

HUU-AY-AHT FIRST NATIONS



PURCHASING POLICY REGULATION

Provisions of the *Financial Administration Act, HFNA 2011*, relevant to the enactment of this regulation: section 76.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Purchasing Policy Regulation* was passed by Executive Council on:

April 1, 2011


Chief Councillor Robert Dennis Sr.

I certify that the *Purchasing Policy Regulation* is enacted as law on:

April 1, 2011


Ta'yii Hawilth Derek Peters

I certify that the *Purchasing Policy Regulation* came into force on:

April 1, 2011


Law Clerk Connie Waddell

PURCHASING POLICY REGULATION

Contents

- 1 Definitions
- 2 Application
- 3 Purpose
- 4 Purchasing Policy
- 5 Exemptions

Definitions

- 1 In this regulation:

“**Act**” means the *Financial Administration Act*;

“**capital goods**” means goods or services that will be accounted for as, or be incorporated into, assets;

“**person with spending authority for the purchase**” means a person with spending authority in accordance with section 52 the Act.

Application

- 2 This regulation applies to all of the following:

- (a) government;
- (b) Huu-ay-aht public bodies;
- (c) Huu-ay-aht business enterprises.

Purpose

- 3 The purpose of this regulation is to ensure that full value is received from major purchases.

Purchasing Policy

- 4
- (1) Subject to section 5, every purchase of goods or services, including capital goods, with a cost of more than
 - (a) \$1 000 in a fiscal year must not be made until at least 3 quotes have been received and considered, and
 - (b) \$25 000 in a fiscal year must not be made until an open competition has been held and the resulting proposals evaluated.
 - (2) Nothing in subsection (1) prevents quotes from being obtained or open competitions being held for a purchase costing less than the limits set out in subsection (1).
 - (3) Any request for quotes must specify exactly what goods or services are being sought, including the quality of those goods or services.
 - (4) The person with spending authority for the purchase must consider the quotes submitted and choose the quote which provides the best combination of price and quality relative to the request for a quote.

- (5) There is no obligation to choose the lowest, or any, quote under subsection (4).
- (6) An open competition must be based on a written request for proposals that includes the following information:
 - (a) a detailed description of the sought goods or services;
 - (b) the mandatory elements of proposals;
 - (c) the submission deadline;
 - (d) the evaluation criteria;
 - (e) the contract terms;
 - (f) a requirement that proposals must state that they are irrevocable for a specified period.
- (7) The Executive Director, or in the case of a HUU-ay-aht public body or business enterprise the head of the HUU-ay-aht public body or the Chief Executive Officer of the HUU-ay-aht Development Corporation, as applicable, must appoint an evaluation committee comprising one or more employees of, or contractors to,
 - (a) the HUU-ay-aht,
 - (b) HUU-ay-aht public bodies, or
 - (c) HUU-ay-aht business enterprises,to evaluate each open competition.
- (8) The evaluation committee appointed under subsection (7) has the delegated authority to choose the winning proposal on behalf of the person with spending authority for the purchase.
- (9) The evaluation committee appointed under subsection (7) must evaluate the proposals in accordance with the request under subsection (6) and provide a written decision stating which if any, proposal best meets the evaluation criteria.
- (10) The evaluation committee is not obliged to choose the lowest cost or any proposal.
- (11) A request for proposals must be
 - (a) publicly posted where it may be seen by prospective proponents, and
 - (b) sent to known prospective proponents.
- (12) Quotes and proposals received are confidential and must not be disclosed to the public or to anyone other than
 - (a) the person with spending authority for the purchase,
 - (b) the evaluation committee, and
 - (c) those employees whose job requires them to view quotes and proposals.

Exemptions

- 5 Section 4 (1) does not apply if
 - (a) an existing contract is in place to provide the goods or services and under which those goods or services are already being provided to the reasonable satisfaction of the body contracting for them,

- (b) a contract existed within the past year to provide the goods or services, and under which those goods or services were provided to the reasonable satisfaction of the body contracting for them,
- (c) the Executive Director, or in the case of a HUU-ay-aht public body or business enterprise the head of the HUU-ay-aht public body or the Chief Executive Officer of the HUU-ay-aht Development Corporation, as applicable, reasonably believes only one supplier is able to provide the goods or services, or
- (d) the Executive Director, or in the case of a HUU-ay-aht public body or business enterprise the head of the HUU-ay-aht public body or the Chief Executive Officer of the HUU-ay-aht Development Corporation, as applicable, reasonably believes there is insufficient time to obtain quotes or conduct an open competition.