

Purpose:

The purpose of this Administrative Procedure is as follows:

- To ensure that all goods and services, including construction, consulting services, and information technology are acquired through a process that is open, fair, and transparent. This includes purchases associated with school generated funds (SGF).
- To outline the responsibilities throughout each stage of the procurement process.
- To ensure procedures are consistent across all areas and departments of the Board.

Description:

This Administrative Procedure was adapted from the Broader Public Sector (BPS) Procurement Directive and is effective April 1, 2011. These procedures enable the Board to achieve value for money while following a procurement process that is fair and transparent to all stakeholders.

The Board's procurement process utilizes financial software that generates on-line purchase requisitions that are electronically approved and transferred to the Purchasing Department for purchase order creation and approval. This software facilitates greatest overall efficiencies and collection of information.

All forms outlined in this procedure are available on the Board's internal website.

1.0 Supply Chain Code of Ethics

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

1.1 Personal Integrity and Professionalism

All individuals involved with purchasing or other supply chain-related activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all supply chain activities within and between Broader Public Sector organizations, suppliers and stakeholders. Respect must be demonstrated for each other and the environment. Confidential information must be safeguarded. All participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours (above infrequent and reasonable hospitality or business gifts of a small intrinsic value), providing preferential treatment, or publicly endorsing suppliers or products.

1.2 Accountability and Transparency

Supply chain activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted 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.

1.3 Compliance and Continuous Improvement

All individuals involved in purchasing or other supply chain-related activities must comply with this Code of Ethics and the laws of Canada and Ontario. All individuals should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels and to share and to implement leading practices.

2.0 Administrative Responsibility

2.1 This Administrative Procedure applies to all individuals involved in the purchasing of supplies and services on behalf of the Board.

2.2 It is the responsibility of the Manager of Finance, or designate, to implement this Administrative Procedure.

2.3 It is the responsibility of each Senior Administrator, Principal, Department Manager and Supervisor to ensure that his/her staff are appropriately informed and comply with the Board's Purchasing Administrative Procedure.

2.4 Requisitions should be initiated for Board budgeted purchases greater than \$500, and after appropriate approval as per Section 9.0, purchase orders will be issued from the Purchasing Department. All supporting documentation will be maintained according to Section 7.0. SGF purchases must follow the procurement process and requirements outlined in Section 8.0.

2.5 Every effort shall be made to competitively procure, whenever possible, environmentally appropriate and ecologically sound products while giving suppliers fair and equitable access to Board business.

2.6 Every effort shall be made to seek, obtain, and purchase all goods and services at the best value for public money (i.e. combine purchases in order to create process efficiencies).

2.7 The purchase of goods and services must be in accordance with Board Health &

Safety policies and should consider the impact on other departments (i.e. IT, Plant Maintenance, Transportation, etc.) to ensure the requirements of each department are addressed (i.e. electrical requirements, technology standardization, etc.)

- 2.8** The purchase of goods and services must be in accordance with all applicable Federal and Provincial Acts and regulations pertaining to public procurement.
- 2.9** Applicable sales taxes should not be taken into consideration when determining the value of procurement.
- 2.10** Individuals involved in the purchasing of supplies and services on behalf of the Board must not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process.

3.0 Segregation of Duties

Effective control includes both the delegation of authority and segregation of duties across functions and individuals. Segregation of duties prevents any one person from controlling the entire purchasing process by segregating approvals for the key stages of the procurement process.

Illustrated below are the five key functional roles in the purchasing process that require segregated approvals.

