

AVON MAITLAND DISTRICT SCHOOL BOARD

ADMINISTRATIVE PROCEDURE

NO. 517

SUBJECT: PURCHASING AUTHORITY

Legal References: *Education Act: Section 171 (1)13 Powers of Boards: Provision of Supplies; Part IX Division A - General Finance; Section 286 Duties of Supervisory Officers: Supervise Business*

Related References: *Administrative Procedure 509 Petty Cash; AP 516 Purchasing Procedures Form 516A Purchasing: Capital Expenditure Request*

1. Authority for Purchases

- 1.1 This administrative procedure seeks to ensure that Avon Maitland District School Board receives the maximum dollar value for the price paid for supplies and services. This administrative procedure applies to any employee, person, organization, consultant, or contractor that acts on behalf of the Board with any of the Supply Chain Activities. "Supply Chain Activities" means all activities whether directly or indirectly related to organizational plan, source, procure, move, and pay processes.
- 1.2 This procedure identifies the level of authority of various types of purchases permitted by both staff members at the school level under the authority and supervision of the principal and central staff under the authority and supervision of their supervisors. This procedure applies regardless of the funding source.

2. Administrative Procedures

- 2.1 This purchasing procedure shall apply to all staff members without exception, and shall be implemented in accordance with authorized procedures and within authorized budgets.
- 2.2 Purchases in excess of \$1,000 require a recognized Avon Maitland District School Board purchase order. All purchase orders, regardless of dollar value, are to be processed through the electronic requisition system or a written request e-mailed from the Principal to the purchasing department for the issuance of a purchase order.
- 2.3 The purchasing manager approves purchase orders for all purchases over \$5,000.
- 2.4 Requests for capital purchases must be sent to the Purchasing Manager for approval, utilizing the electronic requisition system before they are forwarded to the purchasing department and before the product or service is acquired.
- 2.5 The principal and/or the manager of information technology must approve all purchases of computer hardware, software and peripherals before being sent to the Purchasing Manager and/or the purchasing department.

- 2.6 An authorized purchase order is required in “advance” of the supply or services in order for the board to pay the invoice for purchases = or > \$1,000. Exceptions to points 2.2 and 2.6 are milk orders, field trips and trips outside of our jurisdiction.

3. Staff Authorization Levels

Staff Authorization Levels are to be used in conjunction with the Dollar Limitations Table in Section 5.

3.1 Support Staff:

- 3.1.1 Clerical Secretarial and Educational Assistants
Petty cash purchases subject to prior approval of the principal.
- 3.1.2 Central Support Staff
Petty cash purchases subject to prior approval of the supervisor.
- 3.1.3 Custodial and Maintenance Staff
 - a) Petty cash purchases subject to prior approval of principal;
 - b) Routine supplies for **maintenance** with a purchase order subject to prior approval of principal and Facilities Department Management Team
 - c) Routine supplies for **custodial** services with a purchase order subject to prior approval of principal and Facilities Department Management Team

3.2 Teaching Staff/Coordinators/Non-Union Management

- a) Petty cash purchases subject to prior approval of principal/supervisor; and
- b) Routine supplies for special programs with a purchase order or board credit cards subject to prior approval of the principal/supervisor.

3.3 Principals

- a) All items above;
- b) All supplies and services purchases based on regular school operation and routine maintenance needs, using Board purchase orders; and
- c) All repairs from school allocation funds.
- d) Repairs beyond \$200; assistance from central (panel) funds can be requested from the Purchasing and/or Facilities Department.
- e) All capital purchases must be approved by the Purchasing Manager regardless of the funding source.
- f) The Purchasing Department, if provided and approved by the Board, has funds identified for each school to support the purchase of furniture and equipment **excluding** computer hardware, software and peripherals (Information Technology Responsibilities), custodial supplies and attachments to the building (Facilities Responsibilities). A prioritized list is submitted to the Purchasing Manager, where the Purchasing Department will obtain quotes and process purchase orders for the listed items till the allocated funds are exhausted.

4. Capital Purchase

- 4.1 Capital is classified by the Tangible Capital Asset guidelines published by the Ministry of Education. Purchases are classified by the Tangible Capital Assets Associate following the Ministry guidelines and as directed by the Finance Administrator. Purchases of capital items must be sent to the Purchasing Manager for approval, utilizing the electronic requisition systems or Form 516A Purchasing: Capital Expenditure Request before they are forwarded to the purchasing department and before the product or service is acquired.

