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Policy Attachment(s): ■ Broader Public Sector (BPS) Procurement Directive, Effective January 1, 2024	

POLICY

K-W Habilitation Services implements a procurement process to ensure that goods and services, including construction, consulting services and information technology are acquired through a process that is open, fair, transparent and managed consistently.

A. Guiding Principles

K-W Habilitation Services will ensure that the procurement process is ethical and is guided by the following principles.

- (i) *Integrity and Due Diligence*
Honesty, care and due diligence must be demonstrated within and between K-W Habilitation Services, suppliers and other stakeholders. Confidential information must be safeguarded. Participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.
- (ii) *Accountability and Transparency*
In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public funding. All participants must ensure that public sector resources are used in a responsible, efficient and effective manner.
- (iii) *Compliance and Continuous Improvement*
Individuals involved with purchasing and supplying goods and services must comply with all applicable legislation and regulations and continually work to demonstrate leading practices.
- (iv) *Segregation of Duties*
Segregation of Duties prevents any one person from controlling the entire procurement process. The five typical functional procurement roles that require approval are

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requisition, budgeting, commitment, receipt, and payment. At least three of the five procurement roles must be segregated.

(v) *Authority and Accountability*

Prior to commencement, any procurement of goods, non-consulting services, and consulting services must be approved by the appropriate authority level. Any non-competitive procurement of goods, non-consulting services, or consulting services must be approved by an authority one level higher than the requirements for competitive procurement.

The overall value of procurement must not be reduced by dividing it into multiple procurements in order to circumvent the approval requirements.

Goods and Non-Consulting Services:

Procurement Value (not including taxes)	Procurement Method	Approval Authority
\$0 up to but not including \$500	Petty Cash, Invoice, Credit Card, Misc. Expense Form, Purchase Order	Supervisor/Manager
\$500 up to but not including \$1,000	Invoice, Credit Card, Misc. Expense Form, Purchase Order	Manager
\$1,000 up to but not including \$5,000	At least 2 verbal quotes for single purchase items	Director
\$5,000 up to but not including \$10,000	At least 2 quotes for single purchase items	Chief Executive Officer
\$10,000 up to but not including \$121,200	Invitational Competitive (minimum of 3 qualified suppliers invited to bid)	Chief Executive Officer

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\$121,200 or more	Open Competitive	Board of Directors
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Consulting Services:

Procurement Value (not including taxes)	Procurement Method	Approval Authority
up to but not including \$5,000	At least 2 quotes	Director
\$5,000 up to but not including \$121,200	Invitational Competitive (minimum of 3 qualified suppliers invited to bid)	Chief Executive Officer
\$121,200 or more	Open Competitive	Board of Directors

B. PROCUREMENT PROCESS MANDATORY REQUIREMENTS

The procurement of goods, non-consulting services and consulting services will be comprised of the following mandatory requirements:

- (i) *Segregation of Duties*
KW Habilitation will segregate at least three of the five functional procurement roles: Requisition, Budgeting, Commitment, Receipt and Payment. Responsibilities for these roles must lie with different departments or, at a minimum, with different individuals. Where it is not feasible to segregate these roles, adequate compensating controls approved by an external auditor will be put in place.
- (ii) *Approval Authority*
 - a. *Goods and non-consulting services*
KW Habilitation will establish an approval authority schedule (AAS) for

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procurement of goods and non-consulting services. The AAS must identify, for each of the functional procurement roles identified in Section 7.2.1 of the BPS Procurement Directive, authorities that are allowed to approve procurements for different dollar thresholds. The AAS must be approved by the board of directors of KW Habilitation or its equivalent. Prior to commencement, any procurement of goods and non-consulting services must be approved by an appropriate authority in accordance with the AAS of KW Habilitation. Prior to commencement, any non-competitive procurement of goods or non-consulting services must be approved by an authority one level higher than the AAS requirements for competitive procurement.

b. *Consulting Services*

Prior to commencement, any procurement of consulting services must be approved in accordance with the Procurement Approval Authority Schedule for Consulting Services. KW Habilitation will not reduce the overall value of procurement (e.g., dividing a single procurement into multiple procurements) in order to circumvent the approval requirements of the organizational AAS or the Procurement AAS for Consulting Services.

