

<b>Huron Perth Healthcare Alliance</b>	
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**1.0 Purpose**

The purpose of this policy is to outline the requirements for all Huron Perth Healthcare Alliance (HPHA) staff who procure Goods, Services, Equipment and Construction to ensure compliance with legislative requirements under Ontario’s Broader Public Sector Procurement Directive (BPS) and relevant Trade Agreements, including the Comprehensive Economic Trade Agreement (CETA) and Canadian Free Trade Agreement (CFTA).

Key elements to the policy are:

- to ensure that publicly funded goods and services are acquired by HPHA through a process that is open, fair, and transparent
- to ensure that procurement processes are managed consistently
- to outline HPHA’s responsibilities and provide clear guidelines throughout each stage of the procurement process

**2.0 Code of Ethics**

HPHA follows the BPS code of ethics.

The goal of Supply Chain Code of Ethics is to ensure an ethical, professional and accountable supply chain.

1. Personal Integrity & Professionalism

Individuals involved with Supply Chain Activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all supply chain activities within and between BPS organizations, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. 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.

## 2. Accountability & Transparency

Supply chain activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money. All participants must ensure that public sector resources are used in a responsible, efficient and effective manner.

## 3. Compliance & Continuous Improvement

Individuals involved with purchasing or other supply chain activities must comply with this Code of Ethics and the laws of Canada and Ontario. Individuals should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.

### 3.0 Principles

HPHA's principles were adopted from the five key principles within the BPS Procurement Directive. This allows HPHA to achieve value for money while following a procurement process that is fair and transparent to all stakeholders. These principles are:

#### Accountability

HPHA must be accountable for the results of their procurement decisions and the appropriateness of the processes.

#### Transparency

HPHA must be transparent to all stakeholders. Wherever possible, stakeholders must have equal access to information on procurement opportunities, processes and results.

#### Value for Money

HPHA must maximize the value they receive from the use of public funds. A value-for-money approach aims to deliver goods and services at the optimum total lifecycle cost.

#### Quality Service Delivery

Front-line services within HPHA must receive the right product, at the right time, in the right place, and in the right quantity.

#### Process Standardization

HPHA will standardize goods and services whenever possible (See [Product Standardization – Trial and Evaluation](#)). Standardized processes remove inefficiencies and create a level playing field. Where multiple pieces of equipment are standardized and have staggered aging, HPHA will continue to standardize with third party confirmation of competitive pricing, as long as there are no issues with the operation or capability of the equipment. HPHA will consider standardization of equipment when the required equipment is used or will be used in two or more departments or sites. In cases of interoperability with HPHA's Information System, HPHA will make procurement decisions that result in the most efficient integration with the Meditech Magic platform. This will result in better value due to lower one-time and ongoing system engineering and maintenance costs.

### 4.0 Commitment of HPHA Funds

HPHA's Board of Directors authorizes the commitment of operating and capital funds.

- Authorization occurs through the ongoing approvals of the annual financial operating plan, the associated quarterly financial forecasts, and other ad hoc discussions and approvals.
- HPHA's Materials Management (MM) Department is responsible for the procurement of all approved goods and services required by the HPHA and acquired through HPHA funds. The staff in the MM Department, and other designated HPHA staff, based on the [Approval Authority Schedule](#) are authorized by the CEO of the HPHA as the sole agents of the HPHA to commit HPHA funds towards the purchase of goods and services.
- With the approval from the VP Performance/CFE and the CEO, the MM Department delegates limited authorization to the Pharmacy Department to commit HPHA funds for the acquisition of pharmaceuticals only. Pharmaceutical acquisition processes performed by the Pharmacy Department may be subject to random reviews from the MM Department to ensure best-practice compliance.
- With the approval from VP Performance/CFE and the CEO, the MM Department delegates limited authorization to the Facilities Management Department to commit HPHA funds for activities such as construction, renovations, and other trades/contractor work. Procurement activity performed by the Facilities Management Department may be subject to random reviews from the MM Department to ensure best-practice compliance.
- HPHA will only be deemed to have made a commitment to a supplier for the purchase of goods and services when an official HPHA Purchase Order has been generated from the HPHA Information System with the appropriate Approval Authority as indicated in the [Approval Authority Schedule](#) and transmitted to the Supplier.
- For any capital equipment purchases and/or annual maintenance agreements that directly impact ongoing expenses, approved Briefing Reports are required per the [Briefing Report Policy](#). These purchases must adhere to Category 7 of the [Approval Authority Schedule](#).

