



## **PROCUREMENT POLICY**

**November 2020**

### **Purpose and Objectives**

1. To provide guidelines for the procurement of all goods and services for the Pictou County Shared Services Authority based on sound management and public procurement practices. Procurement methods shall be open, fair, transparent and consistent, while being both efficient and effective; procurement methods should reflect the need to make timely decisions and make best use of staff time to reach defensible procurement decisions.
2. The Pictou County Shared Services Authority ("Authority") is committed to:
3. Providing for the procurement of goods, services, construction and facilities in a fair, open, consistent, and transparent manner resulting in best value
4. Encouraging competition, innovative ideas and solutions, while respecting all Legislative and Trade Agreement obligations
5. Promoting sustainable procurement in procurement decisions, including identifying and exploring opportunities to work with and support social enterprises and businesses that are owned by and who employ under-represented populations
6. Ensuring that qualified suppliers have equal opportunity to bid on the Authority's procurement activity
7. Being accountable for procurement decisions.

### **Definitions**

8. *Atlantic Standard Terms & Conditions* means "Standard instructions that support public tenders issued by the four Atlantic Provinces for goods and services. Supplements may be added if and when required".
9. *Best Value* means "Evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social

considerations, delivery, servicing, and the capacity of the supplier to meet other criteria as stated in the tender documents.”

10. *Bid means* “A supplier response to a public tender notice to provide goods, services, construction or facilities.”
11. *Construction means* “The construction, reconstruction, demolition, repair, or renovation of a building, structure, road or other engineering or architectural work, excluding the professional consulting services related to the construction contract unless they are included in the procurement.
12. *Construction Contract Guidelines means* “Standard instructions developed in consultation with the Construction Association of Nova Scotia that support construction tenders.”
13. *Goods means* “Materials, furniture, merchandise, equipment, stationery, and other supplies required by the Authority for the transaction of its business and affairs and includes services that are incidental to the provision of such supplies.
14. *Facilities (also referred to as Building Leases) means* “All building lease requirements covering the conveyance of the right to use tangible building property for a specified period of time in return for rent.”
15. *Procurement Activity means* “The acquisition of all goods, services, construction, or facilities procured by purchase, contract, lease, or long-term rental.”
16. *Procurement Value means* “The value of the total contract excluding taxes but including all options whether exercised or not. For Facilities this value is determined by the monthly lease/rent times the term of the contract.”
17. *Procurement Web Portal means* “The public website maintained by the Province of Nova Scotia where all public tender notices are posted.”
18. *Public Advertisement means* “Advertising a public tender notice on the procurement web portal.”
19. *Public Procurement Act (PPA) means* “An Act outlining the rules related to the procurement activity of all public sector entities (including municipalities) in the Province of Nova Scotia.
20. *Public Tender means* “Procurement for goods, services, construction, or facilities obtained through public advertisement. (See appendix 2 for an outline of the various tools that can be used for public tender.)

21. *Public Tender Notice means* Notice of intended procurement for goods, services, construction, or facilities obtained through public advertisement.
22. *Services means* “services required by the Authority for the transaction of its business and affairs, excluding services provided by an employee through a personal services contract.”
23. *Standing Offer means* “A standing offer is a contractual arrangement with a supplier to provide certain goods or services on an ‘as required’ basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.”
24. *Sustainable Procurement means* “Sustainable Procurement involves taking a holistic approach to obtain best value. This will be done by integrating the following considerations in the procurement process:
  25. Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction
  26. Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy
  27. Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.

### **Application**

28. This policy applies to all procurement activity of the Authority.
29. The Chief Operating Officer is responsible for ensuring compliance with this policy.
30. All Authority personnel who have responsibility for the procurement of goods, services, construction, or facilities must adhere to this policy.

