Policy Name	Procurement and Management of Contracts Policies and Procedures
Reference Number	P013
Adoption	Adopted 2022-05-24 by Resolution ETSB 22-05-72
Historical Amendments	Amended 2026-10-27 by Resolution ETSB 26-10-05
Next Review Date	2031-10-27
Related Documents	By-Law 06/Procedure 21
Authority	Director of Material Resources

1. Purpose and Scope

1.1. Purpose Statement

This Policy establishes the ethical, professional, and administrative framework governing the acquisition of goods, services, and construction works by the Eastern Townships School Board (ETSB). It is grounded in the principles of integrity, transparency, fairness, sound stewardship of public funds, accountability, and sustainable development. All procurement and contract management activities must be conducted in a manner that ensures public confidence, equal treatment of suppliers, and compliance with applicable legislative and regulatory requirements.

This Policy constitutes the official reference framework for procurement and contract management activities relating to the acquisition of goods, services, and construction works by ETSB. It aims to ensure the optimal management of material resources and public funds while supporting the operational, educational, and strategic objectives of the ETSB.

This Policy exists in order to:

- Ensure compliance with applicable laws, regulations, directives, and government policies governing public contracting;
- Promote consistency, transparency, and fairness in procurement practices across all ETSB departments and establishments;
- Prevent conflicts of interest, collusion, and other practices that could compromise the integrity of the procurement process;
- Clearly define roles, responsibilities, and delegated authorities in contract management;
- Support sound financial management and risk mitigation in the use of public funds;

- Facilitate effective oversight, reporting, and accountability to the Council of Commissioners and other authorities.

1.2. Scope

This Policy applies to all supply, service, and construction contracts entered into by ETSB with any legal person, partnership, or natural person, including natural persons who do not operate a sole proprietorship.

This Policy does not apply to the acquisition of library books, which is governed by the *Act respecting the development of enterprises in the book industry* (CQLR, c. D-8.1).

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.

2. Policy content

2.1. 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:

- Access to documents and the computer drives in which they are stored is limited to qualified persons under the control of the manager in charge.
- Personnel with access to these documents are informed that they are confidential.

2.2. 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 code of ethics and will yearly sign a form to declare any potential conflict of interest to their superior.

2.3. Indivisibility

Needs and orders may not be split or apportioned for the purpose of evading an obligation under the *Act respecting contracting by public bodies* (“ARCPB”) or other regulations and policies.

2.4. Delegation of Authority

The signing authority is detailed under the procedure 21 following this requirement.

Only the Council of Commissioners holds the authority to approve and sign contracts equal to or exceeding the Public Call for Tender Threshold (PCFTT).

2.5. Control Provisions Relating to the Contract Amount and Amendments

The following control provisions apply to the contract amount:

- 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.
- ETSB reserves the right to claim from any tenderer the difference between the tender amount and the one subsequently accepted where the tenderer fails to respect his 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.

Authorisation	**Title**
Amendments to contracts. The amendment must be added to the contract in order to determine the signing authority.	See section 2.7

2.6. Tenderer or Contractor Rotation System

To ensure that tenderers are rotated during an invitation to tender, the Material Resources 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.

2.7. 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, Services, Construction, Engineers and Architects	$0 – 20% of **P**ublic **C**all **F**or **T**ender **T**hreshold (PCFTT)	I) Direct Purchase/mutual agreement II) Request for Quotations (III) Call for Tender under Invitation	(I)Agreement (II)Quote(s) (III)Quote(s)

		(regionalized prioritized)	*Upon signing authority*
Goods, Services, Construction, Engineers and Architects	20% of (PCFTT)	(I)Request for Quotations (II)Call for Tender under Invitation (regionalized prioritized) (III)Public Call for Tender (SEAO)	(I)Three quotes minimum (II-III)Public Call for Tender (SEAO) _____ *Upon signing authority*
Goods, Services, Construction, Engineers and architects	PCFTT	Call for public tenders (SEAO)	Public Call for Tender (SEAO) _____ *Upon signing authority*
Special cases in ARCPB s.13 or Regulations (see below)	Any	Mutual agreement	Waiver of tendering process form _____ *Upon signing authority*
Group purchase, books, or public organisation	Any	Exempt from tendering	Follows _____ *Upon signing authority*

For special cases in ARCPB 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:

Legal reference	Description
ARCPB, s. 13	Emergency that threatens human safety or property
ARCPB, 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
ARCPB, 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
ARCPB, 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
RRSC[1], 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.
RRSC, s. 42.1	Hiring of a mediator; a medical evaluation services; or an expert witness for a tribunal
RSC[2], s. 27	Sand, rock, gravel or asphalt valued at less than $200,000
RSC, s. 27	Goods related to research and development or teaching activities for which there is no alternate solution

2.8. Consolidated Purchasing

The ETSB fully supports the principle of consolidated purchasing in order 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

[1] *Regulation respecting certain service contracts of public bodies* ("RRSC").
[2] *Regulation respecting certain supply contracts of public bodies* ("RSC").

