



# Administrative Procedure: Purchasing

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## 1.0 BROADER PUBLIC SECTOR PROCUREMENT DIRECTIVE

The Superior North Catholic District School Board the board is a broader public sector (BPS) organization to which the Broader Public Sector Accountability Act, 2010 applies. Effective April 1, 2011 the board must comply with the broader public sector (BPS) Procurement Directive (the Directive), attached as Appendix A, which replaces the BPS Supply Chain Guideline.

The Directive also applies to goods and services, including consulting, purchased jointly with other organizations.

When determining the value of procurement for approval purposes, applicable sales tax should not be taken into consideration.

Five key principles built into the Directive are as follows:

1. Accountability - organizations must be accountable for the results of their procurement decisions and the appropriateness of the processes.
2. Transparency - organizations must be transparent to all stakeholders. Wherever possible, stakeholders must have equal access to information on procurement opportunities, processes and results.

3. Value for Money - organizations must maximize the value they receive from the use of public funds. A value-for-money approach aims to deliver goods and services at the optimum total life cycle cost.
4. Quality Service Delivery - frontline services provided by organizations, such as teaching and patient care, must receive the right product, at the right time, in the right place.
5. Process Standardization - standardized processes remove inefficiencies and create a level playing field.

## 2.0 BROADER PUBLIC SECTOR SUPPLY CHAIN CODE OF ETHICS

All employees involved with the activities within the BPS Procurement Directive must conduct themselves in accordance with the Ontario Broader Public Sector (BPS) Supply Chain Code of Ethics, attached as Appendix B. The goal is to ensure an ethical, professional and accountable BPS supply chain.

## 3.0 CONFLICT OF INTEREST

Individuals involved with the Supply Chain Activities must declare actual or potential conflicts of interest with advisors, external consultants or suppliers. Where a conflict of interest arises, it must be evaluated and an appropriate mitigating action must be taken.

## 4.0 SEGREGATION OF DUTIES

Requisitions can be in the form of purchase orders or cheque requisition forms. For school level purchases, the Principal or designate will sign to authorize the purchase. Other purchases will have the person responsible for a funded initiative (budget holder) to sign for this authorization.

All purchasing by purchase order shall be made through the purchasing department at the Catholic Education Centre.

For purchases, the Manager or Superintendent will determine if sufficient budget funds remain before signing for final approval of purchase orders and cheque requisition forms thus committing the funds.

The school administrative assistant or receiving budget holder, or designate, will be responsible for checking for damaged goods and counting to ensure the correct number of items have been received. This person will initial and date the packing slip, purchase order and/or invoice to evidence receipt of goods. Any discrepancies should be noted on the packing slip when goods are signed for receipt.

Two signatures are required for all cheques. Authorized cheque signers include the Director of Education, Manager of Finance, Executive Administrative Assistant and Chairperson. Since the signature stamps are applied electronically, two original signatures or initials are required on the hard-copy cheque register.

## 5.0 PRESCRIBED PROCUREMENT METHODS

The following Procurement Approval Authority Schedule (AAS) prescribes what procurement method is to be followed based on the procurement value. Appropriate level of approval authority is also listed. This Approval Authority Schedule (AAS) is also duplicated as Appendix C for easy reference.

### Procurement Approval Authority Schedule (AAS)

#### Goods and Non-Consulting Services

Procurement Value	Procurement Method	Approval Authority
\$0 up to \$200	<ul style="list-style-type: none"> <li>● Petty Cash (OR)</li> <li>● Cheque Requisition (OR)</li> <li>● Credit Card (OR)</li> <li>● Purchase Order</li> </ul>	<ul style="list-style-type: none"> <li>● School Principal (or Designate) (OR)</li> <li>● Credit Card Holder (OR)</li> <li>● Budget Holder</li> </ul>
\$201 up to \$500	<ul style="list-style-type: none"> <li>● Cheque Requisition (OR)</li> <li>● Credit Card (OR)</li> <li>● Business Charge Account (OR)</li> <li>● Purchase Order</li> </ul>	<p><b>School Level:</b></p> <ul style="list-style-type: none"> <li>● School Principal (or Designate) (AND)</li> <li>● Superintendent</li> </ul> <p><b>System Level:</b></p> <ul style="list-style-type: none"> <li>● Budget Holder (OR)</li> <li>● Credit Card Holder (AND)</li> <li>● Supervisor or Manager</li> </ul>
Up to \$3,000	<ul style="list-style-type: none"> <li>● Cheque Requisition (OR)</li> <li>● Business Charge Account (OR)</li> <li>● Purchase Order</li> </ul>	<ul style="list-style-type: none"> <li>● Budget Holder and/or School Principal (or Designate) (AND)</li> <li>● Superintendent (AND)</li> <li>● Supervisor or Manager</li> </ul>
\$3,001 up to \$30,000	<ul style="list-style-type: none"> <li>● Purchase Order</li> </ul>	<ul style="list-style-type: none"> <li>● Budget Holder and/or School Principal (or Designate) (AND)</li> <li>● Superintendent (AND)</li> </ul>

