

ID CODE
POL 16-062

TITLE: POLICY AND INTERNAL GUIDLINES FOR MANAGING THE SUPPLY, SERVICE AND CONSTRUCTION CONTRACTS OF THE SCHOOL BOARD

EFFECTIVE DATE	APPROVAL REQUIRED	RESPONSIBILITY FOR FOLLOW-UP
July 20, 2016	Administrator	Material Resources Service

ROADMAP

	DATE	APPROVAL
ADOPTION	July 20, 2016	Ordinance 16-062
LAST UPDATE		
NEXT REVIEW		

TABLE OF CONTENTS

1.	PURPOSE	1
2.	FOUNDATIONS	1
3.	PROMOTION OF FRENCH.....	1
4.	PRINCIPLES	2
5.	DEFINITIONS	2
6.	IMPLEMENTATION.....	6
7.	APPLICABILITY	6
8.	GENERAL	6
9.	OPENING THE DOORS TO COMPETITION.....	7
10.	HONESTY AND INTEGRITY.....	9
11.	CONFIDENTIAL NATURE OF THE DOCUMENTS	10
12.	CONFLICT OF INTEREST	11
13.	PRE-SELECTION PROCESS.....	12
14.	WHERE A MUTUAL AGREEMENT CONTRACT MAY BE USED.....	12
15.	SUPPLY CONTRACT	12
16.	SERVICE CONTRACT	14
17.	CONSTRUCTION WORK CONTRACT	17
18.	EXCEPTIONS	19
19.	SELECTION COMMITTEE.....	19
20.	ENTERING INTO A CONTRACT WITH A NATURAL PERSON NOT OPERATING A SOLE PROPRIETORSHIP	20
21.	INFORMATION TO BE PUBLISHED.....	21
22.	AUTHORIZATION.....	21
23.	ACCOUNTABILITY REPORTING	22
24.	PROCUREMENT PROCESS	23
25.	CONTRACT AWARD.....	23
26.	CONTROL PROVISIONS AS REGARDS THE CONTRACT AND SUPPLEMENT AMOUNTS.....	23
27.	CONTRACT RULES COMPLIANCE MONITOR.....	24
28.	CONSULTANT	25
29.	EFFECTIVE DATE.....	25

1. PURPOSE

The purpose of this Policy is to identify the monitoring required for the School Board's acquisition of goods, services and construction work, and to specify the internal guidelines for the award and management of supply, service and construction contracts of the School Board, or of any related contract under the *Act respecting contracting by public bodies*.

2. FOUNDATIONS

The Policy is based on the following documents:

2.1 *Education Act* (CQLR, c. I-13.3);

2.2 *Act respecting contracting by public bodies* (CQLR, c. C-65.1) and the regulations respecting supply contracts, service contracts and construction contracts of public bodies;

2.3 The trade liberalization decrees and intergovernmental agreements signed by the Québec government;

2.4 *Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises* (CQLR 2014, c. 17);

2.5 The School Board's Règlement de délégation de pouvoirs (delegation of authority regulation);

2.6 The Conseil du trésor's Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics (directive concerning the management of the supply, service and construction contracts of public bodies) dated July 13, 2015 or any other or any other directive amending or replacing it;

2.7 The Conseil du trésor's Directive concernant la reddition de comptes en gestion contractuelle des organismes publics (directive on accountability in contract management for public bodies) dated August 1, 2015 or any other directive amending or replacing it.

3. PROMOTION OF FRENCH

All the steps of the contract tendering process must take place in French. The contract documents and those accompanying the goods and services, as well as text appearing on the purchased products, their containers and their packaging, are in French. Moreover, when the use of a good requires the use of a language, said language must be French.

However, it may be required that the contents of a product acquired for language teaching purposes be in a language other than French. In this case, all the steps of the contract tendering process must still take place in French.

4. PRINCIPLES

Respecting all government agreements applicable to the School Board and in compliance with the *Act respecting contracting by public bodies* and its regulations, the Policy is intended to promote:

- 4.1 Public confidence in the public procurement process by attesting to the integrity of tenderers;
- 4.2 Transparency in contracting processes;
- 4.3 The honest and fair treatment of tenderers;
- 4.4 The opportunity for qualified tenderers to compete in calls for tenders made by the School Board;
- 4.5 The use of effective and efficient contracting procedures, including careful, thorough evaluation of procurement requirements that reflects the government's sustainable development and environmental policies;
- 4.6 The implementation of quality assurance systems for the goods, services or construction work required by the School Board;
- 4.7 Accountability reporting by the chief executive officers of the School Board to verify the proper use of public funds.

5. DEFINITIONS

5.1 Public call for tenders

Process by which the School Board publicly invites suppliers, service providers, or contractors to submit their tenders pertaining to the acquisition of goods, services, or construction work, in compliance with the *Act respecting contracting by public bodies* and its regulations.

5.2 Invited call for tenders

Process by which the School Board invites a certain number of suppliers, service providers, or contractors to submit their tenders pertaining to the acquisition of goods, services, or construction work.

5.3 Goods

Any furniture, instrumentation systems, equipment, and consumable supply.

5.4 Order

Document duly signed by an authorized person enabling a supplier, a service provider, or a contractor to deliver goods, provide a service, or execute construction work according to pre-established conditions.

