



Policy Section: **Business and Administrative Matters**

Policy Name: **Procurement**

600

607

Policy Statement

It is the policy of the Keewatin-Patricia District School Board (KPDSB) that when buying goods and/or services, the primary objective is to obtain maximum value for public funds expended through a process that is open, fair, transparent, and consistent.

Rationale

The KPDSB recognizes that a high standard is expected of a public body where the Procurement requirements vary widely and are spread throughout many departments and schools. Consequently, a procurement policy must be able to demonstrate at any time that all reasonable measures have been taken to buy competitively and to avoid any suspicion of impropriety. At the same time the policy should have enough flexibility to permit sound educational and procurement practices to complement each other.

Definitions

- a) **Limited Tendering:** Limited tendering is a procurement method whereby the KPDSB contacts a supplier or suppliers of its choice.
- b) **Request for Tender (RFT):** A Request for Tender is a document used to request supplier responses to supply goods or services based on specific delivery requirements, performance specifications and terms and conditions. The RFT evaluation criteria are predominantly price and delivery requirements.
- c) **Request for Proposal (RFP):** A Request for Proposal is a document used to request suppliers to supply solutions for the delivery of complex products or services or to provide alternative options or solutions. The RFP uses predefined evaluation criteria in which price is not the only factor.
- d) **Request for Quotation (RFQ):** A Request for Quotation is an offer to execute work or supply goods when specifics are known and determined (used for smaller dollar requirements).
- e) **Value:** Measures of value include timing of delivery, quality of goods, services and work, legal risk, cost and educational impact.

Cross Reference:
Canadian Free Trade Agreement (CFTA)
Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
Policy 610, Surplus Asset Management and Disposal
Policy 210, Expenses of Trustees and Appointed Members
Policy 616 Signing Authorities
Procedure 607-A, Cell Phones
Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
Date Reaffirmed: Nov 8/05; Nov 10/15
Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

Page 1

- f) Broader Public Sector (BPS) Procurement Directive: provides consistent procurement practices for BPS organizations to improve accountability and transparency for procurement decisions and processes, and maximize the value that BPC organizations receive from the use of public funds.
- g) Canadian Free Trade Agreement (CFTA): developed to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services, and investments within Canada and to establish an open efficient and stable domestic market.
- h) Canada-European Union Comprehensive Economic Free Trade Agreement (CETA): a free trade agreement between Canada, the European Union and its member states whose purpose is to eliminate most tariffs between Canada and the European Union.

Guidelines

1. **Broader Public Sector (BPS) Procurement Directive**
The KPDSB will, in every circumstance, abide by and adhere to the Ontario Broader Public Sector Procurement Directive, attached as Appendix “A”.
2. **Supply Chain Code of Ethics**
All employees involved with supply chain-related activities must conduct themselves in accordance with the Ontario Broader Public Sector Supply Chain Code of Ethics, attached as Appendix “B”.
3. **Trade Agreements**
The KPDSB will, where required, abide by and adhere to the Canadian Free Trade Agreement (CFTA), the Canada-European Union Comprehensive Economic Free Trade Agreement (CETA), and other trade agreements which it may be subject to.

The CFTA will apply when the following monetary thresholds are met:

- \$101,100.00 or greater for goods or services, excluding construction; or
- \$252,700.00 or greater for construction

<https://www.cfta-alec.ca/canadian-free-trade-agreement/>



Policy Section: **Business and Administrative Matters**

Policy Name: **Procurement**

600

607

Note that these threshold amounts will be indexed for inflation based on the Industrial Product Price Index and must be updated from time to time.

The CETA will apply when the following monetary thresholds are met:

- approximately \$364,700 or greater for goods or services, excluding construction; or
- \$9,100,000.00 or greater for construction
<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/index.aspx?lang=eng>

Note that these threshold amounts have been converted from international funds, and will be indexed for inflation for future adjustments every two (2) years and must therefore be updated from time to time.

4. Authorization to Purchase Goods & Services

Authorization to purchase goods and services in accordance with this policy is granted by the KPDSB to Administration within the limits of the approved budgets and in accordance with the Approval Authority Schedule as set out below.