\$30,001 up to but not including \$100,000	<ul style="list-style-type: none"> <li>Invitational Competitive Procurement (Minimum of three suppliers are invited to submit a bid.) Supporting documentation is to be filed with purchase order.</li> </ul>	<ul style="list-style-type: none"> <li>Manager</li> <li>Budget Holder (AND)</li> <li>Superintendent (AND)</li> <li>Manager (AND)</li> <li>Director of Education/Associate Director</li> </ul>
\$100,000 or More	<ul style="list-style-type: none"> <li>Open Competitive Process</li> </ul>	<ul style="list-style-type: none"> <li>Budget Holder or Supervisor (AND)</li> <li>Superintendent (AND)</li> <li>Manager (AND)</li> <li>Director of Education/Associate Director</li> </ul>
\$500,000 or More	<ul style="list-style-type: none"> <li>Open Competitive Process</li> </ul>	<ul style="list-style-type: none"> <li>Budget Holder or Supervisor (AND)</li> <li>Superintendent (AND)</li> <li>Manager (AND)</li> <li>Director of Education/Associate Director (AND)</li> <li>Board of Trustees Approval Required</li> </ul>

### Consulting Services

Procurement Value	Procurement Method	Approval Authority
\$0 up to but not including \$100,000	<ul style="list-style-type: none"> <li>Invitational Competitive Procurement (Minimum of three (3) qualified suppliers are invited to submit a bid.)</li> </ul>	<ul style="list-style-type: none"> <li>Manager or Supervising Manager (AND)</li> <li>Director of Education/Associate Director</li> </ul>
\$100,000 or More	<ul style="list-style-type: none"> <li>Open Competitive Process</li> </ul>	<ul style="list-style-type: none"> <li>Manager or Supervising Manager (AND)</li> <li>Director of Education/Associate Director</li> </ul>
\$0 up to but not including \$100,000	<ul style="list-style-type: none"> <li>Non-Competitive (*)</li> </ul>	<ul style="list-style-type: none"> <li>Manager or Supervising Manager (AND)</li> <li>Director of Education/Associate Director</li> </ul>
\$100,000 or More	<ul style="list-style-type: none"> <li>Non-Competitive (*)</li> </ul>	<ul style="list-style-type: none"> <li>Manager or Supervising Manager (AND)</li> <li>Director of Education/Associate Director</li> <li>Board of Trustees Approval Required</li> </ul>

(\*) Exemption-based only

If the Board is asserting that procurement is subject to an exemption, exception, or non-application clause under a trade agreement, documentation must be prepared and signed to formally establish applicability of this clause.

Prior to commencement, any procurement must be approved by the appropriate authority level.

An open competitive procurement process must be conducted where the estimated value of procurement of goods or services is \$100,000 or more. Consulting services must be competitively procured irrespective of value. The exemptions must be in accordance with the applicable trade agreements.

Prior to commencement, any non-competitive procurement of goods or non-consulting services must be approved by an authority one level higher than the appropriate authority level for competitive procurement.

The board must not reduce the overall value of procurement (eg. dividing a single procurement into multiple procurements) in order to circumvent the approval requirements.

The procurement value is determined by the total value of goods or services to be procured. In the case of a multi-year lease or contract, the total payments over the life of the lease or contract including extensions shall be used as the total value.

When determining the value of procurement for approval purposes, the board should not take into consideration applicable sales tax.

Nothing precludes adopting a higher competitive procurement standard at a lower procurement value.

Whenever feasible, the procurement should support energy management goals and/or consider energy management goals of suppliers.

## 6.0 INFORMATION TECHNOLOGY PURCHASES

The following types of information technology purchases must be approved, regardless of dollar value, by the Managing Supervisor of Facilities & Information Technology Department (AND) Information Technology Supervisor (AND) a Superintendent:

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

Employees shall not use any Board business charge accounts or Board credit cards to purchase any items or services for the personal use of employees, including but not limited to shipping and courier services.

An employee who purchases goods or services without obtaining the necessary approvals may be deemed to have made the purchase personally and may be required to reimburse the Board for the purchase.

Every attempt must be made to follow this policy. However, in extenuating circumstances where it is not practical nor possible to obtain the necessary quotes/bids in accordance with this policy, the reasons for deviating from this policy shall be clearly documented. This written documentation shall be signed by the Budget Holder and the appropriate Superintendent (AND) Manager before a purchase is made.

All purchase orders must be issued prior to May 31st to allow receipt of goods and invoices before the end of the school fiscal year. The only exception to this would be in the case of dealing with local suppliers where delivery and invoicing can be guaranteed prior to the end of the school year.

## 7.0 OVERALL AUTHORIZATION

The general Board approval of the budget is understood to be sufficient authorization for commitment of funds, up to the limits set in the budget.

The Board of Trustees retains the right to require specific approval for capital expenditures and long-term commitments before the actual commitment is made.

Such approval is required for:

- a) The acquisition of land, buildings, additions or major items of equipment whether
- b) by purchase, fabrication, construction, contract or lease;
- c) The alteration, conversion, or relocation of existing buildings or building equipment;

- d) Major repairs, overhauls, or rebuilding of equipment or buildings;
- e) Acceptance of tenders for the continuous supply of a commodity or service for an extended period of one year or longer.

