

Procurement Procedure

RATIONALE:

Hamilton-Wentworth District School Board (HWDSB) supports a central Purchasing Department as a means of obtaining maximum value for each dollar spent consistent with the educational goals of the Board and fair business principles. The Board will, where possible, establish standards for goods and services to ensure an acceptable level of quality for the system, promote work performed by qualified tradespeople, and promote efficiencies with respect to cost and service. The Board will maintain a competitive atmosphere between suppliers, ensuring that each is treated fairly and ensure appropriate budget controls, and finance procedures for audit purposes.

The Procurement Policy Procedure addresses the Procedures that staff will implement when procuring goods and services.

TERMINOLOGY:

Broader Public Sector Procurement Directive: Applies to all designated BPS organizations as provided for under section 12 of the Broader Public Sector Accountability Act 2010. The purpose of the directive is to: ensure that publicly funded goods and services, including construction, consulting services, and information technology are acquired through a process that is open, fair and transparent; outline responsibilities of BPS organizations throughout each stage of the procurement process; and ensure consistent management of procurement processes.

Emergency: defined as circumstances or situations, which may result in the shutdown of a school, have potential health or safety concerns, could result in undue financial loss, or to prevent serious delays or further damage.

PROCEDURES:

1.0 Advertising

- 1.1 All tenders and RFPs valued at over \$100,000 will be advertised electronically. Additional advertising in other media will be at the discretion of the Manager, Purchasing Services. Any advertising for tenders and RFPs below this value will be at the discretion of the Manager, Purchasing Services.

2.0 Approval Authorities

- 2.1 BPS organizations must seek the necessary approval authority for all procurement initiatives prior to the commencement of any procurement initiative. Approvals for procurement

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initiatives are made in accordance with the organization's delegated purchasing authority levels summarized as follows:

Nature of Procurement	Approving Authority	Authorization Limit (Estimated Value of Procurement)
<i>Chart of Accounts (school/department accounts)</i>	Principal or Manager	up to \$10,000
	Superintendent	over \$10,000
<i>New School Construction</i>	Director or Executive Superintendent of Board Operations	Regardless of cost
	Board of Trustees	Regardless of cost
<i>Capital Projects and all Change Orders</i>	Manager, Capital Projects	up to \$500,000
	Senior Facilities Officer	up to \$1,000,000
	Executive Superintendent of Board Operations	over \$1,000,000
<i>New School Accounts (FF&E)</i>	Principal, Opening School	up to \$10,000
	Superintendent	over \$10,000
<i>Service Agreements</i>	Principal or Manager	up to \$10,000
	Superintendent	up to \$50,000 (3 written quotes)
	Director or Executive Superintendent of Board Operations	over \$50,000 (tender process)
<i>Engagement of Consultants (refer to Admin. Memo)</i>	Principal or Manager	up to \$10,000
	Superintendent	up to \$50,000 (3 written quotes)
	Director or Executive Superintendent of Board Operations	over \$50,000 (tender process)
<i>Leases</i>	Director or Executive Superintendent of Board Operations	Regardless of cost
<i>Property Acquisitions</i>	Director or Executive Superintendent of Board Operations	Regardless of cost
<i>Capital Purchases</i>	Principal or Manager	up to \$10,000
	Superintendent	up to \$50,000 (3 written quotes)
	Director or Executive Superintendent of Board Operations	over \$50,000 (tender process)

Chair of the Board approving authority is required for any nature of procurement over \$2,000,000.

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3.0 Awarding a Contract

- 3.1 In awarding a contract, consideration will be given to the supplier's ability to perform the work.
- 3.2 Other criteria that may be considered include past performance, references, price, operating costs, disposal costs, environmental factors, safety record, access to qualified tradespeople (either as employees or subcontractors), and other criteria, as required.
- 3.3 When locality is part of the evaluation matrix, it shall be considered to a maximum weighting as defined by the *Broader Public Sector Supply Chain Guidelines*.
- 3.4 The lowest, or any, prices will not necessarily be accepted.
- 3.5 Where the lowest tendered bid that meets the required specifications is not recommended, the Manager, Purchasing Services will notify the Executive Superintendent of Board Operations of the reason for rejection of the lowest bid.

