

Purchasing	
Adopted: June 2, 1997	Last Reviewed/Revised: April 3, 2023
Next Scheduled Review: 2025-2026	
<p>Associated Policies & Procedures:</p> <ul style="list-style-type: none"> I-25 Purchasing I-31 Apparel Purchases and Fair Labour Practices III-13 Corporate Purchasing Card Distribution and Usage VI-86 Corporate Purchasing Card Distribution and Usage IV-02 Outdoor Facility Maintenance and Security VI-33 Redistribution and Disposal of Surplus Furniture and Equipment V-03 Photography, Advertising and Sales Representatives VI-45 Mobile Cellular Device Operating Procedure V-15 Environmental Stewardship 	

Purpose

The purpose of this procedure is to provide a description of processes, practices and expectations that facilitate the implementation of Policy I-25 Purchasing.

Application and Scope

This procedure applies to all Halton Catholic District School Board (HCDSB) employees, Trustees of the Board, Catholic Parent Involvement Committee, and Catholic School Council members involved in the procurement of goods and services.

References

[Broader Public Sector Procurement Directive \(Supply Chain Code of Ethics\)](#)

Definitions

Authority: the legal right to conduct the tasks outlined in this procedure as directed and delegated by the Director of Education to the Superintendent of Business Services and Treasurer and subsequently to the Manager, Purchasing Services.

Bid: offer or submission received from a vendor in response to a request, which may be accepted or rejected.

Board of Trustees: the Elected or appointed members of the Halton Catholic District School Board

Calling Agent: the individual issuing a competitive bid on behalf of the HCDSB

Claim: a legal demand or assertion by a claimant for compensation, payment, or reimbursement for a loss under a contract

Competitive: an open, fair, and transparent process intended to ensure vendors are given equal opportunity to compete for HCDSB business

Confidential: delivered under circumstances where all or part of the goods and/or services relate to any matter of the kind which may be considered by the HCDSB in the absence of the public or where the goods and/or services include the creation of records, the disclosure of which would be denied upon receipt of a request under the Municipal Freedom of Information and Protection of Privacy Act

Conflict of Interest: a situation in which an HCDSB employee or Trustee of the Board is involved in multiple interests, financial or otherwise, one of which could corrupt the motivation or decision-making of the HCDSB

Consultant: a vendor, who by virtue of expertise, is contracted by the HCDSB to undertake a specific task or assignment that may include, but not limited to, expert advice, guidance, strategic advice, assessment without implementation or consideration for decision making

Consulting Services: the provision of expertise or strategic advice that is presented for consideration and decision-making

Contract: a formal legal agreement between two or more parties, usually written, or purchase order with binding legal and moral implications, usually exchanging goods and/or services for money or other consideration

Department: any department within the HCDSB

Designate: a person authorized by the Department Manager to act on their behalf, for the purposes of this procedure.

Dispose: the sale, exchange, transfer, destruction, or gifting of goods owned by the HCDSB which are deemed surplus to its needs, and “disposal” and “disposed” shall have similar meanings

Emergency: a situation where the immediate purchase of goods and/or services or repair or replacement of equipment or facilities is essential to maintain an essential service or to prevent danger to life, limb, or property within the HCDSB

Goods: all materials, equipment, fixtures, and structures to be delivered, installed, or constructed

Invitational Competitive: an open, fair, and transparent process in which a minimum of three proponents are invited to submit a bid.

Manager, Purchasing Services: the person responsible for the purchasing function of the HCDSB or Designate who acts as the “Purchasing Agent” for the HCDSB

MFIPPA: Municipal Freedom of Information and Protection of Privacy Act, where the HCDSB is accountable to the public and to protect personal information

Non-competitive Procurement: a procurement method where the usual competitive process is suspended, and negotiations are entered into with one or more than one vendor

Piggyback Clause: an option to contract with a vendor in which other Ontario school boards, public agencies or government bodies have awarded, through a competitive bid process, the supply of goods and/or services

Procurement Process: the process by which the required goods and/or services are obtained

