



**PURCHASING  
PROCEDURES  
MANUAL**

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# SECTION 1 - INTRODUCTION

## 1.0 PURCHASING POLICY F.P.01

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 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 and expenditures where the budget, project or report has been approved by the Board with the exception of:

- Contracts awards for new school construction and major school additions.
- Contracts which have exceeded the approved budget.
- Significant strategic initiatives

### **Regulations:**

1. This policy, regulations and procedures apply 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. Use of Board funds for personal purchases on behalf of an employee, elected official or family member is not permitted.
5. Purchases made without an authorized purchase order/purchase card are not permitted and 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. Any 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. A 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. Contracts 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. Use of a sole source for an expenditure greater than \$10,000.00 will require completion of a Sole Source Declaration Form.
19. The Director of Education shall be responsible for the approval of all procurement awards except as noted in this policy and will provide trustees with a list of procurement awards

on a regular basis

20. The Materials Management Department shall be responsible for operating a centralized purchasing system for tenders, contracts and purchases and have general oversight of the procurement process and procedures.
21. Employees and elected officials involved in the procurement process are subject to a Supply Chain Code of Ethics which requires:
  - (i) Personal Integrity and Professionalism;
  - (ii) Accountability and Transparency and;
  - (iii) Compliance and Continuous Improvement.
22. Consulting services which are intended to provide expert or strategic advice for purposes of consideration and decision making must be acquired through a competitive process regardless of dollar value.
23. The Purchasing/Materials Evaluation and Approval Committee will review tenders, proposals and quotations before issue.
24. A Purchasing Procedures Manual shall provide guidelines and 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 applicable trade agreements and BPS Procurement Directive

## **3.0 RECENT CHANGES IN PUBLIC PROCUREMENT**

The Toronto Catholic District School Board utilizes public procurement practices to promote an open, competitive and fair process. This process is intended to be transparent, to generate competition in the marketplace and to obtain the best value for money. The TCDSB is funded through provincial grants, and as a public entity and part of the Broader Public Sector (BPS), the Board is required to follow the specific procurement requirements.

The Broader Public Sector Accountability Act (2010) increased financial accountability for the Broader Public Sector (BPS) organizations through the introduction of a number of Directives.

The Procurement Directive requires BPS organizations to have: a Supply Chain Code of Ethics to promote ethical, professional and accountable behavior and a Procurement Policy and Procedures.

The purpose of the Directive is:

- To ensure that publicly funded goods and services, including construction, consulting services, and information technology are acquired by BPS organizations through a process that is open, fair, and transparent;
- To outline responsibilities of BPS organizations throughout each stage of the procurement process; and
- To ensure that procurement processes are managed consistently throughout the BPS.

The Procurement Directive also defines a consultant as one retained to provide “expert or strategic advice for consideration and decision making”. Consultants and Consulting services which fall under this definition are now subject to a competitive process regardless of dollar value. Non-competitive consulting is subject to special approval.

#### **Additional 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 of the legislation. These trade agreements- the inter provincial Canada Free Trade Agreement (CFTA) and also the federal Comprehensive and Economic Trade Agreement (CETA)- allow for greater participation in BPS procurements.

The thresholds for the Procurement Directive and the applicable trade agreements are listed below and must be considered when initiating procurements above a certain dollar threshold.

**The Broader Public Sector Procurement Directive** provides specific mandatory requirements to be followed in terms of procurement policy and practice. The Directive connects compliance to Board funding. Thresholds: goods and services **\$100,000**; construction **\$250,000**

**The Canadian Free Trade Agreement (CFTA)** came into effect as of July 1st, 2017. It is an interprovincial trade agreement, which replaced the Agreement on Internal Trade (AIT). CFTA promotes open procurement practices among public sector organizations. Thresholds: goods and services **\$100,000**; construction **\$250,000**

**The Ontario-Quebec Trade and Cooperation Agreement (OOTCA)** A bi-lateral trade agreement between Ontario and Quebec intended to promote labour mobility, trade and investment. Recently revised to align with the CFTA. Thresholds: goods/services **\$100,000**; construction **\$100,000**

**Comprehensive and Economic Trade Agreement (CETA)** CETA is a free trade agreement between Canada, the European Union and its Member States. Thresholds: goods/services **\$340,600**; construction **\$8,500,000**

## **4.0 TCDSB SUPPLY CHAIN CODE OF ETHICS**

As a Broader Public Sector (BPS) organization, the Toronto Catholic District School Board adheres to the BPS Supply Chain Code of Ethics.

The Code is specifically applicable to all employees involved in procurements, requisitioning, approvals and payments. This Supply Chain Code of Ethics is intended to define basic principles and standards of behavior for anyone involved in supply chain activities procurement. All employees shall base their decisions and actions on the following principles.

**Goal of the Supply Chain Code of Ethics:** To ensure an ethical, professional and accountable supply chain.

### **I. Personal Integrity and Professionalism**

Individuals involved with Supply Chain Activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all Supply Chain Activities within and between BPS organizations, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.

### **II. Accountability and Transparency**

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

### **III. Compliance and Continuous Improvement**

Individuals involved with purchasing or other Supply Chain Activities must comply with this Code of Ethics and the laws of Canada and Ontario. Individuals should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.

## **5.0 PURCHASING PRINCIPLES**

- 5.1** The Board recognizes that fair and open competition is a basic tenet of public purchasing and the most cost effective use of public funds.
- 5.2** 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.
- 5.3** 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.



- 5.4 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.
- 5.5 The Board encourages the acquisition of environmentally friendly products and the reduction of the impact of the Board’s activities upon the environment.
- 5.6 The Board endorses and complies with the provisions of the Broader Public Sector (BPS) Procurement Directive and other procurement related legislation.
- 5.7 Procurements for goods and services likely to exceed \$100,000 in value will be publicly advertised and posted on an electronic tendering system.
- 5.8 Procurements for consulting services shall be subject to a competitive process in accordance with the Procurement Directive.

