Greater Essex County District School Board

Policy: Procurement

Reference No: P-BA-01

It is the policy of the Greater Essex County District School Board (“Board”) to procure goods, services, and construction necessary for the operation of schools and other offices in an environmentally responsible, efficient, and cost-effective manner.

This policy, and related regulation and administrative procedure, applies to all staff involved in supply chain-related activities at the Board and governs how the Board conducts sourcing, contracting, and purchasing activities.

Greater Essex County District School Board

Regulation: Procurement

Reference No: R-BA-01

1. GENERAL

1.1 **OBJECTIVE**

The Purchasing Department is a centralized service department whose main responsibility is the procurement of material, equipment, supplies and services required by the Board.

The procurement of all goods and services is to be in compliance with this Policy, Regulation, Purchasing/Procurement Administrative Procedure (AP-BA-12), the Expenses (Staff) Policy (P-BA-15), Regulation (R-BA-15) and Administrative Procedure (AP-BA-14) and the Hospitality Policy (P-BA-26), Regulation (R-BA-26) and Administrative Procedure (AP-BA-25).

1.2 **APPROVAL AUTHORITY SCHEDULE ("AAS") FOR PROCUREMENT OF GOODS AND SERVICES**

1.2.1 Commitment Approval Authority Schedule for Goods and Non-Consulting Services (i.e., the person authorized to commit the organization to a purchase).

Designated employees from each school/department have access to -electronic purchase requisition function in Sparkrock Employee Centre. Each school/department has an assigned administrator(s) who reviews and approves the requisition before it is electronically forwarded to the Purchasing Department.

All procurement of goods and non-consulting services must be approved, prior to commencement, by an appropriate authority in accordance with the AAS below. Any non-competitive procurement of goods or non-consulting services must be approved, prior to commencement, by an authority one level higher than the AAS requirements for competitive procurement.

Functional Role	Who	Total Amount
Requisition input in - Sparkrock Employee Centre	Designated staff at each school/department	Requests are electronically forwarded to school Principal or department administrator for approval
Requisition approval	Administrator or designate – responsible for the budget within certain accounts	Within approved budget

1.2.2 Commitment Approval Authority Schedule for Consulting Services
Prior to commencement, any procurement of consulting services must be approved in accordance with the AAS below.

Procurement Method	Procurement Value	Approval Authority
Invitational Competitive	$0 to $121,200	AAS as noted in 1.2.1
Open Competitive	Any value	AAS as noted in 1.2.1
Non-competitive (Exemption-based only)	$0 to $999,999	Director or Delegate
Non-competitive (Exemption-based only)	$1,000,000 or more	Board of Trustees

1.2.3 Signing Authority – Procurement Documents.

As per the Board Governance By-Laws, Appendix 1.

1.3 LIMITATIONS

The Purchasing Department is not responsible for the purchase of real estate, insurance, negotiating leases for real estate or permanent buildings or those services that are exempt from the procurement provisions of the *Canadian Free Trade Agreement* ("CFTA"), *The Canada-European Union Comprehensive Economic and Trade Agreement* ("CETA") and the *Trade and Cooperation Agreement between Quebec and Ontario*. Documentation is required to support and justify an exemption.

1.4 ETHICS AND CONFLICT OF INTEREST

The Employee Conflict of Interest Policy (HR-08) of the Greater Essex County District School Board ("Board") along with this policy and regulation shall govern the rules and ethics to be practiced by any individual involved in purchasing or other supply chain-related activities such as planning, contracting, logistics and/or payment.

Personal Integrity and Professionalism

All individuals involved with purchasing or other supply chain-related activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all supply chain activities within and between organizations, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. All participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products. Board employees will not accept any gratuities, favours, direct or indirect payment that exceeds the bounds of normal social courtesies.

Accountability and Transparency
Supply chain activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money. All participants must ensure that public sector resources are used in a responsible, efficient and effective manner.

Compliance and Continuous Improvement
All individuals involved in purchasing or other supply chain-related activities must comply with this Code of Ethics and the laws of Canada and Ontario. All individuals should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.

The Board must consider any conflict of interest during procurement activities applicable to all employees, advisors, external consultants or suppliers. The Board requires any individual involved in supply chain-related activities to declare all actual or potential conflicts of interest. Where a conflict arises, it must be evaluated, and an appropriate mitigating action taken as required.

All Purchase Order terms and conditions will contain the following statement. “The Education Act prohibits employees of a District School Board (“DSB”) or Ministry of Education from selling any article to any DSB”.

Under no circumstances shall employees make personal purchases in the name of the Greater Essex County District School Board.

Purchases shall not be delivered to the home address of the employee but must be delivered to a board location / address.

1.5 UNAUTHORIZED PURCHASES

Purchases made in the name of the Greater Essex County District School Board outside of the guidelines of this policy will be considered an obligation of the person making the purchase and not an obligation of the Board.

1.6 ENVIRONMENT

As far as practicable and financially feasible, all acquisitions of goods and services will be considered with the goal of lessening any environmental impact. Products that have a high level of post- consumer recycled materials and that have the least harmful effect on the environment without significantly affecting the intended use of the product or service will be given priority.

All purchases for electrical equipment must be Canadian Standards Association (CSA) approved. CSA ensures products are tested for compliance with minimum energy efficiency levels.

1.7 TENDERED SUPPLIER

The Purchasing Department in consultation with other departments and/or school administrators will review the purchasing of all goods and services to determine whether or not it is in the best interest of the Board to tender goods and/or services that are not currently tendered. All tendered items shall be purchased from the tendered supplier.

2. REGULATIONS

2.1 QUOTATIONS, TENDERS and REQUESTS FOR PROPOSALS

When determining the value of the good and/or service, the requisitioner, in collaboration with the Purchasing Department, shall consider the total value of the requirement, including anticipated changes, option years, etc., and include this information in the request for quote (RFQ), tender and/or request for proposal (RFP).

2.1.1 Goods, Non-Consulting Services and Construction: RFQs, tenders and RFPs shall be obtained as follows:

i. $0 to $9,999 - Miscellaneous goods or non-consulting services to a value of $9,999 may be purchased at the discretion of the requisitioner and processed by payment request, in accordance within the limitations defined in administrative procedure AP-BA-12.

ii. $10,000 to $ 121,200 – Requires at least three (3) written quotes solicited and a purchase order issued in advance of obtaining the required goods or non-consulting services where possible/feasible as determined by and at the discretion of the Purchasing Department, except the Facility Services Department (see 2.1.1 a), b) and c) below). If unsure how to proceed or if the procurement is complex, contact the Purchasing Department in advance for guidance/assistance with the Request for Quote process. Use of the Board's RFQ form is preferable to a quote on a supplier's letterhead as it contains the Board's terms and conditions. Quotes and related documentation are to be attached to the purchase requisition. Formal tenders and RFPs may be issued at the discretion of the Supervisor of Purchasing and Supply.

a) Facility Services Department – Maintenance Work Orders (see Section 3)

b) $0 to $19,999 – Goods or non-consulting services and construction to a value of $19,999 may be purchased at the discretion of the Facility Services Department using a maintenance work order and a payment request, in accordance within the limitations defined in administrative procedure AP-BA-12.

c) $20,000 to $ 121,200– Goods or non-consulting services and construction valued between $20,000 and $ 121,200 requires at least three (3) written quotes solicited and a purchase order issued in advance of the purchase,

non-consulting service or construction where possible / feasible as determined at the discretion of the Purchasing department. Contact the Purchasing Department in advance for guidance / assistance with the Request for Quote process. Solicit three (3) written quotations on suppliers' letterhead or the Board's RFQ Form where possible / feasible as determined by the Purchasing Department. Quotes and related documentation are to be attached to the purchase requisition. Use of the Board's RFQ form is preferable to a quote on a supplier's letterhead as it contains the Board's terms and conditions. Formal tenders and RFPs may be issued at the discretion of the Supervisor of Purchasing and Supply.

