



Section 6B: Operations - Workplace

Policy 6.32: Purchasing

Supporting Policies:

[4.07 Employee Ethics](#)

[6.49 Board Code of Conduct](#)

Supporting Procedures:

Supporting Protocols and Guidelines:

Supporting Templates and Forms:

ADSB Conflict of Interest Declaration Form

Other Resources:

Ontario Broader Public Sector (BPS) Procurement Directive

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1 Purpose

The Algoma District School Board seeks to acquire goods and services at an acceptable level of quality and in an efficient and timely fashion in order to support the educational goals of the system, while dealing with all vendors in a fair, equitable, consistent and transparent manner. The Board will utilize professional and ethical purchasing practices and procedures to obtain maximum value for funds expended in support of its students, staff and schools.

2 Principles

Procedures shall be developed that will:

1. ensure that good standards are maintained in the purchase of all goods and services;
2. consider not only the price of goods or services but also quality, delivery, service, warranty, and reliability of the vendor;
3. ensure economical and efficient expenditure of tax dollars by purchasing goods and services on a competitive basis at the lowest cost consistent with the quality required;
4. provide a level of service to ensure goods and services are obtained within the time frame requirements of the Board's schools and departments;
5. avoid duplication, waste, and obsolescence through standardization where applicable with respect to all purchases;
6. monitor purchases and maintain consistency;



7. provide controls that will ensure purchasing policies and procedures are followed by all personnel;
8. adhere to appropriate Federal and Provincial legislation, regulations, standards and guidelines, including **Ontario Broader Public Sector (BPS) Procurement Directive**

3 Administrative Detail

1. The Designated Superintendent shall have the overall responsibility of establishing and maintaining this policy.
2. It is the responsibility of the Manager of Finance / Supervisor of Purchasing & Accounts Payable, under the authority of the Designated Superintendent, to implement and administer this policy, and establish appropriate purchasing guidelines and procedures consistent with this policy.
3. It is the responsibility of each Senior Administrator, Principal, Department Manager and Supervisor to ensure that their staff are appropriately informed and comply with the Board's purchasing policy and related purchasing guidelines, directives and procedures.
4. This policy applies to all personnel involved in the procurement of goods and services on behalf of the Board.
5. This policy applies for all supplies and services purchased from school generated or donated funds.
6. This policy applies for all supplies and services purchased using a corporate credit card.

4 Segregation of Duties

Effective control includes both the delegation of authority and segregation of duties across functions and individuals. Segregation of duties increases accountability for the key stages of the procurement process.

Illustrated below are key functional roles and responsibilities in the purchasing process that require segregated approvals. At least three of the five procurement functions (Requisitioning, Requisition Approval, Issue of purchase orders / contracts, Receiving and Payment) will be segregated.

Function	Responsibility	Accountable Party
Requisitioning	Authorize the purchasing department to place an order.	Requisitioner
Requisition Approval	Authorize that funds are available to cover the cost of the requested order, and approve order of the requested items.	Budget holder
Purchase Order	Authorize release of the order to the vendor under agreed terms.	Purchasing
Receiving	Authorize that the order was physically received, correct and complete.	Requisitioner
Payment	Authorize release of payment to the vendor.	Accounts Payable



5 Purchasing Code of Ethics

The Board expects that all procurement decisions are guided by honesty, integrity, professionalism, and responsible management. All individuals involved in purchasing or other supply chain-related activities must comply with the Board's Purchasing Code of Ethics and the laws of Canada and Ontario.

Refer to [Appendix # 1](#) for the Purchasing Code of Ethics.