Role	Responsibility	Accountable Party
Requisitions	Authorize the purchasing department to place an order following approved methods	Individual requesting the goods or service
Budget	Authorize that funding is available to cover the cost of the order	Budget holder
Commitment	Authorize release of the order to the supplier under agreed contract terms	Purchasing department
Receipt & Authorization of Payment	Authorize that the order was physically received, correct and complete	Individual receiving the goods
Payment	Authorize release of payment to the supplier	Accounts payable department

4.0 Designated Suppliers – Suppliers Under Board Contract

- 4.1 All schools and departments should purchase ‘identified’ goods and services only from ‘designated’ suppliers (i.e. Corporate Express, Science Suppliers) with whom the Board has entered into contracts/agreements resulting from a tender process.
- 4.2 Purchases from ‘designated’ suppliers may be transacted through the use of a purchase order, fax form, controlled on-line ordering, etc. depending on the ordering process established by the Purchasing Department.
- 4.3 A listing of ‘designated’ suppliers and related procurement methods is available on the Board’s internal website.

5.0 Unauthorized Purchases

- 5.1 The Purchasing Department shall not make purchases of any kind on behalf of staff or members of the Board for personal use.
- 5.2 All purchases made in the name of the Board without proper authorization as per this procedure, will be considered an obligation of the person making the purchase and not an obligation of the Board.

6.0 Differentiating Procurement Goods & Services

- 6.1 The Board procures many different types of goods and services using Board funds and School Generated Funds such as goods, non-consulting services, and consulting services. Prior to commencement of procurement, the type of good and service being procured must be determined in order to identify the appropriate procurement process and approvals.
- 6.2 Consulting is defined as “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”. If there is room for interpretation as to whether the service being procured is non-consulting or consulting, a “Procurement Business Case” form (Appendix A) must be completed, approved as per Section 9.0, and maintained in accordance with Section 7.0.

7.0 Document Retention Procedures

- 7.1 All documents, information and communication related to the procurement process

needs to be maintained in recoverable form for a minimum of seven years from the date that the goods or services were purchased, services completed or contract expired.

- 7.2** The Plant Maintenance, Transportation & IT departments must maintain all supporting documentation electronically on the Board’s server and must be accessible by the Finance Department for auditing purposes.
- 7.3** All other buyers (i.e. school, other departments etc.) must remit supporting documentation, as outlined in Section 9.0, electronically to the Purchasing Department for retention. A purchase order will not be processed until all required supporting documentation is obtained.

8.0 Purchasing Process & Requirements

All goods & services must be procured as indicated in the chart below, unless exempted under Section 17.0.

Purchase Value	Accountable Party	Procurement Requirements	Method of Purchase
Goods & Non-Consulting Services			
Less than \$500	Requisitioner or Purchasing Department	Not required	Phone, fax, e-mail, or Purchase Order
\$500 to \$9,999		Designated supplier, Verbal quote or Written quote	Purchase Order
\$10,000 to \$99,999	Authorized Budget Holder	Invitational or Open Competitive	Purchase Order
\$100,000 and over		Open Competitive	Purchase Order
Consultants & Consulting Services			
Under \$100,000	Authorized Budget Holder	Invitational or Open Competitive	Purchase Order
\$100,000 and over		Open Competitive	Purchase Order
School Budget or SGF Goods & Services			
Less than \$500	Individual School	Not required	Phone, Fax, E-mail
\$500 to \$4,999**	Individual School or Purchasing Department	Designated supplier, Verbal or Written quote	Purchase Order <i>(School Budget Only – For SGF use phone, fax or e-mail)</i>
\$5,000 and over	Principals	Submit a completed “Procurement Business Case” form (<i>Appendix A</i>) to the School Superintendent prior to commencing the procurement process. Once approved the procurement requirements will be communicated.	

** Note: Purchases or projects that impact other Board Departments such as Plant Maintenance or H&S may also require a “Procurement Business Case” to be completed (i.e. painting, installation within the facility or on facility grounds etc.). Contact the Purchasing Department for information or clarification.

- 8.1** Purchase orders must be used for all purchases over \$500 unless there are explicit instructions otherwise from the Finance Department. Purchases with SGF less than \$5,000 do not require the use of a requisition or purchase order. For SGF purchases \$5,000 and over, the Purchasing Department will communicate the procurement method based on the “Procurement Business Case” submitted.
- 8.2** A division of requirements into multiple requirements to reduce the estimated value of a single procurement and avoid the application of the identified value thresholds is not permitted.
- 8.3** Additional pricing may be obtained or requested by the Purchasing Department if appropriate.

