

<b>Procedure Title</b>	<b>Purchasing – Procurement Guidelines</b>		
<b>Date of Issue</b>	November 25, 1998	<b>Related Policy</b>	BP 3501-D
<b>Revision Dates</b>	February 16, 2010, June 12, 2013	<b>Related Forms</b>	AF 3501, AF 3502, AF 3510
<b>Review Date</b>		<b>Originator</b>	Administrative Council
<b>References</b>			
Broader Public Sector (BPS) Procurement Directive, Ministry of Finance, Agreement on Internal Trade (AIT), AP 3402-D “Furniture, Fixtures and Equipment – Disposal”; AP 3515-D “Purchasing – Segregation of Duties & Approval Authority Schedule”; BP 4902-D “Travel Expenses”; BP 4903-D “Expenses (Travel, Meals, Mileage) – Reimbursement”; Classification and Retention Schedule Document;			

**Procedure:**

**RATIONALE**

To provide purchasing guidelines/instructions for the efficient and cost effective acquisition of all goods and/or services on behalf of the board while ensuring all policies, procedures, guidelines and directives are being followed from Bluewater District School Board (BWDSB) and the Ministry of Finance, Broader Public Sector (BPS) Procurement Directive. Thus allowing the board to encourage open, fair and transparent competitive bidding and promote the most cost effective use of board funds to obtain optimum quality, price, delivery and performance.

**SCOPE**

This applies to all persons and employees of BWDSB who have the authority to acquire any goods and/or services on behalf of the board.

**PROCEDURE**

**1.0 Segregation of Duties**

BPS organizations must segregate three (3) of the five (5) functional roles, Requisition, Budgeting, Commitment, Receipt and Payment. Responsibility for these roles must lie with different departments or at a minimum with different people. (Refer to AP 3515-D “Purchasing – Segregation of Duties & Approval Authority Schedule”)

Each department of the board and each school shall requisition for its requirements. Each requisition from a school shall be approved by the Administrator or designate and each requisition from a department shall be approved by their Supervisor/Manager accountable for the budget. Any purchases made with a Procurement card must be signed by the proper signing authority.

No purchase order is valid unless signed by the Senior Purchasing Official or designate.

Each senior official, each department within the Administration Centre and each school, must follow on all respects, all of the Administrative Procedures.

The Senior Purchasing Official is responsible to the Senior Business Official for matters related to the purchase of goods and services, disposal/disposition of surplus furniture and equipment, as established by the BWDSB guidelines and is authorized by the board for purchasing commitments.

In all cases, a division of requirements and overall value into multiple purchases, to reduce the estimated value of a single procurement and avoid that which is stated in the charts below, is prohibited.

**2.0 Goods and Non-Consulting Services**

The following chart displays the minimum procurement procedure that must be followed.

**Goods and Non-Consulting Services  
Procurement Thresholds Chart**

<b>Total Purchase Value</b>	<b>Procurement Process</b>
< \$500	Direct Purchase – Petty Cash or Procurement card (AP 3504-D). Any purchases made with a procurement card must be signed by the proper signing authority as detailed in the Approval Authority Schedule (AP 3515-D).
> \$500 to < \$10,000	Informal, should obtain more than one quote (AF 3510). Each department of the board and each school shall requisition for its requirement; each requisition shall be signed by the appropriate approver or designate accountable for the budget as detailed in the Approval Authority Schedule.
> \$10,000 to < \$25,000	Informal Competitive Process, minimum three (3) quotes. The Shared Purchasing Services will determine the most cost effective manner for obtaining competitive bids or quotes, in some instances utilizing a cooperative initiative. The goal would be to obtain a minimum of three (3) written quotes. (website, fax, e-mail)
> \$25,000 to < \$100,000	Formal Competitive Process, RFP, RFQ, RFT. The Shared Purchasing Services will obtain competitive bids through a request for Quote (RFQ), request for proposal (RFP), a sealed tender (RFT), or in some instances utilize a Co-operative initiative that has performed the formal competitive process.
> \$100,000	Open Formal Competitive Process, very similar to the Formal Competitive Process. However, in addition this process will be open to a wider competitive solicitation and will be advertised on MERX.com for no less than 15 calendar days. Consideration will be given for the procurement of more complex, high risk and/or dollar value goods and/or services of up to 30 calendar days for response time.

**In all above processes, the purchase of tendered products and/or services where the Board is under contract, the required product/service must be purchased from the contracted vendor(s).  
Inquire with the Shared Purchasing Services if unsure prior to purchase.**

In the case of “Non-Competitive procurement of Goods and Non-Consulting Services” see section 5.1 of this procedure.

**3.0 Consultants and Consulting Services**

*“Consultant”* means 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 the provision of expertise or strategic advice that is presented for consideration and decision-making.