5.5 Consultant

Any supplier, service provider or contractor that offers its services, in the execution of its contract, has access to the School Board's premises, or executes this contract in whole or in part on School Board premises.

5.6 Delivery order contract

Contract signed with one or several suppliers when the needs are recurring and the quantity of goods and the rate and frequency of purchase are uncertain.

5.7 Task order contract

A contract signed with one or several service providers or contractors when the needs are recurring and the quantity of requests, the rate or the frequency of execution is uncertain.

5.8 Supply contract

Contract for the purchase or rental of movables, which could include installation, operating, or maintenance costs of said movables.

5.9 Mutual agreement contract

Process through which the School Board awards a contract for the acquisition of goods, services or construction work directly to one supplier, service provider or contractor after negotiating price(s) and terms and conditions.

5.10 Service contract

Contract for services of a technical nature or professional services, contract of affreightment, contract of carriage other than those subject to the *Education Act* (chapter I-13.3), damage insurance contract and contract of enterprise other than a construction contract.

5.11 Technical services contract

Contract for the performance of physical work requiring a large proportion of technical execution and applications.

5.12 Professional services contract

Contract for the purpose of achieving intellectual work mainly requiring design, creation, research, and analysis tasks, or that of a professional whose profession is subject to the *Professional Code*.

5.13 Construction work contract

Contract for the purpose of achieving construction work to which the *Building Act* applies, namely all foundation, erection, renovation, repair, maintenance, alteration, or demolition work on a building for which the contractor must hold a license required under the terms of Chapter IV of this law.

5.14 Request for quotations

A process by which the School Board asks a certain number of suppliers, service providers or contractors to submit their prices and terms in writing, as part of a proposed acquisition of goods, services or construction work.

5.15 Management of the administrative unit

Institution or department director.

5.16 Management directive

The Conseil du trésor Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics (directive concerning the management of the supply, service and construction contracts of public bodies) dated July 13, 2015, and any change, amendment or replacement of said Directive.

5.17 Chief Executive Officer

Administrator of the School Board.

5.18 Tender documents

All the documents, terms, and conditions issued by the School Board relating to an invited or public call for tenders.

5.19 Contractor

Natural person or corporate body providing services under a construction work contract.

5.20 Supplier

Natural person or corporate body providing goods under a supply contract.

5.21 Approval of goods

Preselection of goods by the School Board before procurement, without request for quotation.

5.22 Natural person who does not operate a sole proprietorship

Natural person who does not have complete power of decision-making regarding its operations and whose activities do not encompass the following conditions:

1. A corporate body whose business plan, although not in writing, reflects the economic objectives of the company and the basis of its foundation;
2. A degree of material organization, not necessarily of great significance, where the individual must resort to goods or services from other individuals to accomplish a specific objective;
3. Retainability, i.e. repeated actions, meaning that it excludes occasional or isolated actions;
4. Of an economic nature, i.e., it provides services of commercial nature (such as, a commercial traditional, artistic or agricultural activity), which means that it excludes activities for social, charitable or volunteer purposes;
5. Involving other economic partners receptive to the services offered by the enterprise, generally defined as clients or a market and the existence of an economic value or benefit directly attributable to the work of the natural person;

All of which are in accordance with the definition stipulated under Article 15 of the Directive concernant la gestion.

5.23 Policy or this Policy

The policy and internal guidelines for the supply, service and construction work contracts of the School Board.

5.24 Service provider

Natural person or corporate body providing services of a technical or professional nature under a service contract.

5.25 Qualification of service providers

Preselection of service providers by the School Board before procurement, without request for quotation.

5.26 Contract rules compliance monitor (CRCM)

Contract rules compliance monitor appointed by the Chief Executive Officer.

6. IMPLEMENTATION

6.1 The governing bodies authorized to commit the School Board's funds are the administrator and administrative unit management.

6.2 For this purpose, the administrator adopts this Policy, reviews it as required, and sees to its distribution.

6.3 Without limiting his or her duties under the *Act respecting contracting by public bodies*, the CRCM is responsible for ensuring the enforcement and implementation of this Policy at the School Board.

7. APPLICABILITY

7.1 This Policy applies to the School Board's purchasing of goods, services, and construction work from a supplier, a service provider, or a contractor who is:

7.1.1 A legal person established for a private interest

7.1.2 A general partnership, limited partnership, or joint venture;

7.1.3 A natural person operating a sole proprietorship.

7.2 This Policy also applies, for certain aspects, to the School Board's purchasing of goods, services and construction work from a supplier, service provider or contractor who is a natural person not operating a sole proprietorship.

8. GENERAL

8.1 All of the School Board's acquisitions must be made according to this Policy and the documents on which it is based, with due regard for the funds available to it.

- 8.2** The School Board shall, during the procurement process, take into account the government's policies and orientations related to sound financial management, sustainable development and healthy living habits.
- 8.3** All of the School Board's acquisitions must be made according to the procurement process prescribed by the *Act respecting contracting by public bodies* and its regulations or, where applicable, according to the procurement process set out in this Policy with the objective of generating the best quality/price ratio.
- 8.4** The School Board has sole ownership of all goods acquired regardless of their location within administrative units, and it is the only one to benefit from the services or construction work it acquires.
- 8.5** As part of its procurement process, the School Board fosters the development of internal expertise, and, where possible, does not entrust strategic contracts to external resources.

