



COMMISSION SCOLAIRE  
**Eastern Townships**  
SCHOOL BOARD

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# **POLICY FOR PROCUREMENT AND MANAGEMENT of CONTRACTS POLICIES and PROCEDURES**

## **(P 013)**

<b>Policy Name</b>	PROCUREMENT
<b>Policy Number</b>	P 013
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<b>Source</b>	Finance

# PROCUREMENT AND MANAGEMENT OF CONTRACTS POLICIES AND PROCEDURES

## SECTION 1

### PURPOSE AND SCOPE

- This policy constitutes the official frame of reference for contract management for the acquisition of goods, services, and construction work by the Eastern Townships School Board (hereinafter ETSB) in a context of optimal management of material resources and public funds.
- It applies to supply, service and construction contracts that the School Board may enter into with a person, partnership or with a natural person who does not operate a sole proprietorship.

This excludes library books, which are governed by CQLR D-8.1.

This Directive is applied in accordance with applicable laws, bylaws, regulations, and policies, including without limitation:

- Education Act
- Act respecting contracting by public bodies (CQLR C-65.1), hereafter 'LCOP', and its regulations on service contracts ('RCS'), supply contracts ('RCA'), construction contracts ('RCC'), and contracts in information technology ('RCI').
- Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises (CQLR G-1.011), hereafter 'LGCE'.
- Directive for the management of contracts for goods, services, and construction of public organizations ('DGC'), *Secrétariat du Conseil du Trésor* ('SCT').
- Directive for accountability reporting in contract management ('DRC'), *Secrétariat du Conseil du Trésor* ('SCT').
- Act Respecting The Centre d'acquisitions gouvernementales ('CAG') (C-7.01).
- Act Respecting The Autorité des Marchés Publics.

## SECTION 2

### CONFIDENTIALITY OF DOCUMENTS

To ensure that tender documents or any other related document or information not yet rendered public remain confidential, the following measures apply:

- Personnel with access to these documents are informed that they are confidential and are limited to personnel who signed a confidentiality agreement.

## SECTION 3

### CONFLICT OF INTEREST

All employees involved in the procurement process must avoid conflict of interest situations and must demonstrate integrity and honesty. To ensure that employees involved in managing public contracts are not in a conflict of interest, they will be informed about statutes, regulations and other rules governing ethics and discipline, notably the ETSB Ethics Policy and will yearly sign a form to declare any potential conflict of interest to their superior.

## SECTION 4

### INDIVISIBILITY

Needs and orders may not be split or apportioned for the purpose of evading an obligation under the LCOP or other regulations and policies.

## SECTION 5

### DELEGATION OF AUTHORITY

The following authorizations from the normative framework are delegated by the Council of Commissioners:

Delegated authorization *	Legal Reference	Title	Sent to SCT
Service contracts with a natural person of less than \$10,000, or with a company of less than \$25,000, with contract negotiation form	LGCE s. 16	Director General	i) No <\$10,000 ii) Yes >\$10,000
Service contracts with a company of less than \$25,000, without contract negotiation form	LGCE s. 16	Signing authority	i) No <\$10,000 ii) Yes >\$10,000
Service contracts of \$10,000 or more with a natural person, or \$25,000 or more with a company; up to i) \$100,000, ii) \$300,000	LGCE s. 16	i) Director General ii) Council of Commissioners	Yes
Contracts and amendments with a natural person who does not operate a sole proprietorship of \$50,000 up to i) \$100,000, ii) over \$100,000	DGC s. 16 DGC s. 18	i) Director General ii) Council of Commissioners	Yes
Goods and Service contracts between 3 to 5 years; i) up to \$100,000, ii) over \$100,000		i) Director General ii) Council of Commissioners	No
Amendments within 10% for contracts over \$100,000	LCOP s. 17	Director General	No

Appointment of selection committee secretary and members, and member rotation	DGC 8	Director General	No
Appointment of members to the committee for a tender with an unusually low price	RCS 29.3, RCA 15.4, RCC 18.4	Director General	No
Rejection of a tender with an unusually low price	RCS s.7.1, 29.7, 29.8; RCA 7.1, 15.8, 15.9; RCC 7.1, 18.8, 18.9	Director General	Yes
Signing authority for reporting documents related to accountability for contract management	DRC 8	Director General	Yes

\*Amounts and signing authority determined by ETSB delegation of power and procedure on signing authority in schools, centres and central office departments. Please refer to these documents for the most recent amounts and signing authority.

## SECTION 6

### CONTROL PROVISIONS RELATING TO THE CONTRACT AMOUNT AND AMENDMENTS

- The following control provisions apply to the contract amount:
  - a. The ETSB is not required to accept any proposal, including where it considers that the prices are too high or disproportionate or that they do not reflect a fair price.
  - b. The School Board reserve the right to claim from any tenderer the difference between the tender amount and the one subsequently accepted where the tenderer fails to respect their tender, in order to avoid collusion between tenderers.
  
- The following control provisions apply to amendments:

The Council of Commissioners shall designate the persons with the power to authorize in instances not covered by the normative framework.

Authorizations	Title
Amendments to contracts under \$50,000 with a natural person who does not operate a sole proprietorship, or \$100,000 in other cases	Signing authority

## SECTION 7

### TENDERER OR CONTRACTOR ROTATION SYSTEM

To ensure that tenderers are rotated during an invitation to tender, the Material Resource Department maintains a list of potential bidders and previously invited companies.

To ensure that contractors are rotated when the contract is by mutual agreement, the Material Resource Department maintains a list of potential bidders.

