



## AP 515 – PROCUREMENT

### BACKGROUND

The purchase of goods and services for Saskatoon Public Schools shall be conducted in accordance with the most current version and amendments of *The Education Act*, of the Province of Saskatchewan, Board Policy 26: Purchasing and be consistent with the following basic principles:

Best Value	Purchase of goods and services at the best value to the division. Value is defined as the best possible combination of price, suitability, quality, availability, service, related administrative costs, disposal value and all other relevant factors.
Open Competition	Goods and services to be purchased through open competition wherever possible.
Tendering Practices	The tendering practices shall be transparent and shall not discriminate. Competition will be documented on purchases where required. Transparency and non-discrimination will be supported by placing all tendering requirements on a recognized public electronic tendering system.

### DEFINITIONS

1. **Budget Manager** - The specific positions within Saskatoon Public Schools that have been given authority to approve expenditures from specific budgets. In schools, the principal is always the budget manager. A budget manager may delegate their authority but cannot delegate their accountability.
2. **Project Manager** – The specific position within Saskatoon Public Schools that has been given the specific authority to manage specific projects by the budget manager. There is only one project manager assigned per project, to ensure accountability and clarity regarding project process and delivery.
3. **Goods** - Products that consist of tangible, durable or consumable items.
4. **Services** - Outputs that consist of tasks performed by individuals, service providers or consultants.
5. **Construction** – A construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products or materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of the fixtures of a building structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement.
6. **Contract** - A written document outlining terms and conditions for the purchase of goods and services, including rights and obligations of Saskatoon Public Schools and the supplier.
7. **Purchase Order (PO)** - A contract between Saskatoon Public Schools and a supplier for the purchase of goods and services, including rights and obligations of Saskatoon Public Schools and the supplier.



8. **Work Order** – Issued by facilities in place of a PO for construction services. May be issued with a PO to clarify any contact details as required.
9. **Single Source** - A specific supplier is selected to provide goods and services without utilizing a normal competitive bidding process.
10. **Sole Source** - A specific supplier is the only supplier of goods and services that are required.
11. **Emergency Condition** – A condition in which, in the opinion of a budget manager, loss of property, safety concern or operational disruption may occur if immediate action is not taken.
12. **Expected Procurement Value** – The estimated maximum total value of the procurement, taking into account all forms of remuneration to be paid to a supplier, including premiums, fees, commissions and interest, but exclusive of taxes. This does not consider optional renewals when the compulsory part of the contract is of at least one year’s duration.
13. **Formal Tender** - A process where bids are received through a formal competition open to all interested parties. Notice of any tender is posted to a recognized public electronic tendering system and may be advertised locally on Saskatoon Public Schools’ website. Vendors who have participated in previous similar tenders may be contacted but the competition is open to all qualified suppliers.
14. **Formal Quotation** - A process where bids are received by request from qualified vendors or selected contractors. Such quotations are received only up to a specified time and date and are not advertised. Responses are to be given in written format by either facsimile, email, or hard copy. Quotations and list prices will also be accepted if an email is not available from e-commerce sites. Screen shots of these prices would be maintained as documentation in this circumstance.
15. **Informal Quotation** - A more informal process of securing price quotations from selected vendors with no specified closing time and date. Quotations will be accepted by the same means as formal quotations as well as oral quotations (direct meeting with sales representatives or phone calls) but must be documented by the requester.
16. **Request for Proposals** - A request to suppliers to submit proposals for goods and/or services that are innovative. Request for proposals do not tie firms to existing processes or rigid specifications but, rather, encourage new approaches, techniques, and methods for meeting the division’s requirements. Request for proposals can be used in situations where they are more appropriate than formal tenders or formal quotations.
17. **Agreement on Internal Trade** - Annex 502.4 of the Agreement on Internal Trade, containing provisions for municipalities, municipal organizations, school boards and publicly funded academic, health and social services organizations. This includes requirements for tenders to be advertised nationally.
18. **New West Partnership Agreement (NWPTA)** - An accord between the Governments of British Columbia, Alberta and Saskatchewan that creates Canada’s largest barrier-free interprovincial market.
19. **Canadian Free Trade Agreement (CFTA)** - An intergovernmental trade agreement introduced in 2017 to support the free movement of persons, goods, services, and investments within Canada and to establish an open efficient, and stable domestic market.
20. **Canadian-European Union Comprehensive Economic and Trade Agreement (CETA)** – A free trade agreement introduced in 2017 to reduce trade barriers between Canada and the EU.