- 4.2 Capital purchases using student, donated, school allocation or other funds must have an electronic requisition created advising of the intention to proceed with a capital purchase using student or donor funds. A board purchase order must be issued prior to the purchase of the goods or service.

5. Purchasing Procedures-Dollar Limitation Table

The overall value of the procurement must not be reduced (dividing a single procurement into multiple procurements) in order to circumvent the Purchasing Procedure – Dollar Limitation Table.

Once an expenditure and/or funding is approved, to get the best value and to purchase in a cost-efficient manner, the following procedure will apply before the selection of a vendor:

5.1 **This summary does not preclude nor does it alter procedural requirements and expectations as outlined in Administrative Procedure 516 Purchasing Procedures.**

5.2 **Goods and Non-Consulting Services Approval Authority Schedule:** *Note: All values would include applicable taxes.*

5.2.1 **Up to \$1,000**

May be ordered verbally without a purchase order number (**so long as the name of the person placing the order is used in its place**). If the supplier requires a purchase order, the electronic purchase requisition system must be used.

5.2.2 **\$1,000 - \$2,500**

For miscellaneous supplies or services having a value of between \$1,000 and \$2,500, formal competitive quotations are not required. However, when alternative suppliers are available, an oral quotation should be obtained whenever practical.

All purchase orders are to be processed through the electronic requisition system or a written requisition sent to the purchasing department for the issuance of a purchase order prior to receiving the goods or service.

5.2.3 **\$2,500 - \$5,000**

For purchase orders having an estimated value between \$2,500 and \$5,000, verbal competitive quotations shall be obtained by, or in conjunction with, the purchasing department except when special circumstances, such as emergencies and single points of source make this approach impractical. Discussion with the purchasing department must still occur. Where quotations are obtained, the names and prices of all suppliers contacted will be in the “notes section” on the purchase requisition. See Item 6.0.

5.2.4 **\$5,000 - \$99,999**

On purchase orders or work orders for supplies having an estimated value in excess of \$5,000, three written quotations shall be obtained except where the nature of the product(s) or services restricts the suppliers to fewer than three (3).

The purchasing department must be involved in acquiring the quotations and the purchasing manager will approve/review the selection. See Item 6.0.

5.2.5 **>\$100,000**

Formal processes must be followed which include board approval as outlined in this AP. See Item 6.0. The formal tendering process must be posted for minimum period of 15 calendar days but 30 calendar days for high complexity, risk, and/or dollar value is preferred.

5.2.6 **Non-Competitive Procurement**

Everyone should employ a competitive procurement process to achieve optimum value for money. It is recognized, however, that special circumstances may require the Board to use non-competitive procurement. The Board may utilize non-competitive procurement only in situations outlined in the exemption, exception, or non-application clauses of the Agreement of Internal Trade (AIT) Annex 502.4 Third Protocol of Amendment Section L Non Application

(http://www.ait-aci.ca/index_en.htm). Prior to commencement of non-competitive procurement, supporting documentation must be completed and approved by an appropriate authority as noted below. Application of a non-competitive process should be carried out very judiciously.

\$0 up to \$99,999.99

Written approval must be obtained by the Director prior to signing a contract and/or a purchase order is created.

\$100,000 or more

Written approval must be obtained by the Board of Trustees prior to signing a contract and/or purchase order is created.

5.3 **Facilities Goods and Non-Consulting Services Approval Authority Schedule**

5.3.1 **Up to \$3,000**

May be ordered verbally without a purchase order number (**so long as the name of the person placing the order is used in its place**). If the supplier requires a purchase order, the electronic purchase requisition system must be used.

5.3.2 **\$3,000 - \$9,999**

For purchase orders having an estimated value between \$3,000 and \$9,999, two verbal competitive quotations shall be obtained except when special circumstances, such as emergencies and single points of source make this approach impractical. Where quotations are obtained, the names and prices of all suppliers contacted will be in the "notes section" on the purchase requisition. See Item 6.0.

5.3.3 **\$10,000 - \$99,999**

On purchase orders, work orders for supplies and/or services of construction projects having an estimated value in excess of \$10,000, three written quotations shall be obtained except where the nature of the product(s) or services restricts the suppliers to fewer than three (3) with two (2) being mandatory. See Item 6.0.