6 Conflict of Interest

1. Algoma District School Board employees, Trustees, members of statutory communities and Council of the Board, are entrusted with the protection of the public interest while providing service within the Board's learning environment. In view of the importance of this trust, it is essential that Board employees maintain the highest standards of honesty, integrity, impartiality and conduct and do not place themselves in a perceived or real conflict of interest.
2. All employees are prohibited from directly or indirectly promoting, offering for sale or selling any book, teaching or learning materials or other article, services, furniture, or equipment to the Algoma District School Board or to any other school board, provincial school or teachers College or to any student.
3. Section 217 of the Education Act (See [Appendix 4](#) for actual language in the Act) is very clear that it is an offence (with fines) for anyone to employ, give or pay compensation to any employee of a school board for the purpose of promoting or selling, directly or indirectly, any book, teaching or learning materials, or any other goods, services or equipment to the Algoma District School Board or to any other school board, provincial school or teachers College or to any student.
4. The prohibition does not apply to any employee with respect to a book or other teaching or learning materials, of which the employee is an author, and where the only compensation that they receive from the sale or supply of the book or teaching or learning material is a fee or royalty as per section (217(3) of the Education Act).
5. A conflict of interest may exist where the decisions made and/or the actions taken in the exercise of duties by a Board employee, Trustee, member of a statutory committee or council of the Board, including School Council members, could be, or could be perceived to be, affected by the personal, financial or business interests of that person or that person's family or business associates. It is the individual's responsibility to disclose conflicts of interest including actual or perceived conflicts, and/or possible conflicts but not limited to the specific types of conflicts of interest set out herein.
6. The individuals mentioned in section 6.2 above are responsible for disclosing a possible (real or perceived) conflict of interest to their immediate supervisor. The Supervisor shall reach out to the Director or Designate for guidance if required. (See form/[appendix 3](#) attached).
7. A pecuniary interest, direct or indirect, is a financial, monetary or economic interest to an employee, Trustee, or their parent, spouse or child (if known to the individual) that is definable and real and has the potential of affecting the interest of the employee, Trustee and/or member of the statutory community or Council of the Board. The interest, direct or indirect, of the spouse, parent or child of an employee, Trustee and/or member of the statutory community or Council of the Board, shall, if known to them, be deemed to be



also the interest of an employee, Trustee and/or member of the statutory community or Council of the Board.

8. In procurement activities with suppliers seeking to do business with the Board, employees are responsible for using good judgement and to avoid situations which may present a conflict of interest. Employees must declare a conflict of interest if the circumstances could give or be perceived to give a supplier an unfair advantage.
9. School Council members are governed by their individual School Council's Conflict of Interest By-laws (as required by Ontario Regulation 612/00).
10. Any individual engaging in activities that contravene this policy may be subject to disciplinary action or other sanctions, up to and including termination of employment and/or revocation or nonrenewal of permit or privileges.

7 Disclosure of Conflict of Interest

Board employees have a duty to report actual or perceived conflicts of interest, including nepotism (see attached [Appendix 3](#)). All facts concerning a conflict-of-interest situation must be filed in a written disclosure statement to the individual's immediate supervisor and be brought forward to the Director of Education or Designate to evaluate the concern and to determine an appropriate action plan.

In extenuating circumstances (i.e. in communities in which fewer vendors/services/goods may be available, or situations where there is a unique benefit to the Board or its students), the Director of Education shall present the conflict to the Board of Trustees and the Board shall, through Board motion, either approve or deny the purchase.

If a Board employee discloses a pecuniary interest during a Board meeting, the member must file a written statement of the interest and its general nature with the Board as soon as possible afterwards. Every declaration of interest and the general nature of that interest shall, if the meeting is open to the public, be recorded in the minutes of the meeting by the Board. Every declaration of interest, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting open to the public. The Board employee shall not take part in the discussion of, or vote on, any question regarding the matter and shall not attempt to influence the voting on the matter in any way. The member must leave the meeting or the part of the meeting that the matter is being discussed after disclosing their interest if the meeting is not open to the public.

8 Buy Canadian Policy

All factors being equal and as far as practical from the standpoint of quality, service and price, preference shall be given to Made in Canada products. In addition, if all factors such as quality, service and price are equal, the Board will endeavor to purchase goods and services from the supplier who maintains a business office or manufacturing facility within the Board's jurisdiction.

9 Employee Purchasing

The Purchasing Department is not permitted to purchase items for the personal use of employees, members of the Board, or others (except by resolution of the Board), nor shall its influence be used to obtain preferential treatment for those listed above.



10 Unauthorized Purchases

Purchases made in the name of the Algoma District School Board without proper authorization shall be considered an obligation of the person making the purchase and not an obligation of the Board.

11 Criteria for Dollar Limits on Purchases related to Quotations, Tenders and Proposals

The following dollar limits indicate the competitive purchasing process to be followed by all staff when acquiring supplies and services.

\$0 - \$5000	No Quote required but may choose to do so. May use catalogue prices.
\$5000 - \$10,000	Informal verbal or written quotation from 1 or more suppliers by telephone, fax, email. Quote(s) must be documented and retained on file.
\$10,000 - \$120,000	Minimum of 3 written quotes on supplier's letterhead or through a Request for Quotation (RFQ) process conducted by school/department, or by Purchasing Department, or in consultation with Purchasing Department. If deemed to be a sole/single source initiative, written explanation supporting the sole/single source procurement is submitted to the Designated Superintendent for review and approval.
Over \$120,000	Request for Tender (RFT) or Request for Proposal (RFP) issued to invited vendor list and/or advertised on Board website, daily newspaper, or other appropriate location. Vendor responses are sealed. RFTs and RFPs over \$120,000 are to be advertised or posted on a nationally accessible electronic tendering website. If deemed to be a sole/single source initiative, written explanation supporting the sole/single source procurement is submitted to the Designated Superintendent for review and approval.

