



**PURCHASING
PROCEDURES
MANUAL**

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SECTION 1 - INTRODUCTION

1.0 POLICY

The Board shall purchase goods and services through a process consistent with the Mission and Vision statements of the Board and with the following objectives:

- (i) to provide a high level of service to all areas of the Board;
- (ii) to provide fair, competitive and transparent business practices for vendors and ensure equal treatment without preference;
- (iii) to endeavour to obtain all goods and services at the lowest total end-user cost considering price, quality, function and delivery in an efficient, effective manner while maintaining the controls necessary for the expenditure of public funds;
- (iv) to encourage the acquisition of environmentally friendly products and the reduction of the impact of the Board's activities upon the environment.

The Board delegates to the Director of Education, the authority to approve the award of all contracts where the budget, project or report has been approved by the Board with the exception of:

- New school construction and major school additions.
- Contracts which have exceeded the approved budget.
- Contracts in excess of \$500,000.00 and
- Partnership Development opportunities.

Regulations:

1. This policy, regulations and procedures applies to any employee or elected official who is involved in the acquisition of goods and /or services on behalf of the Board.
2. All supervisory personnel are responsible for ensuring their immediate staff are properly informed of and comply with this policy, its regulations and procedures.
3. All purchasing activities will be carried out in accordance with all applicable Board policies and procedures and any other statutory acts or regulations.
4. Personal purchases on behalf of an employee, elected official or family member, the requirement for which is not for the Board or any of its purposes, are not permitted.
5. Purchases made without an authorized purchase order/purchase card will be considered an obligation of the person making the purchase and not an obligation of the Board.
6. Employees and elected officials shall not use their authority, influence or office for personal gain or to advance the interest of any particular party and shall seek to uphold and enhance the integrity of all Board business operations.
7. In accordance with the Education Act, no teacher, supervisory officer or other employee of the Board may promote or sell goods or services for compensation to any to any board,

provincial school or teachers' college, or pupil enrolled therein except as permitted by the Act.

8. All goods and services are to be acquired through a publicly advertised competitive bidding process whenever possible in order to obtain maximum value from the expenditure of public funds.
9. Any arrangements which might prevent fair competition shall be avoided, in order to ensure open competition among qualified bidders.
10. Lobbying during a competitive procurement call is prohibited. An official point of contact shall be named and communication with anyone other than the official point of contact from the time of issuance, up to and including the time of award, is prohibited.
11. Any vendor/proponent who violates the lobbying prohibition will be subject to disqualification from the current or future procurements at the Board's discretion.
12. Awards will be given to the lowest bidder except where the best interests of the Board are served by accepting other than the lowest price.
13. Where an emergency situation exists, the approval requirements of the Purchasing Policy shall not apply, and administration shall take immediate necessary remedial action.
14. Where feasible, the Board may participate in cooperative purchasing with other school boards and public agencies.
15. Contracts for all goods and services will be limited to a maximum term of five years and renewals will be subject to a public competitive bidding process whenever possible.
16. Contract or purchases shall not be divided to avoid the requirements of this policy, its regulations or procedures and the annual or total project cost shall be considered.
17. Contracts for the acquisition of products and services on behalf of the Board, regardless of the amount or term, must be reviewed centrally prior to execution.
18. For purposes of Partnership Development, the Board retains the right to source and accept unique proposals that are deemed to be in the Board's interests.
19. Use of a sole source for an expenditure greater than \$2,000.00 will require completion of a Sole Source Declaration Form.
20. The Director of Education or delegate shall be responsible for the processing and acquisition of:
 - (i) employee fringe benefits contracts,
 - (ii) professional services,
 - (iii) land acquisition and disposal, and
 - (iv) insurance.

21. The Deputy Director of Planning and Facilities or delegate, shall be responsible for the processing, acquisition supervision, and installation of approved projects as follows:
 - (i) capital construction projects (new schools and additions),
 - (ii) trade work performed by Board personnel,
 - (iii) minor building renovations and repairs,
 - (iv) plant emergency repairs and replacements.
22. The Materials Management Department shall be responsible for the processing of all other tenders, contracts and purchases.
23. The Senior Manager of Materials Management Department shall be responsible for operating a centralized purchasing system for the purchase and supply of all other materials, equipment and services required by the Board.
24. The Materials Management Department shall be consulted on all major purchases and have general oversight of the procurement process and procedures. In addition to any conflict of interest policy applicable to employees, the Code of Purchasing Ethics established by the Purchasing Management Association of Canada shall apply to all staff involved in the procurement process.
25. To ensure the timely delivery and to avoid unnecessary delays in the occupancy of an educational facility, change orders which develop as a result of unforeseen conditions or jurisdictional requirements will be approved as follows:
 - A contingency allowance of 5% of the tendered contract amount shall be approved as the budget for mandatory change orders at the time of award of contract.
 - A mandatory change order within the contingency allowance will be approved by the Director of Education
 - Optional change orders shall be approved by a standing committee of the Board prior to commencement of work to be done.
 - A change order in excess of the contingency allowance shall be approved by a standing committee of the Board prior to commencement of work to be done.
 - Construction projects, in addition to new construction, will include additions, major renovations and major site development.
26. The Purchasing/Materials Evaluation and Approval Committee will review tenders, proposals and quotations before issue.
27. A Purchasing Procedures Manual shall provide direction to those individuals who have been delegated to purchase or approve the purchase of goods or services on behalf of the Board.

2.0 PURPOSE OF THESE PURCHASING PROCEDURES

The procedures are designed to provide clear and consistent direction for the acquisition of goods and services and to protect the interests of the Board and the individuals with delegated purchasing authority. These procedures and all other related Board policies/procedures must be followed by all Board staff in the process of obtaining all goods and/or services on behalf of the Board.

These procedures have been updated to reflect the recent changes in the area of public procurement with respect to openness, transparency and also for compliance with trade agreements between the Ontario government and its provincial counterparts.

3.0 RECENT CHANGES IN PUBLIC PROCUREMENT

Legislative Requirements in Public Sector Procurement

Trade agreements approved by the Province of Ontario require all public sector organizations, ministries, agencies and other Broader Public Sector (BPS) organizations such as school boards, to comply with specific procurement requirements in the legislation.

The Agreement on Internal Trade (AIT) an intra provincial agreement designed to provide transparency and open access to all Canadian suppliers. The agreement requires that public procurement opportunities exceeding the values listed below be advertised publicly through newspaper posting and electronic tendering systems such as Biddingo or Merx.

Broader Public Sector: Goods \$100,000; Services \$100,000; Construction \$250,000.

The Ontario-Quebec Procurement Agreement regulates trade between the two provinces to ensure equal access by suppliers to public sector procurement opportunities. This agreement also requires that public procurement opportunities exceeding the values listed below be advertised publicly through newspaper posting and electronic tendering systems such as Biddingo or Merx.

Broader Public Sector: Goods \$100,000; Services \$100,000; Construction \$100,000.

4.0 INTRODUCTION OF SUPPLY CHAIN GUIDELINES

The term “Supply Chain” refers to the processes and practices involved in the sourcing, procurement, payment and logistics management for goods or services flowing into, through and out of an organization. Supply Chain has evolved from the traditional view of Purchasing being a simple buying activity to a more complex set of processes concerned with source, suitability, quality, utilization and final disposition in addition to the cost of goods or services.

- Supply Chain Management involves the coordination and collaboration of all of the activities of the respective parties or partners-external supplier, internal staff through to the end user -who are necessary to fulfill a defined need in the most efficient manner possible.
- In 2005, the Broader Public Sector (BPS) Supply Chain Secretariat, Ministry of Finance (also known as Ontario Buys) was established by the Treasury Board of Cabinet to promote the implementation of common Supply Chain practices with in Broader Public Sector (BPS) organizations.

- In March 2008, the Treasury Board of Cabinet further directed that a set of Supply Chain Guidelines (SCG) be developed and implemented for Broader Public Sector (BPS) organizations i.e. school boards, universities, colleges to ensure greater awareness and compliance with these trade agreements; to introduce procurement standards; to improve supply chain activities and; to adopt best practices and metrics that will result in greater operating and cost efficiencies.
- In April 2009, the Ministry of Finance tied implementation of SCG Principles into the funding transfer agreements of any Broader Public Sector (BPS) organization receiving annual transfer payments greater than \$10 million from the Ontario Government.
- By April, 2010, all BPS organizations must begin implementing the first two Principles: **A Supply Chain Code of Ethics** and **Procurement Policies and Procedures**. Additional principles for metrics and reporting will be issued at a later date.
- The Supply Chain Guidelines thresholds for Broader Public Sector where an openly advertised competitive procurements is required have been established as follows: **Goods** \$100,000; **Services** \$100,000; **Construction** \$100,000.
- For school boards, reporting on implementation of the first two Principles will be through the Ministry of Education by way of a compliance statement signed by the Director of Education as of June 30, 2010.

5.0 TCDSB SUPPLY CHAIN CODE OF ETHICS

A Supply Chain Code of Ethics is intended to define basic principles and standards of behavior for anyone involved in supply chain activities and procurement. This includes any staff involved in the acquisition, approval or payment for goods and services. In February 2008, the Board approved a Code of Ethics for staff in the following Purchasing Regulation (#28) which states that “In addition to any conflict of interest policy applicable to employees, the Code of Ethics established by the Purchasing Management Association of Canada shall apply to all staff involved in the procurement process”. Within TCDSB, this would include purchasers and administrators with fiscal responsibilities.

All staff and stakeholders involved in procurement activities are currently subject to the Professional Code of Ethics as published by the Purchasing Management Association of Canada (PMAC) <http://www.pmac.ca/about/ethics.asp> which is reproduced here, with permission, in full. Adoption of this Code of Ethics meets the compliance requirements of the BPS Supply Chain Guideline.

This code will be publicly posted in specific areas where procurement activity occurs, e.g. Materials Management, Facilities, Accounts Payable, Computer and Technical Services however, it is generally applicable to all employees involved in procurements, approvals and payments. All employees shall base their procurement decisions and actions on the following values, norms of behavior and rules of conduct.