5.3.4 **>\$100,000**

Formal processes must be followed which include board approval as outlined in this AP. For facilities related work the formal tender process will include the prescribed prequalification process in consultation with the Board's consultants. See Item 6.0.

The formal tendering process must be posted for minimum period of 15 calendar days but 30 calendar days for high complexity, risk, and/or dollar value.

5.3.5 **Non-Competitive Procurement**

Everyone should employ a competitive procurement process to achieve optimum value for money. It is recognized, however, that special circumstances may require the Board to use non-competitive procurement. The Board may utilize non-competitive procurement only in situations outlined in the exemption, exception, or non-application clauses of the Agreement of Internal Trade (AIT) Annex 502.4 Third Protocol of Amendment Section L Non Application

(http://www.ait-aci.ca/index_en.htm). Prior to commencement of non-competitive procurement, supporting documentation must be completed and approved by an appropriate authority as noted below. Application of a non-competitive process should be carried out very judiciously.

\$0 up to \$99,999.99

Written approval must be obtained by the Director prior to signing a contract and/or a purchase order is created.

\$100,000 or more

Written approval must be obtained by the Board of Trustees prior to signing a contract and/or purchase order is created.

5.4 Consulting Services Approval Authority Schedule

Once an expenditure and/or funding for consulting services is approved, to get the best value and to obtain the service cost efficient manner, the following procedures will apply before the selection of a consulting services.

“Consultant” means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision making.

“Consulting Services” means the provision of expertise or strategic advice that is presented for consideration and decision making.

“Invitational Competitive Procurement” means any form of requesting a minimum of three (3) qualified suppliers to submit a written proposal in response to the defined requirements outlined by an individual/department.

“Competitive Procurement” means a set of procedures for developing a procurement contract through a bidding or proposal process. The intent is to solicit fair, impartial, competitive bids.

5.4.1 **\$0 up to \$99,999.99**

An invitational or open competitive process must be followed.

\$100,000 or more

An open competitive process must be followed

5.4.2 **Hiring of Consultants (Exemption Based Only)**

Everyone should employ a competitive procurement process to achieve optimum value for money. It is recognized, however, that special circumstances may require the Board to use non-competitive procurement. The Board may utilize non-competitive procurement only in situations outlined in the exemption, or non-application clauses of the Agreement on Internal Trade (AIT) Annex 502.4 Third Protocol of Amendment Section L Non-Application

(http://www.ait-aci.ca/index_en.htm). Prior to commencement of non-competitive procurement, supporting documentation must be completed and approved by an appropriate authority as noted below. Application of non-competitive process should be carried out very judiciously.

\$0 up to \$99,999.99

Written approval must be obtained by the Director prior to signing a contract and/or a purchase order is created.

\$100,000 or more

Written approval must be obtained by the Board of Trustees prior to signing a contract and/or purchase order is created

6. Procurement Records Retention

For reporting and auditing purposes, all procurement documentation, as well as any other pertinent information must be retained in a recoverable form for a period of seven years. All quotations received are to be kept on file with a copy of the purchase order and maintained on file by the initiating school and/or department. Copies must be forwarded to the Purchasing Department either by email, fax or Board Courier.

7. Competitive Procurement

It is the department and/or school's responsibility to determine if the required goods and/or services are already available on a quotation, tender and/or contract awarded through the Purchasing or the Facilities Departments.

The Purchasing Department may decide to purchase any goods or services through a formal or informal quotation process, regardless of the estimated dollar value, except where governed by 5.1.5 or 5.3.4.

Division of requirements into multiple purchases to reduce the estimated value of a single purchase and avoid the application of the above thresholds is not permitted.

There are two (2) main types of Competitive Procurement: Information Gathering, and Purchasing

7.1 Information Gathering

Below are the tools available along with a description of when the tool would be appropriate.

7.1.1 Request for Information (RFI)

The purpose of an RFI is to gather general supplier or product information. This mechanism may be used when the Board is researching a contemplated procurement and has not yet determined what characteristics the ideal solution would have. RFI's normally contribute to the final version of a subsequent Request for Proposal (RFP).

7.1.2 Request for Expression of Interest (RFEI)

The purpose of an RFEI is to gather information on supplier interest in an opportunity or information on supplier capabilities / qualifications. This mechanism may be used when the Board wishes to gain a better understanding of the capacity of the supplier community to provide the services or solutions needed. Information collected in an RFEI can also facilitate selecting the best procurement process for a follow-up competitive process.