21. **Group Purchasing Organizations** - Established for Broader Public Sector and MASH entities across Canada, with the specific purpose of reducing procurement cost by leveraging the purchasing power of group buying and saving our members time by simplifying steps to procure. GPO contracts are awarded using a competitive solicitation process and follow the CFTA and NWPTA legislation.
22. **Related Party** – An employee of the division, their direct family members and any corporations or partnerships that they have an ownership interest in.

## PROCEDURES

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### 1. Purchases Under \$5,000 in Value

Schools and offices may obtain goods and services up to a maximum of \$5,000 in value directly from a supplier utilizing the purchasing card (Pcard) program, as outlined in Administrative Procedure 571: Purchasing Card – Commercial Credit Card Program.

Exceptions:

- 1.1. When applicable, schools and offices may choose to submit orders for materials under \$5,000 to procurement services using an online purchase requisition (requisition web) or emailing the request to the procurement services department. procurement services will complete the purchase using a purchase order document.
- 1.2. Occasionally, these exceptions may require Pcard transactions due to e-commerce sites being the most cost effective or only source. Using a Pcard in this case is only done with the approval of the manager: procurement services or designate.

### 2. Purchasing over \$5,000 in Value

Purchases over \$5,000 will be procured, depending on the cost based on the categories defined in section 'Requirements of Open Competition'. Table 1: Purchase of Goods and/or Services, outlines the requirements for the general organization. Table 2: Facilities Department Purchase of Goods and Services and Table 3: Facilities Department Prequalified Consulting Services outline related requirements set specifically for purchases made by the Facilities Department.

The following are general criteria which apply to all purchasing categories/types.

Purchase requests may be submitted to procurement services using the requisition web. This includes all requirements including contracted items listed in the requisition web catalogue system or other goods and services that will require free text to define needs. All requisitions will be subject to the requirements for open competitions listed in this procedure. If a required item is not found in the requisition web or you have any other purchasing requirements these can be communicated by email to procurement services.

If a contract exists with pre-negotiated prices for specific goods and/or services, then these goods and services can be ordered without further competitive bidding requirements.

In some circumstances, the purchasing process may be delegated to other departments. This is to be confirmed with procurement services prior to proceeding. All required documentation must be forwarded or made accessible to procurement services. All public tendering documents should be reviewed by procurement services prior to publication.



**Exceptions:**

The following goods and services do not require tendering under this procedure:

- utilities contracts – due to the nature of these contracts, the fixed price can only be held for a matter of days and the product purchased is a commodity with no differentiation between competitors.
- legal services and insurance – if the purpose of these products is very specialized and/or the urgency does not allow an adequate amount of time for a tender

At the discretion of the chief financial officer, these services may be tendered if it is deemed to be the best interest of the division to do so.

## **CONTRACTS**

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Purchase of goods over \$5,000 in value (or under \$5,000 in value in cases where a Pcard is not used) and with a delivery schedule not exceeding a one-year term will be made using a purchase order as the purchasing document. Saskatoon Public Schools' standard purchase order terms and conditions will apply unless otherwise stated in the document. In some circumstances the Facilities Department will utilize a work order as the purchasing document.

Purchase of goods with a term exceeding one year in length or that in the opinion of the manager: procurement services include complex terms and conditions requiring more formal documentation, will be made using a written contract as the purchasing document. A purchase order may still be issued for this transaction, but the agreed terms and conditions of the written contract will govern the agreement.

Purchase of services will be made using a written contract as the purchasing document. As with goods, a purchase order may still be issued for this transaction, but the terms and conditions of the written contract will govern the agreement.