6.0 TCDSB SUPPLY CHAIN CODE OF ETHICS

A. Values

1. Honesty/Integrity

Maintaining an unimpeachable standard of integrity in all their business relationships both inside and outside the organizations in which they are employed;

2. Professionalism

Fostering the highest standards of professional competence amongst those for whom they are responsible.

3. Responsible Management

Optimizing the use of resources for which they are responsible so as to provide the maximum benefit to their employers;

4. Serving the Public Interest

Not using their authority of office for personal benefit, rejecting and denouncing any business practice that is improper;

5. Conformity to the Laws

In Terms of:

- A. The laws of the country in which they practice;
- B. The Institute's or Corporation's Rules and Regulations;
- C. Contractual obligations.

B. Norms of Ethical Behaviour

1. To consider first, the interest of one's organization in all transactions and to carry out and believe in its established policies.
2. To be receptive to competent counsel from one's colleagues and be guided by such counsel without impairing the responsibility of one's office.
3. To buy without prejudice, seeking to obtain the maximum value for each dollar of expenditure.
4. To strive for increased knowledge of the materials and processes of manufacture, and to establish practical procedures for the performance of one's responsibilities.
5. To participate in professional development programs so that one's purchasing knowledge and performance are enhanced.
6. To subscribe to and work for honesty in buying and selling and to denounce all forms of improper business practice.
7. To accord a prompt and courteous reception to all who call on a legitimate business mission.
8. To abide by and to encourage others to practice the Professional Code of Ethics of the Purchasing Management Association of Canada and its affiliated Institutes and Corporation.
9. To counsel and assist fellow purchasers in the performance of their duties.
10. To cooperate with all organizations and individuals engaged in activities which enhance the development and standing of purchasing and materials management.

7.0 RULES OF CONDUCT

In applying these rules of conduct, members should follow guidance set out below:

A. Declaration of Interest

Any personal interest which may impinge or might reasonably be deemed by others to impinge on a member's impartiality in any matter relevant to his or her duties should be immediately declared to his or her employer.

B. Confidentiality and Accuracy of Information

The confidentiality of information received in the course of duty must be respected and should not be used for personal gain; information given in the course of duty should be true and fair and not designed to mislead.

C. Competition

While considering the advantages to the member's employer of maintaining a continuing relationship with a supplier, any arrangement which might prevent the effective operation of fair competition should be avoided.

D. Business Gifts and Hospitality

To preserve the image and integrity of the member, employer and the profession, business gifts other than items of small intrinsic value should not be accepted. Reasonable hospitality is an accepted courtesy of a business relationship. The frequency and nature of gifts or hospitality accepted should not be allowed whereby the recipient might be or might be deemed by others to have been influenced in making a business decision as a consequence of accepting such hospitality or gifts.

E. Discrimination and Harassment

No member shall knowingly participate in acts of discrimination or harassment towards any person that he or she has business relations with.

F. Environmental Issues

Members shall recognize their responsibility to environmental issues consistent with their corporate goals or missions.

G. Interpretation

When in doubt on the interpretation of these rules of conduct, members should refer to the Ethics Committee of their Institute or Corporation.

8.0 PURCHASING PRINCIPLES

- 8.1 The Board recognizes that fair and open competition is a basic tenet of public purchasing and the most cost effective use of public funds.
- 8.2 The prime objective is to obtain the right product or service in the correct quantity from the best source at the best price with optimum quality.
- 8.3 The Board believes that sound purchasing practices and procedures based on fair business principles are required to maintain an unimpeachable standard of integrity in all business relationships, both inside and outside the Board.
- 8.4 The Board supports the concept of “Centralized Purchasing” as a means of obtaining maximum value for money expended while providing a high level of service to all school and administrative departments.
- 8.5 The Board encourages the acquisition of environmentally friendly products and the reduction of the impact of the Board’s activities upon the environment.
- 8.6 The Board endorses and complies with the provisions of the Broader Public Sector (BPS) Supply Chain Guidelines.
- 8.7 Procurements for goods and services likely to exceed \$100,000 in value will be publicly advertised and posted on an electronic tendering system.

9.0 PURCHASING POLICY REQUIREMENTS

- 9.1 The Materials Management Department is responsible for the general oversight of the procurement process and procedures and shall be consulted in advance on all acquisitions in excess of \$2,000.00.
- 9.2 The Senior Manager of Materials Management acting as the Board’s Purchasing Agent, shall be responsible for the management, organization and administration of the Purchasing function within the Board.
- 9.3 All goods and services shall be acquired through a public competitive process whenever possible.
- 9.4 A competitive process will also be established to periodically review of ongoing low value goods and services providers.
- 9.5 All suppliers are to be treated fairly and without preference consistent with the educational principles of the Board and fair business principles.
- 9.6 Any arrangements which might, in the long term, prevent the effective operation of fair competition, should be avoided.
- 9.7 Contracts shall be limited to a maximum of five years without requiring a new competitive process.

- 9.8 Every request to purchase goods or services will be processed via an approved purchase order or a Board issued purchase card.
- 9.9 Employees may enter into contractual agreements only as permitted in these procedures.
- 9.10 Prior to the issue of any tender, quotation or proposal, budget availability must be confirmed and the appropriate approval to proceed is required.

10.0 PURCHASING PROHIBITIONS

- 10.1 No contract or purchase shall be divided to avoid the requirements of these procedures and the annual or total project requirement shall be considered when awarding a contract.
- 10.2 Purchases/contracts made that do not follow the policy and procedures outlined herein will be considered unauthorized and will be considered an obligation of the person making the purchase/contract.
- 10.3 Any purchase made in the name of the Board without a purchase order or a Board issued purchase card will be considered an obligation of the person making the purchase and not an obligation of the Board.
- 10.4 Personal Purchases on behalf of employees or elected officials of the Board are not permitted.
- 10.5 No employee of the Board shall promote or market for compensation or sell any goods or services to any Board or pupil for compensation except as expressly permitted by the Section 217 Education Act.
- 10.6 No employee or elected official of the Board may bid on the Board's purchases of goods and services.
- 10.7 No employee or elected official may accept gifts, gratuities or any other form of consideration which may impinge or might reasonably be deemed by others to impinge on a purchasing decision.
- 10.8 No person is authorized to obligate the Board without encumbering, in advance, sufficient funds to meet the obligation.

11.0 AREAS OF RESPONSIBILITY FOR PURCHASES, CONTRACTS AND AGREEMENTS

11.1 The Board delegates to the Director of Education, the authority to approve purchases and contract awards where the budget, project or report has been approved by the Board with the exception of:

- New school construction and major school additions.
- Contracts which have exceeded the approved budget.
- Contracts in excess of \$500,000.00 and
- Partnership Development opportunities.

The Director of Education shall be responsible for processing and the acquisition of:

- Employee fringe benefit contracts.
- Professional services.
- Land acquisition and disposal, and
- Insurance.

11.2 The Deputy Director of Facilities and Planning shall be responsible for the processing, acquisition and supervision of approved projects as follows:

- Capital construction projects (new school and additions).
- Trade work performed by Board personnel.
- Minor building renovations and repairs.
- Plant emergency repairs and replacements.

11.3 The Senior Manager of Materials Management Department shall be responsible for operating a centralized purchasing system for the purchase and supply of all other materials, equipment and services required by the Board.

12.0 DELEGATED AUTHORITY TO APPROVE PURCHASES

12.1 The Board has delegated the authority to purchase and approve contracts with exceptions of New School Construction/Additions; contracts in excess of \$500,000 and Partnership Development, to the Director of Education. The authority to perform purchasing functions of a specific type or level has in turn been delegated by Director of Education to the Senior Manager and the professional staff of Buyers in the Materials Management Department and to other delegated individual purchasers within the Board as identified below.

Delegated Individual Purchasers are Board employees who have, as part of their assigned administrative duties, the responsibility for expenditures for a particular budget area, location or cost centre. This delegation provides a convenient means of obtaining low value supplies and services quickly. Such purchasers may approve purchases up to the limit of their delegated authority. Amounts in excess of this authority may be subject to a competitive procurement process and must be approved by the appropriate superordinate.

12.2 Within the TCDSB schools delegated Individual Purchasers are the Principal, and Vice Principal.

- 12.3 Delegated Individual Purchasers within the TCDSB Administrative and Facilities departments are Supervisor, Manager, Senior Manager, Coordinator, Senior Coordinator, Program Coordinator, Superintendent and Associate Director.

13.0 DELEGATED AUTHORITY TO APPROVE CONTRACTS/RENEWALS

- 13.1 A contract is an agreement between two or more parties which the parties intend to be binding at law. A contract sets out the promises and responsibilities of each of the respective parties.
- 13.2 Contracts carry financial and legal implications and individuals and the Board has limited the authority of individuals to approve contracts and renewals.
- 13.3 Schools or departments may not enter into contracts for the acquisition of goods or services and all contracts regardless of the amount or term, must be reviewed centrally prior to execution.
- 13.4 Procedures for approving new contracts and renewals are outlined in greater detail in Section 4 of this Manual.
- 13.5 Typical contracts include but are not limited to tender awards, leases and/or rentals, software licence and maintenance agreements.

14.0 ROLE OF INDIVIDUAL PURCHASER

14.1 Delegation

A Board employee who is delegated purchasing authority is in effect an agent of the Board and is authorized to commit the Board, only to the limit of their authority and in compliance with these and other relevant policies and procedures.

14.2 Authority

Except as expressly stated in the Purchasing Policy and these Procedures, no employee is authorized to commit the Board to purchase of and payment for goods or services, or sign any rental, lease, licenses, agreements or contracts with any vendor except as outlined in these procedures.

Obligations created in contravention of these procedures will be considered an obligation of the person making the purchase and not an obligation of the Board.

14.3 Responsibility

An individual purchaser has the following responsibilities: to act only within the limits of his/her expressed authority; to act at all times in the best interests of the Board; to act in an ethical manner; to avoid any real or apparent conflict of interest for personal gain.

14.4 Accountability

An individual purchaser is accountable for compliance to Board policy and procedures. In addition there can be legal consequences for actions outside of one's express or delegated authority and personal liability may occur, if the scope of one delegated authority is exceeded or if the Board Purchasing Policy and Procedures are not observed.