Note: A response to an RFI or RFEI must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent on any subsequent opportunity.

7.1.3 Request for Supplier Qualifications (RFSQ)

The purpose of an RFSQ is to gather information on supplier capabilities and qualifications, with the intention of creating a list of pre-qualified suppliers or a Vendor of Record (VOR). This mechanism may be used either to identify qualified candidates in advance of expected future competitions or to narrow the field for an immediate need. The purpose of this process is to reduce subsequent effort devoted to the competitive process (ie. bid preparation on the part of suppliers and evaluation on the part of the Board)

Note: The terms and conditions of the RFSQ must contain specific language to disclaim any obligation on the part of the Board to actually call on any supplier as a result of the pre-qualification to supply such goods or services. No contract A or contract B shall be formed between the Board and the pre-qualified suppliers as a result of this process.

7.2 Purchasing

Below are the tools available along with a description of when the tool would be appropriate.

7.2.1 Request for Proposal (RFP)

The purpose of this document is to request suppliers to supply solutions for the delivery of complex goods, services or construction or to provide alternate options or solutions. It is a process that uses predefined evaluation criteria in which price is not the only factor.

7.2.2 Request for Tender (RFT)

The purpose of this document is to request suppliers' bids to supply goods, services, or construction based on stated delivery requirements, performance specifications, terms and conditions. An RFT usually focuses the evaluation criteria predominantly on price and delivery requirements. This document may also be called a Request for Quotation (RFQ) where the organization has described exactly what needs to be purchased and the evaluation is made solely on price.

7.2.3 Vendor of Record (VOR) / Preferred Suppliers List

The purpose of a VOR is to establish a procurement arrangement authorizing the Board to select from one or more pre-qualified vendor(s), typically by way of a formal process, for a defined period on terms and conditions, including pricing, as set out in the particular VOR agreement. VOR's / Preferred Suppliers Lists are used to reduce costs to the Board through the establishment of strategic relationships with a small group of suppliers.

7.3 Competitive Procurement Timelines

The goal of competitive procurement is to achieve the highest number of quality bids possible, so as to maximize the organization's ability to achieve better value for money, the Board shall provide a minimum response time of 15 calendar days but 30 calendar days for competitive procurements with high complexity, risk, and/or dollar value for all competitive procurements with the exception of urgent and / or emergency procurements is preferred.

All competitive procurements issued by the Board will have a pre-defined closing date and time during regular business hours (Monday to Friday, excluding provincial and national holidays). All submissions received after the closing date and time will not be considered.

7.4 Advertising of Procurement Requests

All competitive procurements issued by the Board with an estimated value in excess of \$100,000 must be posted on an electronic tendering system such as Biddingo or MERX.

Construction projects between \$100,000 and \$250,000 are exempt and can be posted on an electronic tendering system and / or one or more of the following methods:

- a) Publication in one or more predetermined daily newspapers that are easily accessible to all Canadian suppliers; or
- b) The use of source lists, such as prequalified vendors of record or prequalified preferred suppliers lists. When using prequalified vendors of record or a prequalified preferred vendors list, a minimum of three should be chosen and a competitive process as outlined under sections 5.1, 5.3 and 5.4 should be used.

7.5 Bid Protest Procedures

All competitive bid documents shall outline bid protest procedures for suppliers to follow in the event of a dispute. The process is outlined with the bid protest procedures in the AIT and Ontario-Quebec Procurement Agreement.

8. Evaluation of Competitive Procurements

Competitive procurements must establish evaluation criteria and methodology / process to be used in evaluating a supplier's submission (including the method to resolve a tie score). The Board shall outline, where applicable, in the competitive bid documents. Any mandatory criteria shall be clearly defined. Once the competitive process has begun, the above cannot be changed or altered.

For those competitive procurements requiring an evaluation team, the Board will attempt to select and confirm each member's participation prior to issuing the competitive bid documents.

All members of the evaluation team 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. The Board shall require all members of the evaluation team to sign a conflict of interest (Appendix A) and confidentiality agreement (See Item 16.0 Conflict of Interest).

Each member of the evaluation team must evaluate all proponent submissions. All notes, records etc. must be auditable, fair, factual and fully defensible as these are subject to public scrutiny.