iii. $ 121,201 and higher – Goods or non-consulting services valued at $ 121,201 and higher require a formal tender or RFP prepared by the Purchasing Department, in collaboration with the requisitioner. The process shall be conducted as an open, competitive process in accordance with Ontario's various trade agreements. The Tender or RFP, agreement and purchase order must be issued in advance of obtaining the required goods or non-consulting services and construction.

iv. The overall value of procurement cannot be reduced in order to circumvent the procurement thresholds (i.e., dividing a single procurement into multiple, smaller dollar procurements).

v. The Supervisor of Purchasing and Supply shall have the authority to negotiate, when it is determined that the best interests of the Board can be better served by negotiation rather than by formal tender. Negotiations shall be entered into only with the approval of the Superintendent of Business.

2.1.2 Consulting Services (the provision of expertise or strategic advice that is presented for consideration and decision-making): RFQs, tenders and RFPs shall be obtained as follows:

i. $0 to $ 121,200– Consulting services valued between $0 and $ 121,200 require a purchase order and quotes solicited in advance of obtaining the required services. Contact the Purchasing Department in advance for guidance/assistance with the Request for Quote process. Solicit at least three (3) written quotations on suppliers' letterhead or Board's RFQ Form where possible/feasible as determined by the Purchasing Department. The use of a Board RFQ Form subject to the Board's terms and conditions is preferable to a quote on a supplier's letterhead. Documentation related to quotes to be forwarded to the Purchasing Department. Formal tenders and RFPs may be issued at the discretion of the budget holder or the Supervisor of Purchasing and Supply.

ii. $ 121,201 and higher – Consulting services valued at $ 121,201 and higher

require a formal Tender or RFP prepared by the Purchasing Department, in collaboration with the requisitioner. The process shall be conducted as an open, competitive process in accordance with Ontario's various trade agreements. The Tender or RFP, agreement and purchase order must be issued in advance of obtaining the required services.

iii. Note: Procurement of the following are exempt from the application of CFTA:
   a) financial services respecting the management of government financial assets and liabilities (i.e., treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution;
   b) health services or social services;
   c) services that may, under applicable law, only be provided by licensed lawyers or notaries; or
   d) services of expert witnesses or factual witnesses used in court or legal proceedings.

iv. However, the Board should clearly delineate between professional services that provide expertise or strategic advice for consideration and decision-making (consulting services) and professional services that fall outside this scope. Refer to the administrative procedure Purchasing/Procurement Procedures Handbook AP-BA-12 for examples of consulting versus non-consulting services.

2.1.3 PROCEEDINGS AGAINST THE BOARD

The bidder must represent and warrant that at the time of the submission of a bid by the bidder and at the time of the awarding of the bid to the successful bidder, the bidder shall not, directly or indirectly, be a party to any actual, pending, or threatened suits, actions, litigation proceedings, arbitrations, alternative dispute resolutions, investigations or claims (the "Claim" or "Claims") by or against or otherwise involving the Board and the bidder. The bidder acknowledges that the Board may reject the bid in view of any Claim or Claims involving the Board and the bidder. The successful bidder may also be required, at the discretion of the Board, to sign a Certificate in a form satisfactory to the Board confirming that the successful bidder is not associated with any entity involved in any Claim or Claims with the Board.

2.1.4 IDENTICAL BIDS

Under no circumstances will the awards be divided between the suppliers submitting identical bids. The reason(s) for deciding on one supplier over another shall be clearly documented and kept on file in the Purchasing Department.

2.1.5 All tenders and RFPs shall be received by the Supervisor of Purchasing and Supply or designate.

2.1.6 A quarterly report shall be presented to the Board for all tenders and RFPs accepted in excess of $250,000 before taxes.

2.1.7 For complex procurements less than $ 121,200, bidders shall be allowed a minimum of ten (10) calendar days to respond, where possible. For procurements of $ 121,201 or more, bidders shall be allowed a minimum of fifteen (15) calendar days to respond. Consideration shall be made for providing suppliers a minimum response time of thirty (30) calendar days for procurements of high complexity, risk and/or dollar value.