**6.0 PURCHASING POLICY REQUIREMENTS**

- 6.1 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 \$10,000.00.
- 6.2 The Coordinator 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.
- 6.3 All goods and services shall be acquired through a public competitive process whenever possible.
- 6.4 A competitive process will also be established to periodically review of ongoing low value goods and services providers.
- 6.5 All suppliers are to be treated fairly and without preference consistent with the educational principles of the Board and fair business principles.
- 6.6 Any arrangements which might, in the long term, prevent the effective operation of fair competition, should be avoided.
- 6.7 Contracts shall be generally limited to a maximum of five years without requiring a new competitive process.
- 6.8 Every request to purchase goods or services will be processed via an approved purchase order or a Board issued purchase card.
- 6.9 Employees may enter into contractual agreements only as permitted in these procedures.

**6.10** Prior to the issue of any tender, quotation or proposal, budget availability must be confirmed and the appropriate approval to proceed is required.

## **7.0 PURCHASING PROHIBITIONS**

**7.1** 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.

**7.2** 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.

**7.3** 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.

**7.4** Personal Purchases on behalf of employees or elected officials of the Board are not permitted.

**7.5** 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.

**7.6** No employee or elected official of the Board may bid on the Board's purchases of goods and services.

**7.7** 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.

**7.8** No person is authorized to obligate the Board without encumbering, in advance, sufficient funds to meet the obligation.

## **8.0 AREAS OF RESPONSIBILITY FOR PURCHASES, CONTRACTS AND AGREEMENTS**

**8.1** 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.
- Significant strategic initiatives.

**8.2** The 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.

## **9.0 DELEGATED AUTHORITY TO APPROVE PURCHASES**

**9.1** The Board has delegated the authority to purchase and approve contracts with some exceptions, 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 professional buying staff in the Materials Management Department and to other delegated individual purchasers within the Board as identified in this section.

Appropriate delegation of authority is fundamental to the effective and efficient management and operation of the Board. A clear delegation of authority will:

- a) assign clear authorities and accountabilities;
- b) ensure that decisions and actions are appropriate;
- c) create a sound internal control environment;
- d) facilitate oversight and efficient decision making;
- e) maintain fiscal integrity;
- f) ensure that activities are executed in accordance with applicable law, regulations, and Board policy.

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. 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 super ordinate.

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

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

## **10.0 DELEGATED AUTHORITY TO APPROVE CONTRACTS/RENEWALS**

**10.1** 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.

**10.2** Contracts carry financial and legal implications and the Board has limited the signing authority of individuals to approve contracts and renewals.

**10.3** A Signing Authority (SA) / Authorized Signatory is a person who has been appointed with the power to commit the Board to a binding agreement.

**10.4** Schools or departments may not enter into contracts for the acquisition of goods or services for a term exceeding one (1) year, or exceeding \$5,000. All other contracts must be reviewed centrally prior to execution.

**10.5** Procedures for approving new contracts and renewals are outlined in greater detail in Section 4 of this Manual.

**10.6** Typical contracts include but are not limited to tender awards, leases and/or rentals, software licence and maintenance agreements.

## **11.0 ROLE OF INDIVIDUAL PURCHASER**

### **11.1** 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.

### **11.2** 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.

### **11.3** 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.

### **11.4** 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.

## **12.0 ROLE OF MATERIALS MANAGEMENT DEPARTMENT**

**12.1** 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 Procurement Directive, provincial trade agreements and any other the legislative requirements.
- (xiv) Maintain a current Purchasing Policy and Procedures Manual to reflect the requirements of the Procurement Directive.

### **13.0 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/board/documents/HM31.pdf>

Conflict of Interest- Trustees- <http://www.tcdsb.org/board/policies/pages/T01.aspx>

Acceptance of Hospitality or Gifts-

<http://www.tcdsb.org/board/policies/documents/HM33.pdf>

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)-  
<http://www.ontario.ca/laws/statute/90m56>

### **14.0 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**

### **15.0 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 \$5,000.00 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.

**Note:** “Organizations must not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process” (Mandatory Requirement #14 Procurement Directive).

In keeping with the Procurement Directive and Trade Agreements, procurements for goods and services likely to exceed \$100,000 in total value will be publicly advertised and posted on an electronic tendering system. Any claim for an exemption must be documented and in accordance with the applicable trade agreements.

### **16.0 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. Where the Board participates in collaborative initiatives involving a lead agency, the policies and procedures of the lead agency shall apply.

## **17.0 EXCEPTIONS TO COMPETITIVE PURCHASING**

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

### **17.1 Purchase price of goods or services less than \$10,000 or on Purchase Card/Purchase Order**

A purchase of less than \$10,000, 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.

### **17.2 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.

### **17.3 Purchasing by Negotiation**

Purchasing by negotiation may be initiated when in the opinion of Coordinator 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 a non-competitive procurement situation exists because:
  - a) supply shortage due to market conditions or fluctuating market prices prevents price stability or protection or;
  - b) continuity or compatibility to an existing product, service, is the overriding concern;
  - c) purchase by auction is used as a cost effective method for acquisition;
  - d) goods or materials are obtainable only from one known source of supply (sole source) due to patent, copyright or proprietary rights.

### **17.4 Sole/Single Source**

**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.

**Limited Tendering**

The term Limited Tendering is used in the Trade Agreements in place of Sole or Single Sourcing. An entity may use Limited Tendering to contract a supplier of choice in certain circumstances and conditions.

**Sole/Single Source Declaration Form**

Use of a sole/single source for an amount in excess of \$10,000 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 Coordinator 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.

**17.5 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. Utility Services payments
12. Arbitration Services
13. Property rentals
14. License fees (vehicles, elevators, radios, etc.)

**17.6 Exemptions, Exceptions, and non-applications under Trade Agreements**

Where an exemption, exception, or non-application clause exists under the Procurement Directive, the CFTA or CETA agreements, the Board may apply this clause when

conducting procurement however the assertion of an exemption, exception, or non-application clause under a trade agreement must be formally established.

## **SECTION 3 – APPROVALS/ACQUISITION PROCESS**

### **18.0 APPROVAL LIMITS FOR SCHOOLS/DEPARTMENTAL PURCHASES**

**18.1** 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 \$5,000, schools and departments may also purchase based on a catalogue or verbal quote without a competitive quote using a Purchase Order or if less than \$1,000.00, a Purchase Card.

In the circumstances where a contract does not exist and where the dollar value of a purchase is greater than \$10,000.0, 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.

