

## SD42 PROCEDURE 4600.1

### PROCUREMENT – METHODS TO ACQUIRE GOODS, SERVICES & CONSTRUCTION

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#### **AUTHORITY TO INITIATE EXPENDITURES**

The Board of Education (“Board”), pursuant to Policy 4203: Budget Planning and Reporting, establishes budgets and delegates to the Secretary Treasurer and the Superintendent the authority to incur expenditures pursuant to those budgets.

Administration through its management structure and allocation of budgets to operational activities delegates to budget managers authority to initiate expenditures.

The Board, through Policy 4410: Travel Expenses, has defined certain types and amounts expenditures to be prohibited, restricted or require special processing or approval to incur.

#### **OBJECTIVES**

Goods, services and construction are to be acquired in a manner which is consistent with the Board’s Principles of Procurement outlined in Policy 4600: Purchasing Goods and Services by simultaneously achieving an appropriate balance between four objectives:

- Servicing operational requirements
- Obtaining maximum value for expenditures
- Processing purchase transactions in an efficient and cost-effective manner
- Providing vendors with reasonable opportunities to seek business

Balance between these objectives is realized primarily, but not exclusively, by varying the extent and formality of acquisition method based on the estimated value.

#### **METHODS TO ACQUIRE GOODS, SERVICES & CONSTRUCTION**

Methods to acquire goods, services and construction include the following:

##### ***Request for Proposals (RFP)***

An RFP is used to invite interested suppliers to submit proposals. Standard RFP documentation is utilized, outlining award criteria, general terms and conditions, specifications, and specific requirements.

##### ***Invitation to Tender (ITT)***

An ITT is used for construction and capital projects and involves issuing a call for tenders with the contract awarded to the lowest-priced bidder meeting all mandatory requirements and specifications.

##### ***Invitation to Quote (ITQ)***

An ITQ is used to acquire goods, or low value/low risk services. ITQ’s invite interested suppliers to submit competitive bids for evaluation. While the school district generally awards contracts to the lowest-priced bidder meeting specifications, the ITQ allows for some flexibility in the selection process other than price (e.g. best delivery lead time).

##### ***Request for Pre-Qualifications (RFPQ)***

An RFPQ is used to pre-qualify vendors such as general contractors, architects, photographers, and engineers. Pre-qualified vendors can then bid on upcoming projects using an invite only RFP or ITQ.

### ***Expression of Interest (EOI)***

An EOI may be used to gauge interest in a project and solicit useful information from suppliers. This process may precede the issuance of an RFP, ITT, or ITQ, and while it may not request market prices, it does not result directly in a contract award.

### ***Direct Award***

A direct award is a contract awarded to a supplier without a competitive process. Though opportunities should be completed to the extent reasonable, a direct award may be issued under the following criteria:

1. the contract is with another government organization or is for services provided by lawyers or notaries;
2. an unforeseeable situation of urgency exists, and the goods, services or construction could not be obtained in time by means of a competitive process;
3. a competitive process would interfere with the Board's ability to maintain security or order or to protect human life or health;
4. the acquisition is of a confidential or privileged nature and disclosure through an open bidding process could reasonably be expected to compromise school district confidentiality, cause economic disruption or be contrary to the public interest; or
5. it can be demonstrated that only one contractor is qualified, or is available, to provide the goods, services or construction, such as in the following circumstances:
  - a. The product or service directly interfaces with or is attach to equipment of the same manufacturer, and no other manufacturers products will correctly and effectively interface with existing equipment.
  - b. The product is to supplement existing equipment for use and operation and must exactly match the existing equipment to provide uniformity for instructional purposes. Uniformity should provide a significant instructional benefit.
  - c. The main purpose for acquiring equipment, supplies or services is to replicate specific outcomes, using the exact products that produced the original results may be necessary.

### **SOLICITATION METHOD SELECTION**

The method of solicitation to acquire goods, services and construction is determined by or in consultation with the school district's Procurement Department and takes into consideration the nature of goods, services or construction being procured, the value and complexity of the opportunity, and the appropriate form of contract. The value includes the estimated fees and expenses for the full duration of the contract including anticipated options for extensions or renewals.

Opportunities should be advertised for competition to the extent reasonable, while ensuring that the cost and time associated with using a competitive process are proportionate to the benefit received. A minimum of three written quotations should be obtained and considered for goods, services, and construction valued at \$10,000 or more, where practical. When it is known that there are fewer than three suppliers who could reasonably be expected to satisfy the need, the number of quotations may be reduced.

If a supplier is to be directly awarded a contract valued at \$25,000 or more without a competitive process, a direct award justification form must be prepared and approved by the Secretary Treasurer or Assistant Secretary Treasurer prior to executing the contract.

When pricing has been established by another government body or purchasing consortium by competitive processes, the Procurement Department may seek approval to "piggyback" off of that contract pricing and apply the resulting prices to school district purchases.