During the year, emergencies may occur which threaten the continued operation of any part of the school system (eg. facility emergencies, inclement weather). Administration may make expenditures up to a limit of \$5,000 in emergency situations even if the item was not in the original budget. In cases involving emergency expenditures greater than \$5,000, administration will report the expenditure to the Board, at the next possible meeting.

In such extenuating circumstances, proper level of approvals should be sought as soon as possible after dealing with the emergency. Communication with all appropriate levels is paramount during and after the emergency.

## 8.0 COMPETITIVE PROCUREMENT

All steps and processes for invitational competitive and open competitive procurements, as appropriate, are followed in the Broader Public Sector (BPS) Procurement Directive. The BPS Procurement Directive is available in Appendix A and the [Finance section of our Administrative Procedures](#) section of our website.

All procurement documentation, as well as any other pertinent information must be retained for a period of seven years, and stored in archives with limited physical access. When destroyed, strict confidentiality must be maintained.

## 9.0 PREPARATION OF PURCHASE ORDERS

An electronic spreadsheet version of the purchase order form is available for use. Purchase Orders should contain account codes, unit prices, extensions, and totals, using actual costs, or estimated costs when actual costs are not available. Once prepared, the purchase order (P.O.) should be signed by the appropriate authorized person and submitted to the Catholic Education Centre. A school office copy of the P.O. should be retained by the school or originating department.

Once received at the Catholic Education Centre, an appropriate approval authority will sign the purchase order and a P.O. number will be assigned by the purchasing department (the next available number from the official P.O. sequential log).



Administration will take two copies of the completed purchase order and distribute them as follows:

- i) Yellow receiving copy - Forwarded back to the school or originating department with a P.O. number for matching items when received.
- ii) White Accounts Payable copy - Kept as the official copy at the Catholic Education Centre. The P.O. is stamped faxed or e-mailed to indicate how delivered to the supplier.

Access to purchase orders should be controlled. Blank purchase orders should never be signed for authorization, in advance.

Only in emergency situations should a P.O. number be requested over the phone. Instead, a signed and authorized copy of the P.O. can be faxed to the Catholic Education Centre to obtain board authorization. A phone call may be required to alert administration of the urgency of obtaining quick board authorization.

## 10.0 RECEIPT OF GOODS & SERVICES

ITEM	DESCRIPTION
Goods Received	<p>The school administrative assistant or budget holder is responsible for checking for damaged goods and counting to ensure the correct number of items have been received.</p> <p>The secretary or budget holder will initial and date the packing slip, purchase order and/or invoice to evidence receipt of goods. Any discrepancies should be noted on the packing slip when goods are signed for receipt.</p>
Order Complete	If all goods are received and the P.O. is complete, the P.O. should be signed off and the yellow "receiving" copy sent into the Catholic Education Centre.
Partial Order	If only partial orders are received then a copy of the P.O. should be sent in, with indication of those items received.
No Packing Slip	If a packing slip or invoice is not supplied, the date of receipt and the initial of the person receiving the delivery must be shown on

the "receiving" copy of the purchase order, or a copy of the "receiving" copy in the case of a partial order.

#### Invoice

Only in rare cases does the school receive an invoice. In these cases the invoice usually replaces the packing slip. The invoice should be sent into the Catholic Education Centre. If there is no packing slip the invoice should be initialed and dated, indicating receipt of goods.

## 11.0 MONITORING PURCHASES

The original school office copy of the P.O. can be used to monitor the status of the purchase through the regular school financial reports prepared by the Catholic Education Centre and distributed to the Principals/schools.

Once the yellow receiving copy of the P.O. is received at the school, it can be matched with original copies of P.O.'s retained by the school. Any original school office P.O.'s not yet matched with a yellow "receiving" copy, will indicate that the P.O. may not have been processed and assigned a P.O. number from the Catholic Education Centre or may not have been received back at the school yet. These unprocessed P.O.'s will still represent a commitment of school funds and should be considered before expending remaining school funds.

When a P.O. is entered into the board's accounting system, it will show up under the "Encumbrance" column of the financial report as a commitment of funds. This P.O. will remain under the encumbrance column until an invoice is received showing the actual costs to record in the accounts. As goods and invoices are received, the actual costs will be removed from the encumbrance column and placed in the Year To Date column. A P.O. number should be present in the transaction detail to reference against a purchase order. Any significant discrepancies between actual and estimated costs can be followed up with the supplier.

When reviewing the school financial reports, it is important to note that a number of components can distort what school budget funds remain. Firstly, there may be unprocessed purchase orders that are not yet recorded in the accounts. Secondly, there are a number of other purchases that do not involve a purchase order, inadvertently or otherwise. For instance, items may be ordered over the phone or by mail without providing a P.O. number. Still, other items may be picked up by staff members and reimbursed from petty cash or through a cheque requisition. There are a number of

other transactions charged to the school accounts simply by invoice (eg. photocopier lease charges, maintenance service calls). Lastly, contingencies should be allowed for as emergency or special circumstances always occur later in the year, which are unplanned. All of these must be considered when reviewing the school budget accounts, to determine how much can be spent while protecting against a budget overrun.

