

## Purchasing

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### Administrative Procedures

The Board recognizes that fair and open competition is a basic tenet of public purchasing, and this is accomplished using a variety of procurement and source selection methods under varying market conditions. Further, encouraging open competitive bidding and promoting the most cost-effective use of Board resources will result in the Board receiving optimum quality, price, delivery and performance of required goods and/or services.

#### 1. Responsibilities

- 1.1 All Supervisory Officers, Principals and Managers entrusted with budgetary authority will ensure that staff are aware of and adhere to these procedures.
- 1.2 The Treasurer of the Board, or designate, is responsible for ensuring all Supervisory Officers, Principals and Managers entrusted with budgetary authority are in-serviced on the Board's purchasing policy and procedures.

#### 2. Segregation of Duties

- 2.1 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 segregating approvals throughout the key steps of the procurement process.
- 2.2 The Board shall segregate at least four of the six functional procurement roles: Budgeting, Requisition, Purchase Authorization, Commitment, Receipt and Payment. The delegation of authority and segregation of duties across functions and individuals are as follows:

<b>Roles</b>	<b>Explanation</b>	<b>Who</b>
Approval of Budget(s)	Final approval of annual budget(s)	Board of Trustees
Requisition / Purchase Order	Place an order	Requester of the Goods and/or Services

Purchase Authorization	Authorize that funding is available to cover cost of the Goods and/or Services	Budget Manager
Commitment	Authorize the release of the order to the supplier	Manager - Risk & Supply Chain
Receipt	Verify that the order was physically received, correct and complete	Individual receiving the Goods and/or Services
Payment	Authorize release of payment to the supplier	Budget Manager

- 2.3 School Managed Funds are subject to the Board Purchasing Policy and all Purchasing Procedures where the individual with responsibility is an employee of the Board.

### 3. **Methods of Procurement**

- 3.1 Goods and/or Services shall be procured using the following methods:

- a) Purchase Orders: The purchaser completes an online purchase requisition for goods or services required and forwards to the appropriate supervisor for approval prior to placing the purchase order.
- b) Cheque Requisition Payment Request: The Board recognizes that there may be, at times, occasions where a cheque or payment is required for goods or services for which no Purchase Order has been prepared. The official proof of purchase is forwarded to the appropriate supervisor for approval.
- c) Purchasing Cards (P-Card): The Board has established a corporate credit card program for senior staff and designated Board Office personnel. The personnel participating must complete and sign the Purchasing Card Individual Cardholder Application Form and forward to the appropriate Supervisor for approval. The cardholder must prepare a Monthly Summary of purchases charged to the card and forward along with original receipts to the appropriate supervisor for approval. Charges to the card shall follow the approved Purchasing Card Procedures.
- d) Formal / Competitive Procurement Process (RFx): When the scope of a purchase exceeds a fixed dollar amount; or to secure volume pricing; or to implement regular maintenance plans; or to procure items of a capital nature, the Board requires a formal process to comply with policy objectives.

- 3.2 All rules governing Purchasing Cards, Purchase Orders and Cheque Requisitions will be established by the Manager – Financial Services in consultation with the Treasurer of the Board. Receipts must be submitted as prescribed by the Manager – Financial Services when requesting reimbursement.



#### 4. Approval Authority and Procurement Thresholds

##### 4.1 Goods, Non-Consulting Services and Construction

The following table demonstrates the dollar limits and method of procurement established for purchasing goods and/or services with the corresponding personnel responsible for approving the purchase.

The total value of the purchase may not be reduced in order to circumvent the approval process.

Method of payment:

Total Value (before taxes)	Method of Procurement	Approval Authority
\$0 up to \$25,000	P-Card, Cheque Requisition or Purchase Order (minimum of 1 quote)	Budget Manager
\$25,001 up to \$121,200	Request for Written Quotes (minimum of 3 quotes)	Budget Manager
> \$ 121,200	Open Competitive (Contact Manager - Risk & Supply Chain)	Treasurer of the Board
> \$250,000 for major capital projects	Open Competitive (Contact Manager - Risk & Supply Chain)	Board of Trustees

##### 4.2 Consulting Services

A consultant means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making.

