

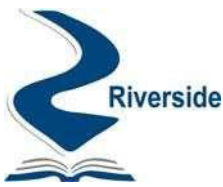


Policy Name:	POLICY ON THE PURCHASE OF GOODS AND SERVICES
Policy Number:	Policy Number B865-20221220 Replacing Policy Number B410-20120221
Date Received at Executive:	October 4, 2022
Date Received at Council:	October 18, 2022
Consultation Period:	October 22, 2022 to December 5, 2022
Date Approved by Council:	December 20, 2022

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1. Purpose and General Principles

The purpose of the present Policy is to provide a framework to Riverside School Board for the acquisition of goods, services and construction work required by the School Board and to determine the rules regarding awarding of contracts related to the acquisition of goods, services, and construction work required by the School Board.

It Aims to Promote:

- 1.1 Transparency in the contract process.
- 1.2 Honest and equitable treatment of competitors.
- 1.3 The opportunity for qualified competitors to participate in the School Board's invitation to tender.
- 1.4 Invitation to tender documents drafted in such a way as to allow the greatest number of competitors to offer their products or services.
- 1.5 The use of effective and efficient contracting procedures, including appropriate and thorough assessment of the needs and requirements which take into account the Government's orientation regarding sustainable development and the environment.
- 1.6 Establishment of quality assurance methods regarding goods, services or construction work required by the School Board.
- 1.7 Accountability by the chief officers of the School Board ensuring that public funds are properly used as well as non-public funds when used in connection with human resources, technology and building infrastructure, or that could have a liability impact on the school board or a sustainability impact on the facilities.
- 1.8 Autonomy and accountability of the various interveners.
- 1.9 Selection of the best price-quality ratio.

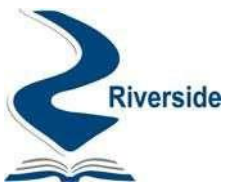
2. Normative Framework

The principles of the present Policy are based on the following documents:

- The Education Act;
- The Act Respecting Contracting by Public Bodies and its Regulations.
- The decrees and intergovernmental agreements for trade liberalization of the Government of Québec.
- The directives issued by the "Conseil du trésor".
- They are also subject to, and must respect the School Board's By-Laws on the Delegation of Functions and Powers in force.

3. Scope

- 3.1 This Policy applies to acquisitions made by the School Board for goods, services and construction work, provided by a supplier, service provider or contractor who is:
 - 3.1.1 A for-profit legal person established for a private interest;
 - 3.1.2 A general, limited or undeclared partnership private corporation;
 - 3.1.3 A sole proprietorship;
 - 3.1.4 An enterprise where most of the employees are handicapped.



3.2 This Policy also applies, in certain cases, to the acquisition of goods, services and construction work for the School Board which are provided by a supplier, service provider or contractor who is:

3.2.1 A non-profit legal person;

3.2.2 A natural person who does not operate a sole proprietorship.

4. Definitions

Public Call for Tenders:

A process whereby the School Board publicly invites suppliers, service providers and contractors to submit their tenders regarding the acquisition of goods, services or construction work in compliance with the Act Respecting Contracting by Public Bodies and its regulations.

Invitation to Tender:

A process whereby a written invitation to tender is sent to suppliers, service providers and contractors regarding the acquisition of goods, services or construction work.

Purchase Order:

A document duly signed by an authorized person whereby a supplier, service provider or contractor is authorized to supply goods, provide a service or execute construction work according to predetermined terms and conditions.

Contract:

A document duly signed by an authorized person whereby a supplier, service provider or contractor is authorized to supply goods, provide a service or execute construction work according to predetermined terms and conditions.

Delivery Order Contract:

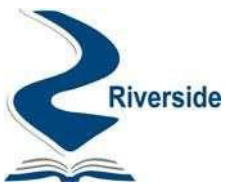
A contract signed with one or more suppliers whereby the needs are recurring and the quantity of goods, the rate or the frequency of purchase is uncertain.

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.