### **Directives**

31. *Low Value Procurement*
  - a. Goods up to and including \$25,000
  - b. Services up to and including \$50,000
  - c. Facilities up to and including \$50,000
  - d. Construction up to and including \$100,000
32. For all low value procurement activity with a procurement value as outlined above (excluding taxes), the Authority’s personnel are expected to, as far as practicable, attempt to obtain at least three quotes and award to the supplier offering best value.

- a. Purchases of goods and services under \$1000 do not require three quotes. They should be purchased under a standing offer if
    - i. one exists and
    - ii. it provides best value.
    - iii. Department heads must approve such purchases and appropriate documentation (e.g. receipts, invoices) must be kept.
  - b. The only exception to this would be when the Authority's personnel are using Alternative Procurement Practices as outlined in this Policy, or are accessing a publicly tendered standing offer.
33. When selecting the list of suppliers to be provided the opportunity to quote, the Authority's personnel will make every effort to ensure a fair and open process is followed. While the Authority's personnel are expected to invite only qualified suppliers, they are not to consistently invite bids from only one or a select group of suppliers. Invitations and bidding opportunities are to be equitably distributed among all potential bidders in an area, and all interested and qualified suppliers are to be evaluated on a consistent and equitable basis. Where increased competition is appropriate, the Authority's personnel may choose to publicly tender for goods, services, construction or facilities that fall within the above thresholds.
34. *High Value Procurement:*
  - a. Goods over \$ 25,000
  - b. Services over \$ 50,000
  - c. Facilities over \$ 50,000
  - d. Construction over \$100,000
35. All procurement activity with a procurement value over the thresholds (excluding taxes) outlined above must be obtained through a public tender. See appendix 2 of this Policy for an outline of some of the various tools that can be used for public tender.
  - a. The only exception to this would be when the Authority's personnel are using an Alternative Procurement Practice as outlined in the section below, or are accessing a publicly tendered standing offer.
  - b. All public tender opportunities must be posted on the Province of Nova Scotia Procurement Web Portal.
  - c. The Authority's personnel may wish where appropriate to also advertise in local, provincial, or national media; however, there is no obligation to do so.
  - d. In addition, a notice of tender opportunity may be sent to selected suppliers where required to ensure an adequate degree of competition.

## **Alternative Procurement Practices**

36. In order to balance the need for open, competitive process with the demands of urgent or specialized circumstances, Alternative Procurement Circumstances have been developed. These circumstances must be used only for the purposes intended and not to avoid competition or used to discriminate against specific suppliers. To ensure appropriate use, each circumstance must be documented by The Authority personnel stating the rationale permitting the Alternative Procurement Circumstance, and signed by the Chief Operating Officer. All documents must be filed and maintained for audit purposes. See Appendix 1 for a list of the Alternative Procurement circumstances, as well as further requirements on documentation.

## **Bid Opening, Evaluation, and Award**

### *37. Bid Opening*

- a. Bids are accepted in accordance with the closing time, date, and place stipulated in the bid request documents. Members of the public may receive the list of bidders electronically after bid opening.

### *38. Bid Evaluation*

- a. All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.

### *39. Award*

- a. The winning bidder and contract award amount for all high value procurement activity must be posted on the Province of Nova Scotia's Procurement Web Portal.
- b. After contracts have been awarded, routine access to information at the vendors' request shall be provided in the following areas:
  - i. Bidders list
  - ii. Name of winning bidder
  - iii. Award price excluding taxes of the winning bidder
- c. Access to tender documents or other proprietary information is subject to the provisions of the Freedom of Information and Protection of Privacy Act.

#### 40. *Supplier Debriefing*

- a. At the request of a supplier who submitted a bid, The Authority's personnel will conduct a supplier debriefing session to provide feedback on the evaluation of the public tender.
  - i. Suppliers can find out how their proposal scored against published criteria
  - ii. obtain comments on their bid, and
  - iii. gather information on how future bids may be improved.
  - iv. Bids are not compared to others, nor will information on other bids be provided.