Prior to commencement, any procurement of consultant services must be approved in accordance with the guidelines in the table below.

The total value of the purchase may not be reduced in order to circumvent the approval process.

Total Value (before Taxes)	Method of Procurement	Approval Authority
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< \$121,200	Invitational Competitive Request for Written Quotes (Minimum of 3 quotes) (Contact Manager - Risk & Supply Chain)	Budget Manager
> \$121,200	Open Competitive (Contact Manager - Risk & Supply Chain)	Treasurer of the Board
< \$500,000	Non-Competitive (Exemption-based only)	Director of Education
> \$500,000	Non-Competitive (Exemption-based only)	Board of Trustees

#### 4.3 Exceptions

The Treasurer of the Board shall have approval authority for the following acquisitions where the total value is less than \$121,200:

- a) Banking services
- b) Insurance
- c) Employee benefit contracts
- d) Cafeteria and vending services
- e) Professional services (including, but not limited to, legal, audit, architectural)
- f) Major equipment (including, but not limited to, vehicles, computer hardware/software, photocopiers, telephone systems)
- g) Real estate transactions

#### 4.4 Technology Related Purchases

Technology related purchases shall be based on Information Technology Services and Procurement provided catalogues. Items not included in the catalogue shall be discussed with Information Technology Services before purchasing (including software and hardware).

#### 4.5 Furniture Purchases

Furniture related purchases shall be based on provided agreements and or catalogues. Items not included in agreements or provided catalogues must be approved by Risk & Supply Chain Department.

#### 4.6 Foreign or Out of Country Purchases

Purchases from suppliers outside of Canada must be approved by Risk & Supply Chain Department prior to the purchase.

## 5. Non-Competitive Procurement

### 5.1 Emergency Purchasing

Emergency Purchasing shall apply when a Supervisory Officer or the Manager – Facility Services verifies that the procurement of goods and/or services is necessary to prevent or correct, dangerous or potentially dangerous safety conditions, serious delays, further damage, or to restore minimum service. In such circumstances the following procedures shall apply:

- a) The Supervisory Officer will ensure that the goods and/or services are procured by the most open market procedure practicable under the circumstances.
- b) Documentation explaining the nature of the situation and the actions taken will be forwarded to the Treasurer of the Board, or designate, for approval.

### 5.2 Exemptions from the Competitive Process

5.2.1 In certain unique circumstances, the Board will not have the ability to go through a competitive process activity. Formal documentation must be completed to support and justify the decisions. This documentation must be approved by the Treasurer of the Board, or designate, and may be used as supporting documentation in the case of a competitive dispute.

#### 5.2.2 Single Sourcing

Where an unforeseen situation of urgency exists, the goods and services may be acquired from a specific vendor.

#### 5.2.3 Sole Sourcing

When only one vendor is able to meet the requirements of a procurement, the goods and services may be acquired from that specific vendor. In such cases, the requisition must be preauthorized.

#### 5.2.4 Collaborative Marketplaces

Government collaborative sourcing initiatives such as the Ministry of Public Business Service Delivery / Supply Ontario's Vendor of Record (VOR) program and the Ontario Education Collaborative Marketplace (OECM) award tenders in accordance with the BPS Procurement Directive. These buying groups eliminate the competitive procurement requirement at the school board level. The board may consider or evaluate alternatives or run a second stage process if practical to do so. When purchasing awarded items from the respective vendors, the requisition must be preauthorized.

#### 5.2.5 Cooperative Purchasing

The Board shall encourage cooperative purchasing with Broader Public Sector Agencies whenever the best interest of the Board will be served. When purchasing awarded items from the respective vendors, the requisition must be preauthorized.

#### 5.2.6 Non-Negotiable Supplies

Other services that are deemed necessary and for which their value is not open to negotiation include public utilities i.e. Hydro, Water and Natural Gas.

## 6. Competitive Procurement

### 6.1 Request for Quotes

6.1.1 When obtaining quotes below competitive procurement thresholds, a summary of the quotes on a "Purchasing Quotes" form must be attached to the Purchase Order and forwarded to the Risk & Supply Chain Department.

