Procurement Policy

Authority: CUSA Board

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Review Committees:
CUSA Board or designated committee of the Board

Delegates:
Chair of the Board
Vice President Finance / Secretary-Treasurer
President & CEO
Executive Director
Director of Finance

1) Purpose
   a) To ensure the acquisition of goods and services is undertaken in an open, fair, transparent, efficient, ethical, and cost-effective manner while obtaining the best value for the total acquisition cost of all goods and services purchased while keeping all acquisitions in alignment with CUSA’s values and ethical decision making process.
   b) To establish the authority of the CUSA Board, officers, and employees to authorize and execute transactions with respect to procuring goods and services in accordance with the Not for Profit Corporations Act (2010) and Articles of Incorporation.
   c) To bind officers and employees of CUSA to implement the CUSA Board decisions. The ethical, efficient, and accountable management of procuring goods and services in a timely fashion makes it appropriate for the Board to delegate certain administrative powers and duties to officers and employees of CUSA subject to oversight by the CUSA Board.
   d) To establish guidelines for purchasing goods and services for all CUSA departments, businesses, and units, including procurement planning and risk mitigation considerations
   e) To raise awareness of the environmental stewardship, sustainability, decolonization, and equitable practices in the procurement of goods and services

2) Objective
   a) To outline the procurement, request for proposal, and decision making policy and process for the various transactions which take place within CUSA at various levels of the Corporation
b) To facilitate and encourage the timely purchase of goods and services, and to ensure its commitment to accountability, transparency, efficiency, and equity.

3) Definitions
For the purposes of this policy unless the context demands a separate interpretation:

a) Consulting Services - the provision of expertise of strategic advice that is presented for consideration and decision-making. This is different from the definition for Professional Services, which means engagement of a person or entity retained under a fee-for-service arrangement to perform specific tasks under a client's direction for a limited period.

b) Equitable Vendor - any business or enterprise that is certified to be more than 50% owned, managed, and controlled by persons belonging to an equity-seeking community, such as Black Owned Businesses and/or businesses on the Indigenous Business Directory or are members of the Canadian Council for Aboriginal Business.

c) Financial Approval Authority - the individual(s) or position(s) with permission to approve transactions for execution. The approval attests to the appropriateness of the transaction within CUSA's budgetary guidelines. An individual who has been given financial approval authority is thereby charged with financial accountability and ensuring the appropriate use of funds. This individual or position is either the CUSA Board or an individual who has been delegated financial approval authority by the CUSA Board, as outlined in the CUSA ByLaws & CUSA Board Terms of Reference.

d) Open Competitive Process - conducting a CUSA-led public procurement open to all vendors

e) Procurement Value - the total anticipated financial spend or outlay (excluding taxes) over the life of the commitment, including optional renewal periods, if applicable; however, departments should consider any additional costs (e.g. taxes) when preparing annual forecasts and/or budgets.

f) Bid Solicitation - any competitive procurement (purchasing) process authorized by this policy, including

i) Request for Tender (RFT) - a purchasing process in which suppliers are publicly invited to submit bids and the bids are compared on the basis of price and delivery and where contract award may be determined on the basis of lowest-price bid that meets all of CUSA's requirements, subject to CUSA's discretion, and may permit negotiation between CUSA and one or more bidders about certain aspects of a request,

ii) Request for Quotation (RFQ) - a purchasing process in which suppliers are asked to provide a quote for the provision of a good or service, and may include telephone bids. It is used where the contract requirements are well defined such that bids may be evaluated and compared on the basis of price and delivery, and where contract award may be determined on the basis of lowest-priced bid that meets all of CUSA's requirements,
subject to CUSA's discretion. It may involve a public call for quotes or may be part of an invitation-only process; and,

iii) Request for Proposal (RFP) - a purchasing process in which suppliers are publicly invited to propose a solution to a problem, requirement, or objective and supplier selection is based on the effectiveness of the proposed solution rather than on price as the primary consideration, and may permit negotiation between CUSA and one or more bidders about certain aspects of the request.

g) Conflict of Interest - defined within the **Conflict of Interest Policy** as a situation where:

i) Personal benefit will occur, whether it be direct or indirect; or

ii) Where a benefit (financial or other) will occur to the organisation/group/business etc. that you represent or are involved/associated with. This shall apply to both on-campus and off campus groups. This section shall not apply if you have not been a member of the organisation/group/business for more than one (1) year from the date of termination of membership/employment; or,

iii) A benefit to your spouse/partner or family member will occur, whether it be direct or indirect;

iv) You have received gifts/benefits previously from an organisation/group/business etc. which is now dealing with the Association; or

v) You are a CUSA Councillor and a member of a CUSA, Inc. -affiliated union, and a motion dealing with union business comes before Council.

