



Administrative Procedure 3060

Purchasing Authority

Board Governance Policy Cross Reference: [1](#), [9](#), [15](#)

Administrative Procedures Cross Reference:

Form Cross Reference:

Legal/Regulatory Reference:

[Public Schools Act](#)

Date Adopted: December 2011

Amended: December 2017

The Brandon School Division declares its belief to seek maximum educational value for each dollar expended. The purpose of the purchasing procedures is to serve the educational program by providing the necessary supplies, equipment and services. The purchasing functions shall take place under the authority and responsibility of the Office of the Secretary-Treasurer in accordance with this policy and the requirements of the *Public Schools Act*.

Opportunity shall be provided to all responsible suppliers to do business with the Division. In this regard, the Division may take into consideration the past performance of a company as it pertains to such areas as the procurement of goods, the quality of goods provided and the satisfaction of service.

Purchasing Authority

Purchasing, on behalf of the Division, shall be carried out in accordance with the *Board Fiscal Management Policy*, under the direction of the Secretary-Treasurer or by one to whom this responsibility has been delegated (Designate).

The Secretary-Treasurer or Designate may delegate authority to schools or departments to make necessary day-to-day small purchases. These purchases shall be made on Division purchase orders, contain an appropriate authorizing signature and be in accordance with the Division procedures and practices.

Purchases must be within the limits of the current budget or have the prior approval of the Superintendent/CEO and/or Secretary-Treasurer.

Tenders/Request for Proposals

Subject to Section 70 of *Public Schools Act*, all expenditures for provision of goods and/or services exceeding \$50,000 (before taxes) shall be made by public tender. Furthermore, tenders for goods and/or services regardless of dollar value may be made when, in the opinion of the Secretary-Treasurer or Designate, it is to the advantage of the Division to do so and when one or more of the following exceptions do not apply:

- where goods and services are available only from one or two sources;
- where goods must be compatible with existing equipment;
- when emergency situations require immediate availability of goods or services.

Tenders shall be made according to accepted tendering procedures which shall include:

- appropriate advertising sufficiently in advance of closing dates;
- definitely stated closing dates and adherence to those dates;
- detailed specifications for goods and/or services required;
- written tenders to be received by the office of the Secretary-Treasurer.

Summaries and recommendations on all tenders exceeding \$50,000 (before taxes) shall be presented to the Finance and Facilities Committee for approval of recommendation to the Board of Trustees.

Tenders meeting specifications will generally be awarded to the lowest compliant bidder. All general conditions of the tender must include a privilege clause which includes the words "lowest/highest or any tender not necessarily accepted." The Division may wish to seek legal counsel for an appropriate privilege clause depending on the nature of the tender.

All goods and services purchased by the Division shall be standardized whenever possible to be consistent with the educational goals of the Division and in the interests of economy and efficiency. The Secretary-Treasurer or Designate will monitor purchase orders for adherence to established purchasing procedures.

At all times these purchases must be within the approved budget.

Non-Tendered Purchases

When necessitated by the exceptions to tendering stated above, non-tendering procedures shall be as follows:

- **Proposals**
Requests for proposals for goods and services shall be allowed when the Division cannot provide its own specifications and because of this is required to request a proposal from suppliers.
- **Quotations**
Requests for quotations for supplies and services shall be utilized when there are few identifiable sources able to meet the request or when there are a number of individual items of low value pertaining to one project.

All goods and services purchased by the Division shall be standardized whenever possible to be consistent with the educational goals of the Division and in the interests of economy and efficiency. The Secretary-Treasurer or Designate will monitor purchase orders for adherence to established purchasing procedures. At all times these purchases must be within the approved budget.

Definitions

- **Advertisement for Tender**
a solicitation advertised with a newspaper or other publication on the Division website, and/or on the Merx Site, seeking proposals for providing products or services to the Division, or for purchasing assets of the Division.
- **Tender Documents**
any documents including, without limitation, plans, reports, specifications, requirements, or other information made available to all potential Bidders on request and not forming part of the Request for Proposal or Advertisement for Tender, but being incorporated by reference into the Request for Proposal or Advertisement for Tender
- **Request for Proposal (RFP)**
a request for proposals published with a newspaper or other publication on the Division website, and/or on the Merx Site, seeking proposals from bidders for providing products or services to the Division, or for purchasing assets of the Division.