Proponent: a person or firm who puts forward a proposal

Purchase: the act of acquiring goods and/or services of any legal or equitable interest, right or title in goods and/or services or the making of any contract or offer for goods and services and includes the lease of goods and/or services; and “purchased,” “purchasing,” “acquisition,” “procurement,” “procure,” “buy” shall have similar meanings

Purchase Order: the legal document which is the HCDSB’s commitment to the vendor for the purchase of goods and/or services at an agreed-upon price, terms, conditions, and delivery date. It is also the vendor’s authority to ship and charge for the goods and/or services specified on the order

Purchasing Card (P-card): a commercial card that allows organizations to procure goods and services in lieu of a traditional purchasing process

Purchasing: the department within Business Services authorized to perform the purchasing function

Quotation: a request for prices on specific goods and/or services from selected vendors, which is submitted verbally, in writing or transmitted by facsimile or e-mail as specified in the Request for Quotation

Rectification Notice: a vendor’s plan of action to correct a deficiency in the goods and/or services it supplies to the HCDSB.

Relative: a spouse (including common-law spouse), parent/guardian, child, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, nephew, niece, uncle or aunt of an employee or officer of the HCDSB.

Request for Information: a process where information is requested from vendors regarding the feasibility and availability of specific goods and/or services in the marketplace

Request for Proposal: a process where a need is identified, but how it will be achieved is unknown at the outset. This process allows vendors to propose solutions or methods to arrive at the end product, and it allows for the evaluation of criteria other than price.

Request for Supplier Qualification: a process to gather information about vendor capabilities and qualifications either for an immediate product or service need or to identify candidates in advance of expected future competitions

Request for Tender: process where a specific need is identified, and the vendors offer to provide the specific need at a specified price

Requisition: request for goods and/or services initiated by staff, approved, and electronically transmitted to Purchasing

Requisitioner: person placing a request for goods and/or services

School: any facility or location within the HCDSB’s jurisdiction operating as a cost centre

Services: all professional, construction, or maintenance services, and non-consulting, including the delivery, installation, repair, restoration, demolition, or consideration of the goods and/or services

Single Source: there is more than one source in the open market, but only for reasons of function or service, one vendor is recommended for consideration of the goods and/or services

Sole Source: there is only one source of supply of goods and/or services

Tender: an offer in writing to execute some specified services, or to supply certain specified goods, at a certain price, in response to an invitation for bids

Vendor: an individual, firm, contractor, architect or consultant, providing goods and/or services to the marketplace

Principles

The HCDSB commits to obtaining goods and services at the lowest available cost using competitive bid processes, when applicable. The HCDSB will use appropriate price comparison practices to ensure the achievement of best values.

The HCDSB commits to compliance with trade agreements, as well as federal, provincial, and municipal legislation and all other laws without qualification or evasion.

The HCDSB commits to practices that will ensure that authorized HCDSB staff have the information required to perform the procurement function on behalf of their school/department.

The Purchasing Principles which the HCDSB advocates include:

- Facilitate the uninterrupted flow of goods and services through the attainment of optimum quality, quantity, price, delivery, and performance.
- Ensure open competitive bidding on all acquisition and disposal of goods and services where practicable.
- Continuous review and development of purchasing policies and procedures to ensure compliance with any statutory acts or regulations.
- Ensure procurement activities are carried out in accordance with all applicable HCDSB policies and procedures and any other statutory acts or regulations without qualification or evasion.
- Facilitate training for personnel purchasing on behalf of the HCDSB. Consult with the requisitioning school/department when the selection of the vendor or the specifications of the materials or services ordered are inconsistent with HCDSB issued contracts.
- Maintain effective and professional relationships with vendors while developing reliable and alternative sources of supply to meet the HCDSB's requirements.
- Continually seek improvements to make the purchasing process more efficient.
- Encourage the acquisition of environmentally friendly products and the reduction of the HCDSB's activities' impact on the environment.

