



DIRECTIVE FI-001

PROCUREMENT

1.0 PURPOSE

- 1.1 Great Lakes Pilotage Authority (Authority) strives to offer the best procurement services for its organization by acquiring quality goods and services, while ensuring that the procurement of these goods and services is conducted in an open and transparent manner, and this, in conformity with its code of ethics and the sound business and financial practices relating to the management of the supply chain activities.
- 1.2 The Authority will be accountable for the results of its procurement decisions and the appropriateness of the process.

2.0 UNAUTHORIZED PURCHASES

- 2.1 All purchases made in the name of the Authority without proper authorization as per the Authority directive will be considered an obligation of the person making the purchase and not an obligation of the Authority.

3.0 DEFINITIONS

For the purpose of this directive,

Contract means an official written agreement for the purchase of goods or services which constitutes a legally binding obligation to carry out or not to carry out certain tasks between competent parties subsequent to the acceptance of an offer. A purchase order is considered to be a contract.

Delegate refers to an individual appointed by the Chief Financial Officer in his/her absence or an individual that has received an official delegation of duties to carry out the specific duties.

Goods and services mean any goods, construction, and services, including but not limited to information technology and consulting services.

Supply chain activities means any activity directly or indirectly related to the Authority's planning, sourcing, procurement, moving, and payment processes.

Request for information (RFI) and *request for expression of interest (REOI)* are the processes by which the Authority requests one or more suppliers to inform the Authority of its capability and interest to provide goods and services.

Request for proposal (RFP) is the document used in sealed-bid procurement procedures pursuant to which the Authority advises the potential suppliers of the scope of work,

specifications, timelines, contract type, data requirements, terms and conditions, description of goods/services to be procured, general criteria used in the evaluation procedure, special contractual requirements, technical goals, instructions for preparation of technical, management, and/or cost proposals, and any other procurement element the Authority deems appropriate. RFPs are publicly advertised and suppliers respond with a detailed proposal, not only a price quotation.

Request for quotation (RFQ) is the process by which the Authority solicits price and delivery quotations to meet minimum quality specifications for a specific quantity of specified goods and/or services. A RFQ is not advertised publicly, and is used for standard, off-the shelf items or services whose purchase price falls below the sealed-bid threshold.

Request for supplier qualification is the process which allows the Authority to gather information about supplier capabilities, expertise, experience, and qualifications in order to pre-qualify suppliers for an immediate product or service need or to identify qualified candidates in advance of expected future competitions.

Request for tender (RFT) is the notice pursuant to which the Authority invites qualified suppliers by various means, including, but not limited to electronic tendering system, newsprint advertisement and letters, to submit sealed bids for the supply of specific and clearly defined goods or services during a specified timeframe.

4.0 GUIDELINES

- 4.1 The Authority tries to purchase goods and services which satisfy the requirements of the Authority at the most advantageous total price, and this, from approved suppliers.
- 4.2 The Authority realizes that the consideration for sourcing a product or service may include the criteria of price, the quality of the product or the service, the effectiveness of the product or the service, the delivery and other factors that may influence the quality/price ratio.
- 4.3 For all RFQs, RFPs, RFIs and REOs, the requests will specify the mandatory criterion that the bidder must respect for the proposal to be considered for further evaluation. In addition, the same requests will also outline the point rated technical criteria on which the proposal will be scored. These guidelines ensure the Authority remains transparent in its procurement process.
- 4.4 Respecting the social values, the Authority recognizes that the consideration of the total cost may also include non-monetary considerations such as environmental implications, energy efficiency and employment practices.

5.0 BOARD OF DIRECTORS' RESPONSIBILITIES

- 5.1 The Board of directors (Board) entrusts the Chief Executive Officer with the responsibility to establish the methods governing the procurement activities and the Chief Financial Officer with the responsibility to monitor compliance with this procurement directive.
- 5.2 The Board authorizes the Chair of the Board or his/her delegate, in collaboration with the Chief Executive Officer, to carry out emergency purchases exceeding \$100,000 in accordance with this procurement directive.
- 5.3 The Board approves the purchases in any of the following circumstances:
 - a) The price of the recommended tender is greater than the amount specifically approved by the Board in the Corporate Plan with regards to the subject purchase.
 - b) The purchase, which was specifically approved by the Board, is not recommended to be carried out from the bidder with the lowest price and which meets all of the tender requirements.
 - c) The purchase requires an approval by a government department or agency.
 - d) Specific terms of financing or of leasing apply to the purchase.

