



Annapolis Valley Regional School Board

Administrative Procedure – AP 200.1

Tendering & Purchasing

Department: Finance

Section: Departments of Finance and Operations

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Section 1 - Purpose and Objectives

1. The objective of the procurement administrative procedure is to establish and maintain a high level of confidence in the Annapolis Valley Regional School Board (AVRSB) procurement process by providing for the procurement of goods, services, construction and facilities in a fair, open, consistent, and transparent manner resulting in best value.
 - 1.1. In this regard, the AVRSB will adhere to:
 - 1.1.1. the *Public Procurement Act*;
 - 1.1.2. the Province of Nova Scotia Policy on Sustainable Procurement;
 - 1.1.3. the Atlantic Procurement Agreement; and
 - 1.1.4. the AVRSB Procurement Policy.
2. The AVRSB is committed to supporting our environment, economy and society through sustainable procurement whenever this can be practiced within our existing procurement principles by:
 - 2.1. Encouraging competition, innovative ideas and solutions, while respecting all Legislative and Trade Agreement obligations;
 - 2.2. Ensuring that qualified suppliers have reasonable notice and opportunity to bid on the AVRSB's procurement activity; and
 - 2.3. Being accountable for procurement decisions.

Section 2 – Definitions

1. For the purposes of this administrative procedure, the following definitions are provided:
 - 1.1. **AVRSB General Terms & Conditions:** General instructions that support RFxes issued by AVRSB for goods, services and construction. (The term RFx is used to indicate the various types of procurement instruments as detailed in Table 1).
 - 1.2. **AVRSB Personnel:** Refers to any person directly employed by the AVRSB or who is affiliated with the AVRSB as it relates to this administrative procedure.
 - 1.3. **MASH Sector:** The term MASH Sector refers to publicly funded municipalities, academic institutions, school boards, and hospitals. The MASH Sector is responsible for following the procurement policies established by the Provincial government.
 - 1.4. **Best Value:** Evaluating RFx submissions not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing, and the capacity of the supplier to meet other criteria as stated in the RFx documents.
 - 1.5. **Construction:** The construction, reconstruction, demolition, repair, or renovation of a building, structure, road or other engineering or architectural work, excluding the

professional consulting services related to the construction contract unless they are included in the procurement.

- 1.6. Construction Contract Guidelines:** Standard instructions developed in consultation with the Construction Association of Nova Scotia that support construction tenders.
- 1.7. Evaluation Criteria:** Evaluation criteria are the standards and measures used to determine how satisfactorily a proposal has addressed the requirements identified in an RFx opportunity. Once basic evaluation criteria are identified, it must be determined which criteria will be mandatory and which will be weighted/ranked.
- 1.8. Goods:** Materials, furniture, merchandise, equipment, stationery, and other supplies required by the AVRSB for the transaction of its business and affairs and includes services that are incidental to the provision of such supplies.
- 1.9. Life Cycle Costing:** A type of analysis that goes beyond the purchase price and also considers the costs of items such as shipping and packaging, disposal of packaging, energy use, maintenance, warranty, parts and repairs, consumable supplies, disposal, training, etc.
- 1.10. Mandatory Criteria:** Suppliers either meet or do not meet the criteria. A points system is not associated with mandatory criteria. Mandatory criteria are those elements that establish the basic requirement of the RFx.
- 1.11. Weighted Criteria:** Weighted criteria, in contrast to mandatory criteria represent “nice to have” or “desirable” features, which add value or functionality to the proposal being made. With weighted criteria, the relative importance of each criterion to the overall requirement and to the other criteria must be determined. For each weighted criterion it must also be decided if a mandatory requirement is associated with it. In such a case the criterion is made up of two elements: a mandatory requirement (pass/fail) and a desirable/weighted factor, which applies to features and functionality desired over and above the mandatory requirement and on which the AVRSB wishes to place additional consideration and value. Weighted criteria values must be included in the RFx documents when issued.
- 1.12. Procurement Activity:** The acquisition of all goods, services or construction procured by purchase, contract, lease, or long-term rental.
- 1.13. Procurement Value:** The value of the total contract excluding taxes but including all options whether exercised or not.
- 1.14. Procurement Web Portal:** The public websites, maintained by the Province of Nova Scotia and the AVRSB where public tender notices are posted.
- 1.15. Public Advertisement:** Advertising a public tender notice on the procurement web portal and the AVRSB Tenders page.