15.0 ROLE OF MATERIALS MANAGEMENT DEPARTMENT

15.1 The role of the Materials Management Department is to:

- (i) Operate a centralized purchasing system which will provide a high level of service to all areas of the Board.
- (ii) Source and purchase all goods and services at the lowest possible cost, giving due consideration to price, service, quality and delivery.
- (iii) Acquire goods and services through a competitive bidding process that is open, fair and transparent to ensure equal treatment without preference.
- (iv) Insure that purchases are made in the best interest of the Board.
- (v) Maximize the financial resources and aggregate buying power of the Board.
- (vi) Provide effective business advice and service which is responsive to the needs of end-users, budget holders.
- (vii) Provide assistance in the tendering process, as required for materials, professional services, service contracts, construction projects.
- (viii) Inform the requisitioning school/department whenever the quantity or specifications of the materials or services ordered are inconsistent with the purchasing practices of the Board.
- (ix) Initiate and maintain effective contractual relationships with suppliers.
- (x) Dispose of surplus obsolete and non functional equipment.
- (xi) Maintain procedures in agreement with the Board Purchasing Policy.
- (xii) Issue tenders, proposals and quotations in compliance with Board policy.
- (xiii) Ensure procurement compliance with the Supply Chain Guidelines, provincial trade agreements and any other the legislative requirements.
- (xiv) Maintain a current Purchasing Policy and Procedures Manual to reflect the requirements of the Supply Chain Guidelines.

16.0 RELEVANT POLICIES

The TCDSB has a number of relevant policies for individuals involved in acquisitions, awards, and payment. All staff should familiarize themselves and comply with the following policies:

Conflict of Interest-Employees- <http://www.tcdsb.org/policyregister/HM31.html>

Conflict of Interest- Trustees- <http://www.tcdsb.org/policyregister/T01.html>

Acceptance of Hospitality or Gifts- <http://www.tcdsb.org/policyregister/HM33.html>

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
http://192.75.156.68/DBLaws/Statues/English/90m56_e.htm

17.0 CONFLICT OF INTEREST

Conflict of interest may be defined as a situation in which an employee or elected official has a private or personal interest (actual or potential) that may influence or appear to influence their objective professional judgment in the conduct of their official duties and being contrary to the best interests of the Board. Any personal interest which may impinge or might reasonably be deemed by others to impinge on a Board member or employee's impartiality, in any matter relevant to their duties, must be declared to the Board.

The Board recognizes that it is essential that employees and elected officials maintain, and are perceived to maintain, the highest standard of public trust and integrity and have approved Conflict of Interest Policies (Employee H.M. 31 and Elected Officials T. 01) to provide guidance and direction. All employees and elected officials should:

- Avoid situations which may, or may appear to be, in conflict with their responsibility to act in the best interests of the Board on whose behalf they are acting.
- Avoid, as far as practicable, placing themselves in situations in which their personal interests may actually or potentially conflict with the interest of the Board.
- At all times and places and regardless of whether engaged in or on or about Board business, take all reasonable steps to avoid the exercise of any influence on Board decisions in which they have a personal interest.
- Make full and complete disclosure in accordance with these policies of any actual or potential Conflict of Interest involving themselves or their dependents.

SECTION 2 – COMPETITIVE PROCUREMENT

18.0 COMPETITIVE PURCHASING

“All goods and services are to be acquired through a publicly advertised competitive bidding process whenever possible in order to obtain maximum value from the expenditure of public funds” (Regulation 8)

Competitive Purchasing is acquisition of any kind of asset, whether tangible (goods, products, or construction) or intangible (services) in an open and transparent manner intended to ensure equal treatment without preference to all responsible vendors and to obtain maximum value from the expenditure of public funds.

The Board requires a competitive process in the acquisition of goods and services whose value exceeds \$2,000.00 whenever possible. This can be a simple process of obtaining verbal or written quotes for lower value requirements or for acquisitions of higher value or complexity, a more detailed method involving specifications, terms, conditions, evaluation and award.

Supplies, equipment and services must be acquired through a competitive process that ensures the best value for the funds expended to meet the specific needs and promote fair dealings and equitable relationship. A Sole Source may be used subject to the conditions outlined in a later section

These practices are not meant to prevent or exclude individuals or companies from doing business with the Board. A competitive process is intended to ensure fairness, openness and impartiality in the Board’s business dealings. A competitive process also protects the Board and individuals from undue criticism with respect to favoritism, bias, preferential treatment etc. and maintains a high standard of public trust and integrity in the expenditure of public funds.

In keeping with the Agreement on Internal Trade and the Ontario-Quebec Agreement, procurements for goods and services likely to exceed \$100, 000 in value will be publicly advertised and posted on an electronic tendering system.

19.0 COLLABORATIVE PURCHASING/GOVERNMENT STANDING OFFERS

The Board encourages the participation in the purchases of goods or services through co-operative ventures with other school boards and government agencies and will exercise the options to ‘piggyback’ on other co-operative, tenders, proposals, service contract or standing agreements when it is in the Board’s best interest to do so.

20.0 EXCEPTIONS TO COMPETITIVE PURCHASING

At the TCDSB, competitive bidding may be waived in the following circumstances:

20.1 Purchase price of goods or services less than \$2,000 or on Purchase Card/Purchase Order

A purchase of less than \$2,000, purchasers may obtain pricing directly via catalogues or by way of verbally or fax quotation from vendors and utilize a Purchase Order or if less than \$1,000.00, a Purchase Card.

20.2 Emergency Requirements

Where there is an emergency situation caused by fire, water, sewage, wind or electrical damage or where a risk to health and/or safety of students and/or staff exists or where the immediate purchase of goods and/or services is essential to prevent serious delays, further damage or restore minimum service(s), the approval requirements of the Purchasing Policy shall not apply, and administration shall take immediate necessary action to make the repairs and the expenditure will be reported to the appropriate authority level.

20.3 Purchasing by Negotiation

Purchasing by negotiation may be initiated when in the opinion of Senior Manager of Materials Management the following situations exist:

- (i) when an unforeseen event occurs and where equipment or service is urgently needed to respond to an emergency requirement ;
- (ii) where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures;
- (iii) where bids have been solicited and no compliant bids have been received and it would be impractical to re-issue tenders;
- (iv) where a single responsive compliant bid has been received and it would be impractical to re-issue tenders;
- (v) where the lowest responsive compliant bid significantly exceeds budget;
- (vi) where an extension or reinstatement of an existing contract would prove more cost effective or beneficial to the Board;
- (vii) where a non-competitive procurement situation exists because:
 - supply shortage due to market conditions or fluctuating market prices prevents price stability or protection or;
 - continuity or compatibility to an existing product, service, is the overriding concern and
 - purchase by auction is used as a cost effective method for acquisition;
 - goods or materials are obtainable only from one known source of supply (sole source) due to patent, copyright or proprietary rights.

20.4 **Sole/Single Source Declaration**

A sole source means the selection of a vendor to provide goods or services without utilizing a competitive process such as a quotation, tender or proposal due to patent, copyright or proprietary rights which limits availability to one particular vendor only.

A single source means the selection of a vendor to provide goods or services without utilizing a competitive process where there is more than one vendor capable of supplying the goods or services.

Use of a sole/single source for an amount in excess of \$2,000 requires completion of a "Sole/Single Source Declaration Form". This form will list the reason(s) or rationale for not obtaining competitive quotes and shall require the authorization of both the Senior Manager Materials Management and the appropriate Associate Director before the acquisition proceeds.

In the event the reason or rationale proves insufficient and does not meet the Board's criteria for sole sourcing, a competitive tender process in accordance with the Board's purchasing policies will be required.

This form is available from the Materials Management Department or its website.

20.5 **Miscellaneous Exemptions**

The following list of those goods or services will also be considered exempt and will not require a competitive process or sole source request form:

1. Professional memberships
2. Health Expenses (e.g., pediculosis, ambulance)
3. Workshops
4. Training and Education Courses
5. Staff Development
6. Seminars
7. Conferences
8. Conventions
9. Travel Expenses
10. Refundable Employee Expenses
11. Licenses (vehicles, elevators, radios, etc.)

SECTION 3 – APPROVALS/ACQUISITION PROCESS

21.0 SPENDING APPROVAL LIMITS FOR SCHOOLS/DEPARTMENTAL PURCHASES

21.1 The Materials Management Department is responsible for setting up buying contracts for a wide range of items for school and departmental supplies. Whenever possible, all goods and services are purchased through a competitive process and a minimum of three (3) competitive bids or quotes obtained and a contract is awarded. Schools or departments can then order goods or services under these contracts.

For low dollar value and/or occasional use items and where the overall value is less than \$2,000, schools and departments may also purchase based on a catalogue or verbal quote without a competitive quote using a Purchase Card or Purchase Order.

In the circumstances where a contract does not exist and where the dollar value of a purchase is greater than \$2,000.0, a competitive process is required which will be conducted by Materials Management.

Each employee who has delegated purchasing authority is responsible and accountable for ensuring compliance with these Purchasing Policy and Procedures.

22.0 ACQUISITION PROCESS FOR SCHOOLS AND ADMINISTRATIVE DEPARTMENTS

22.1 \$1- \$2,000: catalogue or small value purchases, a competitive proposal or bid is not required. Purchasers may obtain pricing directly via catalogues or by way of verbally or fax quotation from vendors and utilize a Purchase Order or Purchase Card.

22.2 \$2,001-\$5,000: Materials Management will source. The principal (school), department head (administration) or the Senior Manager Materials Management will approve the award of the goods and services where the budget, project or report has been approved by the Board and the Purchasing Policy in Relation to the Tender/RFP process has been followed.
Requires three informal written/fax quotations, documented and kept on file.

22.3 \$5,001-\$25,000: Materials Management will source The appropriate supervisory officer responsible for the budget and/or the Senior Manager Materials Management will approve the award of the goods and services where the budget, project or report has been approved by the Board and the Purchasing Policy in relation the Tender/RFP process has been followed.
Requires formal written quotation fax/email 3 quotes where possible, documented with a report to file.