6.0 CHIEF EXECUTIVE OFFICER AND CHIEF FINANCIAL OFFICER RESPONSIBILITIES

- 6.1 The Chief Executive Officer and the Chief Financial Officer assume the following responsibilities:
 - a) To develop, via this procurement directive, the necessary procurement procedures.
 - b) To implement and ensure the compliance with this procurement directive.
 - c) With the exception of paragraph 5.2, to ensure that the appropriate individuals approve purchases and sign contracts in accordance with the approval authority schedule referred to in paragraph 8.1.
 - d) To inform the Board of all emergency purchases greater than \$100,000 in accordance with the process described in this procurement directive.

7.0 CHIEF FINANCIAL OFFICER RESPONSIBILITIES

7.1 The Finance Department (Finance) is responsible for the execution of this procurement directive which governs the procurement procedures. In addition, Finance :

- a) establishes or participates in business relations with the suppliers
- b) is responsible for the drafting of the contractual terms and conditions
- c) prepares and maintains updates of the list of suppliers with whom the Authority has contracts and communicates these list to the appropriate Authority personnel
- d) consults with the requesting management personnel before the preparation of any request for proposal, request for tender or request for price in the procurement of goods and services
- e) is responsible for certain centralized purchases, such as the purchase of computers, telephone services, etc.
- f) authorizes and processes the payment to suppliers once a confirmation is obtained by the authorized personnel that the goods have been received or that the service has been rendered and that the contractual terms and conditions are met.

8.0 APPROVAL AUTHORITY

8.1 Subject to sections 8.2 and 8.5, the following individuals are authorized to approve the purchases and to sign the contractual agreements according to the following thresholds:

Procurement Value (excluding taxes)	Approval Authority	Authorized to sign the contract
Greater than \$100,000	Board of Directors	The Chief Executive Officer and the Chief Financial Officer must both sign
From \$50,001 to \$100,000	Chief Executive Officer	The Chief Executive Officer and the Chief Financial Officer must both sign
From \$5,000 to \$50,000	Chief Executive Officer, or Chief Financial Officer	The Chief Executive Officer or the Chief Financial Officer
Below \$5,000	Chief Executive Officer, Chief Financial Officer, or Director of Operations	One of the following: The Chief Executive Officer, the Chief Financial Officer, the Director of Operations, the Chief Accountant, the Operations Manager, the Executive Assistant, or the Payroll, Personnel and Administration Administrator

8.2 Board approval must be obtained for a purchase that meets one of the following conditions:

- 8.2.1 The price of the recommended tender is greater than the amount specifically approved by the Board in the Corporate Plan with regards to the subject purchase.
- 8.2.2 The purchase requires a particular approval by Transport Canada or any other government agency.
- 8.2.3 The purchase requires particular methods of financing or leasing.
- 8.3 Authorized employees cannot delegate to any other employee their authority to approve the purchase without the written authorization of the Board, the Chief Executive Officer or the Chief Financial Officer. The Chief Financial Officer is responsible to maintain a list of the authorized signing employees together with, the limit of the expenditures for which each employee is authorized to approve, and a specimen of their signatures.
- 8.4 The authorized employees must ensure that the proposed purchases are in compliance with the requirements of this procurement directive and that there are sufficient funds in the Corporate Plan approved by the Board, to whom they are accountable.
- 8.5 The Chief Financial Officer or his/her Delegate must ensure that the proposed purchases meet the requirements of this procurement directive before authorizing the purchase and awarding a contract.

9.0 PROCUREMENT PROCESS – less than \$ 5,000

- 9.1 The authorized employee:
 - 9.1.1 is authorized to initiate purchases of a value which does not exceed \$ 5,000 from a supplier of his choice, in accordance with other related directives.
 - 9.1.2 is authorized to initiate through the means of the petty cash, purchases which value does not exceed \$ 500 from the supplier of his choice, only in circumstances where it is not feasible to use a company credit card, and where there are no contracts, , in accordance with other related directives.
 - 9.1.3 Is authorized to initiate through the use of the company credit card purchases of a value which does not exceed \$ 3,000 from the supplier of its choice, and this, in accordance with the provisions envisaged the related directives.
- 9.2 When possible, all purchases with a value greater than \$3,000 should be initiated by means of a purchase order.