Requirements

Requirements are outlined under the following headings:

1. Supply Chain Code of Ethics
 - 1.1 Personal Integrity and Professionalism
 - 1.2 Accountability and Transparency
 - 1.3 Compliance and Continuous Improvement
2. Segregation of Duties
3. Approval Authority
 - 3.1 Approval Authority to Request Goods and Non-Consulting Services
 - 3.2 Signing Authority for Contracts and Leases
 - 3.3 Approval Authority to Request Consulting Services
4. Application of Administrative Procedure
5. General Authority
6. Procurement Thresholds and Process
 - 6.1 Informal Process
 - 6.2 Formal Quotation Process
 - 6.3 Open Competitive Process – Request for Tender
 - 6.4 Open Competitive Process – Request for Proposal
 - 6.5 Non-Competitive Procurement
 - 6.6 Request for Information Process (RFI)
 - 6.7 Request for Supplier Qualifications (RFSQ)
 - 6.8 Evaluation of Bids
 - 6.9 Contract Awards
 - 6.10 Proponent Debriefing
 - 6.11 Bid Protest
7. Vendor Performance Evaluation
8. Vendor Suspension and/or Removal from Pre-Qualified or Vendor if Records Lists
9. Claims or Possible Claims
10. Cooperative Purchasing
11. Sustainable Procurement
12. Disposal of Surplus Goods and/or Equipment
13. Prohibitions and Compliance
14. Exceptions



1. Supply Chain Code of Ethics

All individuals (employees, Trustees or other) involved with purchasing must comply with the Ontario Broader Public Sector (BPS) Supply Chain Code of Ethics, as follows -

1.1. Personal Integrity and Professionalism

All individuals involved with purchasing or other supply chain-related 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, vendors, and other stakeholders. Respect must be demonstrated for each other and the environment. Confidential information must be safeguarded. All 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 vendors or products.

1.2. Accountability and Transparency

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

1.3. Compliance and Continuous Improvement

All individuals involved in purchasing or other supply chain-related activities must comply with this Code of Ethics and the laws of Canada and Ontario. All 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.

2. Segregation Of Duties

Effective control in an organization includes segregation of duties across functions and individuals. Segregation of duties prevents any one person from controlling the entire procurement process by separating approvals for the key stages of the procurement process. Employees cannot independently acquire goods and services without approval. The HCDSB shall separate at least three of the five functions (Requisitioning, Requisition Approval, Issue of purchase orders/contracts, Receiving and Payment).

Function	Responsibility	Accountable Party
Requisitioning	Authorize the procurement department to place an order	Requisitioner
Requisition Approval	Authorize that funding is available to cover the cost of the order	Budget holder
Purchase Order	Authorize release of the order to the vendor under agreed terms	Purchasing Services Department
Receiving	Authorize that the order was physically received, correct and complete	Requisitioner
Payment	Authorize release of payment to the vendor	Accounting Services Department



3. Approval Authority

The Broader Public Sector Procurement Directive states organizations must establish an approval authority schedule for the procurement of goods and non-consulting services. The schedule must identify authorities that are allowed to approve purchases for different dollar thresholds.

3.1. Approval Authority to Request Goods and Non-Consulting Services

Approval Authority Schedule (AAS)	
Total Procurement Amount	Delegated Purchasing Authority Level
Up to \$24,999.99	Purchasing Officer, Purchasing Services
Up to \$49,999.99	Manager, Purchasing Services
Up to \$99,999.99	Senior Administrator, Financial Services
Up to \$100,000 or more	Director of Education or Superintendent of Business Services

3.2. Signing Authority for Contracts Involving Goods and Non-Consulting Services

Approval Authority Schedule (AAS)	
Total Procurement Amount	Delegated Purchasing Authority Level
Value up to \$9,999.99	School Principal, Supervisory Officers
Value up to \$ 49,999.99	Manager, Purchasing Services
Value up to \$99,999.99	Senior Administrator, Financial Services
Value over \$100,000	Director of Education or Superintendent of Business Services