- 1.16. Public Procurement Act (PPA):** An Act outlining the rules related to the procurement activity of all public sector entities in the Province of Nova Scotia.
- 1.17. Public Request for x (RFx):** Procurement for goods, services, or construction obtained through public advertisement. (See Table 1 for an outline of the various tools that can be used for public RFx.) RFx – Includes Tenders, Request for Proposals, Invitations to Quote, Requests for Quotations and any other applicable solicitation.
- 1.18. Public RFx Notice:** Notice of intended procurement for goods, services, or construction obtained through public advertisement.
- 1.19. RFx Submission:** A supplier response to a public RFx notice to provide goods, services or construction.
- 1.20. Services:** Services required by the AVRSB for the transaction of its business and affairs, excluding services provided by an employee through a personal services contract.
- 1.21. Supplier:** A person or company who, based on an assessment of that person's or company's financial, technical, and commercial capacity, is capable of fulfilling the requirements of a procurement and includes a person or company who submits an RFx for the purpose of obtaining a contract.
- 1.22. Standing Offer:** A standing offer is a contractual arrangement with a supplier to provide certain goods or services on an "as required" basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.
- 1.23. Sustainable Procurement:** Sustainable Procurement involves taking a holistic approach to obtain best value. This could be achieved by integrating one or more of the following considerations in the procurement process as appropriate:
- 1.23.1.** Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction
 - 1.23.2.** Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy
 - 1.23.3.** Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.
- 1.24. User Department:** Any department, office, school, etc., whom compliance to this administrative procedure is required.

Section 3 – Application

1. The AVRSB Director of Finance is responsible for ensuring compliance with this administrative procedure.
2. This administrative procedure applies to all AVRSB personnel, in any location, who may be involved in purchasing, recommending for purchase, or receiving any goods, services, or construction projects on behalf of the AVRSB.
3. All AVRSB personnel who have responsibility for the procurement of goods, services, or construction must adhere to this administrative procedure. Failure to adhere may result in a temporary or permanent loss of procurement privileges or in more extreme cases result in disciplinary action up to and including dismissal.
4. It is the responsibility of the Coordinator of Procurement to implement this Administrative Procedure.
5. Notwithstanding, the Procurement administrative procedure for sourcing may not apply to activities such as, the following expenditures:
 - 5.1. Student yearbooks;
 - 5.2. Student photography;
 - 5.3. School-branded clothing and accessories; does not include team apparel; and
 - 5.4. Student travel.

Section 4 – Financial and Procurement Authority

1. **Financial signing authority,**
 - 1.1. User departments have been delegated authority to approve the expenditure for goods, services or construction within their approved budget allocation. As part of this delegated authority, user departments are responsible for ensuring compliance to this administrative procedure.
2. **Procurement signing authority,**
 - 2.1. Final signing authority is assigned to AVRSB personnel within the Procurement Division process for all procurement transactions and to ensure that all purchases are conducted in accordance to the administrative procedure.

Section 5 – Purchasing Thresholds

Note: All purchases above \$1,000.00 require a Requisition Release form to be submitted to the Procurement Division with the following exceptions:

Aggregated Individual Purchases – Individual purchases of less than \$1,000 made at different times but paid for collectively or the collective purchases of a group of individuals. Such as arena ice time, referee fees for sports competition, book fairs or fund raising sales (Splitting larger purchases into smaller components would not be exempt).

Flow Through Payments – Cheques written to remit the funds collected for third party fundraisers such as Jump Rope for Heart and the Terry Fox Walk/Run.