#### 41. *Supplier Complaint Process (SCP)*

- a. When a supplier is not satisfied with the information provided in a supplier debriefing, the supplier may file a complaint in accordance with the Supplier Complaint Process as defined in the *Public Procurement Act*. The SCP is not a dispute resolution process, but rather is intended to handle supplier complaints and to improve faulty or misleading procurement processes. The SCP is an integral part of a fair and open procurement policy.

### **Fair Treatment for Nova Scotia Suppliers**

42. Based on the principle of best value for the Authority and when deemed to be in their best interest,
43. The Authority personnel may apply a preference for goods valued up to and including \$25,000 that are manufactured or produced in Nova Scotia.
44. The final decision to apply a preference to a Nova Scotia supplier shall be approved by the Chief Operating Officer.
45. The Authority personnel may also choose to apply a Nova Scotia preference or restrict the receipt of quotations at or below the low value procurement thresholds to Nova Scotia suppliers.
46. Any decision made by The Authority personnel should be based on budget considerations, and shall be approved by the Chief Operating Officer.

47. The Authority's personnel must give preference to purchasing goods and services from local businesses in accordance with the following:

- a. In evaluating which goods or services offer best value to the Authority, the Authority may apply a preference of **5%** to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by **5%** for the purposes of evaluating which goods or services offer best value.
- b. All requests for quotations and notices of public tender must state that local preference applies to the procurement.

### **Other Considerations**

48. *Cooperative Procurement*

- a. The Authority's personnel are encouraged to look for opportunities to collaborate with government agencies when the arrangement may result in overall cost savings or other substantial advantages. For example, joint procurement may be appropriate to procure commonly used goods, services, fuel oil, natural gas, telecommunications, etc.

49. *Standing Offers*

- b. The Authority personnel may access all Province of Nova Scotia standing offers, as well as any standing offer established through the Procurement Advisory Group for the Province should the Authority's personnel wish to make use of the savings opportunities.

### **Obligations under the *Public Procurement Act***

50. In addition to the areas already covered by this Policy, the following are additional obligations of the *Public Procurement Act* that the Authority personnel are required to adhere to with their Procurement practices.

- c. *Terms and Conditions*
  - i. Every public tender notice must include or have attached the terms and conditions that govern the purchase of goods, services, construction, or facilities. The terms and conditions of every public tender notice must be consistent with the Atlantic Standard Terms and Conditions for the procurement of goods, services, or facilities and the Construction Contract Guidelines developed in collaboration with the Construction Association of Nova Scotia for the procurement of construction.

d. *Posting Tender Notices and Awards*

- i. All opportunities subject to a public tender must be advertised on the Province of Nova Scotia Procurement Web Portal. The Authority personnel must also post on the Procurement Web Portal the name of the successful bidder for the public tender and the contract amount awarded.

e. *Code of Ethics*

- i. The Authority personnel and council must ensure their conduct in relation to procurement activity is consistent with the “Duties of public sector entity employees” in the *Public Procurement Act*. This includes a request for removal from a procurement activity when a personal conflict of interest is perceived.

f. *Other*

i. *Policy Posting*

1. The Authority’s personnel will ensure this policy is posted on the Authority’s web site.

ii. *Supplier Development Activities*

1. The Authority personnel will make every attempt where appropriate to participate in vendor outreach activities as requested by the Procurement Governance Secretariat.

iii. *Regulations*

1. The Authority personnel will make sure that procurement practices remain consistent with any regulations that are adopted under the *Public Procurement Act*.

## **Appendix 1**

### *1. Alternative Procurement Approval, Consultation, and Reporting Process*

- a. Only those holding the appropriate role/position within the Authority may delegate signing authority.

### *2. Low Value:*

- a. The Chief Operating Officer may delegate signing authority for low value alternative procurement transactions to the head of a given business area. No further approvals will be necessary.
- b. The Chief Operating Officer will ensure persons with delegated signing authority will be held accountable for their actions and that all procurement activities by the Authority's personnel are properly documented and filed for follow up and audit.
- c. The Chief Operating Officer shall remain accountable for the proper use of alternative procurement transactions.