4.0 Bidder's Recourse

- 4.1 By contacting the Board's Manager, Purchasing Services or designate, unsuccessful bidders will have an opportunity for a debriefing session.
- 4.2 This request must be received within the timeline identified per the *Broader Public Sector Supply Chain Guidelines*.
- 4.3 The debriefing will provide a bidder with a critical review of the unsuccessful proposal/tender, and of what, in the opinion of the Board, were its particular strengths and weaknesses.

5.0 Claims or Possible Claims

- 5.1 HWDSB will preclude a vendor bidding if the vendor has made a formal demand or otherwise put the Board on notice of a pending action or is involved in any actual litigation proceedings, (excepting only construction lien demands, notices or proceedings), by or against or otherwise involving the Board.
- 5.2 Once approved, the Manager, Purchasing Services will oversee the tender process, subject to the request for proposal.

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6.0 Consulting Services

- 6.1 Refer to Administrative Memo Procurement of Consulting Services.

7.0 Co-operative Purchasing

- 7.1 The Board may enter into Co-operative Purchasing Agreements with other public bodies providing their Purchasing policy adheres to the accepted public purchasing practices.
- 7.2 In such cases, the Board may accept pricing obtained by other public bodies and will not be required to solicit independent pricing quotations or tenders.

8.0 Disclosure of Price

- 8.1 All vendors submitting bids and any interested persons shall be freely admitted to any public tender opening.
- 8.2 The name of a successful bidder and the accepted price is public knowledge, once the award is made and a purchase order issued, the Board will make every effort to make this information available.

9.0 Disposal of Surplus

- 9.1 Refer to Administrative Memo #SO-60 – Disposal of Surplus and Obsolete Assets.

10.0 Emergency Purchasing

- 10.1 The Board has the authority to obtain goods and services in the most expedient manner, regardless of the amount, in the case of emergency.
- 10.2 When an emergency situation exists, completion of “Request for Single/Sole Source Purchase” must be completed in full and submitted with relevant documentation to Purchasing Services per the *Broader Public Sector Supply Chain Guidelines*.

11.0 Monitoring Use of Qualified Tradespeople

- 11.1 Where a contract is awarded to a contractor and access to and use of qualified tradespeople was a criterion considered by the Board in evaluating bids, the Board’s Project Supervisor will utilize reasonable efforts to ensure that qualified tradespeople are, in fact, performing work for which the Board stipulated use of qualified tradespeople was required.

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12.0 Occupational Health and Safety Act

- 12.1 Suppliers and/or contractors must comply with the *Occupational Health and Safety Act* and its regulations.
- 12.2 All employees and sub-contractors will have received health and safety training appropriate to their trade and will be able to provide proof.

13.0 Petty Cash

- 13.1 Not intended to circumvent Board procedure.

14.0 Pilot Programs

- 14.1 If a department/school wishes to participate in a pilot/demonstration program to test certain products in specific Administrative environments, the following must take place:
 - Standard agreement to be formalized by the originator to include terms of agreement (list of products, title risk, termination, etc.) and duly authorized by the Appropriate Superintendent.
 - All administrative pilots should incorporate (if feasible) a minimum of three vendors for comparison purposes.

15.0 Purchasing Card

- 15.1 Refer to Administrative Memo #B-3.

16.0 Records

- 16.1 The Purchasing Department will retain records as follows:

Purchase Orders	- 7 years (6 years plus current)
Tenders/Quotations	- 7 years (6 years plus current)
Vendor Files	- at Purchasing Department discretion

17.0 Registry of Suppliers

- 17.1 The Purchasing and Facilities Departments shall each maintain a registry of suppliers of materials and services required by their departments.
- 17.2 A supplier may apply at any time to be added to the registry.

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17.3 All suppliers will be subject to the supplier application procedures of the Board prior to being included on the registry.