The Board shall only select the highest ranking submission(s) that have met all the criteria set out in the original competitive bid document. Unless expressly requested by the bid document, the Board will not consider alternative strategies or solutions proposed by a proponent.

In accordance with the Agreement on Internal Trade (AIT), the Board shall refrain from any discrimination or preferred treatment in awarding a contract, to the preferred supplier, from the competitive process in an effort to avoid potential bid protests or disputes from the proponents.

9. Contract Award

9.1 Once the competitive process is complete and the successful proponent has been selected the Board will send a formal letter announcing the award to initiate the process.

- 9.2 A signed written contract must be made between the Board and the successful proponent prior to the receipt of the goods, services or contractors or the trades commence work. The Board shall obtain the successful proponents signatures prior to obtaining the signatures from either the Director of Education or the Superintendent of Business or designate.

The agreement between the Avon Maitland District School Board and a successful supplier can be formalized by a purchase order, letter of agreement, memorandum of understanding or a formally signed written contract depending on the complexity and dollar value of the solicitation. In all cases the form of agreement shall reference the terms and conditions identified in the tender documents. The contract is to be finalized using the form of agreement/contract that was included in the procurement document. All contracts include appropriate cancellation or termination clauses.

The Board will notify all the proponents that responded to the process only after the successful proponent has been selected and after the contract has been signed. The proponents will be notified either by letter or listing the award in the same manner it was posted.

The award notification shall include the name(s) of the successful proponents, the agreement start date and end date and any optional contract extensions available. Construction project start and end dates will not be posted due to their nature.

All proponents that participated in the competitive process will be allowed sixty (60) days following the award notification to request a debriefing of their standing in the process.

All the documents such as the proponent's submissions, evaluation team notes, records etc. must be auditable, fair, factual and fully defensible as these are subject to public scrutiny and must be kept for seven years. The files will be stored as per the procedures set by the Manager of Information.

10. Exceptions

10.1 Single Source

Single Source is when, notwithstanding 5.3.1 through 5.3.3 above, in exceptional circumstances, a single source requisition for supplies and/or services may be required because there is a sole source for a product, or because specific expertise is required. In such cases the requisition must be preauthorized formally by both the Superintendent of Business and the Director of Education.

10.2 Sole Source

Sole Source is when only one supplier is able to meet the requirements of a procurement be it for goods and/or services. Examples of those circumstances may be: to ensure compatibility with existing products, exclusive rights such as licenses, copyright and patent rights, maintaining of specialized products which must be looked after by authorized companies to retain warranty, real property, original works of art, purchase of goods in an exceptionally advantageous circumstance such as a bankruptcy or receivership but not for routine purchases. In such cases the requisition must be preauthorized formally by both the Superintendent of Business and the Director of Education.

11. Cooperative Purchasing

The Board will actively pursue cooperative purchasing ventures with other school boards and other government agencies to obtain maximum value for money through economies of scale and/or shared services. This may include and is not limited to utilizing piggy-back clauses to existing government service contracts, other cooperative groups or Ministry sponsored services as long as it serves the best interest of the Board and adheres to the Board's approved policies and procedures.

12. Environmental

When purchasing goods and services the Board will make an effort to consider if they are environmentally responsible and sustainable. Items to consider, but not limited to, are recycled content, certified low impact manufacturing methods, landfill diversion, waste reduction, energy efficiency, end of life recyclable content, reusability and ability for supplier return.

13. Health and Safety

All goods and/or services purchased by the Board must comply with appropriate Federal, Provincial and Municipal legislation, regulations and standards, and all Board policies and procedures.

14. Foreign or Out-of-Country Purchases

14.1 All orders to suppliers outside of Canada must be submitted to the Purchasing Department through a purchase requisition to ensure that imported goods are properly cleared through Canadian Customs.

14.2 All foreign or out-of-country purchases must be ordered by the end of May in order to ensure receipt by the end of the budget year. Duty, freight, custom fees, and taxes will be charged.

15. Ethics

15.1 All orders to suppliers outside The Board, in all its procurement decisions, will be guided by the Ontario Broader Public Sector Supply Chain Code of Ethics, Purchasing Management Association of Canada (PMAC) Code of Ethics and the National Institute of Governmental Purchasing (NIGP) Code of Ethics. The Board expects honesty and integrity, professionalism, responsible management and the serving of public interest to be primary values in its procurement decisions.