9.0 Procurement Approval Authority Schedule (AAS)

Procurement of all goods and services (including consulting and those purchased with school generated funds) must be approved by an appropriate authority in accordance with the Procurement Approval Authority Schedule.

The required documentation stated in the schedule below must be maintained as stipulated in Section 7.0.

Procurement Method	Procurement Value	Approval Authority	Required Documentation
AAS for Goods & Services			
Non-competitive	Consulting Services \$1,000,000 and over	Board of Trustees	Authorized Non-Competitive Approval Form (<i>Appendix B</i>)
	Consulting Services less than \$1,000,000	Director of Education or designate	
	Other Goods & Services	Superintendent of Business or designate	
Designated Supplier, Verbal or Written Quote	Less than \$10,000	Authorized Budget Holder	Electronically authorized requisition
Invitational or Open Competitive	\$10,000 – \$24,999	Authorized Budget Holder	Electronically authorized requisition
	\$ 25,000 - \$99,999	Superintendent of Business or designate	Electronically authorized purchase order
Open Competitive	\$100,000 and over	Superintendent of Business or designate	Electronically authorized purchase order and Authorized Bid Summary
AAS for School Budget & SGF Goods & Services			
Designated supplier, Verbal quote or Written quote	Less than \$5,000	Principal, CSC Chair, Treasurer	Electronically authorized Requisition (School Budget) or Approved invoice/receipt (SGF)
Invitational or Open Competitive	\$5,000 and over	Superintendent of Business or designate	Authorized “Procurement Business Case” (<i>Appendix A</i>)

10.0 Methods of Procurement

As outlined in Section 8.0 there are various methods in which goods and services may be procured. Sections 11.0-17.0 describe the various procurement processes and requirements that the Board may participate in.

11.0 Cooperative Purchasing

11.1 The Board may participate in procurement activities administered by cooperative purchasing agencies involving school boards and/or government agencies whenever it is in the best interests of the Board to do so. These procurement activities will meet the minimum requirements as set out in this Administrative Procedure.

12.0 Request for Information (RFI) & Request for Expression of Interest (RFEI)

12.1 The Board may at the beginning of an open competitive procurement process issue an RFI or RFEI to gather information.

12.2 An RFI is a method to gather general supplier and product information. An RFI may contribute to the final version of a subsequent Request for Proposal (RFP).

12.3 An RFEI assists in gathering information about supplier interest in an opportunity or information on supplier capabilities and qualifications. This mechanism may be used to clarify the ability of the supplier community to provide the services or solutions needed.

12.4 An RFI or RFEI must not:

- Be used to pre-qualify a potential supplier;
- Influence the chances of the participating suppliers from becoming the successful proponent in any subsequent opportunity;
- Contain means of evaluating or comparing the collected information;
- Result in the award of work;
- Result in a legal contract with a proponent; and
- Require suppliers to provide proprietary information

13.0 Invitational Competitive Procurement

13.1 The Board must conduct invitational competitive procurement according to the “Procurement Process & Requirements” set out in Section 8.0.

13.2 The Board must invite a minimum of three (3) suppliers to submit a written bid/quote. This documentation must be maintained as per Section 7.0. In instances when less than three (3) bids are received, the Board may proceed to procure goods and services based on those received.

14.0 Request for Supplier Qualification (RFSQ)

14.1 The purpose of an RFSQ is to gather information about supplier capabilities and qualifications in order to narrow the field or potential suppliers for an immediate goods or services need or identify qualified suppliers in advance of expected future competitions.

14.2 An RFSQ may be used for the purpose of a single procurement as the first pre-qualifying stage in a two-stage competitive procurement process (followed by either an RFP, RFT, or RFQ), where only qualified suppliers are invited to participate in the second stage. As a result of this process a pre-qualified supplier list is created.

