



## Procedures for Procurement

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Procedure Sponsor:	CFO & Vice President, Corporate Services		
Procedure Contact:	Director, Financial Services		
Stakeholders:	All members of the OC Community including Employees, Students, and the Board of Governors		
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### 1. Purpose

The Procedures for Procurement outline the processes required to establish accountability for the procurement of Goods, Services and Construction by Okanagan College ("OC" or "the College") under its Procurement Policy. The Procedures describe the responsibilities and procurement standards for OC employees, consultants, or contractors as they engage in procurement processes at the College, and ensure that Procurements are conducted in an accessible, consistent, fair, impartial and timely manner.

### 2. Scope and Application

The Procedures for Procurement apply to all Goods, Services and Construction purchasing by Employees, consultants or contractors who participate in procurement processes on behalf of the College. The Procurement process includes:

- a) Planning
- b) Requests to purchase
- c) Sourcing
- d) Solicitation
- e) Evaluating offers
- f) Negotiations
- g) Contract Management
- h) Records Management

### 3. Procurement Planning

- 3.1 During OC's annual Integrated Resource Planning (IRP) process, departments and portfolios will work with the Procurement Team to engage in Procurement Planning for any program, project, or services that Okanagan College will require during the upcoming budget year. Procurement Planning should be completed prior to reaching out to vendors and should consist of the following activities:
- a) Consulting with the Procurement Team during IRP to ensure Procurements for the College's programs, projects, or services are effectively planned throughout their lifecycle.
  - b) Working with the Procurement Team throughout the program, project, or service's life cycle to ensure that Procurements remain aligned with the needs of the program, project, or service for their duration, and to manage Procurement Team priorities.
  - c) Departments must participate in provincial corporate supply arrangements (CSAs), cross-institution supply arrangements (CISAs), and OC supply channels identified or initiated by the OC Procurement Team where those arrangements would meet the requirements and provide Best Value to OC. A Department requires specific approval from Procurement Services to not participate in established supply arrangements where such arrangements are available.
  - d) Departments must review and consider alternatives to acquiring new goods, services and construction such as repairs to existing assets and transfer of used assets.
  - e) Departments must have the appropriate authority and funding to complete a procurement project prior to soliciting proposals, awarding a contract, or contracting for any goods, services, or construction.

### 4. Purchasing

#### *Purchase Orders and Supplier Contracts*

- 4.1 In general, a Purchase Order (PO) is how a purchase of Goods is authorized by the Procurement Team, and a Supplier Contract is used for the purchase of Services or Construction.
- 4.2 Employees will conduct a preliminary assessment of the aggregate value of the Goods, Services, or Construction according to Table 1 in the Policy and Procedures. If required, Employees will consult with Procurement Team on the total value.
- 4.3 A Purchase Order ("PO") or a Supplier Contract is not required for purchases below \$1,000 that are considered to be low risk.

#### *Purchase Requisitions and Purchase Orders*

- 4.4 To initiate sourcing, the Requester will create a Purchase Requisition (PR) using the College's Web Requisition System and include back up documentation such as a quotation, a Direct Award justification form, if applicable, etc.
- 4.5 The PR is routed through the College's Web Requisition System to the appropriate approvers outlined in the Signing Authority Policy.
- 4.6 Each approver reviews and approves the PR, with final approval by the Procurement Team.
- 4.7 The Procurement Team reviews the PR for appropriateness and completeness. If additional information is required, the Procurement Team returns the PR to the Requester for further review and resubmission.
- 4.8 Upon receipt of a sufficiently completed and fully approved PR, the Procurement Team creates a Purchase Order (PO) and forwards the PO to the supplier.
- 4.9 The Requester and approver will monitor the activity against the PO through the Enterprise Resource Planning system.

## 5. Sourcing Standards and Activities

### *Sourcing*

- 5.1 OC uses a competitive Bidding process to obtain offers for Goods, Services or Construction whenever practical and in accordance with the Procurement Policy.
- 5.2 When a requirement for Goods, Services or Construction is identified there are various sourcing strategies or methods that can be used to select a qualified source of supply. The method selected will depend on the complexity of the requirements or specifications, the required delivery date(s), the availability in the market of the Goods, Services or Construction, and the value of the Procurement.
- 5.3 When defining the value of the Goods, Services or Construction, Requesters must consider all aspects that make up the value or Total Cost of Ownership, including the cost to conduct a procurement process, as it may help determine the most appropriate sourcing method and selection as well as the term of a contractual commitment.
- 5.4 The cost of the sourcing strategy for the procurement process should be reasonable for the value of the Procurement.
- 5.5 Before a PO, Supplier Contract, or an Amendment is initiated, a purchase request including supporting documents will be completed and approved in accordance with the Procurement Policy. Supporting documentation may include a Direct Award justification, business case, and/or written quotations.