In the event that budgets have not been approved by the KPDSB prior to the commencement of a fiscal year, the Administration is authorized to make only those purchases which are necessary for the continuation of existing programs and services.

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;
 Review by: 2023

a) Approval Authority Schedule

Position Title	Purchase Limit
KPDSB of Trustees approval required	Over \$1,000,000
Director of Education and Superintendent of Business	\$1,000,000
Director of Education or Superintendent of Business	\$500,000
Superintendent of Education	\$100,000
Principal/Vice-Principal	\$25,000
Finance Manager, Human Resources Manager, Information Systems Manager, NWOSSC General Manager	\$25,000
Assistant Manager - Facility Operations and Maintenance, Assistant Manager - Facility Planning and Development, Human Resources Officer, Procurement and Payables Officer, Payroll and Benefits Officer	\$10,000
Executive Assistant, Administrative Assistant	\$5,000
Individual Trustees holding Purchasing Cards	\$5,000
Other Staff holding Purchasing Cards (as per card limit determined by Procurement Department)	\$1,000 to \$3,000

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

5. Competitive Procurement Thresholds

The procurement process which must be used is determined by the total value of goods or services to be procured. In the case of a multi-year lease or contract, the total payments over the life of the lease or contract including extensions shall be used as the total value. The Procurement and Payables Officer shall have final authority over the procurement process to be utilized by departments/schools but may not substitute a lesser process than that required in the tables below.

For Goods and Non-Consulting Services:

Total Value of Procurement	Procurement Process to be Used
\$0 to less than \$2,000	Competitive quotations are not required, however, reasonable effort must be made to ensure best value for the KPDSB. Where possible, it is recommended to centralize small purchases with a limited number of suppliers accepting Visa to encourage price discounts and improved service levels to the KPDSB.
\$2,000 to less than \$10,000	Where possible, verbal or faxed competitive quotations are to be obtained for all purchases prior to submitting a Requisition for approval. Supporting documentation must be attached to the Purchase Order.
\$10,000 to less than \$100,000	In consultation with the Procurement and Payables Officer, at least 3 written quotations are to be obtained (where possible) from vendors clearly stating purchase amount, product/service description and warranty offered prior to submitting a Requisition for approval. Supporting documentation must be attached to the Purchase Order.
Greater than \$100,000	Formal RFT/RFP/RFQ(s) are to be issued by the Procurement and Payables Officer on an <u>open</u> competitive basis. Supporting documentation will be held on file in the Procurement Department.

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

For Consulting Services:

Total Value of Procurement	Purchasing Procurement Process to be Used
\$0 to less than \$100,000	In consultation with the Procurement and Payables Officer, at least 2 written proposals are to be obtained from consultants clearly stating contract amount and service description prior to submitting a Requisition or Contract for approval. Supporting documentation must be attached to the Purchase Order or Contract.
Greater than \$100,000	Formal RFPs are to be issued by the Procurement and Payables Officer on an <u>open</u> competitive basis. Supporting documentation will be held on file in the Procurement Department.

Note: Consulting services are defined as “the provision of expertise or strategic advice that is presented for consideration and decision making.” Consulting services for the purpose of this policy excludes services that are required by legislation or regulation to be provided by the following licensed professionals: medical doctors, dentists, nurses, pharmacists, veterinarians, engineers, land surveyors, architects, accountants, lawyers and notaries.

6. Non-Competitive Procurement (exceptions to the Competitive Process)

In certain unique circumstances, the KPDSB will not have the ability to go through a competitive process activity. The Procurement Department would then go directly to one supplier to meet the requirements of the KPDSB. The KPDSB may utilize non-competitive procurement only in situations outlined in the exemption, exception or non-application clauses of the CFTA, the CETA or other trade agreements.

