

PURCHASE THROUGH TENDERING

Statement of Policy

The School Board understands its obligation as a government-funded body, and its requirement to operate within the Public Tender Act and will use this legislation to acquire goods and services and execute public works as directed by the Act.

Rationale

The Eastern School Board is a government-funded body and is required to operate under the Public Tender Act. This legislation requires the District to invite tenders for the acquisition of goods and services and the execution of public works, where cost is expected to be in excess of a defined amount.

Scope

All purchases of goods and/or services by the Board or a school under the Board's jurisdiction shall be made in accordance with the Public Tendering Act

Procedures

1. Tender specifications shall be prepared for the goods and services required and shall be in the format approved by the Director or his designate. Specifications will not be prepared in a manner that arbitrarily excludes specific vendors/ bidders products or services.
2. Where a tender is required it shall be placed with at least one electronic bidding service in the province and in such other media as the Director or his designate may deem appropriate to ensure adequate notice.
3. A call for tender shall be in writing and include the following:
 - (a) A brief description of the public work to be executed, the goods or services to be acquired or the space to be leased and the location of the execution, acquisition or space;
 - (b) The location where information and documents necessary for tendering are available;
 - (c) The conditions for obtaining the documents for tendering;
 - (d) The place where the tenders are to be accepted;

- (e) The date and time limits for submitting tenders;
 - (f) The time and place of the opening of the tenders.
4. Tenders shall be opened in a place where the public is permitted to attend and at such time as shall be indicated in the call for tender.
 5. No tender may be opened unless there are at least three persons present who are acceptable to the Director or his designate.
 6. All tenders published shall name the officer / person responsible for sending out specification packages and receiving the tenders from the general public.
 7. The Director may authorize change orders within the requirements of a contract or authorize extensions of the contract within the confines of the Public Tendering Act.
 8. The following shall guide the Board when no bids are received following a public tender call:
 - (a) The Director shall issue a second public call for bids unless the delay resulting from inviting tenders a second time would be injurious to the public interest, in which case the Director may execute the public work or acquire the goods or services or lease the leased space in accordance with Section 9 of the Public Tender Act.
 - (b) Where no bids are received following two (2) successful public tender calls, the Director may execute the public work or acquire the goods or services or lease the leased space in accordance with Section 9 of the Public Tender Act.
 9. Without the prior consent of the Director, no tender will be accepted by fax or telegraph. However, modifications by telegraph, fax, or in writing will be considered if received prior to the hour set in the tender document, for the receipt of bids.
 10. Bid security in the form of a certified cheque, bank draft, money order, or bid bond made payable to Eastern School Board may be requested for all tenders. A tender will be rejected if bid security is required and the tenderer does not provide same in a form as required. The required bid security shall be as outlined in the tender specifications.
 11. No bidder may withdraw his or her tender within 30 days after the actual date of the opening. Any bid security will be retained by the Board if the bidder fails to execute the contract.
 12. The Director may require other forms of security, such as performance bonds, for some capital projects.
 13. Tenders may be withdrawn, in writing, up to the time set for the opening.

14. The Board will not be responsible to approve a tender if the preferred bid exceeds the specified budget allocation.
15. The results of all public tenders will be reported to the Director through the Monthly Financial Report.
16. Tenders will be received by a clerk, stamped with the current date and time and shall be securely stored until the hour set for the opening of bids.
17. The District recognizes that Section 3, subsection (iii) of the Public Tender Act outlines conditions where tenders are not required. In instances determined by the Director or his designate, tenders may be called, and if called shall adhere to the provisions contained in this policy.
18. The Director, or his designate, will report to the Minister of Transportation and Works contract awards without invitation as required under Section (3) of the Public Tender Act.
19. Where tenders are not required under the conditions detailed in the Public Tender Act, the following guideline will be implemented: Purchases of goods and services up to the requirement for Public Tender as required under the Public Tender Act – three quotes.
20. Should the Board intend to lease space, it shall adhere to the appropriate sections of The Public Tender Act and Regulations after having received the approval of the Minister of Education.
21. These regulations will be reviewed annually by the Director of Education in consultation with Administrative Council and the Regional Administrative Councils.

Authority: Eastern School Board
Legal Reference:
Cross Reference: The Schools Act, 1997

Date Approved by the Board: August 17, 2005
Date of Amendments: