

PROCUREMENT PROCEDURES

PURPOSE

This document provides step-by-step instruction for purchasing goods and services on behalf of Brock University and the procedures for associated competitive purchasing processes. These Procedures must be followed by all University employees purchasing goods or services on behalf of Brock University as outlined in the Brock University Procurement Policy.

Use the following five (5) steps to ensure compliance with the Brock University Procurement Policy and the efficient acquisition of goods or services.

STEP 1

Review your proposed purchase to determine the quantity, specifications, and length of contract. If you are purchasing a service, you will need to determine if it is a Consulting service.

STEP 2

Determine the estimated total Procurement Value over the contract term, including any optional extensions. For budgeting purposes, you should also calculate applicable taxes to ensure that there are sufficient funds available to pay for the purchase. If the intended purchase is a multi-year agreement, check that there will be funds in applicable future years to cover it. Refer to **Section 1 - Requirement for Approved Funds**.

“Procurement Value” means the total anticipated financial spend or outlay (excluding taxes) over the life of the commitment, including optional renewal periods, if applicable;

STEP 3

Determine if there is an existing contract for the proposed goods or services by checking the Procurement Services [Sharepoint site](#) for an existing Supplier Agreement or contact Procurement Services for assistance.

STEP 4

Based on the nature of the goods, services, or consulting services and the estimated Procurement Value of the purchase, determine the Competitive Bid Requirements based on Appendix B of the Procurement Policy and refer to

Section 2 - Competitive Bid Requirements.

STEP 5

Once the appropriate number of quotations have been obtained and availability of funds is confirmed, determine the Means of Procurement, Approval Authority and Signing Officers based on Appendix B of the Procurement Policy. Then either place the order on your P-Card or create a Purchase Requisition in Workday. (Supporting documentation (i.e. competitive quotes) must be attached the Purchase Requisition or the Expense Report).

SECTION 1 - REQUIREMENT FOR APPROVED FUNDS

- 1.1 The authority to award a Contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Budget.
- 1.2 Where goods and services are purchased or leased on a multi-year basis, the authority to award a Contract is subject to the following:
 - i. the identification and availability of sufficient funds in appropriate accounts for the current year within the Budget;
 - ii. the goods and services will continue to be required in subsequent years and, in the opinion of the Chief Financial Officer & Associate Vice-President Financial Services, the required funding can reasonably be expected to be made available; and
 - iii. the Contract includes a provision that the supply of goods and services in subsequent years is subject to the approval by the Board to meet the proposed expenditures.
 - iv. the contract is 5 years or less in length, excluding optional extensions, unless:
 - authorized by the Board;
 - the University has a contractual right to terminate the Commitment or executed Document exercisable within the first five years of the Document's term; or
 - the Commitment or Executed Document does not involve the expenditure of University funds or restrict the University's ability to enter into future contracts or activities

SECTION 2 - COMPETITIVE BID REQUIREMENTS

2.1 The determination of the type of competitive bid process required for Goods, Non-Consulting Services, Consulting Services and Construction purchases will be done in conjunction with Procurement Services or delegate and in accordance with Appendix B of the Procurement Policy.

2.2 A summary of the competitive bid requirements and thresholds is outlined below. If the requirement cannot be satisfied refer to **Section 4 - Exceptions to Competitive Bid Process**.

- i. For purchases < \$25,000 and wherever possible, at least 2 suppliers should be contacted to ensure the best value is obtained. (Excluding Consulting Services)*
- ii. For Consulting Services < \$25,000, at least 2 suppliers should be contacted to ensure the best value is obtained*
- iii. For purchases >/= \$25,000 to <\$75,000, at least 2 quotes or a reasonable effort to obtain 2 quotes must be documented and submitted with the Purchase Requisition in Workday*
- iv. For purchases >/= \$75,000 to <\$121,500, 3 quotes or a reasonable effort to obtain 3 quotes must be documented and submitted with the Purchase Requisition in Workday*
- v. For purchases >/= \$121,200, an open-competitive bid process is facilitated by Procurement Services on behalf of the requesting department. **Refer to Section 3 - Competitive Bid Process.**