9. OPENING THE DOORS TO COMPETITION

9.1 Needs

- 9.1.1** For all its proposed acquisitions, the School Board rigorously identifies and specifies its needs, observing the principles established in this Policy.

It ensures that members of its personnel affected by the proposed acquisition are contacted and take part in the identification of needs.

- 9.1.2** The School Board makes sure it is familiar with the market that meets or could meet the needs identified for its proposed acquisition, especially when a new market is concerned, along with alternative, technological or other solutions that could meet the needs.

To do so, the School Board uses the tools available to it, including requests for information.

- 9.1.3** The School Board ensures that the requirements listed in its tender documents—without limiting the generality of the foregoing, such as eligibility conditions, compliance conditions, quality assessment criteria or any other administrative or technical requirements—are realistic and established based on the needs identified for the proposed acquisition.

- 9.1.4** More specifically, in order to open the market to a maximum number of qualified competitors, especially small- and medium-sized enterprises, the School Board:

- 9.1.4.1 Makes sure not to include, define or draft requirements, regardless of their nature, for the purpose of excluding qualified

- competitors that could otherwise meet the needs identified by the said proposed acquisition;
- 9.1.4.2 Assesses the possibility of using public or invited calls for tenders, by lot;
- 9.1.4.3 Favours, in its tender documents, grouped purchases so as to allow small- and medium-sized enterprises to present bids for large projects.
- 9.1.5** The School Board must request a bid security, a performance bond, and a guarantee for wages, material, and services where required by the *Act respecting contracting by public bodies*. It may request such guarantees for any other procurement process.
- 9.2** Group purchasing
- 9.2.1** The School Board favours group purchasing of goods and services when it is possible and economically advantageous to do so, as long as this way of purchasing does not jeopardize the regional economy of the sector in question.
- 9.3** Competitors from the region
- 9.3.1** The School Board favours using suppliers, service providers, and contractors from its region whenever the *Act respecting contracting by public bodies* and its regulations allow it to do so, as long as there is a sufficient number of tenders in the region for the sector of activity targeted by the call for tenders.
- 9.4** Rotation and new contracting parties
- 9.4.1** The School Board will, insofar as possible, favour a rotation between the suppliers, service providers, and contractors that it calls on in its procurement process. To favour the reaching of this objective, the School Board is implementing the following measures:
- 9.4.1.1 Identify and know the potential suppliers, service providers and contractors located in the School Board's region, and update the list periodically;
- 9.4.1.2 Except under special circumstances, make sure to invite, for mutual agreement or an invited call for tenders negotiations, one or more companies different than those of the previous procurement process.
- 9.4.2** The School Board will also favour the use of new suppliers, service providers, and contractors, whenever possible, in the activity sector targeted by the

procurement process. To favour the reaching of this objective, the School Board is implementing the following measures:

- 9.4.2.1 Receive and analyze bids from new suppliers, service providers and contractors from the School Board's region;
- 9.4.2.2 Whenever possible, except under special circumstances, include these new suppliers, service providers and contractors in the School Board's future procurement processes.

10. HONESTY AND INTEGRITY

10.1 As part of its procurement process, the School Board must ensure that the companies it deals with demonstrate honesty and integrity.

10.2 In this regard, the School Board provides mechanisms in its tender documents that allow it to:

10.2.1 Ensure the eligibility of this competitor to present it with a tender, based on the provisions of the *Act respecting contracting by public bodies*;

10.2.2 Ensure a competitor's probity, in that it has put together its tender without collusion or without having established an agreement or arrangement with a competitor contrary to the *Competition Act* (R.S.C. (1985), c. C-34);

10.2.3 Determine the reasons that have led a company not to present a bid as part of a public call for tenders after having obtained the tender documents, by including in the tender documents a form to be completed by the company for this purpose.

10.3 When, following a public call for tenders, the School Board does not receive any bid, only receives one bid, or sees that the bidder has withdrawn its bid before the date and time set to receive bids without presenting another one, it must contact companies likely to present a bid to obtain additional information, unless this company has provided it with the form for this purpose in the tender documents.

The information thus obtained, the refusal of a company to provide it, or the fact that the School Board was not able to communicate with the company in question must be kept by the School Board along with the documents regarding the proposed acquisition.

10.4 Anyone may contact the CRCM to expose a situation about which they have doubts or fears with respect to collusion, corruption or intimidation as part of a procurement process.

10.5 If there is any doubt about the presence of collusion, corruption or intimidation, and after examining the facts, the School Board—after consulting the CRCM, informs the Anti-Corruption Commissioner.

11. CONFIDENTIAL NATURE OF THE DOCUMENTS

11.1 Anyone responsible for a procurement process, School Board personnel members or any other person participating in a School Board procurement process must, subject to applicable laws and regulations, preserve the confidential nature of any call for tender document or any other related document or information as long as such document has not been made public.

The same applies for any confidential information obtained in the exercise of one's duties, including the information transmitted by the bidders.

Each of these persons must at all times be discreet about what they come across in the exercise of their duties.

These obligations apply to all steps of the procurement process, and at all times afterwards.

