ID#: POL-PR-2.0

Procurement Policy

1. Policy Statement

All purchasing shall be authorized in accordance with this policy prior to the commencement of the engagement.

2. Purpose

To provide for the procurement of goods, services, and construction in a fair, open, consistent, and transparent manner resulting in best value;

To encourage competition, innovative ideas and solutions, while respecting all legislative and trade agreement obligations;

To promote sustainable procurement by aligning with the Province of Nova Scotia's Sustainable Procurement Strategy and Action Plan, which integrates environmental, social, economic, and ethical considerations into procurement decisions. This includes supporting inclusive economic development, reducing environmental impacts, advancing accessibility, and working with social enterprises and businesses that are owned by or employ underrepresented populations;

To ensure qualified suppliers have equal opportunity to bid on Invest Nova Scotia's procurement activity; and

To be accountable for procurement decisions.

3. Definitions

Approval Authority – means a position within Invest Nova Scotia duly recorded as having authority to approve expenditures for an assigned cost centre and having knowledge of the appropriate funding allocation affected by the expenditure.

Atlantic Standard Terms and Conditions – means the standard instructions that support public tenders issued by the four Atlantic Provinces for goods and services. Supplements may be added if and when required.

Best Value – means evaluating bids not only on purchase price and lifecycle cost considerations, but also by taking into account items such as environmental and social considerations, delivery, servicing, and the capacity of the supplier to meet other criteria as stated in the tender documents.

Bid – means a supplier response to a public tender notice to provide goods, services, or construction.

Bidder – means a supplier that submits a bid in response to a public tender notice to provide goods, services, or construction.

Budget Manager – means a position within Invest Nova Scotia responsible for managing the expenses of a cost centre.

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

Construction Contract Guidelines – means the standard instructions developed in consultation with the Construction Association of Nova Scotia that support construction tenders.

Electronic Tender – means the process of issuing procurement documents (whether for public tender or by invitation) and receiving and evaluating bids using an online procurement platform.

Employee – means a permanent, casual, or term employee, a co-op student, a student placement or intern, or a person under a professional services contract or temporary work assignment with Invest Nova Scotia.

Executive Management – means a Vice-President of Invest Nova Scotia.

External Supplier – means a supplier that does not already have an active standing offer with Invest Nova Scotia.

Goods – means materials, furniture, merchandise, equipment, stationery, and other supplies required by Invest Nova Scotia for the transaction of its business and affairs and includes the services that are incidental to the provision of such supplies.

High Value Procurement – means a procurement value for which the public tender process is a mandatory requirement.

Invitational Request for Quotes – means a formal procurement process used for Low Value Procurement activities, whereby a select number of Suppliers are invited to submit quotations or a Services Proposal to a statement of work. This process is used when inviting Suppliers from the Standing Offers List and, where no suitable Standing Offer exists, when inviting External Suppliers.

Low Value Procurement – means a procurement value amount up to the threshold value that requires a mandatory public tendering process.

Procurement Activity – means the acquisition of all goods, services, or construction procured by purchase, contract, lease, or long-term rental.

Procurement Value – means the value of the total contract excluding taxes but including all options whether exercised or not.

Procurement Web Portal – means the public website maintained by the Province of Nova Scotia where all public tender notices are posted.

Public Advertisement – means advertising a public tender notice on the procurement web portal.

Public Procurement Act (PPA) – means an Act outlining the rules related to the procurement activity of all public sector entities in the Province of Nova Scotia.

Public Tender – means procurement for goods, services, construction, or facilities obtained through public advertisement, and issued by electronic tendering. (See Appendix 2 for an outline of the various options that can be used for public tender.)

Public Tender Notice – means notice of intended procurement for goods, services, or construction obtained through public advertisement.

Services – means services required by Invest Nova Scotia for the transaction of its business and affairs, excluding services provided by an employee through a personal services contract.

Services Proposal – means a response to a request for services required to a statement of work, where the price alone may not be the deciding factor.

Standing Offer (referred to in plural as, “the Standing Offers List”) – means a contractual arrangement with a supplier to provide certain goods or services on an ‘as required’ basis, during a particular period, for suppliers who have pre-qualified skills and expertise related to specified service functions.