3.3. Approval Authority to Request Consulting Services

Approval Authority Schedule (AAS)		
Total Procurement Amount	Procurement Method	Delegated Purchasing Authority Level
\$0 up to \$100,000	Invitational Competitive	Organization's AAS for goods and non-consulting services
Any Value	Open Competitive	Organization's AAS for goods and non-consulting services
Any Value	Non-competitive (Exemption-based only)	Director of Education or Superintendent of Business Services

4. Application of Administrative Procedure

All goods and/or services required for the HCDSB, save and except only those goods and/or services, listed as Exceptions of this Administrative Procedure, shall be purchased per the provisions of this Administrative Procedure unless any applicable law of the Province of Ontario or Canada requires that the purchase or disposal of goods and/or equipment be carried out in some other manner.



The Manager, Purchasing Services, is authorized to prescribe content and use of forms, whether electronic or printed, purchase orders, bonds, letters of credit and other forms of guarantees or surety, tendering, proposals and other contract documents; and methods of acquisition which will more effectively achieve the objectives of this Administrative Procedure, where alternative methods are permitted.

5. General Authority

The purchase of goods and/or services shall not be authorized unless -

- The required goods and/or services have been requisitioned following this Administrative Procedure;
- The form and content of all documents forming any part of the purchase contract including quotation, tender or proposal documents, a form of agreement, special provisions, terms and conditions, insurance, and surety bonds, have been reviewed by Purchasing; and
- The purchase has been approved by the appropriate level of authority.

Where bids are received in response to a competitive bid process but exceed project estimates, the budget holder and Manager, Purchasing Services, jointly, may enter negotiations with the lowest responsible and responsive proponent to achieve an acceptable bid within the project estimate. When the negotiation results in a contract price acceptable to both parties, no rebidding of the project is necessary, and the Contract is awarded at the negotiated price.

If a tender/proposal has been awarded to the successful proponent and the successful proponent fails to enter into a contract, the Manager, Purchasing Services, shall have the authority to proceed to the next highest-ranking proponent for the award of this contract providing there are no irregularities; requirements remain unchanged and within budget.

6. Procurement Thresholds and Process

Goods, Non-Consulting Services and Construction		
Total Purchase Value	Procurement Method	Procurement Means
\$0 to \$9,999.99	<ul style="list-style-type: none"> • Verbal or catalogue price • Written Quote(s) 	<ul style="list-style-type: none"> • P-card (under \$500) • P-card (up to transaction limit) • Purchase Order (over \$500) • Payment Request (over \$500)
\$10,000 to \$99,999.99	<ul style="list-style-type: none"> • Invitational competitive procurement (minimum of three vendors invited to submit a quote) 	<ul style="list-style-type: none"> • Purchase Order • Payment Request
\$100,000 or more	<ul style="list-style-type: none"> • Open Competitive process (RFP, RFT) 	<ul style="list-style-type: none"> • Purchase Order
Consulting Services		
Total Purchase Value	Procurement Method	Procurement Means



\$0 to \$99,999.99	<ul style="list-style-type: none"> Invitational competitive procurement (minimum of three vendors invited to submit a quote) or open competitive process (RFP, RFT) 	<ul style="list-style-type: none"> Purchase Order Payment Request
\$100,000 or more	<ul style="list-style-type: none"> Open Competitive Process (RFP, RFT) 	<ul style="list-style-type: none"> Purchase Order

6.1. Informal Process (\$0.00 - \$9,999.99)

For any requirement having an estimated value under \$9,999.99, excluding taxes, competition need not be solicited and can be handled by the originating school or department or Purchasing Services. Prices may be obtained verbally from a vendor, which has proven, in a competitive situation, to offer the most favourable price consistent with reliability, delivery and service requirement. The originating department shall make the purchase using the P-card up to the stated limits and according to Administrative Procedure VI-86 - Corporate Purchasing Card Distribution and Usage or process a purchase requisition or payment request using the HCDSB's Enterprise Resource Planning (ERP) software. At any time, the Manager, Purchasing Services, may change the vendor and/or pricing at his/her own discretion.

