

Loyalist College

Policies and Procedures

Procurement Policy FIN 200A

Audrey Mitchell Purchasing Manager
5/26/2014



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ISSUED BY: Vice-President, Corporate Services & CFO	PAGE: 1 of 24
SUPERSEDES: NO.: FIN 200 DATED: 07/11/30	PROCEDURE ATTACHED: YES NO

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PROCUREMENT PROCEDURES

Revisions to Procurement Policy FIN 200A

Effective April 2011 organizations in Ontario, which includes community colleges, is required to comply with Ministry of Finance Broader Public Sector Procurement Directive dated July 01, 2011. These guidelines require us to adopt a Code of Ethics which must be available and visible to all employees involved in supply chain-related activities. All employees involved with supply chain-related activities must be aware that they must conduct themselves in accordance with the Code as indicated in the revised Procurement Policy FIN 200 dated May 8th, , 2014. The Ministry of Finance also requires us to adopt Procurement standards by implementing the 25 Mandatory Requirements into our Procurement procedures.



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PROCEDURE:

1.0 Procurement Responsibilities

Purpose: To clearly identify the procurement departments' role within the college community as one centralized purchasing point, including:

- 1.1. Acquisition by any means, including by purchase, rental, lease or conditional sale of goods, services or construction (except those items listed on the Exception List section 26.0) which must be procured by issuance of a purchase order or by use of a Corporate Credit Card following appropriate credit card guidelines identified in Section 13.0.

Departments or individuals acquiring goods and services outside of this policy are deemed to be acting independently of the College. Consequently, individuals will be responsible for any debt or obligations however incurred and the College retains the right to refuse payment for such a purchase.

- 1.2. We are constantly striving to obtain best overall value in a sustainable approach to procurement in a formal, transparent, and fair process, including all necessary documentation.
- 1.3. Procurement Services will act as the liaison between the College and the Supplier.
- 1.4. Procurement Services is able to meet the Procurement Directives for Segregation of Duties by preventing any one person from controlling the entire purchasing process by segregating approvals for the key stages of the supply chain process: Requisition, Budget, Commitment, Receipt and Payment. (**Reference BPSPD-MR#1**)
- 1.5. Disposal of surplus equipment in a method that is consistent with our role within our community and in a Sustainable and an environmentally conscious manner.
- 1.6. Procurement Services is responsible for mitigation of risk to the college by managing suppliers' legal and insurance requirements.
- 1.7. Procurement Services is responsible, prior to procurement of consulting services, to ensure approval in accordance with the Procurement Approval Authority Schedule (AAS) as approved by the Board in Policy FIN200.
- 1.8. Procurement Services is responsible for contract management.
- 1.9. Procurement Services is responsible for AODA compliance under the integrated Accessibility Standards Regulations.



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2.0 Purchase Requests

Purpose: To establish the guidelines for users when making a request to Procurement Services.

- 2.1 All requirements for goods and services (except those items listed on the Exception List section 20.0) are to be initiated by the user department providing Procurement Services with a manual or electronic request to the purchase@loyalistic.on.ca email address.
- 2.2 User is to provide as much detail as possible on their request/requisition.
- 2.3 Once quotes are obtained Procurement Services will summarize responses and forward them to the end user or budget holder as appropriate under the given circumstances.
- 2.1 Procurement Services will proceed with the request once required approval is obtained and accurate budget detail is provided (unit#/account# and project if applicable).
- 2.2 Signing authority is delegated to various levels as outlined in Policy FIN507 and the Approval Authority Schedule (AAS) found in FIN200. Procurement Services requires all new employees with signing authority or, those promoted into positions that allow signing privileges to complete the Signature Form attached to FIN507. <P:\Purchasing\All Staff\Signing Authority FIN507\FIN507.pdf> to identify approval limits see Approval Authority Schedule (AAS). **(Reference BPSPD-MR#2)**
- 2.3 It is the responsibility of the approver(s) to ensure sufficient funds are available.
- 2.4 Prior to processing, Procurement Services will forward for approval all requests:
 - That would be considered part of or affect the college buildings or grounds to the Facilities Services administrator.
 - Computer related to the IT administrator.
 - Promotional items or items with the college logo/crest to the Marketing administrator.
 - Health Concerns to the Health & Safety Coordinator
- 2.5 All requests for electrical or mechanical goods must be Canadian Standards Association (CSA) Electrical Safety Authority (ESA) or ULC (Underwriters Laboratories Canada) approved for institutional use and labeled accordingly.

3.0 Quoting Requirements

Purpose: To establish the guidelines to determine which quoting method is required.

A competitive procurement process is required for all goods and services acquisitions other than items listed under exceptions section 26. It is at the discretion of Procurement Services to determine the most appropriate method of obtaining quotes. **Note:** All prices indicated in this



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section are total dollars per request before applicable taxes. Departments are not allowed to split requests to meet alternative quoting requirements. Consulting services require a competitive process at \$0.00 and must meet Procurement Approval Authority Schedule (AAS) for consulting services.