6.1.2 Where it is not possible to obtain three quotes, documentation must be attached to the purchase order and forwarded to Risk & Supply Chain Department outlining a valid reason why the required number of competitive price quotations could not be obtained.

6.1.3 The individual with budgetary authority will select the lowest price quote where quality and conditions are similar. An effort should be made to obtain price quotes on similar goods and/or services.

### 6.2 Information Gathering Mechanisms

6.2.1 Where results of informal supplier or product research are insufficient, formal processes such as a Request for Information (RFI) or Request for Expression of Interest (RFEI) may be used if warranted, taking into consideration the time and effort required to conduct them.

6.2.2 A response to RFI or RFEI must not be used to pre-qualify a potential supplier and must not influence the chances of the participating suppliers from becoming the successful proponent in any subsequent opportunity. It is important to note that an information gathering mechanism such as a RFI or RFEI does is a non-binding procurement document.

### 6.3 Supplier Pre-Qualification

6.3.1 The Request for Supplier Qualification (RFSQ) enables the Board to gather information about supplier capabilities and qualifications in order

to pre-qualify suppliers for an immediate product or service need or to identify qualified candidates in advance of expected future competitions.

- 6.3.2 Terms and conditions of the RFSQ document must contain language that disclaims any obligation of the Board to call on any supplier to provide goods or services as a result of pre-qualification.

#### 6.4 Posting Competitive Procurement Documents

- 6.4.1 The Board shall post all competitive procurements over \$121,200 on a public tendering network (example Biddingo, eSolutions "Bids&Tenders")

- 6.4.2 Based on the value of a purchase the Manager – Risk & Supply Chain or designate will advise if CFTA or CETA apply. In this case, the Board must electronically publish a procurement notice for each covered procurement on the designated website (example Biddingo, eSolutions "Bids&Tenders")

- 6.4.3 The Board must consider complexity, risk, dollar value, and/or mandated posting times under relevant trade agreements when determining the minimum response time.

- 6.4.4 Questions and addenda are posted in the same manner as the competitive documents when advertised to the market and therefore shall be made available to all potential proponents.

- 6.4.5 The bid submission date and closing time must be clearly stated in the competitive procurement documents. The Board must ensure that the closing date of the bid is set on a normal working day (Monday to Friday, excluding provincial and national holidays). Submissions that are received after the bid closing time will not be considered.

#### 6.5 Competitive Procurement Process

##### 6.5.1 Procurement and Evaluation Committee

Competitive Procurement processes require an evaluation team responsible for reviewing and rating the compliant bids. The following persons may constitute the Procurement and Evaluation Committee:

- a) Procurement Lead (may be a consultant representing the Board)
- b) Initiating Supervisory Officer, Principal, Department Manager, or Project Lead; AND
- c) Any additional members as deemed necessary by the Procurement Lead

The Procurement Lead is accountable for the requirements of this document.

- 6.5.2 Tenders or Proposals shall be issued and received by the Manager - Risk & Supply Chain or designate.
- 6.5.3 Each bid must be stamped as it arrives with the date and time. This includes digital time stamps through the Board's Bidding website. Bids are not to be opened until after the competitive process has closed.
- 6.5.4 Tenders or Proposals must be opened, bid amounts recorded, sureties and other requirements of the RFT or RFP confirmed (if applicable). When the bid is assessed as compliant by the Procurement Lead, evaluation of the bid by the Procurement and Evaluation Committee will be allowed.
- 6.5.5 Procurement and Evaluation Team Committee will be advised of the restrictions related to confidential information shared through the competitive process and must refrain from engaging in activities that may create or appear to create a Conflict of Interest. The Board may have team members sign "Conflict of Interest Declaration" and "Procurement and Evaluation Team Non Disclosure" forms.
- 6.5.6 The Procurement and Evaluation Committee may use the "Bid Evaluator Handbook and Evaluation Matrix" forms. Each evaluation team member must complete an evaluation matrix, rating each of the submissions. Evaluators must ensure that everything they say or write about submissions is fair, factual and fully defensible.
- 6.5.7 All information regarding timelines of bids, bid receipts, evaluation criteria, evaluation methodology and process, selection process, tie score process, fixed evaluation criteria, evaluation matrix, conflict of interests, and dispute resolution process are contained within the terms and conditions of the individual bid specifications. Evaluation methods and processes to be used in assessing the bidder's submission must be fully disclosed. Mandatory and any technical standards that need to be met must be identified and should be kept to a minimum to ensure that no bid is unnecessarily disqualified. The evaluation criteria cannot be changed or altered once the competitive process begins, with the exception of an addendum sent to all suppliers prior to bid closing. Evaluation criteria must be approved by an appropriate authority prior to commencement of the competitive procurement process.
- 6.5.8 The Board must then select only the highest ranked submissions that meet all mandatory requirements set out in the related procurement documents. Alternative strategies or solutions, not specifically requested in the original procurement documents, will not be accepted unless expressly requested in the original procurement documents.
- 6.5.9 The Board is entitled to ask bidders for clarification on their bid as long as it does not change their bid in any way.