10.0 PROCUREMENT PROCESS – from \$ 5,001 up to \$ 50,000

- 10.1 The authorized employee who is authorized to initiate purchases with a value that is greater than \$ 5,000 but does not exceed \$ 50,000 must obtain written

price quotations from suppliers for the goods and services by way of a Request for quotation.

- 10.2 The form FIN01 - *Request for quotation* is to specify the goods and services which are to be supplied as well as indicate the valuation procedure and criteria which will be used to evaluate the price quotations.
- 10.3 The form FIN01 - *Request for quotation* will be conveyed to the suppliers.
- 10.4 The results of the Request for quotations must be compiled by using the form FIN02 - *Summary of price quotations*.
- 10.5 A minimum of three price quotations must be obtained. When it is not possible to obtain three price quotations, written reasons must be submitted to the Chief Financial Officer (or the Chief Executive Officer when the Chief Financial Officer is the procurer), who will approve the decision to award a contract without having obtained three price quotations.
- 10.6 The purchase order or contract will be awarded to the supplier who satisfies all the requirements and who has the lowest price.
- 10.7 All *Requests for quotations* forms and the *Summary of quotations* must be preserved for future audit purposes.

11.0 PROCUREMENT PROCESS – from \$ 50,001 up to \$ 100,000

- 11.1 The authorized employee who is authorized to initiate purchases with a value that is greater than \$ 50,000 but does not exceed \$ 100,000 must obtain written price quotations from suppliers for the goods and services.
- 11.2 The authorized employee, at his discretion, can proceed with an open or invitational competitive procurement process in order to purchase the goods or services in question. Refer to section 12 for the procedures that are to be respected for a competitive process.
- 11.3 The *Request for quotation* form, if applicable, is to specify the goods and services which are to be supplied as well as indicate the evaluation procedure and criteria which will be used to evaluate the price quotations.
- 11.4 The *Request for quotation* form will be conveyed to the suppliers.
- 11.5 The results of the Request for quotations must be compiled by using the *Summary of price quotations* form.
- 11.6 A minimum of three price quotations must be obtained. When it is not possible to obtain three price quotations, written reasons must be submitted to the Chief Executive Officer, who will approve the decision to award a contract without having obtained three price quotations.
- 11.7 The purchase order or contract will be awarded to the supplier who satisfies all the requirements and who has the lowest price, or for a tendering process, the tender which was evaluated as having the highest score and that meets all the mandatory requirements.

11.8 All *Requests for quotations* forms and the *Summary of price quotations* must be retained before a purchase order is prepared.

12.0 PROCUREMENT PROCESS – greater than \$ 100,000

12.1 All purchases of goods and services with a value that is greater than \$100,000 must be initiated by an open competitive procurement process, being a request for tender (RFT) or a request for proposal (RFP). An invitational competitive procurement process may only be initiated for purchases with a value that is less than \$100,000 or by obtaining the Board's prior approval.

12.2 The Authority may request suppliers to provide alternative strategies or solutions as a part of their submission. The Authority will establish the criteria to evaluate alternative strategies or solutions prior to the commencement of the competitive procurement process.

12.3 The *Request for Tender* forms must be completed and signed by the authorized employee, accompanied by all required documentation, and then forwarded to the Chief Financial Officer for him to proceed with the request for tender.

12.4 The *Request for Proposal* forms must be completed and signed by the authorized employee, accompanied by all required documentation, and then forwarded to the Chief Financial Officer to proceed with the request for proposal.

12.5 The Chief Financial Officer, or his/her Delegate, will coordinate the RFT or the RFP process.

12.6 Suppliers will be made aware of the evaluation methodology by means of the RFT or RFP document. The RFT or RFP document will clearly outline the mandatory, rated, and other criteria that will be used to evaluate submissions, including the weight of each criterion. The evaluation criteria may be altered only by means of addendum to the RFT or RFP document. An addendum must be published no later than 72 hours before the closing time of the competitive procurement.

12.7 The evaluation team, as referred to in section 15, will be responsible for developing the evaluation methodology, which will include the evaluation criteria and the weight of each criterion. A maximum justifiable weight will be allocated to the price component of the evaluation criteria.