### *Procurement Sourcing Thresholds*

- 5.6 Before undertaking a sourcing or procurement process, the Requester will consider the value threshold of the Procurement and if necessary, will consult with the Procurement Team.
- 5.7 The values indicated in the Procurement Policy Table 1 are based on the aggregate value of a purchase. Multiple orders of varying values for the same goods or services may not be used to avoid adherence to these thresholds.
- 5.8 In estimating the value of a Procurement for the purpose of determining whether it must be competed publicly, the Requester assessing the purchase will:
  - a) estimate what the value would be as of the date the tender notice will be published.
  - b) include the estimated maximum total value of the Procurement over its entire duration, whether awarded to one or more suppliers, considering all forms of remuneration, including:
    - i) premiums, fees, commissions, discounts, and interest; and
    - ii) the total value of options if the Procurement provides for the possibility of options; and
    - iii) Consider the contract term to be three years for the purpose of estimating the value and term if the term is uncertain.
  - c) If the Procurement is for construction, the College shall include in its valuation the value of all goods and services to be supplied by the supplier. The procurement of goods or services outside the scope of a construction contract is not a Procurement for construction and are subject to the thresholds applicable to goods or services.
  - d) If a procurement for goods will include the installation, operation, maintenance, or manufacture of such goods, the College shall include in its valuation those associated costs.
  - e) Once the total value of a Procurement has been evaluated, Table 1 in the Procurement Policy will assist with deciding on whether to use a publicly advertised procurement process.

<b>TABLE 1 – Procurement Sourcing Method Thresholds</b>			
<b>Procurement Sourcing Process:</b>	<b>Goods and Services</b>	<b>Construction</b>	<b>Responsibility</b>
<b>* CSA, CISA or existing OC agreement available</b>	Any dollar value, to the maximum allowable under the applicable Corporate Supply Arrangement (CSA), Cross Institutional Supply Arrangement (CISA), or existing OC contract		Procurement Team
<b>** Direct Award procurement process allowed</b>	Less than \$25,000	Less than \$25,000	Requester
<b>*** 3 Written quotes required</b>	\$25,000 to less than \$75,000	\$25,000 to less than \$200,000	Requester
<b>**** Public procurement process required</b>	Greater than or equal to \$75,000	Greater than or equal to \$200,000	Procurement Team

**Exceptions to Sourcing Standards**

- 5.9 Sole-Sourcing or Direct Award in this procedure means a Contract or Purchase Order will be or has been entered into with a supplier without a competitive Bidding process. In a Sole Source or Direct Award, a Negotiated Request for Proposal (NRFP) or Request for Tender (RFT) may or may not be issued if the College determines it is in its best interest to proceed directly to negotiating a Contract including contractual terms and conditions. A Sole Source or Direct Award method may be appropriate provided the conditions below are met.
- 5.10 It is OC’s practice to obtain competitive Bids or Proposals. However, in exceptional conditions, Contracts for Goods, Services or Construction may be negotiated and directly awarded without a competitive process in accordance with applicable Trade Agreements when any of the following conditions apply:
- a) OC can strictly prove that only one contractor is qualified, or is available to provide the Goods, Services or Construction.
    - i) When subject matter expertise is needed related to a unique requirement in an OC department.
    - ii) There is an absence of competition for technical reasons.
    - iii) The supplier has a statutory monopoly.
    - iv) The purchase is through consortia.
    - v) Equipment or a part must be acquired from an original equipment manufacturer to ensure a warranty remains valid.
    - vi) To ensure compatibility with existing goods.
    - vii) Work performed on leased building or property must be performed by lessor.
    - viii) There is a proprietary right, copyright, or patent that restricts the source of supply.
    - ix) Confidentiality restricts the sourcing of competitive offer.
    - x) Purchase of proprietary software from a software developer/exclusive license holder, when it can be demonstrated that the specified software is the only product capable of meeting the stated requirement, and competing commercial software is not available.
  - b) The Contract is with another government organization.

