

Public Procurement Framework
Frequently Asked Questions
May 2018

1. I have a contract that was in effect prior to March 24, 2018 but now, after March 24, 2018, I need to issue a change order for this contract. Which change order rules do I follow?
 - a. You follow the change order rules of the new **Public Procurement Act**, unless there is a potential conflict with your original call for bids document. In this instance, you should contact the Public Procurement Agency for clarification.

2. Do we still use the term “Invitation to Tender”?
 - a. You can still use the term “Invitation to Tender” as the name of the document. The term “Open Call for Bids” refers to the public advertising of the need for a commodity. When using an open call for bids process, you would typically issue an Invitation to Tender or a Request for Proposals, which are bid solicitation documents, or procurement tools.

3. Is a public opening required for a Request for Proposals?
 - a. A public opening is required for all open calls for bids (whether an Invitation to Tender or a Request for Proposals is issued).

4. Do I have to release the bid prices at a public opening for a Request for Proposals?
 - a. Only the names of the bidders have to be released.

5. Is auditing considered to be a professional service in accordance with the definition in the **Public Procurement Act**?
 - a. No, auditing is a service under the **Public Procurement Act**. The only professional services defined by the legislation are legal services and financial services relating to the provision of credit and instruments of monetary policy.

6. Is the value of a change order exclusive of HST?
 - a. Yes.

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7. Subsection 28.(2) of the **Public Procurement Regulations** states "Procurement records shall be kept individually by procurement...and shall be maintained in a central file". Does this mean an organization has to keep all files in a single location?
 - a. A procurement file has to include all relevant records; however, files may be located in different areas of an organization's operations. All procurement files and records have to be made available to the Public Procurement Agency upon request.

8. Is there a dollar limit for change orders?
 - a. There is no dollar limit specified for the issuance of change orders in the **Public Procurement Act, Public Procurement Regulations**, or Public Procurement Policy. However, there is a limit at which change orders have to be reported to the Public Procurement Agency in accordance with Section 15 of the **Public Procurement Regulations**.

9. Is the evaluation criteria to be included in the bid solicitation document (i.e. RFP)? If so, is the percentage (i.e. weighting) to be included for each component?
 - a. Yes.

10. Will the contract award amount from an open call for bids be made publicly available when a Request for Proposals was the solicitation document used?
 - a. Yes.

11. Which open call for bids threshold is applicable if I am purchasing a combined good and service (\$10,000 or \$50,000)?
 - a. If a single procurement includes a combination of goods and services, the public body shall determine the estimated value for each component (goods, services) of the procurement. In determining whether an open call for bids is required, the threshold for the component which represents the larger portion of the cost of the procurement will govern.

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12. Do we need to have a pre-qualified list of suppliers established in order to issue a Limited Call for Bids?
- a. No. You can issue a Limited Call for Bids (in accordance with Section 12 of the Public Procurement Regulations) without having a pre-qualified list of suppliers.
13. There is no signature on the [Exception to Open Call for Bids Award \(Contract Award without an Open Call for Bids\)](#) spreadsheet, do I still need approval of the head of the public body?
- a. The head of the public body, or authorized delegate, may approve an exception to an open call for bids; however, a [Delegation of Authority \(by Head of Public Body\)](#) is required to be in place if other than the head of the public body is providing the approval. By inserting the name of an authorized delegate in the “Approved By” column, the preparer is indicating that a delegation is in place.
14. Why have the thresholds for an open call for bids increased from \$20,000 to \$100,000 for public works and from \$10,000 to \$50,000 for services?
- a. There were no substantial amendments to the former procurement legislation for decades and the cost of commodities has increased considerably over time. The new thresholds align with current trade agreement obligations.
15. Why has the threshold for an open call for bids for goods remained the same?
- a. The threshold is the same as that in the Atlantic Procurement Agreement. It is necessary to ensure that our thresholds align with current trade agreement obligations.
16. When I submit the [Open Call for Bids Notification, Amendment, Cancellation & Award](#) spreadsheet to the Public Procurement Agency do I have to wait for a response before I post the same information to my own website?
- a. After you email your properly completed spreadsheet to the Public Procurement Agency, you may proceed to post the information to your website and other media.