### **18.2 Approval Authority Schedule**

The Toronto Catholic District School Board has an established Approval Authority Schedule (AAS) for procurement of goods and non-consulting services for schools, academic and business departments. This authority schedule outlines the delegated purchasing authority level for each role involved in procurement. Amounts in excess of individual limits must be approved by the appropriate authority.

The approval limits have been aligned with the dollar limits established within the SAP financial system and the delegated purchasing authority levels for the respective functional areas are outlined in the following sections.

## 19.0 SAP COMMITMENT/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 exclusive of taxes. The chart below outlines the current dollar limits and subsequent approval authority 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 Commitment /Release Authority for Purchase Orders		
Dollar Limit \$	Code Group	Release by
0 – 5,000	01	Principal/Department Manager
5,001 – 25,000	01 02	Principal/Department Manager, then Superintendent
25,001 – 500,000	01 02 03	Principal/Department Manager, then Superintendent, then Director's Council
>500,000	01 02 03	Principal/Department Manager, then Superintendent, then Director's Council

Consulting services which provide strategic advice for decision making must be competitively acquired irrespective of dollar value..

## 20.0 ACQUISITION/APPROVAL PROCESS FOR SCHOOLS AND ADMINISTRATIVE DEPARTMENTS PROCUREMENTS

**20.1** \$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 if less than \$1,000(elementary) or \$3,000(secondary), a Purchase Card.

**20.2** \$2,001-\$10,000: School/Department may source. Requires single verbal/written quote. The principal(school), department head(administration) or the Coordinator Materials Management will approve the award/purchase of the goods and services provided there is available budget and the Purchasing Policy and the Tender/RFP process has been followed.

**20.3** \$10,001-\$50,000: Materials Management will source. Requires 3 written where possible. The appropriate Supervisory officer responsible for the budget /or the Coordinator Materials Management will approve the award/purchase of the goods and services where there is available budget, and the Purchasing Policy and the Tender/RFP process has been followed.

**20.4** \$50,001 to \$100,000: Materials Management will source. Open or invitational, requires RFQ/RFP minimum 3 responses where possible. The appropriate Associate Director and the Coordinator Materials Management will approve the award/purchase of the goods and services where there is available budget and the Purchasing Policy in relation to the RFQ/RFP process has been followed.

**20.5** \$100,001 and greater: Materials Management will source and the Director of Education/Associate Director's Council will approve the awarding of the contract where there is available budget and the Purchasing Policy in relation to the RFQ/Tender/RFP process has been followed.

Requires Sealed RFQ, 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 Procurement Directive is mandatory

**20.6** For all new school construction, major additions; contracts which have exceeded the approved budget and; significant strategic initiatives, the Board of Trustees 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. For procurements greater than \$100,000 compliance with Procurement Directive is mandatory

The following chart 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 \$10,000.00

Expenditure Amount	Procurement Method	Purchase Method	Approval Required by
1 - 1,000 Elementary 1 - 3,000 Secondary	- Single quote - verbal/written/catalogue price - non cumulative total	P Card	1. Principal or Administrative  Department Head
1 - 5,000	- Single quote by School/Department - verbal/written/catalogue price - non cumulative total - e-mail, fax - note to file	Purchase Order	1. Principal / Administrative 2. Department Head or Coordinator, Materials Management
5,001 - 25,000	RFQ written/fax/e-mail required - MM to issue - 3 quotes where possible - record of suppliers contacted - record of prices quoted - report required	Purchase Order	1. Superintendent or Coordinator, Materials Management
25,001 - 50,000	RFQ written/fax/e-mail required - MM to issue - 3 quotes where possible - record of suppliers contacted - record of prices quoted - report required	Purchase Order	1. Superintendent and Coordinator, Materials Management
50,001 - 100,000	RFQ written/fax/e-mail required - MM to issue - 3 quotes where possible - record of suppliers contacted - record of prices quoted - report required	Purchase Order	1. Associate Director and Coordinator, Materials Management
>100,000.00	Formal Process: Sealed Tender, RFP - 3 bids 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	1. Director of Education or Director's Council or Associate Director's Council
- new school construction - major additions - contracts which have exceeded the approved budget - significant strategic initiatives	Formal written quotation required - 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		1. Board of Trustees

Note 1. Open call Tender/RFP greater than \$100,000 in cumulative value must be posted on an electronic tendering website.

Note 2. Tender/RFP greater than \$100,000 may be issued by invitation to prequalified bidders.

## **21.0 APPROVAL LIMITS FOR FACILITIES DEPARTMENT**

- 21.1** 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.
- 21.2** 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. As the dollar amounts increase, the steps for securing a quotation are subject to more defined and detailed requirements.
- 21.3** Each employee who is delegated purchasing authority will be held responsible and accountable for compliance with the Purchasing Policy and Procedures and the mandatory requirements of the BPS Procurement Directives.

## **COMMITMENT AUTHORITY APPROVAL SCHEDULE FOR THE FACILITIES DEPARTMENT**

The Toronto Catholic District School Board has an established a separate Approval Authority Schedule (AAS) for procurement of goods and non-consulting services for the Facilities Department. This authority schedule outlines the delegated purchasing authority level for each role as it relates to procurement. Amounts in excess of individual limits must be approved by the appropriate authority. The Facilities Department AAS approval limits are aligned with the dollar limits established within the SAP financial system. All procurement shall be conducted through a documented competitive process and approved by the appropriate authority approval level. An exception would be where an emergency situation exists as defined in Section 17.2 **Emergency Requirements**. The delegated authority approval levels for the respective functional areas are outlined in the following sections.