- c) An unforeseeable Emergency exists, and the Goods, Services or Construction could not be obtained in time by means of a competitive process.
  - d) A competitive process would interfere with OC's ability to maintain security or order or to protect human, animal or plant life or health.
  - e) The acquisition is of a confidential or privileged nature and disclosure through an open Bidding process could reasonably be expected to compromise OC confidentiality, cause economic disruption or be contrary to the public interest.
  - f) The Contract is with a licensed lawyer or notary public.
  - g) Acquisition or rental of land, existing buildings, or other immovable property or the rights thereon.
  - h) Emergency, when used to justify the award of a contract to a single supplier without using a competitive procurement process, means a situation where there is an immediate safety or environmental hazard, threat to life, property or business operations resulting from an unexpected event, and where the critical acquisition of materials or services cannot be obtained through standard policy and processes in time to relieve the Emergency. An urgent requirement because of inadequate planning is not considered an Emergency.
- 5.11 If a Requester requests a direct award Contract above the sourcing thresholds in the Policy without going through a competitive Bidding process, a Direct Award justification form must be completed by the end user department and provided to the Procurement Team who determines if the justification fits within OC's criteria for Sole Source or Direct Award.
- 5.12 The following procurement activities are not subject to the competitive procurement terms of this Procurement Policy:
- a) Any items purchased for resale including:
    - i) Items that are sold in the normal course of business in the College's bookstores;
    - ii) Items that are sold in the normal course of business in the Trades Customer Service Shop; or
    - iii) Items that are sold in the normal course of business by Food Services.
  - b) For International agents in relation to the engagement of agents for OC, who recruit and encourage the enrolment of foreign students at OC,

## 6. Solicitation Process

### *Procurement Requests*

- 6.1 After completing an assessment of Sourcing Standards and Thresholds, the Requester will submit a procurement request to the Procurement Team.
- 6.2 Upon receipt of a procurement request, and after having reviewed the requirements or specifications and researching the market to determine the number of potential suppliers and level of competition, the Procurement Team, working with the Requester, will use the Table 1 – Procurement Sourcing Method Thresholds to assist with determining the most expeditious and least costly sourcing strategy for the Goods, Services or Construction.
- 6.3 Regardless of the process used to source and acquire Goods, Services or Construction, the Procurement Team and those involved in the procurement process should conduct the level of Due Diligence required to ensure a technically and financially viable supplier is awarded the order or contract. Refer to the Due Diligence section in the Procurement Policy and Procurement Guidelines.

### *Solicitation Documentation*

- 6.4 OC's solicitation templates must be used to create new competitive Bidding documents. Departments must obtain the approval of the Procurement Team and OC's legal counsel, where

- appropriate, for any changes to the standard templates. Only current versions of the solicitation documents may be used.
- 6.5 If requesting a Direct Award Contract above the thresholds stipulated in Table 1 – Procurement Sourcing Method Thresholds without going through a competitive procurement process, the Requester must provide a Direct Award Justification Form to the Procurement Team who will determine if the justification fits the criteria for a Direct or Sole Source Award.
  - 6.6 OC's Standard Solicitation Document will be used to: solicit quotations, Bids, and proposals; prequalify vendors for subsequent competitive processes; and to obtain information from vendors that will help determine the most appropriate procurement strategy for future Procurement(s).
  - 6.7 When subdivision of a major project into two or more component parts occurs, the Terms of Reference, Business Case, and solicitation document for each component part must clearly disclose the potential combined scope of the project. Approval for the expenditure must be sought on the combined value of all contracts issued for the components of a sub-divided project.
    - a) For Procurements below the open competition sourcing threshold, Departments will disclose the potential combined scope and value of the Procurement to all Potential Proponents in obtaining their three quotes.
    - b) For restricted competitive Procurements and Procurements above the open competition sourcing threshold, the potential combined scope and value of the Procurement will be disclosed to all Potential Proponents in the competition documents.
  - 6.8 All standard competitive processes (i.e., ITT, NRFP, ITQ, and RFPQ) must provide identical information for potential bidders or proponents to the solicitation, to fairly and equally base their response.
  - 6.9 The permitted response time to a solicitation will be sufficient to allow all potential proponents to have a reasonable opportunity to compete, considering the time required to disseminate information, the complexity of the procurement, and the time required to prepare an appropriate response.