14.3 An RFSQ must specify the following:

- Type and specifications of goods or services to be provided with a necessary level of detail;
- Upper limits of the value of future awards (i.e. ceiling price);
- Time duration for the pre-qualified supplier list;
- The method(s) and time intervals by which additional suppliers can be placed on the list;
- That any supplier who does not participate in the pre-qualification or does not appear on the list may be excluded from opportunities; and
- Additional language that disclaims any obligation of the Board to call on any supplier to provide goods and services as a result of the pre-qualification.

14.4 An RFSQ may also be used to pre-qualify suppliers who are interested in supplying goods or services to the Board during a specified time period in the future. An RFSQ used for this purpose must contain detailed specifications of goods or

services to be supplied. A Vendor of Record (VOR) arrangement is created as a result of this process.

15.0 Vendor of Record (VOR)

15.1 VOR arrangements must be established through an open competitive procurement process for individual procurements that do not exceed the ceiling price of the VOR arrangement. The ceiling price is the amount over which the Board must conduct procurement using a new open competitive process instead of the VOR arrangement and is determined based on the requirements of each VOR arrangement.

15.2 The Ontario Ministry of Government Services (MGS) has established VOR arrangements that are available to the Board. The Board may utilize VOR arrangements established by MGS to streamline the procurement process.

15.3 Approval must be obtained from an appropriate authority within the Board based on the total estimated value of procurement over the life of the VOR arrangement, including possible extensions (as per Section 9.0) before establishing the VOR arrangement.

15.4 Under VOR arrangements the Board must conduct a second stage of the selection process. The second stage selection process represents the invitational competitive procurement process where suppliers from the VOR are invited to submit a written bid. The minimum number of suppliers to be invited to submit bids is based on the estimated dollar value of procurement (including possible extensions) and is outlined in the schedule below.

Second-stage Selection Process Schedule	
Procurement Value	Minimum Number of Suppliers to be Invited to the Second-Stage Selection
\$0 - \$24,999	1
\$25,000 - \$99,999	3
\$100,000 - \$249,999	5
\$250,000 up to the VOR ceiling	7
More than the VOR ceiling	Open competitive procurement

15.5 Where there are fewer members on the VOR list than in the schedule, all suppliers on the list must be invited to participate.

16.0 Open Competitive Procurement

16.1 In an open procurement a Request for Tender (RFT) or Request for Proposal (RFP) must be issued through the use of a national electronic tendering process.

16.2 All individuals involved in conducting an open competitive procurement and performing procurement analysis must complete a “Non-disclosure Agreement Sign-off” form (Appendix E) and “Conflict of Interest Disclosure Sign-off” form (Appendix D).

16.3 An RFT or RFP must include the following information :

- A description of the needed goods, services or construction in generic and/or functional terms specific to the business needs.
- The term of the agreement and any options to extend. An approval (per Section 9.0) must be obtained before executing any modifications to the term agreement.
- Bid submission date and closing time. The closing date is set on a normal working day, Monday to Friday.
- A clause stating that submissions delivered after the closing time will not be considered.
- A period of irrevocability where bids cannot be withdrawn for a number of days after the closure of the competitive bid.
- A reference number must be contained in the bid document and this reference number must be kept on file.
- Full disclosure of the evaluation criteria, process and methodology and process to be used in assessing submissions, including the method of resolving a tie score. The evaluation criteria are to be altered only by means of addendum to the competitive procurement documents.
- Statement indicating that submissions that do not meet the mandatory criteria will be disqualified.
- Notice that any confidential information supplied may be disclosed by the Board where it is obliged to do so under FIPPA (Freedom of Information and Protection of Privacy Act), or otherwise required by a court of law.



- Notice of bidder or proponent entitlement to a post-award debriefing within 60 days of contract award notification.
- 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.
- Cancellation or termination clauses. Consider contract clauses that permit cancellation or termination at critical stages.