Supplier – means a person carrying on the business of providing goods, services or construction.

Sustainable Procurement – means taking a holistic approach to achieve best value by integrating environmental, social, economic, and ethical considerations into procurement decisions, including reducing environmental impacts, supporting social enterprises, promoting inclusive economic development, and advancing accessibility.

Unit Head – means a management position within Invest Nova Scotia responsible for the operations of a business unit.

For clarity, the term “**Supplier**” is used throughout this Policy as a general reference to vendors. The term “**Bidder**” is used specifically in the context of responses to a Public Tender process.

4. Application

This Policy applies to all Invest Nova Scotia employees and to all procurement activities of Invest Nova Scotia.

5. Policy Directives

5.1. Approval to Procure

Prior to moving forward with a procurement, employees are to first obtain written approval from the appropriate Approval Authority for the potential expenditure.

5.2. Low Value Procurement Thresholds and Call-Up Requirements

Procurement methods are determined based on the total estimated value of the requirement and must follow the call-up processes outlined below.

For procurements below the Public Tender threshold, employees are required to use the Standing Offers List as the primary source of supply, where applicable.

The following table outlines the required call-up process.

Goods, Services, and Construction Estimated Procurement Value (excl. taxes)	**Low Value Procurement Call-up Process**
Less than $10,000	Supplier of Choice *Standing Offers List must be used where qualified Suppliers are available; otherwise, direct procurement is permitted.*
$10,000 to $139,888	Supplier of Choice *One (1) Supplier, at a minimum, under a specific service category, will be invited from the Standing Offers List*
$140,000-$249,999	Invitational Request for Quotes *Three (3) Suppliers, at a minimum, under a specific service category, will be invited from the Standing Offers List.*
$250,000-$694,699	Invitational Request for Quotes *All Suppliers under a specific service category, will be invited from the Standing Offers List.*
$694,700+	Mandatory Public Tender Process

5.2.1. Additional Guidance

The following guidance supports the application of the procurement thresholds outlined above.

5.2.1.1. Use of Standing Offers List (Mandatory Requirement)

Where a requirement falls within a category covered by the Standing Offers List, employees:

- Must use the Standing Offers List where applicable for procurement valued at less than $10,000. In the absence of a suitable Standing Offer Supplier, employees may proceed with direct procurement from an External Supplier.
- Must select Suppliers from the Standing Offers List for procurements valued at $10,000 and above;
- Must follow the applicable call-up process outlined in Section 2.2;
- Must ensure the process is fair, transparent, and supports best value.

Standing Offers are the primary and mandatory sourcing method where applicable.

5.2.1.2. <u>When No Suitable Standing Offer Supplier Exists</u>

If:

- No Supplier on the Standing Offers List can meet the business requirement; or
- The required goods, services, or construction fall outside the scope of existing Standing Offers;

Then employees must:

- Document the rationale explaining why the Standing Offers List cannot be used;
- Obtain approval from the appropriate Approval Authority prior to proceeding; and
- Conduct an external procurement process in accordance with the following:
    - For requirements over $10,000 up to $694,699:
    - Proceed with an Invitational Request for Quotes to a minimum of three (3) qualified External Suppliers.
- For requirements at or above $694,700:
    - A Public Tender process is required, unless otherwise permitted under Alternative Procurement Practices (refer to section 10).

Where permitted, employees may also use Suppliers from Province of Nova Scotia or other public-sector standing offers, provided such use complies with the terms of those arrangements.

5.2.1.3. <u>Fairness and Competition</u>

Employees must:

- Ensure procurement processes are fair, open, and equitable;
- Avoid repeatedly selecting the same Suppliers where other qualified Suppliers are available;
- Distribute opportunities appropriately across the supplier base;
- Evaluate all submissions using consistent criteria.

When conducting Low Value Procurements, employees are encouraged to consider suppliers that align with the principles of Sustainable Procurement, including those that:

- reduce environmental impacts,
- support social enterprises,
- promote inclusive economic development,
- advance accessibility, or
- contribute to the economic strength and resilience of Nova Scotia and Atlantic Canadian businesses, where appropriate and consistent with fair and open competition.

Integrating these considerations supports Invest Nova Scotia in achieving broader social, economic, and environmental outcomes while maintaining fair, open, and transparent procurement practices.