For purchases where the total value of the order(s) is over \$10,000 and less than \$120,000, the Purchasing Department may be contacted to assist with obtaining respective quotations. The Purchasing Department, in conjunction with the authorized person responsible for the purchase, shall determine the successful supplier. The three written quotations obtained are to be uploaded electronically to the purchase requisition and retained with the Purchase Order.

The Board reserves the right to accept or reject any or all bids, quotations, tenders and proposals, in whole or in part, submitted by suppliers in accordance with the terms and conditions of the bid and the Board's policies and procedures, and the lowest or any bid will not necessarily be accepted



11.1 Criteria for Dollar Limits on Purchases of Consulting Services

The following dollar limits indicate the competitive purchasing process to be followed by all staff when acquiring consulting services.

\$0 – \$50,000	Minimum of 3 written quotes on supplier's letterhead or through a Request for Quotation (RFQ) process conducted by school/department, or by Purchasing Department, or in consultation with Purchasing Department. If deemed to be a sole/single source initiative, written explanation supporting the sole/single source procurement is submitted to the Designated Superintendent for review and approval.
Over \$50,000	Request for Tender (RFT) or Request for Proposal (RFP) issued to invited vendor list and/or advertised on Board Website, daily newspaper, or other appropriate location. Vendor responses are sealed. RFTs and RFPs over \$120,000 are to be advertised or posted on a nationally accessible electronic tendering website. If deemed to be a sole/single source initiative, written explanation supporting the sole/single procurement is submitted to the Designated Superintendent for review and approval.
\$0 - \$1,000,000	Non-Competitive (exemption-based only) Requires Approval of the Director of Education
\$1,000,000 or more	Non-Competitive (exemption-based only) Requires Approval of Trustees

12 Definitions

12.1 Purchase

The act of acquiring goods and/or services of any legal or equitable interest, right or title in goods and/or services or the making of any contract or offer for goods and services and includes the lease of goods and/or services; and “purchased, purchasing, acquisition, procurement, procure, and buy,” shall have similar meanings.

12.2 Purchase Order

A legal document which is ADSB's commitment to the vendor for the purchase of goods and/or services at an agreed upon product or service specifications, price, terms, conditions and delivery date. It is also the vendor's authority to ship and charge for the goods and/or services specified on the order.

12.3 Request for Quotation (RFQ)

A request for prices on specific goods or services from invited vendors which are submitted verbally, in writing, or transmitted by facsimile or email as specified in the RFQ. The award is generally made based on the lowest price that meets the specified requested product or service.



12.4 Request for Tender (RFT)

A document used to invite supplier responses to supply goods or services based on defined performance and product specifications, defined terms and conditions, and stated delivery requirements.

12.5 Request for Proposal (RFP)

A document used to invite responses from suppliers to propose solutions for the supply and delivery of complex products or services, or to provide alternative options or solutions. It requires proponents to apply their best judgement and knowledge in order to fulfill the RFP requirements. The RFP process uses predefined evaluation criteria in which price is not the only factor, and which may be subject to further negotiation prior to final award.

12.6 Sole Source

Sole Source refers to the use of a non-competitive procurement process to acquire goods or services where there is only one available supplier for the source of the goods or service. If deemed to be a sole/single source initiative, written explanation supporting the sole/single source procurement is submitted to the Designated Superintendent for review and approval.

12.7 Single Source

Single Source refers to a non-competitive method of procurement of goods and services from a supplier in situations where there is or may be another supplier or suppliers capable of delivering these goods or services. If deemed to be a sole/single source initiative, written explanation supporting the sole/single source procurement is submitted to the Designated Superintendent for review and approval.

12.8 Document Retention

Procurement documents and other pertinent information must be retained for seven years. Information provided by suppliers is to be considered confidential and commercially sensitive. Use and distribution of the information provided is to be restricted to those involved in the procurement process and must be kept in a secure location such as a locked file cabinet, when not in use, during and after the procurement process.

