



*The Abenaki Council of Odanak's mission is to ensure the representation of members belonging to the Abenaki community of Odanak and to foster the preservation of their identity, culture, and quality of life. Therefore, the Council seeks to deliver quality services to youth, elders, and all community members, as far as the band's resources allow.*

## Acquisition Policy

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## **1. Preamble**

With this acquisition policy, the Council establishes a clear, comprehensive process to support full disclosure decision-making in the best interest of the Council and by the same token the community.

Drawing from this policy, administrative procedures will be defined to facilitate the policy's implementation.

## **2. Purposes**

By adopting this policy, the Abenaki Council of Odanak seeks to achieve the following purposes:

- 2.1. Ensuring maximum disclosure, efficiency, and economy in the acquisition process of goods and services.
- 2.2. Providing an acquisition policy for the Council organization as a whole that includes roles and responsibilities enabling each to take action in the community's best interest.
- 2.3. Setting out rules pertaining to procurement; these rules help the Council acquire goods and services on the best obtainable terms and conditions.
- 2.4. Making sure acquisition management is as effective and efficient as possible as to the nature, quality, quantity, delivery, and cost of goods or services while organizational needs are met within available budgets.
- 2.5. Ensuring a consistent procurement process by introducing effective, yet flexible mechanisms assisting normal operations as well as emergency or force majeure operations.
- 2.6. Promoting the rational, effective use of the community's material and financial resources.

## **3. Scope**

This policy applies to all goods and services purchases borne by the Abenaki Council Odanak.

## **4. Definitions**

Unless context suggests otherwise, the following terms and expressions mean:

### **4.1. Purchase or acquisition**

The acquisition of any good or service made by a requisitioner by any means possible, whether it is purchased, rented, exchanged, loaned, or donated.

#### 4.2. Requisitioner

Any individual purchasing a good or service borne by the Abenaki Council Odanak.

#### 4.3. Public call for tenders

Call for tenders published in at least one print information medium that invites all suppliers to submit a bid.

#### 4.4. Call for tenders by invitation

Call for tenders sent to specific suppliers as determined by the requisitioner.

#### 4.5. Good(s)

Material, equipment, supplies, or anything else required to carry out the Council's operations and assure its sound functioning.

#### 4.6. Community

Odanak reserve limits, as defined by the Indian Act. This term includes its members.

#### 4.7. Abenaki Council of Odanak or Council

Band Council, political and administrative body under the Indian Act (L.R. (1985) ch.I-5).

#### 4.8. Partnership agreement

Agreement negotiated for a short to long term with a supplier.

#### 4.9. Force majeure

Circumstances or events that could put the people's lives or health in danger or cause considerable damage to the community's equipment.

#### 4.10. Supplier

Any natural or legal person offering goods and/or services as part of their business operations.

#### 4.11. Community supplier

Band member who runs a business that is in operation and clearly identified in the community. If the supplier is a corporate body, the member must be the owner,

shareholder, and/or majority shareholder.

4.12. Council's interest

Includes obtaining, at the lowest price, commodities, supplies, or services, in consideration of quality and delivery of quantities requested within the prescribed time frame.

4.13. Personal interest

Interest of the concerned individual, whether it be direct or indirect, financial or not, real, apparent, or potential.

4.14. Interest of family and relations

Interest of partner, husband, or wife of the concerned individual, children, ascendants, brothers, or sisters; or interest of a society, company, or other organization with which the individual has a business relationship. It can be direct or indirect, financial or not, real, apparent, or potential.

4.15. Band member or member

Member of the Abenaki Band of Odanak.

4.16. Policy

Refers to the said acquisition policy.

4.17. Quality

Nature and use intended for material, supplies, etc. Determines the requested quality.

4.18. Program manager

Any individual who is entrusted with the financial management of an initiative or a program.

4.19. Emergency

Situation which makes services inoperative or the fulfillment of a task difficult without immediate action.

4.20. Service(s)

Delivery of any work accomplished by a supplier other than a good.

#### 4.21. Supervisor

Individual with a higher approval level than the previous level.