There will be monthly reviews of school financial reports and expenditures by the Superintendents which may involve follow-up and discussion with school principals.

The Superintendents and Manager of Finance are responsible for the periodic review and audit of credit card transactions to ensure adherence to board policies and the employee signed affirmation of "Use of Corporate Credit Card" policy. The results of the periodic reviews and audits shall be shared with the Audit Committee.

## Appendix A - Broader Public Sector Procurement Directive

We have inserted the Ministry of Ontario's PDF document, *Broader Public Sector Procurement Directive*, following this page.

The Ministry document can be also found in the finance section of our BPS webpage at [www.sncdsb.on.ca/bps](http://www.sncdsb.on.ca/bps)

# **Broader Public Sector Procurement Directive**

**Issued By  
Management Board of Cabinet**

**Effective July 01, 2011**

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## PREAMBLE

This Broader Public Sector (BPS) Procurement Directive (Directive) replaces the BPS Procurement Directive issued by the Management Board of Cabinet on April 01, 2011.

### 1. PURPOSE

The purpose of the Directive is:

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

### 2. APPLICATION AND SCOPE

This Directive applies to all designated broader public sector organizations as provided for under section 12 of the *Broader Public Sector Accountability Act, 2010*. This Directive will be applied using a phased-in approach as outlined in the table below. The “timeline” column provides the date on which the Directive begins to apply while the “sector” column identifies the BPS group(s) to which the Directive applies. The sector groups are specified under Part I of the *Broader Public Sector Accountability Act, 2010*.

Timeline	Sector
April 1, 2011	<ul style="list-style-type: none"><li>• Hospitals</li><li>• School boards</li><li>• Colleges</li><li>• Universities</li><li>• Community Care Access Corporations</li><li>• Children’s Aid Society</li></ul>
January 1, 2012	<ul style="list-style-type: none"><li>• Publicly funded organizations that received public funds of 10 million dollars or more in the previous fiscal year of the Government of Ontario</li></ul>

### 3. PRINCIPLES

This Directive is based on the five key principles that allow Organizations to achieve value for money while following a procurement process that is fair and transparent to all stakeholders:

- **Accountability**  
Organizations must be accountable for the results of their procurement decisions and the appropriateness of the processes.
- **Transparency**  
Organizations must be transparent to all stakeholders. Wherever possible, stakeholders must have equal access to information on procurement opportunities, processes and results.
- **Value for Money**  
Organizations must maximize the value they receive from the use of public funds. A value-for-money approach aims to deliver goods and services at the optimum total lifecycle cost.
- **Quality Service Delivery**  
Front-line services provided by Organizations, such as teaching and patient care, must receive the right product, at the right time, in the right place.
- **Process Standardization**  
Standardized processes remove inefficiencies and create a level playing field.

#### 4. KEY DEFINITIONS

In this Directive,

“Goods and services” means any goods, construction, and services, including but not limited to IT and consulting services;

“Members of an Organization” means all trustees, members of the board of directors, senior executives, and employees of the Organization, or their equivalent;

“Organization” means every organization that is in scope for the purposes of this Directive;

“Supply Chain Activities” means all activities directly or indirectly related to the Organization’s planning, sourcing, procurement, moving, and payment processes.

#### 5. EXEMPTIONS, EXCEPTIONS, AND NON-APPLICATIONS UNDER TRADE AGREEMENTS

Where an exemption, exception, or non-application clause exists under the *Agreement on Internal Trade* (AIT) or other trade agreement, Organizations may apply this clause when conducting procurement.

An Organization asserting that procurement is subject to an exemption, exception, or non-application clause under a trade agreement must formally establish applicability of this clause.



## **6. VALUE OF PROCUREMENT**

When determining the value of procurement for approval purposes as outlined in this Directive, Organizations should not take into consideration applicable sales taxes.

## **7. MANDATORY REQUIREMENTS**

### **7.1 SUPPLY CHAIN CODE OF ETHICS (CODE)**

The Code does not supersede codes of ethics that Organizations have in place, but supplements such codes with supply chain-specific standards of practice.

Organizations must formally adopt the Code in accordance with their governance processes. The policy intent is to establish that the conduct of all Members of an Organization involved with Supply Chain Activities must be in accordance with the Code.

The Code must be made available and visible to all Members of the Organization, as well as suppliers and other stakeholders involved with Supply Chain Activities.

#### **Ontario Broader Public Sector (BPS) Supply Chain Code of Ethics**

**Goal:** To ensure an ethical, professional and accountable BPS supply chain.

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

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

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

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

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

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

## 7.2 PROCUREMENT POLICIES AND PROCEDURES (MANDATORY REQUIREMENTS)

Organizations must comply with the requirements set forth in this Directive.

### 7.2.1 *Mandatory Requirement #1: Segregation of Duties*

Organizations must segregate at least three of the five functional procurement roles: Requisition, Budgeting, Commitment, Receipt and Payment. Responsibilities for these roles must lie with different departments or, at a minimum, with different individuals.