- 3.1 \$3,000 and less requires one (1) verbal, written or electronic quotation
- 3.2 \$3,000 - \$100,000 3 written, faxed or electronic competitive quotations \$100,000 or greater must be publicly advertised on Merx.com or other approved source, in accordance with the Agreement on Internal Trade (AIT), the Ontario-Quebec Procurement Agreement and principles of transparency. **(Reference BPSPD-MR#3, BPSPD-MR#6 and BPSPD-MR#16 reference section 6)** Postings must allow suppliers a minimum response time of 15 calendar days. **(Reference BPSPD-MR#7)**
- 3.3 Sole or Single Source refer to section 6.2;6.3 Sole Source Justification
- 3.4 Request for Supplier Qualifications (RFSQ) is used to gather information about supplier's capabilities and qualifications in order to pre-qualify suppliers for an immediate production or service requirement, or to identify qualified candidates in advance of expected requirements, and may be used at the discretion of the Procurement Services department. The RFSQ does not obligate the College to actually call on any supplier as a result of the pre-qualification to supply materials or services. **(Reference BPSPD-MR#5)**
- 3.5 Request for Information (RFI) or Request for Expression of Interest (RFEI) – can be used by the Procurement Services department as required but must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent on any subsequent opportunity. **(Reference BPSPD-MR#4)**
- 3.6 Procurement Services is not required to re-quote if a similar good or service has been through a formal competitive RFQ process within one (1) year from the purchase order date if it is deemed that no substantial benefit to the College would be gained.
- 3.7 When Procurement Services analysis indicates it would be beneficial, the College, they may purchase goods or services from a Provincial Government Vendor of Record available to the Broader Public Sector, approved suppliers through a Ministry Agreement or part of a Collaborative Marketplace.
- 3.8 **Request for Quotes (RFQ)** are used to request supplier responses to supply goods or services based on stated delivery requirements, performance specifications, pricing and terms and conditions.



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- 3.9 **Request for Proposals (RFP)** is used to request suppliers to supply solutions for the delivery of complex products or services or to provide alternative options or solutions. It is a process that uses predefined evaluation criteria in which price is not the only factor.
- 3.10 **Request for Tender (RFT)** is used to request supplier responses to supply goods or services based on stated delivery requirements, performance specifications and terms and conditions. RFT usually focuses the evaluation criteria predominantly on price and delivery requirements.
- 3.11 **Agreement to Abide by the Established Procedures in FIN200**

Loyalist requires observance of the following:

All communications, including requests for information, between bidders and Loyalist must be between only the representatives of Loyalist, as stated in this document, and each Bidder who have been authorized and designated for that particular purpose.

4.0 Communications:

Apart from the communications between and among the designated representative(s) there must be no communication between Loyalist and any representative of the Bidder, and no giving of information with respect to the Purchasing type processes and the final agreement.

5.0 Disqualification

Any attempt on the part of any Bidder, or any of its employees, agents contractors or representatives to contact any persons other than the designated representatives with respect to the purchasing process or any action or violation of the above requirements, will be grounds for disqualification, and Loyalist may, in its discretion, in addition to any other rights or remedies available at law, reject any potential or actual submission or proposed submitted by the bidder.

6.0 Purchase Types

Purpose: To establish the most effective means in the award of contracts to suppliers.

- 6.1 Standing Order (SO) or Vendor of Record (VOR) is procurement arrangements that authorize the College to select from one or more pre-qualified vendor(s). SO or VORs are typically determined by way of a formal process, for a defined period with terms and conditions, including pricing, for items that are purchased on a regular basis from the same vendor(s) for a determined period when advantageous to the College.

It is the responsibility of Budget Holder to verify that invoices match the negotiated pricing and terms established on the SO or VOR.



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6.2 **Single Sourcing** is utilized when only one supplier can meet the requirements of the procurement. Where an unforeseen situation of urgency exists and the goods and non consultive services cannot be obtained by means of an open procurement procedures.

6.3 **Sole Sourcing** is utilized when only one supplier is able to meet the procurement requirements.

Note: For both single/sole source acquisitions a Sole/Single Source Justification (SSJ) form #PS-05 reference <P:\Purchasing\All Staff\Forms\Sole Source Just. Forms\Sole Source Form.docx> or staff wiki must be completed by the individual department that can best justify the sole source acquisition and be approved by the appropriate authority levels. Over \$10,000 requires Vice President, Corporate Services, CFO approval on the SSJ form.

It will still be the responsibility of the Procurement Services Department to verify justification and to send out formal request for quotation, proposal or tender and perform evaluation of single source submission.

6.4 **Purchase Order** – A legal document from the Procurement Services with a written offer to a supplier authorizing procurement of goods & services formally stating all terms and conditions of a proposed transaction and committing College funds.

- All procurement documents, as well as any other pertinent information for reporting and auditing purposes, must be maintained for a period of seven (7) years and be in recoverable form if requested. **(Reference BPSPD-MR#23)**
- Procurement Service will issue the purchase order and forward it to the successful supplier with Loyalist College terms & conditions and provide a copy to the end users.
- Reference policy #_____ for procurement record retention policy. All procurement documentation is filed by supplier, in alphabetical order, in numbered banker boxes by fiscal year kept for 7 years from time of contract expiry, date in our archive room.