### **5. Guidelines**

Although the policy and its procedures are there to help, exercising judgment is required at all time by those using the acquisition process. To guide the choices that need to be made, these guidelines are to be followed:

- 5.1. The Council obtains goods and services at the best price-quality ratio, in enough quantities, in the best time frame possible; they meet the community's needs while remaining within budget limits.
- 5.2. The Council promotes procurement from suppliers in the community or from majority-owned companies by one or more members every time it is cost efficient to do so and achieves one of these goals:
  - 5.2.1. Maximizing local economic spinoffs while acquiring goods and services
  - 5.2.2. Seeking to use products from or made on the community
  - 5.2.3. Promoting the development and use of the Aboriginal workforce.
- 5.3. The Council seeks to build and maintain the best business relationships with its suppliers.
- 5.4. The Council acquires goods and services by ensuring a fair, consistent, and confidential treatment of suppliers by avoiding conflicts of interest and verifying that every party complies with their obligations.
- 5.5. The Council favours medium to long-term partnership agreements with suppliers with the necessary qualifications.
- 5.6. The Council does not allow to split up an acquisition in order to evade the acquisition policy and procedures.
- 5.7. The Council encourages acquisition that contribute to maintain and improve environmental quality, achieving the following goals:
  - 5.7.1. Reducing waste production and environmental impacts at the source
  - 5.7.2. Encouraging reusing goods

- 5.7.3. Ensuring the recycling of scrap and materials that still have potential
- 5.7.4. Properly disposing waste considered to have no more value.
- 5.8. The Council requires that acquisition documents and those provided with the acquired goods be preferably written in French. The same requirement applies when the use of language is necessary for operating a product or piece of equipment.

## **6. Roles and responsibilities**

Responsibility, accountability, and decentralization are encouraged at all levels by maximizing the involvement of the different services of the Council in identifying the acquisitions that answer best the community's needs.

The overall value of acquisitions, the small quantities, and the wide variety of goods and services to acquire does not justify opening an official buyer position. The Council counts on the requisitioners' professionalism and integrity for optimal effectiveness in the acquisitions required for the Odanak community.

### **6.1. Requisitioners**

All requisitioners are responsible for:

- 6.1.1. Complying with the policy and procedures
- 6.1.2. Clearly identifying needs to be fulfilled
- 6.1.3. Identifying the acquisition that best meets the targeted need
- 6.1.4. Regrouping acquisitions whenever possible to qualify for bulk pricing
- 6.1.5. Verifying available budgets
- 6.1.6. Evaluating if it would be relevant to ask for quotes and other necessary documents (plans, specific requirements, or estimate)
- 6.1.7. Choosing or recommending a supplier by giving a preference, as much as possible, to suppliers:
  - 6.1.7.1. From the community
  - 6.1.7.2. From other Aboriginal communities

- 6.1.7.3. Operating locally
- 6.1.7.4. With long-term agreements
- 6.1.7.5. Offering the best price-quality ratio.
- 6.1.8. Preparing the necessary documents to get the required approvals
- 6.1.9. Getting the required approvals
- 6.1.10. Evaluating if a written agreement should be signed with the supplier
- 6.1.11. Issuing the order
- 6.1.12. Receiving and checking the delivered acquisition
- 6.1.13. Examining the compliance of the supplier's invoice
- 6.1.14. Authorizing payment to the supplier only when the goods and services have been delivered and deemed compliant with the order
- 6.1.15. Protecting the Council's equipment
- 6.1.16. Justifying an emergency or a case of force majeure calling for the variance to the policy
- 6.1.17. Maintaining good relationships with the suppliers
- 6.1.18. Informing the supervisor of any change or problem encountered with a supplier that could have an influence on the business relationship with said supplier
- 6.1.19. Avoiding situations that could lead to a conflict, on the one hand, between the personal interest or the interest of family and relations, and, on the other, the duties related to a position
- 6.1.20. Disclose any situation where one is susceptible to gain, directly or indirectly, a personal interest as a result of a decision taken involving the requisitioner including, pertaining to a contract involving the Council. The requisitioner must, among other things, refrain from taking part in the decision-making process.

## 6.2. Program managers

Program managers are responsible for:

- 6.2.1. Obtaining the required approvals for the budget allocations for their activities and



programs

- 6.2.2. Analyzing budget availability before granting an acquisition authorization to a requisitioner
- 6.2.3. Defining the method to communicate with requisitioners and to process the acquisition requests for their programs.