Where it is not feasible to segregate these roles, i.e., for smaller Organizations, adequate compensating controls approved by an external auditor must be put in place.

### 7.2.2 *Mandatory Requirement #2: Approval Authority*

#### 7.2.2.1 *Goods and non-consulting services*

Organizations must establish an approval authority schedule (AAS) for procurement of goods and non-consulting services. The AAS must identify, for each of the functional procurement roles identified in Section 7.2.1, authorities that are allowed to approve procurements for different dollar thresholds. The AAS must be approved by the board of directors of the Organization or its equivalent.

Prior to commencement, any procurement of goods and non-consulting services must be approved by an appropriate authority in accordance with the AAS of the Organization.

Prior to commencement, any non-competitive procurement of goods or non-consulting services must be approved by an authority one level higher than the AAS requirements for competitive procurement.

#### 7.2.2.2 *Consulting services*

Prior to commencement, any procurement of consulting services must be approved in accordance with the Procurement Approval Authority Schedule for Consulting Services below.

<b>Procurement Approval Authority Schedule (AAS) for Consulting Services</b>		
<b>Procurement Method</b>	<b>Procurement Value</b>	<b>Approval Authority</b>
Invitational Competitive	\$0 up to but not including \$100,000	Organization's AAS for goods and non-consulting services
Open Competitive	Any value	Organization's AAS for goods and non-consulting services
Non-competitive*	\$0 up to but not including \$1,000,000	President, CEO or equivalent
	\$1,000,000 or more	Board of Directors or equivalent

\*Exemption-based only

Organizations must not reduce the overall value of procurement (e.g., dividing a single procurement into multiple procurements) in order to circumvent the approval requirements of the organizational AAS or the Procurement AAS for Consulting Services.

### **7.2.3 Mandatory Requirement #3: Competitive Procurement Thresholds**

Organizations must conduct an open competitive procurement process where the estimated value of procurement of goods or services is \$100,000 or more. The exemptions must be in accordance with the applicable trade agreements.

Organizations must competitively procure consulting services irrespective of value. The exemptions must be in accordance with the applicable trade agreements.

<b>Goods, Non-Consulting Services and Construction</b>		
<b>Total Procurement Value</b>	<b>Means of Procurement</b>	<b>Recommended/Required</b>
\$0 up to but not including \$100	Petty cash	Recommended
\$100 up to but not including \$3,000	Procurement card (P-card)	Recommended
\$3,000 up to but not including \$10,000	Purchase order	Recommended
\$10,000 up to but not including \$100,000	Invitational competitive procurement (minimum of three suppliers are invited to submit a bid)	Recommended
\$100,000 or more	Open competitive process	Required
<b>Consulting Services</b>		
<b>Total Procurement Value</b>	<b>Means of Procurement</b>	<b>Recommended/Required</b>
\$0 up to but not including \$100,000	Invitational or open competitive process	Required
\$100,000 or more	Open competitive process	Required

Organizations must not reduce the overall value of procurement (e.g., dividing a single procurement into multiple procurements) in order to circumvent competitive procurement thresholds.

### **7.2.4 Mandatory Requirement #4: Information Gathering**

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.

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.

### **7.2.5 Mandatory Requirement #5: Supplier Pre-Qualification**

The Request for Supplier Qualification (RFSQ) enables Organizations to gather information about supplier capabilities and qualifications in order to pre-qualify suppliers for an immediate product or service need or to identify qualified candidates in advance of expected future competitions.

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

#### **7.2.6 *Mandatory Requirement #6: Posting Competitive Procurement Documents***

Calls for open competitive procurements must be made through an electronic tendering system that is readily accessible by all Canadian suppliers.

#### **7.2.7 *Mandatory Requirement #7: Timelines for Posting Competitive Procurements***

Organizations must provide suppliers a minimum response time of 15 calendar days for procurement of goods and services valued at \$100,000 or more.

Organizations must consider providing suppliers a minimum response time of 30 calendar days for procurements of high complexity, risk, and/or dollar value.

#### **7.2.8 *Mandatory Requirement #8: Bid Receipt***

Bid submission date and closing time must be clearly stated in competitive procurement documents. Organizations must set the closing date of a competitive procurement process on a normal working day (Monday to Friday, excluding provincial and national holidays).

Submissions that are delivered after the closing time must be returned unopened.

#### **7.2.9 *Mandatory Requirement #9: Evaluation Criteria***

Evaluation criteria must be developed, reviewed and approved by an appropriate authority prior to commencement of the competitive procurement process.

Competitive procurement documents must clearly outline mandatory, rated, and other criteria that will be used to evaluate submissions, including weight of each criterion.

Mandatory criteria (e.g., technical standards) should be kept to a minimum to ensure that no bid is unnecessarily disqualified.

Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria.

All criteria must comply with Section 7.2.14, Non-discrimination, of the Directive.

The evaluation criteria are to be altered only by means of addendum to the competitive procurement documents.

Organizations may request suppliers to provide alternative strategies or solutions as a part of their submission. Organizations must establish criteria to evaluate alternative strategies or solutions prior to commencement of the competitive procurement process. Alternative strategies or solutions must not be considered unless they are explicitly requested in the competitive procurement documents.

