

COMMUNITY LIVING BRANT
POLICY AND PROCEDURE MANUAL

SUBJECT: Procurement	POLICY NO.: 4.12 PAGE 1 of 8
FILE UNDER SECTION: 4	EFFECTIVE DATE: January 2012 REVISION DATE: September 2024 This is a MCCSS Directed Policy required to be reviewed for the agency's Risk Assessment by the Ministry. Latest review date by Senior Management: September 2024

POLICY:

This Policy includes the requirements that are set out in the Broader Public Sector (BPS) Procurement Directive (January 1, 2024). Community Living Brant shall follow a procurement process that allows for the achievement of value for money and is fair and transparent.

Community Living Brant shall conduct procurement activities according to the law in Ontario, including contract law, the law of complete processes, privacy legislation, accessibility legislation, and other legislation as may be applicable.

PURPOSE:

The purpose of this Policy and Procedure is:

- To ensure that publicly funded goods and services, including construction, consulting services and information technology are acquired through a process that is open, fair, and transparent
- To outline responsibilities throughout each stage of the procurement process
- To ensure that procurement processes are managed consistently

SCOPE:

The policy refers to the expenditure of public funding received by Community Living Brant and applies to:

- Employees
- Board of Directors
- Volunteers/Students
- Community Living Brant Members

PRINCIPLES

This Policy and Procedure is based on five key principles:

- **Accountability**—Community Living Brant is accountable for the results of its procurement decisions and the appropriateness of the processes.

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- Transparency—Community Living Brant aims to be transparent to all vendors. Wherever possible, vendors must have equal access to information on procurement opportunities, processes, and results.
- Value for Money—Community Living Brant shall maximize the value they receive from the use of public funds. A value-for-money approach aims to deliver goods and services at the optimum total lifecycle cost.
- Quality Service Delivery—Services provided by Community Living Brant must receive the right product, at the right time, in the right place.
- Process Standardization—Standardized processes remove inefficiencies and create a level playing field.

SUPPLY CHAIN CODE OF ETHICS:

To ensure an ethical, professional and accountable supply chain, Community Living Brant shall follow the following Code of Ethics:

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 Community Living Brant, suppliers and vendors. 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.

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 funding. All participants must ensure that public sector resources are used in a responsible, efficient and effective manner.

Compliance and Continuous Improvement:

Individuals involved with purchasing or other Supply Chain activities must comply with these 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.

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SEGREGATION OF DUTIES:

Segregation of Duties prevents any one person from controlling the entire procurement process. The five typical functional procurement roles that require approval are requisition, budgeting, commitment, receipt, and payment. At least three of the five procurement roles must be segregated. Where segregation is not feasible, adequate compensating controls shall be implemented.

APPROVAL AUTHORITY:

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

The overall value of procurement must not be reduced by dividing it into multiple procurements in order to circumvent the approval requirements.

Goods and Non-Consulting Services:

Procurement Value (not including taxes)	Procurement Method	Approval Authority
\$0 up to but not including \$100	Petty Cash/and or Agency Credit Card	Supervisor
\$100 up to but not including \$1,000	Purchase Order/and or Agency Credit Card	Supervisor
\$1,000 up to but not including \$5,000	Purchase Order/and or Agency Credit Card	Director
\$5,000 up to but not including \$10,000	Purchase Order	Executive Director
\$10,000 up to but not including \$25,000	Invitational Competitive (minimum of 3 qualified suppliers invited to bid)	Executive Director
\$25,000 up to but not including \$121,200	Invitational Competitive (minimum of 3 qualified suppliers invited to bid)	Board of Directors
\$121,200 or more	Open Competitive	Board of Directors

Consulting Services:

Procurement Value (not including taxes)	Procurement Method	Approval Authority
\$0 up to but not including \$25,000	Invitational or Open Competitive (minimum of 3 qualified suppliers invited to bid)	Executive Director

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\$25,000 up to but not including \$121,200	Invitational or Open Competitive (minimum of 3 qualified suppliers invited to bid)	Board of Directors
\$121,200 or more	Open Competitive	Board of Directors

COMPETITIVE PROCUREMENT PROCEDURES:

The following outlines the steps to be taken in the procurement of goods, non-consulting services, and consulting services:

1. Planning—
 - Determine what goods and services are necessary to meet business requirements
 - Look at opportunities to create efficiencies to maximize value for money
 - Review potential supply sources
 - Determine appropriate procurement method
 - Determine the necessary approval requirements and when these approvals will be needed
 - Determine the overall time necessary to complete the procurement process

2. 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 procurement opportunity.

3. Supplier Pre-Qualification--A Request for Supplier Qualification (RFSQ) may be conducted to gather information about supplier capabilities and qualifications in order to pre-qualify suppliers for an immediate product or service need or to indentify qualified candidates in advance of expected future competitions. The terms and conditions of the RFSQ document must contain language that disclaims any obligation of Community Living Brant to call on any supplier to provide goods or services as a result of the pre-qualification. This process can be used to develop a Vendor of Record list.

4. Posting Competitive Procurement Documents—Calls for open competitive procurements must be made through an electronic tendering system that is readily accessible by all Ontario and/or Canadian suppliers.

5. Timelines for Posting Competitive Procurements—Community Living Brant shall provide suppliers a minimum response time of 15 calendar days for goods and services valued at

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\$121,200 and up to \$366,800. This shall be increased to 30 calendar days for procurements of high complexity, risk, and/or dollar value and subject to applicable trade agreements.

6. Bid Receipt—The bid submission date and closing time (Monday to Friday, excluding provincial and national holidays) must be clearly stated in competitive procurement documents. Submissions delivered after the closing time must be returned to the supplier unopened.