6.2. Formal Quotation Process (\$10,000.00 - \$99,999.99)

The acquisition of goods and/or services with an estimated value greater than \$10,000.00 excluding taxes and up to \$99,999.99 excluding taxes shall be obtained using a competitive process. This process may be initiated and completed by utilizing Purchasing Services. At least three (3) vendors registered in the HCDSB's approved vendor file, or any other vendor known to provide the required goods and/or services shall be invited to submit a bid. Purchasing Services must receive from the initiating department, the quotations received indicating the recommended vendor for purchase order or payment request issuance.

6.3. Open Competitive Process (\$100,000.00 and up) Request for Tender

This method of acquisition can be used for any dollar value and involves the solicitation of goods and/or services with specific delivery requirements and performance specifications and may require/include a vendor pre-qualification. Tender opportunities are required to be posted for a minimum of 15 calendar days on a nationally available electronic tendering system. All bids will be sealed and received on or before the specified closing date and time and will be opened by the Calling Agent and witness(es). All bids will be evaluated and approved in consultation with Purchasing and the requisitioning Department Manager or designate.

6.4. Open Competitive Process (\$100,000 and up) Request for Proposal Process

This method of acquisition can be used for any dollar value and involves the solicitation of proposals when the requirements for goods and/or services cannot be specifically defined. Bid opportunities are required to be posted for a minimum of 15 calendar days on a nationally available electronic tendering system. Bid submissions will be evaluated to determine the successful proponent(s). This process has the most flexibility and will be governed by the terms of the request for proposal as developed by the HCDSB. Depending

on its terms, the process may involve negotiations after the submission of proposals on any or all the specifications, contract terms and prices.

6.5. Non-Competitive Procurement

- ***Emergency Purchase Process – Single Source***
The emergency purchase process may be used for any dollar value when the acquisition of any goods and/or services is deemed an emergency. This process is undertaken in consultation with the Manager, Purchasing Services. The completion of the Single/Sole Source Approval Form is required to document the emergency process. When a member of Facility Services is on call, they have delegated the authority of the Senior Manager, Facility Management Services. If an emergency is declared after hours, then the Single/Sole Source Approval Form will be completed and approved the following day. This documentation must be completed and approved by the appropriate level of authority within the HCDSB and may be used as supporting documentation in the case of a competitive dispute.
- ***Sole Source Procurement***
Where only one vendor can meet the requirements of a procurement, Purchasing Services may conduct a non-competitive procurement in the circumstances outlined in the Sole/Single Source Approval Form, provided that they do not do so to avoid competition between vendors or to discriminate against vendors or to circumvent the requirements of this Administrative Procedure. This documentation must be completed and approved by the appropriate level of authority within the HCDSB and may be used as supporting documentation in the case of a competitive dispute.
- ***Direct Negotiated Process***
Unless otherwise provided for in this Administrative Procedure, the Manager, Purchasing Services, may enter negotiations with one or more vendors for the supply of goods and/or services when any of the following conditions apply -
 - The goods and/or services are deemed necessary as a result of an emergency that would not reasonably permit the use of any other prescribed procurement process.
 - No bids are received on a formal quotation, tender or request for proposal calls.
 - The extension of an existing contract would prove more cost-effective or beneficial and is permissible in the original contract.
 - Bids have been solicited using one of the procurement processes, with all bids received being non-compliant.
 - The lowest bid received exceeds the approved budget, and it is impractical to recall.
 - Goods and/or services are available from a Single or Sole Source.

6.6. Request for Information Process (RFI)

RFI is a process to gather information on vendor interest regarding the feasibility and availability of specific goods and/or services in the marketplace. This process can be used for any dollar value but cannot be used as a means of pre-qualification and must not influence the chances of the participating vendors from becoming the successful

proponent in any subsequent opportunity. Based on the information received, the HCDSB may solicit quotations, tenders, or proposals consistent with the procedures prescribed in this Administrative Procedure, at which time prices would be requested.