15.2 Ontario Broader Public Sector Supply Chain Code of Ethics

The Ontario Broader Public Sector Supply Chain Code of Ethics is required by the Management Board of Cabinet. The Code does not supersede codes of ethics that Board has in place, but supplements such codes with supply chain-specific standards of practice. The policy intent is to establish that the conduct of all Members of the Board involved with Supply Chain Activities must be in accordance with the Code. "Supply Chain Activities" means all activities whether directly or indirectly related to organizational plan, source, procure, move and pay processes. The code must be posted in each school's administrative offices, Board site and/or department and is included in this document as Appendix C.

15.2.1 Personal Integrity and Professionalism

Individuals involved with Supply Chain Activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all Supply Chain Activities within and between BPS organizations, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.

15.2.2 Accountability and Transparency

Supply Chain Activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money. All participants must ensure that public sector resources are used in a responsible efficient and effective manner.

15.2.3 Compliance and Continuous Improvement

Individuals involved with purchasing or other Supply Chain Activities must comply with this Code of Ethics and the laws of Canada and Ontario. Individuals should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.

15.3 As noted in 15.2, the Ontario Broader Public Sector Supply Chain Code of Ethics are to complement the Board's Code of Ethics and primary values as stated above. The Board's employees will operate and conduct their procurement decisions and actions based on the following:

- 15.3.1 maintain an unimpeachable standard of integrity in all business relationships both inside and outside the Board;
- 15.3.2 optimize the use of resources to provide the maximum benefit to the Board and its students;
- 15.3.3 do not use the authority of public office for personal benefit;
- 15.3.4 consider first the interest of the Board and its students in all transactions;
- 15.3.5 preserve the image and integrity of the Board;
- 15.3.6 accept no business gifts other than items of small intrinsic value; (Reasonable hospitality is an accepted courtesy of a business relationship. The frequency and nature of gifts or hospitality accepted should not be allowed whereby the recipient might be, or might be perceived by others, to have been influenced in making a business decision as consequence of accepting such hospitality or gifts;
- 15.3.7 seek counsel from the Board's Purchasing Department as required;
- 15.3.8 buy without prejudice;
- 15.3.9 subscribe to and work for honesty in buying and denounce all forms of improper business practice;
- 15.3.10 work with the highest ideals of honour and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the Board and the public being served;
- 15.3.11 seek or dispense no personal favours; and
- 15.3.12 handle each purchasing situation objectively and empathetically without discrimination.

16. Conflict of Interest

- 16.1 A conflict of interest exists where the decisions made and/or the actions taken in the exercise of duties by a Board employee, Trustee, member of a statutory committee or council of the Board, including School Council members, could be, or could be perceived to be, affected by the personal, financial or business interest of that person or that person's family or business associates.
- 16.2 Employees are responsible and accountable for using good judgment in the exercise of the Board's duties and must:
- 16.2.1 disclose in writing any conflict of interest in a purchasing decision to their supervisor, and (see Appendix B)
 - 16.2.2 avoid situations which may present a conflict of interest while dealing with persons or organizations doing business or seeking to do business with the Board
 - 16.2.3 in a conflict of interest situation, Trustees and members of statutory committees or councils of the Board are governed by the Municipal Conflict of Interest Act
- 16.3 School Council members are governed by their individual School Council's Conflict of interest By-laws (as required by Ontario Regulation 612/00).
- 16.4 In addition, the Education Act of Ontario in Chapter E.2, Section 217 states:
"No teacher, supervisory officer or other employee of a Board or of the Ministry shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teacher's college, or to any pupil enrolled therein. No person or organization or agent thereof shall employ a teacher supervisory officer or other employee of the Board or of the Ministry to promote, offer for sale or sell, directly or indirectly, and book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teacher's college, or to any pupil enrolled therein, or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose."

17. Dispute Resolution

The Board is committed to promoting fair and open competition among vendors for any purchased goods and/or services. During the purchasing process if a supplier feels that he/she has been unfairly prejudiced by a decision made by the Board, the following steps will be taken to resolve the complaint.

- 17.1 All complaints will be forwarded to the Purchasing Manager in writing within ten (10) days of an award.
- 17.2 The Purchasing Manager will investigate the nature of the complaint by reviewing the information with the appropriate staff and the vendor to determine the grounds and alternatives for the resolution. The Purchasing Manager will attempt to resolve the dispute. Successful resolutions shall be documented in writing and sent to all parties concerned.