11.2 In order to make sure that until they are made public, the tender documents or any related document or information, are treated as confidential, the School Board implements the following measures:

11.2.1 Identify these documents as being confidential using any mark for this purpose;

11.2.2 Keep these documents in a safe place, accessible only to persons authorized to consult them to carry out their duties, including computer directories;

11.2.3 Raise the awareness of the persons responsible for a procurement process, along with all School Board personnel members, or any other person participating in a procurement process regarding the confidential nature of these documents, by all appropriate means, including a presentation or training for this purpose;

11.2.4 Obtain a written commitment from anyone responsible for a procurement process, all members of his or her personnel or any person participating in a call for tender process, including a member of the selection committee, in which this person recognizes having read the confidentiality obligations under this Policy and undertakes to respect them;

11.2.5 Keep the confidentiality undertakings obtained under this clause in these persons' file, or in the proposed acquisition file.

11.3 All requests for access to a tender document or to a related document or information, whether verbal or written, must be sent to the person in charge of document access at the School Board or to the Chief Executive Officer for processing.

11.4 The CRCM must ensure compliance and enforcement of this clause.

12. CONFLICT OF INTEREST

12.1 Any person responsible for a procurement process, any member of the School Board's personnel or any other person participating in a School Board procurement process may not have a direct or indirect interest in a company that creates a conflict of interest between his or her personal interests and the duties relating to his or her position.

Persons believing themselves to be in a conflict of interest situation must right away, as applicable, inform their immediate supervisor or the CRCM, who will take the appropriate measures.

12.2 Persons responsible for a procurement process, School Board personnel members or any other person participating in a School Board procurement process may not, directly or indirectly:

12.2.1 Grant, solicit or accept—in their capacity as person responsible for or as a participant in a procurement process of the School Board—a favour or undue advantage for themselves or for another person;

12.2.2 Use for their own benefit information obtained in their capacity as the person in charge of or participant in a procurement process of the School Board.

12.3 In order to ensure that the persons in charge of or participants in a procurement process of the School Board are not in a conflict of interest situation, the School Board implements the following measures:

12.3.1 Raise the awareness of persons responsible for the procurement process, School Board personnel members or any other person participating in a procurement process of the School Board about the concept of conflict of interest, the contents of this clause, and any resulting obligations, by all appropriate means, including a presentation or training for this purpose;

12.3.2 Identify, at the School Board, someone responsible for supporting any person responsible for or participating in a procurement process of the School Board to identify conflict of interest situations referred to in this clause;

12.3.3 Obtain a written commitment from anyone responsible or participating in a procurement process of the School Board stating that he or she has read the conflict of interest obligations in this clause and undertake to observe them;

12.3.4 Keep the written undertakings in the personnel file of the person in question, or in the proposed acquisition file.

12.4 The CRCM must ensure compliance and enforcement of this clause.

13. PRE-SELECTION PROCESS

- 13.1** The School Board may resort to an approval process before the procurement process, when it wants to ensure that goods conform to a recognized standard or established technical specification.
- 13.2** The School Board may also resort to a qualification process for service providers, when the School Board deems it appropriate for a category of services of a technical or professional nature.
- 13.3** These processes are carried out in compliance with the following provisions:
- 13.3.1** For the approval of goods: the *Regulation respecting supply contracts of public bodies*;
 - 13.3.2** For the qualification of service providers: the *Regulation respecting service contracts of public bodies*.
- 13.4** Any subsequent contract dealing with approved goods or services from qualified providers is limited to the list of approved goods or, as the case may be, the list of qualified service providers. When such a contract involves an expenditure equal to or greater than the public tender threshold, it must be the object of a public call for tenders.

14. WHERE A MUTUAL AGREEMENT CONTRACT MAY BE USED

- 14.1** The School Board may use the mutual agreement contract in situations where the *Act respecting contracting by public bodies* or its regulations allow it, whatever the amount of the School Board's expenditures.
- 14.2** The School Board may also use the mutual agreement contract in the way and for situations set out in Policy.
- 14.3** Before awarding a mutual agreement contract, the School Board School Board will ensure the best price and terms possible from the supplier, service provider or contractor in question.

15. SUPPLY CONTRACT

- 15.1** Public call for tenders
- 15.1.1** The School Board must use the public call for tenders for all supply contracts when the amount of the expenditure is greater than \$50,000.

15.1.2 The public call for tenders is the process prescribed by the *Regulation respecting supply contracts of public bodies*.

15.1.3 When an intergovernmental agreement does not apply to the contract covered by the public call for tenders, the School Board launches a regional public call for tenders, except if such process does not provide sufficient competition.

15.1.4 The School Board may publish a public call for tenders for contracts where the amount of the expenditure is less. In this case, the public call for tenders process applicable is that prescribed by the *Regulation respecting supply contracts of public bodies*, subject to the adjustments therein allowed.

15.1.5 If the goods targeted by the call for tender process are the subject of an approval by the School Board, the public call for tenders process must take this into account.

15.2 Invited call for tenders

15.2.1 The School Board must use an invited call for tenders process for supply contracts if the amount of the expenditure is greater than \$25,000 but less than \$50,000.

15.2.2 The School Board may use an invited call for tenders process for contracts where the amount of the expenditure is less. In this case, the call for tenders process prescribed by this Policy applies.

15.2.3 The invited call for tenders process will be established by the School Board in its call for tender documents and will have to include at least the following components:

- The date, time, and location to receive the tenders;
- The obligation for the bidders to submit tenders to the School Board in writing;
- The awarding procedure; and;
- The fact that the School Board does not bind itself to accept the lowest or any tender.