12.8 The Chief Executive Officer, or his/her Delegate, is responsible to review and approve the evaluation criteria prior to finalizing the RFT or RFP document.

12.9 The RFT or RFP for goods and services whose value is greater than \$100,000 must be communicated through an electronic tendering system that is readily accessible by all Canadian suppliers.

12.10 The RFP for goods and services whose value is greater than \$100,000 must be made through an electronic tendering system that is readily accessible by all Canadian suppliers, and other suppliers pursuant to other trade agreements. In addition to these medium and at its discretion, the Chief Financial Officer, or his/her Delegate, may consider sending the RFT or RFP directly to specifically

identified suppliers that have had previous dealings with the Authority, when deemed appropriate.

- 12.11 For RFP of goods and services whose value is greater than \$100,000, the Authority will provide suppliers with a minimum response time of 15 calendar days. Should the procurement entail high complexity, risk, and/or dollar value, the Authority may consider providing a minimum response time of 30 calendar days. For RFP of goods and services whose value is less than \$100,000, the Authority will provide suppliers with a minimum response time of 5 calendar days. For RFT or RFP of goods and services whose value is less than \$100,000, the Authority will provide bidders with a minimum response time of 5 calendar days.
- 12.12 Bid submission date and closing time will be clearly stated in the RFT or RFP documents. The closing date will be on a normal business day (Monday to Friday, excluding national holidays).
- 12.13 All RFT or RFP will stipulate that the price component of the bid is to be in a sealed envelope. The RFT or RFP bid submission must be received at the Authority's head office, 202 Pitt Street, Cornwall, Ontario before the specified closing time. The date and time of reception will be stamped on each bid submission and will be retained unopened until the closing date and hour. The submissions that are delivered after the closing time will not be accepted and will be returned unopened to the bidder. A register will be maintained with the date and time of reception of each bid submission.
- 12.14 The bid submissions will be publicly opened by the Chief Financial Officer, or his/her Delegate, alongside another member of the management team.
- 12.15 All bids received will be initialed by the Chief Financial Officer, or his/her Delegate, before the opening. The bid submissions opened will be compared with the register as to ensure completeness of bids received. The Chief Financial Officer, or his/her Delegate, will then proceed with the opening of the bid submissions and will announce each RFT and RFP.
- 12.16 Each bid submission will be assessed by the evaluation team in accordance with the methodology and process identified in the RFT or RFP. The Chief Financial Officer, or his/her Delegate, will prepare a report to the Chief Executive Officer for approval of the recommended winning bid submission.
- 12.17 Subject to paragraph 8.1 and 8.2, the authorized person must approve the winning bid. Subsequently, the Chief Financial Officer is authorized to award the contract to the bidder that received the highest evaluation score and meets all the mandatory requirements set out in the competitive procurement document.
- 12.18 Following the approval, a purchase order, and in certain cases, a contract will be issued to the winning bidder.
- 12.19 All contracts resulting from a request for tender process must be jointly signed by the authorized individuals referred to in paragraph 8.1 and the supplier representative.

- 12.20 For procurements valued at \$100,000 or more, the Authority will post, in the same manner as the procurement documents were posted, contract award notification. The notification will be posted after the contract between the successful supplier and the Authority is executed. The contract award notification will list the name of the successful supplier, contract start and end dates, and any extension options.

13.0 NON-COMPETITIVE PROCUREMENT

- 13.1 The Authority will employ a competitive procurement process to achieve optimum value for money. It is recognized, however, that special circumstances may require the Authority to use a non-competitive procurement process. The Authority may utilize the non-competitive procurement only in situations outlined in the exemption, exception, or non-application clauses of the Agreement on internal Trade (AIT) or other trade agreements.
- 13.2 A non-competitive procurement process is allowed in the following circumstances:
- 13.2.1 for urgent purchases or in responses to an emergency as identified in section 15 of this procurement directive;
 - 13.2.2 where the compatibility with the current equipment or systems already in place is crucial to the Authority's operations;
 - 13.2.3 for purchases relating to questions of the confidentiality involving safety and security, police matters or any other similar circumstances;
 - 13.2.4 for purchases of goods or services relating to questions of confidentiality and in which it is reasonable to believe that the communication of these questions within the framework of an open competition process could compromise their confidential character or harm in some way or another the interests of the Authority;
 - 13.2.5 where it is established that only one supplier is able to satisfy the requirements of the request for purchase or the contract in the circumstances given (i.e. exclusive supplier);
 - 13.2.6 where no bid submission was received in response to the competitive procurement process carried out in compliance with this procurement directive;
 - 13.2.7 for contracts relating to goods or services where the procurement is controlled by a supplier who holds legislative knowledge;
 - 13.2.8 for purchases of services which, under laws or regulations, must be provided by authorized professionals like physicians, dentists, nurses, pharmacists, and lawyers.