### 6.3. Supervisors

Supervisors are responsible for:

- 6.3.1. Fostering awareness with the employees under their responsibility about the nature of the requisitioner's responsibilities
- 6.3.2. Approving acquisitions pertaining to their approval level taking into account the overall responsibilities of each requisitioner
- 6.3.3. Informing the director of any change or problem encountered with a supplier that could have an influence on the business relationship with said supplier
- 6.3.4. Avoiding situations that could lead to a conflict, on the one hand, between the personal interest or the interest of family and relations, and, on the other, the duties related to a position
- 6.3.5. Disclose any situation where one is susceptible to gain, directly or indirectly, a personal interest as a result of a decision taken involving the requisitioner including, pertaining to a contract involving the Council. The requisitioner must, among other things, refrain from taking part in the decision-making process. Any variance request to this rule needs to be approved by the next approval level.

### 6.4. Executive director

The executive director is responsible for:

- 6.4.1. Overseeing the development of clearly laid-out policy and procedures pertaining to acquisitions
- 6.4.2. Making sure everyone complies with the policy and follows procedures pertaining to acquisitions
- 6.4.3. Making sure new employees are informed about the acquisition policy and its procedures
- 6.4.4. Analyzing and approving all payments before they are issued

- 6.4.5. Ensuring that all acquisition contract negotiations comply with applicable laws
- 6.4.6. Applying disciplinary actions deemed appropriate in case of a policy breach or procedural mistake
- 6.4.7. Keep the Council informed of situations concerning acquisitions that may have important consequences on carrying out the Council's mission.

## 6.5. Council

The Council is responsible for:

- 6.5.1. Examining and approving the acquisition policy
- 6.5.2. Ensuring the compliance with the acquisition policy
- 6.5.3. Examining the documents enclosed for the payment requests before approval
- 6.5.4. Granting the final authorization by signing the payment documents.

## 7. Relationships with suppliers

Suppliers wishing to develop and maintain a business relationship with the Council have the following obligations:

- 7.1. Complying with all applicable laws
- 7.2. Meeting the highest professional ethical standards throughout all the negotiations and refrain from influencing the process by offering presents or personal favours to requisitioners
- 7.3. Offering any new product, new technology, or any kind of solution that could improve the use of the community's resources
- 7.4. Informing the requisitioner of any change or problem that could influence the business relationship with the Council.

## 8. Approval level

The approval level is determined by the nature of the requisitioner's responsibilities.

When the requisitioner does not have the required approval level, the acquisition is to be

recommended to the next approval level.

This process goes on until the required approval level is reached.

[See appendix—Approval level](#)

## **9. Variance in case of a force majeure or emergency**

Any requisitioner can depart from the policy in case of a force majeure or an emergency.

The requisitioner can work directly with the supplier to temporarily remedy the situation.

The requisitioner must inform the supervisor as soon as possible.

In any case, once the situation has been stabilized, the requisitioner must resume the process that would normally have been followed and provide the necessary justifications for the variance and the actions taken.

## **10. Obtaining bids**

Several specific rules must be followed to prepare and obtain bids:

- 10.1. The Council does not make a commitment to accept the lowest bid, or any of the other bids received.
- 10.2. Bid guarantees and/or letters of commitment could be requested.
- 10.3. The requisitioner must provide the same information to all bidders to make sure all suppliers are given equal opportunity to prepare their bid.
- 10.4. Once prices are known, no action that could be in the supplier's favour is authorized.
- 10.5. The Council can ask any bidder to detail the percentage of products made within the community.
- 10.6. The Council recommends that the requisitioner call for at least one bid from a business owned by a community member, if said business has the required expertise and is known by the requisitioner.
- 10.7. When the requisitioner targets a sufficient number of qualified businesses located in the community to ensure a fair competition (at least three suppliers), only suppliers from the community are eligible for bidding.

## **11. Availability of acquisition policy**

A copy of the policy is filed on all public folders of the Council's computer filing system.

A copy of the policy is also filed on the Council's Web site ensuring all members and all Council's suppliers have an easy access to the policy.

12. Appendix—Approval level

<b>Amount</b>	<b>Maximum approval level required</b>
\$5,000 and above	3 Council members
\$3,000 to \$4,999	Executive director
\$500 to \$2,999	Directors
\$250 to \$499	Program manager
\$249 or less	No approval required