4) Policy Administration

a) The CUSA Board has the responsibility of maintaining procurement policy and procedure and ensuring any responsibilities delegated are to entities duly informed of and trained on this policy and accountability to the CUSA Board.

b) The CUSA Board has ultimate authority in all matters of Corporation management at all times. In the event of a conflict between the terms of this policy and a specific resolution of the CUSA Board, the resolution of the Board prevails.

c) This policy applies to all employees of CUSA and the CUSA Board

d) This policy applies to any acquisition of goods or services for CUSA activities by CUSA employees and the CUSA Board

e) Consistency & Contradiction

i) Where there may be apparent contradictions between this policy and other legal requirements to which CUSA is subject, every effort should be made to interpret both this policy and the other requirement in a consistent and harmonious manner.

ii) If any provision of this policy is found to be inconsistent with the provisions of a collective agreement, the collective agreement will prevail,
unless the policy provision is required by law, in which case the policy provision will prevail.

iii) Where funding for a purchase is provided by a funding agency, a more stringent set of approval requirements may be used at the discretion of the funding agency. If the funding agency approval requirements are more stringent than this policy, the funding agency requirements will prevail.

5) Guidelines
   a) Who has authority over CUSA Procurements?
      i) The CUSA Board has authority over CUSA Procurements, including sponsorships, renovations, leases, physical plant, etc and is capable of outlining and delegating these responsibilities to others, as outlined in the remainder of this policy. The Board may always request to be involved in processes even after they have delegated them, and efforts should be made to inform the Board of Procurement possibilities at a Board meeting and in advance of the Procurement. In short, those delegated the ability to execute a Procurement should see themselves as acting on behalf of the Board in the absence of them actively meeting, and may have their responsibilities curtailed at the discretion of the Board if any single Procurement is not managed in accordance with this policy, within the scope they delegated, or if they feel a pattern of Procuring outside of Board meetings has become a troublesome pattern to avoid Board oversight.
   b) When is a “Request for Tender”, “Request for Quote”, or “Request for Proposal” required or not required?
      i) None of the various “Request” processes are required for departmental purchases totalling less than $100 and previously approved by the Board as a part of larger departmental budget documents
      ii) In general, when the Procurement Value is expected to be between $100 and $999 or a Procurement Value exceeding that amount is part of an uninterrupted and routine administrative function of CUSA (i.e. office supplies) previously approved by the Board, a “Request for Tender” should be used
      iii) In general, when Procurement Value is expected to be between $1000 and $3999 a “Request for Quotation” process should be used. The Board may from time to time allow a “Request for Quotation” to be used for CUSA’s businesses on Procurement Values which could go over $3999 up to $9999.
      iv) In general, when a Procurement Value is expected to be or exceed $4000, a “Request for Proposal” process should be used.
      v) When a Procurement Value is in doubt, the Board will vote my majority to accept a Procurement Value for the initiative.
      vi) Various exceptions and specifics may be outlined in this policy or outlined by the Board on a case-by-case basis
c) Procuring Food & Beverage or Inventory
   i) The Board may approve the regular purchase of Food & Beverage or Inventory for Rooster’s, Haven, and Ollie’s, and may set an amount that should not be exceeded as a guideline for the operations of the Businesses
   ii) Significant Food & Beverage or Inventory changes that would amount to a change in the business model or purpose of the business must be endorsed by a majority the Board

d) Procuring Sponsorship Funds
   i) The Board may allocate any amount of funds within any budget line to sponsorships.
   ii) Sponsorships independently $499 or less or cumulatively $3999 or less may be moved within a single department budget line previously allocated by the Board with a simple notification of the sponsorship being presented to the Board in a written form with meeting materials for the next regular meeting.
   iii) Sponsorships independently $500 or more or cumulatively $4000 or more must be approved by the majority of the Board. If the matter cannot wait for the next regularly scheduled Board Meeting, Directors can register their approval or disapproval through previously designated e-mail
   iv) All sponsorships should follow the Sponsorship Policy & Procedure

e) Procuring Consultants
   i) Consultancies independently $249 or less or cumulatively $1999 or less may be retained within a single department budget line previously allocated by the Board with a simple notification of the consultancy being presented to the Board in a written form with meeting materials for the next regular meeting
   ii) Consultancies independently $250 or more or cumulatively $2000 or more must be approved by the majority of the Board. If the matter cannot wait for the next regularly scheduled Board Meeting, Directors can register their approval or disapproval through previously designated e-mail.
   iii) In the cases where a consultant is retained under clause 5. d) i) but continued retention would cross into the jurisdiction of 5. d) ii) , the continued retention must be approved by the majority of the Board. If the Board does not vote to extend, the consultant must be terminated.

f) Lawyers & Auditors
   i) The Board can set budgets for legal and financial advice, but permits officers of the Corporation to exceed those budgets between Board meetings with every effort to involve the Board Chair when the Corporation’s legal, financial, or reputational position is in jeopardy and short-term legal or financial advice is necessary to rectify the situation.
   ii) To the extent possible, overages on budgeted amounts for lawyers and auditors fees between meetings should be retroactively approved or declined by the Board.
g) Procuring Office Furniture or Business Physical Plant
   i) Office furniture or Physical Plant of any service centre or CUSA office space where the expected Procurement Value is expected to be between $0 and $3999, a “Request for Quotation” process should be used
   ii) Office furniture or Physical Plant of any CUSA Business or leasee space where the expected Procurement Value is between $0 and $9999, a “Request for Quotation” process should be used
   iii) Office Furniture or Physical Plant of any service centre or CUSA office space where the expected Procurement Value is expected to cost $4000 or more, a “Request for Proposal” process should be used
   iv) Office Furniture or Physical Plant of any CUSA business or leasee space where the expected Procurement Value is $10,000 or more, a “Request for Proposal” process should be used

h) Procuring Renovation Funds
   i) For renovation projects of any service centre or CUSA office space, projects expected to cost between $0 and $3999, a “Request for Quotation” process should be used
   ii) For renovation projects of any CUSA Business or leasee space, projects expected to cost between $0 and $9999, a “Request for Quotation” process should be used
   iii) For renovation projects of any service centre or CUSA office space, projects expected to cost $4000 or more, a “Request for Proposal” process should be used
   iv) For renovation projects of any CUSA business or leasee space, projects expected to cost $10,000 or more, a “Request for Proposal” process should be used

i) Large Fiscal Projects
   i) The Board must approve a “Request for Proposal” for projects involving sums of money $10,000 or more on any single Procurement or initiative, such as buying or building a new building, buying a company vehicle, or other large Procurements not covered by this or other policies (such as the Investment Policy)

j) Tenancies
   i) The Board must approve all tenancies in CUSA leased spaces before a tenancy agreement can be signed

6) Responsibility
   a) The Board can delegate any individual to execute their Procurement wishes and replace or hold that person accountable by removing their ability to be a signing authority of the Corporation if a Board motion is found not to be followed.
   b) The Board can approve Procurements up to a year in advance of when necessary or of when the Procurement is executed. If a full calendar year passes from a Board motion to Procure (or from budget passage that included
Procurement Clauses) the Procurement must be reconsidered and endorsed again or rejected by the Board

c) If an individual believes a Procurement has occurred in contravention of this policy, they should immediately write a detailed accounting of the situation and provide as much evidence as possible plus the written submission to the Chair of the Board e-mail address

7) Postings of RFT, RFQ, and RFP
   a) Public postings of RFT, RFQ, and RFP should be posted on https://www.cusaonline.ca/ under the “Opportunities” tab on the “Procurement” page for at least 14 days or 10 business days, whichever is shorter.
   b) Often, on large initiatives, RFP processes must be significantly longer to ensure proper competition over the proposal. In those cases, the Board may require an RFP be posted for a time period deemed appropriate.
   c) The Board holds sole responsibility to waive the posting timeline requirements and set timelines on all RFT, RFQ, and RFP.

8) Evaluations of bids, tenders, quotes, or proposals
   a) The CUSA Board may delegate the evaluation of bids, tenders, quotes, or proposals to any officer of the corporation, staff member, expert, committee, other governance body of CUSA, subset of the Board, or the Board itself.
   b) Evaluations shall always be made in ways that determine what is best for CUSA, and not for the individual applicants.
   c) Submissions may be updated or amended by applicants in such a way that allows for entities to compete for the financial benefit of CUSA.
   d) Where two submissions are equal but one is from an Equitable Vendor, there shall be a recognition that the Equitable Vendor application should be given preference, given the structural obstacles overcome in the course of arriving at an equal submission with an entity that does not qualify as an Equitable Vendor.