#### **7.2.10 Mandatory Requirement #10: Evaluation Process Disclosure**

Competitive procurement documents must fully disclose the evaluation methodology and process to be used in assessing submissions, including the method of resolving tie score.

Competitive procurement documents must state that submissions that do not meet the mandatory criteria will be disqualified.

#### **7.2.11 Mandatory Requirement #11: Evaluation Team**

Competitive procurement processes require an evaluation team responsible for reviewing and rating the compliant bids.

Evaluation team members must be made aware of the restrictions related to utilization and distribution of confidential and commercially sensitive information collected through the competitive procurement process and refrain from engaging in activities that may create or appear to create a conflict of interest.

Evaluation team members must sign a conflict-of-interest declaration and non-disclosure of confidential information agreement.

#### **7.2.12 Mandatory Requirement #12: Evaluation Matrix**

Each evaluation team member must complete an evaluation matrix, rating each of the submissions. Records of evaluation scores must be retained for audit purposes.

Evaluators must ensure that everything they say or write about submissions is fair, factual, and fully defensible.

#### **7.2.13 Mandatory Requirement #13: Winning Bid**

The submission that receives the highest evaluation score and meets all mandatory requirements set out in the competitive procurement document must be declared the winning bid.

#### **7.2.14 Mandatory Requirement #14: Non-Discrimination**

Organizations must not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process.

#### **7.2.15 Mandatory Requirement #15: Executing the Contract**

The agreement between the Organization and the successful supplier must be formally defined in a signed written contract before the provision of supplying goods or services commences.

Where an immediate need exists for goods or services, and the Organization and the supplier are unable to finalize the contract as described above, an interim purchase order may be used. The justification of such decision must be documented and approved by the appropriate authority.

#### **7.2.16 Mandatory Requirement #16: Establishing the Contract**

The contract must be finalized using the form of agreement that was released with the procurement documents.

In circumstances where an alternative procurement strategy has been used (i.e., a form of agreement was not released with the procurement document), the agreement between the Organization and the successful supplier must be defined formally in a signed written contract before the provision of supplying goods or services commences.

#### **7.2.17 Mandatory Requirement #17: Termination Clauses**

All contracts must include appropriate cancellation or termination clauses. Organizations should seek legal advice on the development of such clauses.

When conducting complex procurements, organizations should consider, as appropriate, the use of contract clauses that permit cancellation or termination at critical project life-cycle stages.

#### **7.2.18 Mandatory Requirement #18: Term of Agreement Modifications**

The term of the agreement and any options to extend the agreement must be set out in the competitive procurement documents. An approval by an appropriate authority must be obtained before executing any modifications to the term of agreement.

Extending the term of agreement beyond that set out in the competitive procurement document amounts to non-competitive procurement where the extension affects the value and/or stated deliverables of procurement.

#### **7.2.19 Mandatory Requirement #19: Contract Award Notification**

For procurements valued at \$100,000 or more, Organizations must post, in the same manner as the procurement documents were posted, contract award notification. The notification must be posted after the agreement between the successful supplier and the Organization was executed. Contract award notification must list the name of the successful supplier, agreement start and end dates, and any extension options.

#### **7.2.20 Mandatory Requirement #20: Supplier Debriefing**

For procurements valued at \$100,000 or more, Organizations must inform all unsuccessful suppliers about their entitlement to a debriefing.

Organizations must allow unsuccessful suppliers 60 calendar days following the date of the contract award notification to request a debriefing.

#### **7.2.21 Mandatory Requirement #21: Non-Competitive Procurement**

(i) Organizations should employ a competitive procurement process to achieve optimum value for money. It is recognized, however, that special circumstances may require Organizations to use non-competitive procurement.

Organizations may utilize non-competitive procurement only in situations outlined in the exemption, exception, or non-application clauses of the AIT or other trade agreements.

Prior to commencement of non-competitive procurement, supporting documentation must be completed and approved by an appropriate authority within the Organization.

(ii) School boards may utilize a non-competitive procurement process for the procurement of student home to school transportation services for the period July 1, 2011 to December 31, 2011.

#### **7.2.22 Mandatory Requirement #22: Contract Management**

Procurements and the resulting contracts must be managed responsibly and effectively.

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.

Assignments must be properly documented. Supplier performance must be managed and documented, and any performance issues must be addressed.

To manage disputes with suppliers throughout the life of the contract, Organizations should include a dispute resolution process in their contracts.

For services, organizations must:

- Establish clear terms of reference for the assignment. The terms should include objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements.
- Establish expense claim and reimbursement rules compliant with the Broader Public Sector Expenses Directive<sup>1</sup> and ensure all expenses are claimed and reimbursed in accordance with these rules.
- Ensure that expenses are claimed and reimbursed only where the contract explicitly provides for reimbursement of expenses.

#### **7.2.23 Mandatory Requirement #23: Procurement Records Retention**

For reporting and auditing purposes, all procurement documentation, as well as any other pertinent information must be retained in a recoverable form for a period of seven years.

Organizations must have a written policy for handling, storing and maintaining the suppliers' confidential and commercially sensitive information.