Exceptions under the CFTA are as follows:

Provided that the KPDSB does not use these exceptions for the purpose of avoiding competition among suppliers or in a manner that discriminates against

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;
 Review by: 2023

any suppliers outside of the Province of Ontario or protects suppliers within the Province of Ontario, the KPDSB may use limited tendering in the following circumstances:

- A. If:
 - i. no tenders were submitted or no suppliers requested participation;
 - ii. no tenders that conform to the essential requirements of the tender documentation were submitted;
 - iii. no suppliers satisfied the conditions for participation; or
 - iv. the submitted tenders were collusive;
 - v. provided that the requirements of the tender documentation are not substantially modified;

- B. If the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:
 - i. the requirement is for a work of art;
 - ii. the protection of patents, copyrights, or other exclusive rights;
 - iii. due to an absence of competition for technical reasons;
 - iv. the supply of goods or services is controlled by a supplier that is a statutory monopoly;
 - v. to ensure compatibility with existing goods, or to maintain specialized goods that must be maintained by the manufacturer of those goods or its representative;
 - vi. work is to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
 - vii. work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor; or
 - viii. the procurement is for subscriptions to newspapers, magazines, or other periodicals.

- C. For additional deliveries by the original supplier of goods or services that were not included in the initial procurement, if a change of supplier for such additional goods or services:
 - i. cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement; and
 - ii. would cause significant inconvenience or substantial duplication of

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

costs for the KPDSB;

- D. If strictly necessary, and for reasons of urgency brought about by events unforeseeable by the KPDSB, the goods or services could not be obtained in time using open tendering;
- E. For goods purchased on a commodity market;
- F. If the KPDSB procures a prototype or a first good or service that is developed in the course of, and for, a particular contract for research, experiment, study, or original development. Original development of a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs;
- G. For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine purchases from regular suppliers;
- H. If a contract is awarded to a winner of a design contest provided that:
 - i. the contest has been organized in a manner that is consistent with the principles of Chapter 5 of the CFTA, in particular relating to the publication of a tender notice; and
 - ii. the participants are judged by an independent jury with a view to a design contract being awarded to a winner; or
- I. If goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, result in the waiver of privilege, cause economic disruption, or otherwise be contrary to the public interest.

Chapter 5 of the CFTA does not apply to:

- public employment contracts;

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

- non-legally binding agreements;
- any form of assistance, such as grants, loans, equity infusions, guarantees, and fiscal incentives;
- acquisition or rental of land, existing buildings, or other immovable property, or the rights thereon;

- measures necessary to protect intellectual property, provided that the measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between Parties where the same conditions prevail or are a disguised restriction on trade;

- procurement of:
 - financial services respecting the management of government financial assets and liabilities (i.e. treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution;
 - health services or social services;
 - services that may, under applicable law, only be provided by licensed lawyers or notaries;
- procurement of goods or services from philanthropic institutions, non-profit organizations, or natural persons with disabilities.

Additional non-application clauses may be found under Article 504 of the CFTA.

Exceptions under the CETA are as follows:

Provided that the KPDSB does not use these exceptions for the purpose of avoiding competition among suppliers or in a manner that discriminates against suppliers of any other countries which are a party to CETA or protects domestic suppliers, the KPDSB may use limited tendering under any of the following circumstances:

- A. If:
- i. no tenders were submitted or no suppliers requested participation;
 - ii. no tenders that conform to the essential requirements of the tender documentation were submitted;
 - iii. no suppliers satisfied the conditions for participation; or
 - iv. the tenders submitted have been collusive,
 - v. provided that the requirements of the tender documentation are not

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023



Policy Section: **Business and Administrative Matters**

Policy Name: **Procurement**

600

607

substantially modified;

- B. If the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:
 - i. the requirement is a work of art;
 - ii. the protection of patents, copyrights or other exclusive rights; or
 - iii. due to an absence of competition for technical reasons;
- C. For additional deliveries by the original supplier of goods or services that were not included in the initial procurement if a change of supplier for such additional goods or services:
 - i. cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; and
 - ii. would cause significant inconvenience or substantial duplication of costs for the KPDSB;
- D. Only when strictly necessary if, for reasons of extreme urgency brought about by events unforeseeable by the KPDSB, the goods or services could not be obtained in time using open tendering or selective tendering;
- E. For goods purchased on a commodity market;
- F. If the KPDSB procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. Original development of a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs;
- G. For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;
 Review by: 2023

purchases from regular suppliers; or

- H. If a contract is awarded to a winner of a design contest provided that:
- i. the contest has been organized in such a manner that is consistent with the principles of Chapter 19 of CETA, in particular relating to the publication of a notice of intended procurement; and
 - ii. the participants are judged by an independent jury with a view to a design contract being awarded to a winner.