*NOTE: Requirement to give preference to Ontario businesses also applies for procurements less than \$121,200. **Refer to BOBIA - Section 2.4.**

2.3 Invitational bid solicitations must be awarded based on lowest total price and availability unless additional evaluation criteria have been disclosed. If considering non-price factors in your evaluation, all rated criteria and weighting must be outlined in the bid solicitation documents when requesting the quotation in accordance with **Section 3 - Competitive Bid Process**. **Procurement Services must be consulted when incorporating rated evaluation criteria.**

2.4 Building Ontario Businesses Initiative Act (BOBIA)

In accordance with the BOBIA regulation, public sector entities must give preference to Ontario businesses when conducting procurement for goods and services under \$121,200, **effective April 1, 2024**.

“Ontario Business” means a business that meets the following requirements: The business is a supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Ontario, and either

- (i) has its headquarters or main office in Ontario, or
- (ii) has at least 250 full-time employees in Ontario at the time of the applicable procurement process.

Prior to purchasing goods and services, requesters must conduct market research to determine whether any Ontario businesses exist prior to inviting vendors to provide quotes.

Preference shall be given to Ontario businesses by:

- i) Only inviting Ontario businesses to bid, OR
- ii) Allocating a 10 per cent evaluation advantage to Ontario businesses that are invited to bid

This applies to the purchase of all goods and services, wherever an Ontario Business exists, including P-Card transactions, except as follows:

- A good or service that is not available from an Ontario business
- Procurements from vendor of record arrangements (eg. OECM, MPBSD)
- Goods or services procured for commercial sale/resale (Campus Store)
- Emergency procurements

2.5 Purchases that require Purchase Orders (>\$25,000) may not be artificially partitioned into components costing less than \$25,000 to circumvent the competitive bid requirement. Purchases from the same unit and/or same supplier within a short time period may be considered an artificial division of the purchase.

2.6 If utilizing an existing vendor of record (VOR) agreement awarded through a collaborative tendering organization (ie. OECM, MPBSD) where there are multiple qualified vendors or supplier partners, a second-stage selection process may be required. Where the value of a second-stage process is equal to or exceeds \$121,200, and unless stipulated otherwise in the administrative directions of the related competitive procurement, Brock, at its sole discretion, may randomly select up to five (5) qualified vendors to participate in a second-stage selection process. Where the value of a second-stage process is less than \$121,200, the thresholds in the Policy will be applied to the random selection of qualified vendors.

- 2.7 All engagements with KPMG LLP (Brock's external audit firm) for non-audit services above the threshold of \$50,000 must be approved by the Audit Committee of the Board before such work is engaged. The University may engage the external auditors for non-audit services below the threshold of \$50,000, upon assessment of independence, provided that it is reported to the Audit Committee. Approval of the Audit Committee prior to signing any change order is required if the change order will result in a contract cost crossing the \$50,000 threshold.

SECTION 3 - COMPETITIVE BID PROCESS

- 3.1 If the Procurement Value is less than \$121,200, the Requester must first conduct market research to determine whether an Ontario business exists. **Refer to Section 2.4 - BOBIA.**
- 3.2 For Procurement Values less than \$121,000 the Requester can request invitational quotes in accordance with **Section 2 - Competitive Bid Requirements**. If non-price factors will be considered, including situations where non-Ontario businesses are invited to bid and a 10% scoring allocation is given to Ontario businesses, Procurement Services will assist with the competitive bid process in accordance with **Section 3.5**.
- 3.3 If the Procurement is greater than \$121,200, an open competitive bid process must be facilitated by Procurement Services on behalf of the requesting department.
- 3.4 Prior to engaging Procurement Services, the Requester will compile the requested details outlined in the **Pre-Procurement Intake Form**.
- 3.5 To ensure equitable treatment of all suppliers, bid solicitation documents must include the following information:
- Detailed description/specification of goods and/or services to be purchased ("The Deliverables")
 - Quantity of goods/services
 - Term of the agreement and any options to extend
 - Bid evaluation criteria and criteria weighting
 - Requirements that are considered mandatory
 - Technical standards that must be met
 - Submission Deadline time and date must be on a normal working day (Monday to Friday) excluding provincial and national holidays
 - Address and phone number of the Procurement Contact or delegated recipient