13 Exemptions

Competitive bidding requirements may be waived for the following purchases:

- a) Library books, textbooks and publications.
- b) Goods or services available only from a sole source which means that there is only one known source of supply for the goods or services.
- c) Where an expenditure is mandated by a municipality or other body (e.g., building permit, utilities).
- d) In cases where the Ministry of Education or other entity provides special grant funding for specific projects, and where grant money must be spent within a timeline that does not allow for the normal process to occur, or the Ministry provides a list of acceptable products/vendors.
- e) Due to market conditions, goods or services are in short supply.
- f) The Board may participate in cooperative purchasing groups such as the Ontario Educational Cooperative Marketplace (OECM), Ministry of Government and Consumer



Services (MGCS) VOR's, or contracts competitively established by other school boards, colleges, universities, or government agencies when it is in the best interests of the Board through cost savings or efficiencies.

- g) In case of emergencies, the Director of Education or designate has the authority to obtain goods and/or services in the most expedient manner possible regardless of the amount. When an emergency exists, the Director of Education or designate will inform the Chair of the Board regarding the action taken. Emergencies are defined as circumstances or situations beyond the Board's control which have the potential of affecting the health or safety of students or personnel or will result in undue financial loss.

13.1 Negotiation:

In addition to the above exemptions, purchase by negotiation may be used with the approval of the Director of Education if any of the following conditions exist:

- a) Two or more identical low bids have been received.
- b) All bids fail to comply with the specifications, Tender/RFP terms and conditions.
- c) The extension or revision of an existing contract would prove more cost effective or beneficial to the Board.
- d) A sole source situation exists where there is only one known source of supply for the goods or services.
- e) When only one bid is received through the tendering process.
- f) Purchase of an item where compatibility with an existing product, service or program is an overriding consideration.

14 Signing Authorities for the Purchase of Goods/Services

Superintendents, school administrators and managers are responsible for their budgets. They can make purchases of goods or services on behalf of the Board in accordance with the purchasing policies of the Board within their approved budgets and subject to the following limits:

Director of Education and Executive Superintendent of Business & Operations	Over \$50,000
Superintendents of Education	Up to \$50,000
Managers	Up to \$25,000
Principals	Up to \$10,000
Other Staff as delegated by the primary budget holder	Up to \$5,000

Procedures associated with these levels are established through the Purchasing department.



Multi-year contracts – any contracts extending over a one-year period will require approval by the Designated Superintendent regardless of the value of the contract.

If an individual department has a unique structure, the Designated Superintendent must approve the signing authority that is being requested outside of the above-mentioned staff. In addition, contracts or purchases shall not be divided to avoid the requirements of the purchasing policy.

15 Standing Orders

The purpose of the standing order is to reduce the cost of issuing and handling small dollar value purchase orders which are issued to one or more defined vendors who supply a variety of products or services. Terms and conditions between the requester (The Board) and the vendor may be established in advance by the Purchasing department. Authorized end-users contact the vendor to initiate a request for goods or services. This eliminates the need to physically generate a separate purchase order for each request. The responsibility for the appropriate use of the standing order is assigned to the staff responsible for the budget of their respective school/department.

16 Board Approval Requirements

1. All contracts involving the acquisition or disposition of real property of the Board.
2. All contracts with a term exceeding one year with a cumulative value exceeding \$350,000.
3. All contracts with a value of \$350,000 or greater.
4. All capital projects.

17 Co-operative Purchasing

The Board encourages co-operative purchasing with other Boards and broader public sector agencies which would result in competitive procurement by the Cooperative, allowing Broader Public Sector Organizations to access without utilizing their own Purchasing resources. Examples of such Cooperatives are the Ontario Educational Collaborative Marketplace (OECM) and Ontario Ministry of Government and Consumer Services (MGCS).

18 Environmental Consideration

Where appropriate, purchasing staff and end user departments will strive to source, promote and support environmentally friendly products and services.

19 Industry Safety Standards

All goods and services purchased by the Board must comply with current Federal, Provincial and Municipal legislation, regulations and standards, and all Board requirements related to health and safety.

20 Capital Projects

Public tenders or requests for proposals shall be called for construction contracts of new schools, additions, and major renovations.



20.1 Change Orders for Capital Projects

Prior to work being performed, the Manager of Plant will budget each project and provide documentation to the Designated Superintendent. After the tendering/RFP process, the project budgets will be updated and submitted to the Designated Superintendent for comparison. If for any reason a project cost is increased, a detailed summary will be provided by the Manager of Plant to the Designated Superintendent.



Appendix 1

1 Purchasing Code of Ethics

20.2 Goal:

The purpose of the Purchasing Code of Ethics is to provide all employees and trustees with a framework to guide them in the conduct of their responsibilities to ensure an ethical, professional and accountable supply chain. All Board employees involved in any aspect of purchasing or other supply chain related activities must comply with the following Code of Ethics based on the Ontario Broader Public Sector (BPS) Procurement Directive and Supply Chain Code of Ethics.

