

Manitoulin-Sudbury District Services Board POLICY & PROCEDURES MANUAL	
Section: B. General Administration	Effective Date: Feb. 1, 2021
Topic: 3. Finance	Revised July 1, 2010
Subject: 3.09. Procurement and Tendering Definitions	
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POLICY

The words and phrases listed below when used in this policy shall have the following meanings ascribed to them.

PROCEDURE

Definitions:

“**Act**” means the Municipal Act, R.S.O. 1990c M.45, as amended from time to time and includes regulation made under it.

“**Acquisition Method**” means the process by which goods or services are procured.

“**Agreement to Bond**”, also referred to as a Consent of Surety, confirms to Manitoulin-Sudbury District Services Board that should the contractor be awarded the job and execute the contract, the surety agrees to issue the performance and/or payment bonds as per the terms outlined in the Agreement to Bond.

“**Annual Aggregate Value**” means the total amount anticipated to be spent annually on a particular type of goods or services.

“**Appropriate Director / Program Supervisor**” means the individual identified as the Director/Manager for the Board or designate(s).

“**Award**” “**Awarded**” and “**Awarding**” mean authorization to proceed with the purchase of Goods, Services or Construction from a chosen supplier.

“**Basic Holdback**” means holding back 10% of the price of services and materials as they are supplied under the contract or subcontract and is retained until all liens that may be claimed against the holdback have expired, been satisfied, or discharged. Holdback is paid out 45 days after the date of Successful Completion (100% of the contract completed).

“**Bid**” means an offer or submission from a supplier in response to a Bid Solicitation.

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“**Bid Bond**” means the form of security required by the terms and conditions of Bid Solicitation documentation to guarantee that the successful bidder enters into a Contract with the Manitoulin-Sudbury District Services Board.

“**Bid Solicitation**” means a formal request for Bids that may be in the form of a Request for Tender or Request for Proposal.

“**Blanket Purchase Order**” means a Purchase Order which establishes prices or a method for determining prices, terms and conditions and the period of time during which a vendor agrees to provide goods or services to the purchaser upon the purchaser’s demand.

“**Board**” means the Board of Directors of the Manitoulin–Sudbury District Services Board.

“**Board Approved Budgets**” means Board approved program budgets including authorized revisions.

“**Chief Administrative Officer**” means the Chief Administrative Officer (CAO) of the Manitoulin-Sudbury District Services Board

“**Competitive Method**” means an Acquisition Method where vendors are given an equal opportunity to submit bids in accordance with Board policy and procedures.

“**Construction**” means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, soil investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include professional services related to the construction contract unless they are included in the specifications for the procurement.

“**Contract**” means any agreement, regardless of form or title, for the lease purchase or disposal of Goods, Services or Construction authorized in accordance with this policy.

“**DSB**” refers to the Manitoulin – Sudbury District Services Board.

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“**Electronic Advertising**” means the use of a computer-based system accessible by suppliers irrespective of their location that provides suppliers with information related to Bid Solicitations.

“**Emergency**” means a situation, or the threat of an impending situation, which may affect the environment, the life, safety, health and/or welfare of the general public, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

“**Fair Market Value**” means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm’s-length where fully informed and not under any compulsion to transact.

“**Goods**” means moveable property including:

The cost of installing, operating, maintaining, or manufacturing such moveable property;

Raw materials, products, equipment and other physical objects of every kind and description.

“**Labour and Material Payment Bond**” guarantees that the bonded contractor will pay all claimants for goods and/or services supplied for the bonded project. A claimant under a Labour and Material Payment Bond is a trade contractor or supplier who has a direct contract with the bonded contractor to supply goods or services to the bonded job. Labour and Material Payment Bonds are typically in the amount of 50% of the contract amount but can also be in the amount of 100% of the contract amount.

“**Lowest Responsive Bid or Lowest Compliant Bid**” means the Bid that would provide the Board with the desired Goods, Services or Construction at the lowest Total Acquisition Cost, meets all the specifications, all program requirements and contains no irregularities requiring automatic rejection.

“**Performance Bond**” guarantees that the bonded contractor will perform its obligations under the contract in accordance with the contract’s terms and conditions. Performance bonds are typically in the amount of 50% of the contract amount but can also be issued for 100% of the contract amount.

“**Program Supervisor**” refers to position title that has responsibility and authority over a program area and its budget.

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“Professional Services” means person(s) having a specialized knowledge or skill for a defined service requirement including:

Architects, engineers, designers, management and financial; consultants; and Firms or individuals having specialized competence in environmental, planning, or other disciplines.

“Program” refers to the following organizational units in Manitoulin-Sudbury DSB Children’s Programs, Emergency Medical Services, Social Housing Services, Ontario Works, Information Technology, Finance and Administration.

“Proposal” means an offer submitted in response to a Request for Proposal, acceptance of which may be subject to further negotiation.

“Public Tender” means a publicly advertised bid solicitation where the anticipated cost is greater than \$100,000.

“Purchase Order” means a Contract between the Manitoulin-Sudbury DSB and a supplier to supply a specific quantity of Goods or specific set of Services or specific type of Construction defined by such things as time period, location(s), and price.

“Purchasing Card” means a credit card or purchasing card issued to purchase Goods and Services of a defined dollar value.

“Relatives” means spouse, father, step-father, father-in-law; mother, step-mother, mother-in-law; daughter, step-daughter, daughter-in-law; son, step-son, son-in-law; legal dependant; brother, step-brother, brother-in-law; sister, step-sister, sister-in-law; grandchild; grandparent; aunt, uncle; niece, nephew.

“Request for Quotation” means a Bid Solicitation that is used to acquire Goods, Services or Construction where the estimated cost is less than \$30,000.

“Services” includes all professional and consulting services, all services in relation to real property or personal property including without limiting the foregoing the delivery, installation, construction, maintenance, repair, restoration, demolition or removal of personal property and real property and all other services of any nature and kind save and except only services to be delivered by an employee of the Manitoulin-Sudbury DSB in accordance with terms of employment.

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“Short Form Tender” means a bid solicitation used to acquire goods and/or or Services from qualified suppliers where the anticipated cost is greater than \$30,000 and less than \$100,000.

“Substantial Completion” means when the improvement is being used, or is ready for use, for the purpose intended and that any known or patent defects are capable of correction at the formula noted in the Construction Lien Act. This is generally predetermined in the tender documents and for the Manitoulin Sudbury DSB is at approximately 90% completion of the value of the contract.

“Successful Completion” (completion of contract) means that the contract is complete; if the cost to complete the final details or correct any known or patent defects is the lesser of 1% of the contract price or \$1,000.

“Sole Source” means there is only one source of supply or particular goods or services.

“Total Acquisition Cost” means an evaluation of quality and service in the assessment of a Bid and the sum of all costs including purchase price, all taxes, warranties, local service costs, life cycle costs, time of completion or delivery, inventory carrying costs, operating and disposal costs for determining the “Lowest Responsive Bid”.