14.0 EMERGENCY PURCHASES

- 14.1 Where an emergency arises which, according to the Chief Executive Officer or the Chief Financial Officer's assessment requires the immediate purchase of goods or services, the Chief Executive Officer or the Chief Financial Officer may proceed with the procurement required to rectify the emergency, even if the purchases were not anticipated in the Corporate Plan and cannot be in compliance with this procurement directive.
- 14.2 Should the dollar value of the emergency purchase be greater than \$ 100,000, the Chief Executive Officer must consult the Chairperson of the Board of Directors or his/her delegate to carry out such a purchase. A report will be presented to the Board members at the next scheduled regular Board meeting.
- 14.3 An emergency is deemed to arise in the following circumstances:
 - 14.3.1 There is a true or imminent danger towards the life or the health and safety of one or more individuals.
 - 14.3.2 Personal or real property risk being damaged or destroyed.
 - 14.3.3 There is a discharge of substance requiring an immediate attention under the *Canadian Environmental Protection Act*.
 - 14.3.4 There exist circumstances that may lead to financial loss or that may have the possibility of harming the personnel or the services the Authority is to provide.
- 14.4 Immediately after an emergency purchase is made, the Chief Financial Officer must prepare a report specifying the details of the emergency and of the purchase made a result thereof.

15.0 BID SUBMISSIONS

- 15.1 The Chief Financial Officer will select the members of the evaluation team. The evaluation team will be comprised of a minimum of two individuals.
- 15.2 The Chief Financial Officer is responsible to ensure that all members of the evaluation team are made aware of the restrictions related to the utilization and distribution of confidential and commercially sensitive information collected through the RFT process and refrain from engaging in activities that may create or appear to create a conflict of interest. Each evaluation team member must sign a conflict of interest declaration and non-disclosure of confidential information agreement.
- 15.3 The Chief Financial Officer is responsible to ensure that all evaluation team members are provided with the appropriate training on assessing bid submissions.
- 15.4 Each evaluation team member will complete an evaluation matrix, rating each of the submissions. Records of the evaluation scores will be retained for audit purposes.

- 15.5 A bid submission will be automatically disallowed should one of the following irregularities present itself:
- 15.5.1 It is submitted after the closing time, by registering that it was returned to the supplier without being opened.
 - 15.5.2 The envelope is not sealed.
 - 15.5.3 It does not contain a bid bond or other financial guarantee, as requested.
 - 15.5.4 It is completed or signed in a manner that may easily be erased.
 - 15.5.5 It is not complete, unless the Chief Financial Officer, or his/her Delegate, considers the omissions to be minor and do not have any incidence on the submission.
 - 15.5.6 Modifications to the documents submitted are not initialed, unless the Chief Financial Officer, or his/her Delegate, considers the changes to be minor and do not have any incidence on the submission.
 - 15.5.7 It is produced on a form other than one required by the Authority, such as stipulated.
 - 15.5.8 The addendums were not considered.
- 15.6 The supplier will have 48 hours from the moment a notice is given to correct, initial and return the bid submissions if it contains one of the following irregularities:
- 15.6.1 It contains mathematical or clerical errors.
 - 15.6.2 It is missing the bidder's signature.
- 15.7 In circumstances where less than three bid submissions are received, the following actions may be considered:
- 15.7.1 Where, in the opinion of the Chief Financial Officer or his/her Delegate, additional bid submissions could be obtained, the bid submissions will be returned unopened to the bidders and the process will be restarted as to encourage the participation of other bidders.
- 15.8 Where all bid submissions are considered to be unacceptable by the Chief Financial Officer or his/her Delegate due to i) all bids submissions exceed the Corporate Plan or do not reflect a reasonable price or ii) all bid submissions do not satisfy all the Authority's requirements, the following steps may be considered:
- 15.8.1 Where, in the opinion of the Chief Financial Officer or his/her Delegate, other bid submissions could be obtained, the RFT or RFP may be restarted as to solicit additional bid submissions or to revised bid submissions acceptable to the Authority.
 - 15.8.2 Where, in the opinion of the Chief Financial Officer or his/her Delegate, it is not likely that additional bid submissions would be obtained or due to time constraints, it would not be beneficial for the Authority to initiate a new RFP and/or RFT process, negotiations may begin with the bidder