#### ***Notice of Intent to Award a Contract***

- 6.10 When a Contract is expected to have a total value over the thresholds for a public procurement process and under exceptional circumstances as stipulated in Exceptions to Sourcing Standards (section 5.9), a Notice of Intent must be posted on the BC Bid website for a minimum of ten (10) business days.
- 6.11 All objections received by the indicated response date must be reviewed and if any are substantiated a competitive process must be undertaken. If no objections are received, or the objections received are not substantiated, a direct award may be made.
- 6.12 A Notice of Intent is not required if it is determined that the Direct Award is below the thresholds for a public procurement process and meets one or more of the allowable exceptions specified in *Exceptions to Sourcing Standards* sections 5.10 (a) **Error! Reference source not found.** through (h).

#### ***Advertising***

- 6.13 Sourcing methods for soliciting tenders or proposals will comply with applicable Trade Agreements.
- 6.14 OC is obligated under applicable Trade Agreements to use an electronic tendering system to publicly advertise procurement opportunities. While the BC Bid website (<http://www.bcbid.gov.bc.ca>) must be one of the resources used to solicit offers, other forms of advertising are permissible (such as posting on electronic bidding platforms, trade or professional websites).

- 6.15 Before a solicitation document is posted on the BC Bid website, the Procurement Team determines whether legal counsel should review the competitive Bidding documents, particularly if the procurement will require the preparation of a unique or non-standard legal agreement.

## **7. Evaluating Offers and Awarding a Contract**

- 7.1 The process for evaluating Offers will include written objective evidence of a fair and open process that complies with the conditions set out in the competitive Bidding documents, in particular the stipulated Evaluation Criteria, and demonstrates respect for the laws of tendering.

### ***Evaluation Processes***

- 7.2 Procurements will follow a Competitive or Non-Competitive Evaluation Process.
- 7.3 During a Competitive Evaluation Process, the Procurement Team is responsible for:
- a) Establishing and leading a fair and transparent evaluation process.
  - b) Establishing when Evaluation Team members will have access to Proposals or Bids, especially when the procurement is for a complex or high-value project:
    - i) Ensuring all information is kept in a safe and secure location and is released only to those OC employees or consultants assigned to participate as a member of an Evaluation Team.
    - ii) Awarding the Contract by providing written confirmation to the successful proponent or bidder.
    - iii) Notifying unsuccessful respondents and offering the opportunity for a debriefing on their proposal. The Debriefing Procedure will be used for conducting debriefing meetings.
    - iv) Publishing a notice on the OC public website, typically no later than 72 days after the award of a contract competed through an open competition process, which must include at minimum:
      - v) A description of the Goods/Services procured.
      - vi) OC's name and address
      - vii) The name and address of the successful supplier
      - viii) The value of the successful Offer
      - ix) The date of award
      - x) The contract term
      - xi) If limited tendering was used, the conditions and circumstances that justified its use, as outlined in the Canadian Free Trade Agreement (CFTA).
      - xii) A Contract or Purchase Order is executed before Goods or Services are delivered or construction begins.
- 7.4 During a Non-Competitive Process the College will establish a Negotiation Team (NT) and facilitate fair and equitable negotiations in accordance with OC Policy and Procedures, and applicable regulations and laws.

### ***Negotiation Process***

- 7.5 The following outlines the roles and responsibilities for the negotiation process:
- a) The Procurement Team will:
    - i) Lead or participate in negotiations.
    - ii) Establish a Negotiating Team (NT) and NT Leader
    - iii) Work with the NT to identify issues for negotiations, determine negotiating strategy and establish a plan for negotiations.

- iv) Schedule NT and negotiations with the preferred proponent or preferred Bidder.
- b) The Negotiating Team Leader will:
  - i) Lead the NT and negotiations, review and approve minutes from meetings if applicable, and summarize the results of the negotiations.
  - ii) Review the results with the NT members.
  - iii) Arrange for any clarifications from Bidders or Proponents
  - iv) Actively participate to ensure consensus is reached with the NT and the preferred proponent or preferred Bidder.
- c) The Negotiating Team Members will:
  - i) Not bestow a favour on, or grant preferential treatment to, any prospective proponent or bidder.
  - ii) Be alert to the potential for bid rigging, and report any suspicious bidding patterns.
  - iii) Declare any conflict of interest or potential conflict of interest if necessary to the NT Leader before and during the negotiating process.
  - iv) Participate in the NT and negotiations, as required.
  - v) Not divulge any information that could impair the negotiating position of OC or that could benefit the competitive position of one contractor at the expense of another.