6.7. Request for Supplier Qualifications (RFSQ)

The purpose of an RFSQ is to gather information on vendor capabilities and qualifications to create a list of pre-qualified vendors. This mechanism may be used either to identify qualified candidates in advance of expected future competitions or to narrow the field for an immediate need. An RFSQ can be used to understand which potential proponents have the capabilities that the HCDSB requires, as the first stage in a two-staged solicitation (followed by either a Request for Proposal or a Request for Tender), whereby only pre-qualified vendors will be invited to respond to the actual competition. RFSQ submissions will be evaluated as per Section 6.8 – Evaluations of Bids to determine the successful proponent. Terms and conditions of the RFSQ document must contain language that refuses any obligation of the HCDSB to call on any vendor to provide goods or services as a result of pre-qualification.

6.8. Evaluation of Bids

All information regarding timelines of bids, bid receipts, evaluation criteria, evaluation methodology and process, selection process, tie score process, fixed evaluation criteria, evaluation matrix, mandatory criteria, conflict of interests, and dispute resolution process are contained within the terms and conditions of the individual Bid and the Bid specifications. Evaluation methods and procedures to be used in assessing the proponent’s submission must be fully disclosed. Competitive procurement documents must state that submissions that do not meet mandatory criteria will be disqualified. The HCDSB shall not discriminate or exercise preferential treatment in awarding a contract.

The HCDSB must then select only the highest-ranked submissions or low qualified bid that meet all mandatory requirements set out in the related procurement documents. Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria. All submission evaluation details are subject to MFIPPA. Evaluation records must be fair, factual, and fully defensible.

- ***Evaluation Criteria***
Evaluation criteria must be developed, reviewed, and approved by an appropriate authority before the commencement of the competitive procurement process. Competitive procurement documents must clearly outline rated criteria that will be used to evaluate submissions, including the weight of each criterion. Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria. The evaluation criteria can only be altered through an addendum to the competitive procurement documents. Competitive procurement documents must fully disclose the evaluation methodology and process to be used in assessing submissions.
- ***Evaluation Team***
Every competitive process requires a team that will be responsible for evaluating all compliant Bids. Evaluation team members should be selected, and participation confirmed before the competitive documents have been posted. HCDSB evaluation team members will have been included in the development of the evaluation criteria and general requirements. Each evaluation team member must complete an

evaluation rating matrix. Evaluation team members will be made aware of the restrictions related to the confidential information shared through the competitive process and refrain from engaging in activities that may create or appear to create a Conflict of Interest. The HCDSB will require team members to sign a Conflict of Interest Declaration and Non-Disclosure Agreement. The HCDSB must consider any Conflict of Interest during procurement activities applicable to all evaluation team members.

6.9. Contract Awards

The award of any bid or any part thereof will be made in writing and may be subject to the successful proponent entering into a contract that is satisfactory to the HCDSB. Provided, however, and it is expressly understood and agreed that upon the acceptance of the Bid by the HCDSB, the said Bid shall, with the stated conditions, specifications and form of Bid constitute a valid and binding contract. The contract must be finalized using the form of agreement/contract that was released with the procurement document. A Purchase Order will be issued upon a formal award.

Unsuccessful proponents will be provided with the name of the successful proponent(s), start and end dates, including any options for extension. Any information provided must comply with MFIPPA. Awards will be posted in the same manner as the procurement documents were posted with all relevant information applicable to the bid.

6.10. Proponent Debriefing

By contacting the Calling Agent, unsuccessful proponents will have an opportunity for a debriefing session for procurements valued at \$100,000 or more. The debriefing will provide a proponent with a critical review of the unsuccessful bid in the form of strengths and weaknesses. A debrief must not disclose information concerning other proponent's submissions as it may contain confidential or proprietary information. Unsuccessful proponents will be allowed 60 calendar days following the date of the contract award notification to request a debriefing.