## **SAP COMMITMENT/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.

<b>SAP Commitment /Release Authority for Purchase Orders for SQS Operations Purchase Orders</b>		
<b>Dollar Limit \$</b>	<b>Code Group</b>	<b>Description</b>
0 - 10,000	05	Supervisor of Quality Services
10,001- 15,000	10	Manager
15,001 - 25,000	11	Senior Coordinator
25,001 - 50,000	06	Superintendent of Facilities Services
>50,000	03	Director of Education/Director's Council

<b>SAP Commitment /Release Authority for Purchase Orders for Maintenance Purchase Orders</b>		
<b>Dollar Limit \$</b>	<b>Code Group</b>	<b>Description</b>
0 - 10,000	07	Facilities Supervisor
10,001 - 15,000	10	Manager
15,001 - 25,000	11	Senior Coordinator
25,001 - 50,000	06	Superintendent of Facilities Services
>50,000	03	Director of Education/Director's Council

<b>SAP Commitment /Release Authority for Purchase Orders for Capital Purchase Orders</b>		
<b>Dollar Limit \$</b>	<b>Code Group</b>	<b>Description</b>
0 - 10,000	12	Capital Supervisor
10,001 - 25,000	11	Senior Coordinator
25,001 - 50,000	06	Superintendent of Facilities Services
>50,000	03	Director of Education/Director's Council

The following section details the dollar thresholds and 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 \$5,000 except where an emergency situation exists.



**22.0 ACQUISITION/APPROVAL PROCESS FOR SQS OPERATIONS/MAINTENANCE DEPARTMENT**

**22.1** \$1- \$5,000: 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).

**22.2** \$5,001-\$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 RFQ/Tender/RFP process has been followed.

Requires three informal written/fax quotations, documented and kept on file.

**22.3** \$10,001-\$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 RFQ/ender/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: Facilities Staff will source. The Superintendent of Facilities and the Coordinator 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.

**22.5** >\$50,001: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 the procurement Directive is mandatory.

## **23.0 ACQUISITION/APPROVAL PROCESS FOR CAPITAL/RENEWAL DEPARTMENTS**

All procurement the Capital/Renewal Departments are to be conducted through a documented competitive process and approved by the appropriate authority approval level.

Exceptions are permitted where an emergency situation exists as defined in Section 17.2

### **Emergency Requirements.**

For all new school construction, major additions, contracts which have exceeded the approved budget and significant strategic initiatives, the Board of Trustees will approve the awarding of the contract.

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

The following charts outline the various steps and approvals for procurement activities for Facilities staff in the area of:

Capital  
Renewal  
Maintenance  
Operations

**TENDER, PROPOSAL, QUOTATION APPROVAL PROCESS FOR RENEWAL AND CAPITAL**

<b>Expenditure Amount</b>	<b>Procurement Method</b>	<b>Purchase Method</b>	<b>Approval Sequence</b>
0 - 5,000	<ul style="list-style-type: none"> <li>- verbal documented quote, catalogue price</li> <li>- non cumulative total</li> <li>- may use Unit Price Tender, quotation required</li> <li>- report to file required</li> <li>- maintain file @ local office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Renewal or Supervisor of Capital</li> </ol>
5,001 - 10,000	<ul style="list-style-type: none"> <li>RFQ - fax or email</li> <li>- 3 written quotes where possible</li> <li>- received by mail, fax at local office</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- non cumulative total</li> <li>- may use Unit Price Tender, quotation required</li> <li>- report required to Senior Manager/Coordinator</li> <li>- maintain file @ office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Renewal or; Supervisor of Capital</li> <li>2. Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate</li> </ol>
10,001 - 50,000	<ul style="list-style-type: none"> <li>RFQ - Informal Response</li> <li>- 3 written quotes where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form fax, email response</li> <li>- bid security if applicable</li> <li>- deposit in Tender Box @ CEC</li> <li>- report required to Superintendent</li> <li>- maintain file @ CEC office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Renewal or Supervisor of Capital</li> <li>2. Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate</li> <li>3. Superintendent of Facilities Services and Coordinator of Materials Management</li> </ol>
> 50,001 - 100,000	<ul style="list-style-type: none"> <li>Formal Process: Tender, RFP</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written bids/proposals where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted (file at CEC)</li> <li>- Board Bid Form sealed response</li> <li>- bid security if applicable</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Associate Director's Council</li> <li>- maintain file @ CEC office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Renewal or Supervisor of Capital</li> <li>2. Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate</li> <li>3. Superintendent of Facilities Services</li> <li>4. Associate Director's Council</li> </ol>
> 100,000	<ul style="list-style-type: none"> <li>Formal Process: Tender, RFP</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written bids/proposals where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted (file at CEC)</li> <li>- Board Bid Form sealed response</li> <li>- bid security required</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Associate Director's Council</li> <li>- maintain file @ CEC office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Renewal or Supervisor of Capital</li> <li>2. Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate</li> <li>3. Superintendent of Facilities Services</li> <li>4. Associate Director's Council</li> </ol>
<ul style="list-style-type: none"> <li>- New Schools</li> <li>- Major Additions</li> </ul>	<ul style="list-style-type: none"> <li>Formal Process: Tender, RFP</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written bids/proposals where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form sealed response</li> <li>- bid security required</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Board</li> <li>- maintain file @ CEC office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Renewal or Supervisor of Capital</li> <li>2. Senior Manager/Senior Coordinator of Renewal or Senior Coordinator of Capital as appropriate</li> <li>3. Superintendent of Facilities Services</li> <li>4. Associate Director's Council</li> <li>5. Director's Council</li> <li>6. Board of Trustees</li> </ol>