with the lowest cost, only after obtaining the Chief Executive Officer's approval, as to make changes to the submission and be in compliance with the general intention of the competitive procurement document and result in an acceptable bid submission. Should, as a result of the negotiations, the revised cost is greater than the second lowest bid, negotiations will cease.

15.8.3 Where, in the opinion of the Chief Financial Officer or his/her Delegate, it would be in the Authority's best interest to cancel the RFT or RFP process, the process may be discontinued.

15.9 Notwithstanding any other mention in this procurement directive, the Chief Financial Officer or his/her Delegate may, at any time, cease to pursue the competitive procurement process, and this, up until the time of granting the contract.

15.10 When the price is greater than \$ 100,000, the Authority will inform all unsuccessful suppliers about their entitlement to a debriefing. The suppliers will have 30 calendar days starting from the contract award notification date to request a debriefing meeting.

16.0 EXECUTING THE CONTRACT

16.1 A written contract will formally define the agreement between the Authority and the supplier before the supply of goods and services commences.

16.2 Where the Authority has an immediate need for goods or services and the supplier and the Authority are unable to finalize the contract as described above, a letter of intent or an interim purchase order will be used. The justification of such decision will be documented and approved by the appropriate authority.

16.3 The contract will be finalized using the form of contract that was included with the procurement documents

16.4 All contracts will include an appropriate cancellation or termination clauses. The Authority will seek legal advice on the drafting of such clauses.

16.5 The term of the contract and all options to extend the contract will be set out in the competitive procurement documents. The approval by the appropriate authority will be obtained before executing any modifications to the term of the contract. Extending the term of agreement beyond that set out in the competitive procurement document amounts to a non-competitive procurement where the extension affects the value and/or stated deliverables of procurement.

17.0 GENERAL

17.1 No preference will be granted to any suppliers for the purchase of goods and services.

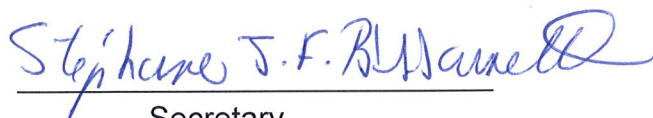
17.2 A response from a potential supplier to a request for expression of interest or to a request for information should not result in the preliminary selection of a supplier, nor increase its chances to be retained for a subsequent contract.

- 17.3 Employees of the Authority and Board members should not partake in any acts which would offer an advantage or result in a disadvantage to any supplier in the execution of this procurement directive.
- 17.4 There is a conflict of interest when an employee of the Authority or its Board members can directly obtain a personal gain by exerting an influence on a decision or a result. Employees of the Authority and Board members must conform to the provisions of the Authority's Directive HR-001 –*Code of Conduct for Ethics*, Directive HR-002 *Conflict of Interest and Post-Employment* and to Directive FI-002 *Supply Chain Code of Ethics*. An employee of the Authority or a Board member that has a conflict of interest does not have the right to participate in the procurement process, unless it publicly declares the conflict of interest to the Board, participates in the competitive procurement process and abstains from influencing the process or the selection.
- 17.5 Employees of the Authority, individually or by means of a company, cannot promote or sell, directly or indirectly, goods or services to the Authority without the prior approval of the Board.
- 17.6 No purchase for the sole purpose of employee of a Board member's personal use is permitted.

18.0 DOCUMENT RETENTION

- 18.1 Information related to the process of procuring products or services in order to achieve operational objectives, including requisitions, purchase orders, unsuccessful bids, proposals, evaluation records are to be retained in hard copy form or in electronic form for 5 years following the end of the current fiscal year.
- 18.2 Information related to the creation and final approval of contracts, agreements, memorandums of understanding, etc. including third party agreements are to be retained for 10 years, or permanently when deemed significant to the Authority's operations.

Approved by the Members of
the Authority on July 23, 1986


Secretary

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