16.4 Bid response time must be a minimum of fifteen (15) calendar days.

16.5 All addenda will be issued at least seven (7) days prior to the closing date; if this is not possible, the closing date should be extended accordingly.

16.6 Bids will not be opened if received after submission deadline and will be returned un-opened.

16.7 Competitive procurement processes require an evaluation team responsible for reviewing and rating the compliant bids. The following are the responsibilities and requirements for the evaluation process.

- 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.
- During the evaluation period, evaluation team members must not communicate with suppliers on matters related to the procurement process unless it is to seek clarification of a bid or to notify the successful supplier.
- Evaluation criteria must be developed, reviewed, and approved by an appropriate authority (per Section 9.0) prior to commencement of the competitive procurement process. Mandatory criteria should be kept to a minimum to ensure that no bid is unnecessarily disqualified.
- Evaluation team members must complete a “Non-disclosure Agreement Sign-off” form (Appendix E) and “Conflict of Interest Disclosure Sign-off” form (Appendix D).

- Evaluation team members must complete and sign an evaluation matrix rating each of the proponents.
- Ensure evaluation team members do not communicate or provide information to bidders from the time the bids are submitted to the date the procurement is awarded (blackout period).
- Everything discussed or documented must be fair, factual, fully defensible, and may be subject to public scrutiny. Evaluations must not discriminate or exercise preferential treatment.
- Selection of the successful proponent must be from the highest evaluation score and meet all mandatory requirements. Alternative solutions will not be evaluated unless asked for in the procurement documents.

16.8 The name of the successful proponent, agreement start/end dates and extension options must be posted electronically in the same manner as the procurement documents were posted.

16.9 The contract must be finalized using the form of agreement that was released with the procurement documents. A written contract signed by both parties must be in place before any goods or services are provided. If required, a letter of intent, memorandum of agreement or 'interim' purchase order may be used while negotiations towards finalizing the contract are taking place.

17.0 Non-competitive Procurement

17.1 The Board should employ a competitive procurement process to achieve optimum value for money. However there are special circumstances that may require the Board to use a non-competitive procurement process.

17.2 Non-competitive procurement may be utilized for procurement of the following:

- Real Property
- Library books, textbooks, and publications
- Projects in which an Ontario government ministry specifies the goods and/or services to be used
- Goods and services that are financed primarily from donations and are subject

to conditions that are inconsistent with this Administrative Procedure

- Goods and services related to cultural or artistic fields and computer software for educational purposes
- Services provided only by any of the following licensed professionals: engineers, land surveyors, architects, accountants, lawyers and notaries
- Financial services respecting the management of financial assets and liabilities, including ancillary advisory and information services, whether or not delivered by a financial institution
- Sole source (Appendix C)
- Single source (Appendix C)

17.3 Non-competitive procurement will also be accepted if a reasonable business case can be made based on one or more of the exception codes in Appendix C. Justification must be documented using the “Non-competitive Approval” form (Appendix B) prior to commencement of a non-competitive procurement and must be approved in accordance with Section 9.0.

18.0 Contract Management

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

18.2 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.

18.3 Ensure expenses are claimed and reimbursed only when the contract explicitly provides for it.

18.4 Scope of work and contract requirements must be properly documented. The terms should include objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements.

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

19.0 Term Definitions

Emergency

Emergencies are defined as circumstances or situations beyond anyone's control which have the potential of affecting the health, life or safety of students or other personnel, or result in undue financial losses. Failure to plan and allow sufficient time for a competitive procurement process does not constitute an unforeseeable situation of urgency.

Requests 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 Tender (RFT)

A document used to request supplier responses to supply goods or services based on stated delivery requirements, performance specifications, terms and conditions. An RFT usually focuses the evaluation criteria predominantly on price and delivery requirements.

Request for Quote (RFQ)

A document similar to an RFT where the Board may describe exactly what needs to be purchased and the evaluation is based solely on price.