6.11. Bid Protest

Should an unsuccessful proponent choose to dispute the outcome of a bid process, the following procedure will apply -

- a) The unsuccessful proponent must first avail themselves of a debriefing.
- b) If, after attending a debriefing, the proponent still has concerns about the outcome of a bid process, the proponent should submit a protest in writing to the Manager, Purchasing Services. This request should provide a detailed statement of the legal and factual grounds for the protest, including copies of the relevant documents and the form of relief requested.
- c) The Manager, Purchasing Services, shall investigate the nature of the complaint by reviewing the information with the appropriate HCDSB staff, and the proponent, to determine the grounds and alternatives for a resolution.
- d) If a resolution cannot be met, the proponent may direct the complaint to the Superintendent, Business Services, and then to the Director of Education. The Superintendent, Business Services and/or Director of Education, shall review the facts of the dispute which may include taking the matter to Legal Counsel. The Director of Education shall make the final decision as to the action required.

7. Vendor Performance Evaluation

To ensure that the HCDSB is holding vendors accountable for contractual obligations, the HCDSB will monitor the performance of all contracted vendors per the procedures set out below:

- HCDSB employees responsible for managing a contract must track a vendor's performance, including timely deliveries, quality of goods and services, meeting milestones, and invoices in line with the contract. Detailed notes and records should be kept during the term of a contract concerning any performance issues.
- Where a serious performance issue has occurred, the HCDSB employee must complete a Vendor Incident Report. Vendor Incident Reports should be completed when a vendor fails to abide by the contract terms and conditions or fails to meet specifications. Where a performance issue is serious enough, the HCDSB may also consider terminating the contract.
- At the end of every contract, the responsible HCDSB employee should complete a Vendor Performance Evaluation Form. The responsible HCDSB employee should ensure that these forms are completed with sufficient detail to ensure that any decision taken with respect to records of poor performance is fully defensible. Copies of all completed Vendor Performance Evaluation Forms should be kept with the Purchasing Services Department.
- Vendor Incident Reports and Vendor Evaluation Forms may be used to support disqualification decisions per the requirements under Section 8 – Vendor Suspension and or Removal Form Pre-Qualified or Vendor of Record Lists, of this Administrative Procedure.
- Where there is a Vendor Incident Report or a negative Vendor Performance Evaluation Form (a copy of which will be presented to the vendor), the vendor at issue should be allowed to comment on the documentation for same and any such comments should be considered by the HCDSB and included in the file.

8. Vendor Suspension and/or Removal from Pre-Qualified or Vendor of Record Lists

The HCDSB's vendor suspension process has two goals:

- To protect the HCDSB from the risks associated with awarding contracts to vendors that have demonstrated an inability or unwillingness to fulfill or execute contractual requirements; and
- To protect the interests of the HCDSB and the integrity of the procurement process.

A suspension operates to prohibit vendors who have displayed improper conduct (as further detailed below), from participating in a competitive bid process or contract for a specified period. The Board HCDSB may, as the circumstances warrant, suspend a vendor from participating in any competitive bid process if any of the following occurs:

- Failure on the part of the vendor to sign or execute a contract or honour the terms within its bid submission may result in the suspension of bidding privileges for up to two years.
- Unsatisfactory performance on the part of the vendor or failure to comply with a rectification notice or provide a satisfactory rectification plan may result in the suspension of bidding privileges for up to two years.

A vendor receiving two provisional performance evaluations regardless of the project may result in the suspension of bidding privileges to the HCDSB for up to two years.

Any suspension must be approved by the Manager of the department responsible and by the Manager, Purchasing Services and must be supported by a written business case. A suspension decision should be communicated in writing to the vendor in question and should include full details as to the reason for the suspension and the length of the suspension.

9. Claims or Possible Claims

The HCDSB will preclude a vendor from bidding if the vendor has made a formal demand or otherwise put the HCDSB 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 HCDSB.

10. Cooperative Purchasing

The Manager, Purchasing Services, shall encourage cooperative purchasing with other school boards and other units of government or their agencies of public authorities, or utilize a “piggy-back clause” to existing Ministry or government services contracts or other cooperatives, whenever the best interest of the HCDSB will be served.

11. Sustainable Procurement

The Manager, Purchasing Services, per Policy V-15 Environmental Stewardship, shall encourage wherever possible, environmentally sustainable goods and services while giving vendors fair and equitable access to HCDSB business.