7. Evaluation Criteria
 - Evaluation criteria must be developed, reviewed, and approved by the appropriate authority prior to commencement of the competitive procurement process.
 - Competitive procurement documents must clearly outline mandatory, rated, and other criteria that will be used to evaluate submissions, including the weighting of each criterion.
 - Mandatory criteria (i.e. technical standards) should be kept to a minimum to ensure that no bid is unnecessarily disqualified.
 - Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria.
 - All criteria must comply with Section #12 below.
 - The evaluation criteria can only be altered by means of an addendum to the competitive procurement documents.
 - Suppliers may be requested to provide alternative strategies or solutions as part of their submission. Criteria must be established to evaluate alternative strategies or solutions prior to the commencement of the competitive procurement process. Alternative strategies or solutions can only be considered if they have been explicitly requested in the competitive procurement documents.

8. Evaluation Process Disclosure—Competitive procurement documents must fully disclose the evaluation methodology and process to be used in assessing submissions, including the method of resolving a tie score. Competitive procurement documents must state that submissions that do not meet the mandatory criteria will be disqualified.

9. Evaluation Team—An evaluation team shall be established who will be responsible for reviewing and rating the compliant bids. The size and qualifications of the team shall be appropriate to the complexity and value of the procurement. Each team member must be made aware of the restrictions related to the 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.

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Team members shall sign a conflict of interest declaration and non-disclosure of confidential information agreement.

10. Evaluation Matrix—Each evaluation team member must complete an evaluation matrix, rating each of the submissions. Records of the evaluation scores must be retained for audit purposes. Evaluators must ensure that everything they say or write about the submissions is fair, factual, and fully defensible.
11. Winning Bid—The submission that receives the highest evaluation score and meets all mandatory requirements set out in the competitive procurement documents must be declared the winning bid.
12. Non-Discrimination—Community Living Brant must not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process.
13. Executing the Contract—The agreement between Community Living Brant and the successful supplier must be formally defined in a signed, written contract before the provision of supplying goods or services commences. Where an immediate need exists for goods or services, and Community Living Brant and the supplier are unable to finalize the contract, an interim purchase order may be used. The justification of such decision must be documented and approved by the appropriate authority.
14. Establishing the Contract—The contract must be finalized using the form of agreement that was released with the procurement documents. In circumstances where an alternative procurement strategy has been used (i.e. a form of agreement was not released with the procurement document), the agreement between Community Living Brant and the successful supplier must be defined formally in a signed written contract before the provision of supplying goods or services commences.
15. Termination Clauses—All contracts must include appropriate cancellation or termination clauses. When conducting complex procurements, the use of contract clauses that permit cancellation or termination at critical project life-cycle stages should be considered.
16. Term of Agreement Modifications—The term of the agreement and any options to extend the agreement must be set out in the competitive procurement documents. An approval by the appropriate authority must be obtained before executing any modifications to the term of the agreement.
17. Contract Award Notification—For procurements valued at \$121,200 or more, Community Living Brant shall 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

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supplier and Community Living Brant has been executed. Contract award notification must list the name of the successful supplier, the agreement start and end dates, and any extension options.

18. Supplier Debriefing—For procurements valued at \$121,200 or more, Community Living Brant shall inform all unsuccessful suppliers about their entitlement to a debriefing. This notification shall be in the competitive procurement documents. Unsuccessful suppliers shall have 60 calendar days following the date of the contract award notification to request a debriefing.

19. Contract Management—

- Procurements and the resulting contracts must be managed responsibly and effectively
- Payments must be made in accordance with the 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.
- To manage disputes with suppliers through the life of the contract, Community Living Brant shall include a dispute resolution process in their contracts.
- For services, Community Living Brant shall:
 1. Establish clear terms of reference for the assignment. The terms should include the objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements.
 2. Establish expense claim and reimbursement rules compliant with Policy 4.8 (Expense Reimbursement) and ensure all expenses are claimed and reimbursed in accordance with that policy.
 3. Ensure that expenses are claimed and reimbursed only where the contract explicitly provides for the reimbursement of expenses.

20. Procurement Records Retention—For reporting and auditing purposes, all procurement documentation must be retained for a period of seven years. Community Living Brant shall have a written policy for handling, storing and maintaining suppliers' confidential and commercially sensitive information.

21. Conflict of Interest—Community Living Brant shall monitor any conflict of interest that may arise as a result of employees, volunteers/students, Board of Directors, Members of Community Living Brant, advisors, external consultants, or suppliers involvement with the procurement activities. All involved in the procurement activities must declare actual or potential conflicts of

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interest. Where a conflict of interest arises, it must be evaluated and an appropriate mitigating action must be taken.

22. Bid Dispute Resolution—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.
23. Non-Competitive Procurement—A competitive procurement process should be employed to achieve optimum value for money. However, it is recognized that special circumstances may require the use of non-competitive procurement. Community Living Brant may utilize non-competitive procurement only in situations outlined in the exemption, exception or non-application clauses of applicable trade agreements. Prior to the commencement of non-competitive procurement, supporting documentation must be completed and approved by the appropriate authority (one level higher than the requirement for competitive procurement).

RESOURCES:

The following resources may be used to assist in implementing the Competitive Procurement Procedures:

1. Broader Public Sector Procurement Directive (January 1, 2024), including Appendix B—Building Ontario Business
2. Canadian Free Trade Agreement (CFTA)
3. Canada-European Union Comprehensive Economic and Trade Agreement (CETA)
4. Ontario-Quebec and Cooperation Agreement