18.0 Request for Tender/Request for Proposal Process

- 18.1 To ensure the Board takes advantage of any potential savings from the competitive process, promotes fairness in the selection process, and helps safeguard the Board's interest, the Purchasing Department (under the direction of the Manager, Purchasing Services or designate) is responsible for the tendering process.
- 18.2 The Purchasing Department will distribute the bid document, receive bids, record bid information and forward all relevant information to the requisitioner. All tenders and proposals will remain sealed until the specified closing time.
- 18.3 All tenders/RFPs submitted must identify and comply with all specifications and be submitted within the time specified in the tender document. It is the bidder's responsibility to ensure that the tender is received before the deadline. Tenders submitted by facsimile will not be accepted. Late tenders will be returned unopened to the bidder.
- 18.4 Tenders must be legible, written in ink or typed, and must not be qualified by any statement that conflicts with the terms and conditions of the tender call. All tenders should be double-checked for accuracy and must be signed by an authorized representative. Submissions must be complete and include delivery dates and schedules as required in the terms and conditions.
- 18.5 Where practical, tenders will be opened in public by the Manager, Purchasing Services or designate, shortly after the closing time specified. If a tender is not opened in public, a summary of tender results will be made available. The lowest tender will not necessarily be accepted. The Board reserves the right to reject any or all bids submitted. The Board reserves the right to pre-qualify bidders.
- 18.6 Bidders who do not meet the mandatory bid requirements shall be disqualified. Bids that are unsigned, improperly signed, conditional, illegible or obscure shall be regarded as disqualified and the bidder shall be notified.
- 18.7 In evaluating submissions, criteria used to decide which submission will be selected from the competitive process may include price, quality, quantity, transition costs, delivery, servicing, environmental considerations, capacity of the supplier to meet requirements of procurement, experience, financial capacity of the supplier, qualifications of staff, apprenticeship opportunities, general compliance with health and safety standards.

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19.0 Requisition Process and Limits

19.1 Except as may otherwise be required pursuant to the Broader Public Sector Procurement Directive and subject to obtaining necessary approval authority in accordance with Section 1.1 above, the Purchasing Department shall procure goods and services in accordance with the following guidelines:

Estimated Total Dollar Value of Procurement	Manner of Procurement	Commentary
More than \$100,000.00	Tender	Where estimated total value of goods or services exceeds \$100,000.00, the Manager, Purchasing Services shall issue a Purchase Order subject to the Purchasing Department completing a tender process. Any invoices received without issue of a Purchase Order may not be paid and considered an obligation of the requestor.
\$5,001.00 and up to (and including) \$100,000.00	3 Written Quotes	Where estimated total value of goods or services is between \$5,001.00 and \$100,000.00, the Manager, Purchasing Services or designate, in consultation with the initiating Superintendent, Principal or Manager, shall obtain at least three (3) written quotes and issue a purchase order. If the authorized originator has previously acquired quotes, the quotes must be forwarded to the Purchasing Department for review and approval prior to the issuance of a Purchase Order. Any invoices received without issue of a Purchase Order may not be paid and considered an obligation of the requestor.
\$1,001.00 and up to (and including) \$5,000.00	3 Verbal Quotes	Where estimated total value of goods or services is between \$1,001.00 and \$5,000.00 (providing the item is a non-tendered product or service) three verbal quotes should be obtained and kept on file (for future reference if required) and a purchase order will be issued by the Purchasing Department after receipt of a requisition from the authorized originator. All capital purchases over \$1,001.00 (equipment, furniture, A/V equipment, computers, etc.) must be purchased with the issuance of a purchase order. This is due to the Ministry's reporting requirement of Tangible Capital Asset Acquisition. Any invoices received without issue of a Purchase Order may not be paid and considered an obligation of the requestor.

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Estimated Total Dollar Value of Procurement	Manner of Procurement	Commentary
\$351.00 and up to (and including) \$1,000.00	Discretionary: Purchase Requisition, PCard	Where estimated total value of goods or services is between \$351.00 and \$1000.00, (providing the item is a non-tendered product or service) it will remain at the discretion of the authorized originator and a purchase requisition may be issued. Requisitions for tendered products or services that exceed \$1,000.00 may be exempt from the issue of a Purchase Order. If the Requisitioning Process and Limits are circumvented, Purchasing reserves the right to refuse the invoice from the supplier or return the received invoice to the requisitioner for correct processing through FIS.
Zero (\$0) and up to (and including) \$350.00	Discretionary: PCard, Petty Cash	Where it is estimated that goods and services will cost (in total value) up to \$350.00, it should be processed directly through petty cash, following the petty cash procedure or using a p-card. A purchase order will not be issued.

20.0 School Generated Funds

20.1 Refer to Administrative Memo #B-2.

21.0 Single Source

21.1 Single and sole sourcing shall be used in narrowly defined circumstances, as identified in the *Broader Public Sector Supply Chain Guidelines*.

21.2 Completion of "Request for Single/Sole Source Purchase" must be completed in full and submitted with relevant documentation to Purchasing Services per the *Broader Public Sector Supply Chain Guidelines*.