- 22.4 \$25,001 to \$50,000: Materials Management will source. The appropriate supervisory officer responsible for the budget and the Senior Manager Materials Management will approve the award of the goods and services where the budget, project or report has been approved by the Board and the Purchasing Policy in relation to the Tender/RFP process has been followed. Requires formal Sealed Tender, RFP, minimum 3 responses where possible. Senior Buyer, Materials Management will document evaluation and prepare a report for approval.
- 22.6 \$50,001 up to \$500,000: Materials Management will source and the Director of Education/Director's Council will approve the awarding of the contract where the budget, project or report has been approved by the Board and the Purchasing Policy in relation to the Tender/RFP has been followed. These awards will be reported monthly in the Trustee Information Package. Requires Sealed Tender, RFP, minimum 3 responses where possible; an evaluation team; scoring matrix. Evaluation must be documented by procurement representative and report prepared for approval by the appropriate authority. Document retention is seven years. For procurements greater than \$100,000 compliance with Supply Chain Guidelines is mandatory
- 22.7 All new school construction, major additions, contracts which have exceeded the approved budget, contracts in excess of \$500,000 and Partnership Development initiatives: The Board of Trustees through a Standing Committee will approve the awarding of the contract. Requires Sealed Tender, RFP, minimum 3 responses where possible; an evaluation team; scoring matrix. Evaluation must be documented by procurement representative and report prepared for approval by the appropriate authority. Document retention is seven years.

The chart that follows summarizes the limits (excluding taxes), approvals and acquisition process is required for the various delegated purchasers in Schools and Administrative staff. The Materials Management Department is responsible for procurement sourcing in excess of \$2,000.00

Expenditure Amount	Procurement Method	Purchase Method	Approval Required by
1 - 2,000	<ul style="list-style-type: none"> - verbal documented quote - catalogue price - non cumulative total 	Purchase Card/Order	Principal or Administration Department Head
2,000.01 - 5,000	Quotation: informal by Materials Management <ul style="list-style-type: none"> - 3 quotes where possible - e-mail/fax - record of suppliers contacted - record of prices quoted - report required 	Purchase Order	Principal / Administration Department Head / Senior Manager of Materials Management
5,000.01 - 25,000	Formal written quotation required <ul style="list-style-type: none"> - 3 quotes where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response/fax - deposit in Tender Box - date and time as prescribed - report required 	Purchase Order	Superintendent and/or Senior Manager of Materials Management
25,000.01 - 50,000	Formal Sealed Tender, RFP <ul style="list-style-type: none"> - 3 quotes where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - deposit in Tender Box - date and time as prescribed - report required 	Purchase Order	Superintendent and Senior Manager of Materials Management
50,000.01 - 500,000	Formal Process: Sealed Tender, RFP <ul style="list-style-type: none"> - 3 quotes where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - deposit in Tender Box - date and time as prescribed - report required 	Purchase Order	Director of Education Director's Council
<ul style="list-style-type: none"> • contracts > 500,000 • new school construction • major additions • contracts which have exceeded the approved budget • Partnership Development initiatives 	Formal Process: Sealed Tender, RFP <ul style="list-style-type: none"> - 3 quotes where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - deposit in Tender Box - date and time as prescribed 		Board of Trustees

23.0 SAP RELEASE LIMITS FOR SCHOOL/ADMINISTRATIVE DEPARTMENTS

The transaction approval limit for School Principals/Vice Principals and Administrative Department heads has been set at \$5,000 per transaction. The chart below outlines the dollar limits excluding taxes and approvals of the various delegated purchasers that have been set up in the SAP financial system.

A Purchase Order which exceeds the established dollar limits will require a subsequent release as outlined below. Purchases may not be split to avoid established transaction limits or approvals.

SAP Release Authority for Purchase Orders		
Dollar Limit \$	Code Group	Release by
0 – 5,000	01	Principal/Department Manager
5,000.01 – 25,000	01 02	Principal/Department Manager, then Superintendent
25,000.01 – 500,000	01 02 03	Principal/Department Manager, then Superintendent, then Director's Council
>500,000	01 02 03 04	Principal/Department Manager, then Superintendent, then Director's Council, then Agent for the Board

24.0 SPENDING APPROVAL LIMITS FOR FACILITIES DEPARTMENT

- 24.1 The Facilities Department has delegated purchasing authority for the acquisition of goods, supplies and services related to Operations, Maintenance, Renewal and Capital construction. The nature and level of work requires higher limits than those of Schools and Administrative Departments however the requirement to use a competitive procurement for the acquisition of goods /services is still required.
- 24.2 Whenever possible, goods and services shall be purchased through a competitive process and three (3) competitive quotations shall be obtained which may, depending on the dollar value be received by mail, fax or telephone, fax, mail or in person as the situation dictates. Each employee who is delegated purchasing authority will be held responsible and accountable for compliance with the Purchasing Policy and Procedures and the BPS Supply Chain Guidelines. As the dollar amounts increase the steps for securing a competitive quotation are subject to more defined and detailed requirements.
- 24.3 The chart that follows summarizes the limits (excluding taxes), approvals and acquisition process is required for the various delegated purchasers in the Facilities Department. Generally a competitive process is to be followed for all purchases greater than \$2,000 except where an emergency situation exists.

25.0 ACQUISITION PROCESS FOR FACILITIES DEPARTMENTS

- 25.1 \$1- \$2,000: catalogue or small value purchases, a competitive proposal or bid is not required. Purchasers may obtain pricing directly via catalogues or by way of verbally or fax quotation from vendors and utilize a Purchase Order or Purchase Card(if provided).
- 25.2 \$2,001-\$10,000: Facilities staff will source and approve the award of the goods and services where the budget, project or report has been approved by the Board and the Purchasing Policy in Relation to the Tender/RFP process has been followed.
Requires three informal written/fax quotations, documented and kept on file.
- 25.3 \$5,001-\$25,000: Facilities Staff will source and approve subject to subsequent approval by a Facilities Manager and Senior Coordinator where the budget, project or report has been approved by the Board and the Purchasing Policy in relation the Tender/RFP process has been followed.
Requires formal written quotation fax/email 3 quotes where possible, documented with a report to file.
- 25.4 \$25,001 to \$50,000: Facilities Staff will source. The Superintendent of Facilities and the Senior Manager Materials Management will approve the award of the goods and services where the budget, project or report has

been approved by the Board and the Purchasing Policy in relation to the Tender/RFP process has been followed.

Requires formal Sealed Tender, RFP, minimum 3 quotations where possible. Evaluation must be documented and report prepared for approval.

- 25.5 \$50,001 up to \$500,000: Facilities Staff will source and the Director of Education/Director's Council will approve the awarding of the contract where the budget, project or report has been approved by the Board and the Purchasing Policy in relation to the Tender/RFP has been followed. These awards will be reported monthly in the Trustee Information Package. Requires Sealed Tender, RFP, minimum 3 quotations where possible. Evaluation must be documented and report prepared for approval. For procurements greater than \$100,000 compliance with Supply Chain Guidelines is mandatory
- 25.6 All new school construction, major additions, contracts which have exceeded the approved budget, contracts in excess of \$500,000 and Partnership Development initiatives: The Board of Trustees through a Standing Committee will approve the awarding of the contract. Requires Sealed Tender, RFP, minimum 3 quotations where possible. Evaluation must be documented and report prepared for approval.

The three charts below outline the various steps and approvals for procurement activities for Facilities staff in the area of Renewal/Capital, Operations, and Facilities Maintenance.

TENDER, PROPOSAL, QUOTATION APPROVAL PROCESS FOR RENEWAL AND CAPITAL

Expenditure Amount	Procurement Method	Purchase Method	Approval Sequence
1,000 - 2,000	<ul style="list-style-type: none"> - verbal documented quote, catalogue price - non cumulative total - may use Unit Price Tender, quotation required - report to file required - maintain file @ local office 	PO	Supervisor of Renewal or; Supervisor of Capital
2,000.01 - 25,000	<ul style="list-style-type: none"> RFQ - Informal - 3 written quotes where possible - received by mail, fax at local office - record of suppliers contacted - record of prices quoted - non cumulative total - may use Unit Price Tender, quotation required - report required to Senior Manager/Coordinator - maintain file @ CEC office 	PO	Supervisor of Renewal or; Supervisor of Capital Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate
25,000.01 - 50,000	<ul style="list-style-type: none"> RFQ - Formal / Sealed Response - review @ PMEAC is required before issue - 3 written quotes where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Superintendent - maintain file @ CEC office 	PO	Supervisor of Renewal or; Supervisor of Capital Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate Superintendent of Facilities Services and Senior Manager of Materials Management
50,000.01 - 500,000	<ul style="list-style-type: none"> Formal Process: Tender, RFP - review @ PMEAC is required before issue - 3 written bids/proposals where possible - record of suppliers contacted - record of prices quoted (file at CEC) - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Director's Council - maintain file @ CEC office 	PO	Supervisor of Renewal or; Supervisor of Capital Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate Superintendent of Facilities Services Director's Council
> 500,000	<ul style="list-style-type: none"> Formal Process: Tender, RFP - review @ PMEAC is required before issue - 3 written bids/proposals where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Board - maintain file @ CEC office 	PO	Supervisor of Renewal or; Supervisor of Capital Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate Superintendent of Facilities Services Director's Council Board of Trustees

TENDER, PROPOSAL, QUOTATION APPROVAL PROCESS FOR OPERATIONS (SQS)