#### ***Debriefing Proponents and Bidders***

- 7.6 After acceptance by the supplier who has been awarded a contract, the Procurement Team notifies unsuccessful Proponents or Bidders of their status in the competition and whether their Offer was selected, and a debriefing is offered once the contracting process with the successful proponent or bidder has concluded.
- 7.7 Debriefings shall address the response submitted by the debriefed supplier in relation to published evaluation criteria. Details of other responses, including specific scores, must not be disclosed.

#### ***Handling Complaints***

- 7.8 All complaints about the Procurement process will be submitted to the Procurement Team or appropriate Department in writing using the Vendor Complaint Review Process outlined in section 10.
- 7.9 Complaints are resolved informally whenever possible. Before being escalated for resolution, issues concerning Contract or Contractor Performance are managed in accordance with the dispute resolution process stipulated in the Contract between the parties.

## **8. Contracts**

#### ***Terms and Conditions***

- 8.1 OC's Contract templates are located in the Template Library and should be used for contractual arrangements when the terms are complex, long term or cover more than a single business transaction. To initiate a Contract, the College's contract routing process and guidelines are to be followed. Links to these resources can be found on myOkanagan.
- 8.2 If a supplier requires OC to use their Contract format and terms and conditions, the Contract must be reviewed by the Procurement Team, by the Dean or Director from the originator's area, and potentially by legal counsel and the Province of British Columbia's Risk Management branch.
- 8.3 To initiate the approval of third-party terms and conditions, the Requester must submit the terms and conditions for approval, along with any backup documentation, including all costs and statement of work, using OC's contract routing process and guidelines.



### **Legal Review**

- 8.4 At the Request for Proposal (RFP) or Request for Tender (RFT) stage of a competitive Bid process, if a legal review is required, the Procurement Team will, arrange for a legal review through Legal Services, if necessary, as the costs associated with the legal review may be borne by the Procurement department or by another budget holder.
- 8.5 At the Contract stage, if the technical or delivery requirements have changed, a legal review may be necessary to ensure the contractual obligations are clear and equitable between the parties.

### **Execution of Contract**

- 8.6 In the event the successful Proponent or Bidder's accepted bid price exceeds the initial approved budget commitment, a secondary budget approval review process will be required by the appropriate spending authority to confirm final budgetary approval of the contract award price and any discretionary project contingency costs, if required.
- 8.7 After confirming both parties agree to the contractual conditions the Procurement Team will:
  - a) Arrange for execution of the Contract by OC's authorized signatory.
  - b) Forward the OC executed Contract to the Contractor and ensure the Contractor returns the executed Contract to OC

### **Contract Administration and Management**

- 8.8 OC ensures all aspects of Contract Performance, commitments and deliverables are satisfactorily achieved and that both parties to the Contract have met their legal obligations.
- 8.9 To ensure satisfactory completion of all deliverables and legal obligations of a contract; and maintain evidence of contractor performance and deliverables, after a Contract is executed between OC and a Contractor, there are a number of tasks involved in finalizing the procurement and contracting process and to administer and manage a contract. The Procurement Team is responsible for administration of contracts for services, supplies and goods and ensuring the Contract Documents, including all change orders or Contract Amendments, are properly documented, and executed. It is also responsible for ensuring all administrative, commercial, and contractual legal obligations are fulfilled before payments are approved.
- 8.10 A Contract Manager ("CM") will be assigned by the College to manage a Contract and is responsible for Contract Performance.: This includes working with the Contractor to ensure timely and satisfactory completion of Contract deliverables, and clearly and diligently maintaining written evidence of Contract Performance.
- 8.11 The Contract Manager is generally the OC Employee who requires the Goods, Services or Construction. The CM will have a working relationship with and liaises with the Contractor in the field or otherwise during the performance of the work. The CM will administer a vendor-level performance management scorecard on an annual basis, at minimum, or at the end of the Contract term for shorter term contracts.
- 8.12 The CM is responsible for informing the Procurement Team in writing of any non-performance issues on a timely basis, the process for resolving issues and the outcome of the resolution process.
- 8.13 Where a Contractor deviates from the terms and conditions of a contract, the Contract Manager must immediately take one or more of the following steps:
  - a) Step 1: Notify the Contractor in writing of the deficiency and arrange to discuss the problem. A record should be kept of such discussions. The discussions could result in an agreement to amend the terms of the contract.
  - b) Step 2: Issue a notice to comply, if the contractor persists in deviating from the terms and conditions of the contract.