Note that the KPDSB is required to prepare a report in writing on each contract awarded under the preceding circumstances. The report shall include the name of the KPDSB, the value and kind of goods or services procured, and a statement indicating the circumstances and conditions described in any of the above paragraphs that justified the use of limited tendering.

Chapter 19 of CETA does not apply to:

1. the acquisition or rental of land, existing buildings or other immovable property or the rights thereon;
2. non-contractual agreements or any form of assistance that the Canadian government provides, including cooperative agreements, grants, loans, equity infusions, guarantees and fiscal incentives;
3. the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;
4. public employment contracts;
5. procurement conducted:
 - i. for the specific purpose of providing international assistance, including development aid;
 - ii. under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project; or
 - iii. under the particular procedure or condition of an international organization, or funded by international grants, loans or other assistance if the applicable procedure or condition would be inconsistent with Chapter 19 of CETA.

7. Information Technology Purchases

<p>Cross Reference: Canadian Free Trade Agreement (CFTA) Canada-European Union Comprehensive Economic Free Trade Agreement (CETA) Policy 610, Surplus Asset Management and Disposal Policy 210, Expenses of Trustees and Appointed Members Policy 616 Signing Authorities Procedure 607-A, Cell Phones Procedure 607-B, Purchase Cardholder Agreement</p>	<p>Date Approved: June 10, 2003 Date Reaffirmed: Nov 8/05; Nov 10/15 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19; Review by: 2023</p>	<p>Page 11</p>
--	---	----------------

The following types of information technology assets must be purchased through the Procurement Department, regardless of dollar value:

- desktop, laptop, and tablet computers, netbooks, e-readers
- monitors, printers, scanners
- servers, networking devices, Wi-Fi devices (iPod, iPad, etc.)
- hard drives, optical drives (DVD, CD, etc.), video and audio cards
- interactive white boards, computer projectors, soundfield systems
- telephones and cell phones

These types of information technology assets may not be purchased using a KPDSB purchasing card, except with the written authorization of the Procurement Department. Purchase of Trustee technology is governed by Policy 210.

8. Opening of Tenders and RFPs/RFQs issued by the KPDSB

After the procurement closing time, each submission shall be opened in the presence of and initialed by two (2) KPDSB representatives. In most cases, the representatives shall be the Procurement and Payables Officer and the Purchasing Clerk, however, in the absence of one of the representatives, another KPDSB employee will be substituted. Bidders and interested persons may attend the opening of tenders at the discretion of the Director of Education or designate.

The name of the bidder(s) and prices tendered shall be announced at procurement openings for the following types of procurements:

- Facility services tenders for major renovations or new construction;
- Major items such as portables and vehicles; and
- Other items at the discretion of the Procurement and Payables Officer.

Procurements for construction projects issued by consultants may be opened at their offices.

If either or both of the CFTA and CETA apply, notice of award must be published electronically within seventy-two (72) days after award on the designated website, and must remain thereon for a reasonable period of time, and include at least the following information:

- a description of the goods or services procured;

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

- the name and address of the KPDSB;
- the name and address of the successful supplier;
- the value of the successful tender (or in the case of CETA only, the highest and lowest offers taken into account in the award of the contract);
- the date of award;
- if limited tendering was used, the conditions and circumstances that justified its use; and
- the type of procurement method used (only CETA requirement).

9. Freedom of Information

Requests for Quotations (RFQ): It is the KPDSB's position to make available for viewing, upon request, summaries or quotations received for any publicly advertised RFQ. This information would be available for viewing, after the award of business.

Requests for Proposals (RFP): It is the KPDSB's position to make available for viewing, upon request, summaries of financial details received for any publicly advertised RFP.

Respecting the confidential nature of proposals, viewing of competitive proposals other than financial summaries will not be permitted. This information would be available for viewing, after the award of business.