- 6.5.10 Where bids are received in response to a solicitation but exceed the Board's budget, are not responsive to the requirement or do not represent fair market value, a revised solicitation can be issued in an effort to obtain an acceptable bid.
- 6.5.11 If no bids are acceptable and it is not reasonable to go through any other method, the Board may choose to negotiate directly with a chosen supplier.
- 6.5.12 Bidders will be notified of the rejection of their bids in writing as soon as practicable after completion of the evaluation. With the exception of any pricing that was made publicly available at the time of a public opening, all submission evaluation details are subject to Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 6.5.13 Evaluation records of procurement process must be fair, factual, full defensible, auditable and kept on file in the Board's Corporate Files.
- 6.5.14 Bids will be evaluated according to all relevant criteria contained in each particular bid. The Board may evaluate bids based on price, product quality, past performance, delivery and payment terms or any combination or additions thereof, at its sole discretion. The Board reserves the right to evaluate pricing offered based on the combined total cost of the items tendered or separately.
- 6.5.15 Evaluation of bids include:
- a) Bid is appropriately received (submissions that are received after the closing time will not be opened).
  - b) Bid meets all mandatory requirements (compliant vs. non-compliant).
  - c) Bid meets optional/desirable requirements, including addenda.
  - d) Schedule compliance.
  - e) Skills/experience and capability.
  - f) Price/quality/value analysis.
  - g) Weights, sub-weights for rated requirements.
  - h) Reference checks, oral interviews, demonstrations.
  - i) Any and all other criteria as listed within the bid.
- 6.5.16 The Board will require suppliers, when applicable, to declare a conflict of interest with each bid submitted. The Board must consider any Conflict of Interest during procurement activities applicable to all employees, advisors, external consultants or suppliers.
- 6.5.17 Consultants that are hired by the Board must be aware of the conflict of interest created when a consulting organization is involved in the development of the competitive documents and also has the ability to fulfill the procurement needs that are being contemplated in those competitive documents. The Board must be very clear and insist on

documented agreements that any consultants involved in developing the competitive documents cannot be involved in the creation of a response to those competitive documents.

## 6.6 Non-Discrimination

6.6.1 The Board will select bids based on criteria contained within the bid and shall not discriminate or exercise preferential treatment in awarding a contract to a supplier.

## 6.7 Bid Irregularities

6.7.1 A deviation from the bid request affecting the price, quality, quantity, or delivery and is material to the award. The Procurement Lead must reject any bid which contains a major irregularity.

## 6.8 Contract Awards

6.8.1 Upon request of the Board, a bidder who is under consideration for the award of a contract may be required to promptly submit satisfactory evidence of financial resources, experience of the organization and its staff, and equipment available for the performance of the contract. In addition, a technical question and answer interview may be conducted, if deemed necessary, to clarify or verify the Bidder's Tender or Proposal.

6.8.2 The award of any bid or any part thereof will be made in writing and may be subject to the successful bidder entering into a contract that is satisfactory to the Board. Upon acceptance of the bid by the Board, the bid, including the conditions, specifications and form of the Bid, will constitute a valid and binding contract. The Board obtain the supplier's signatures before obtaining the designated Board's signature. The contract must be finalized using the form of agreement/contract that was released with the procurement document. If it appears to the Board that the Tender or Proposal will be adversely affected because timely signing of a contract acceptable to the Board will not take place, the Board reserves the right to award the contract to the next ranked qualified bidder. Appropriate terminology regarding cancellation/termination clauses, vendor debriefing notification and protocol, dispute resolution process and arbitration are contained within Bid specifications and terms and conditions.