- c) Step 3: Issue a stop work order if the contractor ignores the notice to comply.
  - d) Step 4: Terminate the contract, after receiving advice from the Director, Financial Services or delegate and/or legal counsel.
- 8.14 Where the breach or deficiency puts public safety at risk, OC must proceed immediately to Step 2 and issue a notice to comply, or to Step 4 and terminate the contract. If fraud is suspected, the issue should immediately be referred to the CFO & Vice President, Corporate Services.
- 8.15 The Procurement Team will administer a consultant-level performance management scorecard on an annual basis or at the end of the Contract term for shorter-term Contracts. Procurement is responsible for ensuring evidence of Contractor (vendor and consultant) performance is maintained in the Contract file.

### ***Contract Administration***

- 8.16 The Procurement Team and Departments with delegated procurement responsibilities under OC's Procurement Policy will maintain adequate Contract documentation for all phases of the procurement process, including planning, solicitation, award, management, amendments, schedules of payment, Contract evaluations and performance management.
- 8.17 Contracts must be in writing and signed and delivered by all parties prior to the commencement of the work or service (or, in the case of an Emergency, as soon as possible thereafter).
- 8.18 Contracts must be made in the contractor's legal name and each Contract must be approved and signed by the appropriate authority. In no circumstances should an unauthorized employee legally bind OC with apparent authority.
- 8.19 CMs must not use letters of agreement to enter a Contract without seeking advice from the Procurement Team, and if required, legal counsel.
- 8.20 Some contractors prefer to use their own standard Contract forms. If not precluded by the terms of any applicable competitive process documents, OC may accept the use of such forms, but must follow the procedures as outlined in the contract review guidelines located on Moodle within the templates section.
- 8.21 Departments must ensure that adequate receiving processes are in place to certify that goods are received as ordered (i.e.: correct quantity and suitable quality). Discrepancies between goods received and goods ordered (as reported in Banner) and damaged goods must be reported immediately to the end user who will work with the Procurement Team to rectify the situation. Departments must maintain adequate receipt records or other documentation to support account verification and payment.
- 8.22 Whenever a Contract is to be modified, the standard form of Contract Amendment must be used.
- 8.23 The justification for all Contract Amendments must be documented on the Contract file. Amendments to a Contract must be in writing and signed by both parties.
- 8.24 A Contract Amendment to extend the term of the agreement for a reasonable period of time is allowable when an unforeseen event has delayed the delivery of specific Contract outputs.
- 8.25 A Contract Amendment must not be used to substantially change the nature and intent of the original contract.
- 8.26 Expense authority approval, when applied, must reflect the Total Cost of the Contract and not just the dollar value of the modification agreement.
- 8.27 Annual or multi-year Contract renewals are only allowed when the potential for renewal has been explicitly included in the Standard Solicitation Documents, including the establishment of a limit on the number of renewals.
- 8.28 A Privacy Impact Assessment must be completed by the Department for review by OC's Privacy Officer and a Privacy Protection Schedule must be attached as a schedule to any Contract between

OC and a contractor that involves “personal information” as defined in the *Freedom of Information and Protection of Privacy Act* unless it is not intended that OC will own or control the personal information.

- 8.29 A Security Schedule must be completed and attached as a schedule to any Contract between OC and a contractor that pertains to utilization data gathering whether on-premise or through cloud services as part of delivery of the contract’s services.
- 8.30 OC and staff must not divulge any information regarding a Contract unless it is available to the general public, or the disclosure has been authorized by the College Relations team based on prior consultation with Legal Services.
- 8.31 The Procurement Team will undertake the following administrative tasks after execution of a Contract between a Contractor and OC:
  - a) Administer the appropriate insurance documents according to the contract terms.
  - b) Ensure Worker’s Compensation is effective according to the contract terms.