22.0 Specifications

22.1 Specifications for required goods and services must be brief but detailed and include all necessary information to correctly identify the product required or to describe the function or service required. As much detail as possible must be submitted by the department requesting the item. It is desirable that specifications be close to standard products to avoid paying a premium for a special item.

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- 22.2 Unless requesting a brand name without exception, two or more acceptable brand names, if possible, should be detailed. Any alternates submitted on a tender/proposal/quote must be adequately appraised to be certain that they are equivalent to the brands specified.
- 22.3 Standard specifications are available from various industry and user sources. In the final analysis, it is the responsibility of the user to provide the Purchasing Department with sufficient detail for the preparation of the specifications.
- 22.4 The Purchasing Department reserves the right to issue an order to the supplier of their choice, provided any detailed specifications are honoured.

23.0 Workplace Hazardous Materials Information System (W.H.M.I.S.)

- 23.1 In accordance with the *Workplace Hazardous Materials Information Systems'* requirements, suppliers must submit current *Material Safety Data Sheets (MSDS)* for all "controlled" products.
- 23.2 "Controlled" products must bear an appropriate W.H.M.I.S. label on each container. Refer to W.H.M.I.S. regulations for specific wording and requirements.

24.0 Workplace Safety and Insurance Board

- 24.1 Suppliers and/or contractors shall comply and shall ensure that they and all sub-contractors (where applicable) are in compliance with the *Workplace Safety and Insurance Board Act (WSIB)* requirements.
- 24.2 Contractors shall be held responsible for any sub-contractors where such are permissible by the Board. Refer to *WSIB* Policy and Procedure for specific wording and requirements.

25.0 Accessibility for Ontarians with Disabilities Act ("AODA")

- 25.1 In accordance with Section 5 of the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*, *Integrated Accessibility Standards Regulation (IASR)*, the Board is committed to incorporating accessibility criteria or features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so and all procurement activities of the Board, shall be conducted in compliance with this section.
- 25.2 Where applicable, procurement documents will specify the desired accessibility criteria to be met and provide guidelines for the evaluation of proposals in respect of the appropriate criteria.

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25.3 Where it is impractical for the Board to incorporate accessibility criteria or features when procuring or acquiring specific goods, services or facilities, a written explanation shall be prepared and retained on file containing reasonable details regarding the impracticality, which written explanation shall be made available, upon request in accordance with the *IASR*.

25.4 To determine barriers (if any), a product, service or facility might present for people with different types of disabilities, the following principles of accessibility should be considered:

- Accessible: Can a person with a disability use the good, service or facility at all?
- Equitable: Can someone with a disability use the good, service or facility as quickly and easily as a person without a disability?
- Adaptable: Can a user configure the good, service or facility to meet their specific needs and preferences and will it work with common assistive technologies?

25.5 The following are some accessibility criteria to consider when procuring different types of goods or services, in addition to other relevant criteria that may apply in the circumstances.

Types of Purchases	Criteria to Consider
Goods	<ul style="list-style-type: none"> • Can the item(s) be used by an individual: <ul style="list-style-type: none"> ○ in a seated position; ○ using one hand, with limited upper body strength, or limited fine motor skills; ○ with vision loss or low vision; or ○ with hearing loss? • Does the product meet ergonomic standards and can it be customized to meet a variety of needs? • Are support materials, such as manuals, training or service calls, available in accessible formats at no additional charge?
Services	<ul style="list-style-type: none"> • Does the firm provide accessible customer service, as required under the Customer Services Standard? • Can the service provider accommodate the needs of people of all abilities? For example, if you are hiring someone to conduct research, do their surveys and interviews accommodate people with different types of disabilities? • Will the company use accessible signage, audio and/or print materials? For example, if you are hiring an event coordinator, will they use high contrast signage for the event?
Facilities	<ul style="list-style-type: none"> • Can someone using a mobility aid, like a wheelchair or walker, get around the facility? • Are signs placed at an accessible height? • Does the facility have emergency procedures to assist people with disabilities?

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- 25.6 Suppliers must be capable of recommending and delivering, as appropriate for each deliverable, accessible and inclusive goods, services and facilities consistent with the *AODA* and its regulations in order to achieve accessibility for Ontarians with disabilities. Suppliers will be required to comply with the Board's accessibility standards, policies, practices and procedures, which may be in effect during the term of their agreement and which apply to the deliverables to be provided by the supplier.