6.8.3 For purchases valued at \$121,200 or greater, the Board must post, in the same manner as the procurement documents were posted, the names(s) of the successful supplier(s). Contract award notification must occur only after the agreement between the successful supplier(s) and the organization has been executed. The contract award notification may include the agreement start and end dates, including any options for extension.

- 6.8.4 For purchases valued at \$121,200 or greater, the Board must inform all suppliers who participated in the procurement process of their entitlement to a debriefing.
- 6.8.5 Where market conditions are such that price protection cannot be obtained for goods and/or services having an annual total value in excess of \$121,200, the Procurement Lead shall obtain competitive prices for short term commitments until such time as reasonable price protection and fair marketing pricing is restored.
- 6.8.6 The term of the contract agreement and any options to extend must be set out in the procurement documents (bid documents). Changes to the term of the contract may change the procurement value. Prior written approval by the Treasurer of the Board is necessary before changing contract start and end dates. Extensions to the contract beyond what is set out in the procurement document must be approved by a Treasurer of the Board and the Manager - Risk & Supply Chain prior to proceeding with appropriate justification.
- 6.9 Procurement Documentation and Records Retention
  - 6.9.1 Procurement documents, as well as any other pertinent information for reporting and auditing purposes, must be maintained for a period of seven years and be in recoverable form if requested. (tender documents, purchase orders, invoices)
- 6.10 Environment
  - 6.10.1 Every effort shall be made to competitively procure, whenever possible, environmentally appropriate and ecologically sound products while giving vendors fair and equitable access to School Board business.
- 6.11 Bidder's Recourse and Bid Protest Procedures
  - 6.11.1 By contacting the Manager - Risk & Supply Chain, unsuccessful bidders will have an opportunity for a debriefing session. The debriefing will provide a bidder with a critical review of the unsuccessful Bid and of what, in the opinion of the Board, were its particular strengths and weaknesses. The "Vendor Debriefing" form must be completed.
  - 6.11.2 The Board must not disclose information concerning other suppliers, as it may contain confidential third party organization proprietary information subject to the mandatory third party exemption under the MFIPPA. If a supplier makes such a request, the Board must advise the supplier that a formal Freedom of Information request be submitted.

## 7. Contract Management



- 7.1 Procurements and the resulting contracts must be managed responsibly and effectively.
- 7.2 Payments must be made in accordance with provisions of the contract. All invoices must contain detailed information sufficient to warrant payment. Any overpayments must be recovered in a timely manner.
- 7.3 Assignments must be properly documented. Supplier performance must be managed and documented, and any performance issues must be addressed.
- 7.4 To manage disputes with suppliers throughout the life of the contract, the Board should include a dispute resolution process in their contracts.
- 7.5 For services, the Board must:
  - i) establish clear terms of reference for the assignment. The terms may include objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements.
  - ii) establish expense claim and reimbursement rules compliant with the Broader Public Sector Expenses Directive and ensure all expenses are claimed and reimbursed in accordance with these rules; and
  - iii) ensure that expenses are claimed and reimbursed only where the contract explicitly provides for reimbursement of expenses.

## **8. Prepayments**

- 8.1 All awards for contracts requiring prepayments must have prior approval from Treasurer of the Board. Exceptions to this procedure should only be agreements for software and service maintenance agreements where the industry standard is to pay in advance.

## **9. Health and Safety**

- 9.1 All products and service purchases made through the Tendering/Quotation/Proposal process must adhere to the Board's policy of acquiring and maintaining Material Safety Data Sheets on file. Any goods and/or services purchased by an individual will become the obligation and liability of said individual.

## **10. Child Labour**

- 10.1 The Board must endeavor to ensure that child labour has not been used in the production of any goods purchased by and on behalf of the Board by its employees.