## **9. File and Records Management**

### ***Confidentiality***

- 9.1 OC treats all procurement and Contract Documents, files, and records as confidential before, during and after a procurement process. Procurement documents will be retained in a locked file cabinet and/or secured electronically until they are moved into storage at an approved records management location.
- 9.2 Procurement does not allow the original of any Contract Document to be given to any person unless required to do under applicable laws, including the Freedom of Information and Protection of Privacy Act.
- 9.3 OC is subject to the Freedom of Information and Protection of Privacy Act (“FOIPPA”) and the associated regulations, as may be replaced, amended, or supplemented from time to time. All notes and records including comments made by evaluators may, therefore, become available in the public domain.

### ***Enquiries During a Bidding Process***

- 9.4 Enquiries associated with an active competitive Bidding process may disqualify a Potential Proponent or Potential Bidder from submitting an Offer in response to a competition Document, or having their Offer evaluated if the enquiry does not comply with the instructions in the Competition Document, specifically if the Potential Proponent or Potential Bidder seeks information from other OC employees, consultants or contractors when the process for seeking clarifications is clearly stated in the Competition Documents.
- 9.5 All parties involved in the competitive Bidding process must refrain from contacting any Potential Proponents or Potential Bidders so that these interested parties will not be disqualified or receive any real or perceived preferential treatment or advantage over any of the other Potential Proponents or Potential Bidders.
- 9.6 A member of the Procurement Team or their assigned representative will be the only named contact in a Bidding process to ensure fairness in the Bidding process and to ensure all Potential Bidders or Proponents receive the same information from a single point of contact. As such, the Procurement Team member will:
  - a) Receive all enquiries during a Bidding process and until the final award of a contract.
  - b) Consult with end users and others, as necessary, to determine the most appropriate response to an enquiry; and

- c) Either issue the response directly (if the enquiry is deemed to be confidential by OC) or issue an RFP or RFT Addendum to all interested parties. The clarification process for enquiries is stipulated in OC's standard RFP and RFT documents.

### ***Enquiries After a Bidding Process***

- 9.7 The Procurement Team will respond to non-access related requests and/or enquiries containing Routine Requests, and may consult with the Privacy Office where appropriate prior to disclosure.
- 9.8 If the Potential Proponent or Bidder seeks information that is not normally disclosed by OC, the Procurement Team will notify the individual that they can submit a request through a formal Access Request under the Freedom of Information and Protection of Privacy Act which should be directed to the College's Privacy Officer. Responses to Access Requests will be subject to any timelines contained under the legislation.

### ***Privacy***

- 9.9 Contractors and subcontractors will provide their Personal Information Consent to OC for the direct and indirect collection of their personal information.
  - a) The Contractor will ensure that it obtains all consents necessary to legitimize and facilitate the disclosure of contractor and subcontractor employee personal information to OC and that it will make those consents available to OC within a reasonable period after request; and
    - i) In situations when it provides access to such records, Contractor will first obtain consents in a form supplied by OC.
    - ii) When a Contractor provides completed Personal Information Consent form(s), Procurement will hold this information in strict confidence in a secure filing cabinet, releasing the information only to those who have a "need to know" in order to finalize a proposal or Bid evaluation process, and shall ensure that such information is tracked and returned to the secure file as soon as the evaluation process is completed.

## **10. Vendor Complaint Review Process**

### ***Roles and Responsibilities***

- 10.1 Departments, including the Procurement Team, are responsible for the following under the Vendor Complaint Review Process:
  - a) Establishing and managing an accessible and fair process for responding to Vendor Complaints related to Procurement activities undertaken by Departments or the Procurement Team.
  - b) Collecting and documenting information to support the Vendor Complaint Review Process.
  - c) Implementing changes required to Department/Procurement Team procurement processes identified through the Vendor Complaint Review Process.
  - d) Implementing any outcomes recommended and any subsequent remedial action.
  - e) Making all reasonable efforts to review complaints and where reasonable to resolve them amicably.
- 10.2 The Director, Financial Services is responsible for:
  - a) Ensuring that Departments and the Procurement Team have a Vendor Complaint Review Process as described in these policies and procedures.
  - b) Providing guidelines regarding the information and reporting requirements to Departments and the Procurement Team.
  - c) Implementing required changes and efficiencies to OC procurement procedures and training methods and tools identified through the Vendor Complaint Review Process.