**TENDER, PROPOSAL, QUOTATION APPROVAL PROCESS FOR FACILITIES MAINTENANCE**

0 - 5,000	<ul style="list-style-type: none"> <li>- verbal documented quote, catalogue price</li> <li>- non cumulative total</li> <li>- may use Unit Price Tender, quotation required</li> <li>- report to file required</li> <li>- maintain file @ local office</li> </ul>	PO	1. Supervisor of Maintenance
5,001 - 10,000	<ul style="list-style-type: none"> <li>RFQ - Informal</li> <li>- 3 quotes where possible</li> <li>- received by mail, fax at local office</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- non cumulative total</li> <li>- may use Unit Price Tender, quotation required</li> <li>- report to file required</li> <li>- maintain file @ local office</li> </ul>	PO	1. Supervisor of Maintenance
10,001 - 25,000	<ul style="list-style-type: none"> <li>RFQ - Informal Response</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written quotes where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- may use Unit Price Tender, quotation required</li> <li>- Board Bid Form fax, email response</li> <li>- date and time as prescribed</li> <li>- report required to Senior Coordinator</li> <li>- maintain file @ local office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Maintenance</li> <li>2. Maintenance Manager</li> <li>3. Senior Coordinator of Maintenance</li> </ol>
25,001 - 50,000	<ul style="list-style-type: none"> <li>RFQ - Formal / Sealed Response</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written quotes where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form sealed response</li> <li>- bid security if applicable</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Superintendent</li> <li>- maintain file @ CEC office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Maintenance</li> <li>2. Maintenance Manager/Senior Coordinator of Maintenance</li> <li>3. Superintendent of Facilities Services and Coordinator of Materials Management</li> </ol>
50,001 - 100,000	<ul style="list-style-type: none"> <li>Formal Process: Tender, RFP</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written bids/proposals where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form sealed response</li> <li>- bid security if applicable</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Associate Director's Council</li> <li>- maintain file @ CEC office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Maintenance</li> <li>2. Maintenance Manager</li> <li>3. Senior Coordinator of Maintenance</li> <li>4. Superintendent of Facilities Services</li> <li>5. Associate Director's Council</li> </ol>
> 100,000	<ul style="list-style-type: none"> <li>Formal Process: Tender, RFP</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written bids/proposals where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form sealed response</li> <li>- bid security required</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Associate Director's Council</li> <li>- maintain file @ CEC office</li> </ul>	PO	<ol style="list-style-type: none"> <li>1. Supervisor of Maintenance</li> <li>2. Maintenance Manager</li> <li>3. Senior Coordinator of Maintenance</li> <li>4. Superintendent of Facilities Services</li> <li>5. Director's Council/Associate Director's Council</li> </ol>

**TENDER, PROPOSAL, QUOTATION APPROVAL PROCESS FOR FACILITIES MAINTENANCE**

0 - 5,000	<ul style="list-style-type: none"> <li>- verbal documented quote, catalogue price</li> <li>- non cumulative total</li> <li>- may use Unit Price Tender, quotation required</li> <li>- report to file required</li> <li>- maintain file @ local office</li> </ul>	PO	2. Supervisor of Maintenance
5,001 - 10,000	<ul style="list-style-type: none"> <li>RFQ - Informal</li> <li>- 3 quotes where possible</li> <li>- received by mail, fax at local office</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- non cumulative total</li> <li>- may use Unit Price Tender, quotation required</li> <li>- report to file required</li> <li>- maintain file @ local office</li> </ul>	PO	2. Supervisor of Maintenance
10,001 - 25,000	<ul style="list-style-type: none"> <li>RFQ - Informal Response</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written quotes where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- may use Unit Price Tender, quotation required</li> <li>- Board Bid Form fax, email response</li> <li>- date and time as prescribed</li> <li>- report required to Senior Coordinator</li> <li>- maintain file @ local office</li> </ul>	PO	4. Supervisor of Maintenance 5. Maintenance Manager 6. Senior Coordinator of Maintenance
25,001 - 50,000	<ul style="list-style-type: none"> <li>RFQ - Formal / Sealed Response</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written quotes where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form sealed response</li> <li>- bid security if applicable</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Superintendent</li> <li>- maintain file @ CEC office</li> </ul>	PO	4. Supervisor of Maintenance 5. Maintenance Manager/Senior Coordinator of Maintenance 6. Superintendent of Facilities Services and Coordinator of Materials Management
50,001 - 100,000	<ul style="list-style-type: none"> <li>Formal Process: Tender, RFP</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written bids/proposals where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form sealed response</li> <li>- bid security if applicable</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Associate Director's Council</li> <li>- maintain file @ CEC office</li> </ul>	PO	6. Supervisor of Maintenance 7. Maintenance Manager 8. Senior Coordinator of Maintenance 9. Superintendent of Facilities Services 10. Associate Director's Council
> 100,000	<ul style="list-style-type: none"> <li>Formal Process: Tender, RFP</li> <li>- review @ PMEAC is required before issue</li> <li>- 3 written bids/proposals where possible</li> <li>- record of suppliers contacted</li> <li>- record of prices quoted</li> <li>- Board Bid Form sealed response</li> <li>- bid security required</li> <li>- deposit in Tender Box @ CEC</li> <li>- date and time as prescribed</li> <li>- report required to Associate Director's Council</li> <li>- maintain file @ CEC office</li> </ul>	PO	6. Supervisor of Maintenance 7. Maintenance Manager 8. Senior Coordinator of Maintenance 9. Superintendent of Facilities Services 10. Director's Council/Associate Director's Council

## 24.0 CHANGE ORDERS

A **change order** is used in construction projects and represents a change to a Contract that occurs after award of the Contract. A change order is work that is added to or deleted from the original scope of work of a contract, which alters the original contract amount. The process involves a determination by one or several parties that a project change is required. The changes may include a change to project schedule duration or the scope of the contract, through additions or deletions. Once the agreed changes in the Scope of Work agreed to by the Owner, Contractor and Architect/Engineer a change order is implemented, via approved change order procedure.

Common reasons for change order process to be initiated are:

- (i) The discovery of conditions unknown at time of bidding.
- (ii) Possible efficiencies that require deviation from the original plan.
- (iii) The owner requests changes to the original project or scope of work.
- (iv) Delays due to weather, material or delivery issues which necessitates additional work to complete construction.
- (v) Jurisdictional requirements.

The following procedure applies to Change Orders. 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:

- (i) A contingency allowance of up to 10% of the tendered contract amount shall be approved as the budget for mandatory change orders at the time of award of contract.
- (ii) A mandatory change order within the contingency allowance will be approved by staff according to Approved Change Order Procedure.
- (iii) Optional change orders shall be approved by the Associate Director's Council prior to commencement of work to be done.
- (iv) A change order in excess of the contingency allowance shall be approved by the Associate Director's Council.

## **SECTION 4 – CONTRACTS**

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.

As per the Board’s Bylaw, signing authority for all agreements under seal such as Deeds, Conveyances, Mortgages, Bonds, Debentures which have been approved by the Board of Trustees shall be signed by the Director or any one of the associate Directors and either the Chair or Vice-Chair of the Board of Trustees.

Signing Authority for all other standard operational has been delegated by the Board to the Director of Education or designated staff who are authorized as agents of the Board for the execution of formal documents, contracts and other instruments which bind the Board contractually by way of signature.