## **11. Disposal of Assets**

- 11.1 An asset refers to any item that has a resale value and includes but is not limited to land, buildings, furniture, equipment, vehicles and leaseholds.



- 11.2 All property purchased through the Board approved budgets, school funds, or donations remain the exclusive property of the Board. Staff shall not dispose of Board property, except as authorized in accordance with these procedures.
- 11.3 The Budget Manager must ensure that the asset has outlived its useful life or that it is surplus to the school or department needs. Consultation with the school community or immediate supervisor as appropriate must take place before an asset is declared surplus.
- 11.4 Any surplus asset that has realistic value of less than \$5,000 may be disposed by the Budget Manager in a fair and efficient manner with a record maintained at the school or department.
- 11.5 A complete written description of any surplus asset or collection of surplus assets that have a realistic estimated value of more than \$5,000 shall be provided to the Manager - Risk & Supply Chain. The Manager - Risk & Supply Chain will give schools or departments first priority of use before external methods of disposal are considered. The Manager - Risk & Supply Chain has the option to arrange for the repair and return to service assets which prove economical to repair. Assets that have no internal use shall be deemed surplus assets held for sale.
- 11.6 The method of disposal used for a surplus asset held for sale should be that, which results in the best overall benefit to the Board. Approved methods of disposal include, but are not limited to the following:
  - a) Scrap, dismantle, recycle, refurbish, recondition, rebuild.
  - b) Donate to a non-profit organization or relief fund at no cost to the Board.
  - c) Return to the supplier for trade-in or credit.
  - d) Sell by public auction (example: govdeals.ca) to the highest bidder.
- 11.7 For surplus assets held for sale with a value greater than \$10,000 in aggregate the Manager - Risk & Supply Chain may dispose of these assets by:
  - i) obtaining three bids from local wholesaler(s) and/or vendor(s);
  - ii) through public quotation, or
  - iii) through public auction, alone or in conjunction with other public agencies.
- 11.8 During the disposal of assets, if any of the above procedures cannot apply, the Manager - Risk & Supply Chain, with the approval of the Treasurer of the Board can dispose of the assets in the most expeditious manner which is in the best interest of the Board.
- 11.9 Payment must be received before the asset is removed from Board property. All assets are sold on an as is basis. Records will be kept for audit purposes by the Financial Services Department on all details of the disposal process.
- 11.10 Proceeds from disposal of surplus assets will be deposited to the school or department as approved by the Treasurer of the Board.

11.11 The sale of Real Property shall be in accordance with Ontario Regulation 374/23.

## 12. **Additional Information**

- 12.1 The St. Clair Catholic District School Board is committed to the principles of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.
- 12.2 The St. Clair Catholic District School Board purchasing procedures follow the Broader Public Sector (BPS) Procurement Directive. This Directive applies to all designated broader public sector organizations as provided for under section 12 of the Broader Public Sector Accountability Act, 2010.

## **Definitions**

**Agreement** - The formal written document that will be entered into at the end of the procurement process.

**Approval Authority** - The authority delegated by the Board to a person designated to occupy a position to approve on its behalf one or more procurement functions.

**Award** - The notification to a proponent of acceptance of a proposal, quotation or tender that brings a contract into existence.

**Bid** - A proposal, quotation or tender submitted in response to a solicitation from a contracting authority. A bid covers the response to any of the three principal methods of soliciting bids, i.e., Request for Proposal, Request for Tender and Request for Quotation.

**Bid Protest** - A dispute raised against the methods employed or decisions made by a contracting authority in the administration of a proposal, tender, or quotation process.

**Board** - The St. Clair Catholic District School Board.

**Canadian-European Union Comprehensive Economic and Trade Agreement (CETA)** – An international trade agreement that sets new standards in the trade in goods and services, non-tariff barriers, investment, government procurement as well as other areas like labour and environment.

**Canadian Free Trade Agreement (CFTA)** – An intergovernmental trade agreement aimed at reducing and eliminating barriers to the free movement of persons, goods, services, and investment within Canada and establishing an open efficient, and stable domestic market.

**Competitive Procurement** - A set of procedures for developing a procurement contract through a bidding or proposal process. The intent is to solicit fair, impartial, competitive bids and obtain value for money in connection there within.