The manager: procurement services will consult with the Board's legal counsel as necessary to establish contract terms and conditions for purchase orders and written contracts for goods and services.

## **REQUIREMENTS OF OPEN COMPETITION**

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Saskatoon Public Schools will acquire all goods and services through open and transparent competitive buying practices subject to the minimum tendering and quotation requirements as follows:

- Definitions are cited to ensure consistent interpretation of terms used in this policy.
- Orders will not be 'split' for the purpose of circumventing the financial limitations specified in this procedure.



**Table 1 Purchase of Goods and/or Services**

Expected Procurement Value	Process Type	Open Competition Requirement	Purchasing Process Responsible	Approval Authority	Commitment Authority
<b>\$0-\$5,000</b>	Pcard	experience or informal quotation	budget manager or delegate	budget manager	budget manager or delegate (Pcard)/procurement manager (PO)
<b>\$5,000 - \$75,000</b>	formal quote	minimum of three formal quotations solicited – must be documented	procurement services or delegate	budget manager	procurement manager (PO)/CFO (written contract)
<b>\$75,000 - \$250,000</b>	formal public process	publicly advertised competitive procurement (e.g. formal tender, request for proposal)	procurement services	budget manager	procurement manager (PO)/CFO (written contract)
<b>Over \$250,000</b>	formal public process with Board approval	publicly advertised competitive procurement e.g. (formal tender, request for proposal)	procurement services	budget manager	CFO and Board of Trustees



**Table 2 Facilities and Information Systems Departments Purchase of Good and/or Services**

Expected Procurement Value	Process Type	Open Competition Requirement	Purchasing Process Responsible	Approval Authority	Commitment Authority
<b>\$0 - \$20,000</b>	Pcard or informal quotes	experience or informal quotation	project manager	budget manager	budget manager (P-card)/ procurement manager (PO)*
<b>\$20,000 - \$75,000</b>	formal quote	minimum of three formal quotations	project manager	budget manager	procurement manager (PO)* /CFO (written contract)
<b>\$75,000 - \$250,000</b>	formal public process	publicly advertised competitive procurement (e.g. formal tender, request for proposal)	procurement services or delegate	budget manager	procurement manager (PO)/CFO (written contract)
<b>Over \$250,000</b>	formal public process with board approval	publicly advertised competitive procurement (e.g. formal tender, request for proposal)	procurement services or delegate	budget manager	CFO and Board of Trustees



**Table 3 Facilities Department Procurement of Construction**

Expected Procurement Value	Process Type	Open Competition Requirement	Purchasing Process Responsible	Approval Authority	Commitment Authority
<b>\$0 - \$20,000</b>	Pcard or informal quotes	experience or informal quotation	project manager	budget manager	budget manager (P-card/ procurement manager (PO))*
<b>\$20,000 - \$100,000</b>	formal quote	Minimum of three formal quotations	project manager	budget manager	procurement manager (PO)*/CFO (written contract)
<b>\$100,000 - \$250,000</b>	formal public process	publicly advertised competitive procurement (e.g. formal tender, request for proposal)	procurement services or delegate	budget manager	Procurement manager (PO)/CFO (written contract)
<b>Over \$250,000</b>	formal public process with board approval	publicly advertised competitive procurement (e.g. formal tender, request for proposal)	procurement services or delegate	budget manager	CFO and Board of Trustees

\* In some circumstances the facilities department issues a work order as a commitment document. This is authorized by the budget manager.

\*\* SPS can use prequalified vendors (as obtained through a publicly advertised competitive process) under \$250,000 without board approval, over this amount will require board approval.