Signing responsibility on Purchase Orders

Total Purchase Amount	Delegated Purchasing Authority Level
<\$3000.00	Buyer
<\$10,000.00	Senior Buyer
<\$50,000.00	Manager Procurement Services
Over \$50,000.00	Vice-President Corporate Services and CFO



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7.0 Proposal Evaluations

- 7.1 Bid Receipt — Loyalist College must ensure that the closing date is set on a normal working day (Monday to Friday, excluding provincial and national holidays). Submissions that are delivered after the closing time must not be considered. **(Reference BPSPD-MR#8)**
- 7.2 Evaluation Criteria — Evaluation criteria must be developed, reviewed and approved by an appropriate authority prior to commencement of the competitive procurement process. Competitive procurement documents must clearly outline mandatory, rated, and other criteria that will be used to evaluate submissions, including weight of each criterion. Mandate criteria (e.g., technical standards) should be kept to a minimum to ensure that no bid is unnecessarily disqualified. Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria. All criteria must comply with Section 7.2.14 of the BPS Procurement Directive, Non-Discrimination. The evaluation criteria are to be altered only by means of addendum to the competitive procurement documents. The College may request suppliers to provide alternative strategies or solutions as part of their submission. The college must establish criteria to evaluate alternative strategies or solutions prior to the commencement of the competitive procurement process. Alternative strategies or solutions must not be considered unless they are explicitly requested in the competitive procurement documents. Evaluation criteria should be developed, reviewed and approved before the competitive process begins. These criteria must be included in the competitive documents. The competitive documents must also identify those criteria that are considered mandatory and any technical standards that need to be met. The evaluation criteria can only be changed or altered once the competitive process has begun through an addendum to all suppliers. **(Reference BPSPD-MR#9)**
- 7.3 Evaluation Process — Competitive procurement documents must fully disclose the evaluation methodology and process to be used in assessing submissions, including the method of resolving tie score. Competitive procurement documents must state that submissions that do not meet the mandatory criteria will be disqualified. **(Reference BPSPD-MR#10)**
- 7.4 Evaluation Team — Evaluation team members must adhere to the procedures in the Evaluator’s Handbook, #PS-09. Team members must be aware of the restrictions related to confidential information shared through the competitive process and refrain from engaging in activities that may create or appear to create a conflict of interest. Loyalist evaluation team members must also sign a conflict-of-interest declaration and non-disclosure agreement, form#PS-10. **(Reference BPSPD-MR#11)**
- 7.5 Evaluation Matrix — Procurement Services must ensure that each member of the evaluation team has completed an evaluation rating sheet for each of the proponents. The only exception is if a consultant has been hired to provide expertise and is asked to complete the evaluation for



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each proponent. Records of evaluation scores must be auditable. Evaluators should be aware that everything they say or document must be fair, factual, and fully defensible and may be subject to public scrutiny. **(Reference BPSPD-MR#12)**

- 7.6 Selection Process — The submission that receives the highest evaluation score and meets all mandatory requirements set out in the competitive procurement document must be declared the winning bid. **(Reference BPSPD-MR#13)**
- 7.7 Tie-Score Process — the method to resolve a tie score must be identified in the evaluation criteria of the RFP, including weighting, if applicable. Tie-break criteria are also subject to the rules of non-discrimination. A flip of the coin will determine the successful supplier in the case of a tie-score unless another option for tie-break criteria is established by the evaluation team at the time of creating the evaluation criteria which is more appropriate for the type of acquisition. **(Reference BPSPD-MR#10)**
- 7.8 Non-Discrimination — In compliance with the AIT, the College must refrain from any discrimination or preferred treatment in awarding a contract to the preferred supplier from the competitive process, e.g. local preference. **(Reference BPSPD-MR#14)**

8.0 Contract Award—(reference section 3.3 procurement value over \$100,000)

- 8.1 Executing the Contract — the agreement between the College and the successful supplier must be defined formally in a signed written contract before the provision of the goods, services or construction commences. In situations where an immediate need exists for goods or services and the College and the supplier are unable to finalize a contract, a letter of intent, memorandum of understanding (MOU) or interim purchase order may be used. This will allow for the immediate needs to be met, while final negotiations take place towards finalizing the contract. **(Reference BPSPD-MR#15)**
- 8.2 Establishing the Contract — the contract must be finalized using the form of agreement/contract that was released with the procurement document terms and conditions. In circumstances where an alternative procurement strategy has been used (i.e., a form of agreement was not released with the procurement document), the agreement between the College and the successful supplier must be defined formally in a signed written contract before the provision of supplying goods commences. **(Reference BPSPD-MR#16)**
- 8.3 Termination and Cancellation Clauses — all contracts must include appropriate cancellation or termination clauses. **When conducting complex procurements, the College should consider, as appropriate, the use of contract clauses that permit cancellation or termination at critical project life-cycle stages. (Reference BPSPD-MR#17)**