### *3. High Value:*

- a. The Authority personnel wishing to make use of a high value alternative procurement practice (with the exception of an emergency) must consult with The Chief Operating Officer to obtain his or her approval and identify the most appropriate means by which to proceed with the satisfaction of the requirement.
- b. If in agreement, The Chief Operating Officer may direct the Authority's personnel to proceed with the procurement.
- c. The Chief Operating Officer may wish to confer with provincial government procurement officials for discussion, validation, and/or alternative options.
- d. The Chief Operating Officer may delegate signing authority for high value alternative procurement transactions to an Acting Chief Administrative Officer in his or her absence. All appropriate documentation will be maintained on file for audit purposes.
- e. The Chief Operating Officer will ensure persons with delegated signing authority will be held accountable for their actions. The Chief Operating Officer shall remain accountable for the proper use of alternative procurement transactions.

## Alternative Procurement Circumstances

### 4. *No Threshold Restrictions*

- a. The Authority personnel may use the following Alternative Procurement practices as described below for the procurement of goods, services, construction or facilities, with no threshold restrictions:
  - i. Where an unforeseeable situation of urgency exists and the goods, services, or construction cannot be obtained in time by means of open procurement procedures. Entities must ensure inadequate planning does not lead to inappropriate use of this exemption.
  - ii. Where 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 tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption, or otherwise be contrary to the public interest.
  - iii. Where compliance with the open tendering provisions set out in this Policy would interfere with a Party's ability to maintain security or order, or to protect human, animal, or plant life or health.
  - iv. In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender.
  - v. 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.
  - vi. Where 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.
  - vii. For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly.
  - viii. For the purchase of goods on a commodity market.
  - ix. For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.
  - x. 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.

- xi. For the procurement of a prototype or 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.
- xii. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases.
- xiii. For the procurement of original works of art.
- xiv. For the procurement of subscriptions to newspapers, magazines, or other periodicals.
- xv. For the procurement of real property.
- xvi. For the procurement of goods intended for resale to the public.
- xvii. For the procurement from philanthropic institutions, prison labour, persons with disabilities, sheltered workshop programs, or through employment equity programs.
- xviii. For the procurement from a public body or a non-profit organization.
- xix. For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.

### **Threshold Restrictions**

- 5. The Authority's personnel may use the following Alternative Procurement practices as described below, up to the high value thresholds of this Policy:
  - a. For the procurement of goods or services for the purpose of evaluating or piloting new or innovative technology with demonstrated environmental, economic, or social benefits when compared to conventional technology, but not for any subsequent purchases.
  - b. For procurement that fosters the development of minority businesses.

### **Appendix 2**

- 1. Below is an outline of some of the various tools available for use when issuing a public tender:
  - a. *Request for Proposal (RFP)*
    - i. Used when a supplier is invited to propose a solution to a problem, requirement, or objective.
    - ii. Suppliers are requested to submit detailed proposals (bids) in accordance with predefined evaluation criteria.

- iii. The selection of the successful proposal is based on the effectiveness, value, and price of the proposed solution.
- iv. Negotiations with suppliers may be required to finalize any aspect of the requirement.

*b. Request for Construction (RFC)*

- i. Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work.
- ii. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project.
- iii. Suppliers are requested to submit a response (bid) in accordance with predefined criteria.
- iv. The selection of the successful proposal is based on a number of factors as described in the tender documents.
- v. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.

*c. Request for Quotation (RFQ)*

- i. A request for quotation on goods or products with a minimum specification. Award is usually made based on the lowest price meeting the specification. An RFQ does not normally but may sometimes include evaluation criteria.

*d. Request for Standing Offer (RSO)*

- i. A public tender to provide commonly used goods or services. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. RSO's may include evaluation criteria depending on the requirement.

*e. Request for Expression of Interest (REI)*

- i. The Request for the Expression of Interest is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem.
- ii. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process.
- iii. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.