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<sup>1</sup> As set out in the *Broader Public Sector Accountability Act, 2010* (s.10)



#### **7.2.24 Mandatory Requirement #24: Conflict of Interest**

Organizations must monitor any conflict of interest that may arise as a result of the Members' of the Organization, advisors', external consultants', or suppliers' involvement with the Supply Chain Activities. Individuals involved with the Supply Chain Activities must declare actual or potential conflicts of interest. Where a conflict of interest arises, it must be evaluated and an appropriate mitigating action must be taken.

#### **7.2.25 Mandatory Requirement #25: Bid Dispute Resolution**

Competitive procurement documents must outline bid dispute resolution procedures to ensure that any dispute is handled in an ethical, fair, reasonable, and timely fashion. Bid dispute resolution procedures must comply with bid protest or dispute resolution procedures set out in the applicable trade agreements.

### **8. OTHER RELATED POLICIES**

Organizations must conduct procurement activities according to the law in Ontario, including contract law, the law of competitive processes, privacy legislation, accessibility legislation and any other legislation as may be applicable.

Organizations may also be subject to various trade agreements, including but not limited to the Agreement on Internal Trade (AIT) and the Ontario–Quebec Trade and Cooperation Agreement (Ontario–Quebec Agreement).

### **9. DEFINITIONS**

“Accountability” means the obligation of an employee, agent or other person to answer for or be accountable for, work, action or failure to act following delegated authority.

“Agreement” means the formal written document that will be entered into at the end of the procurement process.

“Approval Authority” means the authority delegated by the Organization to a person designated to occupy a position to approve on its behalf one or more procurement functions within the plan-to-pay cycle up to specified dollar limits subject to the applicable legislation, regulations and procedures in effect at such time.

“Award” means the notification to a proponent of acceptance of a proposal, quotation or tender that brings a contract into existence.

“Bid” means 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” means a dispute raised against the methods employed or decisions made by a contracting authority in the administration of a proposal, tender, or quotation process.

“Chief Executive Officer” means the head of operations at Organizations.

“Competitive Procurement” means a set of procedures for developing a procurement contract through a bidding or proposal process. The intent is to solicit fair, impartial, competitive bids.

“Conflict of Interest” means 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.

“Construction” means construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement.

“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.

“Consulting Services” means the provision of expertise or strategic advice that is presented for consideration and decision-making.

“Contract” means 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.

“Designated broader public sector organization” means an Organization to which section 12 of the *Broader Public Sector Accountability Act, 2010* applies.

“Electronic Tendering System” means a computer-based system that provides suppliers with access to information related to open competitive procurements.

“Evaluation Criteria” means 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” means a tool allowing the evaluation team to rate supplier proposals based on multiple pre-defined evaluation criteria.

“Evaluation Team” means a group of individuals designated/responsible to make award recommendation. The evaluation team would typically include representatives from the

Organization and subject matter expert(s). Each member participates to provide business, legal, technical and financial input.

“Goods” means 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” means all goods and/or services including construction, consulting services and information technology.

“Organizations” means all organizations listed in Application and Scope, Section 2.

“Information Technology” means the equipment, software, services and processes used to create, store, process, communicate and manage information.

“Invitational Competitive Procurement” means any form of requesting a minimum of three (3) qualified suppliers to submit a written proposal in response to the defined requirements outlined by an individual/organization.

“Non-discrimination” means fairness in treating suppliers and awarding contracts without prejudice, discrimination or preferred treatment.

“Offer” means 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” means acquisition by any means, including by purchase, rental, lease or conditional sale, of goods or services.

“Procurement Card (P-Card)” means 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.

“Procurement Policies and Procedures (PPP)” means a framework and mandatory requirements to govern how Organizations conduct sourcing, contracting and purchasing activities, including approval segregation and limits, competitive and non-competitive procurement, conflict of interest and contract awarding.

“Procurement Value” means the estimated total financial commitment resulting from procurement, taking into account optional extensions.

“Purchase Order (PO)” means 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)” means a document used to gather information on supplier interest in an opportunity or information on supplier capabilities/qualifications. This

mechanism may be used when a BPS organization 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)” means 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)” means 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)” means 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. Organizations must ensure that the terms and conditions built into the RFSQ contain specific language that disclaims any obligation on the part of the Organization to call on any supplier to provide goods or services as a result of the pre-qualification.

“Requisition” means a formal request to obtain goods or services made within an Organization, generally from the end-user to the procurement department.

“Segregation of Duties” means a method of process control to manage conflict of interest, the appearance of conflict of interest, and errors or fraud. It restricts the amount of power held by any one individual. It puts a barrier in place to prevent errors or fraud that may be perpetrated by one individual.

“Services” means 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” means 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.

“Supply Chain Activities” means all activities whether directly or indirectly related to organizational plan, source, procure, move, and pay processes.

“Trade Agreements” means any applicable trade agreement to which Ontario is a signatory.

“Supplier Debriefing” means a practice of informing a supplier why their bid was not selected upon completion of the contract award process.

## Appendix B - SUPPLY CHAIN CODE OF ETHICS (CODE)

The Code does not supersede codes of ethics that Organizations have in place, but supplements such codes with supply chain-specific standards of practice.