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- 8.4 Contract Extensions — the term of the agreement and any options to extend the agreement must be set out in the procurement document. Changes to the term of the agreement may change the procurement value. Prior written approval by the appropriate approval authority is necessary before changing contract start and end dates. Extensions to the term of agreement beyond what is set out in the procurement document are considered non-competitive procurements and the College must provide written justification and seek VP and President approval authority prior to proceeding. **(Reference BPSPD-MR#18)**
- 8.5 Award Notification — The College must post in the same manner as the procurement documents were posted the name of the successful supplier. Contract award notification must occur only after the agreement between the successful supplier and the organization has been signed. The contract award notification must include the agreement start and end dates, including any options for extension and the total agreement value. **(Reference BPSPD-MR#19)**
- 8.6 Vendor Debriefing Notification — The College must inform all suppliers who participated in the procurement process of their entitlement to a debriefing. **(Reference BPSPD-MR#20)**
- 8.7 All contracts for goods, non-consulting services and consulting services shall be subject to competitive quotations every five years except in unusual circumstances, in which case the process could be deferred by not more than a one (1) or two (2) year extension. The term must be established in the RFP document at the on-set.
- 8.8 The College should employ a competitive procurement process to achieve optimum value for money. It is recognize, however, that special circumstances may require the College to use non-competitive procurement. The college may utilize non-competitive procurement only in situations outlined in the exemption, exception, or non-application clauses of the AIT or other trade agreements. Prior to commencement of non-competitive procurement, supporting documentation must be completed and approved by an appropriate authority within the College. **(Reference BPSPD-MR#21)**
- 8.9 The College must communicate the bid protest procedures for suppliers in all competitive and procurement documents to ensure that any dispute is handled in a reasonable and timely fashion. The College must ensure that their process is compliant with the bid protest procedures as set out in the AIT and the Ontario-Quebec Procurement Agreement. **(Reference BPSPD-MR#25)**
- 8.10 The Procurement Services department will manage the supplier and contractors performance evaluations on contracts that are valued over \$100,000.00 over the term of the contract. **(Reference BPSPD-MR#22)**



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9.0 Bid Dispute Resolution

Purpose: To provide a bid protest procedure that allows suppliers to submit protests concerning any aspect of the procurement process throughout the life of the contract.

- 9.1 The supplier must notify the College of a dispute or claim within 14 calendar days of the dispute or cause of action arising. If the dispute claim cannot be resolved through negotiation between the supplier and Procurement Services to the satisfaction of both parties, the parties may between themselves decide to submit the particular matter to arbitration in accordance with the laws of Ontario. The College will ensure that this process is compliant with the bid protest procedures as set out in the AIT and the Ontario-Quebec Procurement Agreement. (Reference BPSPD-MR#25)

10. Standardization of Products and Services

Purpose: To establish college standards of goods and services when deemed advantageous to reduce overall procurement costs. Allows for the reduction in the number of goods and services and maximizes volume buying opportunities via economies of scale, reduced handling, training and storage costs, and increased co-operative purchasing opportunities.

- 10.1 When appropriate, Procurement Services will assemble a reference group based on the product or service to review and establish standards. After a thorough evaluation of the specifications and a competitive bidding process has been completed, a standard will be established when appropriate. Standard contract terms are applicable.
- 10.2 Procurement Services is able, during the term of the contract, to perform evaluations of the standard if product specifications/deviations to the standard are presented without going through a reference group review.
- 10.3 Recommendations from the reference group will be submitted to the VP Corporate Services and CFO for approval.

11. Use of Rental and College Vehicles

Purpose: The rental of a vehicle, or the use of a college vehicle, for college business is coordinated by the Procurement Services Department.

- 11.1 All users must review and agree to follow the Occupational Health & Safety Policy #OHS-026, Motor Vehicle Safety before completing the Vehicle Rental Request form #PS-06 (reference p:/purchasing/all staff/forms/vehicle forms or staff wiki), or the #PS-01 Student Drivers Policy and Drivers List & Authorization form. A minimum of 48 hours prior to the required usage time must be given, to allow for renting, or acquiring of the abstract information. Signing



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of the #PS-06 or the #PS-01 form confirms agreement to following all policies of the OHS-026 Motor Vehicle Safety.

- 11.2 Loyalist College Corporate Credit Card is not to be used for vehicle rentals due to the fact that our corporate card does not carry any liability insurance.
- 11.3 College Insurance coverage is confirmed at time of obtaining an acceptable Drivers Abstract which is required for all drivers' licenses (reference OHS-26 Motor Vehicle Safety).

12. Web Ordering

Purpose: To establish web ordering protocol for Procurement Services only.

- 12.1 Web orders are permissible when deemed beneficial to the College.
- 12.2 When practical, web orders will be ordered on account for suppliers with whom the College has established terms. Online credit card purchases are also permitted in instances when terms are not available, within the limitations and restrictions detailed in the Corporate Credit Card Policy FIN206. Foreign purchases and dollar value CC restrictions do not apply to Procurement Services purchases.
- 12.3 It is understood that suppliers' terms and conditions are accepted when ordering on-line and the Loyalist College terms and conditions are not enforceable.

13. Corporate Credit Card

Purpose: To identify authorized uses of the College Credit Card for Non Procurement Staff

- 13.1 Users can utilize Corporate Credit Cards for purchases of miscellaneous low dollar goods and services up to \$1,000.00. Transactions are subject to the limitations outlined in Corporate Credit Policy FIN206 and section 13.0
- 13.2 Capitalized equipment, computer related items (such as laptops, PDAs, iPods), furniture, hazardous materials, on-site services and vehicle rentals are prohibited on the College Credit Card.
- 13.3 All electrical items purchased on a corporate credit card must be CSA/ULC or ESA approved (reference Sec. 2.5).
- 13.4 All credit card purchases must adhere to approval guidelines prior to purchase as outlined in Signing Authority Policy FIN507.