(iii) *Competitive Procurement Thresholds*

KW Habilitation will conduct an open competitive procurement process where the estimated value of procurement of goods or services is \$121,200 or more. The exemptions must be in accordance with the applicable trade agreements. KW Habilitation will competitively procure consulting services irrespective of value. The exemptions must be in accordance with the applicable trade agreements. KW Habilitation will not reduce the overall value of procurement (e.g., dividing a single procurement into multiple procurements) in order to circumvent competitive procurement thresholds.

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- (iv) *Information Gathering*
Where results of informal supplier or product research are insufficient, formal processes such as a Request for Information (RFI) or Request for Expression of Interest (RFEI) may be used if warranted, taking into consideration the time and effort required to conduct them. A response to RFI or RFEI will not be used to pre-qualify a potential supplier and will not influence the chances of the participating suppliers from becoming the successful proponent in any subsequent opportunity.
- (v) *Supplier Pre-Qualification*
The Request for Supplier Qualification (RFSQ) enables KW Habilitation to gather information about supplier capabilities and qualifications in order to pre-qualify suppliers for an immediate product or service need or to identify qualified candidates in advance of expected future competitions. Terms and conditions of the RFSQ document must contain language that disclaims any obligation of KW Habilitation to call on any supplier to provide goods or services as a result of pre-qualification.
- (vi) *Posting Competitive Procurement Documents*
Calls for open competitive procurements will be made through an electronic tendering system that is readily accessible by all vendors.
- (vii) *Timelines for Posting Competitive Procurements*
KW Habilitation will provide suppliers a minimum response time of 15 calendar days for procurement of goods and services valued at \$121,200 and up to \$353,300. KW Habilitation will consider providing suppliers a minimum response time of 30 calendar days for procurements of high complexity, risk, and/or dollar value, and subject to applicable trade agreements.
- (viii) *Bid Receipt*
Bid submission date and closing time must be clearly stated in competitive procurement documents. KW Habilitation will set the closing date of a competitive

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procurement process on a normal working day (Monday to Friday, excluding provincial and national holidays). Submissions that are delivered after the closing time will be returned unopened.

(ix) *Evaluation Criteria*

Evaluation criteria must be developed, reviewed and approved by an appropriate authority prior to commencement of the competitive procurement process.

Competitive procurement documents will clearly outline mandatory, rated, and other criteria that will be used to evaluate submissions, including weight of each criterion.

Mandatory criteria (e.g., technical standards) will be kept to a minimum to ensure that no bid is unnecessarily disqualified.

Maximum justifiable weighting will be allocated to the price/cost component of the evaluation criteria.

All criteria will comply with Section 7.2.14, Non-discrimination, of the Directive.

The evaluation criteria are to be altered only by means of addendum to the competitive procurement documents.

KW Habilitation may request suppliers to provide alternative strategies or solutions as a part of their submission. KW Habilitation will establish criteria to evaluate alternative strategies or solutions prior to commencement of the competitive procurement process. Alternative strategies or solutions must not be considered unless they are explicitly requested in the competitive procurement documents.

(x) *Evaluation Process Disclosure*

Competitive procurement documents will fully disclose the evaluation methodology and process to be used in assessing submissions, including the method of resolving tie score.

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Competitive procurement documents will state that submissions that do not meet the mandatory criteria will be disqualified.

(xi) *Evaluation Team*

Competitive procurement processes require an evaluation team responsible for reviewing and rating the compliant bids. Evaluation team members must be made aware of the restrictions related to utilization and distribution of confidential and commercially sensitive information collected through the competitive procurement process and refrain from engaging in activities that may create or appear to create a conflict of interest. Evaluation team members must sign a conflict-of-interest declaration and nondisclosure of confidential information agreement.

(xii) *Evaluation Matrix*

Each evaluation team member must complete an evaluation matrix, rating each of the submissions. Records of evaluation scores must be retained for audit purposes. Evaluators must ensure that everything they say or write about submissions is fair, factual, and fully defensible.

(xiii) *Winning Bid*

The submission that receives the highest evaluation score and meets all mandatory requirements set out in the competitive procurement document must be declared the winning bid.

(xiv) *Non-Discrimination*

KW Habilitation will not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process.

