Supply Chain Mandatory Requirements
For Broader Public Sector Organizations**

1. Segregation of Duties and Approval Authority Levels with different departments to ensure effective control of the purchasing process.
2. Approval requirements of purchasing power in accordance with a prescribed schedule of dollar amounts.
3. Open and competitive procurements conducted where estimated value of the item or work is \$100,000 or greater.
4. A response to and RFI or RFEI must not influence the potential suppliers chance of obtaining contracts on any future opportunity.
5. When using an RFSQ to pre-qualify suppliers, provide language in the RFSQ that disclaims any obligation of the Board to be required to call on any supplier as a result of the pre-qualification to supply such materials or services.
6. Advertisements for construction contracts above \$250,000 shall be made through an electronic tendering system that is equally accessible to all Canadian suppliers (ex. [BIDDINGO www.biddingo.com](http://www.biddingo.com)).
7. For procurements valued at \$100,000 or more, Suppliers shall be provided with 15 calendar days to prepare their bid submissions.
8. Bid closing dates shall be on a normal working day. Any bids received after the closing time will not be considered.
9. Bid evaluation criteria and technical standards to be met shall be included in the RFP/Tendering documents.
10. The bid evaluation methodology and process to be used shall be described in the RFP/Tendering documents.
11. Board employees acting on bid evaluation teams shall sign a conflict of interest declaration and non-disclosure agreement.
12. Each member of the Board evaluation team shall complete the bid evaluation matrix for each of the bidders in a fair and factual manner.
13. The highest ranked submission that has met all mandatory requirements of the bid documents shall be selected as the successful bidder.
14. The method to resolve a tie score shall be identified in the evaluation criteria.
15. No preferred treatment / discrimination are to be used in awarding a contract to the preferred supplier.
16. A signed written contract shall be executed between the successful supplier and the Board before the provision of goods, services or construction commences.
17. The contract shall be finalized using the form of agreement/contract that was released with the procurement document.
18. Appropriate cancellation clauses shall be included in the contracts.
19. The term of the agreement and any options to extend the agreement shall be set out in the procurement document.

20. For Contracts of \$100,000 or greater, a contract award notification (providing the name of successful bidder & contract timelines) shall be posted in the same manner as the procurement documents were posted.
21. For Contracts of \$100,000 or greater, all suppliers who participated in the procurement process shall be informed of their entitlement to a debriefing.
22. Non-Competitive procurements are to be documented and approved in accordance with these regulations.
23. Purchasing records are to be retained for a period of seven years.
24. All employees of the Board and their external consultants, who are engaged in purchasing activities, shall declare all actual or potential conflicts of interest.
15. A supplier may submit a bid protest in accordance with the Board's bid protest procedures.