Where a purchase is funded by a Parent Advisory Council (PAC) and they have made their own selection of product that meets the district's standards and terms of business, the purchase may proceed. PACs are encouraged to work with the schools to contact the Procurement Department when contemplating the purchase of equipment, supplies or services in order to gain the benefit of district experience and economies of scale in procurement and to minimize the PAC's efforts required to accomplish the purchase.

## **PUBLIC ADVERTISEMENT CONSIDERATIONS**

In accordance with [New West Partnership Trade Agreement](#), Procurement solicitations with an estimated value of \$75,000 or more for goods and services and \$200,000 or more for construction will be posted openly on Province of British Columbia's BC Bid Portal ([www.bcbid.gov.bc.ca](http://www.bcbid.gov.bc.ca)) unless it is open to only pre-qualified vendors established by an RFPQ or criteria for a direct award is met.

The school district should issue a Notice of Intent (NOI) on BC Bid in situations when it intends to direct award a contract in excess of the above value thresholds for an open competitive process for which it is believed that only one contractor is qualified or available to meet the need. The NOI will disclose why the direct award is being contemplated, why it is justified, and will invite suppliers to challenge the potential direct award. If a challenge is received pursuant to a NOI, the school district will assess whether the challenge is justified and whether a competitive process should be undertaken.

## **COMPETITIVE BIDDING AND EVALUATION PROCESS**

Refer to Procedure 4600.3: Competitive Bidding and Evaluation.

## **CONTRACT TYPES**

Contracts must be in writing and prepared using school district templates approved by the Secretary Treasurer or designate, which include:

- Contract for Services (CFS)

This short-form agreement is suitable for low-value (less than \$10,000) service agreements, such as for guest speakers and after-school programming.

- General Services Agreement (GSA)

The GSA is intended for all other service-related contracts, including high-value and multi-year agreements.

- Purchase Orders

Purchase orders should be issued for all goods and services, except for purchases allowed through a district purchasing card, Amazon Business and general office supply vendor online purchase accounts, or purchases being charged to school-based budgets. In most cases, purchase orders follow an executed agreement for services. For the supply of goods, a purchase order is used as the contract.

Other forms of contracts, including vendor-provided contracts, may only be used if approved by the Secretary Treasurer or designate.

Contracts must be signed:

- before services or construction commence or goods are delivered; or
- in the case of an unforeseen emergency, as soon as possible thereafter.

## **APPROVAL OF CONTRACTS**

The preparation and signing of contracts for the acquisition of goods, services, and construction, is usually coordinated by the Procurement Department. Once the content of the contract is approved by the designated signing authority of the school district, the contract is issued to the supplier for signing by their authorized representative, then returned to the school district for final signature.

Notwithstanding the above, authority to execute certain standardized construction agreements may be further delegated by the Secretary Treasurer where such agreements are based on industry-standard forms and have been approved through a Board-authorized procurement process.

All contracts for the acquisition of goods, services, and construction, must be signed by the Secretary Treasurer or designate. The Secretary Treasurer has designated signing authority under this procedure as follows:

<b>Contract Value</b>	<b>Designated Signing Authority</b>
Up to \$25,000	Manager, Procurement Services
Up to \$100,000	Assistant Secretary Treasurer

### ***Standardized Construction Agreements***

The Secretary Treasurer delegates authority to the Director of Facilities to sign standardized construction agreements, including Canadian Construction Documents Committee (CCDC) forms such as CCDC 2, provided that all of the following conditions are met:

- the contract form is an industry-standard agreement and is only amended to:
  - incorporate the applicable Risk Provisions required by the BC Schools Protection Program; and
  - for CCDC 2 contracts, incorporate the most current version of the applicable BC Documents Committee (BCDC) Supplementary Conditions.
- the contract award has been approved by the school district in accordance with procurement procedures
- the contract value is within the approved budget for the related capital project
- there are no material deviations from the tender or award terms

Any construction agreement that includes material amendments, supplementary conditions beyond standard schedules, or terms that vary from the approved form must be signed by the Secretary Treasurer or designate.

Execution of contracts under delegated authority does not alter requirements for Procurement Department coordination or pre-execution review of contract form and compliance with this procedure.

## **PURCHASE REQUISITIONS**

Employees are required to prepare and authorize a purchase requisition when a contract and/or purchase order are needed to specify unique product requirements or standard products published in District catalogues.

The Procurement Department reviews all requisitions to ensure product standards are acceptable, terms of business are appropriate and required pricing activities are conducted before a purchase order is issued to the supplier. Purchase Orders may be issued as either regular Purchase Orders or Blanket Purchase Orders (which enable a series of purchases to be made but must not circumvent requirements for pricing activity).

## **PURCHASING CARDS (P-CARDS)**

District Purchasing Cards are credit cards issued by the school district to designated employees to conduct convenient and simplified purchasing and payment activities for uses authorized within the purchasing card manual made available to cardholders. Examples of purchases that are allowable on P-Card are travel, memberships, and professional development.

**APPROVED: February 8, 2017**

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