### **25.0 APPROVALS OF CONTRACT AGREEMENTS AND RENEWALS**

- 252 Typical contracts include but are not limited to purchase orders, tender awards, leases and/or rentals, software licence and maintenance agreements.
- 253 All contracts are subject to the following conditions:
  - 25.3.1 Contracts or agreements involving the acquisition of equipment, goods or services for the Board shall be signed by the appropriate delegated Signing Authority.
  - 25.3.2 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.
  - 25.3.3 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.
  - 25.3.4 Contracts will be limited to a maximum term of five years and renewals will be subject to a public competitive bidding process whenever possible.
  - 25.3.5 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.
  - 25.3.6 Written Contracts are required for all awards in excess of \$100,000.

**26.0 APPROVAL PROCESS FOR CONTRACTS AND AGREEMENTS**

- 26.1 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.
- 26.2 Contracts which are ongoing yearly renewals, regardless of dollar value, must be reviewed by Materials Management prior to signature by the appropriate signing authority.
- 26.3 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 Coordinator, Materials Management. Documentation must be kept on file within the school or department.
- 26.4 Contracts with a total value in excess of \$50,000 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.
- 26.5 Contracts for new school construction, school additions, will be executed by the Director of Education after Board approval.
- 26.6 The chart below summarizes the limits excluding taxes:

**Approvals Required for Contracts:**

<b>Amount</b>	<b>Term</b>	<b>Reviewed by</b>	<b>Approval Required by</b>
\$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 Coordinator, Materials Management
> \$50,001	One time Ongoing renewal	Legal Department Materials Management	Director of Education / Director’s Council

**27.0 APPROVAL PROCESS FOR ONGOING CONTRACTS AND RENEWAL AGREEMENTS**

- 27.1 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 signing authority.

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

- (i) Standard Lease Agreements for Property e.g. Day Care Leases.



- (ii) Software Licence Agreements e.g. SAP financial system.
- (iii) Maintenance and Support Agreements e.g. Trillium.
- (iv) Equipment Leases Agreements - e.g. Service Vehicles.
- (v) Utilities Purchase Contracts e.g. Natural Gas, Electricity.
- (vi) Service Agreements e.g. Security, Waste Disposal Services.

**27.2** All contract awards in excess of \$50,000 for renewal of ongoing contracts will be posted for information on the Board of Trustees portal site on a quarterly basis.

**27.3** The Procurement Directive has established a mandatory requirement with respect to the management of contracts. Listed below are the essential points to be observed when managing a contractual agreement.

### **Contract Management**

- (i) Procurements and the resulting contracts must be managed responsibly and effectively.
- (ii) Payments must be made in accordance with provisions of the contract. All invoices must contain detailed information sufficient to warrant payment. Any overpayments must be recovered in a timely manner.
- (iii) Assignments must be properly documented. Supplier performance must be managed and documented, and any performance issues must be addressed.
- (iv) To manage disputes with suppliers throughout the life of the contract, Organizations should include a dispute resolution process in their contracts.

### **For services:**

- (i) Establish clear terms of reference for the assignment. The terms should include objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements.
- (ii) Establish expense claim and reimbursement rules compliant with the Broader Public Sector Expenses Directive and ensure all expenses are claimed and reimbursed in accordance with these rules.
- (iii) Ensure that expenses are claimed and reimbursed only where the contract explicitly provides for reimbursement of expenses. As set out in the *Broader Public Sector Accountability Act, 2010* (s.10).

## **SECTION 5 – METHODS FOR COMPETITIVE ACQUISITION/INFORMATION GATHERING**

### **28.0 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.

## **29.0 METHODS FOR INFORMATION GATHERING**

### **Request for Information**

Used to gather product or supplier information for a contemplated procurement. Used as a method for gathering information 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 provide information with respect to the level of interest, 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 can help define a method for a subsequent competitive process.

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

### **Request for Supplier Qualification**

The Request for Supplier Qualification (RFSQ) enables Organizations to gather information about supplier capabilities and qualifications in order to pre-qualify suppliers for an immediate product or service need or to identify qualified candidates in advance of expected future competitions. Terms and conditions of the RFSQ document must contain language that disclaims any obligation of the Organization to call on any supplier to provide goods or services as a result of pre-qualification.

## **SECTION 6 – VENDORS**

### **30.0 PURCHASING/MATERIALS EVALUATION AND APPROVAL COMMITTEE (PMEAC)**

A Purchasing/Materials Evaluation and Approval Committee is responsible:

- (i) To review tenders, RFP's/RFQ's documentation before they are issued
- (ii) To review tenders, RFQs or RFPs for conformity to procurement policy.
- (iii) To review and suggest changes to evaluation criteria.
- (iv) To ensure that a budget amount has been approved for the procurement
- (v) To meet regularly or as often as required to expedite projects
- (vi) To publish a list of all active and pending tenders.
- (vii) To approve additions to the Board's Vendor list.

Composition of the Committee is as follows:

- Coordinator Materials Management (chair).
- Supervisor of Contract Administration.
- Senior Coordinator of Finance.
- Senior Manager, Business Services.

### **31.0 VENDOR PREQUALIFICATION**

**31.1** 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 of 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.

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.

**31.2** There are mandatory requirements that must be submitted however specific prequalification requirements are subject to change depending on the contract.

**31.3** 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 Bidding, on the Board website and in print media as appropriate.

**31.4** 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.
- 31.5** 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.

### **32.0 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  
 Materials Management 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.

### **33.0 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.

### **34.0 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.

### **35.0 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:

- Senior Coordinators of Capital, Renewal/Maintenance and Operations.
- Senior Coordinator of Finance.
- Senior Manager of Business Services.
- Coordinator of Materials Management.
- Supervisor of Contract Administration (chair).

#### **a. Vendor Prequalification**

***Prequalification is a non-binding step in the procurement process.*** It does not create any form of contractual agreement or commitment between the Board and any vendor/contractor. Prequalification is used for projects, which are highly complex, technical, or high value construction projects. A prequalification contains mandatory requirements; however, specific requirements are subject to change and often depend on the nature of the project. Prequalification is designed to identify vendor/contractors who have the necessary resources, experience, ability and skills to undertake specific types of work.