10. Co-Operative Procurement

The KPDSB may enter into co-operative procurement agreements with other public bodies (e.g. Ontario Education Collaborative Marketplace.) In such cases, the KPDSB may accept pricing obtained by other public bodies and will not be required to solicit independent pricing quotations or tenders.

11. Purchasing for Employees

The KPDSB shall not purchase items for the personal use of its employees.

12. Gifts, Entertainment and Favours

An employee of the KPDSB shall not accept entertainment, gifts or favours that could in any way:

- Appear to influence current and future business decisions with regard to the
- sourcing of goods and services; or
- Create potential conflicts of interest or potential obligations for the

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023



Policy Section: **Business and Administrative Matters**

Policy Name: **Procurement**

600

607

employee.

In addition, personal favours or other preferential treatment which appears or may appear to place the recipient under obligation shall not be accepted by an employee of the KPDSB.

13. Training

Training will be provided by the Procurement Department to schools and departments to ensure purchases made without assistance conform to KPDSB policy. Training will also include the Financial Accounting system, including the electronic requisitioning and purchase order system.

14. Tenders/RFP/RFQ Process

All Tenders and RFP/RFQs for goods and services, with the exception of those projects assigned to consultants, will be issued by the Procurement and Payables Officer. Supplier selection will be made with in conjunction with the requisitioning department(s) and will be compliant with KPDSB policy.

14.1 Advertising Procurements

It will be the KPDSB's position to support free and open competitive bidding whenever possible. Tenders may be publicly advertised or issued by other means based on timelines, dollar value, urgency or other factors.

If the CFTA or CETA apply, the KPDSB must electronically publish a procurement notice for each covered procurement on the designated website. The KPDSB utilizes www.biddingo.com

If the CFTA applies, the tender notice must include the following information:

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

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

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

If the CETA applies, the tender notice must include the following information:

- the name and address of the KPDSB and other information necessary to contact the KPDSB and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any;
- a description of the procurement, including the nature and the quantity of the goods or services to be procured or, if the quantity is not known, the estimated quantity;
- for recurring contracts, an estimate, if possible, of the timing of subsequent notices of intended procurement;
- a description of any options;
- the time-frame for delivery of goods or services or the duration of the contract;
- the procurement method that will be used and whether it will involve

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

- negotiation or electronic auction;
- if applicable, the address and any final date for the submission of requests for participation in the procurement; the address and the final date for the submission of tenders;
- the language or languages in which tenders or requests for participation may be submitted, if they may be submitted in a language other than English;

- a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers in connection therewith, unless such requirements are included in tender documentation that is made available to all interested suppliers at the same time as the notice of intended procurement;
- if, pursuant to Article 19.8, the KPDSB intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, if applicable, any limitation on the number of suppliers that will be permitted to tender; and
- an indication that the procurement is covered by Chapter 19 of the CETA.

In addition, under the CETA, the KPDSB must electronically publish a summary notice on the designated website with the following information:

- the subject-matter of the procurement;
- the final date for the submission of tenders or, if applicable, any final date for the submission of requests for participation in the procurement or for inclusion on a multi-use list; and
- the address from which documents relating to the procurement may be requested.

14.2 Posting Timelines

If either or both of the CFTA or CETA apply, the KPDSB must, consistent with its own reasonable needs, provide Bidders a reasonable period of time to prepare and submit responsive Bids, taking into account factors such as the nature and complexity of the procurement, the extent of subcontracting anticipated and the time necessary for transmitting tender documentation by non-electronic means.

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

If the CETA applies, these time-periods, including any extension of the time-periods, shall be the same for all interested or participating Vendors.

If the CETA applies and the procurement is a selective procurement (i.e. a procurement where only pre-qualified proponents are invited by the KPDSB to submit a bid), it must be open for at least twenty-five (25) days. However, where a state of urgency that has been substantiated by the KPDSB renders this time-period impracticable, the time-period may be reduced to not less than ten (10) days.

If the CETA applies, the KPDSB must establish that the final date for the submission of bids for all covered procurements be at least forty (40) days after the date on which:

- (a) in the case of an open competitive procurement, the notice of intended procurement is published;
- (b) or in the case of selective tendering, the KPDSB notifies suppliers that they will be invited to submit bids, whether or not it uses a list of suppliers that the KPDSB has determined satisfy the conditions for participation in that list, and that the KPDSB intends to use more than once.

