

# **An Act Respecting Public Procurement in Nova Scotia**

## **Dalhousie Speaking Points**

### **1. Dalhousie's Procurement Activities**

- 1.1. Dalhousie has a large procurement office with a staff of 15.
- 1.2. In the calendar year 2010 Dalhousie issued 274 tenders and requests for proposals worth a total of approximately \$42 million.

### **2. General Overview**

- 2.1. On the face of it, the *Act* may not require any further action on the part of Dalhousie or it may greatly affect the way that Dalhousie conducts its procurement practices. The full effect of this *Act* will only be known once the regulations have been brought into effect, and Dalhousie has concerns with this approach.

### **3. Procurement Advisory Group**

- 3.1. This Group will play a major role in developing the regulations and standards in accordance with the *Act*.
- 3.2. Dalhousie is a leader in many of the areas highlighted in Section 10, including:
  - 3.2.1. an advanced procurement system. Dalhousie has internal purchasing policies as well as standardized processes and forms for tenders, Requests for Proposal and contractual documents;
  - 3.2.2. internal processes for assessing risk relating to procurement policies and practices;
  - 3.2.3. experience in the identification of strategic procurement opportunities and identification of efficiencies and cost savings in procurement processes; and
  - 3.2.4. a strong team of trained procurement personnel.
- 3.3. Dalhousie is concerned that the regulations and standards which are developed by the Group will adversely impact our procurement operations and may in fact affect our ability to complete some projects on a timely basis.
- 3.4. As such Dalhousie should have a representative on the Procurement Advisory Group.

### **4. Regulatory Power**

- 4.1. Many aspects of the *Act* will be expanded on through regulation including:
  - 4.1.1. Supplier standards, rights and responsibilities;
  - 4.1.2. Alternative procurement exemptions and practices;
  - 4.1.3. Annual reporting requirements; and
  - 4.1.4. The form, manner and procedure to bring a supplier complaint.
- 4.2. Universities have a number of unique factors which must be taken into consideration when determining the appropriate procurement process. These include, but are not limited to, the cycle of the academic year, the varied use of the campus (residence, administration, research and teaching), the requirements of other funding partners and the specific needs of research projects.
- 4.3. As such Dalhousie requests that the *Act* be amended to state “The Minister shall deliver draft regulations or amendments to regulations to public sector entities for consultation at least 180 days prior to submission for approval to the Governor in Council.”

## **5. Supplier Complaint Process**

- 5.1. The complaint process set out in Section 18 is very broad and presents a number of practical issues for public sector entities:
  - 5.1.1. There is no limit on the type of complaint which can move forward, so proponents can file complaints about routine non-negotiable matters such as missing the filing deadline or a failure to comply with mandatory conditions in the RFP;
  - 5.1.2. The finding in the investigation report could be used in litigation; and
  - 5.1.3. The process generally interferes with the commercial relationship between the public sector entity and their contractors.
- 5.2. As such Dalhousie requests that this section of the legislation be amended to state “Each Public Sector Entity shall establish a dispute resolution process to address concerns which are raised by proponents in relation to a procurement process in which they participated.”