



## KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

### ADMINISTRATIVE REGULATION – APPENDIX B

**Regulation Name: Procurement Procedures**                      **Regulation Code: BA-5.1.1B**  
**Section: Business and Administrative Services**            **Policy Code Reference: BA-5.1**

Established: March 30, 2010  
Revised or  
Reviewed: January 24, 2012; January 16, 2023

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#### **Guidelines for Exemptions from Competitive Procurement Process**

Employees of the Board requesting an exemption from procurement process for goods, services or construction must consult with the Manager of Procurement and Central Services with a detailed justification for the exemption.

Exemption requests under \$25,000 will require approval from the Manager of Procurement and Central Services. In the event that the Manager of Procurement and Central Services is not in agreement with the exemption request, the matter shall be referred to the Superintendent of Business and Corporate Services.

Exemptions requests over \$25,000 will require approval from the Manager of Procurement and Central Services and the Superintendent of Business and Corporate Services.

All exemptions are to be documented by the end user of the exemption, and documentation will be retained and provided for the procurement.

#### **1. Emergency Procurement**

1.1 The following will only apply in case of an emergency, when an event occurs that is determined by the Director of Education, superintendents, managers and/or supervisory officers as appropriate to the situation, to be:

1.1.1 a threat to public health;

1.1.2 in the best interest of the welfare of persons or of public property; or

1.1.3 the security of the Board's interests, with the occurrence requiring the immediate delivery of goods and/or services and therefore not allowing for competitive bids.

The above criteria are to be applied on the basis that wherever feasible, in consultation with Procurement Services, and upon the recommendation of the Director of Education, superintendents, managers and/or supervisory officers, goods, services or construction required for emergency situations will be secured by the most open market procedure, at the lowest obtainable price. Where

products or services are known to be required for ongoing emergency response, they must be considered for Vendor of Record (VOR), allowing a competitive process and aggregation of spending. A purchase order will be issued.

**2. Special Ministry Funding**

When special funding is provided to the Board, and time permits, all processes outlined in this administrative regulation will be applicable for any procurement. Where time does not permit and, in conjunction with Procurement Services, the funded department will make every attempt to follow these administrative regulations in a manner that best meets requirements of the funding provisions.

**3. Volatile Market Conditions**

Where market conditions are such that long-term price protection cannot be obtained for goods, services or construction, Procurement Services, in conjunction with the end user, will obtain competitive prices for short-term commitments until such time as reasonable price protection and firm market pricing is restored.

**4. Sole Source Procurement**

When purchasing by sole source (only one vendor available for goods, services or construction) Procurement Services must be satisfied that there is, indeed, only one vendor available for the purchase, and that the purchase is not intended for the purposes of avoiding competition between vendors or to discriminate against vendors. Negotiations may then be utilized, if, in the judgement of the Manager of Procurement and Central Services, any of the following conditions apply:

- 4.1 To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licences, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative.
- 4.2 Established specific standards are in place.
- 4.3 Where there is an absence of competition for technical reasons and the goods, services or construction can be supplied only by a particular supplier and no alternative or substitute exists.
- 4.4 For the procurement of goods, services or construction the supply of which is controlled by a supplier that is a statutory monopoly.
- 4.5 For the purchase of goods on a commodity market.
- 4.6 For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.

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- 4.7 For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work.
- 4.8 For the procurement of original works of art.
- 4.9 For the procurement of real property.

**5. Single Source Procurement**

Purchase by single source (there is more than one vendor in the open market, but for reasons of standardization, function or service, one vendor is recommended) will be considered if:

- 5.1 compatibility with an existing product, facility, or service is required and the vendor, for function or service, has skills related to, and an existing knowledge of, the nature of the function or service;
- 5.2 only one bid, or no bids are received through a competitive bid process, and it is impractical to re-issue the requirements due to time constraints;
- 5.3 goods and/or services are in short supply due to market conditions;
- 5.4 goods, services or construction acquired through a competitive process with established unit prices to be extended to other end users within the Board where it is considered to be beneficial, cost effective and/or timely;
- 5.5 sources of supply are restricted to the extent that there is not effective price competition;
- 5.6 consideration of substitutes are unacceptable;
- 5.7 there is only one vendor who can provide the commodity by the specified date required.

**6. Insurance Claims**

Where an insurance claim has been made, and a payment amount has been settled with the Board, Procurement Services shall obtain pricing for replacement goods in accordance with the approval levels set out in this policy unless already available through CVORs, or other Board agreements. A requisition will be created directly by the end user in such circumstances.