Expenditure Amount	Procurement Method	Purchase Method	Approval Sequence
1,000 - 2,000	<ul style="list-style-type: none"> - verbal documented quote, catalogue price - non cumulative total - may use Unit Price Tender, quotation required - report to file required - maintain file @ local office 	PO	Service Quality Supervisor
2,000.01 - 10,000	<ul style="list-style-type: none"> RFQ - Informal - 3 written quotes where possible - received by mail, fax at local office - record of suppliers contacted - record of prices quoted - non cumulative total - may use Unit Price Tender, quotation required - report to local file required - maintain file @ local office 	PO	Service Quality Supervisor
10,000.01 - 15,000	<ul style="list-style-type: none"> RFQ - Informal - 3 written quotes where possible - received by mail, fax at local office - record of suppliers contacted - record of prices quoted - non cumulative total - may use Unit Price Tender, quotation required - date and time as prescribed - report required to Manager - maintain file @ local office 	PO	Service Quality Supervisor Operations Manager
15,000.01 - 25,000	<ul style="list-style-type: none"> RFQ - Formal / Sealed Response - review @ PMEAC is required before issue - 3 written quotes where possible - record of suppliers contacted - record of prices quoted - may use Unit Price Tender, quotation required - Board Bid Form sealed response - deposit in Tender Box @ CEC - date and time as prescribed - report required to Senior Coordinator - maintain file @ local office 	PO	Service Quality Supervisor Operations Manager Senior Coordinator of Operations
25,000.01 - 50,000	<ul style="list-style-type: none"> RFQ - Formal / Sealed Response - review @ PMEAC is required before issue - 3 written quotes where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Superintendent - maintain file @ CEC office 	PO	Service Quality Supervisor Operations Manager Senior Coordinator of Operations Superintendent of Facilities Services and Senior Manager of Materials Management
50,000.01 - 500,000	<ul style="list-style-type: none"> Formal Process: Sealed Tender, RFP - review @ PMEAC is required before issue - 3 written bids/proposals where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Director's Council - maintain file @ CEC office 	PO	Service Quality Supervisor Operations Manager Senior Coordinator of Operations Superintendent of Facilities Services Director's Council
> 500,000	<ul style="list-style-type: none"> Formal Process: Sealed Tender, RFP - review @ PMEAC is required before issue - 3 written bids/proposals where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Board - maintain file @ CEC office 	PO	Service Quality Supervisor Operations Manager Senior Coordinator of Operations Superintendent of Planning & Facilities Director's Council Board of Trustees

TENDER, PROPOSAL, QUOTATION APPROVAL PROCESS FOR FACILITIES MAINTENANCE

Expenditure Amount	Procurement Method	Purchase Method	Approval Sequence
1,000 - 2,000	<ul style="list-style-type: none"> - verbal documented quote, catalogue price - non cumulative total - may use Unit Price Tender, quotation required - report to file required - maintain file @ local office 	PO	Supervisor of Maintenance
2,000.01 - 10,000	<ul style="list-style-type: none"> RFQ - Informal - 3 quotes where possible - received by mail, fax at local office - record of suppliers contacted - record of prices quoted - non cumulative total - may use Unit Price Tender, quotation required - report to file required - maintain file @ local office 	PO	Supervisor of Maintenance
10,000.01 - 15,000	<ul style="list-style-type: none"> RFQ - Informal - 3 written quotes where possible - received by mail, fax at local office - record of suppliers contacted - record of prices quoted - non cumulative total - may use Unit Price Tender, quotation required - report required to Manager - maintain file @ local office 	PO	Supervisor of Maintenance Maintenance Manager
15,000.01 - 25,000	<ul style="list-style-type: none"> RFQ - Formal / Sealed Response - review @ PMEAC is required before issue - 3 written quotes where possible - record of suppliers contacted - record of prices quoted - may use Unit Price Tender, quotation required - Board Bid Form sealed response - deposit in Tender Box @ CEC - date and time as prescribed - report required to Senior Coordinator - maintain file @ local office 	PO	Supervisor of Maintenance Maintenance Manager Senior Coordinator of Maintenance/Renewal
25,000.01 - 50,000	<ul style="list-style-type: none"> RFQ - Formal / Sealed Response - review @ PMEAC is required before issue - 3 written quotes where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Superintendent - maintain file @ CEC office 	PO	Supervisor of Maintenance Maintenance Manager Senior Coordinator of Maintenance/Renewal Superintendent of Facilities Services and Senior Manager of Materials Management
50,000.01 - 500,000	<ul style="list-style-type: none"> Formal Process: Tender, RFP - review @ PMEAC is required before issue - 3 written bids/proposals where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Director's Council - maintain file @ CEC office 	PO	Supervisor of Maintenance Maintenance Manager Senior Coordinator of Maintenance/Renewal Superintendent of Facilities Services Director of Education/Director's Council
> 500,000	<ul style="list-style-type: none"> Formal Process: Tender, RFP - review @ PMEAC is required before issue - 3 written bids/proposals where possible - record of suppliers contacted - record of prices quoted - Board Bid Form sealed response - bid security required - deposit in Tender Box @ CEC - date and time as prescribed - report required to Board - maintain file @ CEC office 	PO	Supervisor of Maintenance Maintenance Manager Senior Coordinator of Maintenance/Renewal Superintendent of Facilities Services Director of Education/Director's Council Board of Trustees

26.0 SAP RELEASE LIMITS FOR FACILITIES DEPARTMENT

The charts below outline the dollar limits excluding taxes and approvals of the various delegated purchasers in Facilities that have been set up in the SAP financial system.

A Purchase Order which exceeds the established dollar limits will require a subsequent release. Purchases may not be split to avoid established transaction limits or approvals.

Each employee who has delegated purchasing authority is responsible and accountable for ensuring compliance with these Purchasing Policy and Procedures.

SAP Release Authority for Capital Purchase Orders		
Dollar Limit \$	Code Group	Description
0 - 10,000	12	Capital Supervisor
10,000.01 - 25,000	11	Senior Coordinator
25,000.01 - 50,000	06	Superintendent of Facilities Services
50,000.01 - 500,000	03	Director of Education/Director's Council
>500,000	04	Board of Trustees

SAP Release Authority for SQS Purchase Orders		
Dollar Limit \$	Code Group	Description
0 - 10,000	05	Supervisor of Quality Services
10,000.01 - 15,000	10	Manager
15,000.01 - 25,000	11	Senior Coordinator
25,000.01 - 50,000	06	Superintendent of Facilities Services
50,000.01 - 500,000	03	Director of Education/Director's Council
>500,000	04	Board of Trustees

SAP Release Authority for Facilities Purchase Orders		
Dollar Limit \$	Code Group	Description
0 - 10,000	07	Facilities Supervisor
10,000.01 - 15,000	10	Manager
15,000.01 - 25,000	11	Senior Coordinator
25,000.01 - 50,000	06	Superintendent of Facilities Services
50,000.01 - 500,000	03	Director of Education/Director's Council
>500,000	04	Board of Trustees

SECTION 4 - CONTRACTS

27.0 APPROVALS OF CONTRACT AGREEMENTS AND RENEWALS

- 27.1 A contract is an agreement between two or more parties which the parties intend to be binding at law. A contract sets out the promises and responsibilities of each of the respective parties. Contracts carry financial and legal implications and the signing authority for contracts has been clearly defined in order to avoid unnecessary confusion, expenditures and possible liability for both the Board and the individual.
- 27.2 Typical contracts include but are not limited to purchase orders, tender awards, leases and/or rentals, software licence and maintenance agreements.
- 27.3 All contracts are subject to the following conditions:
- 27.3.1 Contracts shall not be divided to avoid the requirements of this policy, its regulations or procedures and the annual or total project cost shall be considered.
- 27.3.2 Contracts which are multiyear or long term in nature must initially be reported based on their cumulative value, over the life of the contract, to the appropriate authority level for approval as outlined in this section.
- 27.3.3 Contracts will be limited to a maximum term of five years and renewals will be subject to a public competitive bidding process whenever possible.
- 27.3.4 Contracts initiated that do not follow these procedures, will be considered unauthorized and will be not considered an obligation of the Board but rather the person signing the contract unless otherwise approved by the Director of Education.
- 27.3.5 Written Contracts are required for all awards in excess of \$100,000.

28.0 APPROVAL PROCESS FOR CONTRACTS AND AGREEMENTS

- 28.1 Contracts with a cumulative total value of less than \$5,000 and a term of less than one (1) year may be signed at the school or administrative departmental level after review by Materials Management. All documents must be kept on file within the school or department.
- 28.2 Contracts which are ongoing yearly renewals, regardless of dollar value, must be reviewed by the Senior Manager, Materials Management prior to signature by the appropriate authority.
- 28.3 Contracts with a total value in excess of \$5,000 and up to \$50,000 will, after legal review, be approved and signed by the Superintendent of the originating school/department and by the Senior Manager Materials Management.

Documentation must be kept on file within the school or department.

28.4 Contracts with a total value in excess of \$50,000 and up to \$500,000 will, after legal review, be approved by the Director of Education/Director’s Council or designate. Documentation must be kept on file within the department.

28.5 Contracts for new school construction, school additions, contracts in excess of \$500,000 and contracts for Partnership Development will be approved by the Board of Trustees. Documentation must be kept on file within the department.

28.6 The chart below summarizes the limits excluding taxes:

Approvals Required for Contracts:

Amount	Term	Reviewed by	Approval Required by
\$1 to \$5,000	One Time Less than one (1) year	School or Department Materials Management	School Principal or Administrative Department Head
\$5,001 to \$50,000	One time Ongoing renewal	Legal Department Materials Management	Superintendent and Senior Manager, Materials Management
\$50,001 to \$500,000	One time Ongoing renewal	Legal Department Materials Management	Director of Education / Director’s Council
Contracts >500,000	One time Ongoing renewal	Legal Department Director’s Council	Board of Trustees

29.0 APPROVAL PROCESS FOR ONGOING CONTRACTS AND AGREEMENTS

29.1 Ongoing Contract agreements which have a regular yearly renewal and are not subject to a competitive bid process, may be approved yearly by the Director of Education or designate.

Typical contract agreements requiring regular renewal include but are not limited to:

- Standard Lease Agreements for Property e.g. Day Care Leases.
- Software Licence Agreements e.g. SAP financial system.
- Maintenance and Support Agreements e.g. Trillium.
- Equipment Leases Agreements - e.g. Service Vehicles.
- Utilities Purchase Contracts e.g. Natural Gas, Electricity.
- Professional Services Agreements e.g. Security, Waste Disposal Services.

29.2 All contract awards in excess of \$50,000 will be reported to the Board of Trustees on a monthly basis by way of an information report.

