

3.1 Public Procurement Policy

Policy Statement

This policy has been designed to promote best value in the expenditure of public funds on the acquisition of goods, services or construction through maximizing competition, adopting commercially reasonable business practices, promoting sustainable procurement and conducting open, fair and transparent procurement processes.

Definitions

ALTERNATIVE PROCURMENT OR ALTP

The authorized purchase of goods, services or construction through a non-competitive procurement or a limited competition;

BEST VALUE

Attributing factors, in addition to purchase price, to select a supplier that includes life cycle cost, supplier capacity to meet criteria in the procurement process, and sustainable procurement considerations;

BID

A supplier response to a limited competition, a non-competitive procurement or a public tender;

BIDDER

A supplier that submits a bid;

CHIEF PROCUREMENT OFFICER

The Chief Procurement Officer for the Province appointed pursuant to the Public Procurement Act;

COMPETITIVE PROCUREMENT

A public tender process for soliciting bids from suppliers for the purchase of goods, services or construction;

CONSTRUCTION

The construction, reconstruction, demolition, repair or renovation of a building, structure, road or other engineering or architectural work, excluding professional consulting services related to the construction contract unless they are included in the procurement;

CROWN CORPORATION

A corporate organization pursuant to the Finance Act or any other act of the legislature;

DEPARTMENT

A department, office or agency created by or pursuant to the Public Service Act;

E PROCUREMENT TOOL

An online procurement service, system or software, used by the Province and other public sector entities, that may support some or all of the main processes involved in a procurement including, but not limited to: goods, services or construction sourcing, contract management and spend analytics;

GOODS

Materials, furniture, merchandise, equipment, stationery and other supplies required by a public sector entity for the transaction of its business and affairs, and includes services that are incidental to the provision of such supplies;

GROUP PURCHASING ORGANIZATION

An entity that helps public sector entities realize savings and efficiencies by aggregating purchasing volume and using that leverage to negotiate discounts with manufacturers, distributors and other suppliers;

HIGH VALUE THRESHOLD

A procurement valued at or above the dollar value limit set out in the Canadian Free Trade Agreement (CFTA) for a good, service, or construction by a department, NSH, public sector entity or crown corporation.

LIMITED COMPETITION

A procurement method that is not a public tender whereby a supplier is invited to respond to a procurement process;

MINISTER

The Minister of Service Nova Scotia;

NON-APPLICATION PROCUREMENT

Any procurement where trade agreement obligations would not apply;

NON-COMPETITIVE PROCUREMENT

The procurement directly from a supplier of goods, services or construction outside of a competitive procurement process;

NSH

Nova Scotia Health, established under the Health Authorities Act;

PERMANENT EXEMPTION PROCUREMENT

The purchase of certain goods, services or construction that have been identified by Procurement as eligible for a non-competitive procurement;

PROCUREMENT PORTAL

The public procurement website maintained and operated by the Province;

PERSONAL SERVICES CONTRACTS

An agreement establishing an employment relationship between an individual and a public sector entity, and includes an amending or extension agreement;

PROCUREMENT

The Procurement Branch of the Department of Service Nova Scotia;

PROCUREMENT MANUAL

A series of protocols to provide detailed guidance to procurement processes;

PROCUREMENT PLAN

A comprehensive procurement plan for a procurement;

PROVINCE

The Province of Nova Scotia;

PUBLIC SECTOR ENTITY

An entity as further defined in the Public Procurement Act;

PUBLIC TENDER

A competitive procurement for goods, services or construction;

PUBLIC TENDER NOTICE

An advertisement of a public tender on the procurement portal;

SENIOR ADMINISTRATIVE OFFICER

A Deputy Minister or equivalent of a public sector entity;

SERVICES

Services required by a public sector entity for the transaction of its business and affairs, excluding services provided by an employee of a public sector entity through a personal service contract;

SOLICITATION DOCUMENT

The document used to solicit bids or responses from bidders;

STANDING OFFER

A competitive process that establishes a list of one or more pre-qualified suppliers to supply goods, services or construction;

SUPPLIER

An entity that provides goods, services or construction;

SUSTAINABLE PROCUREMENT

A procurement process that considers the environmental, economic, and social factors related to the procurement of goods, services or construction.