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13.5 Users should provide suppliers with their telephone extension as a purchase order number when using their corporate credit card to facilitate receiving and internal delivery of terms.

14. Supplier Selection

Purpose: To indicate the supplier selection process.

- 14.1 The evaluation and selection of suitable suppliers in consultation with the user department, as appropriate, is the responsibility of Procurement Services.
- 14.2 Supplier(s) suggested by the requisitioner will be taken into consideration but in no way bind Procurement Services or limit the supplier selection process.
- 14.3 Suppliers can be removed from the bidders' lists if deemed unqualified based on past performance and/or unresolved issues documented by Procurement Services
- 14.4. Process should **???** Budget holder provides a detailed written complaint, that is shared with the supplier along with a notice.

15. Suppliers Legal & Insurance Requirements

Purpose: All suppliers/contractors that perform services on College property are required to comply with all applicable laws, regulations and College Policy..

- 15.1 In the cases of services contracted through the purchase order process, Procurement Services will be responsible for obtaining the required documentation from suppliers/contractors, to ensure liability protection for the College while suppliers/contractors are on College premises. A current certificate of insurance and WSIB certificate is required prior to the commencement of any work on College property. Procurement will ensure that all Contractors are compliant with the Accessibility for Ontarians with Disability Act (AODA), 2005 and Section 6 of the Ontario Regulation 429/07. During a construction project Contractors will provide current WSIB certificates with each invoice.
- 15.2 All On site Contractors must return the signed Notice to Contractors prior to the commencement of any work.



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16. Receipt of Goods

Purpose: To outline the procedure for the proper receipt of goods.

- 16.1 Goods are not to be received directly by the individual department (other than satellite campuses); goods received in this way should be forwarded to the Receiving Department for proper processing.
- 16.2 All Packing slips should be forwarded to Procurement Services for record purposes and closing of orders that are complete.

17. Hazardous Materials/Chemicals/Biological Specimens

Purpose: To establish the procedures and responsibility for the acquisition of hazardous goods.

- 17.1 It is the requisitioners' responsibility to identify that a purchase request contains hazardous material. "Hazardous Materials" include any material that falls under the Hazardous Product Act, or Public Health Agency of Canada. (Biological Substances)
- 17.2 For any Designated Substance or new Hazardous Material, the requisitioner must include a current MSDS with the requisition (either hard copy or electronic link).
- 17.3 Procurement Services will forward any request for new hazardous material or designated substances to the Health and Safety Coordinator for approval prior to ordering.
- 17.4 Procurement Services will request that the supplier includes a current MSDS with the shipment, for reorders of materials already listed on the respective department's "Hazardous Chemical Inventory". Located on the P: drive/health & Safety/Hazardous Material Inventories/<dept. name>.
- 17.5 Purchase orders for Hazardous Materials will include a statement that materials must comply with WHMIS regulations and the product is shipped according to the "Transportation of Dangerous Goods Act".
- 17.6 Biological specimens are controlled by "Public Health Agency of Canada" – Center for Bio Security. Specimens of Risk Group 2 (RG2) or higher may not be purchased for the College unless Containment Level 2 (CL2) requirements can be met.



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18. Sustainable and Environmental Procurement

Purpose: Loyalist College Procurement Services will strive to source, promote and support products and services that are environmentally sound and sustainable.

18.1 Loyalist supports environmentally responsible products and services. Notwithstanding price, Loyalist may give preference to environmentally responsible products and services, when established in the evaluation criteria.

Examples of environmental consideration given to products and services may include:

- durability, reusability and amount of recycled content
- environmentally friendly production processes
- products that eliminate or reduce waste
- products that are independently recognized for meeting high environmental standards
- manufacturers and suppliers that have a registered environmental management system
- enhanced health and safety standards
- reduced disposal fees and/or life cycle costs

18.2 Life Cycle Costing

Loyalist is committed to considering life cycle costs in the evaluation of bids for goods and services. This type of evaluation takes into consideration the total cost of performing the intended function over the lifetime of the task or piece of equipment. Such considerations could include initial costs, frequency for repair, downtime costs, skilled labour requirements, material waste, cost of consumables (when applicable), maintenance & repair contracts, energy use, length of useful life and salvage value/disposal costs.

19. AODA

Purpose: To provide procedures to ensure that AODA regulations are considered when sourcing goods and services

19.1 Users should review the Ontario Colleges AODA Procurement Toolkit, checklist when developing specification for goods and scope of services. The toolkit is available on the p drive; P:\Purchasing\All Staff\AODA2014\AODAProcurementToolkit_FINAL2014.pdf



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20. Return Material Authorization

Purpose: To outline the proper procedure for return of goods to suppliers, due to damaged/defective conditions or unsuitable application for exchange, repair or credit.