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 determined by ministerial order.

2.9. Authorisations and Accountability Reporting to the Council of Commissioners

The following terms apply to authorizations and accountability reporting to 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.

2.10. Act Rules Compliance Officer

The person responsible for the application of contract rules compliance has the following functions:

- Seeing that the contract rules prescribed by the ARCPB and the regulations, policies and directives under the ARCPB 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 they may perform the required actions:

- Information within the normative context, subject to approval by the Council of Commissioners or its delegate.

2.11. 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, ETSB may use existing measures from ARCPB, including tenders by batches, calls for interests, and reverse technological showcase.

3. Roles and responsibilities

Role	Responsibilities
Council	● Adopts this Policy; ● Exercises oversight over procurement and contract management activities; ● Approves contracts, amendments, and authorizations that exceed delegated authority thresholds; ● Receives accountability and compliance reports as required by law and regulation.
Governing Board	● Ensures that procurement practices within the school or centre are consistent with this Policy; ● Makes recommendations, where applicable, regarding needs and priorities; ● Acts within the limits of delegated authority.
Principal	● Identifies needs related to goods, services, or construction works; ● Ensures that requests are justified, planned, and submitted in compliance with this Policy; ● Collaborates with the Material Resources Department in the execution of procurement processes; ● Ensures compliance at the local level with established procedures.
Staff	● Must comply with this Policy, applicable procedures, and ethical standards; ● Must avoid any real, potential, or apparent conflict of interest; ● Must protect the confidentiality of procurement-related information; ● Must report any irregularities or concerns to their immediate superior.
Students	● Are not authorized to engage in procurement or contract management activities on behalf of ETSB; ● Must comply with applicable rules when participating in activities involving goods or services funded by public monies.
Parents	● May contribute to fundraising or activities that do not involve public funds; ● Are subject to this Policy if public funds are used, even partially, in connection with a procurement activity.

External Parties (Student Ombudsman)	• May report concerns or complaints related to procurement practices through established complaint mechanisms; • Must respect confidentiality and applicable procedures when involved in procurement-related processes.

4. Review

This policy will be reviewed every five (5) years, or sooner if legislative or ministerial changes impact it.

5. Appendices

5.1. Definitions

- Construction Works: Any work subject to the ARCPB and its regulations governing construction contracts, including the major renovation, structural alteration, or demolition of buildings, civil engineering structures, and site infrastructure owned or operated by ETSB, to the exclusion of routine maintenance and janitorial services.
- Contract amendment: Any formal written modification to an executed contract that alters its scope, value, timeline, or terms and conditions. An amendment cannot alter the overall nature of the original contract nor serve to bypass mandatory public tendering thresholds.
- Conflict of Interest: Any real, potential or apparent situation where an employee, manager, or representative of ETSB has a personal, financial, or professional interest that could compromise or reasonably be perceived to compromise their objectivity and impartiality in procurement decisions.
- Qualified Persons: Designated ETSB personnel or external consultant authorized by the manager in charge, who require access to confidential tendering documents or computer systems solely for the execution of their professional duties within the procurement process

5.2. Associated documents

- By-Law 06
- Procedure 21
- Procedure 021-1 – Delegation of Signing Authority
- ETSB Code of Ethics

5.3. Legal References

This Policy shall be applied in accordance with all applicable laws, by-laws, regulations, directives, and policies, including but not limited to:

- *Education Act*, CQLR, c. I-13.3
- *Act respecting contracting by public bodies*, CQLR, c. C-65.1 and its regulations
- *Regulation respecting certain service contracts of public bodies*, CQLR, c. C-65.1, r. 4

- *Regulation respecting certain supply contracts of public bodies*, CQLR, c. C-65.1, r. 2
- *Regulation respecting construction contracts of public bodies*, CQLR, c. C-65.1, r. 5
- *Regulation respecting contracting by public bodies in the field of information technologies*, CQLR, c. C-65.1, r. 5.1
- *Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises*, CQLR, c. G-1.011
- Directive for the management of procurement, Government of Canada
- *Act respecting the Centre d'acquisitions gouvernementales*, CQLR, c. C-7.01
- *Act respecting the Autorité des marchés publics*, CQLR, c. A-33.2.1

*As of January 1st 2026, The PCFTT is at $139,000. (i.e. 20% of $139,000 equals $27,800)