

# **BRCED Procurement Policies**

**BRCCED embraces the Ontario Broader Public Sector Supply Chain Code of Ethics as follows:**

**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.

# BRCCED PROCUREMENT

BRCCED segregates the following procurement roles: Requisition, Commitment, and Payment. Responsibilities lie with different individuals. BRCCED's approval authority schedule (AAS) for Commitment to purchase goods, consulting services and non-consulting services are shown below.

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

## Commitment

### *AAS for Consulting services*

Procurement of consulting services must be approved in accordance with below:

<b>Procurement Method</b>	<b>Commitment Value</b>	<b>Approval Authority</b>
Invitational Competitive	\$0 up to but not including \$100,000	CEO
Open Competitive	Any value	CEO
Non-competitive	\$0 up to but not including \$1,000,000	President
	\$1,000,000 or more	Board of Directors

### *AAS for Non-consulting services and Goods*

Procurement of goods and non-consulting services must be approved in accordance with below:

<b>Commitment value</b>	<b>Procurement Process</b>	<b>Approval Authority</b>
\$0 - \$500	Petty cash/non-competitive	Manager
\$501 - \$10,000	Invitational/open competitive	Director
\$10,000-\$100,000* If budgeted	Open competitive	C-Suite, President
\$10,000-\$100,000* If unbudgeted	Open competitive	Board of Directors
\$100,000 or more	Open competitive	Board of Directors

Individuals may not reduce the overall value of procurement (e.g., dividing a single procurement into multiple procurements) in order to circumvent the approval requirements above.

An individual submitting a Requisition may NOT approve the Commitment to their own requisition. No one can Commit a payment to themselves.

Invitational procurement process requires a minimum of three suppliers to submit a bid.

## **Payment**

Only C-suite employees, the President, Board Chair and Treasurer are authorised to pay approved Commitments. There must be any 2 of the aforementioned to execute any payment and a properly authorised Commitment to do so. Whenever possible neither of the signers will be the Commitment authoriser. Authorised persons can NOT sign a cheque for themselves.

### ***Procurement - 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.

### ***Procurement - Supplier Pre-Qualification***

A Request for Supplier Qualification (RFSQ) may be used 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 disclaim any obligation to call on any supplier to provide goods or services as a result of pre-qualification.

### ***Procurement - Competitive Process***

Calls for open competitive procurements - Requests for Proposals (RFPs) - are made through MERX. For procurement of goods and services valued at \$100,000 or more a minimum response time of 15 calendar days is required. Bid submission date and closing time must be included in the Request along with closing date and time. The assertion that "Submissions that are delivered after the closing time will be returned unopened." must be included in the Request and the practice followed.

Evaluation criteria must be developed, reviewed and approved by the CEO or Board (when value is expected to exceed \$100,000) prior to commencement of the competitive procurement process. CRFPs must clearly outline mandatory, rated, and other criteria that will be used to evaluate submissions, including weight of each criterion. Maximum justifiable

weighting must be allocated to the price/cost component of the evaluation criteria. RFPs will disclose the evaluation methodology and process to be used in assessing submissions, including the method of resolving tie score. Mandatory criteria (e.g., technical standards) should be kept to a minimum. Submissions that do not meet the mandatory criteria will be disqualified, however BRCCED will not discriminate or exercise preferential treatment in awarding a contract through the setting of mandatory criteria, criteria weighing or evaluation of proposals.

The evaluation process will include a team of at least 3 individuals. These individuals should clearly understand their role and the need to avoid any actions that might be perceived or actual conflicts of interest, and the need for confidentiality of all information they are privy to through the process. Evaluation team members must sign a conflict-of-interest declaration and non-disclosure of confidential information agreement.

Should a question be raised by one potential respondent, that merits response, an addendum must be used to communicate both the question and answer to all potential respondents. The evaluation criteria are to be altered only by means of addendum to the competitive procurement documents.

BRCCED may request suppliers to provide alternative strategies or solutions as a part of their submission. Criteria to evaluate alternative strategies or solutions must be developed and approved prior to commencement of the competitive procurement process. Alternative strategies or solutions will not be considered unless they are explicitly requested in the competitive procurement documents.

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.

For procurements valued at \$100,000 or more, BRCCED will 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 is executed. Contract award notification must list the name of the successful supplier, agreement start and end dates, and any extension options.

For procurements valued at \$100,000 or more, BRCCED will inform all unsuccessful suppliers about their entitlement to a debriefing and allow unsuccessful suppliers 60 calendar days following the date of the contract award notification to request such a debriefing.

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.

### ***Procurement – Non-Competitive Process***

A competitive procurement process to achieve optimum value for money will be used whenever possible. 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 approved by the President or Board (value expected to exceed \$100,000).

### ***Procurement - Contract***

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

The contract must be finalized using the form of agreement if it was released with the RFP. In circumstances where an alternative procurement strategy is used (i.e., a form of agreement was not released with the procurement document), the agreement between BRCCED and the successful supplier must be defined formally in a signed written contract before the provision of supplying goods or services commences.

All contracts must include appropriate cancellation or termination clauses. To manage disputes with suppliers throughout the life of the contract, a dispute resolution process will be included.

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.

### ***Procurement - 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.

For services BRCCED will:

- 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.

### ***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.

### ***Procurement - 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.

### ***Procurement – Legal Framework***

BRCCED conducts 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, as well 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).