Procurement spending is divided into two spending categories:

1. Operational Procurement

- 1.1. Goods up to and including \$20,000.00
- 1.2. Services up to and including \$30,000.00
- 1.3. Construction up to and including \$50,000.00
- 1.4. For all operational procurement activity with a procurement value as outlined above (excluding taxes), AVRSB personnel are expected to, as far as practicable, obtain at least three quotes and award to the supplier offering best value.
- 1.5. Exceptions may include Alternative Procurement Practices as outlined in section 7.0 of this administrative procedure, or is accessing a publicly tendered standing offer or for purchases with a procurement value of less than \$1,000.00. Exceptions must be referred to the Coordinator of Procurement prior to the transaction being processed.
- 1.6. When selecting suppliers to be provided the opportunity to quote, AVRSB personnel will make every effort to ensure a fair and open process is followed and submissions are to be evaluated on a consistent and equitable basis. Where increased competition is appropriate, AVRSB personnel may choose to publicly tender for goods, services, or construction that fall within the above thresholds.

2. High Value Procurement:

- 2.1. Goods over \$20,000.00
- 2.2. Services over \$30,000.00
- 2.3. Construction over \$50,000.00
- 2.4. All procurement activity with a procurement value over the thresholds (excluding taxes) outlined above must be obtained through a public RFX. See Table 1 of this administrative procedure for an outline of some of the various tools that can be used for public RFX. The only exception to this would be when AVRSB personnel are using an Alternative Procurement Practice as outlined in section 7.0 of this administrative procedure, or is accessing a publicly tendered standing offer.
- 2.5. All high value public tender opportunities must be posted on the Province of Nova Scotia Procurement Web Portal and AVRSB web tender website.

- 2.6. AVRSB personnel may wish where appropriate to also advertise in local, provincial, or national media; however, there is no obligation to do so.
- 2.7. In addition, a notice of RFX opportunity may be sent to selected suppliers where required to ensure an adequate degree of competition.

Section 6 – Procurement Cards (P-card)

1. The AVRSB P-card program is an efficient, cost-effective method of purchasing and payment for small-dollar transactions. The program is designed to replace a variety of processes including petty cash, low-value purchase orders, and approved expense purchases.
2. The program is not intended to avoid or bypass appropriate procurement procedures and policies. Rather, the program complements these processes. Therefore, P-card transactions shall adhere to this administrative procedure (See AVRSB Procurement Operating Procedures for additional detail).

Section 7 – Alternative Procurement Practices

1. In order to balance the need for open, competitive process with the demands of urgent or specialized circumstances, the Province of Nova Scotia had developed Alternative Procurement Circumstances. These circumstances must be used only for the purposes intended and not to avoid competition or used to discriminate against specific suppliers. To ensure appropriate use, each circumstance must be documented by AVRSB personnel stating the rationale permitting the Alternative Procurement Circumstance, and using the Requisition Release Form signed by the Coordinator of Procurement, or designate. All documents must be filed and maintained for audit purposes. Additional details are located within the Province of Nova Scotia Procurement Policy.

Section 8 – RFX Submission Opening, Evaluation and Award

1. RFX Submission Opening

- 1.1. RFX submissions are accepted in accordance with the closing time, date, and place stipulated in the RFX documents. For public RFX openings sealed RFX submissions are opened in the presence of one or more witnesses, at the time and place specified in the RFX. A list of bidders can be requested after any RFX opening.

2. RFX Submission Evaluation

- 2.1. All RFX responses are subject to evaluation after opening and before award of contract. The RFX solicitation documents clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this administrative procedure, and the weights assigned to each criterion.

3. Award

- 3.1. The winning RFX submission and contract award amount for all high value procurement activity must be posted on the Province of Nova Scotia's Procurement Web Portal after

contracts have been awarded. Routine access to information at the vendor's request shall be provided in the following areas:

- 3.1.1. Bidders' list.
- 3.1.2. Name of winning bidder.
- 3.1.3. Award price excluding taxes of the winning bidder (not unit prices).

Note: Access to RFX documents or other proprietary information is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

4. Supplier Debriefing

- 4.1. At the request of a supplier who submitted an RFX submission, AVRSB personnel will conduct a supplier debriefing session to provide feedback on the evaluation of the public RFX. Suppliers can find out how their RFX submission scored against published criteria, obtain comments on their RFX submission, and gather information on how future submissions may be improved. Supplier's RFX submission are not compared to other submissions, nor will information on other submissions be provided.