Notwithstanding the above, if the CFTA applies, the Board must allow a reasonable period of time for bidders to prepare and submit responsive bids, considering:

- the nature and complexity of the procurement;
- the extent of subcontracting anticipated;
- the time necessary for transmitting tender documentation by non-electronic means;
- consistency with the Board's own reasonable needs.

Notwithstanding the above, if CETA applies, the timelines are as follows:

- the Board is required to allow bidders "sufficient time" to prepare bids, taking into account complexity, extent of subcontracting, and time to transmit non-electronic bid responses from abroad;
- pre-qualifications or selective solicitations – minimum of 25 days to respond to a request;
- for RFPs and Tenders (whether or not a pre-qualification was issued in advance) – minimum of 40 days from invitation to bid;

Reductions in above timelines for both pre-qualifications and open competitive requests:

- can reduce to not less than 10 days where there is a state of urgency which is "duly substantiated" and would make 40 days impractical;
- can reduce by 5 days for each one of the following circumstances:
  i. where notice of intention to procure has been published by electronic means;
  ii. all tender documentation is available electronically, and;
  iii. the Board accepts electronic submissions;
- can reduce to 13 days where the procurement relates to commercial goods / services, and the notice of intention to procure and the bid documents are simultaneously published. Commercial goods/services means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by non-governmental buyers for

non-governmental purposes.

Note: There may be prescribed circumstances where the above reductions do not apply.

CFTA will apply when the following monetary thresholds are met:

- $ 121,201 or greater for goods or services, excluding construction;
- $ $302,900 or greater for construction.

CETA will apply when the following monetary thresholds are met:

- $366,800 or greater for goods or services, excluding construction;
- $9,100,000.00 or greater for construction.

Note that these threshold amounts, updated in 2023, have been converted from international funds and will be indexed to inflation for future adjustments and will therefore be updated from time to time.

Notwithstanding this, the closing date and time printed on each tender, or as modified by addenda, shall govern the closing and opening thereof.

The closing date will be set on a normal working day (Monday to Friday, excluding provincial and national holidays). Submissions delivered after the closing time will not be considered.

2.1.8 The Supervisor of Purchasing and Supply or designate shall be allowed discretion in making purchases when an item is urgently needed, or an item is particularly specified.

2.1.9 Certain services and supply requirements that cannot be clearly specified or easily identified may be obtained by use of RFP. The RFP provides special procedures to procure on a competitive basis certain goods and services in which only an end result is known and where the method, specifications and technical details are unknown. Also, in many cases the capability of the firm, its personnel, experience, past performance, level of expertise or other factors as noted in the RFP are important areas of the evaluation.

2.1.10 Requirements for formal tenders or RFPs:

i. Evaluation criteria must be developed, reviewed and approved before the competitive process for RFP begins. These criteria are to be included in the competitive documents. The competitive documents must clearly outline mandatory, rated and other criteria that will be used to evaluate submissions, including the weight of each criterion. Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria. The evaluation criteria are to be altered only by means of addendum to the RFP.

ii. The Board will fully disclose the evaluation methodology and process to be

used in assessing a supplier's submission.

iii. Evaluation team members must be 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.

iv. Evaluation team members must sign a conflict-of-interest declaration and non-disclosure of confidential information agreement.

v. The evaluation team will complete an evaluation matrix rating each of the proponents. Records of evaluation scores will be auditable. Evaluators should be aware that everything they say, or document must be fair, factual, fully defensible and may be subject to public scrutiny.

vi. The Board must select only the highest ranked submission(s) that have met all mandatory requirements set out in the related procurement document. In responding to procurement documents, suppliers may sometimes propose alternative strategies or solutions to the Board's business needs. Unless expressly requested in the procurement documents, the Board must not consider alternative strategies or solutions proposed by a supplier.

vii. When the Board bypasses the competitive process (i.e., due to limited tendering or exempt services under the CFTA or CETA, or any other reason) formal documentation must be completed to support and justify the decision.