SECTION 5 – METHODS FOR ACQUISITION/ INFORMATION GATHERING

30.0 METHODS OF COMPETITIVE ACQUISITIONS

Request for Quotation (RFQ)

Where the amount is greater than \$5,000 but less than \$50,000, and where the exact specifications of the purchased good or service are known, a Request for Quotation (RFQ) will be issued by Materials Management who will obtain a minimum response of 3 written bids where possible. Responses will be accepted by fax/e-mail. Written and faxed proposals or bids must be received by the buyer by the date and time specified. After consultation with the appropriate Superintendent, Materials Management will award to the lowest acceptable bidder.

Invitation to Tender

Where the amount is greater the \$50,000 and where the exact specifications of the good or service to be purchased are known, a formal Invitation to Tender will be used. An Invitation to Tender consists of a detailed set of requirements with a complete set of terms and conditions which will form the basis of a contractual agreement. The Materials Management Department will issue the Tender which will be sent to interested or prequalified parties, advertised on both the Board's website and other electronic media. A minimum of three vendor responses should be obtained where possible. Sealed vendor bid responses must be received and date stamped in Materials Management by the date and before the time specified. After the time specified, bids may be opened publicly and read aloud however, the Board reserves the right to open tenders in private. Awards for competitive bids for goods and/or services will be based on the lowest bidder whose bid is compliant in all material ways to the requirements. The appropriate authority will approve the award of the contract.

Request for Proposal (RFP)

Where there are no clear specifications or uncertainty as to the product or service required, a Request for Proposal (RFP) is issued. An RFP typically seeks a vendor to provide the best solution to a set of requirements where specifications, the manner or method of supply have yet to be determined. Price is often a secondary factor in the evaluation and is determined only after a definition of requirements is established. The Materials Management Department will issue the RFP which will be sent to interested or prequalified parties, advertised on both the Board's website and other electronic media. A minimum of three responses should be obtained where possible. Sealed vendor responses must be received and date stamped in Materials Management by the date and before the time specified. Responses may be opened publicly at a specified time and place, but only the names of the responding vendors are read. Again, the Board reserves the right to open responses in private. The RFP evaluations are based on stated award criteria including, but not limited to, price considerations. An RFP allows latitude in negotiating final requirements and pricing.

Negotiations during the Request for Proposal Process

The Board reserves the right to negotiate any aspect of any proposal with one or more of

the Proponents at any time. Negotiations with any Proponent shall not oblige the Board to enter into a contract with any Proponent or be construed as an acceptance of the proposal. All changes to the resulting contract shall be in writing, and approved by both the Proponent and the Board.

After selection of a successful Proponent, the Board may elect to negotiate specifics prior to award of contract. If these negotiations are not successful, the Board may elect to negotiate with the next highest scoring Proponent. Further, once the contract has been awarded to the Successful Proponent, the Board has the right to negotiate changes, amendments or modifications to the submission, without offering the other Proponents the opportunity to amend their submissions.

31.0 METHODS FOR INFORMATION GATHERING

Request for Information

Used to gather product or supplier information for a contemplated procurement. Used as a method for gathering informations and making decisions on the shape of a proposed procurement activity that has not yet been defined. Does not create nor is it intended to create a contractual relationship. Once complete, the organization should have enough information to proceed with a subsequent procurement action such as a tender, proposal or quotation

Request for Expression of Interest

A Request for Expression of Interest (RFEI) is typically used to to provided information with respect to the level of interes,the capacity or capabilities of the general marketplace to provide a solution to an organizational need or concept which has not yet been fully defined. It can provide an opportunity to review different opportunities, technologies and solutions to support a business case for further action and c an help define a method for a subsequent competitive process.

SECTION 6 – VENDORS

32.0 PURCHASING/MATERIALS EVALUATION AND APPROVAL COMMITTEE (PMEAC)

A Purchasing/Materials Evaluation and Approval Committee is responsible:

- (i) To review needs identified and specifications established by staff and internal clients for goods and services to be put out for tender, RFQ or RFP.
- (ii) To establish or review evaluation criteria.
- (iii) To review tenders, RFP's/RFQ's documentation before they are issued or brought to the appropriate authority level for approval.
- (iv) To meet regularly (as often as weekly if required by number of projects) and provide Trustees with a monthly Information Report listing all active and pending tenders.
- (v) Composed of:
 - Associate Director of Business Services (or designate).
 - Associate Director of Planning and Facilities (or designate).
 - Senior Manager of Materials Management.
 - Supervisor of Contract Administration.
- (vi) To approve addition to the Board's Vendor list.

33.0 VENDOR PREQUALIFICATION

- 33.1 Pre-qualification is a process used to identify potential suppliers whose demonstrated experience, capacity and ability qualifies them to receive a subsequent Invitation to Tender or Request for Proposal. A prequalification is not intended to nor does it in fact create any form of contractual commitment between the Board and any vendor.
- 33.2 There are mandatory requirements that must be submitted however specific prequalification requirements are subject to change depending on the contract. Through the Prequalification process, the Board reserves the right to issue an Invitation to Tender or Request for Proposal only those firms who have successfully pre-qualified and the Board is not obliged to invite a bid /response from a contractor/supplier who fails to pre-qualify.
- 33.3 The Prequalification process is conducted in an open and transparent manner and will be issued and similar to tenders /proposals, will be publicly advertised by way of an electronic tendering network such as Biddingo, on the Board website and in print media as appropriate.

- 33.4 An evaluation matrix will be also be made available which will generally include but not be limited to:
- Evidence of sufficient experience and financial resources to satisfy the contract requirements.
 - Indications that the supplier can perform the contract promptly and within the time specified.
 - The quality of performance of previous contracts with the Board and others.
 - Quality, availability and adaptability of the goods/ services to the particular use required.
- 33.5 Prequalification of contractors and suppliers will be conducted on a periodic basis for Facilities Services. Prequalification for other areas will be on an as needed basis.

34.0 PREQUALIFICATION FOR FACILITIES VENDORS

Vendors interested In prequalification for Capital and Facilities will be prequalified based on the submission of the following mandatory criteria:

- Completed CCDC 11-1996.
- Résumé of management to be assigned to project.
- Commitment to dedicating a working superintendent/foreman for all phases of work.
- Proof of Bonding Capacity – Letter from a nationally recognized Surety Company stating total bonding limit, current bonding committed; 50% Performance Bond and 50% Labour and Material Payment Bond.
- Proponent shall indicate if there is any pending litigation involving the pre-qualifying firm.
- Detailed description of the Contractor’s Health and Safety Policy and written confirmation that all Health and Safety policies will be followed.
- current Certificate of Insurance.
- Letter of Authorization to Obtain Financial Information and Perform Reference Checks.
- WSIB – Submission of Cost and Frequency and Forms CAD7 letter as issued by WSIB.
- References – References from a minimum of three clients or consultants including telephone and fax numbers in addition to those cited in CCDC 11 for similar type of work.
- Inquiries with respect to Vendor Prequalification for Capital and Facilities should be directed to the attention of:

Supervisor, Contract Administration
Planning and Facilities Department
Catholic Education Centre
80 Sheppard Ave. E
Toronto, Ontario M2N 6E8

Note: Prequalification does not create a contractual relation between the Board and a Vendor or result in Approved Vendor status. It simply means that the vendor is qualified to be invited to bid on subsequent procurements.

The Board reserves the right to accept, reject or limit a vendor for prequalification based on established criteria.

The Board also reserves the right to remove vendors from the lists of interested or prequalified bidders due but not limited to:

- Failure or refusal to respond to questions or other information as may be required.
- Failure or refusal to respond to three consecutive bids for commodities of a class furnished.
- Failure or refusal to respond to inquiry as to continued interest.
- Receipt of a written request to be removed from the prequalified list.
- Change in qualifications to the extent that the vendor no longer meets the minimum requirements.
- Failure to successfully perform under a previous purchase order or contract.
- Involvement in dispute or litigation with the Board over the previous five year period.

35.0 VENDOR DEFAULT

- (i) Where a bidder/vendor fails to enter into or complete a contract awarded by the Board, the circumstances of the default shall be reported to the appropriate authority level. The report will recommend a course of action.
- (ii) Where a vendor who has defaulted on a previously awarded Board contract is being considered for award of a contract, the report recommending the contract shall describe the circumstances of the previous default and will recommend a course of action.
- (iii) Where a vendor has defaulted on a previous contract and is subsequently awarded a contract, the contractor will provide the Board with a performance bond, if requested.
- (iv) A vendor who fails to enter into or complete a contract awarded by the Board will be removed from the Board's vendor list for a minimum period of three years and will not be permitted to participate in any tenders, proposals or quotation until successfully reinstated.
- (v) The Board reserves the right to exclude a vendor from participating in the tender process if vendor is involved in a dispute or litigation with the Board.

36.0 VENDOR/CONTRACTOR EVALUATION

The Board has developed a vendor/contractor evaluation process to assess and record the performance of prequalified contractors upon project completion of projects in the various capital/renewal/maintenance/operational services within the Facilities Department.

The intent of this process is to develop and maintain a high standard of service and performance from contractors engaged by the Board. The performance evaluation would be undertaken by the assigned project supervisor at contract completion and the evaluation must be positive to maintain a vendor's pre-qualification status. The process is also intended to be open to contractor discussion and feedback with respect to the evaluation. This vendor evaluation process will be extended to other business departments where possible.

37.0 FACILITY EVALUATIONS MANAGEMENT COMMITTEE (FEMC)

As part of the contractor evaluation process, a Facility Evaluations Management Committee (FEMC) has also been implemented whose primary role will be to review contractor evaluations and maintain a central data database. This group will meet routinely and be responsible to audit the results of all contractor prequalifications and post-contract evaluations undertaken within the Facilities Department. This body would also respond to concerns from facility vendors and provide a forum to whom unsuccessful contractors could appeal at any stage to be reinstated. Final appeals will be reviewed by Director's Council.

This committee will consist of:

- Facilities Senior Coordinators of Capital, Renewal/Maintenance and Operations.
- Senior Manager of Business Services.
- Senior Manager of Materials Management.
- Supervisor of Contract Administration.

