

Policy Title:	Procurement Policy
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Approved by:	Board of Governors
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Contacts for Policy Interpretation:	Vice President, Corporate Finance Director, Purchasing

1.0 - Policy Overview

Fleming College (the “**College**”) is committed to upholding high ethical, legal, environmental, managerial, and professional standards in the management of the resources entrusted to it. The College shall adopt leading procurement principles and practices, subject to applicable provincial and federal laws and other College policies, procedures and guidelines as arise from time to time to ensure that goods and services are procured via a fair and transparent process.

2.0 - Purpose

The purpose of this policy is to set out the rules, roles, and responsibilities for the College’s procurement activities. The objective of this policy is to ensure that the College’s procurement activities achieve the following imperatives

- Compliance with all applicable laws, regulations, by-laws, directives, policies and trade treaties, including but not limited to, the Ontario Broader Public Sector (BPS) Procurement Directive, the Canadian Free Trade Agreement (CFTA), the Comprehensive Economic and Trade Agreement (CETA), the Ontario Centralized Procurement Initiative, the Accessibility for Ontarians with Disability Act (AODA);
- Consistency with internal policies and procedures;
- Consistency with procurement-related obligations of granting agencies and research sponsors;
- Ensure the College’s procurement activities are performed in an efficient and cost-effective manner, through a process that is open, fair and transparent;
- Establish an accountability framework to effectively guide College staff with identification of clear responsibilities and procurement thresholds;
- Ensure that the College’s procurement processes are always managed appropriately and consistently.

- Ensure adherence to the highest standards of ethical conduct throughout the procurement process; and

All acquisition of goods and services shall be pursuant to the Procedures issued under this Policy and guidelines created from time to time by the Director, Purchasing (Finance Department).

The Vice President, Corporate Finance is responsible for ensuring that this policy and associated procedures and guidelines is enforced and that any exceptions to it are documented and approved.

The Procurement Department is responsible for carrying out all duties assigned to them in this policy and associated procedures and guidelines.

Employees are responsible for understanding and complying with this policy and associated procedures and guidelines to ensure all procurement transactions are properly reviewed and executed.

3.0 - Definitions and Acronyms

The following definitions and/or acronyms apply in this Policy:

Approval Authority Schedule (AAS)	The College schedule that establishes levels of approval authority for Budget Managers, the President and Vice Presidents, and the College's Board of Governors.
The Broader Public Sector Procurement Directive	The Ontario legislation that governs the purchase of goods and services, including consultants, using public funds by Broader Public Sector organizations, including the College.
Canadian Free Trade Agreement (CFTA)	An agreement that commits federal, provincial and territorial governments to a comprehensive set of rules that will help achieve a modern and competitive economic union for all Canadians. The CFTA enhances the flow of goods and services, investment and labour mobility, eliminates technical barriers to trade, greatly expands procurement coverage, and promotes regulatory cooperation within Canada.
Canada-European Union Comprehensive Economic and Trade Agreement (CETA)	A progressive free trade agreement which covers virtually all sectors and aspects of Canada-EU trade in order to eliminate or reduce barriers.
Competitive Process	A process for soliciting competitive bids from suppliers which includes an Open Competition, an Invitational Competition and a VOR Competition.
Consultant/Consulting Services	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.

Collaborative Agreement	<p>A procurement contract for goods or services established by a third party which is available to Broader Public Sector institutions to establish vendors of record or generate contracts.</p> <p>Examples are the Ministry of Government Consumer Services (MGCS), Ontario Education Collaborative Marketplace (OECM), Ontario College’s Procurement Managers Association (OCPMA), Ontario University Professional Procurement Association (OUPPMA), Kawartha Collaborative Procurement Group (KCPG), etc</p>
Department	Any department, division, school, functional unit, or program unit of the College that is requesting the procurement of any goods or services
Goods and Services	All goods and/or services, including construction, consulting services and information technology. Goods includes all supplies, materials, or equipment. Services means those services supplied to the College that include a labour component.
Invitational Competition	A procurement process for the purchase of goods and/or services which enable qualified suppliers, invited by the College, to compete in a fair and transparent process
Non-Competitive Procurement	The procurement of goods or services outside of a competitive process when a competitive process was required.
Non-Consulting Services	All services other than those that fall within the definition of “consulting services”
Open Competition	The solicitation of bids through a publicly posted solicitation process.
Purchase Order	An official College document, generated by Procurement Services, outlining details to a supplier, indicating descriptions, part numbers, specifications, quantities, due dates, and agreed upon prices for Goods and/or Services.
Purchase Requisition	An online requisition function used by the Department to authorize Procurement Services to purchase goods and/or services on behalf of the originating Department via the issuance of an approved Purchase Order.
Procurement Contract	A commitment by the College for the procurement of goods or services from a supplier, which may be formalized by a purchase order issued by the College to the supplier and/or an agreement executed by the supplier and the College.
Procurement Process Thresholds	The procurement values set out in this policy, which are used to determine the required means of procurement process.
Procurement Value	The estimated total financial commitment resulting from the procurement, taking into account all associated costs and optional renewal extensions of the commitment, and excluding applicable sales taxes.

