

Policy Number	7.2
Approval Body	Executive Committee
Policy Officer	VP Finance + Administration
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## 7.2 CONTRACTING POLICY

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### ENABLING LEGISLATION + LINKED POLICIES

#### *Laws of General Application*

### OBJECTIVE

The objective of this policy is to establish parameters for entering into contractual agreements to ensure the attainment of value for public funds expended.

### SCOPE

This policy shall apply to all Goods, Services and Construction Contracts entered into, for, or on behalf of, the Emily Carr University of Art + Design (University).

### POLICY

#### A. GENERAL STATEMENT

In contracting for the supply of Goods, Services and Construction, the primary objective shall be the attainment of value for public funds expended. All measures of value (including timing of delivery, and the quality of Goods, Services and work; legal risk; and costs) shall be considered.

At all times value shall be sought in such a manner so as to ensure that all qualified to do business with the University shall have the opportunity to do so and be treated fairly and with probity.

#### B. COMPETITIVENESS

Acquired Goods, Services and Construction must always meet the needs of the University. In so doing, competition to the greatest practical degree shall be actively fostered in the contracting process. Such competition shall be sought not only in price but also in technical competence, the ability to perform in a timely fashion and in the quality of Goods and Services and shall be attained through the solicitation of *Tenders* or *Proposals*. When required by Contracting Procedure, Tenders shall be invited and Proposals requested formally by way of Competitive Sealed Bidding.

#### C. SPECIFICATIONS

Specifications of Goods, Services and Construction describe what the University requires and shall be written to insure adequate description of what is required to meet the need, and to encourage competitiveness of supply.

#### **D. AWARDING OF CONTRACTS**

When a Contract is awarded as a result of the receipt of a *Tender*, the Contract shall be awarded to that responsible person who submits the lowest responsive bid. (Provincial Government Guidelines).

When a Contract is awarded as a result of the receipt of a *Proposal*, the Contract shall be awarded to the responsible person whose Proposal will ultimately provide best value to the University.

#### **E. CONTRACTING PRINCIPLES**

Established purchasing and contracting principles with regard to the formation and administration of Contracts shall be adhered to.

#### **F. DOCUMENTATION**

All Contracts shall be documented in writing in conformance with Contracting Policy and Procedures.

#### **G. DELEGATED AUTHORITY**

The authority to execute contracts will be explicitly delegated to the Vice President, Finance and Administration. He/she is responsible for advising Departments on this policy and ensuring approved procedures are followed. Contract awards in excess of \$250,000 will be reported to the Board.

#### **H. IMPLEMENTATION**

Procedures shall from time to time be approved by the President's Executive Committee and the Administrative Management Committee and shall be known as "Contracting Procedures."

#### **I. FREEDOM OF INFORMATION / PROTECTION OF PRIVACY**

The "Freedom of Information and Protection of Privacy Act" balances the public's right of access to government records with the need to protect from disclosure information which would harm the interests of government or third parties.

All submissions for proposals or tenders will be kept confidential until the contract has been awarded and announced publicly, after which information may be released. If a request is made for access to records, the University is required to provide access to as much of the requested information as possible and may only withhold information covered by the specific exceptions provided in the "Act".

Every party who makes a submission will be advised of the above.

#### **DEFINITIONS**

Contract: A legally enforceable agreement for the supply of Goods, Services and Construction, whether by way of sale, conditional sale, lease or otherwise. Such an agreement may be evidenced by way of documentation, which is signed and sealed, or in such other less formal manner such as by standard purchase order form.

University: Shall mean the Emily Carr University of Art + Design.

Consulting Services:	Services which provide advice and analysis, including professional services.
Competitive Sealed Bidding:	The process in which Tenders and Proposals are submitted in a sealed package by a specific date and time to a specific location and which are opened publicly by the receiver.
Construction:	The building, erection, installation, repair, renovation, restoration and demolition of all things including but not, limited to; buildings, excavation, landscaping.
Formal Invitation to Tender/Formal Request for Proposal:	A written invitation / request in which the form and the nature of the tender proposal are stipulated by the University.
Goods:	Material, supplies, equipment and other property excluding real property whether in existence or not at the time of the contract.
Invitation to Tender:	A solicitation of a Tender in respect of proposed Contract by public advertisement or private invitation.
Proposal:	A communication to the University which sets out how the obligations are to be performed and by whom. Includes an offer to sell or provide Goods, Services or Construction and information as required.
Request for Proposal:	A solicitation of a Proposal in respect of a proposed contract by public advertisement or private invitation
Responsible:	Means, in relation to a proposer or a tenderer, the capability in all respects to perform fully the Contract requirements and the integrity and reliability to assure performance of the contract obligations.
Responsive:	Means, in relation to a tender, that the person has submitted a Tender that conforms in all material respects to the Invitation to Tender.
Services:	Include both labour and consulting services provided by persons, firms or corporations that are not employees of the University, but do not include labour and services provided incidentally with the supply of Goods or Construction services.
Tender:	A bid or offer to sell or provide goods, services or construction.

## **POLICY SUPPORTS**

### **7.2.1 Contracting Procedures**