2.1.11 Procurements valued at $ $121,200 or more are subject to all of the requirements listed above in section 2.1.10 as well as the following:

i. Calls for competitive procurements shall be made through a designated electronic tendering system that is equally accessible to all Canadian suppliers.

If the CFTA applies, tender notices must be published electronically, which must include the following information:

- the name and address of the Board and other information necessary to contact the Board and obtain all relevant documents and their cost and terms of payment, if any;
- a brief description of the procurement;
- the nature and quantity (or estimated quantity) of the goods and services to be procured (unless those requirements are included in the tender documentation);
- the address and final date for the submission of tenders;

- the date, time and place for any public opening of tenders;
- a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers (unless those requirements are included in the tender documentation that is made available to all interested suppliers at the same time as the tender notice);
- a statement that the procurement is subject to Chapter 5 of the CFTA;
- the timeframe for the delivery of goods or services, or the duration of the contract;
- a description of any options (unless those requirements are included in the tender documentation;
- the procurement method that will be used, and whether it will involve negotiation or electronic auction;
- if, pursuant to Article 508, the Board intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, if applicable, any limitation on the number of suppliers that will be permitted to tender (unless the criteria and other limitations are included in the tender documentation); and
- The language or languages in which tenders or responses to requests for prequalification may be submitted, if they may be submitted in a language other than that of the tender notice.

ii. The method to resolve a tie score must be identified in the evaluation criteria of the RFP, including weighting, if applicable. Tie-break criteria are also subject to the rules of non-discrimination as defined in Ontario's Broader Public Sector ("BPS") Procurement Directive.

iii. The Board will refrain from any discrimination or preferred treatment in awarding an agreement to a preferred supplier from the competitive process, unless justifiable based on the circumstances identified in Ontario's BPS Procurement Directive.

iv. All addenda should be issued at least seven days prior to the closing date.

v. Bid protest procedures will be as set out in the CFTA and the Ontario-Quebec Procurement Agreement, and if applicable, the CETA.

As of January 1st, 2024, a new BPS Procurement Directive will be introduced by the Government through the Building Ontario Businesses Initiative (BOBI) a province wide program created to leverage the role of public sector procurement to benefit Ontario businesses and allow them greater access to procurement opportunities.

Before issuing a tender, the Supervisor of Procurement and Supply or designate shall determine if value of procurement is above or below a trade agreement threshold

i. For procurement above domestic and international thresholds:

   a. Where available, apply exceptions and non-application provisions in trade agreements that can be used to give Ontario businesses preference in procurement opportunities
   b. Include mandatory requirement that vendor is from a jurisdiction with which Ontario has a trade obligation.
   c. Apply weighted domestic criteria to increase possibility of tenders being awarded to Ontario businesses.

ii. For procurement with value over $50 million or more in specific sectors including construction, infrastructure, environment and IT, include an Industrial Regional and Technology Benefit (IRTB) by requiring a local Economic Benefits Submission (EBS)

iii. For procurement below domestic and international thresholds:

   a. When domestic trade agreement applies, the Board must invite only Ontario businesses or give additional points in evaluation for vendors from Ontario
   b. When international trade agreement applies, the Board must procure from Ontario or Canadian businesses

The Government
support consistency in procurement-related decisions and
a centralized procurement model.

Vendor of Record (VOR) Arrangements
BPS organizations must use existing VOR arrangements whenever possible and appropriate, regardless of the value of the procurement.

A VOR arrangement could be an Enterprise Vendor of Record arrangement managed by MGCS, OECM or any other arrangement available to the organization.

Contract Term - Any new contract, including any extensions, must not exceed two years.

Operational Flexibility - In limited and exceptional circumstances, BPS organizations may find that it is not possible or appropriate to:

- Use a VOR arrangement that is available to the organization; and/or
- Restrict contract duration to two years.
- In these situations, BPS organizations must complete a Procurement Rationale Report and submit it to the funding ministry at least 45 calendar days before the procurement is released to the vendor community.
- Note that submission of the form does not change the authority of the

organization to proceed with the procurement. For clarity, once the report is submitted, the organization can proceed with the procurement.

