



POLICY SECTION: Finance

SUB-SECTION:

POLICY NAME: Purchasing Policy

POLICY NO: F.P. 01

<b>Date Approved:</b> November 2014	<b>Date of Next Review:</b> June 2024	<b>Dates of Amendments:</b> June 2019, October 2022
<p><b>Cross References:</b></p> <ul style="list-style-type: none"> <li>• <del>F.P. 04 Sweatshop Free Purchasing Policy</del></li> <li>• T.01 Conflict of Interest: Trustees</li> <li>• H.M.31 Conflict of Interest: Employees</li> <li>• H.M.33 Acceptance of Hospitality or Gifts</li> <li>• A.24 Credit and Purchase Cards</li> <li>• Broader Public Sector Procurement Directive (2011)</li> <li>• Canadian Free Trade Agreement (CFTA)</li> <li>• Canadian-European Union Trade Agreement (CETA)</li> <li>• <b>International Labour Organization (ILO) – Labour Standards</b></li> </ul>		
<p><b>Appendix</b> Purchasing Procedures Manual</p>		

### Purpose:

The Board is committed to ensuring all goods and services are to be acquired through an open, transparent, fair and competitive process whenever possible in order to obtain maximum value from the expenditure of public funds.

### Scope and Responsibility:

This policy and these regulations and procedures apply to any employee or elected official who is involved in the acquisition of goods and /or services on behalf of the Board.



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**Alignment with MYSP:**

~~Fostering Student Achievement and Well Being~~

~~Achieving Excellence in Governance~~

~~Providing Stewardship of Resources~~

~~Strengthening Public Confidence~~

**Equity – Growing in Knowledge with Justice**

**Apply Catholic social justice to nurture a community focused on equity, diversity, inclusion, anti-racism, and anti-oppression.**

**Policy:**

The Board shall purchase goods and services through a process consistent with the Mission and Vision statements of the Board and with the following objectives:

- (i) to provide a high level of service to all areas of the Board;
- (ii) to provide fair, competitive and transparent business practices for vendors and ensure equal treatment without preference;
- (iii) to obtain all goods and services at the lowest total end-user cost considering price, quality, function and delivery in an efficient, effective manner while maintaining the controls necessary for the expenditure of public funds;
- (iv) to encourage the acquisition of environmentally friendly products and the reduction of the impact of the Board's activities upon the environment.



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The Board of Trustees delegates to the Director of Education the authority to approve the award of all contracts and expenditures up to \$50,000. All other contracts and expenditures greater than \$50,000 must be approved by the Board of Trustees before any money is spent.

**Regulations:**

1. This policy and these regulations and procedures shall apply to any employee or elected official who is involved in the acquisition of goods and /or services on behalf of the Board.
2. All supervisory personnel shall be responsible for ensuring their immediate staff are properly informed of and comply with this policy, its regulations and procedures.
3. All purchasing activities will be carried out in accordance with all applicable Board policies and procedures and any other statutory acts or regulations.
4. Use of Board funds for personal purchases on behalf of an employee, elected official or family member is not permitted.
5. Purchases made without an authorized purchase order/purchase card are not permitted and will be considered an obligation of the person making the purchase and not an obligation of the Board.
6. Employees and elected officials shall not use their authority, influence or office for personal gain or to advance the interest of any particular party and shall seek to uphold and enhance the integrity of all Board business operations.



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7. In accordance with the Education Act, no teacher, supervisory officer or other employee of the Board may promote or sell goods or services for compensation to any board, provincial school or teachers' college, or pupil enrolled therein, except as permitted by the Act.
8. All goods and services are to be acquired through a publicly advertised competitive bidding process whenever possible in order to obtain maximum value from the expenditure of public funds.
9. Any arrangements which might prevent fair competition shall be avoided, in order to ensure open competition among qualified bidders.
10. Lobbying during a competitive procurement call is prohibited. Communication with anyone other than the official point of contact from the time of issuance, up to and including the time of award, is strictly prohibited.
11. A vendor/proponent who violates the lobbying prohibition will be subject to disqualification from the current, and may be disqualified from ~~or~~ future procurements for a period of up to 5 years, at the Board's discretion.
12. Awards will be given to the lowest bidder except where the best interests of the Board are served by accepting other than the lowest price.
13. Where an emergency situation exists, the approval requirements of the Purchasing Policy shall not apply, and administration shall take immediate necessary remedial action.
14. Where feasible, the Board may participate in cooperative purchasing with other school boards and public agencies.
15. Contracts for all goods and services will be limited to a maximum term of five years, **unless otherwise identified by staff and approved by the Board of Trustees**, and renewals will be subject to a public competitive bidding process whenever possible.