Centralized Contract:

A contract where agreements are concluded with a supplier, a service provider or a contractor whose services have been retained following the School Board's centralized tender call or via group purchasing, in view of facilitating recurring purchases or obtaining the best prices or services.

**Supply Contract:**

A contract for the purchase or rental of movable property, which may include the cost of installing, operating or maintaining. A movable may consist of:

- Supplies, consumable supplies (non-capitalizable, that are not of permanent nature, that will wear, deteriorate or gradually and easily become obsolete);
- Furniture, instrumentation systems, equipment (MAO) (capitalizable, that is of permanent nature and will not wear quickly).

Contract by Mutual Agreement:

A contract whereby the School Board awards a contract for the acquisition of goods, services or construction work directly to one supplier, service provider or contractor after he has submitted his price(s) and terms and conditions to the School Board.

Service Contract:

A Contract for Services of a Technical Nature or Professional Services.

Service Contract of Technical Nature:

A contract for the purpose of carrying out material work, which is accomplished in large part through technical procedures, excluding construction work.

Professional Service Contract:

A contract for the purpose of achieving intellectual work which requires mainly design, creation, research and analysis work or services provided by a professional whose profession is subject to the Code des professions.

Construction Work Contract:

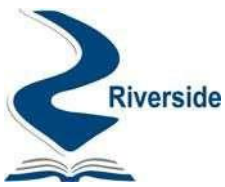
A contract for the purpose of accomplishing construction work in accordance to the Building Act, such as foundation work, construction, renovations, repairs, maintenance, modifications or demolition of a structure for which the contractor must hold a license required under Chapter IV of the Building Act.

School Board:

Riverside School Board or a person duly delegated authority for a particular activity.

Request for Quotations:

A process whereby the School Board invites a certain number of suppliers, service providers or contractors to submit their prices and terms in writing, for the purpose of the acquisition of goods, services or construction work.



Chief Executive Officer:

The Council of Commissioners of the School Board, or the Executive Committee or the Director General in compliance with the provisions under the By-Laws on the Delegation of Functions and Powers.

Contractor:

A natural person or corporate body who provides services in the construction sector.

Supplier:

A natural person or corporate body who provides goods.

Homologation of Goods:

Pre-selection of goods by the School Board prior to a call for tenders, to ensure that the goods conform to a recognized standard or technical specification in place.

Amount:

The global financial commitment for the purchase of goods, services or construction work from a supplier, service provider or contractor, in Canadian funds, before the goods and services tax (GST) and the Québec sales tax (QST).

Service Provider:

A natural person or corporate body who provides services of a technical nature or professional services.

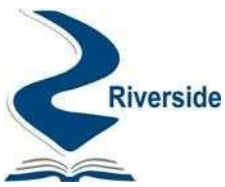
Non-profit Legal Person:

A non-profit legal person, other than a corporation most of whose employees are handicapped persons.

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:

- A corporate body whose business plan, although not in writing, reflects the economic objectives of the company and the basis of its foundation;
- 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;
- Retainability, i.e., repeated actions, meaning that it excludes occasional or isolated actions;
- 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;



- 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 3 of the *Politique de gestion contractuelle* concerning concluding contracts for the procurement of supplies, services and construction work in the education sector under the Act respecting contracting by public bodies.

Policy or Present Policy:

Purchasing Policy related to contracts involving the acquisition of goods, services and construction work for the School Board.

Politique de gestion contractuelle (PGC):

The *Politique de gestion contractuelle* regarding contracts involving the acquisition of goods, services and construction work by public bodies in the education sector of the *ministère de l'Éducation, du Loisir et du Sport* (Effective April 12, 2010), or any modifications and amendments to the *Politique de gestion contractuelle*.

Qualification of Service Providers:

Preselection of service providers by the School Board prior to the acquisition process.

Region:

The territory covered by Riverside School Board and/or the Greater Montreal region.

Threshold:

Minimum amount of an expenditure, including if applicable the value of the options, provided for in any applicable intergovernmental agreement to which the Riverside School Board must resort to a public call for tenders.