- d) Reporting on College-wide VCRP activity and outcomes of Vendor Complaint Reviews to the CFO, Vice President, Corporate Services, as requested.
- 10.3 The CFO & Vice President, Corporate Services is responsible for:
- a) Reviewing Complaints not satisfactorily concluded through OC's Vendor Complaint Review Process.
- 10.4 Vendors are responsible for:
- a) Making reasonable efforts to review the Complaint with Departments or the Procurement Team by first engaging in informal discussions with the Department or Procurement Team to address the Complaint.
  - b) Providing information related to the Complaint, as reasonably requested by the College.

### ***Eligibility of Complaints***

- 10.5 Complaints may be forwarded in writing to the Vendor's contact at the College, or to the Office of the Comptroller General who may then forward the Complaint to the College's Procurement Team for further review.
- 10.6 The Vendor Complaint Review Process is the process by which the College receives and reviews Vendor Complaints related to an OC Procurement process.
- 10.7 The Vendor Complaint Review Process may be requested by a Vendor, and where appropriate, Complaints should be filed following the debriefing session and completion of the applicable Procurement.
- 10.8 The Vendor Complaint Review Process (VCRP) will apply to the process used to evaluate proposals and how the evaluation criteria were applied. The VCRP Review Process will not apply to the determination of individual point ratings of specific evaluation criteria by the Evaluation Team, or to performance or conduct issues under the Contract. The Vendor and Department/Procurement Team should refer to the dispute resolution processes identified in the Contract documents.
- 10.9 The VCRP is not intended to detract from a vendor's access to legal resource. However, VCRP complaints will generally not be considered concurrently with a litigation process.

### ***Filing a Complaint***

- 10.10 Complaints may be forwarded in writing to the College Department, Procurement Team, or to the Office of the Comptroller General who may then forward the Complaint to the College's Procurement Team for further review.
- 10.11 The Department or Procurement Team receiving the complaint will gather the required information as it pertains to the Complaint under this Procedure. The Vendor will comply with all reasonable requests for information made by the College related to the Complaint.
- 10.12 The Department and Procurement Team, as applicable, will assess the Complaint including any information gathered. The Department may consult with the Procurement Team prior to releasing any information to the vendor or to receive guidance in responding for Complaints related to a Procurement process.
- 10.13 The Department and Procurement Team as applicable, with the Vendor, will make reasonable efforts to resolve the Complaint by first engaging in informal discussions to address the Complaint.
- 10.14 Should informal discussions under the VCRP be considered insufficient to address the Complaint, the College may Initiate a formal process for reviewing the Complaint. This may include engaging with legal counsel or progressing the Complaint to the Director, Financial Services.
- 10.15 The Department or Procurement Team who receives the complaint will be responsible for documenting all Complaints filed related to a Procurement.

### **Disclosures**

- 10.16 The College may request that Legal counsel review any correspondence prior to disclosure to a Complainant under this Procedure, as appropriate.
- 10.17 If a Vendor submits a request for information related to a Procurement under the Freedom of Information and Protection of Privacy Act (FOIPPA), the response for the Vendor Complaint Review Process may be delayed until after the Access Request is completed and subject to the response timelines allowable under FOIPPA.

### **Complaint Decisions**

- 10.18 The Director, Financial Services will respond to Vendor Complaints that have not been satisfactorily concluded by Departments or the Procurement Team.
- 10.19 If a Complaint cannot be resolved during the Vendor Complaint Review Process or following a response by the Director, Financial Services, the Complaint and all relevant information will be forwarded to the CFO & Vice President, Corporate Services who will make a final determination on a Complaint filed under the Vendor Complaint Review Process.
- 10.20 No compensation will be awarded to a Complainant under the Vendor Complaint Review Process.

## **11. Related Acts and Regulations**

*College and Institute Act*  
*Canada-European Union Comprehensive Economic and Trade Agreement (CETA)*  
*Canadian Free Trade Agreement (CFTA)*  
*Core Policy and Procedures Manual Chapter 6: Procurement*  
*New West Partnership Trade Agreement between British Columbia, Alberta, Saskatchewan, and Manitoba (NWPTA)*

## **12. Supporting References, Policies, Procedures and Forms**

Resources available through the Procurement Team or on myOkanagan:

- *Direct Award Justification Form*
- *Standard Solicitation Document*
- *Consultant Performance Scorecard*
- *Performance Scorecard*

### **History / Revisions**

Date	Action
2023-11-15	<i>New Procedure Approved by OC Executive Team: Procedures for Procurement (PRPR_2311N_SPN/VPC)</i>