2.2 **AGREEMENT TO BOND/PERFORMANCE BOND**

The Supervisor of Purchasing and Supply may call for an Agreement to Bond and/or Performance Bond or other security in conjunction with any Tender or RFP regardless of dollar value.

2.3 **TENDER RECEIVING and OPENING**

2.3.1 Tenders will be received electronically, by electronic bidding website or by email.

2.3.2 Electronic tenders will be opened after the closing date/time by one member of the Purchasing department and one other Board witness via a video conferencing platform or other means as approved by the Supervisor of Purchasing and Supply. Documentation on the two Board employees who witnessed the tender opening will be saved in the electronic tender file.

2.3.3 At the discretion of the Supervisor of Purchasing and Supply, Tenders may be received in hard copy and shall be delivered, unopened.

i. If tenders are received in hard copy, they shall be date and time stamped when received, either by the Office Services Department, the Reception Desk, or the Purchasing Department. Hard copy tenders shall be opened by one member of the Purchasing department and one other Board witness.

2.3.4 The Supervisor of Purchasing and Supply shall keep all tenders unopened until the time for the scheduled opening, in a secure file or secure electronic location, as applicable, for each tender.

2.3.5 Unofficial tender results will be provided to concerned parties, either through the electronic bidding website, by e-mail or as detailed in the Tender document.

2.3.6 The Supervisor of Purchasing and Supply or designate shall ensure copies of bid documents, bids and other information pertinent to the tender is saved in an electronic tender file in the Purchasing shared drive. The electronic tender file in the Purchasing shared drive shall include information related to any tender that was declared invalid.

2.3.7 The Supervisor of Purchasing and Supply or designate shall ensure that the tender submission conforms to all stipulated conditions. Such conditions include:

i. Tender is received on time.
ii. Required agreement to bond was as specified.
iii. Bid was received in accordance with the Tender document.

2.3.8 During the subsequent evaluation process, the tenders shall be checked, if required, by the head of the department concerned, as well as the Supervisor of Purchasing and Supply or designate, to ensure that all items have been included, and that there are no restrictive clauses written on the tenders or any attached

supporting document. Other bid irregularities shall be governed by the following:

i. Qualified bids. Bids that are qualified or restricted by an attached statement will be acceptable subject to the effect that the qualification has upon the bid.
ii. Partial bids are acceptable unless otherwise specified in the tender documents.

iii. Bids containing minor clerical errors or omissions may be deemed acceptable by the Board. Should the Board request clarification the bidder must respond to the Board in the manner and time frame requested. Should the Board request clarification the bidder must respond to the Board in the manner and time frame requested.

iv. Notwithstanding anything herein to the contrary, if any Bid contains technical errors or omissions which the Board, in its sole and unfettered discretion deems to be minor, the said Bidder may be asked by the Board to acknowledge and/or clarify those minor technical errors or omissions prior to the award of the Agreement. For greater certainty, the Board may afford an opportunity to a Bidder to correct unintentional errors of form between the opening of Bids and the awarding of the Contract, and if it does so, the Board shall afford the same opportunity to all Bidders.

2.3.9 The following procedure shall govern interpretation of price information:

i. When a unit price is requested, the unit price quoted shall govern regardless of extension.

ii. When a total price is requested, the total price quoted shall govern the award.

iii. Or as prescribed in the bid document, if different from i and ii, above.

2.3.10 New construction contracts over five hundred thousand dollars ($500,000), before taxes will be submitted to the Board for approval in a timely manner and in advance of the immediate need to start the project.

2.3.11 The head of the department or official concerned shall be invited to the electronic tender opening, in order that they may be in attendance.

2.3.12 Any company that fails to return a bid after two successive invitations to bid, may be removed from the Board's approved bidders' list.