Tender/Bid:

A written document (e.g., mail, fax, email) whereby a supplier, contractor or service provider submits his terms and conditions and whereby he agrees to respect those determined by the School Board following an invitation to tender or a public call for tenders or a request for quotations.

Administrative Unit:

School, centre or school board department.

Emergency:

A situation whereby the safety of individuals or the school board's movables is jeopardized. An emergency situation is unpredictable and requires immediate action.

5. Implementation

5.1 Generalities

The acquisition process must be performed in compliance with the following generalities:

- 5.1.1 All acquisitions by the School Board must be made in compliance with this Policy, its pertinent documents, and within the scope of available funds.
- 5.1.2 The School Board shall, during the procurement process, take into account the Government's policies and regulations related to sound financial management, sustainable development and healthy living habits.
- 5.1.3 All acquisitions made by the School Board shall be carried out in compliance with the Act respecting contracting by public bodies and its regulations, or when applicable, in accordance to the procurement method defined in this Policy.
- 5.1.4 The School Board may not split or segment its procurement requirements for the purpose of avoiding the obligation to make a public tender call or any other obligations under the Act respecting public contracting by public bodies and its regulations, the *Politique de gestion contractuelle* and this Policy.
- 5.1.5 The School Board shall ensure, during its procurement process, that the enterprises with which it is contracting have demonstrated honesty and integrity.
- 5.1.6 The School Board benefits from centralized contracts which are negotiated on its behalf or negotiated by the Board itself or by any other organization it has mandated for that purpose (group purchasing) as long as this way of purchasing does not jeopardize the regional economy of the sector in question. Once an agreement is reached and the School Board commits to a centralized contract, it is required to purchase from the list of selected suppliers, service providers or contractors and it must respect the terms and conditions defined in the tender documents.
- 5.1.7 The School Board favours purchase of goods and services originating from Québec suppliers, service providers or contractors from its region whenever provisions under the Act respecting contracting by public bodies and its regulations permit, and as long as there is sufficient competition in the region for the type of service required in the tender call.
- 5.1.8 The School Board favours, when possible, a rotation system among suppliers, service providers or contractors involving an acquisition. Hence, it has implemented the following measures:
 - Identify and know potential suppliers, service providers and contractors located on the School Board's territory and ensure that there is a periodical follow-up;
 - With the exception of special cases, the School Board shall favour inviting different tenders when its requirement is of the same nature as its previous contract by mutual agreement process, invitation to tender or request for quotations.
- 5.1.9 The School Board also seeks services from new suppliers, service providers and contractors for the specific requirement of the acquisition process. For this purpose, the School Board has implemented the following measures:
 - Receive and analyse the proposals of the School Board's new suppliers, service providers and contractors;

- With the exception of special cases, the School Board shall favour progressive inclusion of these new suppliers, service providers and contractors in the School Board's next acquisition process.
- 5.1.10 The School Board must request a tender guarantee, an execution of work guarantee or a guarantee of remuneration, materials and services when stipulated in the Act respecting contracting by public bodies. It may also request such guarantees during any other acquisition process.
- 5.1.11 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 services or construction work it acquires.
- 5.1.12 In the case of public tender calls relating to construction work, the School Board or the person legally authorized, in writing, for this purpose may authorize that the period of validity of tenders extend beyond 45 days as long as the conditions determined under the Act regarding this type of exception are respected.
- 5.1.13 The School Board must, during its acquisition process, ensure that the Ministry of Revenue of Québec requirements are met.
- 5.1.14 The administrator of an administrative unit may not:
- Sign a contract for the supply of goods or services if the timeline extends beyond the end of the current budgetary year and if the amount exceeds this person's level of authorization.
 - Negotiate or carry out acquisitions on behalf of an employee of the School Board.
- 5.1.15 Any employee implicated in an acquisition process for the School Board must:
- Be familiar with this Policy, comply with its procedures and act accordingly;
 - Avoid any conflict of interest or any situation that could result in personal gain;
 - Always act in the best interest of the School Board and protect its reputation.