Employees may also choose to undertake a Public Tender at any threshold where increased competition is in the best interest of Invest Nova Scotia.

5.2.1.4. Use of Supplier of Choice (Low Value Procurement)

Where this Policy permits the use of a Supplier of Choice for Low Value Procurement, employees are expected to apply sound judgment and support fair and open competition, consistent with the objectives of this Policy.

Employees must:

- Encourage limited competition wherever practical, including seeking multiple quotes, even where not explicitly required by the procurement threshold;
- Ensure selection of a single Supplier is justifiable, based on best value, availability, operational requirements, or other relevant considerations;
- Avoid repeatedly selecting the same Supplier where other qualified Suppliers are available and capable of meeting the requirement;
- Ensure all supplier engagement is coordinated through the Contracts Specialist, who serves as the central point of contact for engaging Suppliers, issuing requests, and supporting the procurement process;
- Document procurement decisions appropriately, including rationale where only one Supplier is considered or engaged, in accordance with audit and accountability requirements.

5.2.1.5. Trade Agreement Thresholds

The Public Tender threshold aligns with the Canadian Free Trade Agreement (CFTA) and Atlantic Trade and Procurement Partnership (ATPP) requirements set out for Crown Corporations.

- Thresholds are reviewed every two years and adjusted accordingly;
- This policy will be updated to reflect any changes;
- Exceptions are permitted only where Alternative Procurement Practices (Section 5.6) apply.

5.3. Public Tender Requirements (High-Value Procurement)

Procurements that meet or exceed the Public Tender threshold, or where a Public Tender is otherwise used, must comply with the following requirements.

5.3.1. Standard Terms and Conditions

Every Public Tender Notice must include or have attached the terms and conditions that govern the purchase of goods, services, construction, or facilities. The terms and conditions of every Public Tender Notice must be consistent with the Atlantic Standard Terms and Conditions for the procurement of goods, services, or facilities and the Construction Contract Guidelines developed in collaboration with the Construction Association of Nova Scotia for the procurement of construction.

5.3.2. Posting Tender Notices

All procurement subject to a Public Tender process will be conducted by Electronic Tendering and must also be advertised on the Province of Nova Scotia Procurement Web Portal. A link to this web portal is to be available on the Invest Nova Scotia website.

Tenders must be posted for a minimum period sufficient to allow Bidders a reasonable opportunity to respond, in accordance with trade agreement requirements.

Invest Nova Scotia employees may, where appropriate, also advertise in local, provincial, or national media; however, there is no obligation to do so. In addition, a notice of tender opportunity may be sent to selected Suppliers where required to ensure an adequate degree of competition.

5.3.3. Public Tender Opening

Bids are accepted through the Electronic Tendering process, in accordance with the closing time and date stipulated in the solicitation documents.

5.3.4. Public Tender Evaluation

All Bids submitted by Bidders are subject to evaluation after opening and before awarding the contract. The solicitation documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this Policy, and the weights assigned to each criterion.

5.3.5. Public Tender Award

Contract award information (including Bidder name, location, and award value, excluding taxes) must be posted on the Province of Nova Scotia's Procurement Web Portal. Routine access to information upon request shall be provided in the following areas:

- List of Bidders
- Name of successful Bidder
- Award price excluding taxes of the winning Bid, or other such appropriate comment as permitted by the *Public Procurement Act*

Access to Bid documents or other proprietary information is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

5.4. Supplier Debriefing

At the request of a Supplier who submitted a Bid in response to a Public Tender, or a response to an invitational procurement process, Invest Nova Scotia employees will conduct a debriefing session to provide feedback on the evaluation of the Bid or other response. Suppliers can find out how their Bid or other response scored against criteria, obtain comments and gather information on how future Bids or other responses may be improved. Submissions will not be compared against those of other Suppliers, and confidential information will not be disclosed.

5.5. Supplier Complaint Process (SCP)

When a Supplier is dissatisfied with the information provided in a debriefing, the Supplier may file a complaint in accordance with the Supplier Complaint Process as defined in the *Public Procurement Act*. The SCP is not a dispute resolution process but rather is intended to handle Supplier complaints and to improve faulty or misleading procurement processes. The SCP is an integral part of a fair and open procurement policy.

5.6. Alternative Procurement Practices

To balance the need for an open, competitive process with the demands of urgent or specialized circumstances, Invest Nova Scotia uses the Alternative Procurement Circumstances as developed by the Province of Nova Scotia. These circumstances must be used only for the purposes intended and not to avoid competition or to discriminate against specific Suppliers. To ensure appropriate use, each circumstance must be documented by Invest Nova Scotia employees stating the rationale for the Alternative Procurement Circumstances and approved by the CEO. All documents must be filed and maintained for audit purposes. See Appendix 1 for a list of the Alternative Procurement Circumstances.

Award information must be publicly posted on the Nova Scotia Procurement Web Portal within 72 days of contract award for all High Value Procurement purchases.

5.7. Unsolicited Proposals

Invest Nova Scotia is open to receipt of unsolicited proposals. Invest Nova Scotia uses the Province of Nova Scotia's document *Procurement Process: Submission & Evaluation of Unsolicited* Proposals as its governing policy directive for unsolicited proposals. Reference to "the Province" is interpreted to mean "Invest Nova Scotia," and references to approval by "the Deputy Head" and "Chief Procurement Officer" are interpreted to mean "the CEO of Invest Nova Scotia, or their designate."

5.8. Favourable Treatment for Nova Scotia Suppliers

In alignment with the Province of Nova Scotia Directive for the Favourable Treatment of Nova Scotia Businesses, Invest Nova Scotia Employees will provide a scoring advantage for Nova Scotia Suppliers. For price-based purchases, if the price submitted by a Nova Scotia Supplier is within 10% of the lowest bid, the contract will be awarded to the Nova Scotia Supplier. For evaluative criteria-based purchases, if the submission of a Nova Scotia Supplier passes the technical requirements, and the total evaluated score of the submission is within 10% of the highest scoring bid, the contract will be awarded to the Nova Scotia Supplier.

The maximum thresholds for applying this directive are restricted to the Low Value Procurement thresholds set by the CFTA. These thresholds are assessed and adjusted every two years for all participating provinces and territories.

5.9. Cooperative Procurement

Employees are encouraged to look for opportunities to collaborate with government agencies when the arrangement may result in overall cost savings or other substantial advantages.

5.10. Obligations under the *Public Procurement Act*

In addition to the areas already covered by this Policy, the following are additional obligations of the Public Procurement Act that Invest Nova Scotia employees are required to adhere to with their procurement activity.

Code of Ethics: Invest Nova Scotia employees must ensure their conduct in relation to procurement activity is consistent with the "Duties of public sector entity employees" in the Public Procurement Act. This includes a request for removal from a procurement activity when a personal conflict of interest is perceived.

Policy Posting: This policy must be posted on the Invest Nova Scotia website.

Supplier Development Activities: Invest Nova Scotia employees will make every attempt where appropriate to participate in Supplier outreach activities as requested by the Procurement Governance Secretariat.

Regulations: Invest Nova Scotia employees will make sure that procurement practices remain consistent with any regulations that are adopted under the *Public Procurement Act*.

5.11. Other

This Policy can be supplemented by the *Public Procurement Act* for matters not specifically addressed by this Policy.

6. Accountabilities

CEO – is the authority for approval of this Policy, including its amendment or rescindment and is responsible for any exceptions to this Policy.

Unit Heads – are responsible for:

- implementing this Policy; and
- ensuring employees in their business unit are aware of this Policy.

Budget Managers – are responsible for:

- managing expenses within their funding allocation and ensuring expenditures are approved in accordance with this Policy.

Contracts Specialist – is responsible for:

- acting as a resource for anyone requiring guidance on this Policy.

Employees – are responsible for:

- adhering to this Policy.

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7. Exceptions

Exceptions to this Policy may be approved by the CEO and are to be appropriately recorded in accordance with Invest Nova Scotia policy management requirements.

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8. Monitoring and Review

Periodically, compliance with this Policy will be reviewed and the results reported.

All activities are subject to audit by the Auditor General or their designate.

The Contracts Specialist is responsible for monitoring implementation of this Policy and for its scheduled review.

This Policy shall be reviewed three years from its effective date.

