



## PROCUREMENT PROCEDURES

### PURPOSE

The purpose of this document is to provide step-by-step instruction for the purchasing of goods and services on behalf of Brock University and the procedures for associated competitive purchasing processes. These Procedures must be followed by all employees of the University that are purchasing goods or services on behalf of Brock University as outlined in the Brock University Procurement Policy.

Use the following six (6) 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 and specifications. If you are purchasing a service you will need to determine if it is a Consulting (see Definitions on Page 2 below to assist with the determination or contact Procurement Services for assistance).

### STEP 2

Determine the estimated value of your purchase including applicable taxes to ensure that there are sufficient funds available to pay for the purchase. If the intended purchase is a multi-year agreement then check to make sure that there will be funds in applicable future years to cover the purchase. Refer to Section 1 - Requirement for Approved Funds

### STEP 3

Determine if there is an existing contract for the proposed goods or services by checking the Procurement Services website for an existing Supplier Agreement. (If you are not sure please contact Procurement Services for assistance). If there is an existing agreement for the goods/services than no additional quotes will be required.

### STEP 4

Based on the nature of the goods/services and the estimated total value of the purchase determine the Competitive Bid Requirements, Procurement Method and Approval Requirements based on the appropriate charts below (Note: For your convenience the approval hierarchy has been integrated into Workday). Refer to Section 2 - Competitive Bid Requirements.

### STEP 5

If the total contract value (including multi-year requirements) is less than \$100,000, you may proceed to obtain quotations in accordance with the Competitive Bid Requirements as per Appendices A and B. Alternately you may contact Procurement Service for assistance or guidance with this process.

## STEP 6

Once the appropriate number of quotations have been obtained and the availability of funds confirmed, utilize the Authority and Manner of Execution chart located in Appendix B of the Procurement Policy to determine available method of purchase. Then either order the good/service on your P-Card or create a Purchase Requisition in Workday. (Please remember to attach the supporting documentation (quotes) to either the Purchase Requisition or the Expense Report in Workday).

## DEFINITIONS

In the Brock University Policy and Purchasing Procedures,

**“Administrative Powers”** means all actions which may be taken by the Board and Committees, individual members of the Board, and all Brock officers and employees, which are necessary or appropriate for the effective management of the University in the performance of its responsibilities, including the procurement and disposal of goods, services and property for the purposes of the University;

**“Amount”** and **“Amounts”** means the cost of the purchase over the term of the contract/agreement, in Canadian dollars, and are exclusive of any applicable taxes (taxes are to be in addition thereto);

**“Approver”** means Immediate Supervisor (i.e. Dean” or an individual who holds a position above the Immediate Supervisor in the University organization chart or an individual to whom the Immediate Supervisor delegates (i.e. Associate Deans or Budget Officers). If a Policy exception is requested, this would be the University President or a Vice-President;

**“Bid Solicitation”** means any competitive procurement (purchasing) process authorized by this Policy and consistent with the Broader Public Sector Procurement Directive and includes:

- a) **“Request for Tender”** (RFT) means a purchasing process in which suppliers are publicly invited to submit bids and the bids are compared on the basis of price and delivery and where contract award may be determined on the basis of lowest-priced bid that meets all of the University’s requirements, subject to the University’s discretion, and may permit negotiation between the University and one or more bidders about certain aspects of the request
- b) **“Request for Quotation”** (RFQ) means a purchasing process in which suppliers are asked to provide a quote for the provision of a good or service, and may include telephone bids. It is used where the contract requirements are well defined such that bids may be evaluated and compared on the basis of price and delivery, and where contract award may be determined on the basis of lowest-priced bid that

meets all of the University's requirements, subject to the University's discretion. It may involve a public call for quotes or may be part of an invitation-only process; and,

- c) **"Request for Proposal"** (RFP) means a purchasing process in which suppliers are publicly invited to propose a solution to a problem, requirement or objective and supplier selection is based on the effectiveness of the proposed solution rather than on price as the primary consideration, and may permit negotiation between the University and one or more bidders about certain aspects of the request.