2.3.13 Any company that fails to honour specifications or for any other competent reason, except for circumstances beyond their control, shall be removed from the Board's approved bidders' list for a minimum period of two (2) years. They may re-apply to be considered for the Board's approved bidders' list after two (2) years.

2.3.14 Should any problems or concerns arise with respect to a Supplier (including but not limited to supplier performance), the Board may notify the supplier in writing, identifying any such problems or concerns and requiring the supplier to rectify any such problems or concerns within a time limit specified by the Board in such notice. If the supplier does not rectify such problems or concerns to the satisfaction of the Board within the time limit specified by the Board in such notice, the Board at its sole and unfettered discretion may remove said supplier from the Board's approved bidder's list on a temporary or permanent basis. If the supplier has been removed permanently, the Board is under no obligation to accord any further business opportunities to that said supplier. The reinstatement of any such supplier shall, at all times, be in the sole and unfettered discretion of the Board.

2.4 REQUEST FOR PROPOSALS (RFPs)

The call for proposals and receipt thereof shall be handled in the same manner as for tenders. A public opening may be held for the purpose of acknowledging the on-time receipt of the proposals and the identification of the proponents.

The evaluation committee shall follow the requirements outlined in sections 2.1.9 and 2.1.10 of this Regulation as applicable.

2.5 PRE-QUALIFICATION OF BIDDERS

The Board may, at its option, pre-qualify bidders prior to issuing tenders or RFPs.

A request to pre-qualify suppliers for future bid opportunities shall contain specific language to disclaim any obligation on the part of the Board to actually call on any supplier as a result of the pre-qualification to supply such materials or services.

A response to a Request for Information (RFI) or a Request for Expressions of Interest (RFEI) will not pre-qualify a potential supplier and will not influence their chances of being the successful proponent of any subsequent opportunity.

If the CFTA applies, the Board may limit tenders or RFPs to prequalified suppliers, provided invitations are published in a tender notice annually on the designated website which is to include criteria (unless included in the qualification document); a statement that only suppliers on the list will receive further notice of procurement and the period of validity of the list or in the absence thereof, the method by which notice of termination will be given. If the term is 3 years or less, the Board only needs to publish one at the outset, provided that notice of the term and no further publication is given. If there is to be a restrictive number of suppliers, it must be so stated along with the criteria for selection. Pre-qualifications can include standing arrangements as long as the notice or documents state how subsequent purchases will be made from a supplier.

If CETA applies, there are requirements allowing new suppliers to be pre-qualified notwithstanding the period of validity.

2.6 NON-COMPETITIVE PROCUREMENT

Non-competitive procurement may only be used in situations outlined in the exemption, exception, or non-application clauses of the CFTA or other trade agreements. Supporting documentation must be completed and approved by the Superintendent of Business, or the Manager of Financial Services or the Supervisor of Purchasing and Supply.

Where a non-competitive procurement is required due to an urgent situation, such as Facility Services emergencies, the urgency must be documented and justified in writing for support.

In certain unique circumstances, where the Board wishes to procure goods or non-consulting services from one supplier/contractor in order to meet requirements, supporting documentation to support limited tendering must be completed and approved.

See administrative procedure AP-BA-12 for circumstances supporting non-competitive procurement.

Note: Change orders and/or extensions to an agreement that were not allowed for in the original request / bid document to suppliers are considered non-competitive procurement.

2.7 EXECUTING AGREEMENTS UNDER THE COMPETITIVE PROCESS ($ 121,200 and higher)

2.7.1 The agreement between the Board and the successful supplier will be defined formally in a signed written agreement before the provision of the goods, services or construction commences. When executing the agreement, where possible/feasible, the Board will obtain the supplier signatures before obtaining the Board's signature. In situations where an immediate need exists for goods or services and the Board and the supplier are unable to finalize an agreement, a letter of intent, memorandum of understanding or interim purchase order may be used. This will allow for the immediate needs to be met, while final negotiations take place towards finalizing the agreement.

2.7.2 The agreement will be finalized using the form of agreement that was released with the procurement document.

2.7.3 All agreements will include appropriate cancellation or termination clauses.

2.7.4 The terms of the agreement and any options to extend the agreement will be set out in the procurement document. Changes to the term of the agreement may change the procurement value. Prior written approval by the appropriate approval authority is necessary before changing agreement start and end dates. Extensions to the term of agreement beyond what is set out in the procurement document are considered non-competitive procurements and the Board will seek appropriate

approval authority prior to proceeding.

2.8 **AWARDING AGREEMENTS UNDER THE COMPETITIVE PROCESS ($1 $121,200 and higher)**

2.8.1 The Board will post, in the same manner as the procurement documents were posted, the name(s) of the successful supplier(s). Agreement award notification must occur only after the agreement between the successful supplier and the Board has been executed. The agreement award notification must include the agreement start and end dates, including any options for extension.

2.8.2 The bid document will advise all suppliers who participated in the procurement process of their entitlement to a debriefing.

2.9 **LEASE AGREEMENTS**

All leases with an annual cost in excess of $250,000 before taxes per year will be submitted to the Board for approval.

2.10 **DISCLOSURE OF PRICE FOR TENDERS**

2.10.1 All suppliers submitting bids will be provided with the bid results in accordance with and as detailed in the tender document.

2.10.2 The name of a successful bidder and the accepted price is public knowledge, once the award is made and a purchase order issued.

2.10.3 Under no circumstances shall tender documents be removed from the Purchasing Department without the approval of the Supervisor of Purchasing and Supply.

2.10.4 In some cases, in respect for the confidentiality of Supplier pricing and/or fees, the Board may indicate in the bid document that it is the Board's intention to keep pricing confidential.

2.11 **INFORMATION GATHERING**

Where results of informal supplier or product research are insufficient, formal processes such as an RFI or RFEI may be used if warranted.

A response to an RFI or RFEI must not be used to pre-qualify a potential supplier and must not influence the chances of the participating suppliers from becoming the successful proponent in any subsequent opportunity.

3. MAINTENANCE WORK ORDERS

The nature of work performed by maintenance personnel is such that at times materials and/or services required to complete a job are not immediately available on the site or from stock. To enable the work to be completed with a minimum of disruption and expense, the use of Maintenance Work Orders has been an accepted means of enabling personnel to obtain urgent supplies and/or services from a supplier in a location convenient to the job site.

Purchases from any one supplier, for goods, non-consulting services and / or construction to a value of nineteen thousand nine hundred and ninety- nine ($19,999) may be made, using Maintenance Work Orders and a payment request.

Purchases equal to or greater than twenty thousand dollars ($20,000) must follow the requirements in clause 2.1.1. A purchase order must be issued.

Exceptions to the above are permissible when in a situation arising after regular business hours, emergency repairs to plant equipment or the temporary securing of a building becomes necessary. In such circumstances, and where the cost is estimated to be twenty thousand dollars ($20,000) or higher, arrangements may be made with suppliers to provide necessary materials, or undertake required repairs, but in such circumstances Maintenance Work Orders shall not be used. On resumption of regular business hours, the Purchasing Department shall be notified of any purchases made, and a regular purchase order shall then be issued upon receipt of a requisition from the Facility Services Department.

4. PROCUREMENT DOCUMENTS

Requisitions for all materials, supplies and services shall be processed in a form and manner prescribed by the Purchasing Department.

All Procurement documentation shall be kept in accordance with Administrative Procedure BA-AP-20, Records Management.

5. PURCHASING CARDS

The Board has entered into an agreement to provide a Purchasing Card Service. These cards will be provided to specific personnel. Usage of the card will be for purchase of goods and services within Board approved limits as per Administrative Procedure BA-AP-10, Purchasing/Credit Card Program. Each cardholder will receive a monthly statement and will be responsible for reconciliation of their statement on a monthly basis.

6. SURPLUS FURNITURE AND EQUIPMENT

The Supervisor of Purchasing and Supply shall be responsible for the sale or disposal of surplus or obsolete furniture and equipment.