Vendor of Record (VOR)

A procurement arrangement that authorizes the Board to select a supplier from pre-qualified supplier(s) through a formal second-stage process, for a defined period, on terms and conditions set out in the VOR arrangement.

Sole Source

The use of a non-competitive procurement process to acquire goods or services where there is only one available supplier for the source of the goods or service.

Single Source

A non-competitive method of procurement of goods and services from a supplier in situations where there is or may be another supplier or suppliers capable of delivering these goods or services.



APPENDIX 'A' - Procurement Business Case

Procurement Business Case Submitted by:

Name: _____ Title: _____

School or Department: _____

Principal Signoff: _____

Description of Goods, Services, Projects and their related benefits etc.

Source of Funding

(i.e. SGF or Board Budget)

Estimated Purchase Value: \$ _____

Project Timelines: _____

Superintendent Pre-Approval *(in principle)*

Name: _____ Signature / Date: _____

Submit to Supervisor of Accounting & Purchasing, Finance Department

Department Impact Analysis & Sign-off

Plant: _____ IT: _____

Health & Safety: _____

Associate Director of Education & Treasurer *(final project approval to proceed)*

Name: Bonnie Norton Signature / Date: _____

Comments:

PURCHASING DEPARTMENT USE ONLY:

Procurement #: _____

Item procured: Good Non-consulting Consulting

Procurement Process: Competitive Non-competitive Board Designated Supplier

Procurement Type: Quote RFQ RFP

Other: _____



APPENDIX 'B' - Non-Competitive Approval Form

Identify non-competitive procurement type: Sole Sourcing Single Sourcing

Item being procured: Goods Non-Consulting Consulting

Location: _____ Your Name: _____ Date: _____

Description of Goods and Services

Specify the exception code (see exception codes on back of form): _____

Justification for exception code (identified in Section 17.0): _____

Procurement Number / Requisition #: _____ Total Procurement Value:
\$ _____

Contract Base Term & Extension:

Name of Recommended Supplier:

Has the Recommend Supplier previously received a non-competitive award? _____

Has the requesting Department previously asked for a non-competitive award? _____

Services: Is there a ceiling on the contract value? Yes No

APPROVAL SIGNATURES (**Required Signatures)

****Department**

Name: _____ Signature & Date: _____

**** Associate Director of Education & Treasurer**

Name: Bonnie Norton Signature & Date: _____

Director of Education (Consulting Services less than \$1,000,000)

Name: John Cameron Signature & Date _____

Board of Trustees (Consulting Services \$1,000,000 and over)

Board Chair: _____ Signature & Date _____

APPENDIX 'C' - Single/Sole Sourcing Approval Form – Exception Codes

<u>Sole Source</u>	<u>Single Source</u>
<p>Where only one supplier is able to meet the requirements of a procurement, the Board may conduct non-competitive procurement in the circumstances listed below (also known as sole source situations) provided that they do not do so for the purposes of avoiding competition between suppliers or in order to discriminate against suppliers:</p> <p>a. To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licences, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;</p> <p>b. Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;</p> <p>c. For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;</p> <p>d. For the purchase of goods on a commodity market;</p> <p>e. For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;</p> <p>f. For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;</p> <p>g. For a contract to be awarded to the winner of a design contest;</p> <p>h. For the procurement of a prototype of a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases;</p> <p>i. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;</p> <p>j. For the procurement of original works of art;</p> <p>k. For the procurement of subscriptions to newspapers, magazines or other periodicals; and</p> <p>l. For the procurement of real property.</p>	<p>The Board may conduct non-competitive procurement in the circumstances listed below (also known as single source situations); provided that they do not do so for the purposes of avoiding competition between suppliers or in order to discriminate against suppliers.</p> <p>a. Where an unforeseeable situation of urgency exists and the goods or services cannot be obtained in time by means of open procurement procedures;</p> <p>Failure to plan and allow sufficient time for a competitive procurement process does not constitute an unforeseeable situation of urgency.</p> <p>b. Where goods or services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;</p> <p>c. Where a contract is to be awarded under a cooperation agreement that is financed, in whole or in part, by an international cooperation organization, only to the extent that the agreement between the entity and the organization includes rules for awarding contracts that differ from the obligations set out in this Administrative Procedure;</p> <p>d. Where construction materials are to be purchased and it can be demonstrated that transportation costs or technical considerations impose geographic limits on the available supply base, specifically in the case of sand, stone, gravel, asphalt, compound and pre-mixed concrete for use in the construction or repair of roads;</p> <p>e. Where compliance with the open tendering provisions set out in this Administrative Procedure would interfere with the entities' ability to maintain security or order or to protect human, animal or plant life or health; and</p> <p>f. In the absence of a receipt of any bids in response to a call for proposals or tenders made in accordance with this Administrative Procedure.</p>