**"Board"** means the Board of Trustees of the University;

**"Budget"** means the budget or portion of the budget approved by the Board;

**"CETA"** mean Canadian European Comprehensive Economic Trade Agreement;

**"CFTA"** means Canadian Free Trade Agreement;

**"Committee"** means the appropriate committee of the Board of Trustees;

**"Commitment"** means any verbal commitment, written or oral, or undertaking which could have the effect, if implemented or acted upon, of legally binding the University;

**"Conflict of Interest"** means:

- i. In the case of persons covered by the University's Conflict of Interest Policy, as updated from time to time, any real, apparent or potential conflict as defined in the Conflict of Interest Policy; and,
- ii. In the case of a Proponent:
  - a) If interests of the Proponent or its principals, employees, subcontractors or representatives could improperly influence, or could reasonably appear to improperly influence, the University's decision to award a proposed contract or the Proponent's performance of duties and responsibilities to the University under a proposed contract;
  - b) If the Proponent, any of its subcontractors, any of their respective employees or former employees or representatives were involved in any manner in the preparation of the Bid Solicitation or in any situation of Conflict of Interest; or
  - c) If the Proponent, any of its subcontractors, any of their respective employees or former employees had or have

access to information related to the Bid Solicitation that was not available to other bidders and that would, in the University's opinion, give or appear to give the Proponent an unfair advantage.

**"Consultant"** or **"Consulting Services"** means the provision of expertise or strategic advice that is presented for consideration and decision making.

**"Construction"** means 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 and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair or 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.

**"Document"** or **"Documents"** means any written instrument whether on paper or in electronic form including, any contract, contract amendment, agreement, deed, purchase order, change order, memorandum, letter of intent, application, release, waiver or acknowledgement which, when executed, will have or is intended to have the effect of causing the University to be bound in a legally enforceable relationship with any other person but shall not include:

- i. any cheques, bank drafts, orders for payment of money, promissory notes, acceptances, bills of exchange, debentures and any similar instruments; and
- ii. correspondence, whether by letter or in electronic form, intended to convey information or clarify a position on a matter, but not intended to create a contract or agreement or Commitment between the University and any other person, whether or not a legally enforceable right or remedy is created thereby;

**"Document Change"** refers to a change to an executed document including a scope change.

**"Execute"** means to complete the formalities intended to give effect to a Document and may include any one or more of the following formalities as may be required in the circumstances:

- i. signing the Document;
- ii. causing the seal of the University to be affixed to the Document; and

- iii. causing delivery of the Document to be made to the other parties thereto; and

**“Including”** and **“includes”** when used herein means “including without limitation” and “includes without limitation”;

**“Institution”** means a University or other post-secondary educational entity other than Brock University;

**“Invitational Bid Solicitation”** means any means any competitive procurement (purchasing) process where a minimum of three suppliers are invited to submit a proposal or bid in response to the defined requirements outlined by the University;

**“Open Bid Solicitation”** means a Bid Solicitation made through an electronic tendering system that is readily accessible by all Canadian suppliers;

**“Ordinary course of business”** means actions that occur routinely and are frequently and consistent with the University’s strategic plan. Factors that might indicate that the current or proposed transaction is not occurring in the ordinary course include, but are not limited to:

- i. the University has not undertaken the same or similar transaction in the past;
- ii. the current or proposed transaction is undertaken in a jurisdiction in which the University has not previously carried on its business;
- iii. the size of the transaction is not consistent with those of similar transactions undertaken before; and
- iv. the risks associated with the transaction differ materially from other similar transactions.