The objectives of sustainable procurement are to:

- Establish the HCDSB as an environmental role model for public procurement by making it a priority to use environmentally sustainable Goods and Services, where feasible and cost-effective;
- Support a healthier working environment for HCDSB employees and citizens in general through the purchase of environmentally sustainable Goods and Services;
- Increase demand for environmentally sustainable Goods and Services, which may enhance their quality and cost competitiveness; and
- Increase the conservation of resources using more sustainable Goods and Services that require less energy and materials to produce.

12. Disposal of Surplus Goods and/or Equipment

The Manager, Purchasing Services is authorized to dispose of surplus, obsolete or non-repairable goods and equipment declared surplus in accordance with Procedure VI-33 Redistribution and Disposal of Surplus Furniture and Equipment.

13. Prohibitions and Compliance

- No acquisition of goods and/or services shall be made through online classified services or auction sites such as Kijiji, Craigslist, eBay, Govdeals, etc.
- No member of the Board of Trustees or HCDSB employee shall purchase or offer to purchase, on behalf of the HCDSB, any Goods or Services, except in accordance with these procedures.
- All HCDSB employees shall act in a manner consistent with the objectives of this procedure. Any employee who contravenes this Administrative Procedure commits an act of misconduct and is subject to disciplinary action.

- No member of the Board of Trustees or HCDSB employee shall purchase or offer to purchase on behalf of the HCDSB unless:
 - The goods and/or services are legitimately required for the purposes of the HCDSB.
 - The funds for the purchase of the goods and/or services are available with an approved budget or the request to purchase is expressly made subject to funding approval of the Board.
- No acquisition of goods and/or services shall be made where the quantity or delivery is divided in any other manner arranged so that the price or value of the goods and/or services to be acquired is artificially reduced to circumvent the purchasing threshold requirements in this procedure.
- No member of the Board of Trustees or HCDSB employee shall become interested, directly or indirectly as a contracting party, or partner, in the work, the supplies or business in connection with a contract, or in any portion thereof, or of any supplies to be used therein, or in any monies to be derived therefrom.
- No member of the Board of Trustees or HCDSB employee or any relative of that Trustee or employee shall be permitted to purchase surplus goods to be disposed of except by successfully bidding on the same at a public auction but in no case if the duties of that officer or employee include making decisions regarding the disposal of such goods.
- No member of the Board of Trustees or HCDSB employee shall knowingly cause or permit anything to be done or communicated to anyone which is likely to cause any potential vendor to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the HCDSB, or any other municipality, local board or public body involved in the purchase of goods and services either jointly or in cooperation with the HCDSB.
- For any competitive process, the HCDSB shall not discriminate or exercise preferential treatment in awarding a contract to a vendor through the biasing of specifications, timing of events so as to prevent vendors from submitting bids, local content or other economic benefits criteria that are designed to favour the goods and/or services of a particular vendor.

14. Exceptions

The following items are not subject to the HCDSB's **Procurement Thresholds and Process**:

1. Licenses (vehicles, elevators, etc.)
2. Charges to or from other government bodies or Crown Corporations except for construction and/or maintenance projects
3. Real Estate including land, buildings, leasehold interests, easements, encroachments, and licenses
4. Special services including appraisal and medical Services
5. Freight charges
6. Legal Fees and other professional services related to litigation or legal matters

7. Charges to or from government legislated controlled agencies (i.e. - Technical Standards & Safety Association, Electrical Safety Authority, etc.)
8. Entertainers (i.e. for Theatre, Special Events)
9. Conferences, Courses, Seminars, Conventions, Memberships, Periodicals, Magazine Subscriptions
10. Refundable Employee Expenses, Meal Allowances, Travel Expenses
11. Miscellaneous – Non-Travel, Hotel Accommodation, Mileage
12. Postage, Water, Sewage Charges, Cable Television Service, Telephone Service
13. Natural Gas and Hydro
14. Spiritual Services

APPROVED: Regular Meeting of the Administrative Council

AUTHORIZED BY: _____
Director of Education and Secretary of the Board