**Conflict of Interest** - A situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity. An apparent conflict of interest

is one in which a reasonable person would think that the professional's judgment is likely to be compromised.

**Contract** - An obligation, such as an accepted offer, between competent parties upon a legal consideration, to do or abstain from doing some act. It is essential to the creation of a contract that the parties intend that their agreement shall have legal consequences and be legally enforceable. The essential elements of a contract are an offer and an acceptance of that offer; the capacity of the parties to contract; consideration to support the contract; a mutual identity of consent or consensus ad idem; legality of purpose and sufficient certainty of terms.

**Debriefing** - A practice of informing a supplier why their bid was not selected upon completion of the contract award process.

**Electronic Tendering System** - A computer-based system that provides suppliers with access to information related to open competitive procurements.

**Evaluation Criteria** - A benchmark, standard or yardstick against which accomplishment, conformance, performance and suitability of an individual, alternative, activity, product or plan is measured to select the best supplier through a competitive process. Criteria may be qualitative or quantitative in nature.

**Evaluation Matrix** - A tool allowing the evaluation team to rate supplier proposals based on multiple pre-defined evaluation criteria.

**Exemption-based** – A clause that exists under the Agreement on Internal Trade or other agreement stating certain classes of licensed professionals and other service providers which are exempted from the definition of a consultant in the BPS Directive.

**Goods** - Moveable property (including the costs of installing, operating, maintaining or manufacturing such moveable property) including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract.

**Goods and Services/ Goods or Services** - All goods and/or services including construction, consulting services and information technology.

**Limited Tendering** – a procurement method where by the Board contacts a supplier or suppliers of its choice

**Non-discrimination** - Fairness in treating suppliers and awarding contracts without prejudice, discrimination or preferred.

**Offer** - A promise or a proposal made by one party to another, intending the same to create a legal relationship upon the acceptance of the offer by the other party.

**Procurement** - Acquisition by any means, including by purchase, rental, lease or conditional sale, of goods or services.

**Procurement Card (P-Card)** - An organizational credit card program primarily used for low-cost, non-inventory, non-capital items, such as office supplies. The card allows procurement or field employees to obtain goods and services without going through the requisition and authorization procedure. P-cards may be set up to restrict use to specific purchases with pre-defined suppliers or stores, and offer central billings.

**Purchase Order (PO)** - A written offer made by a purchaser to a supplier formally stating the terms and conditions of a proposed transaction.

**Request for Expressions of Interest (RFEI)** - A document used to gather information on supplier interest in an opportunity or information on supplier capabilities/qualifications. This mechanism may be used when the Board wishes to gain a better understanding of the capacity of the supplier community to provide the services or solutions needed. A response to a RFEI must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent on any subsequent opportunity.

**Request for Information (RFI)** - A document issued to potential suppliers to gather general supplier, service or product information. It is a procurement procedure whereby suppliers are provided with a general or preliminary description of a problem or need and are requested to provide information or advice about how to better define the problem or need, or alternative solutions. A response to an RFI must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent on any subsequent opportunity.

**Request for Proposal (RFP)** - A document used to request suppliers to supply solutions for the delivery of complex products or services or to provide alternative options or solutions. It is a process that uses predefined evaluation criteria in which price is not the only factor.

**Request for Supplier Qualifications (RFSQ)** - A document used to gather information on supplier capabilities and qualifications, with the intention of creating a list of pre-qualified suppliers. 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. The Board must ensure that the terms and conditions built into the RFSQ contain specific language that disclaims any obligation on the part of the Board to call on any to provide goods or services as a result of the pre-qualification.

**Requisition** - A formal request to obtain goods or services made within an Organization, generally from the end-user to the procurement department.

**Services** - Intangible products that do not have a physical presence. No transfer of possession or ownership takes place when services are sold, and they (1) cannot be stored or transported, (2) are instantly perishable, and (3) come into existence at the time they are bought and consumed.

**Supplier/Vendor** - Any person or organization that, based on an assessment of that person's or organization's financial, technical and commercial capacity, is capable of fulfilling the requirements of procurement.