**“Proponent”** means a corporation, partnership, individual, sole proprietorship or other entity seeking to enter into a contractual relationship with the University, in exchange for payment, but does not include individuals seeking to enter into an employment relationship with the University;

**“Requisitioner”** means the University employee seeking to make a purchase on behalf of the University;

**“Supply chain related activities”** means all activities directly or indirectly related to the University’s planning, sourcing, procurement, transportation, and importing/exporting of goods, along with

payment processes;

“Policy” means this policy dealing with the Purchasing;

“Unit” means a Faculty, Department or other business unit of the University; and

“University” means Brock University.

SECTION 1  
REQUIREMENT  
FOR APPROVED  
FUNDS

- 1.1 The exercise of 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 exercise of 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 Vice President, Finance & Administration, 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 of the Budget estimates to meet the proposed expenditures.
  - iv. the contract is 5 years or less in length, excluding optional extensions.

SECTION 2  
COMPETITIVE BID  
REQUIREMENTS

- 2.1 For purchases < \$15,000 and wherever possible, at least 2 suppliers should be contacted to ensure the best value is obtained. (Excluding Consulting Services - Refer to Section 2.6 below)
- 2.2 Purchases > \$15,000 must have 3 supplier quotations or an authorized Exception Certificate must be completed and submitted to the Procurement Services Department for review and retention with Purchase Order documents.
- 2.3 Costs for goods and/or services that require Purchase Orders (> \$15,000) may not be artificially partitioned into components costing less than \$15,000 to circumvent the competitive bidding requirement. Requisitions for the same goods/services

from the same unit and/or same supplier within a short time period may be considered an artificial division of the purchase.

- 2.4 Competitive bid documents will include a clause to be followed in the event of disagreement.
- 2.5 The determination of the type of competitive bid required for Goods, Non-Consulting Services and Construction purchases will be done in conjunction with Procurement Services or delegate and in accordance with the Appendix C of the Procurement Policy.
- 2.6 The determination of the type of competitive bid required for Consulting Services will be done in conjunction with Procurement Services or delegate and in accordance with the Appendix D of the Procurement Policy.

SECTION 3  
COMPETITIVE BID  
PROCESS

- 3.1 To ensure equitable treatment of all suppliers with respect to the timely submission of bids, all bids are stamped with the date and time upon receipt by Procurement Services or delegate for formally solicited RFQ/RFP's. Responses received after the deadline are documented as late, not accepted and returned to the bidder, unopened.
- 3.2 To provide sufficient time for suppliers to respond, all RFQ, RFP, and public tenders should be submitted at least 4 weeks prior to date on which the final supplier is scheduled to be selected. Timelines for supplier selection could increase significantly based on the complexity of the requirements and subsequent evaluation process.
- 3.3 Timelines for posting competitive procurement documents must provide suppliers a minimum response time of 15 calendar days for procurement values greater than \$100,000. Procurements of high complexity, high risk and/or high dollar value then increasing of minimum response time to 30 days should be considered.
- 3.4 If the value of the procurement exceeds CETA thresholds then posting timelines and solicitation publications will be in accordance with CETA requirements.
- 3.5 To ensure equitable treatment of all suppliers, RFQ, RFP and public tender documents must include a detailed list of the following information:
  - Description/specification of goods and/or services to be purchased

- Quantity of goods/services
- Term of the agreement and any options to extend
- Bid evaluation criteria and criteria weighting
- Criteria that are considered mandatory
- Technical standards that must be met
- 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 Department or delegated recipient
- Terms and conditions of the bid
- 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).

At least two individuals should collaborate to establish the weighting of the criteria (e.g. price, quality, specification compliance, experience, warranty, etc.) for RFQ, RFP and Tender documents.

- 3.6 Information gathering - A response to an RFI (Request for Information) or RFEI (Request for Expressions of Interest) must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent.
- 3.7 Prices obtained from suppliers are intended for university use only. Pricing information should not be divulged to non-university personnel or to competitive suppliers.
- 3.8 Evaluation criteria or weighting cannot be changed or altered except by issuing an amendment prior to the procurement document due date and the appropriate extension of the due date.
- 3.9 For each RFQ, RFP and/or public tender a cross-functional bid/proposal evaluation team must be established. The evaluation team should be comprised of members knowledgeable on the good/ service being procured and have financial acumen. The financial and strategic impact of the RFX process will be taken into consideration in determining the size and composition of the RFX evaluation team. Procurement Services is responsible to approve all bid/proposal evaluation teams and team members.
- 3.10 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 interest is guided by the Conflict of Interest Policy in declaring this 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 signed form with file.