- 20.1 The user will advise Procurement Services via email indicating the purchase order number, the item being returned, current condition of item and packaging, serial number (if applicable) and reason for the return.
- 20.2 It is Procurement Services' responsibility to obtain a return authorization from the supplier, complete the Return Material Authorization ("RMA") form #PS-03 (reference p: /purchasing/staff/forms or staff wiki) and assemble the supporting documentation.
- 20.3 The RMA form is forwarded to Shipping/Receiving to accompany the return shipment and to Accounts Payable if credit or charges are expected.
- 20.4 When documents are fully prepared, Procurement Services will contact the user department to have the item returned to Shipping/Receiving, for return to the supplier.
- 20.5 Procurement Services will utilize the RMA number for any associated costs. Cost over \$200.00 requires a written quote from the supplier and approval from the budget holder.

21. Confidentiality and Conflict of Interest

Purpose: To establish that any College employee involved in purchasing or other supply chain related activities are required to declare any potential or perceived conflict of interest related to the spending of Loyalist College funds.

- 21.1 All College employees should guarantee the confidentiality of prices and all information pertaining to supply chain activities. Any inquiries related to any acquisitions should be directed to Procurement Services, to respond to in accordance with the "Freedom of Information Act".
- 21.2 Loyalist College is a publicly funded institution and it is essential that the College's business dealings be beyond reproach to audit and public scrutiny.
- 21.3 All staff members involved in supply chain related activities will adhere to the Conflict of Interest Policy & Procedure ADMIN 107 and FIN200 Appendix 2 – Code of Ethics.
- 21.4 Staff must inform Procurement Services if there is any possible conflict of interest, including any possible preferential treatment to relatives, personal friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise. Procurement Services will assess if a conflict of interest exists, and will take appropriate action to eliminate the conflict of interest from the acquisition process.



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- 21.5 Procurement Services staff may accept incidental gifts, hospitality or a common expression of courtesy within the normal standards of hospitality that would not cause suspicion about the objectivity and impartiality of the College employee and would not compromise the integrity of the College.
(Reference BPSPD-MR#24.)

22. Other Related Policies

- 22.1 The College must conduct procurement activities according to the law in Ontario, including contract law, the law of competitive processes, privacy legislation, accessibility legislation and any other legislation as may be applicable.
The College may also be subject to various trade agreements, including but not limited to the Agreement on Internal Trade (AIT) and the Ontario-Quebec Trade and Cooperation Agreement (Ontario-Quebec Agreement).

23. Consumables Fees

Purpose: To establish that any College program that charges a Consumable Fee must follow the Consumable process.

- 23.1 Consumable fees that require the purchase of products must be requested using the Consumable Fee Template by Program and Year form PS-08 (reference p: /purchasing/staff/consumables or the staff wiki).
- 23.2 The budget holder is responsible for approving product accuracy and order quantities in accordance with timelines established with student registration prior to Procurement Services proceeding with the order.
- 23.3 Adequate time should be provided to ensure the receipt of products prior to school start up.
- 23.4 Once items have been ordered Sales Receipt #PS-11 will be generated (available on the p drive/purchasing/staff/consumables) with the amount students will be invoiced. The Sales Receipt can be obtained and distributed to students at the time of students receiving their consumable items at the discretion of the program coordinator.
- 23.5 AIT product for resale exemption applies to consumable purchases. The competitive process is at the discretion of Procurement Service.

24. Lease Agreements

Purpose: To provide direction on the use of capital or operating leases.

- 24.1 Leases may be utilized when deemed appropriate.



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24.2 The decision to enter into a lease agreement for a particular purchase and the lease structure (operating or capital) will be determined and approved by the Vice President Corporate Service, CFO or designate.

24.3 Specific lease negotiations will be carried out by Procurement Services.

25. Disposal of Surplus, Obsolete and Scrap Equipment

Purpose: To provide direction and ensure fair, cost efficient and effective disposal of all College obsolete, surplus and scrap assets.

25.1 All Departments of the College are to notify Procurement Services of any surplus or obsolete assets with replacement value greater than \$100.00 which requires the completion of an Obsolete/Surplus Disposal form, #PS-04 (reference p:/purchasing/all staff/forms or staff wiki). Completion of this form is essential for the management and control of College assets.

25.2 Procurement Services will first consider redeployment of the asset elsewhere in the College at no cost to the accepting Department.

25.3 Procurement Services will determine the best method of disposing of un-deployable assets, given available time, storage and resources, including but not limited to any of the following:

- trade in
- sold through auction, college yard sale, internally advertised to the College, or publically advertised to the community at large
- donation to non-profit organizations
- scrap the asset, in an environmentally responsible manner, avoiding landfill whenever possible
- assets with inappropriate content shall be destroyed in a manner that maintains confidentiality and verified with a Certificate of Destruction if applicable.

25.4 Disposal of obsolete hazardous materials/chemicals will be carried out in accordance with all Provincial and Environmental Regulation, with the assistance of Facilities Services.

25.5 Applicable taxes will be collected on all Sales.

25.6 All proceeds from the sale of surplus fixed assets are to be credited to the “General College Revenues” unless sale is of assets purchased with student fees.



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26 Exceptions to the Procurement Policy

Purpose: The listed exceptions can be coordinated by the users. Procurement Services will assist users if necessary or when advantageous to the College.