- Terms and conditions of the procurement process
 - Terms and conditions of subsequent purchase and payment, including appropriate cancellation or termination clauses
 - In the event a contract explicitly provides for reimbursement of expenses, a provision specifying that expense claim and reimbursement shall be in accordance with Broader Public Sector Expenses Directive as set out in the Broader Public Sector Accountability Act 2010 (s.10).
 - BOBIA considerations for procurements under domestic thresholds:
 - Ontario-based supplier declaration form
 - Award 10 additional points to Ontario suppliers (if applicable).
 - Sustainable and social procurement considerations. Refer to Sustainable Procurement Toolkit for guidance.
 - Considerations for Accessibility (AODA), supplier risk (Insurance, bid bonds), privacy if disclosing personal or confidential information (Privacy Impact Assessment, Non-Disclosure Agreement)
 - At least two individuals should collaborate to establish the weighting of the evaluation criteria (e.g. price, quality, specification compliance, experience, warranty, etc.) for bid solicitation documents.
- 3.6 To provide sufficient time for suppliers to respond, all bid solicitations should be issued or posted at least 4 weeks prior to the date on which the supplier is scheduled to be selected. Timelines for supplier selection could increase significantly based on the complexity of the requirements and subsequent evaluation process.
- 3.7 Timelines for posting competitive bid solicitations must provide suppliers a minimum response time of 15 calendar days for procurement values greater than \$121,200. Procurements of high complexity, high risk and/or high dollar value should increase the response time to 30 days.
- 3.8 If the value of the procurement exceeds CETA thresholds, the posting timelines and solicitation publications will be a minimum of 30-35 days in accordance with [CETA requirements for Sub-Federal government entities](#).
- 2024 CETA Thresholds: Goods and Services \$353,300
Construction \$8,800,000
- 3.9 For each competitive bid process containing rated evaluation criteria, a cross-functional bid/proposal evaluation team (minimum of 2 members) must be established. The evaluation team should be comprised of members knowledgeable on the goods/services being procured. The financial and

strategic impact of the procurement process will be taken into consideration in determining the size and composition of the evaluation team. Procurement Services is responsible for approving all bid/proposal evaluation team members.

- 3.10 Evaluation criteria or weighting must be disclosed prior to issuing the bid solicitation and cannot be changed or altered except by issuing an addendum prior to the procurement document due date and the appropriate extension of the due date.
- 3.11 Information gathering - A response to an RFI (Request for Information) must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent.
- 3.12 During the tender period, Procurement Services or delegate will receive and record all queries from bidders. Answers to questions that are relevant to all bidders will be communicated to all bidders. If a meeting is held to answer questions for all invited or interested bidders, Procurement Services or delegate will record the individual firms in attendance, the date and location of the meeting and keep this information on file with the tender documents.
- 3.13 To ensure equitable treatment of all suppliers with respect to the timely submission of bids, responses received after the deadline are documented as late, not accepted, and disqualified from consideration.
- 3.14 Each evaluation team member must complete an evaluation matrix rating each proponent. Evaluation scores must be documented and must be fair, factual and fully defensible. The evaluation team may conduct additional interviews with all/or the short-listed suppliers to assess other qualitative information, if allowed for within the bid solicitation document. The details of the discussions held must be documented and retained as part of the bid package. The evaluation team must select only the highest ranked submission that has met all mandatory requirements as identified in the related procurement document as the successful proponent. When a 2-envelope process is used, individual qualitative evaluation scores cannot be adjusted after the pricing envelope has been opened. Scoring summaries must be kept on file with the bid package. In the event that two or more proponents obtain an identical score, the following tie-breaking measures will be used to select the successful proponent:

- the Proposal with the highest points for Price (to three decimal places); and if still tied,
 - the Proposal with the highest points for rated criteria with the highest weighting (according to the order of rated criteria listed in the RFx); and if still tied,
 - the Proposal with the highest points for rated criteria with the same or next-highest weighting (according to the order of rated criteria listed in the RFx), and so on, and if still tied,
 - the selected proponent will be determined by way of a coin toss administered by Procurement Services.
- 3.15 Bid/Proposal evaluation team members must be aware of the restrictions related to confidential information shared through the competitive process and refrain from engaging in activities that may create or appear to create a conflict of interest. Evaluation team members must declare themselves if a conflict of interest exists and agree to non-disclosure prior to bid evaluation(s). Any person involved in the evaluation of suppliers that may have a personal conflict of interest is guided by the Conflict of Interest Policy in declaring this conflict of interest or withdrawing from the evaluation process. Procurement Services or delegate coordinating the competitive bid process will ensure that evaluation team members sign a Confidentiality and Conflict of Interest form and retain the signed forms.
- 3.16 Prices obtained from suppliers are intended for university use only. Pricing information should not be divulged to non-university personnel or to competitive suppliers.
- 3.17 In compliance with applicable trade agreements, the evaluation team must not discrimination or provide preferred treatment in awarding a contract, unless required by BOBIA for procurements under the \$121,200 threshold or specifically allowed by CFTA rules (e.g. geographical service issues).
- 3.18 If a supplier is pre-qualified, the terms and conditions of the document used to establish the pre-qualification shall specify that the University has no obligation to call on any supplier to provide goods or services as a result of pre-qualification.
- 3.19 The University may request suppliers to provide alternative strategies or solutions as a part of their response to a Bid Solicitation. In such cases, the University will set criteria to evaluate alternative strategies or solutions before the Bid Solicitation process begins.

SECTION 4 - EXCEPTIONS TO THE COMPETITIVE BID PROCESS

4.1 Procurement Services may allow exceptions to the use of the Competitive Bid Process if any of the circumstances identified in Chapter Five of CFTA (as outlined below) apply:

- i. An unforeseeable situation or emergency exists, and the goods, services or construction cannot be obtained in time by means of open procurement procedures.
- ii. Goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open competitive process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest.
- iii. The extension or reinstatement of an existing contract would be the most effective or beneficial method and in the best interest of Brock University. A change of supplier for additional goods or services:
 - o cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement; and
 - o would cause significant inconvenience or substantial duplication of costs for the University.

A contract should not be extended beyond five years without a comprehensive review of supplier performance/service quality and market alternatives.

- iv. To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative.
- v. There is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists.
- vi. For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly.

- vii. For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.
 - viii. For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work.
 - ix. For the procurement of a prototype of a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases.
 - x. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases.
- 4.2 Exceptions to competitive bidding requirements must not be used to avoid competition or to discriminate against specific suppliers. The University requires competitive bidding of all procurement where practical and advantageous. If any of the exceptions apply to a procurement, an authorized [Exception Certification form](#) must be completed and submitted with supporting documentation when creating the Purchase Requisition or Supplier Contract in Workday.
- 4.3 When there is doubt as to whether an exception is valid, Procurement Services may post an Advanced Contract Award Notice to ensure a fair and transparent process prior to awarding the contract. Policy exceptions must be approved by an authority outlined herein and the Director, Procurement Services or delegate prior to engaging the vendor.
- 4.4 Exceptions to the competitive bid requirements for Consulting Services must be signed by the President. Exceptions for consulting services contracts that exceed \$1,000,000 must also be approved by the Board of Trustees.
- 4.5 Users should note that certain goods and services are **exempt** from Competitive Bid Requirements and may not require a competitive bid process. Refer to Appendix A of the Procurement Policy and consult with Procurement Services to determine if a competitive bid process is practical.