Policy Objective

The objective of this policy is to ensure the Province’s requirements for goods, services or construction are achieved through integrating an innovative approach in all procurement efforts resulting in:

- Responsible management of public resources
- Clear client focus
- Adoption of continuous improvement practices
- Optimized sourcing solutions through enhanced category management and strategic sourcing practices
- Transparency, compliance, and sustainability
- Accountability to all stakeholders
- Adherence to the highest standards of ethical conduct
- Adherence to conflict-of-interest protocols in procurement processes

Application

The Public Procurement Policy applies to the acquisition of goods, services, and construction for departments, and any other public sector entity that has adopted this policy, or that is subject to this policy, pursuant to the Public Procurement Act.

This policy does not apply to any form of assistance including grants, loans, equity infusions, guarantees, fiscal incentives, the acquisition or rental of land, rental of existing buildings or other immovable property or the rights thereon. In addition, this policy does not apply to the establishment of personal services contracts.

This policy is designed to help achieve the objectives of the Public Procurement Act, while supporting the Sustainable Procurement Strategy and Action Plan. Unless otherwise specified, the role of Procurement as further set out in this policy is limited to the provision of support to departments or procurements undertaken for and on behalf of a public sector entity.

Policy Directives

PROCUREMENT PLANNING

Effective project planning is essential to ensuring successful results and limiting risk. Planning must be completed for procurements in accordance with the Procurement Planning Protocol found in the Procurement Manual. The exceptions to this would be in the case of an emergency procurement as outlined in Emergency Procurement Section of this policy or in accordance with the Procurement Planning Protocol. Procurement provides procurement planning support for competitive procurements to both departments and NSH.

Sufficient time must be set aside to properly plan for a procurement.

MANDATORY USE OF STANDING OFFERS AND OPTIONAL USE OF EXISTING CONTRACTS

It is mandatory for departments to use existing standing offers, where applicable and appropriate, to achieve contracted benefits through the consolidation of purchases. This includes contracts established through a group purchasing organization. Access to the list of standing offers and applicable contracts established through group purchasing organizations are available to public sector entities through the Province's eProcurement tool and the procurement portal. Public sector entities are also encouraged to utilize existing standing offers, where applicable and appropriate.

Departments are responsible for checking the list of standing offers and applicable group purchasing organization contracts already established for a spending category. If a standing offer exists for a spend category and is appropriate for the needs of the department, related procurements must be conducted in accordance with the applicable Standing Offer Protocol found in the Procurement Manual.

A department may consider participating in a procurement process by entering in an agreement with a supplier for goods, services, or construction that have been secured through a limited competition or a competitive procurement process by another public sector entity, or a provincial government entity in New Brunswick, Prince

Edward Island, and Newfoundland and Labrador, including a municipality, university, community college, school board, health authority, housing authority, agency, board, commission, or crown corporation. To determine whether it would be appropriate to leverage an existing contract, consultation with Legal Services and Procurement is recommended.

PROCUREMENT OF GOODS, SERVICES AND CONSTRUCTION

Where a good, service or construction is being procured, unless there is a standing offer in place or the specifications on the standing offer do not meet the department's requirements, or the criteria for a non-application procurement is not met, departments must procure in accordance with the appropriate procurement process.

For all goods, services or construction being procured at or above the Canadian Free Trade Agreement (CFTA) thresholds, departments and NSH must consult Procurement. Departments and NSH should also consult Procurement to determine whether a good, service or construction meets the criteria for non-application procurements. Senior Administrative Officers are responsible and accountable for all non-competitive procurement processes.

For public sector entities and crown corporations other than departments and NSH, non-competitive procurement processes may be used where the criteria of a non-application procurement are met. Responsibility for determining whether a good, service or construction meets the criteria for non-application procurement and accountability for all non-competitive procurement processes is held by the procuring entity.

Direction on thresholds for non-competitive or limited competition for public sector entities and crown corporations is subject to the protocols in each entity's individual procurement policy.