1. Utilities
2. Customs
3. Subscriptions & Membership Dues
4. Newspapers/Advertising
5. Travel arrangements (hotel/flights/limousine service/expenses etc.) (see Business Expense Reimbursement Policy FIN 504)
6. Conferences, seminars and course registration fees
7. Club 213 purchase of Food & Beverages
8. Student Centre – purchase of Entertainment, Food & Beverages
9. Facilities – Emergency Building Maintenance
10. Library On-line database
11. Alumni Services
12. Admission - Buses for campus tours arrangement made by High Schools
13. Outside Counselor Fees for Students / ICAS Assessment review
14. Lease Agreements for Off Campus Facilities
15. Land leases and real property acquisitions
16. Employees hired through Human Resources
17. Employee benefits
18. Courier and Postal Services
19. Rental Costs up to \$3000.00 i.e. tables, tablecloths, coat racks, helium tanks ect.
20. Emergency Repairs
21. Professional Development and Training Courses, workshops
22. Employment Ontario – Wage Subsidies
23. Honorariums
24. Taxes
25. International Student Recruitment Services; including associated fees and expenses
26. Contract Royalties
27. Interpreters
28. Equipment Donations must be reviewed by Executive Director College Advancement
29. Coaches
30. Referees
31. Tutoring Service



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APPENDIX 1 - MANDATORY REQUIREMENTS BROADER PUBLIC SECTOR PROCUREMENT DIRECTIVES VERSION 1.0

Purpose

The purpose of this Directive is:

- To ensure that publicly funded goods and service, including construction, consulting services, and information technology are acquired by the College through a process that is open, fair, and transparent;
- To outline responsibilities of the College throughout each stage of the procurement process; and
- To ensure that procurement processes are managed consistently throughout the College.

Definitions

“**Goods and services**” means any goods, construction, and services, including but not limited to IT and consulting services;

“**Members of the College**” means all trustees, members of the board of directors, senior executives, and employees of the College, or their equivalent;

“**Supply Chain Activities**” means all activities directly or indirectly related to the College’s planning, sourcing, procurement, moving, and payment processes.

Segregation of Duties and Approval Authority Levels

1. Segregation of Duties — Organizations must segregate at least three of the five functional roles. Responsibilities for these functions should lie with different departments or at a minimum with different individuals. In circumstances where it is not feasible to segregate three roles, as in the case with smaller organizations, adequate compensating controls approved by the external auditor will be acceptable. (Section 7.2.1)
2. Approval Authority — Organizations has established an approval authority schedule (AAS) for procurement of goods, non-consulting services, and consulting services. The AAS identifies, for each of the functional procurement roles identified in Section 7.2.1 of the BPSPD, authorities that are allowed to approve procurements for different dollar thresholds. The AAS is approved by the College Board of directors. Prior to commencement, any procurement of goods, non-consulting services, and consulting services, must be approved by an appropriate authority in accordance with the College AAS. Prior to commencement, any non-competitive procurement of goods or non-consulting services must be approved by an authority one level higher than the AAS requirements for competitive procurement. **(Reference BPSPD–MR#2)**



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Competitive vs. Non-Competitive Procurement

3. Competitive vs. Non-Competitive Procurement Process Determination — In accordance with the AIT, the Ontario-Quebec Procurement Agreement and the Procurement Policy and Procedures principle of transparency, Organizations must conduct open competitive procurements where the estimated value of procurement of goods, services or construction¹ is \$100,000 or greater. (Section 7.2.3)

Competitive Procurement

4. Information Gathering — 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. (Section 7.2.4)
5. Pre-Qualification — Organizations must ensure that the terms and conditions built into the RFSQ contain specific language to disclaim any obligation on the part of The College organization to actually call on any supplier as a result of the pre-qualification to supply such materials or services. (Section 7.2.5)

Purchasing

6. Advertising and Posting Competitive Documents to Market — In accordance with the AIT, calls for competitive procurements shall be made through an electronic tendering system that is equally accessible to all Canadian suppliers.

Construction contracts between \$100,000 and \$250,000 are not subject to the requirements of the AIT. Calls for those competitive procurements can be made through 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 VORs or preferred suppliers lists. (Section 7.2.5)
7. Timelines for Posting Competitive Procurements — Procurement Services must provide suppliers a minimum response time of 15 calendar days for procurements valued at \$100,000 or more. (Section 7.2.7)

Evaluation

¹ The threshold for **construction** has been set to align with the lower of the two requirements as set by the AIT and the Ontario-Quebec Procurement Agreement respectively.