15.2.4 The tender documents will be sent to at least three suppliers.

15.2.5 If the goods targeted by the invited call for tenders process are the subject of an approval by the School Board, the invited call for tenders process must take this into account.

15.3 Request for quotations

15.3.1 The School Board must use a request for quotation from at least three suppliers for all supply contracts where the amount of the expenditure is greater than \$10,000 but less than \$25,000.

- 15.3.2** The School Board may use a request for quotation process for supply contracts where the amount of the expenditure is less. In this case, the request for quotation process set out in this Policy will apply.
- 15.3.3** The School Board must submit this request to at least two suppliers, indicating the good(s) required by the School Board, the contract awarding procedure, and any other relevant information.
- 15.3.4** Before awarding the contract, the School Board will receive written confirmation of prices and conditions by the invited suppliers who are interested.
- 15.3.5** If the goods targeted by the quotation request are the subject of an approval by the School Board, the request for quotations process must take this into account.

15.4 Mutual agreement contract

- 15.4.1** The School Board must use the mutual agreement contract for all its supply contracts where the amount of the expenditure is greater than \$0.01 but less than \$10,000.
- 15.4.2** The School Board communicates directly with at least one supplier, indicating the goods required by the School Board and any other relevant information.
- 15.4.3** Before awarding the contract, the School Board will ensure the best price and terms possible from this supplier.
- 15.4.4** If the goods targeted by the mutual agreement contract are the subject of an approval by the School Board, the mutual agreement contract must take this into account.

15.5 Possibility of delivery order contract

- 15.5.1** Regardless of the procurement procedure selected, the School Board may sign a delivery order contract with the successful bidder.
- 15.5.2** The School Board's call for tender documents, or the information given to the suppliers when using the request for quotation or the mutual agreement contract, must indicate that the School Board intends to commit, at the end of the process, to such a delivery order contract.

16. SERVICE CONTRACT

16.1 Public call for tenders

- 16.1.1** The School Board must use the public call for tender process for all its service contracts when the amount of the expenditure is greater than \$50,000.
- 16.1.2** The public call for tenders process is that prescribed by the *Regulation respecting service contracts of public bodies*.
- 16.1.3** When an intergovernmental agreement does not apply to the contract covered by the public call for tenders, the School Board launches a regional public call for tenders, except if such process does not provide sufficient competition.
- 16.1.4** The School Board may publish a public call for tenders for contracts where the amount of the expenditure is less. In this case, the public call for tenders process applicable is that prescribed by the *Regulation respecting service contracts of public bodies*, subject to authorized adjustments.
- 16.1.5** If one or more of the service providers must be qualified for the technical or professional service targeted by the call for tenders, the public call for tenders process must take this into account.

16.2 Invited call for tenders

- 16.2.1** The school Board must use an invited call for tenders process for all its service contracts when the amount of the expenditure is greater than \$25,000 but less than \$50,000.
- 16.2.2** The School Board may use an invited call for tenders process for contracts where the amount of the expenditure is less. In this case, the invited call for tenders process prescribed by this Policy applies.
- 16.2.3** The invited call for tenders process will be established by the School Board in its call for tender documents and will have to include at least the following components:
 - The date, time, and location to receive the tenders;
 - The obligation for the service providers to submit tenders to the School Board in writing;
 - The awarding procedure; and;
 - The fact that the School Board does not bind itself to accept the lowest or any tender.
- 16.2.4** If, as part of an invited call for tenders, the School Board evaluates the quality of the bids, the process for evaluating the quality of a bid will be that prescribed by the *Regulation respecting service contracts of public bodies*, subject to the adjustments therein allowed.
- 16.2.5** The tender documents will be sent to at least three service providers.
- 16.2.6** If one or more of the service providers must be qualified for the technical or professional service targeted by the call for tenders, the invited call for tenders process must take this into account.

16.3 Request for quotations

- 16.3.1** The School Board must use a request for quotation from at least three suppliers for all service contracts where the amount of the expenditure is greater than \$10,000 but less than \$25,000.
- 16.3.2** The School Board may use a request for quotation process for contracts where the amount of the expenditure is less. In this case, the request for quotation procedure set out in this Policy will apply.
- 16.3.3** The School Board must submit this request to at least three service providers, indicating the service(s) required by the School Board, the contract awarding procedure, and any other relevant information.
- 16.3.4** Before awarding the contract, the School Board will receive written confirmation of prices and conditions by the invited service providers who are interested.
- 16.3.5** If one or more of the service providers must be qualified for the technical or professional service targeted by the call for tenders, the request for quotations process must take this into account.

16.4 Mutual agreement contract

- 16.4.1** The School Board must use the mutual agreement contract for all its service contracts where the amount of the expenditure is greater than \$0.01 but less than \$10,000.
- 16.4.2** The School Board communicates directly with at least one service provider, indicating the goods required by the School Board and any other relevant information.
- 16.4.3** Before awarding the contract, the School Board will ensure the best price and terms possible from this service provider.
- 16.4.4** If one or more of the service providers must be qualified for the technical or professional service targeted by the call for tenders, the invited call for tenders process must take this into account.

16.5 Possibility of task order contract

- 16.5.1** Regardless of the procurement procedure selected, the School Board may sign a task order contract with the successful bidder.
- 16.5.2** The School Board's call for tender documents, or the information given to the service providers when using the request for quotation or when awarding a mutual agreement contract, must indicate that the School Board intends to commit, at the end of the process, to such a task order contract.