- 4.6 For non-competitive procurements with a value greater than \$121,200, an award notification must be publicly posted within 72 days of the agreement being executed. Refer to Section 5.4

SECTION 5 - AWARDS AND NOTIFICATION

- 5.1 The award contract to the successful bidder (if any) shall include the terms of the RFP/RFQ and the terms of Brock University's purchase order (a copy of which is available at www.brocku.ca/finance/vendors) together with those terms of the bidder's proposal which are not inconsistent with Brock University's documents and which have been specifically accepted by Brock. The contract award will be limited to the agreement term and any extension options specified in the competitive procurement documents. Any extensions beyond those specified in the documents must be approved by Procurement Services. Details on the extension period and justification will be kept on file in Procurement Services. Note: In the event a contract explicitly provides for reimbursement of expenses, the expense claim and reimbursement will be in accordance with Broader Public Sector Expenses Directive as set out in the Broader Public Sector Accountability Act 2010 (s.10).
- 5.2 Refer to the Legal, Compliance and Privacy Sharepoint site and Legal Review of Contracts Procedures document to determine when a contract requires legal review. Please allow at least 2 weeks for legal review.
- 5.3 Employees or Officers of the University identified in Appendix B of the Procurement Policy have the authority to execute documents up to the limits identified in the schedule therein. However, to ensure policy compliance, all Procurement agreements greater than \$25,000 must be reviewed by Procurement Services prior to being circulated to the appropriate Signing Officers for execution. **Refer to Procurement Policy - Appendix B.**
- 5.4 For purchases with a value greater than \$121,200, an award notification must be posted in the same manner as the procurement documents were posted within 72 days of the agreement between the successful proponent and the university being executed. If a contract is awarded based on a valid Exception Certification outlined in Section 4, the award details must be publicly posted on the Brock website. The notification will include the successful supplier, the agreement start and end dates, options for extension and the total agreement value, if applicable.

- 5.5 For purchases with a value greater than \$121,200, upon request unsuccessful bidders will be granted a debriefing up to 60 calendar days following the date of the contract award notification.

SECTION 6 - BID DISPUTE RESOLUTION PROCESS

- 6.1 Where a vendor wishes to dispute the outcome of a bid, subsequent to a debriefing with Procurement Services, the process outlined below is to be followed:
- i. The aggrieved party is to file their bid protest with the Director of Procurement Services in writing, within 15 business days of the debriefing meeting. The aggrieved party's filing should include:
 - The name and address of the bidder
 - Identification of the contract or bid solicitation being protested
 - Detailed and factual statement of the grounds for protest
 - Supporting documentation
 - Desired relief, action or ruling
 - ii. The Director of Procurement Services will respond to the aggrieved party, in writing, within 10 business days of receiving the bid protest notice.
 - iii. If a resolution cannot be met, the aggrieved party must contact the Chief Financial Officer & Associate Vice-President Financial Services and copy the Director of Procurement Services, in writing, within 10 business days of receiving the first response from the Director of Procurement Services.
 - iv. The Chief Financial Officer & Associate Vice-President Financial Services will respond to the aggrieved party, in writing, within 10 business days of receiving the bid protest notice.
 - v. If a resolution cannot be met, the aggrieved party can direct their complaint in writing to the Vice-President Administration (copying both the Chief Financial Officer & Associate Vice-President Financial Services and the Director of Procurement Services) within 10 business days of receiving the response from the Associate Vice-President Administration.
 - vi. The final decision on the issue will come from the Vice-President

Administration and will be resolved within 15 business days of receiving the bid protest.

vii. In the event any of the individuals cited above have a Conflict of Interest, the University's General Counsel shall select a replacement for that individual, exercising their sole and absolute discretion.

6.2 The University will follow a timely, effective, transparent and non-discriminatory administrative or judicial review procedure as prescribed by CFTA or CETA in the event of a vendor challenge arising in the context of a covered procurement.

SECTION 7 - PROCUREMENT DOCUMENTS AND RECORDS RETENTION

7.1 All procurement documents and any pertinent information for reporting and auditing purposes must be maintained for a period of seven years in a recoverable form.

RELATED POLICIES

Brock University Procurement Policy