Emergency purchases approved by the CEO and Board Chair or Resource Committee Chair, may be exempt from this policy.

### 5.0 Authorization Controls - Segregation of Duties

To ensure segregation of duties and appropriate controls within the entire purchasing process, the following roles should be segregated:

Budget: authorization that funding is available to cover the cost

Requisitioning: initiates and authorizes MM Department to place the appropriate order

Commitment: authorization by MM Department to commit alliance funds to goods or services

Receipt: authorizes that the order was physically received, correct and complete

Payment: authorization for release of payment to the supplier

**HPHA’s Segregation of Duties - Table**

DUTY	OPERATING (goods/services)	Capital
Budget	Director/Manager/VP	VP Performance/CFE
Requisitioning	Director/Manager/delegate	Director/VP/CEO
Commitment	Buyers/MM Support	Buyers
Receipt	Receiver/MM Support	Receiver/MM Support
Payment	System-initiated	System-initiated & Director/delegate

**6.0 Authorization - Purchase Requisitions**

- HPHA requires Purchase Requisitions for the purchase of goods or services including contracts.
- The requisitioning department must complete, in full, a purchase requisition and follow the **Approval Authority Schedule**.
- Authorization for manual purchase requisitions will be evidenced in all cases by the application of the authorized individual(s) manually generated written signature(s) on the purchase requisition, and as indicated in the **Approval Authority Schedule**.
- Authorization for electronic purchase requisitions will be evidenced in all cases by the system access within Meditech (current Hospital Information System), that controls the restrictions to individuals who have authority to initiate the purchase requisition. MM Director authorizes submitted names from requisitioning departments.
- Completion of the purchase requisition by the requesting department assists in eliminating errors (product/service & financially), along with the inefficient use of HPHA resources. All incomplete requisitions will be returned to the requisitioning department.
- Competitive procurement documentation must be attached to the requisition.
- Where competitive procurement process is not possible, HPHA’s Competitive Purchasing Exemption Form must be completed and signed off by all appropriate signing authorities. For non-competitive purchases valued over \$100,000, HPHA will utilize third party confirmation for price validation. The third party written quote will be attached to the requisition. For more information regarding non-competitive procurement, see Section 11 *Non-Competitive Procurement* below.

**7.0 Authorized Signing Authority Listing**

A listing is kept in both the MM Department and Accounts Payable Department. The list identifies the appropriate signing authorities for each functional centre within HPHA. The list is to be kept up to date by the Finance Department

**8.0 Non-Purchase Order Expenditures**

Non-Purchase Order expenditures for goods and services may occur but should be limited. Where Non-Purchase Order expenditures must occur, the approved signing authority for the Functional Department’s expense must be included. Personal Expense claims must adhere to HPHA **Travel, Meal, Hospitality Expenses and Reimbursement** and be approved by the employee’s immediate supervisor.