Organizations must formally adopt the Code in accordance with their governance processes. The policy intent is to establish that the conduct of all Members of an Organization involved with Supply Chain Activities must be in accordance with the Code.

The Code must be made available and visible to all Members of the Organization, as well as suppliers and other stakeholders involved with Supply Chain Activities.

### Ontario Broader Public Sector (BPS) Supply Chain Code of Ethics

**Goal:** To ensure an ethical, professional and accountable BPS supply chain.

#### I. Personal Integrity and Professionalism

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

#### II. Accountability and Transparency

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

#### III. Compliance and Continuous Improvement

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

## Appendix C

### PROCUREMENT APPROVAL AUTHORITY (AAS) SCHEDULE

#### Goods and Non-Consulting Services

Procurement Value	Procurement Method	Approval Authority
\$0 up to \$200	<ul style="list-style-type: none"> <li>● Petty Cash (OR)</li> <li>● Cheque Requisition (OR)</li> <li>● Credit Card (OR)</li> <li>● Purchase Order</li> </ul>	<ul style="list-style-type: none"> <li>● School Principal (or Designate) (OR)</li> <li>● Credit Card Holder (OR)</li> <li>● Budget Holder</li> </ul>
\$201 up to \$500	<ul style="list-style-type: none"> <li>● Cheque Requisition (OR)</li> <li>● Credit Card (OR)</li> <li>● Business Charge Account (OR)</li> <li>● Purchase Order</li> </ul>	<p><u>School Level:</u></p> <ul style="list-style-type: none"> <li>● School Principal (or Designate) (AND)</li> <li>● Superintendent</li> </ul> <p><u>System Level:</u></p> <ul style="list-style-type: none"> <li>● Budget Holder or Credit Card Holder (AND)</li> <li>● Supervisor or Manager</li> </ul>
Up to \$3,000	<ul style="list-style-type: none"> <li>● Cheque Requisition (OR)</li> <li>● Business Charge Account (OR)</li> <li>● Purchase Order</li> </ul>	<ul style="list-style-type: none"> <li>● Budget Holder and/or School Principal (or Designate) (AND)</li> <li>● Superintendent (AND)</li> <li>● Supervisor or Manager</li> </ul>
\$3,001 up to \$30,000	<ul style="list-style-type: none"> <li>● Purchase Order</li> </ul>	<ul style="list-style-type: none"> <li>● Budget Holder and/or School Principal (or Designate) (AND)</li> <li>● Superintendent (AND)</li> <li>● Manager</li> </ul>
\$30,001 up to but not including \$100,000	<ul style="list-style-type: none"> <li>● Invitational Competitive Procurement (Minimum of three suppliers are invited to submit a bid.) Supporting documentation is to be filed with purchase order.</li> </ul>	<ul style="list-style-type: none"> <li>● Budget Holder (AND)</li> <li>● Superintendent (AND)</li> <li>● Manager (AND)</li> <li>● Director of Education/Associate Director</li> </ul>
\$100,000 or More	<ul style="list-style-type: none"> <li>● Open Competitive Process</li> </ul>	<ul style="list-style-type: none"> <li>● Budget Holder or Supervisor (AND)</li> <li>● Superintendent (AND)</li> <li>● Manager (AND)</li> <li>● Director of Education/Associate Director</li> </ul>
\$500,000 or More	<ul style="list-style-type: none"> <li>● Open Competitive Process</li> </ul>	<ul style="list-style-type: none"> <li>● Budget Holder or Supervisor (AND)</li> <li>● Superintendent (AND)</li> <li>● Manager (AND)</li> <li>● Director of Education/Associate Director (AND)</li> <li>● Board of Trustees Approval Required</li> </ul>

(\*) Exemption-based only

**Consulting Services**

<b>Procurement Value</b>	<b>Procurement Method</b>	<b>Approval Authority</b>
\$0 up to but not including \$100,000	<ul style="list-style-type: none"> <li>• Invitational Competitive Procurement (Minimum of three (3) qualified suppliers are invited to submit a bid.)</li> </ul>	<ul style="list-style-type: none"> <li>• Manager or Supervising Manager (AND)</li> <li>• Director of Education/Associate Director</li> </ul>
\$100,000 or More	<ul style="list-style-type: none"> <li>• Open Competitive Process</li> </ul>	<ul style="list-style-type: none"> <li>• Manager or Supervising Manager (AND)</li> <li>• Director of Education/Associate Director</li> </ul>
\$0 up to but not including \$100,000	<ul style="list-style-type: none"> <li>• Non-Competitive (*)</li> </ul>	<ul style="list-style-type: none"> <li>• Manager or Supervising Manager (AND)</li> <li>• Director of Education/Associate Director</li> </ul>
\$100,000 or More	<ul style="list-style-type: none"> <li>• Non-Competitive (*)</li> </ul>	<ul style="list-style-type: none"> <li>• Manager or Supervising Manager (AND)</li> <li>• Director of Education/Associate Director (AND)</li> <li>• Board of Trustees Approval Required</li> </ul>

(\*) Exemption-based only