***Prequalification significantly reduces both performance and legal risk in the bid process.*** Only those firms who have pre-qualified in advance would be eligible to bid. This helps to speed up evaluation process since the only bids from a prequalified vendor /contractor will be accepted and evaluated.

Requiring prequalification in advance of tendering also avoids the issue of rejection of an open bid where the low bidder is judged by the Board to be not capable or qualified to perform the work. This can result in a bid dispute, the delay of a project and a legal challenge or litigation.

A vendor/contractor can be removed from the prequalified list for performance failures, contract default or legal issues. A vendor/contractor would not be permitted to bid for a specific period and would have to reapply for a new prequalification. In the event of a legal dispute or litigation, removal from the vendor list subject to consideration of other projects still in progress.

The TCDSB issues tenders for Capital and Renewal projects only to prequalified general contractors. Prequalification is a best practice to ensure that the quality and skills of the contractor align with the complexity and management requirements of the projects.

## **1. Prequalification Process at TCDSB**

A prequalification process is conducted in an open and transparent manner and will be issued similar to tenders /proposals, will be publicly advertised by way of an electronic tendering network and advertised in other media as appropriate. This is in conformance with the requirements of the BPS Procurement Directive, as outlined in the Purchasing Procedures Manual.

***TCDSB has an established prequalification evaluation matrix which scores a vendor /contractor for the following:***

- a) Evidence of sufficient experience and financial resources to satisfy the contract requirements
- b) Indications that the supplier can perform the contract promptly and within the time specified
- c) The quality of performance of previous contracts with the Board and others
- d) Quality, availability and adaptability of the goods/ services to the particular use required.

***For prequalification to bid on Facilities projects, contractors must submit additional documentation as follows:***

- a) Completed CCDC 11-1996
- b) Résumé of management to be assigned to project
- c) Commitment to dedicating a working superintendent/foreman for all phases of work
- d) 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
- e) Proponent shall indicate if there is any pending litigation involving the pre-qualifying firm
- f) Detailed description of the Contractor's Health and Safety Policy and written confirmation that all Health and Safety policies will be followed
- g) Current Certificate of Insurance
- h) Letter of Authorization to Obtain Financial Information and Perform Reference Checks
- i) WSIB – Submission of Cost and Frequency and Forms CAD7 letter as issued by WSIB
- j) 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.

***Prequalification submissions are evaluated and a score is assigned for each vendor/contractor.***

The overall attained score determines success; however, failure to meet a mandatory requirement will result in automatic disqualification. An approved list or roster is then established and those



on the list will be invited to bid as specific projects go to tender. Since there is no contractual relationship established through prequalification, the Board has the discretion to update existing prequalifications, add vendor /contractors or require additional evaluation criteria at the time of issuing a tender.

***Within the prequalification process, the Board's Purchasing Procedures reserves the right to accept, reject or limit a vendor for prequalification based on established criteria.*** The suspension or removal of prequalification status prevents a vendor/contractor participation in an Invitation to Tender and the bid process.

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

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

## **2. Vendor/Contractor Evaluation**

***The Board has developed a vendor/contractor on-line evaluation process.*** This process assesses and records 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 assigned project supervisor at contract completion would undertake the performance evaluation and the evaluation must be positive to maintain a vendor's pre-qualification status. In addition, the process is open to contractor discussion and feedback with respect to the evaluation.

## **3. 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 is to review contractor prequalification status, post-contract evaluations and current contract performance issues. The Committee members are: the Senior Coordinators of Capital, Renewal/Maintenance, Operations; the Senior Coordinator of Finance; the Senior Manager of Business Services; the Coordinator of Materials Management and; the Supervisor of Contract Administration. The current process used to address vendor performance issues is outlined in the attached Appendix A.

## **4. Vendor/Contractor Default**

It is the Board's expectation that the vendor/contractor's performance conforms to the requirements of the contract administration and accountability. The Board's Purchasing Procedures Manual outlines process for vendor default suspension and litigation:

1. 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.
2. 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.
3. Where a vendor has defaulted on a previous contract, and subsequently, awarded a contract, the contractor will provide the Board with a performance bond, if requested.
4. 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.
5. The Board reserves the right to exclude a vendor from participating in the tender process if the vendor is involved in a dispute or litigation with the Board.

5. **Vendor Suspension or Removal**

*The Board's right to remove or suspend a vendor/contractor shall include, but not be limited to, the following:*

1. Failure or refusal to respond to three consecutive bids for commodities requested;
2. Evidence of false or misleading information included in a bid or proposal submission;
3. Evidence of collusion with others other vendors or prospective vendors to restrain competitive bidding;
4. Failure to keep the offer firm for the period of time stated on the bid or quotation;
5. Failure to accept or complete the contract award;
6. Failure to provide a performance/payment bond when required by the bid documents following the award of a contract;
7. Failure to complete a service/project in the time specified by the contract or purchase order;
8. Failure to conform to contract specifications or delivery requirements;
9. Failure to make applicable adjustments or replacement of damaged goods;
10. Failure to honour warranties and guarantees on products or services delivered;
11. Persistent delivery of goods/services that do not comply with the contract specifications;
12. Persistent and documented poor performance or default on previous contracts;
13. Failure to maintain prequalified status in good standing;
14. Use on a sub contract basis of a suspended vendor/contractor;
15. Any violation of applicable laws of the Province or the Federal Government relating to procurement or the goods and/or services provided by the vendor;
16. Assignment in Bankruptcy or other evidence of insolvency of the bidder/proponent;

17. Involvement in dispute or litigation with the Board over the previous five-year period.

## **SECTION 7 - COMPETITIVE CALL PROCEDURES**

Competitive call procedures for tenders or proposals will be conducted in accordance with the Procurement Directive for the Broader Public Sector. Calls or proposals whose value exceeds \$100,000.00 are subject to the terms and conditions of both the Procurement Directive and CFTA and CETA Trade Agreements. Mandatory requirements for BPS organizations have been incorporated into the Board's Policies and procedures and are reflected throughout this Procedures Manual

### **36.0 PROCEDURES FOR TENDERS, PROPOSALS AND QUOTATIONS**

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

#### **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, 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 up to forty (40) calendar days from the date of issue to the closing date as a response period, as provided in the appropriate trade agreement. 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 the applicable trade agreements.
- (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).