Paragraph 4 of Article 19.10 of the CETA permits the KPDSB to reduce the above forty (40) day time-period for tendering to not less than ten (10) days if:

- (a) the KPDSB has published a notice of planned procurement as described in Article 19.6.5 of the CETA at least forty (40) days and not more than twelve (12) months in advance of the publication of the notice of intended procurement, and the notice of planned procurement contains:
 - i. a description of the procurement;
 - ii. the approximate final dates for the submission of tenders or requests for participation;
 - iii. a statement that interested suppliers should express their interest in the procurement to the KPDSB;
 - iv. the address from which documents relating to the procurement may be obtained;
 - v. and as much of the information that is required for the notice of intended procurement under Article 19.6.3 of the CETA, as is available;
- (b) the KPDSB, for contracts of a recurring nature, indicates in an initial notice of intended procurement that subsequent notices will provide time-periods for tendering based on this paragraph;

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

- (c) or a state of urgency duly substantiated by the KPDSB renders the time-period for tendering impracticable.

Under paragraph 5 of Article 19.10 of the CETA, the KPDSB may reduce the above forty (40) day time-period for tendering by five (5) days for each one of the following circumstances:

- (a) the notice of intended procurement is published by electronic means;
- (b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
- (c) the KPDSB accepts tenders by electronic means.

The time reductions available in paragraphs 4 and 5 may not result in the reduction of the forty (40) day minimum time-period for tendering to less than ten (10) days from the date on which the notice of intended procurement is published.

Where the KPDSB purchases commercial goods or services (i.e. goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes), or any combination thereof, it may reduce the forty (40) day minimum time-period for tendering to not less than thirteen (13) days, so long as it publishes by electronic means, at the same time, both the notice of intended procurement and the tender documentation. Additionally, where the KPDSB accepts tenders for commercial goods or services by electronic means, it may reduce the forty (40) day minimum time-period to not less than ten (10) days.

Where the KPDSB has selected all or a limited number of qualified suppliers, the KPDSB and the qualified suppliers may fix the time-period for tendering by mutual agreement. However, in the absence of agreement, the period shall not be less than ten (10) days.

15. Procurement Cards

- a) Administration will be responsible for approving designated staff that will receive procurement cards. Administration will also be responsible for establishing card credit limits. Once established, the Procurement and Payables Officer will monitor and maintain the procurement card program, including ensuring compliance with all KPDSB policies and procedures as they relate to procurement card use.

Cross Reference:
 Canadian Free Trade Agreement (CFTA)
 Canada-European Union Comprehensive Economic Free Trade Agreement (CETA)
 Policy 610, Surplus Asset Management and Disposal
 Policy 210, Expenses of Trustees and Appointed Members
 Policy 616 Signing Authorities
 Procedure 607-A, Cell Phones
 Procedure 607-B, Purchase Cardholder Agreement

Date Approved: June 10, 2003
 Date Reaffirmed: Nov 8/05; Nov 10/15
 Date Revised: June 8/09; June 11/13; Nov 10/15; Apr 11/17; Mar 5/19;

Review by: 2023

- b) Prior to receiving a procurement card, designated staff and trustees must sign and date a Cardholder Agreement setting out the cardholders' responsibilities. (Procedure 607-B Purchase Cardholder Agreement)
- c) The Superintendent of Business is responsible for the periodic review and audit of procurement card transactions to ensure adherence to KPDSB policies and the Cardholder Agreement. The results of the periodic reviews and audits shall be shared with the Audit Committee.
- d) Trustees shall be provided with a procurement card on request. Trustees shall sign each receipt and add a note to indicate the purpose of the expenditure. Trustees shall submit their procurement card receipts to the Superintendent of Business for reconciliation and approval will be obtained in accordance with Policy 210.

16. Contracts

The Procurement and Payables Officer will either coordinate or be consulted in the development of all contracts for goods or services (except for staffing) purchased by the KPDSB before any commitment is made to a vendor.

17. Standardization

It will be the KPDSB's position to support and foster standardization of supplies and services between schools and departments, whenever possible.