- **Tender**
that portion of the Tender Documents which must be completed or provided by the Bidder and delivered by the time and date set out for receipt of Tenders, to constitute a compliant Tender and include the Tender Form, Bid Security, Consent of Surety and any additional documents that may be requested.
- **Quotations**
a request for supplies, services or purchasing assets for the Division when there are few identifiable sources able to meet the request or where there are a number of individual items of low value.
- **Bid**
a proposal submitted to the Division in reply to a Request for Proposal (RFP) or Advertisement for Tender initiated by the Division.
- **Substantial Compliance**
the Bid meets the requirements set out in the RFP or Advertisement for Tender and as set out in the Compliance Checklist and any irregularities are not of material significance, or fall within any exceptions provided for in the RFP, the Advertisement for Tender or the Tender Documents.
- **Non-Compliant**
the Bid fails to meet the requirements as set out in the RFP or Advertisement for Tender or Tender Documents as set out in the Compliance Checklist in a material way that cannot be excused by any exceptions in the RFP, the Advertisement for Tender or the Tender Documents.

Process

The process for evaluating bids shall include the following steps:

1. **Receipt of the Bid on or before the deadline as set in the Tender or RFP**
 - a. All bids shall be received by the time and on the date specified in the RFP or Tender in order to be considered.
 - b. Upon receipt of each and every bid, the bid envelope or package shall be date stamped and the time of receipt marked on the envelope to the minute.
 - c. Any bid received after the bid deadline shall be returned to the proponent unopened but with the receipted time clearly marked on the package.

2. Opening of Tenders

Tenders will be opened by the Secretary-Treasurer or Designate and appropriate supervisor or Assistant Secretary-Treasurer.

3. Assessment for Compliance

- a. The Assistant Secretary-Treasurer shall prepare a compliance checklist for each tender or RFP in advance of the bid deadline. The checklist shall include all items which the Division has mandated in its tender documents, RFP or advertisement for tender, as being required for a compliant bid.
- b. The Secretary-Treasurer/Designate and the appropriate supervisor or Assistant Secretary-Treasurer who will be evaluating the bids, shall at a mutually convenient time in advance of the meeting where the bids will be considered will meet to open each sealed bid and check each bid for compliance using the compliance checklist. Any bid which is non-compliant shall be rejected and clearly marked "Non-Compliant".
- c. Any bid which substantially complies shall be accepted and any irregularities deemed immaterial noted on the checklist.
- d. The compliance checklist shall be attached to each and every bid whether compliant or not, and shall be initialed by the Secretary-Treasurer/Designate and the supervisor or Assistant Secretary-Treasurer.
- e. Compliant bids shall be reproduced in sufficient quantity for each member of the committee evaluating the bids.
- f. In the event that the bids are not being reviewed by a committee or the consideration of the bids falls within the discretion of the Secretary-Treasurer and/or Superintendent/CEO, the bids shall be opened in the presence of the Secretary-Treasurer/Designate and the Assistant Secretary-Treasurer.

4. Evaluation of the Bid at the meeting of the Committee

- a. The persons who will be evaluating the bids shall meet and each member of the committee shall be furnished with a package containing complete copies of each bid.
- b. The packages may be distributed in advance of the meeting provided that all packages are marked "Confidential".

- c. The persons opening the bids shall evaluate each bid using the criteria or matrix established at the time that the tenders/RFP were prepared.
 - d. Upon completion of the evaluation process the persons which have evaluated the bids may make the following recommendations to the Finance and Facilities Committee:
 - i. To accept a particular bid; or
 - ii. Provided a privative clause was included in the tender or the RFP, a recommendation that all bids be rejected.
 - e. The Secretary-Treasurer/Designate shall prepare a report to the Finance and Facilities Committee for all tenders/RFP of \$50,000 (before taxes) or more which sets out in summary a description of each Bid and the basis for the recommendation.
 - f. The Secretary-Treasurer shall forward the Finance and Facilities Committee recommendation to the Board of Trustees for consideration at their next meeting.
5. Award or Rejection of Bids
- a. The Board of Trustees shall consider the recommendation of the Finance and Facilities Committee and may choose from the following options, subject to the terms of the tender, RFP or advertisement for tender:
 - i. To accept the recommendation of the Committee and award the contract to the successful Bidder; or
 - ii. To reject the recommendation of the Committee and ask that the Committee reconsider the proposals; or
 - iii. To reject any or all Bids.
 - b. Once a determination has been made by the Board of Trustees, the Assistant Secretary-Treasurer shall notify each bidder as to the outcome in writing.