16.6 Quality assurance in a professional services information technology contract

16.6.1 The School Board must enter into a professional services information technology contract comprising an expenditure equal to or greater than \$500,000 with a service provider that holds ISO 9001:2008 certification.

To be recognized by the School Board, the ISO 9001:2008 certification must be issued by a registrar accredited by the Standards Council of Canada or by an accreditation body recognized by the Council.

16.6.2 This clause does not prevent the School Board from considering the contribution of a quality assurance system, including an ISO standard, or a specification in relation to sustainable development or the environment to enter into a contract in application of the *Act respecting contracting by public bodies*, when it deems is appropriate to do so.

16.6.3 The Chief Executive Officer may, if deemed appropriate, authorize an exemption to this clause in a proposed School Board acquisition.

17. CONSTRUCTION WORK CONTRACT

17.1 Public call for tenders

17.1.1 The School Board must use the public call for tender process for all its construction work contracts when the amount of the expenditure is greater than \$50,000.

17.1.2 The public call for tenders process is that prescribed by the *Regulation respecting construction contracts of public bodies*.

17.1.3 When an intergovernmental agreement does not apply to the contract covered by the public call for tenders, the School Board launches a regional public call for tenders, except if such process does not provide sufficient competition.

17.1.4 The School Board may publish a public call for tenders for contracts where the amount of the expenditure is less. In this case, the applicable public call for tenders process is that prescribed by the *Regulation respecting construction contracts of public bodies*, subject to the adjustments allowed therein.

17.2 Invited call for tenders

17.2.1 The School Board must use an invited call for tenders process for all its construction work contracts when the amount of the expenditure is greater than \$25,000 but less than \$50,000.

17.2.2 The School Board may use an invited call for tenders process for contracts where the amount of the expenditure is less. In this case, the invited call for tenders process prescribed by this Policy applies.

17.2.3 The invited call for tenders process will be established by the School Board in its call for tender documents and will have to include at least the following components:

- The date, time, and location to receive the tenders;
- The obligation for contractors to submit tenders to the School Board in writing;
- The awarding procedure; and;
- The fact that the School Board does not bind itself to accept the lowest or any tender.

17.2.4 The tender documents will be sent to at least three contractors.

17.3 Request for quotations

17.3.1 The School Board must use a request for quotation from at least three contractors for all construction work contracts where the amount of the expenditure is greater than \$10,000 but less than \$25,000.

17.3.2 The School Board may use a request for quotation process for contracts where the amount of the expenditure is less. In this case, the request for quotation procedure set out in this Policy will apply.

17.3.3 The School Board must submit this request to at least three contractors, indicating the construction work(s) required by the School Board, the contract awarding procedure, and any other relevant information.

17.3.4 Before awarding the contract, the School Board will receive written confirmation of prices and conditions by the invited contractors who are interested.

17.4 Mutual agreement contract

17.4.1 The School Board may use the mutual agreement contract for all its construction work contracts where the amount of the expenditure is greater than \$0.01 but less than \$10,000.

17.4.2 The School Board communicates directly with at least one contractor, indicating the construction work(s) required by the School Board and any other relevant information.

17.4.3 Before awarding the contract, the School Board will ensure the best price and terms possible from this contractor.

17.5 Possibility of task order contract

17.5.1 Regardless of the procurement procedure selected, the School Board may sign a task order contract with the successful contractor.

17.5.2 The School Board's call for tender documents, or the information given to the contractor when using the request for quotation or when awarding a mutual agreement contract, must indicate that the School Board intends to commit, at the end of the process, to such a task order contract.

18. EXCEPTIONS

18.1 Except for contracts in which the expenditure is higher than the threshold provided for by the applicable intergovernmental agreements, the administrator may authorize the School Board, in special circumstances and for legitimate reasons, to purchase goods, services or construction work using a procurement method other than those provided for in this Policy, provided that in so doing, the School Board observes the principles of this Policy.

19. SELECTION COMMITTEE

19.1 When the School Board uses a selection committee, committee members must be selected in such a way as to avoid any conflict of interest or appearance of such.

19.2 For the purpose of fostering neutrality and objectivity in the evaluation of bid quality, the School Board must apply the following provisions:

19.2.1 The selection committee must be created before the start of the tendering process;

19.2.2 The Chief Executive Officer must appoint someone to act as secretary of the selection committee;

19.2.3 Only a person with a management or professional position in the School Board, with permanent or equivalent status, or who in the process of acquiring such status, may act as secretary of the selection committee. However, the School Board may, given the resources available to it, reach an agreement with another School Board or any other public body so that a secretary of the selection committee of this other School Board or public body also act as secretary of the selection committee for the School Board;

19.2.4 The secretary of the selection committee must be in possession, by August 1, 2016, of an attestation issued by the secretary of the Conseil du trésor or his or her designated representative, certifying that he or she has completed the training required to fill this role;

19.2.5 The secretary of the selection committee must maintain his or her knowledge up to date, using the ongoing training provided by the Secrétariat du Conseil du trésor;

- 19.2.6** The secretary of the selection committee is responsible for the committee's assessment of bid quality, and must be consulted for the preparation of the tender documents;
- 19.2.7** The Chief Executive Officer appoints the members of the selection committee;
- 19.2.8** At least one of the committee members must come from outside the body concerned by the call for tenders, except if an invited call for tenders is involved;
- 19.2.9** The Chief Executive Officer must see to the rotation of persons appointed to act as members of the selection committees;
- 19.2.10** The person in charge of the procurement process in question (project manager) and the Chief Executive Officer may not be members of the selection committee;
- 19.2.11** There cannot be a reporting relationship between committee members;
- 19.2.12** Each member of a selection committee analyzes the quality of each of the bids received individually, before they are assessed by the committee.