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8. Bid Receipt — Organizations must ensure that the closing date is set on a normal working day (Monday to Friday, excluding provincial and national holidays). Submissions that are delivered after the closing time must not be considered. (Section 7.2.8)
9. Evaluation Criteria — Evaluation criteria should be developed, reviewed and approved before the competitive process begins. These criteria must be included in the competitive documents. The competitive documents must also identify those criteria that are considered mandatory and any technical standards that need to be met. The evaluation criteria cannot be changed or altered once the competitive process has begun. (Section 7.2.9)
10. Evaluation Process — Organizations must fully disclose the evaluation methodology and process to be used in assessing a supplier's submission. (Section 7.2.10)
11. Evaluation Team — Evaluation team members must be aware of the restrictions related to confidential information shared through the competitive process and refrain from engaging in activities that may create or appear to create a conflict of interest. Organizations must require team members to sign a conflict-of-interest declaration and non-disclosure agreement. (Section 7.2.11)
12. Evaluation Matrix — Organizations must ensure that each member of the evaluation team has completed an evaluation matrix rating each of the proponents. Records of evaluation scores must be auditable. Evaluators should be aware that everything they say or document must be fair, factual, fully defensible and may be subject to public scrutiny. (Section 7.2.12)
13. Selection Process — Organizations must select only the highest ranked submission(s) that have met all mandatory requirements set out in the related procurement document. In responding to procurement documents, suppliers may sometimes propose alternative strategies or solutions to the organization's business needs. Unless expressly requested in the procurement documents, organizations must not consider alternative strategies or solutions proposed by a supplier. (Section 7.2.13)
14. Tie-Score Process — The method to resolve a tie score must be identified in the evaluation criteria of the RFP, including weighting, if applicable. Tie-break criteria are also subject to the rules of non-discrimination defined in Section 7.2.14. (Section 7.2.10)
15. Non-Discrimination — In compliance with the AIT, Organizations must refrain from any discrimination or preferred treatment in awarding a contract to the preferred supplier from the competitive process, unless justifiable based on the circumstances described below. (Section 7.2.14)



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Contract Award

16. Executing the Contract — The agreement between the College and the successful supplier must be defined formally in a signed written contract before the provision of the goods, services or construction commences. When executing the contract, the organization must obtain the supplier signatures before obtaining the designated organization’s signature. In situations where an immediate need exists for goods or services and the purchasing organization and the supplier are unable to finalize a contract, a letter of intent, memorandum of understanding (MOU) or interim purchase order may be used. This will allow for the immediate needs to be met, while final negotiations take place towards finalizing the contract. (Section 7.2.15)
17. Establishing the Contract — The contract must be finalized using the form of agreement/contract that was released with the procurement document. (Section 7.2.17)
18. Termination and Cancellation Clauses — All contracts must include appropriate cancellation or termination clauses and Organizations should seek appropriate legal advice on the development of these clauses. (Section 7.2.17)
19. Contract Extensions — The term of the agreement and any options to extend the agreement must be set out in the procurement document. Changes to the term of the agreement may change the procurement value. Prior written approval by the appropriate approval authority is necessary before changing contract start and end dates. Extensions to the term of agreement beyond what is set out in the procurement document are considered non-competitive procurements and Organizations must seek appropriate approval authority prior to proceeding. (Section 7.2.18)
20. Award Notification — For purchases valued at \$100,000 or greater, Organizations must post, in the same manner as the procurement documents were posted, the name(s) of the successful supplier(s). Contract award notification must occur only after the agreement between the successful supplier and the organization has been signed. The contract award notification must include the agreement start and end dates, including any options for extension and the total agreement value. (Section 7.2.19)
21. Vendor Debriefing Notification — For purchases valued at \$100,000 or greater, the College must inform all suppliers who participated in the procurement process of their entitlement to a debriefing. (Section 7.2.20)

Non-Competitive Procurement

22. Non-Competitive Procurement Documentation — When the College bypasses the competitive process for any of the situations identified in Section 7.2.3, formal documentation must be completed to support and justify the decision. This documentation must be completed and approved by the appropriate authority levels within the organization and may be used as supporting documentation in the case of a competitive dispute. (Section 7.2.21)



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Procurement Documents and Records Retention

23. Records Retention — All procurement documents, as well as any other pertinent information for reporting and auditing purposes, must be maintained for a period of seven years and be in recoverable form if requested. (Section 7.2.23)

Conflict of Interest

24. Conflict of Interest — Organizations must consider any conflicts of interest during procurement activities applicable to all employees, external consultants or suppliers. The organization must require any individual involved in supply chain-related activities to declare all actual or potential conflicts of interest. (Section 7.2.24)

Bid Protest Procedures

25. Bid Protest Procedures — Organizations must communicate the bid protest procedures for suppliers in all competitive and procurement documents to ensure that any dispute is handled in a reasonable and timely fashion. Organizations must ensure that their process is compliant with the bid protest procedures as set out in the AIT and the Ontario-Quebec Procurement Agreement. (Section 7.2.25)



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APPENDIX 2

POLICY- The Supply Chain Code of Ethics

The purpose of the *Supply Chain Code of Ethics* is to define acceptable behaviours and standards that should be common for everyone involved with supply chain activities, such as planning, purchasing, contracting, logistics and payment. The Code is not meant to supersede the procurement policy codes of ethics but rather to supplement the code with supply chain-specific standards of practice.

The policy intent is that all employees involved with supply chain-related activities must conduct themselves in accordance with the Code.

The Code must be available and visible to all employees involved in supply chain-related activities. All employees involved with supply chain-related activities must be aware that they must conduct themselves in accordance with the Code.

Supply Chain Code of Ethics

Goal: To ensure an ethical, professional and accountable Broader Public Sector / Loyalist College supply chain.

1. Personal Integrity and Professionalism

All individuals involved with purchasing or other supply chain-related 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 Loyalist College, suppliers and other stakeholders.

Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. All 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.

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 matter.



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3. Compliance and Continuous Improvement

All individuals involved in purchasing or other supply chain-related activities must comply with this Code of Ethics, the Procurement Policy and the laws of Canada and Ontario. All 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.