Dividing procurement activity to reduce or keep the procurement value below certain thresholds is not permitted. Where it is anticipated that multiple purchases of the same requirement will be made, the total value of all anticipated purchases during the contract term (including renewals) must be used to determine the appropriate procurement process. For purchases which contain a good and service component, the procurement is classified based on the largest portion of spending.

All appropriate internal approvals are required to be obtained and internal processes followed prior to engaging in any procurement activity. Examples include but are not limited to: Department of Finance and Treasury Board Directives and Cyber Security and Digital Services approvals.

LOW VALUE PROCUREMENT

If the value of the goods, services or construction are less than high value thresholds, departments and NSH are expected to conduct their own low value procurement processes.

For non-competitive procurements, multiple quotes are not required.

For limited competitions, multiple quotes are expected, and the process must be executed according to the Limited Competition Protocol.

Where possible, qualified suppliers located in Nova Scotia should be invited to bid on limited competitions. Low value procurement processes are required to incorporate preferences for Nova Scotia suppliers and sustainable procurement in accordance with any applicable strategies and directives.

Senior Administrative Officers are responsible and accountable for all low value procurement decisions and transactions. All documentation related to low value procurement must be retained by departments and NSH and may be subject to review by Procurement in accordance with this policy.

HIGH VALUE PROCUREMENT

Except as otherwise set out in this Policy, if the value of the goods, services or construction is at or above high value thresholds, departments and NSH must work with Procurement to conduct a competitive process. Exceptions to working with Procurement for procurements at or above high value thresholds include non-application procurements, permanent exemptions and emergency procurements. Public tender notices for competitive procurements will be posted on the procurement portal.

All competitive procurements must be conducted in accordance with the Competitive Procurement Protocol found in the Procurement Manual.

All solicitation documents must be assembled in accordance with the Document Drafting Protocol found in the Procurement Manual. In all circumstances, Procurement must review and approve the final solicitation document before a competitive procurement is initiated.

ALTERNATIVE PROCUREMENT PRACTICES

To balance the need to be open and competitive with the demands of urgent, specialized, exceptional or exempt circumstances, alternative procurement practices may be used in accordance with the Alternative Procurement Practices Protocol found in the Procurement Manual. Alternative procurement practices must not be used to avoid competition between suppliers or to discriminate against specific individuals or groups of suppliers.

FOR HIGH VALUE ALTERNATIVE PROCUREMENT

For the purchases of goods, services or construction that fall at or above high value thresholds, departments and NSH may use high value alternative procurement practices where appropriate and in alignment with the Procurement Manual.

The Senior Administrative Officer must authorize the use of alternative procurement. The Senior Administrative Officer may delegate signing authority to an acting or assistant Senior Administrative Officer. The rationale permitting the alternative procurement practice will be documented on the appropriate form and will provide substantiation for the actions taken. Departments and NSH must establish and follow appropriate protocols to address conflicts of interest within its procurement processes.

Any disagreement between Procurement and the department or NSH with respect to the support of an alternative procurement practice is to be reviewed and discussed by the Chief Procurement Officer and the Senior Administrative Officer of the department or NSH. Senior Administrative Officers are responsible and accountable for any decision to authorize or proceed with a procurement process or transaction that does not have the support of Procurement.

FOR LOW VALUE ALTERNATIVE PROCUREMENT

For the purchases of goods, services, or construction below high value thresholds, departments and NSH may use low value alternative procurement practices where appropriate and in alignment with the Procurement Manual.

Departments and NSH will be required to complete a low value ALTP form which must be signed by the individual making the purchase as well as the individual's supervisor or the individual with signing authority. ALTP forms must be kept on file by the department and NSH for audit purposes.

PERMANENT EXEMPTIONS

Departments may apply for a permanent exemption for certain goods, services or construction that are considered at the sole discretion of Procurement not to be subject to competitive procurement requirements. Any such request must be authorized by the Senior Administrative Officer or their designate and the Chief Procurement Officer.

EMERGENCY PROCUREMENT

Where strictly necessary, the procurement of goods, services or construction may be obtained with a non-competitive procurement when reasons of urgency due to unforeseen events occur.

The Senior Administrative Officer is authorized to utilize emergency procurement processes to obtain the necessary goods, services or construction as they determine appropriate. The Senior Administrative Officer should consider and fulfill the objectives and requirements of this policy to the extent possible.

SUSTAINABLE PROCUREMENT STRATEGY AND ACTION PLAN

The Sustainable Procurement Strategy (the “Strategy”) builds on an established foundation of sustainable procurement, initiatives, and social value culture at the Province. The Strategy will incorporate social, local, diverse, accessibility, environmental, and ethical strategic priorities and builds upon the region’s Indigenous and African Nova Scotian history and diversity, the strength and resilience of the local economy, and the current commitments to economic, environmental, Indigenous, social and inclusion efforts in procurement. The Strategy supports the Province’s cross-departmental priorities, as identified through various policies, acts, and frameworks, while fostering competition, transparency, and fairness in procurement processes.

Sustainable procurement adds relevant environmental, economic, and social considerations into the selection of goods, services, or construction, along with factors such as price, quality, service, and technical specifications. Sustainable procurement considers:

- Reducing environmental impact from greenhouse gases, waste and toxins.
- Protecting our workers and clients with safer solutions and greener chemistry.
- Strengthening our communities through community benefits.
- Promoting inclusive economic development by purchasing from diverse suppliers and social enterprises and by considering accessibility.
- Supporting apprenticeship opportunities.

STRATEGIC ROLE OF PROCUREMENT

Procurement leads high-value procurement processes on behalf of all departments and NSH. Procurement has the authority to determine the appropriate procurement strategies and processes for acquiring goods, services, and construction to guide procurement decisions, requirements and to establish standing offers.

Procurement participates in the planning, budgeting, and tangible capital asset processes with departments and NSH to identify areas where efficiencies could be realized through aggregate spending and cooperative procurement initiatives.

Procurement receives category-related financial and operating information for all departments and NSH to identify priority spending areas that have high impact on overall operating costs and present significant opportunity for savings.

Procurement may determine requirements that impact the spending for priority procurement categories, promote sustainable procurement, introduce changes to drive operating efficiency, establish benefit tracking mechanisms for key contracts, and manage strategic supplier relationships, within the context of the procurement process.

CONTRACT NEGOTIATION AND APPROVALS

CONTRACT NEGOTIATIONS

Where the solicitation document provides for negotiation to take place, Procurement may facilitate negotiations with potential suppliers. Any proposed changes to the standard contract terms and conditions must be reviewed by Legal Services prior to finalizing the contract.

CONTRACTING APPROVAL AND SIGNING AUTHORITY

Departments and NSH are responsible for approving and entering into contracts with suppliers for goods, services or construction, including issuing purchase orders and signing agreements.

A contract must not be entered into unless all procurement approvals, as required by this policy and applicable procedures and protocols, have been obtained.

Departments and NSH must maintain an accessible record of the delegation of contract approval and signing authority within the department or NSH.

Original contracts are to be retained by the department or NSH and signed copies of all contracts must be provided to Procurement for inclusion in a centralized database.

AWARD NOTIFICATION

After a contract has been entered into pursuant to a competitive procurement process and certain high value ALTPs, Procurement, on behalf of departments and NSH will post the name of the successful supplier and the value of the awarded contract on the procurement portal pursuant to domestic or international trade agreement obligations. For competitive procurements resulting in the award of a standing offer contract without a purchase volume, only the name of the successful bidder(s) will be published.

CANCELLATION

A solicitation document may be cancelled by the Chief Procurement Officer or a delegate, in accordance with the Limited Competition and Competitive Procurement Protocols found in the Procurement Manual.

A limited competition or a competitive procurement may only be cancelled after consultation with Legal Services or Procurement, as applicable.

DEBRIEFINGS

Bidders in both limited competition and competitive procurements may request a debriefing of their bid submission. When requested, debriefings must be scheduled with and conducted in accordance with the Bidder Debriefing Protocol found in the Procurement Manual.

PROCUREMENT COMPLAINT PROCESS

Subsequent to a debriefing, bidders may file a complaint regarding the outcome of a procurement process. Complaints must be made by bidders and responded to by the Chief Procurement Officer in accordance with the Procurement Complaint Protocol found in the Procurement Manual.

CONTRACT MANAGEMENT & SUPPLIER PERFORMANCE EVALUATION

Establishing contract management practices and assessing supplier performance are both critical to the success of the procurement. Poor workmanship, unnecessary contract delays and unsafe work practices will not be tolerated. Contracts and standing offers will be managed in accordance with the Contract Management Protocol, Supplier Performance Evaluation Protocol and Standing Offer Protocol found in the Procurement Manual.

SUPPLIER DISQUALIFICATION

Suppliers can be disqualified from participating in future procurement opportunities for any one of the following reasons:

- a) Failure to honour a bid;
- b) Failure to disclose a conflict of interest;
- c) Unethical bidding practices;
- d) False declarations;
- e) Bankruptcy or insolvency;
- f) Failure to pay taxes;
- g) Significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts;
- h) Final judgments in respect of serious crimes or other serious offences including, but not limited to: bid rigging, price fixing, collusion, or fraud; or,
- i) Professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the supplier.

Where one of the aforementioned criteria for supplier disqualification has been established, Procurement will provide reasonable notice in writing to the supplier involved. After a reasonable opportunity for response from the supplier, Procurement may formally disqualify a supplier from bidding on any Province of Nova Scotia procurement opportunities for a period not exceeding five years.

A written decision shall be issued to the supplier disqualified setting out the reasons for its disqualification.

Disqualification of a supplier shall be approved by the Chief Procurement Officer.

Disqualification may apply to the supplier and its owner(s) and principal(s).

CONFLICT OF INTEREST

All procurement activity must be conducted with integrity to maintain the public's trust, including identifying, mitigating, avoiding and addressing actual or perceived conflicts of interest in procurement processes.

INTERNAL CONFLICT OF INTEREST

All provincial employees participating in a procurement process, including members of the evaluation team, advisors, external consultants or other service providers, must declare any perceived, possible or actual conflicts of interest to the Chief Procurement Officer.

Employees and other participants in the procurement process must consult with the Chief Procurement Officer or their designate, if they are unsure whether a particular relationship or circumstance may give rise to a conflict of interest. During the procurement process, participating employees and other participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, giving preferential treatment, or publicly endorsing potential suppliers or products.

SUPPLIER CONFLICT OF INTEREST

Solicitation documents must be drafted to ensure suppliers are aware they must declare and fully disclose any actual or potential conflict of interest or unfair advantage related to the preparation of their bid or where the supplier foresees an actual or potential conflict of interest in the performance of the contract.

Potential supplier conflicts of interest or unfair advantages may include, but are not limited to:

- a) Engaging any individual to take part in the preparation of the bid who was employed with the Province within 12 months prior to the solicitation closing date;
- b) Engaging with any Provincial employee or a family member of any Provincial employee which may have, or appear to have, any influence on the procurement process, or subsequent performance of the contract;
- c) Access by the supplier to confidential Provincially owned information that is materially related to the solicitation and that was not readily accessible to other prospective suppliers; or
- d) Engaging in conduct that compromises, or could be seen to compromise, the integrity of the open and competitive procurement process.

When a potential supplier conflict of interest or unfair advantage is identified, Procurement will determine whether measures should be implemented to mitigate or address the real or perceived conflict of interest or unfair advantage.

CONFIDENTIALITY & ACCESS TO INFORMATION

CONFIDENTIALITY

Supplier information submitted in connection with a procurement process must be adequately protected.

ACCESS TO INFORMATION

The Province is subject to the Freedom of Information and Protection of Privacy Act. Parties involved in the procurement process must be aware of and manage their obligations in respect to the maintenance, release, and management of all procurement records.

RELEASE OF INFORMATION

Wherever possible, and in accordance with the Release of Information Protocol, information should be proactively released in order to increase supplier interest in public sector opportunities and to ensure consistent information is supplied to all potential suppliers, provided that release of the information does not violate the privacy of any individual.

PERSONAL INFORMATION DISCLOSURE

Parties involved in the procurement process must be aware of the requirements under the Personal Information International Disclosure Protection Act of Nova Scotia.

Policy Guidelines

JOINT PROCUREMENT

The Province encourages joint procurement by all levels of the public sector when the arrangement results in overall best value.

If deemed to be in the best interest of the Province, joint procurement with another provincially funded entity, province or the Government of Canada may be pursued. Joint procurement may result in extending the opportunity to other provincially funded entities, provinces or the Government of Canada to participate in the established contracts, or in the Province participating in contracts established by other provincially funded entities, provinces or the Government of Canada through a publicly advertised solicitation. Public sector entities wishing to pursue joint procurement opportunities with the Province must contact Procurement to collaborate and evaluate the opportunity.

When two or more entities jointly procure, the provisions of the applicable trade agreements that are more restrictive in nature shall apply to the procurement process.

PREFERENCE AND RECIPROCITY

PREFERENCES

The Province is committed to seeing its supplier community continue to grow, be competitive and receive fair treatment. The Province is party to several domestic and international trade agreements developed to ensure reciprocal, non-discrimination, and geographic neutrality.

A preference for goods, services or construction below applicable trade agreement thresholds may be applied. Directives and Strategies provide further guidance on how preferences should be applied in a procurement process. Additionally, Procurement may be able to facilitate preferential treatment to a bidder from Canada.

A preference for goods, services or construction above applicable trade agreement thresholds may be applied within the obligations under the trade agreements.

Many factors drive the decision to apply preferential treatment such as dollar thresholds, sustainability, and flexibility found within applicable trade agreements, availability of competition in the marketplace and purchasing priorities for the public sector entity. To apply a preference, the solicitation document must clearly state the application of a preference. When a preference is used, the method to be used to determine the preference must be set out in the solicitation document(s). In all situations where a preference will be applied for high value purchases, Procurement must be consulted. In certain circumstances, Procurement may be able to facilitate preferential treatment to a bidder from Nova Scotia.

RECIPROCITY

Since not all jurisdictions are prepared to provide reciprocal access to goods, services or construction, the principles of fairness demand that Nova Scotia reserve the right to apply comparable limitations on access. Procurement reserves the right to accept bids from other jurisdictions on the same basis that the procurement authorities in those jurisdictions would treat a bidder from Nova Scotia for a similar requirement. Bidders who choose to respond to an opportunity would do so with the understanding that their bid may be rejected due to the practices of their home jurisdiction. Procurement may consider at its sole discretion the best overall value in its decision to accept a bid from a non-reciprocating provincial jurisdiction.

STAFF TRAINING

Procurement will provide orientation and training as required to employees involved in procurement activities. Supporting the promotion and provision of appropriate education and training for employees involved in procurement activities is required. Employees involved in procurement activities should be knowledgeable with respect to the general principles of public procurement, sustainable procurement, and should pursue relevant training opportunities whenever possible.

SUPPLIER ENGAGEMENT

Procurement will display leadership for supplier engagement by using innovative and well-planned strategies and initiatives to identify, attract and retain suppliers to participate in public procurement opportunities, and sustainable procurement. An engaged supplier community helps to maximize competition and assists the Province in obtaining best value for government purchases.

CONTRACTING FOR SERVICES OF INDIVIDUALS

The circumstances should be carefully reviewed when contracting for the services of individuals, including through the use of standing offers, to determine whether an employer-employee relationship is established in accordance with criteria established by the Canada Customs and Revenue Agency. For guidance in assessing employer-employee relationships:

- a) consult CRA's current guidance, for example, "Employee or Self-Employed?", publication number RC4110;
- b) where it is not feasible to determine whether a contract is a contract for services or a personal services contract (i.e., employment status is not easily identifiable), Legal Services should be consulted.

Procurement is not responsible for ensuring contracts do not create an employer-employee relationship in accordance with the "Personal Services Contract Policy", Chapter 2.1 Management Manual 500 (if applicable to your organization). Departments and NSH are responsible for adhering to the Personal Services Contract Policy and any other applicable policies.

Accountability

MINISTER

The Minister responsible for the Department of Service Nova Scotia is responsible for promoting and implementing this policy.

DEPUTY MINISTER

The Deputy Minister of the Department of Service Nova Scotia is responsible for the overall administration of this policy.

CHIEF PROCUREMENT OFFICER

The Chief Procurement Officer is responsible for ensuring the consistent application of this policy and procurement practices as further set out in the Public Procurement Act.

SENIOR ADMINISTRATIVE OFFICER

Senior Administrative Officers are responsible for ensuring compliance with this policy when their employees are participating in the procurement process. Senior Administrative Officers are accountable for any decision to proceed with a procurement process or transaction that is not supported by Procurement. Senior Administrative Officers may be required to address non-compliance with this policy through the Corporate Compliance and Controls Monitoring Protocol.

PROCUREMENT EMPLOYEES

Procurement employees are responsible for consistently applying this policy and all protocols when they are involved in a procurement process.

Procurement employees must clearly understand their obligations and responsibilities under this policy and all applicable protocols and consult with the Chief Procurement Officer in respect of any questions regarding the application or interpretation of this policy or any protocols.

Procurement employees are expected to provide procurement services in an efficient and diligent manner and are encouraged to develop and foster productive and cooperative professional relationships with their colleagues.

Procurement employees are responsible for declaring any actual, apparent or perceived conflicts of interest that are present during any part of the procurement process in accordance with the Public Service Code of Conduct.

DEPARTMENT EMPLOYEES

Department employees are responsible for applying this policy and all protocols when they are involved in a procurement process.

Department employees must clearly understand their obligations and responsibilities under this policy and all applicable protocols and consult with Procurement in respect of any questions regarding the application or interpretation of this policy or any protocols.

Department employees are encouraged to develop and foster productive and cooperative professional relationships with their colleagues to ensure successful implementation of this policy.

Monitoring

RECORD KEEPING

All procurement activity must be authorized, properly recorded in the appropriate financial management system and/or eProcurement tool and supported by the appropriate documentation required under the applicable protocols.

Departments are responsible for keeping records of the entire purchasing process for audit, legal, and accountability purposes.

AUDIT

All procurement activity is subject to audit by the Office of the Auditor General and the Internal Audit Centre for the Province.

COMPLIANCE AND CONTROLS MONITORING

The Compliance and Controls Monitoring Protocol is a risk-based approach designed to promote education and accountability. The objective of the Compliance and Controls Monitoring Protocol is to work co-operatively with departments and NSH to advance continuous improvement to standard operating procedures, policy, protocols, training and systems to improve internal controls and compliance through both targeted and systemic changes.

The compliance and controls monitoring function does not replace the responsibility of departments and NSH in establishing, supporting and maintaining an adequate system of internal controls including a sufficient financial and procurement control framework where applicable.

REPORTING

Procurement is responsible for reporting to departments and NSH on the Compliance and Controls Monitoring Protocol and the Sustainable Procurement Strategy and Action Plan.

References

All procedures and protocols referred to in this policy can be found on the internal site of the procurement portal.

Public site: www.novascotia.ca/tenders

The Procurement Manual can be found at the following link:

<http://novascotia.ca/tenders/policies-processes/procurement-policy.aspx>

Some of the relevant legislation, trade agreements, and reference documents include:

- Public Procurement Act
- Public Service Act
- Finance Act
- Shared Services Act
- Freedom of Information and Protection of Privacy Act (FOIPOP)
- Personal Information International Disclosure Protection Act (PIIDPA)
- Atlantic Trade and Procurement Partnership (ATPP) Memorandum of Understanding (MOU)
- Canadian Free Trade Agreement (CFTA)
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA)
- WTO-GPA
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
- Canada-United Kingdom Trade Continuity Agreement (Canada-UK TCA)
- Construction Contract Guidelines
- Atlantic Standard Terms and Conditions
- Facilities Procurement Guide
- Release of Information Protocol
- Sustainable Procurement Strategy and Action Plan
- Conflict of Interest Policy
- Procurement Trade Agreements Thresholds

Enquiries

For further information or clarification regarding this policy please contact:

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