RFx	A solicitation document which could be a Request for Quotations (RFQ), Request for Proposals (RFP), Invitation to Tender (ITT) or any other formally recognized solicitation document as determined by Procurement Services.
SFIRFQ	Short Form Invitational Request for Quotations
Solicitation Document	The document used to solicit bids from bidders.
Supplier or Vendor	A business that provides or could provide goods or services.
Vendor of Record (VOR) Arrangement	A non-binding arrangement between the College and a list of pre-qualified suppliers to procure goods and services that are required on a regular basis, but where exact specifications, volumes and service requirements cannot be fully defined in advance.

4.0 - Scope

This policy applies to:

- The procurement of all goods and services, including consulting services, by the College;
- The execution of procurement agreements;
- All employees of the College, members of the Board of Governors, as well as anyone acting as a legal agent for the College.

5.0 - General Principles

5.1 - Key Principles

This policy is based on five key principles that allow the College to achieve value for money while following a procurement process that is fair and transparent to all stakeholders.

a) Accountability

The College must be accountable for the results of its procurement decisions and the appropriateness of the processes; respecting public procurement directives, trade agreements, and legislation.

b) Transparency

The College must be transparent to all stakeholders. Wherever possible, stakeholders must have equal access to information on procurement opportunities, processes and results.

c) Value for Money

The College must maximize the value it receives from the use of public funds.

d) Quality Service Delivery

Front-line services provided by the College, such as teaching and applied research, must receive the right product, at the right time and in the right place.

e) Process Standardization

Standardized procurement processes remove inefficiencies and create a level playing field.

5.2 - Supply Chain Code of Ethics

a) Personal Integrity and Professionalism

Individuals involved with purchasing 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 the College, its suppliers and other stakeholders. The College should not engage in any activity that creates, or appears to create, a conflict of interest.

b) Accountability and Transparency

All Supply Chain activities involved in the purchase of goods and services using public funds should be fair and transparent, and should aim to acquire the best value for public money. All participants must ensure that publicly funded resources are used in a responsible, efficient and effective manner.

c) Compliance and Continuous Improvement

Individuals involved with purchasing or other Supply Chain activities must comply with the Supply Chain Code of Ethics and all applicable laws. Individuals should continuously work to improve supply chain policies and procedures, to make improvements as necessary, acquire additional supply chain knowledge and skills and share best practices.

d) Segregation of Duties

To maintain, effective internal controls, the College shall maintain a segregation of duties across the various procurement functions. No one person will be permitted to control an entire purchasing transaction, which in this context, includes the issuance of the procurement documents, the selection of the winning proposal, finalization of the Contract, receipt of the goods or services, and issuing payment.

5.3 - Conflict of Interest

College employees, consultants and suppliers must disclose any involvement in a procurement activity that creates a real and/or perceived conflict of interest.

Fleming procurement activities must be performed in a fair and transparent manner to ensure an unfair advantage is not created for any of its suppliers, or any of its employees or agents.

The Conflict-of-Interest Committee (COIC) has ultimate responsibility for determining if an activity creates a real and/or perceived conflict of interest. For more information, please refer to College Policy #3-344, Conflict of Interest.

5.4 - Supplier Integrity

Existing and potential suppliers must conduct business ethically and with integrity. Suppliers shall not attempt to influence any procurement decisions.

Suppliers and their subcontractors must comply with federal, provincial and international laws (where applicable). Suppliers must inform the College of any changes that conflict with public procurement directives, effect procurement decisions, or impact ongoing contracts.

5.5 – Sustainability

Where feasible, the College shall promote the integration of sustainable development as per the Fleming College Sustainable Procurement Guidelines, and incorporate the values of social responsibility, equity, diversity, and inclusion into its procurement processes.

5.6 – AODA

The College shall include accessibility criteria, accessible design, and features in its procurement processes where possible.

6.0 – Execution of Procurement

All documentation relating to the procurement of goods and services shall be executed subject to the College's Signing authority policy and related procedures and guidelines.

Refer to Procurement Operating Procedure (4-411 OP) for Procurement Thresholds and Process Requirements for Goods, Non-Consulting Services, and Consulting Services.

Related Documents

- Broader Public Sector Procurement Directive issued by the Management Board of Cabinet, effective July 1, 2011
- Canadian Free Trade Agreement (CFTA)
- Comprehensive Economic and Trade Agreement (CETA)
- Ontario Centralized Procurement Initiative
- Accessibility for Ontarians with Disability Act (AODA)
- Freedom of Information and Protection of Privacy Act (FIPPA)
- Procurement Operating Procedure (4-411 OP)
- Conflict of Interest Policy (3-344)
- Signing Authority Policy 4-417 and procedure 4-417 OP
- Fleming College Sustainable Procurement Guidelines

History of Amendments/Reviews

New policy October 1983; Reviewed and revised March 1989; Reviewed and revised February 1994; Reviewed and revised February 2004; Revision of Procurement and Quotation requirements February 2014.

- New authority level; revised threshold for Board approval March 2016. Board approval of policy March 23, 2016.
- New authority level; revised policy for Board approval January 2022 Board approval of policy January 26, 2022.