SECTION 7 - COMPETITIVE CALL PROCEDURES

Competitive call procedures for tenders or proposals will be conducted in accordance with the Supply Chain Guidelines for the Broader Public Sector. Calls or proposals whose value exceeds \$100,000.00 are subject to the terms and conditions of the Agreement on Internal Trade (AIT) and the Ontario Quebec Agreement. Mandatory requirements for BPS organizations have been incorporated into the Board's Policies and procedures and are reflected throughout this Procedures Manual

38.0 PROCEDURES FOR TENDERS, PROPOSALS AND QUOTATIONS

Quotations, Tenders and Requests for Proposals will be processed in the following manner:

38.1 Issue

- (i) There will be open competition among qualified bidders however, for particular tenders, proposals or quotations, the Board reserves the right to require prequalification.
- (ii) Tenders shall be advertised via electronic tendering media (e.g. Biddingo), via the Board website, or local or trade newspapers. These may be used in combination as deemed appropriate.
- (iii) Tenders and quotations may be invited from known interested vendors
- (iv) Bidders will be allowed a minimum of fifteen (15) calendar days from the date of issue to the closing date as a response period. Closing date will be a normal business date between Monday and Friday.
- (v) Notwithstanding the above, the minimum tender time may be waived where the Board requires an immediate response.
- (vi) For each tender, request for proposal or request for quotation issued, one staff member will be designated and listed as the sole contact for any inquiries or information.
- (vii) Tenders and all other competitive calls shall include the evaluation criteria and methodology to be used for award of contract.
- (viii) Tenders or Proposals must state at the time of issue, any preferences which will be used in evaluating the bid or response. Preferences will comply with requirements of AIT.
- (ix) Tenders and all other competitive calls will be issued with reference to all relevant policies (Purchasing Policy; Conflict of Interest: Employees; Conflict of Interest: Trustees; Acceptance Hospitality and Gifts).

- (x) All tenders or proposals will include which will indicate that the award may be subject to approval by the Board of Trustees at the Board's discretion.
- (xi) A Request for Proposal will be used for new or refreshed technology initiatives.

38.2 Submissions

- (i) Tenders/Proposals are to be submitted in sealed, addressed envelope, clearly identified as to contents to the location indicated and before the date and time specified;
- (ii) Bidders are solely responsible for the method and timing of delivery of the Tender to the designated delivery point;
- (iii) Where a Tender Form is provided in the bid package, it must be completed as instructed. Tender Form must be signed by an official empowered to bind. Incorporated companies shall affix their corporate seal under the hand of their proper Officers;
- (iv) Tender responses which contain qualifications or conditions; are incomplete; or are improperly prepared, may be considered at the discretion of the Board
- (v) Tender shall be open for acceptance by the Board and irrevocable by the Bidder for the tender validity period(usually will be for a period of sixty (60)) from the date the Tender closes;
- (vi) Sealed Tenders will be date and time stamped upon receipt;
- (vii) Late tenders shall be returned unopened to the vendor;
- (viii) Tenders and Quotations for goods or services of up to \$25,000 in value may be received at the Board offices via electronic transmission of data (facsimile) at the Board's discretion;
- (ix) The Board reserves the right to disqualify bids not submitted in strict accordance with the requirements of the Bid Documents;
- (x) The Board reserves the right to accept or reject, all or in part, any or all bids, quotations and tenders submitted by suppliers in accordance with the terms and conditions of the bid and the Board policies and procedures.
- (xi) a minimum of three (3) competitive bids will be obtained where possible;
- (xii) The Board reserves the right to cancel and reissue a tender or proposal if only one response is received.

38.3 Bid Security

Bid Bond

- (i) When required, bids shall be accompanied by bid security in the form of a bid bond in the amount prescribed in the tender documents naming the Board as obligee and issued by a surety licensed to conduct surety and insurance business in Canada. Photocopies of a bid bond or agreement to bond are not acceptable.
- (ii) Bid security is for the benefit of the Board and stands as security that the bidder, if awarded the Contract, will deliver the performance security and evidence of insurance and other documents required by these Instructions to Bidders or by the Contract, and will execute the Contract as required.
- (iii) Bid security of the bidder whose bid is accepted will be retained by the Board to compensate the Board for the damages it will suffer should the successful bidder fail to execute the Contract and/or fail to provide the specified performance security and/or evidence of insurance and other documents required by these Instructions to Bidders or by the Contract.
- (iv) Bid security of the bidder whose bid is accepted will be returned after the delivery of the specified performance security and evidence of insurance and other documents required by the Instructions to Bidders or by the Contract, and after the execution of the Contract. The bid security of all other bidders will be returned after the execution of the Contract or after the expiry of the bid process without an award of Contract or after the rejection of all bids.
- (v) Where a tender response is opened and not immediately accepted or refused, the security deposit will be returned to the bidder except the three lowest bids that meet the specifications. Immediately upon awarding the contract, the security deposit of the two remaining unsuccessful bidders will be returned.
- (vii) Bid Binds/Deposits shall be forfeited to the Board in all cases as liquidating damages where a tender has been accepted and the successful bidder fails to enter into a contract and execute the contract.

Performance Bond

- (viii) is also for the benefit of the Board. It is a financial tool used to guarantee against the failure of the other party to meet its contractual obligations. In the event of a default, the Board is able to call upon the bonding entity to make good on the default to ensure the performance of the contract to the extent required by the terms and conditions of the performance bond.

38.4 Opening

- (i) A public opening of tender submissions will take place as soon as possible after the closing time however, the Board does reserve the right to open responses in private;

- (ii) after the time specified, bids will be opened and read aloud however, in certain circumstances the Board may choose to read out only the names of the responding vendors;
- (iii) Tenders of \$25,000 or less shall be opened, initialed and dated by a representative of the Materials Management Department and the originating department;
- (iv) Tenders in excess of \$25,000 shall be initialed and dated by the members of the tender opening committee;
- (v) Tenders without the proper bid security, if required, will be disqualified;
- (vi) the Board reserves the right to accept a bid which, in the Board's discretion, is substantially compliant;
- (vii) the tender opening committee will be composed of:
 - Senior Manager Business Services
 - Senior Manager Materials Management
 - Supervisor of Contract Administration
 - A Department Representative as necessary

38.5 Evaluation

An evaluation team will be established to review all bids/responses. Composition of the team will vary depending on the nature of the procurement however each team will have a minimum of 3 members of whom at least one representative will be a Business Services representative. All discussions are confidential and may not be disclosed outside of evaluation meetings. It should be noted that that notes, correspondence and other documentation may be subject to disclosure at the conclusion of an award through in either an FOI request or in the event of litigation

38.6 Duties of the Evaluation Team

- Team members have a duty of care to ensure a fair and impartial evaluation which will result in a factual and defensible award.
- Team members may consider only compliant bids/proposals that have met all mandatory requirements.
- Team members may consider alternatives only if previously requested.
- Team members must be familiar with the Board's Conflict of Interest policies.
- Team members must be free of any conflict and must sign a conflict of interest declaration.
- Team members must sign a confidentiality and non disclosure agreement.
- Team members must not divulge arising from the evaluation.
- Evaluation team members must complete individual scoring matrix.
- Documentation will be retained for a period of seven (7) years.

Evaluation will be based on but not limited to:

- (i) The conformity of the bid/proposal as outlined within the Instructions to Bidders/Proponents.
- (ii) The extent to which the bid/proposal meets all mandatory requirements of the solicitation.
- (iii) Deemed capabilities, understanding of the requirements, integrity, reliability, and financial stability of the supplier to meet the requirements of the Board.
- (iv) The overall cost.
- (v) The method to resolve a tied situation is to be determined in advance and will be detailed in the procurement document.

38.7 Award

- (i) The Board reserves the right to award the Contract to the bidder who has submitted the bid which, in the Board's sole discretion, provides the best value to the Board based on the criteria described in the Bid Documents.
- (ii) Should the Board receive no compliant bids, the Board, in its discretion, may re-bid the project or may negotiate a contract for the whole or any part of the project with a bidder who has submitted a non-compliant bid.
- (iii) The Board will award the contract to the bidder who has submitted a bid or proposal that is most acceptable in light of a number of factors such as credibility, contract terms, service and cost.
- (iv) The award will be given to the lowest bidder except where the best interests of the Board are served by accepting other than the lowest price.
- (v) The Board shall not be obliged to accept the lowest or any tender and reserves the right to accept, or reject any tender received, or to re-tender the project.
- (vi) The Chair of the Administrative and Corporate Services Committee or the Director of Education can request that a tender or proposal be brought forward to the Board of Trustees for information or approval.
- (vii) The Board of Trustees will be provided with a report of tender or proposal evaluations completed by staff on a quarterly basis.

38.8 Debriefing

- (i) unsuccessful bidders may request a debriefing meeting with the designated bid coordinator via email within 60 days immediately following the award date.
- (ii) the purpose of a debriefing session, following the awarding of a contract, is to provide a vendor with an opportunity to discuss the

submission and ask any questions that may help them to understand the tender /proposal process and the award decision. This may also assist in their preparation of future bid/responses.

38.9 Dispute

- (i) In the event a dispute arises which cannot be resolved by the parties in connection with the bid process including, without limitation, a dispute concerning the existence of the “bid contract” or a breach of the “bid contract”, or a dispute as to whether the bid of any bidder was submitted on time or whether a bid is compliant, the Board, in its unqualified subjective discretion, may refer the dispute to a confidential arbitration before a single arbitrator with knowledge of procurement/bidding law and practice at Toronto, Ontario pursuant to the *Arbitration Act, 1991*, as amended. In the event that the Board refers the dispute to arbitration, the bidder agrees that it is bound to arbitrate such dispute with the Board. Unless the Board shall refer such dispute to arbitration, there shall be no arbitration of such dispute.
- (ii) In the event the Board refers a dispute to arbitration, the parties to the arbitration shall exchange brief statements of their respective positions on the dispute, together with the relevant documents, and submit to an arbitration hearing which shall last no longer than two days, subject to the discretion of the arbitrator to increase such time.
- (iii) In the event either or both parties decline to refer the dispute to arbitration, either party may at its discretion, refer such matter to a court of competent jurisdiction.