19.3 If he or she deems it appropriate, the Chief Executive Officer may authorize the School Board to waive the application of paragraphs 1, 3, 6 and 9 of clause 19 of this Policy.

20. ENTERING INTO A CONTRACT WITH A NATURAL PERSON NOT OPERATING A SOLE PROPRIETORSHIP

- 20.1** The School Board may enter into a contract with a natural person not operating a sole proprietorship. However, the signing of such a contract should remain an exception and the School Board must make sure that this contract is not an employment contract.
- 20.2** Before entering into contract with a natural person not operating a sole proprietorship comprising an expenditure equal to or greater than \$50,000, the School Board must obtain the authorization of the Chief Executive Officer.

In addition, when contracts are successively entered into with such a person, the School Board must also, before entering into a new contract—if the amount of the expenditure of this new contract with the expenditures of previous contract is equal to or great than \$50,000—obtain authorization from the Chief Executive Officer.

- 20.3** The School Board must not, given the special status of the natural person not operating a sole proprietorship, subject this person to the contractual provisions that normally apply to persons carrying on a business, primarily as regards professional liability or civil or professional liability insurance.
- 20.4** A public body may amend a contract entered into with a natural person not operating a sole proprietorship when the amendment is accessory and does not change the nature of the

contract.

However, for a contract with an expenditure equal to or great than \$50,000, an amendment leading to an additional expenditure must be authorized by the Chief Executive Officer. The Chief Executive Officer may, in writing and to the extent he or she determines, delegate the authority to authorize such an amendment. As part of a single delegation, the total of expenditures thus authorized may not exceed 10% of the initial contract amount, however.

20.5 As of the date of the judgement of conviction, no public contract may be entered into with any natural person not operating a sole proprietorship who has been found guilty of an offence under the *Election Act* (CQLR, c. E-3.2), the *Act respecting school elections* (CQLR, c. E-2.3) or the *Act respecting elections and referendums in municipalities* (CQLR, c. E-3.3) as provided for in Schedule I of the *Act respecting contracting by public bodies*. This prohibition is for a period of three years from the date of the judgement of conviction, or, for subsequent offence within ten years, a period of five years as of the judgement of conviction.

21. INFORMATION TO BE PUBLISHED

21.1 The School Board's Material Resources department or the person in charge of material resources ensures that the School Board complies with the obligation to publish information provided for in the *Act respecting contracting by public bodies* and its regulations, or any other law.

21.2 It must also ensure compliance with the obligations to publish information provided for in articles 20 to 22 of the Directive concernant la gestion, for contracts with an expenditure equal to or great than \$25,000, including options, entered into with a natural person not operating a sole proprietorship.

21.3 The department or person must report to the administrator, as required.

22. AUTHORIZATION

22.1 The School Board must ensure that it obtains all the required authorizations in compliance with the *Act respecting contracting by public bodies*, its regulations, any Conseil du trésor directive or of the *Act respecting workforce management and control* from the Chief Executive Officer.

22.2 All authorizations must be obtained prior to, as the case may be, the publication of the call for tenders, the continuation of a procurement process or the entering into of a contract, its amendment or a contract management decision.

- 22.3** Except under special circumstances, the authorization request must demonstrate the merits of the request, any special circumstances involved and the other alternatives evaluated by the School Board, as applicable.
- 22.4** The person responsible for a procurement process must record the authorization request and the decision of the Chief Executive Officer in the file for the acquisition in question.
- 22.5** In compliance with section 8 of the *Act respecting contracting by public bodies*, the Chief Executive Officer has delegated the authority of the *Act respecting contracting by public bodies* and the following regulations:

Delegated authority	Legislative and regulatory references	References to the Règlement de délégation de pouvoir	Title of person to whom authority was delegated	Need to report to the secretary of the Conseil du trésor

- 22.6** In compliance with section 16 of the *Act respecting workforce management and control*, the Chief Executive Officer has delegated the following authorities required under the *Act respecting workforce management and control* :

Delegated authority	Legislative and regulatory references	References to the Règlement de délégation de pouvoir	Title of person to whom authority was delegated	Need to report to the secretary of the Conseil du trésor

- 22.7** The CRCM is responsible for reporting to the administrator regarding the observance by the School Board of the authorizations to be obtained from the Chief Executive Officer or from any person to whom he or she has delegated his or her duties under the *Act respecting contracting by public bodies*, its regulations or the *Act respecting workforce management and control*, without regard to the accountability reporting required from the person to whom authority was delegated under the Règlement de délégation de pouvoir.

23. ACCOUNTABILITY REPORTING

- 23.1** The administrator of the School Board is responsible for making sure that the School Board complies with its accountability reporting obligations under the *Act respecting contracting by public bodies*, its regulations and the Directive concernant la reddition de comptes en gestion contractuelle des organismes publics, in particular to the Conseil du trésor.