5.2 Procurement Procedures

5.2.1 Pre-selection process

- 5.2.1.1 The School Board may resort to a certification process, when considered necessary to ensure that goods meet recognized standards or technical specifications in place.
- 5.2.1.2 The School Board may, if considered necessary, resort to a qualification process of service providers when the service is of technical nature or for professional services.
- 5.2.1.3 These processes are carried out jointly by the administration of the administrative unit and the Financial Resources department in accordance with the following provisions:
- 5.2.1.3.1 For the certification of goods: The Regulation respecting supply contracts by public bodies;
- 5.2.1.3.2 For the qualification of service providers: The Regulation respecting service contracts of public bodies;
- 5.2.1.3.3 All subsequent contracts relating to certified goods or services where the service providers have obtained qualification, shall be limited to the list of certified goods or the list of qualified service providers. When such a contract involves an expenditure equal to or above the public tender threshold price, it shall be subject to a public call for tenders.

5.2.2 Public Call for Tenders Procedure

- 5.2.2.1 The public call for tenders process is that provided for in the Act respecting contracting by public bodies and its regulations.
- 5.2.2.2 If a contract is not subject to an intergovernmental agreement, the School Board shall proceed with a regionalized public call for tenders unless such a procedure does not allow for sufficient competition.
- 5.2.2.3 The School Board may proceed by public call for tenders for contracts where the expenditure is below the threshold price. Where appropriate, the applicable procedure for public call for tenders shall be in accordance to the various regulations, subject to the authorized adjustments allowed.
- 5.2.2.4 If the goods, service or construction work required in the call for tenders are subject to certification, qualification of the service provider or qualification of the contractor by the School Board, this must be taken into account in the public call for tenders.
- 5.2.2.5 A public call for tenders process is the responsibility of the Director of Financial Resources or the Director of Material Resources.

5.2.3 Invitation to Tender Procedure

- 5.2.3.1 The invitation to tender process shall be established by the School Board in its call for tender documents and shall include at least the following components:
 - The date, time and location to receive tenders (the timeline must be reasonable);
 - The obligation of suppliers, service providers or contractors to forward tenders in writing and in a sealed envelope to the School Board;
 - The contract awarding procedure;
 - The fact that the School Board does not bind itself to accept the lowest tender nor any of the tenders received;
 - The description of the requirements.
- 5.2.3.2 The documents relating to a call for tenders shall be sent to a minimum of three suppliers.
- 5.2.3.3 A regionalized call for tenders is favoured when competition permits.
- 5.2.3.4 The opening of the bids must be done in the presence of at least two School Board representatives.
- 5.2.3.5 The favoured procedure for awarding a contract is the selection of the lowest bidder who meets the requirements defined in the call for tenders.
- 5.2.3.6 If the goods, service or construction work required in the call for tenders are subject to certification, qualification of the service provider or qualification of the contractor by the School Board, this must be taken into account in the process.
- 5.2.3.7 In the case of a tie between the lowest bidders who meet the requirements of the call for tenders, the contract is awarded by random draw.

5.2.4 Request for Quotations Procedure

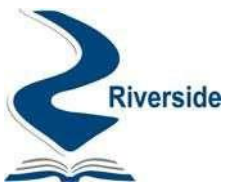
- 5.2.4.1 The request for quotations procedure shall be established by the School Board in its call for tender documents and shall contain at least the following components:
- The date, time and location to receive tenders.
 - The obligation for the bidders to forward tenders in writing to the School Board;
 - The description of the requirements.
- 5.2.4.2 The documents shall be sent to a minimum of three suppliers.
- 5.2.4.3 The favoured procedure for awarding a contract is the selection of the lowest bidder who meets the requirements defined in the request for quotations.
- 5.2.4.4 In the case of a tie between the lowest bidders who meet the requirements, the contract is awarded by random draw.
- 5.2.4.5 If the goods, service or construction work required is subject to certification, qualification of the service provider or qualification of the contractor by the School Board, this must be taken into account in the process.