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16. Contracts or purchases shall not be divided to avoid the requirements of this policy, its regulations or procedures and the annual or total project cost shall be considered.
17. Use of a sole or single source for an expenditure greater than \$10,000 will require completion of a Sole Source Declaration Form.
18. The Director of Education shall be responsible for the approval of all procurement awards except as noted in this policy and will provide trustees with a list of procurement awards on a regular basis.
19. ~~The Materials Management Department~~ **Procurement Services** shall be responsible for operating a centralized purchasing system for tenders, contracts and purchases and have general oversight of the procurement process and procedures.
20. In accordance with the Broader Public Sector (BPS) Procurement Directive, employees and elected officials involved in the procurement process are subject to a Supply Chain Code of Ethics which requires:
  - Personal Integrity and Professionalism;
  - Accountability and Transparency; and
  - Compliance and Continuous Improvement.
21. Consulting services which are intended to provide expert or strategic advice for purposes of consideration and decision making, must be acquired through a competitive process regardless of dollar value.
22. The Purchasing/Materials Evaluation and Approval Committee, or as otherwise delegated by the Director of Education, will review tenders, proposals and quotations before issue.



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23. **Consistent with its Catholic Values and fundamental commitment to social justice and human rights, the Board shall take all reasonable measures to ensure that goods are acquired from suppliers who produce under just, safe and fair working conditions in accordance with the Labour Standards of the International Labour Organization (ILO).**
24. **Where a supplier is deemed to be non-compliant with the requirements and expectations of the ILO Labour Standards, the Board reserves the right to terminate the contractual relationship, without notice or penalty, at its sole and absolute discretion.**



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**Definitions:**

**Acquisition** means the process for obtaining goods and services.

**Approval** means authorization to proceed with an award for acquisition of goods and/or services.

**Award** means the notification to a proponent of acceptance of a proposal, quotation or tender that brings a contract into existence

**Contract** means a binding agreement between two or more parties.

**Conflict of Interest** means a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity.

**Consultant** means 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.

**Continuous Improvement** means an ongoing process for individuals involved in supply chain policies and practices to improve their supply chain knowledge and skill levels, and to share leading practices.

**Cooperative Purchasing** means the participation of two or more public agencies, in a request for quotation, tender or proposal.

**Delegation** means the assignment of specific responsibilities along with the necessary authority in order to discharge the responsibility properly.

**Emergency Situation** may include but is not limited to situations where a risk to health and/or safety of students, staff, parents, volunteers or in a situation where a risk exists of imminent damage to any of the TCDSB properties or facilities.



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**Lobbying** means an attempt to influence staff or elected officials with respect to decision or outcome related to a procurement activity.

**Procedure** means a set of instructions for carrying out a specific activity and the specific sequence of action.

**Procurement** means the combined functions of purchasing, contract administration and disposal of surplus equipment and supplies.

**Significant Strategic Initiative** is defined as a departure from traditional procurement activities, which has yet to receive Board approval and may commit the Board to long term expenditures based on new evidence or theory requiring a different strategy. This may include first-time partners or a new category of contract.

**Single Source** means the selection of a vendor to provide goods or services without utilizing a competitive process where there is more than one vendor capable of supplying the goods or services.

**Sole Source** means a vendor who due to patent, copyright or proprietary rights limits availability of a good or service.

**Supervisory Personnel** means one who is in charge of a particular department, school or unit and responsible for directing staff behavior.

**Supply Chain Code of Ethics** sets out the basic principles of conduct and defines acceptable behaviours for individuals involved with Supply Chain Activities.

**Vendor** means one who can reasonably be expected to provide satisfactory performance on the proposed contract based on reputation, references, performance on previous contracts, and sufficiency of financial and other resources.





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**Evaluation and Metrics:**

1. Streamlined Approval Process
2. Streamlined Board Agendas
3. **Annual Procurement Plan**