- 17.3 If the Purchasing Manager is unable to resolve the dispute with the participants, all of the documentation concerning the dispute will be forwarded to the Superintendent of Business. If deemed necessary, the Superintendent of Business may interview any or all that are involved. The Superintendent of Business will provide direction to the Purchasing Manager should these situations arise. The Purchasing Manager will review the action plan prior to execution.
- 17.4 Within a reasonable period of time, if the supplier is not satisfied with action directed by the Purchasing Manager and the Superintendent of Business all of the documentation concerning the dispute will be forwarded to the Director of Education who will review the facts and make a decision as to the action required.
- 17.5 If the supplier is not satisfied by the decision of the Director of Education the dispute may be forwarded to the Board within a reasonable period of time.



Confidentiality Statement

All AMDSB representatives who will be participating in a process for selection of suppliers or service providers to the Avon Maitland District School Board are required to agree to and sign the confidentiality statement below.

All information contained in or related to any request for information, request for quotes, request for proposal or equivalent procurement process (for the purpose of this Confidentiality Statement, each a "Procurement Document"), including without limitation such information as may be obtained as a result of the applicable Procurement Document (including without limitation each response, proposal, supplementary document and any information obtained through further discussions with suppliers), whether obtained in writing, verbally or through observation, is considered confidential and must not be used for any other purpose than for the internal processing of the Procurement Document, and shall not be disclosed (a) internally except to other committee members who have signed the confidentiality statement and as required for such purpose, or (b) externally except with the prior approval of **<include name of committee>**. For greater certainty, any staff member who is not a member of the committee but who, in the opinion of such committee, is required to provide input into the decision making process and as such must be privy to information received in the Procurement Document, must also sign a confidentiality statement.

I, the undersigned, agree to keep confidential, as set out above, all information that I receive as it pertains to any of the suppliers' proposals for _____.

Signature: _____ Date: _____



Conflict of Interest

Conflict of Interest is defined in the Administrative Procedure Number 517 Section 16. For example, a conflict of interest exists or is potentially in existence in situations where a person uses their influence, position, or authority to promote the purchase or use of goods or services by the Avon Maitland District School Board, and that employee or a member of his/her immediate family stands to gain financially from any dealing with a supplier. Other examples of Conflict of Interest could be ownership of stock in a supplier's company by an employee or immediate family member or receipt of gifts.

Member Conflict of Interest/Disclosure Statement

All AMDSB representatives who will be participating in the process for selection of suppliers to Board are required to comply with Administrative Procedure Number 517 Section 16, including without limitation disclosing any relationship with companies who may be part of the selection process. In addition, any staff member who is not part of a <which committee> committee, but who may have input into the decision, or who may receive information detailed in the RFP responses, must also comply with Administrative Procedure Number 517 Section 16, including without limitation disclosing their relationships with any of the suppliers participating in the process. As examples only, the Policy would require the disclosure of any receipts of grants, research support, consultation fees, or honoraria.

Name: _____

A I, the undersigned, declare that I, and any member of my immediate family do not have a Conflict of Interest, as such term is defined in Administrative Procedure Number 517 Section 16, with respect to the following procurement:

including without limitation any Interest in connection with any of the companies or parent companies, or any of the products, which may be discussed during this procurement process.:

OR

B I, the undersigned, declare that I, or a member of my immediate family, have the following Conflict of Interest. Details of the Conflict of Interest are specified below:

Signature

Date

Supply Chain Code of Ethics

The following Code of Ethics applies to any individual, company or organization that is or will procure products and services on behalf of the Avon Maitland District School Board regardless of the funding source. This defines the acceptable behavior of those involved in the planning, purchasing, contracting, logistics and payments involved in supply chain activities. The following is not to replace but supplement the Code of Ethics found in A.P. 517 Section 15.

Ontario Broader Public Sector (BPS)

Goal: To ensure an ethical, professional and accountable BPS supply chain.

I. Personal Integrity and Professionalism

Individuals involved with Supply Chain Activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all Supply Chain Activities within and between BPS organizations, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.

II. Accountability and Transparency

Supply Chain Activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money. All participants must ensure that public sector resources are used in a responsible, efficient and effective manner.

III. Compliance and Continuous Improvement

Individuals involved with purchasing or other Supply Chain Activities must comply with this Code of Ethics and the laws of Canada and Ontario. Individuals should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.