The same is true for any accountability reporting obligation under the *Act respecting workforce management and control*.

24. PROCUREMENT PROCESS

- 24.1** Any person responsible for a procurement process must obtain the spending authorities defined in the School Board Règlement de délégation de pouvoirs, along with any other authorization required by the *Act respecting contracting by public bodies*, its regulations or the Directive concernant la gestion from the Chief Executive Officer or appropriate body.
- 24.2** The School Board's Material Resources department is responsible for preparing, opening and analyzing the bids received following a public or invited call for tenders process for the supply, service and construction contracts of the School Board.
- 24.3** The School Board's Material Resources department may also develop and implement any procurement process by request for quotation or mutual agreement contract, regardless of the amount of the expenditure.
- 24.4** The management of administrative units may also develop and implement any procurement process by request for quotation or mutual agreement contract when the amount of the expenditure is less than \$10,000.

25. CONTRACT AWARD

- 25.1** The School Board's method of awarding contracts for any of the procurement process covered by the Policy must be clearly established in the tender documents or, as applicable, in the requests for quotations or discussions with suppliers, service providers or contractors called on.
- 25.2** Any commitment of the School Board to a supplier, service provider or contractor must be confirmed by signing a contract or by issuing a purchase order.
- 25.3** Any contract or purchase order must be signed by a person authorized to do so by the School Board.

26. CONTROL PROVISIONS AS REGARDS THE CONTRACT AND SUPPLEMENT AMOUNTS

- 26.1** The person responsible for a contract, the Finance department, and, where appropriate, the management of the administrative units in question are responsible for controlling the amount of expenditures related to a contract

26.2 In order to control the contract and supplement amounts, the School Board implements the following measures:

26.2.1 Rigorously analyze, prior to launching a procurement process, the value of the contract to be entered into, including, as applicable, any options;

26.2.2 Determine the value of the planned contract considering the principles established in this Policy and possible changes in the market targeted by the procurement process in question;

26.2.3 Following a call for tenders, analyze all prices submitted by a bidder when these significantly exceed the estimated value of the contract, and, as applicable, not accept any of the bids received when the School Board deems that the prices are too high, disproportionate or do not reflect a fair price;

26.2.4 Reserve the right to claim from any bidder an amount of money representing the difference between the amount of its bid and that subsequently selected if the first bidder is unable to follow through on its bid.

26.3 When it is necessary to amend a contract already entered into, the person responsible must:

26.3.1 Ensure, in compliance with section 17 of the *Act respecting contracting by public bodies*, that the proposed amendment is accessory and does not change the nature of the contract;

26.3.2 Obtain the required spending authorities from the administrator in accordance with the School Board's Règlement de délégation de pouvoirs;

26.3.3 If a contract involves an expenditure equal to or greater than the public tender threshold, and that the amendment generates an additional expenditure, obtain authorization from the Chief Executive Officer or from the person to whom this authority was delegated in writing, subject to the exceptions provided for in the *Act respecting contracting by public bodies*.

27. CONTRACT RULES COMPLIANCE MONITOR

27.1 The CRCM is responsible for the following duties, in accordance with the *Act respecting contracting by public bodies*:

27.1.1 Seeing that the contract rules prescribed by the *Act respecting contracting by public bodies* and the regulations, policies and directives under this Act are complied with;

27.1.2 Advising, and making recommendations or providing advisory opinions to, the chief executive officer on compliance with contract rules;

- 27.1.3** Seeing that measures are put in place within the School Board to ensure the integrity of internal processes;
 - 27.1.4** Seeing to the professional fitness of the personnel involved in contractual activities at the School Board;
 - 27.1.5** Exercising any other function in this Policy or in other School Board regulations, policies or directives.
- 27.2** The coordinator of material resources, any person responsible for a procurement process, any member of the School Board's personnel, or any other person taking part in such a process, must provide the CRCM with any information he or she needs to carry out his or her duties.
- 27.3** Without limiting the generality of the foregoing, the CRCM has access to, upon request, files pertaining to a procurement process, and to any other document pertaining to this process.

28. CONSULTANT

- 28.1** In order to ensure that all of the School Board's personnel are informed are of the presence of a consultant in their premises, the School Board implements the following measures:
- 28.1.1** Clearly identifies to the consultant where he or she is to work, and specifies where he or she may not go;
 - 28.1.2** As applicable, ensures that members of its personnel are informed about the presence of the consultant, the nature of the services or work being done, along with their duration;-
 - 28.1.3** As applicable, provides the consultant with an ID card.
- 28.2** Except for special situations, the School Board does not provide the consultant with access to its files, including computer directories. As applicable, special measures must be taken to limit the consultant's access to only those files and computer directories required for the performance of his or her contract and after obtaining assurances of confidentiality and discretion.
- 28.3** The consultant must at all times identify him or herself as such during the performance of his or her contract, to School Board personnel and to external third parties.

29. EFFECTIVE DATE

- 29.1** This Policy cancels and replaces any other prior policy or by-law on the same topic and comes into effect the day it is adopted by the administrator.

- 29.2** In the event of discrepancy between this Policy and the *Act respecting contracting by public bodies* and its regulations, the Act and its regulations take precedence.
- 29.3** This Policy and any amendments are sent to the Conseil du trésor upon request in compliance with the Directive concernant la reddition de comptes en gestion contractuelle des organismes publics.