- 3.11 Each member of the evaluation team must complete an evaluation matrix rating each of the proponents. 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 competitive procurement 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 have met all mandatory requirements as identified in the related procurement document as the successful proponent. Scoring summaries must be kept on file with the bid package. In the event that two or more proponents obtain an identical proposal 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.
- 3.12 In compliance with CFTA, the evaluation team must refrain from discrimination or preferred treatment in awarding a contract, unless specifically allowed by CFTA rules (e.g. geographical service issues).
- 3.13 Where significant costs are incurred to produce or advertise pricing requests, a document request fee may be charged to bidders.
- 3.14 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 tender documents.

- 3.15 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.
- 3.16 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 prior to commencement of the Bid Solicitation process.

SECTION 4  
EXCEPTIONS TO  
COMPETITIVE BID  
PROCESS

- 4.1 Exceptions to competitive bidding requirements must not be used for the purpose of avoiding competition or to discriminate against specific suppliers.

The University requires competitive bidding of all procurement where practical and advantageous.

Procurement Services may allow exceptions to the use of the Competitive Bid Process if any of the circumstances identified in Chapter Five of CFTA apply. Below are circumstances that may qualify:

- The University is involved in a cooperative or joint venture to purchase goods or services with other institutions, local or provincial organizations. Such purchases are to be made according to the procedures of that cooperative purchasing group, provided those procedures if not identical are consistent with the intent of this policy.
- Particular goods or services are available from only one or two suppliers. An authorized agent will keep on file documentation in support of waivers made on this basis.
- Compatibility with an existing product or service is the overriding consideration.
- The extension or reinstatement of an existing contract would be the most effective or beneficial method and in the best interest of Brock University. Under no circumstances will a contract be extended beyond five years without a comprehensive review of performance/service quality and market alternatives.
- In an emergency, an "Emergency Purchase" is classified as a procurement, which is needed to "protect life and property, prevent substantial economic loss, and/or prevent the

interruption of essential services."

- A need is established for the acquisition of goods and/or services for which only a specialized or proprietary requirement can be identified. In such cases, an authorized individual may choose the best overall value to the University from one (1) or more invited proposals.

- 4.2 If any of the Competitive Bid Exceptions above apply to a requirement, the Requester is required to complete Brock University Exception Certification form, obtain appropriate authorizing signatures and attach the Exception Certification with any supporting documentation to the Purchase Requisition. A copy of the Brock University Exception Certification form can be found on the Brock University internal Procurement Services website.

Note: The exceptions to competitive bidding above are subject to criteria as defined in the CFTA available at <https://www.cfta-alec.ca/canadian-free-trade-agreement/>.

- 4.3 Users should note that certain goods and services are excluded from the Procurement Policy and may not require a competitive bid process. Refer to Appendix A of the Procurement Policy. Please contact Procurement Services to determine if a competitive bid process is practical

## 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](http://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 term of agreement and any options for extension which were 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 All goods and services must be purchased within approved unit budgets and are subject to approval in accordance with the Delegation of Authority policy. Goods and services purchased that are not provided for in approved budgets must be approved

by Vice-President Finance & Administration or designate.

- 5.3 For purchases with a value greater than \$100,000, 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. The notification will include the successful supplier, the agreement start and end dates, options for extension and the total agreement value, if applicable.
- 5.4 For purchases with a value greater than \$100,000, 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 Associate Vice-President Finance 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 Associate Vice-President Finance 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 Associate Vice-President Finance and the Director of Procurement Services) within 10 business days of receiving the response from the Associate

Vice-President Finance.

- 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