**9.0 Contracts**

- Contracts are legally binding arrangements between HPHA and the contracted supplier.
- As indicated in the **Approval Authority Schedule**, only select individuals are authorized to legally bind HPHA to contracts, authority cannot be delegated.
- All contracts must be initiated by the requisitioning department’s Director/Manager and reviewed with the MM Department. HPHA Directors/Managers will not contact suppliers directly without the direct involvement of the MM Department, unless otherwise described in this policy.
- Budgeting, forecasting and renewal considerations of contracts is the responsibility of the respective Department Director/Manager. The MM Department will be consulted to assist in the analysis and the review of the contract.
- All contracts require a Briefing Report to be completed and approved per the **Briefing Report Policy**
- All Consultant contracts must be signed by the CEO or VP Performance/CFE, and adhere to the **Consultants-Use & Procurement Policy**.
- The Director of MM and/or the MM Department must be involved in non-human resource negotiations, either as lead negotiator, or as a resource prior to finalization of negotiations
- All contracts, excluding employment or other human resource issues, are to be maintained and stored by the MM Department.
- The one-time and annual costs and a Total Procurement Value for the term of the contract must be clearly identified for all contracts.
- All contracts must have a clearly defined term, inclusive of any optional extensions

## 10.0 Group Purchasing

HPHA will utilize the services of Group Purchasing Organizations (GPO's) and Shared Service Organizations (SSO's) to ensure publicly funded goods and services are acquired using cost effective and cost efficient methods.

- HPHA is a member of HealthPro, St. Joseph's Capital Equipment Buying Group and Canadian Medical Equipment Protection Plan CMEPP.
- HPHA's preference is to utilize equivalent HealthPro contracts, if available, unless the products are deemed grossly deficient in some regard or are not compatible with existing equipment or processes.
- HPHA will request annually, GPO's attestation for compliance to BPS Directives.

## 11.0 Procurement Process (Goods, Non-Consulting Services & Construction)

- HPHA will follow the competitive procurement thresholds and approval authorities as set out in the [Approval Authority Schedule](#).
- Competitive procurement documentation must be maintained by the MM Department and centrally located within a space controlled by the MM Department.
- HPHA's MM Department must review all RFP's and tender documents prior to issuance, unless otherwise noted in this policy.
- Open competitive procurement invitations will be posted by the MM Department on a public website such as <http://www.biddingo.com>.
- Open competitive procurement Capital purchase invitations will be posted by the St. Joseph's Capital Buying Group on website <http://www.sjshc.gpo.com>
- When evaluating competitive procurement submissions, the maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria.
- HPHA will refrain from discrimination or preferred treatment in awarding a contract to a preferred supplier from the competitive process.
- HPHA will not reduce the overall value of procurement (e.g., dividing a single procurement into multiple procurements) in order to circumvent competitive procurement thresholds.

## Non-Competitive Procurement

- HPHA will utilize open, transparent and competitive procurement processes to achieve optimum value for money. Notwithstanding, it is understood that in rare cases, special circumstances may require the use of non-competitive procurement. HPHA may elect to use non-competitive procurement in a manner that satisfies conditions in the exemption, exception or non-application clauses in the CFTA and CETA, or other applicable Trade Agreements, provided that HPHA does not use these provisions for the purpose of avoiding open competition among suppliers.
- A robust business case for non-competitive procurement will be submitted to the MM Director or Manager for review prior to moving forward with procurement.
- In the case of non-competitive procurement, HPHA's [Competitive Purchasing Exemption Form](#) must be completed and signed off by all the appropriate signing authorities. For purchases valued over \$100,000, HPHA will utilize third party confirmation for price validation, the third party written quote will be attached to the requisition.

## 12.0 Competitive Procurement Process (Consulting Services)

Consulting Services must be acquired through a Competitive Procurement Process: Procurement for consultant services must be either invitational competitive or open competitive procurement process.

Consulting services must be used sparingly, and only when absolutely necessary. When acquiring consulting services, departments must follow:

1. The directions included in this *General Purchasing Policy*
2. [Consultants - Use & Procurement Policy](#)
3. [Employee vs. Self Employed /Independent Contractors/Purchased Services Policy](#)
4. [Approval Authority Schedule \(AAS\) - June 2023](#)

## 13.0 Conflict of Interest & Non Disclosure

HPHA's procurement process is open, fair, and transparent. Conflicts of interest may present the possibility of acquiring goods or services from a supplier which may seem or give the impression of a disadvantage to competing or proposed suppliers.