The following chart displays the minimum procurement procedure that must be followed.

**Consultants and Consulting Services  
Procurement Thresholds Chart**

<b>Total Service Value</b>	<b>Procurement Process</b>
< \$25,000	Informal Competitive Process, minimum 3 quotes, the Shared Purchasing Services will determine the most cost effective manner for obtaining competitive bids or quotes, in some instances utilizing a cooperative initiative. The goal would be to obtain a minimum of 3 written quotes. (website, fax, e-mail)
> \$25,000 to < \$100,000	Formal Competitive Process, RFP, RFQ, RFT, – the Shared Purchasing Services will obtain competitive bids through a request for Quote (RFQ), request for proposal (RFP), a sealed tender (RFT), or in some instances utilize a Co-operative initiative that has performed the formal competitive process.
> \$100,000	Open Formal Competitive Process, very similar to the Formal Competitive Process, however, in addition this process will be open to a wider competitive solicitation and will be advertised on MERX.com for no less than 15 calendar days. Consideration will be given for the procurement of more complex, high risk and/or dollar value goods and/or services of up to 30 calendar days for response time.

In the case of “Non-Competitive procurement of Consultants and Consulting Services” see section 5.2 of this procedure.

**4.0 Emergency Purchasing**

Applies when an Administrator, Manager or Superintendent verifies that the procurement of goods and/or services is necessary to prevent or correct a dangerous or potentially dangerous safety condition, further damage, or threat of an impending situation which may affect the environment, the life, safety, health and/or welfare of students, staff and/or the general public. (See section 5.3 of this procedure).

**5.0 Non-Competitive Procurement**

The need for non-competitive procurement may be utilized only in situations outlined in the exemption, exception or non-application clauses of the AIT or other trade agreements. Supporting documentation must be completed and approved.

**5.1** In the case of *non-competitive procurement of goods and non-consulting services* > \$10,000.00, approval must be obtained by an authority one level higher than that of the Authority Approval Schedule (refer to AP 3515-D) established for competitive procurement. Supporting documentation must be completed and approved. (AF 3501 “Non-Competitive approval Form-Goods and Non-Consulting”)

**5.2** In the case of ANY non-competitive procurement for Consultants or Consultant Services, approval must be obtained by the Director up to \$1,000,000.00, if greater than \$1,000,000.00 approval must be obtained by the board of trustees (AP 3515-D). Supporting documentation must be completed and approved. (AF 3502 “Non-Competitive approval Form-Consulting”)

- 5.3 When a non-competitive procurement for emergency purchase has been made the Administrator, Manager or Supervisor shall submit a detailed explanation to the Superintendent of Business explaining the action taken. A confirming requisition will be entered to purchasing clearly identifying the "Confirmation" along with the signed approval from the Superintendent of Business (to be attached to the PO and filed by purchasing services).

## 6.0 Request for Information

Request for Information (RFI) or Request for Expression of Interest (RFEI) is acquired to gather general or product information where the results of informal supplier or product information are insufficient. This may also be used when the board is researching a contemplated procurement and the exact characteristics are yet to be determined.

Response to an RFI or RFEI will generally contribute to the final version of a subsequent RFP.

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

## 7.0 Request for Supplier Qualification (RFSQ)

The Request for Supplier Qualification (RFSQ) enables the board to gather information about supplier capabilities and qualifications in order to pre-qualify suppliers for an immediate product or service need, or to identify qualified candidates in advance of expected future competitions. It is with the intentions of creating a pre-qualified list of suppliers. The pre-qualification process may be an open or closed process.

### a) Open Process

Used to identify potential vendors for expected and/or repetitive annual requirements of goods and/or services, such as but not limited to: Roofing, Paving, Plumbing and Painting. This process will remain open and vendors may apply for inclusion at any time.

### b) Closed Process

Used to identify potential vendors for an immediate need of goods and/or services not included under the open process. Timelines for the application will be clearly stated in the pre-qualification document and approved vendors will receive the Request for Tender/Proposal (RFT/P) and will be invited to bid.

## 7.1 The pre-qualification document will:

- a) Identify the criteria for inclusion on the list of pre-qualified vendors
- b) Establish the length of time for which the pre-qualification is applicable. After such time, vendors will be re-evaluated to ensure they continue to meet the pre-qualification requirements
- c) Establish the conditions under which a vendor can be removed from the pre-qualified list
- d) Set upper limits, if applicable, for the value of future awards
- e) Indicate that vendors who are not pre-qualified may be excluded from future opportunities to bid at the sole discretion of the board
- f) Clearly identify that inclusion on the list of pre-qualified vendors does NOT guarantee that the vendor will be awarded future contracts

Terms and conditions of the RFSQ document must contain language that disclaims any obligation of the organization to call on any supplier to provide goods or services as a result of pre-qualification.

**8.0 Bid Receipt**

- a) Bid submissions will close on a date and time which is a normal working day Monday to Friday excluding provincial and national holidays.
- b) Submissions that are delivered after the closing time will be returned unopened. The date and time stamp will be considered official at the board office location.
- c) Bid rejections could result from, but are not limited to submissions that are illegible, unsigned, contained insufficient bid deposit, or do not include surety in the form requested, and/or may also be considered non-compliant.

**9.0 Bid Evaluation**

The following process will apply to ALL Proposals and Tenders valued greater than \$100,000 and procured through an Open Formal Competitive Process:

- a) Evaluation criteria must be developed, reviewed and approved prior to commencement of the competitive procurement process.
- b) Documents will clearly outline mandatory, rated, and other criteria that will be used to evaluate submissions, including weight of each criterion and the short listing process, where applicable.
- c) Mandatory criteria (e.g., technical standards) should be kept to a minimum to ensure that no bid is unnecessarily disqualified.
- d) Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria.
- e) Criteria must not discriminate the Directive.
- f) The evaluation criteria are to be altered only by means of addendum to the competitive procurement documents.
- g) The request of suppliers to provide alternative strategies or solutions as a part of their submission must have established criteria to evaluate alternative strategies or solutions prior to commencement of the competitive procurement process. Alternative strategies or solutions must not be considered unless they are explicitly requested in the competitive procurement documents.
- h) Evaluation methodology and process to be used in assessing submissions will be included in the document as well the resolving of a tie score.
- i) Submissions that do not meet the mandatory criteria will be disqualified.
- j) Analysis of the submissions will be done using the evaluation criteria established in the document. Award will be to the bidder(s) who scores the highest based on all criteria.
- k) In the event of a tie, a coin flip will take place. The coin will be a \$2.00 Canadian Coin. The flip will take place at the Purchasing office with the Supervisor of Purchasing flipping the coin with the presence of both proponents and the evaluation committee.
- l) Analysis of the submission will be conducted by an evaluation team. The evaluation team will be chaired by the buyer and at a minimum will include the person requesting the procurement. Evaluation team members must sign a conflict of interest declaration and non-disclosure agreement.

Possible Conflicts of Interest are, but not limited to:

- i. Not disclosing an existing relationship that may be perceived as being a real or apparent influence on their objectivity in carrying out an official role
- ii. Providing assistance or advice to a particular supplier participating in a competitive process
- iii. Having a family member with an ownership, investment interest or compensation arrangement with any entity participating in a competitive process
- iv. Having access to confidential information
- v. Accepting favors or gratuities from those doing business with the organization
- vi. Engaged in outside employment.

- m) An evaluation matrix, rating each submission must be completed by each evaluation team member. Records of evaluation scores must be retained and evaluators must ensure everything they say or write is fair, factual and fully defensible.

### 10.0 Non-Discrimination

Organizations must not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process. The board will refrain from discrimination or preferred treatment in awarding a contract.

### 11.0 Contracts

- a) An agreement between the board and the successful vendor must be formally defined in a signed written contract before the provision of supplying any goods, services or construction.
- b) Where an immediate need exists for goods or services, and the board and the vendor are unable to finalize the contract as described above, an interim purchase order may be used, provided that such need is documented and approved by the appropriate authority.
- c) A contract must be finalized using the form of agreement that was released with the procurement documents.
- d) If an alternative procurement strategy has been used (i.e., a form of agreement was not released with the procurement document), the agreement between the board and the successful vendor must be defined formally in a signed written contract before the provision of supplying goods or services commences.
- e) All contracts must include appropriate cancellation and/or termination clauses.
- f) Complex procurements, as appropriate should consider the use of contract clause that permits cancellation and/or termination at critical project life-cycle stages.
- g) The term of the agreement and any options to extend the agreement must be set out in the competitive procurement documents. An approval by an appropriate authority (refer to Authority Approval Section of AP 3515-D) must be obtained before executing any modifications to the term of agreement.
- h) Extending the term of agreement beyond that set out in the competitive procurement document amounts to non-competitive procurement where the extension affects the value and/or stated deliverables of procurement.
- i) All Open Formal Competitive Procurements will have the contract award notification posted in the same manner that the procurement documents were posted. (i.e. Merx.com).
- j) Contract award notification valued at \$100,000 or more must include the name of the successful vendor, agreement start and end dates and any extension options.

### 12.0 Supplier Debriefing

The board must allow 60 calendar days following the date of the contract award notification for vendors to request a debriefing for all requests valued greater than \$100,000. This entitlement will be specified in all applicable proposal and tender documents at the time of issue. This will apply only to all Open Formal Competitive Procurements.

### 13.0 Contract Management

- a) Procurements and the resulting contracts will be managed responsibly and effectively within the Shared Purchasing Services.
- b) Board payment terms are NET30 days and will be specified in each contract agreement. All invoices must contain detailed information to warrant payment. Any overpayment must be recovered in a timely manner.

- c) Assignments will be properly documented and identified within the Shared Purchasing Services. Vendor performance will be managed and documented, and any performance issues will be addressed directly with the vendor.
- d) A dispute resolution process should be included in the contract agreement in order to manage disputes with vendors throughout the life of the contract.

**13.1 Contract Management for Service**

In addition to the above contract management specifications, the board must also,

- a) Establish clear terms of reference for the assignment. The terms should include objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements.
- b) Establish expense claim and reimbursement rules compliant with the BPS Expenses Directive and Board Policies BP 4902-D "Travel Expenses" and BP 4903-D "Expenses (Travel, Meals, Mileage) – Reimbursement" to ensure all expenses are claimed and reimbursed in accordance with these rules.
- c) Ensure that expenses are claimed and reimbursed only where the contract explicitly provides for reimbursement of expenses.

**14.0 Document Retention**

For reporting and auditing purposes, all procurement documentation, as well as any other pertinent information must be retained in a recoverable form for a period of seven (7) years.

The board must have a written policy for handling, storing and maintaining the suppliers' confidential and commercially sensitive information. (Refer to Classification and Retention Schedule document)

**15.0 Conflict of Interest**

The board must monitor any conflict of interest that may arise as a result of the Members' of the Organization, advisors', external consultants', or suppliers' involvement with the Supply Chain Activities. Individuals involved with the Supply Chain Activities must declare actual or potential conflicts of interest. Where a conflict of interest arises, it must be evaluated and an appropriate mitigating action must be taken.

**15.1** No employee of Bluewater District School Board shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled in any of these institutions.

**15.2** No employee who is the author of a book or other materials will have the right or opportunity to influence or determine in any manner the appropriateness of such book or materials to be used in schools.

**15.3** No employee shall make a commitment with any institution or organization that is not directly under the jurisdiction of Bluewater District School Board, involving services requiring a commitment of time that interferes with the execution of duties for the boards, whether voluntary, or for payment, without having approval from the Director of Education, or designate.

Where payment is received for an employee's services, an allocation of personal time and board time involved will be submitted by the employee to the Director of Education, or designate, for approval. The

proportion of revenue attributable to board time will be taken into General Revenue of the board. The proportion attributable to personal time will be paid to the individual or school concerned.

### 16.0 Bid Dispute Resolution

Competitive procurement documents must outline bid dispute resolution procedures to ensure that any dispute is handled in an ethical, fair, reasonable, and timely fashion. Bid dispute resolution procedures must comply with bid protest or dispute resolution procedures set out in the applicable trade agreements.

### 17.0 Local Preference

Local and then Canadian preference will be used only when all factors such as price, quality, service and delivery are all equal.

### 18.0 Negotiations

The Supervisor of Purchasing may, with the approval of the Senior Business Official or designate, negotiate for supplies, capital items and services as follows:

- a) No bids are received on a formal quotation, tender or proposal call.
- b) 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.
- c) Bids have been solicited using one of the procurement processes with all bids received being non responsive or responsible.
- d) The lowest bid received exceeds the approved budget and it is impractical to recall.
- e) Goods and/or services are available from a single/sole source and all documentation has been completed and approved (non-competitive Approval form AF 3501 or AF 3502).
- f) When only one bid is received.
- g) When due to unstable market conditions, goods are in short supply.

### 19.0 Unauthorized Purchases

Unauthorized purchases are any purchase made in the name of the board without an authorized purchase order or purchase card and may be considered an obligation of the person making the purchase and not an obligation of the board. Personal purchases will not be permitted on an official board purchase order.

\*\*Unauthorized purchases must obtain the approval of the Superintendent of Business prior to any reimbursement or confirming order being issued.

### 20.0 Disposal of Furniture and Equipment

Disposal of furniture and equipment will be done in accordance with administrative procedure AP 3402-D "Furniture, Fixtures and Equipment – Disposal". Furniture, equipment and supplies surplus to either Consortium Partner may be transferred at a fair value to the other board.

### 21.0 Cooperative Purchasing

The board encourages cooperative purchasing when it is the board's best interest to do so. The Supervisor of Purchasing may participate with other government, and Broader Public Sector agencies as well as other non-profit organizations or public authorities in co-operative ventures or contracts where the best interest of the board would be served.