#### **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 \$50,000 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.

### **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 \$50,000 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 \$50,000 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:
  - Coordinator Materials Management (chair).
  - Senior Coordinator of Finance.
  - Senior Manager Business Services.
  - Supervisor of Contract Administration.
  - A Department Representative as necessary.

### **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.

### **Duties of the Evaluation Team**

- (i) Team members have a duty of care to ensure a fair and impartial evaluation which will result in a factual and defensible award.
- (ii) Team members may consider only compliant bids/proposals that have met all mandatory requirements.
- (iii) Team members may consider alternatives only if previously requested.
- (iv) Team members must be familiar with the Board's Conflict of Interest.
- (v) Team members must be free of any conflict and must sign a conflict of interest declaration.
- (vi) Team members must sign a confidentiality and non disclosure agreement.
- (vii) Team members must not divulge information arising from the evaluation.
- (viii) Evaluation team members must complete individual scoring matrix.
- (ix) 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 aggregate score of all of the evaluation criteria listed including price.
- (v) The method to resolve a tied situation is to be determined in advance and will be detailed in the procurement document.

### **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 and overall highest score.
- (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.

### **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.

### **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**

### **37.0 UNIT PRICE TENDERS**

**37.1** 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.

### **37.2 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.

### **38.0 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 Coordinator of Materials Management must approve the proposed specifications and award of a contract based on the Board standard procurement requirements.
- (iv) The Coordinator 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:

- (i) 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).
- (ii) In the case of any other school or department goods/services acquisitions the Coordinator of Materials Management must sign off on the expenditure and/or the awarding of a contract based on the Board Purchasing Policy requirements. The Coordinator will consult with appropriate department specialists to ensure Board standards/specifications are applied (e.g. computer technology, furniture and equipment etc.).
- (iii) 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.

### **39.0 PROCEDURES FOR EXTERNALLY FUNDED FACILITY APPROVAL:**

This procedure is divided into Facility and non-Facility school funded procurement.

#### **Facility School Funded Procurement:**

When a school funded will affect any aspect of the physical design, layout or operation of the school facility, the procurement process funded by third parties is required to follow the same process as the renewal procurement. An initial step involves communication with the school's Service Quality Supervisor (SQS) to determine the feasibility of the proposed project. If the determination to proceed is made the request will be forwarded to the appropriate renewal staff. Funds must be received at the Board before any process begins.

The procurement process for obtaining an appropriate vendor is the same as for renewal vendors:

- A procurement for both consultant appointment and project tendering shall be conducted according to approved policy and procedures.
- A report is required for any award of consultant, contractor or other project costs.
- A project contingency is established for any changes to the values in the project cost items budget.
- The change order directive should be followed for contract and consultant contracts as well.
- Access to the project contingency for other elements for cost overruns will be determined prior to award of contract.
- The reports for contract award are provided to ADC for approval even though they are non-Board funded. Any additions/changes to a property must follow the construction lien act and the facility approval processes in place.

The award of segments within the project budget for contractor, consultant and other costs follow the award of contract limits for capital and renewal where a total project budget is less than \$50,000.

Budgets for the above projects are set up by Finance with:

- i) an approved award report

- ii) confirmation of receipt of funds from funder. The receipt of funds is attached to the purchase requisition. Please note that a cheque is required for CSAC funded projects as monies cannot be transferred from the block budget or CSAC accounts.

**Non-Facility School Funded Procurement**

**STANDARD SPECIFICATION FORM**

- 1. Goods/Services Purchase (Please describe project; purchase or contract)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Projected Dollar Value  
Expenditure  
\$ \_\_\_\_\_

Revenue Source: \_\_\_\_\_ Cost Centre: \_\_\_\_\_ G/L Account #: \_\_\_\_\_

Other Source: \_\_\_\_\_

**School Principal (<\$5,000) and/or Supervisory Officer (>\$5,001):**

\_\_\_\_\_  
\_\_\_\_\_  
Signature Date

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

**Coordinator of Materials Management:**

\_\_\_\_\_  
\_\_\_\_\_  
Signature Date

## **SECTION 9 - LEGISLATIVE REQUIREMENTS THAT IMPACT PROCUREMENT ACTIVITIES**

### **40.0 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).

## **40. The Trade Agreements**

**40.1 Comprehensive and Economic Trade Agreement (CETA)** CETA is a free trade agreement between Canada, the European Union and its Member States. Thresholds: goods/services **\$340,600**; construction **\$8,500,000**

**40.2 The Canadian Free Trade Agreement (CFTA)** came into effect as of July 1<sup>st</sup>, 2017. It is an interprovincial trade agreement, which replaced the Agreement on Internal Trade (AIT). CFTA promotes open procurement practices among public sector organizations. Thresholds: Goods and services **\$100,000**; construction **\$250,000**

**40.3 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.

### **40.4 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

### 41.0 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.

**Limited Tendering** is used in the Trade Agreements in place of Sole or Single Sourcing. Limited tendering means a procurement method whereby the procuring entity contracts a supplier or suppliers of its choice. Subject to certain conditions outlined in the agreements.

**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 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. The expectation is that the proposal offered by the highest ranked proponent resulting from an evaluation and meeting the requirements specified in the defined evaluation criteria.

**Request for Quotation (RFQ)** means an offer in response to a request for goods and services where the requirements can be precisely defined response may be verbal/written and phoned/fax. The expectation is that the lowest bid meeting the requirements specified in the call would be accepted

**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.

**Signing Authority (SA) / Authorized Signatory** is a person who has been appointed with the powers to commit the authorizing organization to a binding agreement.

**Significant Strategic Initiative** is defined as a departure from traditional procurement activities, which has yet to receive Board approval and may commit the Board to long term expenditures



based on new evidence or theory requiring a different strategy. This may include first-time partners or a new category of contract.

**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.

**Supply Chain** means 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 Management** involves the coordination and collaboration of all of the activities necessary to fulfill a defined need in the most efficient manner possible. It includes the respective parties or partners-external supplier, internal staff through to the end user.

**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 whenever the requirements can be precisely defined and the expectation is that the lowest bid meeting the requirements specified in the Call would be accepted.