20.3 Personal Integrity and Professionalism

All individuals involved with purchasing or other supply chain-related 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. All 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.

20.4 Accountability and 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.

20.5 Compliance and Continuous Improvement

All individuals involved in purchasing or other supply chain-related activities must comply with this Code of Ethics and the laws of Canada and Ontario. All individuals are expected to continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.



Appendix 2

1 Debarment Policy

20.6 Goal:

The purpose of the Debarment Policy is to ensure the quality, efficiency and effectiveness of service and product delivery and to maximize savings for taxpayers. Bidders and Suppliers which have demonstrated the inability to deliver quality services and products in an efficient and effective manner or who have engaged in conduct and behaviour which is adverse to the interests of the Algoma District School Board ("the Board"), will be barred from providing service and products to the Board in accordance with the provisions of this Policy.

20.7 Disqualification of Bidders or Suppliers

1. For the purposes of this Policy, Bidder and Supplier shall be deemed to include any related entity and any partner, principal, director or officer of such Bidder or Supplier as well as any other legal entity with one or more of the same partner(s), principal(s), director(s) or officer(s).
2. A Bidder or Supplier may be excluded from eligibility to submit Bids or quotes, or a submitted Bid or quote may be summarily rejected and returned to a Bidder or Supplier where the Supervisor of Facility Renewal and Capital Planning, Designated Superintendent and the Manager of Plant agree, in their absolute sole discretion, that one of the following circumstances has occurred:
 - a. the Bidder or Supplier is or has been involved in Litigation or pending/threatened Litigation with the Board, its elected officials, officers or employees;
 - b. the Bidder or Supplier has failed to pay an amount owed to the Board when due and owing;
 - c. there is documented evidence of poor or substantial performance, non-performance or default by the Bidder or Supplier in respect to any Contract with the Board, either as a Supplier, Consultant, Contractor or Subcontractor;
 - d. the Bidder, Supplier or its personnel have demonstrated abusive behaviour or threatening conduct towards Board employees, their agents or representatives;
 - e. the Bidder or Supplier or its principal(s) has/have been convicted of a criminal offence including but not limited to fraud or theft;
 - f. the Bidder or Supplier has been convicted of any quasi-criminal offence pursuant to applicable legislation or regulations including, but not limited to, the Occupational Health and Safety Act, as amended, where the circumstances of that conviction demonstrate a disregard on the part of the Bidder or Supplier for the health and safety of its workers, Board Employees or the general public;
 - g. the Bidder or Supplier is bankrupt or insolvent;
 - h. the Bidder or Supplier has made a false declaration(s); or,



- i. the Bidder or Supplier has committed professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the Bidder or Supplier.
3. In arriving at a determination for the disqualification of a Bidder or Supplier pursuant to this Section, the Supervisor of Facility Renewal and Capital Planning, Designated Superintendent and the Manager of Plant, will consider whether the circumstances are likely to affect the Bidder or Supplier's ability to work with the Board, its consultants and representatives, and whether the Board's experience with the Bidder or Supplier indicates that the Board is likely to incur increased staff time and legal costs in the administration of any dealings with the Bidder or Supplier.
4. Based on the severity of the events leading to the disqualification, the Supervisor of Facility Renewal and Capital Planning, Designated Superintendent and the Manager of Plant, shall establish the duration of the period during which the disqualification shall be effective. ADSB will advise the Bidder or Supplier, in writing, of the debarment.
5. All Bidders and Suppliers shall comply with the provisions of the [Purchasing Policy 6.32](#) and the provisions of the Broader Public Sector Procurement Directive as issued by the Ministry of Finance.



Appendix 3

1. Algoma District School Board Conflict of Interest Declaration Form



Appendix 4

1 Section 217 – Education Act

Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited

217 (1) No teacher, supervisory officer or other employee of a board or of the Ministry shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein. R.S.O. 1990, c. E.2, s. 217 (1).

Exception for authors

(2) Subsection (1) does not apply to a teacher, supervisory officer or any other employee in respect of a book or other teaching or learning materials of which he or she is an author where the only compensation that he or she receives in respect thereof is a fee or royalty thereon. R.S.O. 1990, c. E.2, s. 217 (2).

Employment of employee of board or Ministry to promote sale of books, etc., to board, pupil, etc., prohibited

(3) No person or organization or agent thereof shall employ a teacher, supervisory officer or other employee of a board or of the Ministry to promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein, or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose. R.S.O. 1990, c. E.2, s. 217 (3).

Penalty

(4) Every person who contravenes any provision of subsection (1) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. E.2, s. 217 (4).