5.2.5 Procedure for Contracts by Mutual Agreement

- 5.2.5.1 The School Board may award a negotiated contract in such cases where it is provided for under the Act respecting contracting by public bodies or its regulations, regardless of the amount of the expenditure involved.
- 5.2.5.2 The School Board may also award a contract by mutual agreement according to the conditions and in the specific situations stipulated in this Policy.
- 5.2.5.3 Prior to awarding a contract by mutual agreement, the School Board must ensure that it has obtained the best prices and terms and conditions from the supplier, service provider or contractor concerned.
- 5.2.5.4 When possible, a request for quotations is always favoured.
- 5.2.5.5 The School Board shall contact directly a supplier, service provider or contractor and specify the type of goods, service or construction work required by the School Board or any other pertinent component.
- 5.2.5.6 The School Board shall favour a supplier, service provider or contractor from its region.
- 5.2.5.7 If the goods or the service required by negotiated contract are subject to certification or qualification of the service provider, the School Board shall take this into account.

5.3 Choice of Procurement Procedure

- 5.3.1 Choice of Procurement procedure for contracts relating to the procurement of goods or services of technical nature (other than professional services and construction work).
- 5.3.1.1. A contract for the procurement of goods or services of a technical nature



involving an expenditure less than \$10,000 may be awarded by a mutual agreement contract.

- 5.3.1.2. A contract for the procurement of goods or services of a technical nature involving an expenditure of \$10,000 or more, but below \$25,000, has a minimum requirement of a competitive request for quotations.
- 5.3.1.3. A contract for the procurement of goods or services involving an expenditure of \$25,000 or more, but below the threshold, has a minimum requirement of a competitive invitation to tender.
- 5.3.1.4. Any purchase involving an expenditure above the threshold, requires that a competitive public call for tenders be done.

5.3.2 Choice of procurement procedure for contracts relating to construction work and professional services

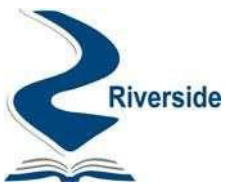
- 5.3.2.1 The School Board may request to have a proof of quality only, to award a service contract to professionals governed by a rate decreed by the treasury Board. However, for all architectural or engineering (except forest engineer) contracts, the school board must request a demonstration of quality.
- 5.3.2.2 For architectural and engineering service contracts under the threshold, the Board shall proceed either by mutual agreement or by a selection committee.
- 5.3.2.3 A contract relating to construction work for an amount of which is less than \$50,000 may be awarded by mutual agreement.
- 5.3.2.4 A contract relating to construction work for an amount of \$50,000 but is less than the threshold, has a minimum requirement of a competitive invitation to tender.
- 5.3.2.5 A contract relating to construction work or professional services involving an expenditure above the threshold, competitive public call for tender is required.

5.3.3 Whatever the procurement procedure's minimal requirement under the present Policy, it is always possible to select the procurement procedure used for higher price level.

5.4 Awarding a Contract

The method for awarding contracts by the School Board, whatever the chosen procurement procedure, must be clearly indicated in the tender documents, in the request for quotations or discussed with solicited suppliers, service providers or contractors. The following methods may be used:

- 5.4.1 **Lowest price:** The contract is awarded to the compliant bidder who has submitted the lowest price.
- 5.4.2 **Lowest price following a quality evaluation:** The contract is awarded to the lowest compliant bidder among those who met an acceptable level of performance, according to predetermined quality criteria.
- 5.4.3 **Lowest adjusted price:** The contract is awarded to the compliant bidder who has obtained the lowest adjusted price. The lowest adjusted price is the calculation of the price-quality ratio following an evaluation based on the measurement of the level of quality and the price submitted.



5.4.4 Quality only: The contract is awarded to the service supplier whose acceptable tender received the highest final score.