SECTION 8 - MISCELLANEOUS

39.0 UNIT PRICE TENDERS

39.1 Tenders for unit prices are issued for goods or services which the Board requires on a regular basis to facilitate lower value purchases or expedite routine repairs throughout the course of the budget year. Goods cover a range of classroom consumable or instructional materials such as office supplies, paper supplies, musical instruments and peripherals. Services cover a range of requirements such as glazing, lawn maintenance, snow removal, fencing, asphalt, flooring, painting, drapery etc., typically utilize unit prices.

39.2 **Conditions Governing the Use of Unit Prices:**

- (i) Unit price tenders may be used when the overall scope of work or cumulative spend on a location by location basis, is less than \$25,000.00. Projects whose value exceeds \$25,000.00 must be tendered separately.
- (ii) All Tenders/quotations issued for securing unit prices must indicate that a separate tender/quotation will be issued for any individual projects that exceed \$25,000.00 in value.
- (iii) Unit prices may not be used where the overall quantity or scope of work has been divided or in any other manner arranged so that the price or value of the goods/services is artificially reduced to circumvent the \$25,000.00 limit cited.

40.0 SCHOOL FUNDED PURCHASES

- (i) All expenditures for goods and services for schools or departments, regardless of the revenue source – including school raised funds, or CSAC donations – must be approved for meeting TCDSB standards and specifications as outlined below:
- (ii) In the case of any School or department facility related type of acquisition or improvement, the Superintendent of Planning and Facilities (or designate) must approve of the intended project and proposed award of a contract based on the Board's standard procurement requirements (generally minimum 3 bidders).
- (iii) In the case of any other school or department goods/services acquisitions, the Senior Manager Materials Management must approve the proposed specifications and award of a contract based on the Board standard procurement requirements.
- (iv) The Senior Manager will consult with appropriate department specialists to ensure Board standards/specifications are applied (e.g. computer technology, furniture and equipment etc.).
- (v) In both of the above instances, a STANDARDS SPECIFICATIONS SIGN OFF FORM which is included in the section, must be completed prior to the commencement of any procurement activity.

The Purchasing/Materials Evaluation and Approval Committee may be requested to review the project expenditure if it is not approved.

Modifications/Acquisitions Conformity to TCDSB Standards and Specifications

All expenditures for goods and services for schools or departments, regardless of the revenue source – including school raised funds, or CSAC donations – must be approved for meeting TCDSB standards and specifications as outlined below:

All expenditures for goods and services for schools or departments, regardless of the revenue source – including school raised funds, or CSAC donations – must be approved for meeting TCDSB standards and specifications as outlined below:

- In the case of any School or department facility expenditures, the appropriate Senior Coordinator must sign off on the expenditure and/or the awarding of a contract based on the Board purchasing policy requirements (generally minimum 3 bidders).
- In the case of any other school or department goods/services acquisitions the Senior Manager Materials Management must sign off on the expenditure and/or the awarding of a contract based on the Board Purchasing Policy requirements. The Senior Manager will consult with appropriate department specialists to ensure Board standards/specifications are applied (e.g. computer technology, furniture and equipment etc.).
- In both of the above instances, the Purchasing/Materials Evaluation and Approval Committee may be requested to review the project expenditure if it is not approved.

41.0 STANDARD SPECIFICATION FORM

1. Facility Expenditure Proposed (Please describe project; purchase or contract)

And /or

2. Other Goods/Services Purchase

3. Projected (Up to \$5,000 – Principal; Up to \$25,000 Supervisory Officer)

4. Revenue Source: Cost Centre: _____ G/L Account #: _____

Other Source: _____

Name of School Principal or Supervisory Officer:

Signature

Date

Authorization to purchase on the basis that Board Standards/Specifications and/or other requirements of the purchasing policy have been met.

Facilities related Tenders/Contracts:

Involvement of Planning & Facilities

Signature

Date

Other Goods/Services Tenders/Contracts:

Senior Manager Materials Management:

Signature

Date

Organization retains a photocopy
Original retained by Authorizing Department

SECTION 9 - LEGISLATIVE REQUIREMENTS THAT IMPACT PROCUREMENT ACTIVITIES

42.0 THE EDUCATION ACT, SECTION 217

The Education Act section 217 prohibits Board employees from selling, books, learning materials, supplies or equipment to any school board or a pupil enrolled in a school board. An exception exists for an employee as an author receiving a royalty.

In addition an outside organization is prohibited from employing either directly or indirectly, a school board employee to sell books, learning materials, supplies or equipment to any school board or a pupil enrolled in a school board.

217. (1) Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited

No teacher, supervisory officer or other employee of a board or of the Ministry 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 therein. R.S.O. 1990, c. E.2, s. 217 (1).

217. (2) Exception for authors

Subsection (1) does not apply to a teacher, supervisory officer or any other employee in respect of a book or other teaching or learning materials of which he or she is an author where the only compensation that he or she receives in respect thereof is a fee or royalty thereon. R.S.O. 1990, c. E.2, s. 217 (2).

217. (3) Employment of employee of board or Ministry to promote sale of books, etc., to board, pupil, etc., prohibited

No person or organization or agent thereof shall employ a teacher, supervisory officer or other employee of a board or of the Ministry to 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 therein, or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose. R.S.O. 1990, c. E.2, s. 217 (3).

217. (4) Penalty

Every person who contravenes any provision of subsection (1) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. E.2, s. 217 (4).

- 42.1 **The Agreement on Internal Trade (AIT)** was enacted to reduce the barriers to the movement of persons, goods, services and investments within the provinces of Canada. The agreement prevents provincial governments from creating barriers to trade and requires existing barriers to be reduced in a number of areas including investment, energy, communications, mobility of labor and government procurement. It also encourages standardization of regulations and more liberal trade policies.
- 42.2 **Ontario- Quebec Agreement** builds on the AIT, being more specific and designed to further liberalize trade and promote cooperation on common economic issues. Ontario and Quebec have committed to maintaining open and competitive procurement practices by requiring organizations and agencies within the provincial government and the Broader public sector (BPS) to publish procurement opportunities in excess of \$100,000 . This agreement also adopted has a lower threshold (\$100,000) for construction tenders/proposals than the AIT (\$250,000). A public electronic tendering system will be utilized to broaden awareness of procurement opportunities within government and the BPS for suppliers.
- 42.3 **Freedom of Information and Protection of Privacy Act**
The Freedom of Information and Protection of Privacy Act (FIPPA)/ Municipal Freedom of Information and Protection of Privacy Act(MFIPPA) provide a right of access to records held by public bodies and regulates how public bodies manage personal information. This right also extends to the procurement process of publicly funded organizations who can receive a freedom of information (FOI) request relating to tender document, award or contract. These requests are usually complied with subject to disclosure exceptions provided by the act.

SECTION 10 - DEFINITIONS

43.0 TERMS AND DEFINITIONS:

Acquisition means the process for obtaining goods and services.

Approval means authorization to proceed with the purchase of goods and/or services.

Bid means a response from a vendor to a request for quotation, proposal or tender issued by the Board which is subject to acceptance or rejection.

Board means The Toronto Catholic District School Board.

Board of Trustees means the elected or appointed members of The Toronto Catholic District School Board.

Conflict of Interest means the employee of the Board or elected official who has an interest directly or indirectly as a contracting party, partner, sponsor or beneficiary, in the award of a Board solicitation and who uses their influence to affect the outcome.

Contract means a binding agreement between two or more parties.

Cooperative Purchasing means the participation of two or more public agencies, in a request for quotation, tender or proposal.

Emergency means a situation where the immediate purchase of goods or services is essential to prevent serious delays, further damage or restore minimum service.

Goods and services means supplies, equipment, property, insurance, construction, maintenance and service contracts, professional and consulting services.

Materials Manager means the manager of the section within the Finance Department who is in charge of the Board's Materials Management program and is hereby authorized to act as agent in all such matters pertaining thereto.

Open market procedure means obtaining price quotations from suppliers verbally or in writing.

Personal purchases means a purchase of goods and services, the requirement for which is not for Board or any of its purpose but is personal to the person requesting the purchase.

Policy means a basic philosophy, climate and direction, and determine the major values upon which the Board operates.

Pre-Qualification

Means a documented system whereby suppliers are pre-established in advance of a project utilizing clearly defined criteria and requested information developed by the originator of the project.

Procedure means a set of steps or instructions for carrying out a specific activity, guidelines and, the specific action sequences. How a policy is to be carried out.

Procurement means the combined functions of purchasing, contract administration and disposal of surplus equipment and supplies.

Proposal means an offer from a supplier to provide goods and services, acceptance of which may be subject to further negotiation.

Purchase order means a written offer to purchase goods and services or a written acceptance of an offer where such offer has been made on forms prescribed by the Board.

Purchasing Card (P-Card) means a charge card issued to authorized Board staff for the purchase of low dollar valued items.

Quotation means an offer from a supplier to sell goods and services to or buy them from the Board.

Request for Proposal (RFP):

A Request for Proposal is a form of RFQ in which both parties can further discuss needs, goods and or services to fill those needs in a particular manner or with products to be created for that purpose.

Request for Quotation (RFQ) means an offer in response to a request for goods and services which response may be verbal/written and phoned/fax.

Responsible Vendor means one who can reasonably be expected to provide satisfactory performance on the proposed contract based on reputation references, performance on previous contracts; and sufficiency of financial and other resources.

Responsive Vendor means one who complies with the provisions of the bid solicitation, including specifications, contractual terms and conditions.

Single Source means the selection of a vendor to provide goods or services without utilizing a competitive process where there is more than one vendor capable of supplying the goods or services

Sole Source means the selection of a vendor to provide goods or services without utilizing a competitive process such as a quotation, tender or proposal due to patent, copyright or proprietary rights which limits availability to one particular vendor only

Surety means a specified dollar amount in the form of cash, certified cheque, bid bond, performance bond, labour and materials bond, letter of credit or any other form as deemed necessary and stated in any quotation, tender or proposal documents issued by the Board.

Tender means an offer received from a supplier of goods and services in response to a request and/or public advertisement requesting prices and/or information on their goods and services and which shall be submitted in a sealed envelope at a prescribed time and place.