5. Supplier Complaint Process (SCP)

- 5.1. When a supplier is not satisfied with the information provided in a supplier debriefing, the supplier may file a complaint in accordance with the Supplier Complaint Process as defined in the *Public Procurement Act*. The SCP is not a dispute resolution process, but rather is intended to handle supplier complaints and to improve faulty or misleading procurement processes. The SCP is an integral part of a fair and open procurement policy.

Section 9 – Other Considerations

1. Cooperative Procurement

- 1.1. AVRSB personnel are encouraged to look for opportunities to collaborate with government agencies including the Nova Scotia School Boards Association (NSSBA) Central Purchasing Group when the arrangement may result in overall cost savings or other advantages. For example, joint procurement may be appropriate to procure commonly used goods, services, fuel oil, natural gas, telecommunications, etc.

2. Standing Offers

- 2.1. AVRSB personnel may access all Province of Nova Scotia standing offers, as well as any standing offer established through other MASH Sector entities, and NSSBA Central Purchasing.

Section 10 – Obligations under the *Public Procurement Act*

- 1. In addition to the areas already covered by this administrative procedure, the following are additional obligations of the *Public Procurement Act* that the AVRSB personnel are required to adhere to with their Procurement practices.

1.1. Terms and Conditions

1.1.1. Every public tender notice must include or have attached the terms and conditions that govern the purchase of goods, services, construction, or facilities. The terms and conditions of every public tender notice must be consistent with the Atlantic Standard Terms and Conditions for the procurement of goods, services, or facilities and the Construction Contract Guidelines developed in collaboration with the Construction Association of Nova Scotia for the procurement of construction.

1.2. Posting Tender Notices and Award

1.2.1. All opportunities subject to a public tender must be advertised on the Province of Nova Scotia Procurement Web Portal. AVRSB personnel must also post on the Procurement Web Portal the name of the successful bidder for the public tender and the contract amount awarded.

1.3. Code of Ethics

1.3.1. AVRSB personnel must ensure their conduct in relation to procurement activity is consistent with the “duties of public sector entity employees” in the *Public Procurement Act*. This includes a request for removal from a procurement activity when a conflict of interest is perceived.

1.4. Other

1.4.1. Administrative Procedure Posting

1.4.1.1. AVRSB personnel will ensure this administrative procedure is posted on the AVRSB web site.

1.4.2. Supplier Development Activities

1.4.2.1. AVRSB personnel will make every effort where appropriate to participate in vendor outreach activities as requested by the Procurement Governance Secretariat.

1.4.3. Regulations

1.4.3.1. AVRSB personnel will make sure that procurement practices remain consistent with any regulations that are adopted under the *Public Procurement Act*.

Section 11 – Amendments

1. This administrative procedure may be amended as required with the approval of the Superintendent of Schools. Such amendments will be communicated via the AVRSB website.

Table 1 – Procurement RFx Types

Below is an outline of some of the various tools available for use when issuing a public RFx:

Tender:	Suppliers are invited to submit a sealed response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents.
Request for Proposal (RFP):	Used when a supplier is invited to propose a solution to a problem, requirement, or objective. Suppliers are requested to submit detailed proposals (bids) in accordance with predefined evaluation criteria. The selection of the successful proposal is based on the effectiveness, value, and price of the proposed solution. Negotiations with suppliers may be required to finalize any aspect of the requirement.
Request for Construction (RFC):	Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
Invitation to Quote (ITQ) / Request for Quotation (RFQ):	An invitation to quote for goods or products with a minimum specification. Award is usually made based on the lowest price meeting the specification. An RFQ does not normally but may sometimes include evaluation criteria.
Request for Standing Offer (RSO):	A public tender to provide commonly used goods or services. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. RSOs may include evaluation criteria depending on the requirement.
Request for Expression of Interest (REI):	The Request for the Expression of Interest is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.

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