HPHA must consider any conflicts of interest during procurement activities applicable to all employees, advisors, external consultants or suppliers. The organization will require any individual involved in procurement related activities to declare all actual or potential conflicts of interest.

### For Suppliers:

HPHA, while involved in procurement activities with suppliers, has implemented provisions that:

- Define conflict of interest to include situations or circumstances that could give a supplier an unfair advantage during a procurement process or compromise the ability of a supplier to perform its obligations under the agreement;
- Reserve the right of the organization to solely determine whether any situation or circumstance constitutes a conflict of interest;
- Reserve the right of the organization to disqualify prospective suppliers from a procurement process due to a conflict of interest;
- Require prospective suppliers participating in a procurement process to declare any actual or potential conflict of interest;
- Require suppliers to avoid any conflict of interest during the performance of their contractual obligations for the organization;
- Require suppliers to disclose any actual or potential conflict of interest arising during the performance of an agreement;
- Reserve the right of the organization to prescribe the manner in which a supplier should resolve a conflict of interest;
- Allow the organization to terminate an agreement where a supplier fails to disclose any actual or potential conflict of interest or fails to resolve its conflict of interest as directed by the organization; and
- Allow the organization to terminate an agreement where a conflict of interest cannot be resolved.

For Staff and Associates (non-staff participating in a procurement activity):

HPHA will ensure that staff and associates involved in procurement activities will:

1. Disclose conflicts of interest to the MM Department designate in writing;
2. Avoid situations that may present conflicts of interest while dealing with persons or organizations doing business or seeking to do business with the organization.

Examples of situations that might result in a conflict of interest include the following:

1. Engaging in outside employment;
2. Not disclosing an existing relationship that may be perceived as being a real or apparent influence on their objectivity in a procurement activity;
3. Providing assistance or advice to a particular supplier participating in a competitive process;
4. Having an ownership, investment interest, or compensation arrangement with any entity participating in a competitive process;
5. Having access to confidential information; and
6. Accepting favours or gratuities from those doing business with the organization.

HPHA requires all individuals participating as a procurement evaluation team member to sign the Conflict of Interest and Non-Disclosure Agreement.

HPHA requires all suppliers participating in a procurement activity with HPHA to sign a **Conflict of Interest and Confidential Information Declaration** and the **Agent Non-Disclosure Agreement**.

#### 14.0 Employee Purchases and Shipments

HPHA's MM Department is responsible for the acquisition of all supplies.

- All staff, physicians, volunteers and Board members are prohibited from purchasing hospital supplies for personal use through the MM Department.
- Employees may purchase goods or services for personal use directly from HPHA suppliers, as long as the employee does not make or imply the purchase is on behalf of the HPHA.
- Employees are not permitted or allowed to have personal supplies or equipment shipped to HPHA.

#### 15.0 Equipment Purchases - Electrical & Mechanical Standards

All equipment must meet CSA or Ontario Hydro standards and must contain an official sticker of compliance.

- If the equipment has exposed metal surfaces or parts, it will have a three-wire cord with a three-prong cap, one conductor of the cord being grounded to any exposed metal part
- Facilities Management personnel will check each piece of equipment for compliance. If compliant, Facilities Management will contact the requisitioning department to arrange delivery
- any item failing to meet compliance may:
  - be upgraded to meet the standards through consultation with, the requisitioning department, the MM department, and/or the supplier
  - be returned to the supplier after consultation with, the requisitioning department, the MM department, and/or the supplier

#### 16.0 Equipment Rentals & Leases

The Finance Department will review all requests for goods to be rented or leased.

- Leases or other external financing options will be considered under the following conditions:
  - financial payback from the purchase of the equipment
  - equipment will be replaced well before the end of its useful life
  - the financing rate is more favourable in comparison to the opportunity cost of the potential investment income
  - lack of funds to purchase a critical piece of equipment
- If any of the above conditions are present, a full comparative report of buy versus rent/lease will be prepared by the Finance department and presented to the requisitioning department Director/Manager and the VP Operations/CFE
- All items are to be reviewed for compliance with the capital equipment approval process, and the Approval Authority Schedule
- Authority to access credit facilities must be approved by the board.