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(xv) *Executing the Contract*

The agreement between KW Habilitation and the successful supplier must be formally defined in a signed written contract before the provision of supplying goods or services commences.

Where an immediate need exists for goods or services, and KW Habilitation and the supplier are unable to finalize the contract as described above, an interim purchase order may be used. The justification of such decision must be documented and approved by the appropriate authority.

(xvi) *Establishing the Contract*

The contract must be finalized using the form of agreement that was released with the procurement documents.

In circumstances where an alternative procurement strategy has been used (i.e., a form of agreement was not released with the procurement document), the agreement between the Organization and the successful supplier must be defined formally in a signed written contract before the provision of supplying goods or services commences.

(xvii) *Termination Clauses*

All contracts must include appropriate cancellation or termination clauses. Organizations should seek legal advice on the development of such clauses.

When conducting complex procurements, organizations should consider, as appropriate, the use of contract clauses that permit cancellation or termination at critical project life-cycle stages.

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(xviii) *Term of Agreement Modifications*

The term of the agreement and any options to extend the agreement must be set out in the competitive procurement documents. An approval by the Chief Executive Officer must be obtained before executing any modifications to the term of agreement.

Extending the term of agreement beyond that set out in the competitive procurement document amounts to non-competitive procurement where the extension affects the value and/or stated deliverables of procurement.

(xix) *Contract Award Notification*

For procurements valued at \$121,200 or more, KW Habilitation will post, in the same manner as the procurement documents were posted, contract award notification. The notification must be posted after the agreement between the successful supplier and KW Habilitation was executed. Contract award notification must list the name of the successful supplier, agreement start and end dates, and any extension options.

(xx) *Supplier Debriefing*

For procurements valued at \$121,200 or more, KW Habilitation will inform all unsuccessful suppliers about their entitlement to a debriefing.

KW Habilitation will allow unsuccessful suppliers 60 calendar days following the date of the contract award notification to request a debriefing.

(xxi) *Non-Competitive Procurement*

KW Habilitation will employ a competitive procurement process to achieve optimum value for money. It is recognized, however, that special circumstances may require KW Habilitation to use non-competitive procurement.

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KW Habilitation may utilize non-competitive procurement only in situations outlined in the exemption, exception, or non-application clauses of applicable trade agreements.

Prior to commencement of non-competitive procurement, supporting documentation must be completed and approved by the Chief Executive Officer of KW Habilitation.

(xxii) *Contract Management*

Procurements and the resulting contracts will be managed responsibly and effectively.

Payments will be made in accordance with provisions of the contract. All invoices will contain detailed information sufficient to warrant payment. Any overpayments will be recovered in a timely manner.

Assignments will be properly documented. Supplier performance must be managed and documented, and any performance issues must be addressed.

To manage disputes with suppliers throughout the life of the contract, KW Habilitation will include a dispute resolution process in their contracts.

For services, KW Habilitation will:

- Establish clear terms of reference for the assignment. The terms should include objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements.
- Establish expense claim and reimbursement rules compliant with the Broader Public Sector Expenses Directive and ensure all expenses are claimed and reimbursed in accordance with these rules.
- Ensure that expenses are claimed and reimbursed only where the contract explicitly provides for reimbursement of expenses.

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(xxiii) *Procurement Records Retention*

For reporting and auditing purposes, all procurement documentation, as well as any other pertinent information must be retained in a recoverable form for a period of seven years. Organizations must have a written policy for handling, storing and maintaining the suppliers' confidential and commercially sensitive information.

(xxiv) *Conflict of Interest*

KW Habilitation will monitor any conflict of interest that may arise as a result of the members of KW Habilitation, advisors, external consultants, or suppliers involvement with the supply chain activities.

Individuals involved with the supply chain activities must declare actual or potential conflicts of interest. Where a conflict of interest arises, it must be evaluated and an appropriate mitigating action must be taken.

(xxv) *Bid Dispute Resolution*

Competitive procurement documents must outline bid dispute resolution procedures to ensure that any dispute is handled in an ethical, fair, reasonable, and timely fashion.

Bid dispute resolution procedures must comply with bid protest or dispute resolution procedures set out in the applicable trade agreements.

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(xxvi) *Winning Bid*

The submission that receives the highest evaluation score and meets all mandatory requirements set out in the competitive procurement documents must be declared the winning bid.