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9. References

Public Procurement Act

- Government of Nova Scotia Public Procurement Policy
- Government of Nova Scotia guide: "Procurement Process: Submission & Evaluation of Unsolicited Proposals"
- The 2017 Canadian Free Trade Agreement (CFTA)

10. Appendices

Appendix 1: Alternative Procurement Circumstances
Appendix 2: Public Tender Options

11. Enquiries

For more information about this Policy, employees may contact their supervisor or the Contracts Specialist.

For more information about this Policy, the public may contact:

Contracts Specialist
Invest Nova Scotia
PO Box 2374
Halifax, NS B3J 3E4
Tel: (902) 424-8670
Toll free in North America: 1-800-260-6682
E-mail: info@investnovascotia.ca

12. Approval

Approved by: CEO, Invest Nova Scotia
Approval Date: July 16, 2026
Effective Date: July 16, 2026
Replaces: N/A
Next Review Date: July 16, 2029

Approved: ______________________________
Chris Morrissey, CEO

Appendix 1:
Alternative Procurement Circumstances

Invest Nova Scotia employees may use Alternative Procurement Practices for the procurement of goods, services, construction or facilities under the following circumstances and subject to approval from the CEO:

1. Emergency - If strictly necessary, an urgent, serious, unexpected, and often dangerous situation requiring immediate action.
2. Ability to Maintain Security / Life / Health - Compliance with the competitive process requirements would interfere with the Province's ability to maintain security or order or to protect human, animal, or plant life or health. Non-urgent emergency.
3. Absence of competition
    a. Technical - Due to an absence of competition for technical reasons.
    b. Monopoly - For the procurement of goods or services where the supply is controlled by a supplier that is a monopoly.
    c. Prototype - For a prototype or first good or service that is developed in the course of, and for a particular contract for research, experiment, study or original development.
    d. Advantageous Circumstances - Purchases made under exceptionally advantageous conditions that only arise in short term cases of unusual disposals.
    e. Additional Deliveries – Additional Deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons.
4. Compatibility - To ensure compatibility with existing products, or to ensure the protection of patents, copyrights, warranties or other exclusive rights.
5. Confidentiality - Where goods or services regarding confidential matters are to be purchased and the disclosure through an open tendering process could be expected to compromise government confidentiality, cause economic disruption, or be contrary to public interest.
6. No Suppliers Satisfied the Conditions - No bids were submitted or no suppliers requested participation; no bids that conform to requirements of solicitation were submitted; no suppliers satisfied the conditions for participation.
7. Sustainability - To support businesses owned by members of underrepresented and underserved communities, as well as philanthropic institutions and non-profit organizations.
8. Health and Social Services - For vital public services that prioritize public health and welfare.
9. Procurement Financed By Donations - For the procurement of goods and services financed primarily from donations that are subject to conditions that are inconsistent with this Policy.

Appendix 2:
Public Tender Options

Below is an outline of some of the tools available for use when issuing a public tender:

Request for Proposal (*RFP*)
Used when a supplier is invited to propose a solution to a problem, requirement, or objective. Suppliers are requested to submit detailed proposals (bids) in accordance with predefined evaluation criteria. The selection of the successful proposal is based on the effectiveness, value, and price of the proposed solution. Negotiations with suppliers may be required to finalize any aspect of the requirement.

Request for Construction (RFC)
Used to publicly tender for construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project, the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.

Request for Quotation (RFQ)
Used for a request for quotation on goods or products with a minimum specification. Award is usually made based on the lowest price meeting the specification. An RFQ can also be used for obtaining quotes for services and would be issued in conjunction with a Statement of Work (SOW). An RFQ does not normally but may sometimes include evaluation criteria. The criteria would need to be detailed in the SOW. It should be noted that an RFQ under the public tender process is not the same as requesting a quote from standing offers under low value procurement activity. This is defined in the Procurement Policy as an Invitational Request for Quotes.

Request for Standing Offer (RSO)
A public tender to provide commonly used goods or services. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. RSOs may include evaluation criteria depending on the requirement.

Request for Expression of Interest (REI)
The Request for the Expression of Interest is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be shortlisted according to their scoring in the evaluation process. The short-listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criterion used in the second stage RFP process.