## SECTION 8

### SOLICITING CONTRACTS INVOLVING EXPENDITURES BELOW THE PUBLIC TENDER THRESHOLDS

The following summarizes rules for solicitation and accompanying documentation:

Nature of contract	Range *	Solicitation	Required documentation
Goods and services	\$0 - \$10,000	Mutual agreement	
Construction	\$0 - \$15,000	Mutual agreement	
Rental of facilities	\$0 - \$10,000	Mutual agreement	
Any	\$10,000-\$25,000	Three written quotes	Three written quotes
Service and construction	\$15,000 - \$100,000 <sup>1</sup>	Three written quotes	Three written quotes
Goods	\$10,000 - \$100,000 <sup>1</sup>	Three written quotes	Three written quotes
Engineers and architects	\$100,000 - \$250,000	Call for public tenders (regionalized)	
Any	\$100,000 -	Call for public tenders (SEAO)	
Special cases in LCOP s.13 or Regulations (see below)	Any	Mutual agreement	Waiver of tendering process form
Group purchase, books, or public organization	Any	Exempt from tendering	

<sup>1</sup> Call for public tenders should be used when the estimated value is between \$85,00 and \$100,000.

\* These amounts are determined by act/decrees and therefore are subject to change. Please refer to the amounts set in the act/decrees for the most recent limits.

For special cases in LCOP section 13 and its Regulations where contracts by **mutual agreement** are permitted, a *Waiver of Tendering Process* form must be filled with justifying documentation. The following summarizes the special cases that may be used:

<b>Legal reference</b>	<b>Description</b>
LCOP, s. 13	Emergency that threatens human safety or property.
LCOP, s. 13	Goods or services that are only available from a specific supplier or service provider and that no substitution or exchange of goods or services can resolve. This includes public utilities such as electricity, natural gas, telephone.
LCOP, s. 13	The contract involves confidential or protected information whose disclosure in a public call for tenders could compromise its confidential nature or otherwise hinder the public interest.
LCOP, s. 13	The public body considers that it will be able to prove, that a public call for tenders would not serve the public interest given the object of the contract concerned.
RCS, s. 35, 37	Banking, financial, and legal services, subject to the Ministry requirement to proceed to a call for tenders for external audit services at least once every five years.
RCS, s. 42.1	Hiring of a mediator; a medical evaluation services; or an expert witness for a tribunal.
RCA, s. 27	Sand, rock, gravel, or asphalt valued at less than \$200,000.
RCA, s. 27	Goods related to research and development or teaching activities for which there is no alternate solution.

## SECTION 9

### CONSOLIDATED PURCHASING

The ETSB fully supports the principle of consolidated purchasing to achieve economies of scale and reduce transaction costs.

The Act Respecting the Centre d'acquisitions gouvernementales (CAG), which came into force on September 1, 2020, gives the President of the Treasury Board the authority to determine the goods and services for which the use of CAG becomes mandatory. It provides similar authority to the Minister of Education.

The list of commodity goods and services for which public bodies are required to use the CAG is to be determined by ministerial order.

## SECTION 10

### AUTHORIZATIONS AND ACCOUNTABILITY REPORTING TO THE COUNCIL OF COMMISSIONERS

The following terms apply to authorizations and accountability reporting to the Council of

Commissioners and amendments to any contract for an amount, including any amendment, equal to or above the public tender thresholds:

- The Director General will report on mandates it has given to group purchasing at the subsequent Executive Committee or Council of Commissioners meetings.

## SECTION 11

### ACT RULES COMPLIANCE OFFICER

- The person responsible for the application of contract rules compliance (RARC) has the following functions:
  - Seeing that the contract rules prescribed by the LCOP and the regulations, policies and directives under the LCOP are complied with.
  - Advising, and making recommendations or providing advisory opinions to the Council of Commissioners on compliance with contract rules.
  - Seeing that measures are put in place within the public body to ensure the integrity of internal processes.
  - Seeing to the professional training of the personnel involved in contractual activities.
- The following information shall be submitted to the contract rules compliance monitor so that he may perform the required actions:
  - Information within the normative context, subject to approval by the Council of Commissioners or its delegate.

## SECTION 12

### OPENING UP COMPETITION TO SMALL AND MEDIUM ENTERPRISES

To ensure that competition is open to small and medium enterprises and that the public body's requirements are realistically defined in relation to its needs, the School Board may use existing measures from LCOP, including tenders by batches, calls for interests, and reverse technological showcase.

## SECTION 13

### CONSULTANTS

To restrict access to the premises and vital information to carry out consulting duties, the following measures are put in place:

- Electronic access is controlled and limited
- When applicable, contractual documents include a code of conduct and consequences for failure to comply
- All individuals not subject to a professional code of conduct will have to sign a Non-Disclosure Agreement

## SECTION 14

### ADDITIONAL APPROVALS

The following are subject to additional approvals.

<b>Authorization</b>	<b>Nature of approval</b>	<b>Title</b>
Computer equipment, computer software (including licenses) and IT services, even if such purchases do not fall under the definition of capital expenditures	Technical compliance and compatibility	Director responsible for Instructional Technology or delegate
Rental of facilities external to the School Board	Insurance for fire, theft, and liability	Director General
Representation and out-of-town travel expenses	Access to centralized budget	Director General
Written contract other than purchase order over \$25,000	Signature	Director General

## SECTION 15

### CONTRACTS THAT DO NOT INVOLVE THE EXPENDITURE OF PUBLIC FUNDS

Purchases and goods and services that do not involve the expenditure of public funds are not subject to the terms of this policy. However, if public funds are spent, even partially or minimally, this policy shall apply.