#### 17.0 Definitions

**"Accountability"** means the obligation of an employee, agent or other person to answer for or be accountable for, work, action or failure to act following delegated authority.

**"Agreement"** means the formal written document that will be entered into at the end of the procurement process.

**"Approval Authority"** means the authority delegated by the Organization to a person designated to occupy a position to approve on its behalf one or more

procurement functions within the plan-to-pay cycle up to specified dollar limits subject to the applicable legislation, regulations and procedures in effect at such time.

“**Award**” means the notification to a proponent of acceptance of a proposal, quotation or tender that brings a contract into existence.

“**Bid**” means a proposal, quotation or tender submitted in response to a solicitation from a contracting authority. A bid covers the response to any of the three principal methods of soliciting bids, i.e., Request for Proposal, Request for Tender and Request for Quotation.

“**Bid Protest**” means a dispute raised against the methods employed or decisions made by a contracting authority in the administration of a proposal, tender, or quotation process.

“**Broader Public Sector Accountability Act “BPS”**” means the Ontario legislation that establishes requirements in the areas of compensation, expenses, perquisites, business documents and procurement, and is designed to improve accountability and transparency across the Broader Public Sector.

“**CETA**” Comprehensive Economic and Trade Agreement (unofficially, Canada-Europe Trade Agreement) means a free-trade agreement between Canada, the European Union and its member states. It has been provisionally applied, so the treaty has eliminated 98% of the tariffs between Canada and the EU.

“**CFTA**” Canadian Free Trade Agreement means an intergovernmental trade agreement signed by Canadian Ministers that entered into force on July 1st, 2017. Its objective is to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services, and investments within Canada and to establish an open efficient, and stable domestic market.

“**Chief Executive Officer**” means the head of operations at Organizations.

“**Competitive Procurement**” means a set of procedures for developing a procurement contract through a bidding or proposal process. The intent is to solicit fair, impartial, competitive bids.

“**Conflict of Interest**” means a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity. An apparent conflict of interest is one in which a reasonable person would think that the professional’s judgment is likely to be compromised.

“**Construction**” means 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, the supply of products and materials, 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 or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement.

“**Consultant**” means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making.

“**Consulting Services**” means the provision of expertise or strategic advice that is presented for consideration and decision making.

“**Contract**” means an obligation, such as an accepted offer, between competent parties upon a legal consideration, to do or abstain from doing some act. It is essential to the creation of a contract that the parties intend that their agreement shall have legal consequences and be legally enforceable. The essential elements of a contract are an offer and an acceptance of that offer; the capacity of the parties to contract; consideration to support the contract; a mutual identity of consent or consensus ad idem; legality of purpose; and sufficient certainty of terms.

“**Designated broader public sector organization**” means an Organization to which section 12 of the *Broader Public Sector Accountability Act, 2010* applies.

“**Electronic Tendering System**” means a computer-based system that provides suppliers with access to information related to open competitive procurements.

“**Emergency Purchases**” means any purchase (operating goods and services over \$1 million, and capital expenditure over \$100,000) that is not planned, not budgeted for, and prior to the next Resource Committee or Board meeting.

“**Evaluation Criteria**” means a benchmark, standard or yardstick against which accomplishment, conformance, performance and suitability of an individual, alternative, activity, product or plan is measured to select the best supplier through a competitive process. Criteria may be qualitative or quantitative in nature.

“**Evaluation Matrix**” means a tool allowing the evaluation team to rate supplier proposals based on multiple pre-defined evaluation criteria.

“**Evaluation Team**” means a group of individuals designated/responsible to make award recommendation. The evaluation team would typically include representatives from the Organization and subject matter expert(s). Each member participates to provide business, legal, technical and financial input.