(xxvii) *Non-Discrimination*

K-W Habilitation Services must not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process.

(xxviii) *Executing and Establishing the Contract*

The agreement between K-W Habilitation Services and the successful supplier must be formally defined in a signed, written contract before the provision of supplying goods or services commences using the form that was released with the procurement documents (or developed subsequently if an alternative procurement strategy was used). Where an immediate need exists for goods or services, and the K-W Habilitation Services and the supplier are unable to finalize the contract, an interim purchase order may be used. The justification of such decision must be documented and approved by the appropriate authority.

(xxix) *Termination Clauses*

All contracts must include appropriate cancellation or termination clauses. When conducting complex procurements, the use of contract clauses that permit cancellation or termination at critical project life-cycle stages should be considered.

(xxx) *Term of Agreement Modifications*

The term of the agreement and any options to extend the agreement must be set out in the competitive procurement documents. An approval by the appropriate authority must be obtained before executing any modifications to the term of the agreement.

(xxxi) *Contract Award Notification*

For procurements valued at \$121,200 or more, K-W Habilitation Services shall post, in the

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same manner as the procurement documents were posted, contract award notification. The notification must be posted after the agreement between the successful supplier and K-W Habilitation Services has been executed. Contract award notification must list the name of the successful supplier, the *agreement start and end dates, and any extension options*.

(xxxii) *Supplier Debriefing*

For procurements valued at \$121,200 or more, K-W Habilitation Services shall inform all unsuccessful suppliers about their entitlement to a debriefing. This notification shall be in the competitive procurement documents. Unsuccessful suppliers shall have 60 calendar days following the date of the contract award notification to request a debriefing.

(xxxiii) *Contract Management*

Payments must be made in accordance with the provisions of the contract. All invoices must contain detailed information sufficient to warrant payment. Any overpayments must be recovered in a timely manner. Assignments must be properly documented. Supplier performance must be managed and documented, and any performance issues must be addressed. For services, K-W Habilitation Services will establish clear terms of reference for the assignment. The terms should include the objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements, and knowledge transfer requirements. Expense claim and reimbursement rules will be established and ensure all expenses are claimed and reimbursed in accordance with that policy.

(xxxiv) *Procurement Records Retention*

For reporting and auditing purposes, all procurement documentation must be retained for a period of seven years.

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(xxxv) *Conflict of Interest*

K-W Habilitation Services shall monitor any conflict of interest that may arise as a result of employees, volunteers/students, Board of Directors, Members of K-W Habilitation Services, advisors, external consultants, or suppliers' involvement with the procurement activities. All involved in the procurement activities must declare actual or potential conflicts of interest. Where a conflict of interest arises, it must be evaluated and an appropriate mitigating action must be taken.

(xxxvi) *Bid Dispute Resolution*

Competitive procurement documents must outline bid dispute resolution procedures to ensure that any dispute is handled in an ethical, fair, reasonable, and timely fashion.

(xxxvii) *Non-Competitive Procurement*

A competitive procurement process should be employed to ensure optimum value for money. However, special circumstances may arise that require the use of non-competitive procurement. Prior to the commencement of non-competitive procurement, supporting documentation must be completed and approved by the appropriate authority (one level higher than the requirement for competitive procurement).

PROCEDURES

- 1.0 The Chief Executive Officer or designated authority for the procurement process will initiate the process by identifying the business requirements that are needed and the required corresponding procurement process.
- 2.0 The Chief Executive Officer or designated authority for the procurement process will identify potential suppliers or service providers and develop a Request for Information or Request for Expression of Interest or Request for Proposal.

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- 3.0 The Chief Executive Officer or designated authority for the procurement process will invite and/or post procurement documents.
- 4.0 The Chief Executive Officer or designated authority for the procurement process will review bids submitted and review based on established criteria. An evaluation team will review, rate the bids received, conduct interviews (if required), complete an evaluation matrix and determine the successful bid.
- 5.0 The Chief Executive Officer or designated authority for the procurement authority will develop a contract specifying goods and services to be supplied, timeframes, conditions for cancellation or termination of the contract and any other applicable provisions.
- 6.0 The Chief Executive Officer or designated authority for the goods and services to be supplied will ensure all contractual obligations are met.