Canadian Free Trade Agreement (CFTA)	For a detailed description of the CFTA, visit <a href="http://www.cfta-alec.ca/canadian-free-trade-agreement/">www.cfta-alec.ca/canadian-free-trade-agreement/</a>
Canada-European Union Comprehensive Economic Agreement (CETA)	For a detailed description of CETA, visit <a href="http://www.international.gc.ca/CETA">www.international.gc.ca/CETA</a>
New West Partnership Trade Agreement (NWPTA)	For a detailed description of the Agreement on Internal Trade, visit <a href="http://www.newwestpartnershiptrade.ca">www.newwestpartnershiptrade.ca</a> .
Formal Public Process	RFP is posted on Sask Tenders for suppliers to download RFP details.
Time to Prepare and Submit Formal Tenders and Quotations	<p>Where practical, Saskatoon Public Schools will provide suppliers with a reasonable timeframe to submit a formal proposal, tender or quotation considering:</p> <ol style="list-style-type: none"><li>The nature of and the complexity of the procurement.</li><li>The extent of subcontracting anticipated.</li><li>The time necessary for transmitting tenders/quotations if tender submissions are to be non-electronic; and</li><li>The applicable trade agreements</li></ol> <p>The closing date for submissions as part of the formal public process will not be less than the period required by all relative formal trade agreements.</p>
Sole or Single Sourcing	<p>Where sole or single source instances exist, the chief financial officer or manager: procurement services shall employ such value analysis and negotiation methods considered appropriate for obtaining acceptable material at the lowest possible cost.</p> <p>Sole or single source purchases may be approved by the chief financial officer or the manager: procurement services under the following conditions:</p> <ol style="list-style-type: none"><li>An emergency condition exists.</li><li>A confidential situation exists.</li><li>Goods and/or services are supplied by a sole source.</li><li>Urgent purchases which preclude the normal business processes.</li><li>Purchases when a sole or single source would be in the best interest of the school division; or</li></ol>



- f. Proprietary acquisition, warranty requirements, patent rights, license agreements or other obligations exist which may prevent Saskatoon Public Schools from using normal competitive processes.

Goods and services being purchased through this option must be documented and approved on the single/sole source procurement justification form.

Purchasing Process Responsible	Defines who is performing the purchasing process including obtaining vendor quotations and managing tenders. Details are further outlined under 'Responsibilities'.
Approval Authority	Is the level of authority required to internally authorize a purchase transaction/purchase requisition prior to purchase.
Commitment Authority	Authorization of a purchase order or written contract to the selected vendor.

## RESPONSIBILITIES

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The following responsibilities and authorities will apply to the various purchasing functions:

1. The general manager of financial services shall be responsible for the general supervision of the procurement services and procedures. Under the supervision of the general manager of financial services, the manager: procurement services is responsible for the administration of procurement.
2. Budget managers have authority to authorize the purchase of goods and services (i.e. through a purchase requisition) of less than \$250,000. The manager: procurement services will take the authorization and implement any contract component and work with budget managers to prepare any required documents for chief financial officer approval. All purchases will be subject to the requirements for open competition as outlined in this document.
3. Any purchase of goods and services valued at \$250,000 or greater must be approved and authorized by the Board of Education.
4. Budget managers are responsible for approving the resulting invoices related to the purchase of goods and services. Invoice approval is indicated by the budget manager's signature on the invoice or approved by internal electronic process. This approval indicates that the order was received, correct and complete, and that the invoiced amount is approved for processing by the accounting department.
5. Purchase or lease of goods and services shall be initiated by properly authorized personnel using the requisition web or the appropriate information being forwarded to procurement services for processing in compliance with this procedure including Tables 1, 2, and 3.
6. The manager: procurement services shall, in cooperation with any formal standards committee, establish and maintain system standards and specifications for commonly used goods and services and shall have the authority to revise requisitions according to these standards, provided such revisions are discussed with the requisitioner.



7. The manager: procurement services shall have the responsibility for obtaining tenders and quotations, with the exceptions noted in section 1 (Pcard) and will review the information with the originator prior to placing the order if the cost exceeds the estimate given on the requisition.
8. Requests to vendors for quotations and pricing should mainly be done by procurement services. In circumstances where it is mutually agreed, this process may be delegated to other departments. The quotations must meet the requirement for quotations as defined by procurement services and all documentation must be made accessible to procurement services.
9. The manager: procurement services and/or the chief financial officer, with the exceptions noted in section 1, shall have the sole authority to execute purchase orders on behalf of the division.
10. To gain advantages arising out of quantity buying, the manager: procurement services shall, whenever it is reasonably possible, coordinate common requirements from all schools and buy for the entire system at once.
11. When advantageous and practical, procurement services will work with other Saskatchewan public entities in tendering and sourcing of goods and services. May utilize being a member of Group Purchasing Organizations such as Kinetic GPO, Canoe Procurement Group of Canada or SRNet to achieve best value in procurement of good or services.
12. Where an item required has been previously tendered within the preceding six months and there has been no increase in pricing, the manager: procurement services is authorized to negotiate the purchase with the successful bidder from the previous tender.
13. A complainant shall submit his complaint in writing within 30 days from the date of the disputed award to the chief financial officer (the "complaints officer") for consideration. In the event the complaints officer determines that the complaint has merit, the officer shall investigate the matter, and shall make their recommendation to the director and the Board for resolution. If the complaints officer believes that the complaint does not have merit, they will advise the complainant in writing of their decision.

In the event the complaint is not resolved to the satisfaction of the complainant, the complainant may, within 30 days of having received notice of the decision, make a request in writing to the complaints officer for mediation of the matter. The mediation shall take place within a further 60 days from the date of the request, and shall be conducted in Saskatoon, Saskatchewan by a licensed mediator. The costs of mediation shall be borne by the complainant.

If the mediation does not result in agreement between the parties, the complainant may, within a further 30 days from the date of the mediation, make a request for arbitration. The arbitration shall be before a single arbitrator chosen by both parties, and shall be conducted in accordance with provisions of [The Arbitration Act, 1992](#) of Saskatchewan. The costs of the arbitration shall be borne by the unsuccessful party.

14. Confidentiality of Information
  - 14.1. All bids, formal and informal processes shall be received in the manner requested in the documents.
  - 14.2. Formal bids may be publicly opened, this will be stated in the bid documents. The Board withholds the right to disclose this information as per trade agreements.
  - 14.3. After an award has been made, letters of regrets and intent to awards will be released to all bidders.



- 14.4. Feedback on tenders/quotations may be requested by bidders. Only information pertaining to their submission will be discussed and clarified. Detailed pricing information will not be disclosed.
15. Conflict of Interest
  - 15.1. No employee of the division shall purchase or lease any goods or services from or through the division for personal use or gain. If any purchase or contract is made contrary to this regulation the division shall not be bound thereby.
  - 15.2. *Goods and services are permitted to be purchased from related parties, provided that all of the following requirements are met: 1) The related party has no advantage over other potential providers by virtue of being a related party. 2) This administrative procedure and any other relevant administrative procedure and board policy are adhered to. 3) The transaction provides the best total value for the division as compared to other alternatives. When transacting with related parties, if there is a real or perceived threat of a conflict of interest, advice on how to proceed will be sought from the procurement manager or chief financial officer.*
16. Contracts will only be signed by the manager: procurement services (purchase orders), chief financial officer and the Chair of the Saskatoon Board of Education as per the relative dollar value in associate tables 1, 2 and 3.
17. All vendors must be approved by procurement services staff prior to providing services or goods to Saskatoon Public Schools. This includes the completion of a supplier certification application form. The completion of this form may be waived by the manager: procurement services in some circumstances.
18. All departments must enter their own requisitions electronically into the requisition web. This includes properly identifying the goods and/or services required as well as supplying an account number for the resulting purchase.
19. The manager: procurement services is authorized to affect all purchases and to dispose of all surplus equipment, furniture, and materials and to establish procedures to ensure conformity with this purchasing procedure.
20. Employees are responsible for knowing, understanding, and complying with this administrative procedure. Failure to comply with this administrative procedure may result in disciplinary action as stipulated in Board Policy 26: Purchasing. Any instances of non-compliance must be reported to the general manager of financial services and the chief financial officer.

Reference: Section 85(1)(d), 344, 354, 355, Education Act  
Annex 502.4 Agreement on Internal Trade, New West Partnership Agreement, Canadian Free Trade Agreement ,  
Canadian-European Union Comprehensive Economic and Trade Agreement, Policy 26 - Purchasing

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