APPENDIX 'D'

Evaluation Team Conflict of Interest Disclosure Template

to be completed by each procurement evaluation team member

In accordance with the Purchasing Administrative Procedure, the Catholic District School Board of Eastern Ontario (CDSBEO) must consider any conflicts of interest during procurement activities.

I have read the Supply Chain Code of Ethics (attached) and understand the expectations for ethical conduct. Consistent with the Supply Chain Code of Ethics, I am capable of identifying a situation that constitutes a Conflict of Interest, such as but not limited to:

1. Engaging in outside employment;
2. Not disclosing an existing relationship that may be perceived as being a real or apparent influence on my objectivity in carrying out an official role;
3. Providing assistance or advice to a particular vendor participating in a competitive bid;
4. Having an ownership, investment interest, or compensation arrangement with any entity participating in the bid process with the organization;
5. Having access to confidential information related to the procurement initiative; and
6. Accepting favours or gratuities from those doing business with the organization.

I agree to abide by the Supply Chain Code of Ethics and the Procurement Policies and Procedures in all of my procurement activities. I declare that there are no actual or potential conflicts of interest arising out of my participation in procurement activities, except for the following:

1. _____

2. _____

Signature

Print Name

Date

APPENDIX 'E'

Evaluation Team Non-Disclosure Agreement Template

to be completed by each procurement evaluation team member

RE: [RFP Number and Title]

I am a participant of the procurement initiative for the Request for Proposal (“RFP”) [**RFP Number and Title**] as an Evaluation Team Member.

I acknowledge that I will acquire certain knowledge or receive certain written or oral information (collectively, the Information) which is non-public, confidential or proprietary to the proponents responding to the RFP. If unauthorized parties receive the Information, the interests of either the proponent or CDSBEO may be severely damaged.

I agree that, unless required by law or in the course of the procurement process, I will keep all the Information confidential. I will not, without the written consent of the CDSBEO reveal or disclose it to anyone. Nor will I use it directly or indirectly for any purpose other than to gather requirements, develop RFP content, evaluate the proposals or advise CDSBEO regarding the selection of the proponent for the procurement initiative.

I further agree not to copy or circulate the Information except as a result of the written direction of CDSBEO. I agree to keep all the procurement documents and templates and written information relating to the RFP in a secure place and to return this documentation to CDSBEO at their written request. I also agree not to initiate or respond to any external inquiry relating to the RFP.

In addition, unless otherwise required by law, or having obtained the written consent of the CDSBEO, I will not disclose to any person (other than persons authorized by CDSBEO) any information about the project and the proposals submitted in response to the RFP. This includes the terms, conditions or other facts relating to the project, the evaluation, the matters discussed by the Evaluation Team and the proposals. This also includes, but is not limited to, the fact that discussions are taking place with respect to these projects and proposals and their status, or the fact that the Information has been made available to me.

I understand and agree that any delay or failure by CDSBEO in exercising its rights, powers or privilege does not free me from these obligations. Nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege there under.

Signature

Print Name

Date