“**Goods**” means moveable property (including the costs of installing, operating, maintaining or manufacturing such moveable property) including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract.

“**Goods and Services/Goods or Services**” means all goods and/or services including construction, consulting services and information technology.

“**Information Technology**” means the equipment, software, services and processes used to create, store, process, communicate and manage information.

“**Invitational Competitive Procurement**” means any form of requesting a minimum of three (3) qualified suppliers to submit a written proposal in response to the defined requirements outlined by an individual/organization.

“**Non-discrimination**” means fairness in treating suppliers and awarding contracts without prejudice, discrimination or preferred treatment.

**“Offer”** means a promise or a proposal made by one party to another, intending the same to create a legal relationship upon the acceptance of the offer by the other party.

**“Procurement”** means acquisition by any means, including by purchase, rental, lease or conditional sale, of goods or services.

**“Procurement Policies and Procedures (PPP)”** means a framework and mandatory requirements to govern how Organizations conduct sourcing, contracting and purchasing activities, including approval segregation and limits, competitive and non-competitive procurement, conflict of interest and contract awarding.

**“Procurement Value”** means the estimated total financial commitment resulting from procurement, taking into account optional extensions.

**“Purchase Order (PO)”** means a written offer made by a purchaser to a supplier formally stating the terms and conditions of a proposed transaction.

**“Request for Expressions of Interest (RFEI)”** means a document used to gather information on supplier interest in an opportunity or information on supplier capabilities/qualifications. This mechanism may be used when a BPS organization wishes to gain a better understanding of the capacity of the supplier community to provide the services or solutions needed. A response to a RFEI must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent on any subsequent opportunity.

**“Request for Information (RFI)”** means a document issued to potential suppliers to gather general supplier, service or product information. It is a procurement procedure whereby suppliers are provided with a general or preliminary description of a problem or need and are requested to provide information or advice about how to better define the problem or need, or alternative solutions. A response to an RFI must not pre-qualify a potential supplier and must not influence their chances of being the successful proponent on any subsequent opportunity.

**“Request for Proposal (RFP)”** means a document used to request suppliers to supply solutions for the delivery of complex products or services or to provide alternative options or solutions. It is a process that uses predefined evaluation criteria in which price is not the only factor.

**“Request for Supplier Qualifications (RFSQ)”** means a document used to gather information on supplier capabilities and qualifications, with the intention of creating a list of pre-qualified suppliers. This mechanism may be used either to identify qualified candidates in advance of expected future competitions or to narrow the field for an immediate need. Organizations must ensure that the terms and conditions built into the RFSQ contain specific language that disclaims any obligation on the part of the Organization to call on any supplier to provide goods or services as a result of the pre-qualification.

**“Requisition”** means a formal request to obtain goods or services made within an Organization, generally from the end-user to the procurement department.

**“Segregation of Duties”** means a method of process control to manage conflict of interest, the appearance of conflict of interest, and errors or fraud. It restricts the amount of power held by any one individual. It puts a barrier in place to prevent errors or fraud that may be perpetrated by one individual.

**“Services”** means intangible products that do not have a physical presence. No transfer of possession or ownership takes place when services are sold, and they (1) cannot be stored or transported, (2) are instantly perishable, and (3) come into existence at the time they are bought and consumed.

**“Supplier/Supplier”** means any person or organization that, based on an assessment of that person’s or organization’s financial, technical and commercial capacity is capable of fulfilling the requirements of procurement.

**“Supplier Debriefing”** means a practice of informing a supplier why their bid was not selected upon completion of the contract award process.

**“Supply Chain Activities”** means all activities whether directly or indirectly related to organizational plan, source, procure, move, and pay processes.

**“Total Procurement Value”** means the estimated total financial commitment resulting from procurement, taking into account optional extensions.

**“Trade Agreements”** means any applicable trade agreement to which Ontario is a signatory. Examples include the Canadian Free Trade Agreement and the Comprehensive Economic and Trade Agreement.