5.4.5 Particulars

5.4.5.1 Functions of the Selection Committee (quality evaluation):

For the purpose of uniformity in evaluation of quality of tenders when awarding contracts for supplies, services or construction work involving an expenditure equal to or greater than the threshold, the School Board must implement the following provisions relating to the functions of a Selection Committee:

- The Selection Committee shall be composed of a secretary responsible of coordinating the committee's activities and at least three (3) members, at least one (1) of whom must be external to the School Board. However, the Council of Commissioners or a legally appointed representative who has been delegated this responsibility, in writing, may authorize an exception to this requirement if specific circumstances are justifiable. The MINISTER must be informed on an annual basis in such cases. The presence of an external member projects better transparency when awarding contracts.
- The School Board shall designate the persons authorized to act as secretary for the Selection Committee.

5.4.5.2 Delivery Order Contract

Whatever the procurement procedure chosen, the School Board may sign a delivery order contract with the supplier selected.

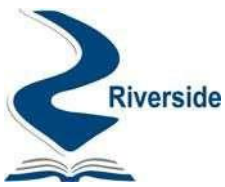
5.4.5.3 Task Order Contract

Whatever the procurement procedure chosen, the School Board may sign a task order contract with the service provider or contractor selected.

5.4.6 Contract Awarded

5.4.6.1 Any School Board commitment towards a supplier, service provider or contractor must be confirmed by the signature of a contract or issuance of a purchase order. If the proper document is not submitted, the invoice must be signed by a person duly authorized for that purpose by the decision-making authority under the present Policy and prior to payment of the invoice.

5.4.6.2 All contracts or purchase orders must be signed by a person duly authorized for this purpose by the School Board. A purchase order is a commitment that constitutes a monitoring tool for management of budgetary expenditures, and it formally establishes the obligations of a supplier, service provider or contractor.



5.5 Special Cases and Exceptions

5.5.1 Legal Activities that do not Involve Spending Public Funds (100% Self-financed):

- Contracts relating to self-financed activities that do not involve spending public funds but involves an expenditure below \$10,000 may be concluded by a mutual agreement contract. If the expenditure involves \$10,000 or more, the minimal procurement procedure used is the request for quotations. A minimum of three suppliers must be solicited.
- When the selection of a supplier or service provider is not based on price only, but consists of qualitative elements, the selection must be made by a Selection Committee comprised of at least one board, school or centre administrator, and shall be based on predetermined evaluation criteria.
- The decision-making authority in these cases is the school or centre principal supported by the Governing Board.
- A public call for tenders is also an option. In such a case, authorization from the Council of Commissioners is required.

5.5.2 Advertising Campaign

The School Board may solicit a quality demonstration only to award an advertising campaign contract. However, the amount indicated in the contract may not be greater than the amount predetermined in the tender documents.

5.5.3 Travel Services

The School Board may solicit a quality demonstration only to award a travel service contract involving an expenditure equal to or above the public tender threshold. The School Board shall negotiate the amount of the contract with the service provider whose bid is acceptable and who has obtained the highest final score for quality.

5.5.4 Emergency Situation

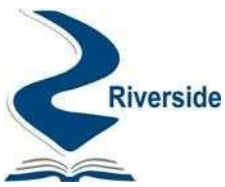
In case of an emergency, the School Board must act in the best interest for the situation at hand. An emergency is a situation where individuals and/or School Board property are jeopardized. An emergency is unforeseeable and requires immediate action. In such a case, it is possible to depart from this Policy subject to authorisation from the Director General.

5.5.5 Centralized Contract in Effect

Goods or services that were subject to a call for tenders and the call for tenders is no longer required. The purchase must be made from the selected supplier, service provider or contractor.

5.5.6 Sole Source Supplier

There is only one possible supplier due to the existence of a guarantee,



ownership right or exclusive right, such as copyright, exclusive license, patent, asset value or artistic value, a mutual agreement contract may be awarded subject to authorization by the Director of Material Resources or the Director of Financial Resources.

5.5.7 Exceptional situation where there may be deviation below the threshold determined by Law in an exceptional case and for legitimate purposes, and subject to respecting the threshold permitted by Law, a deviation to the present Policy can be authorized by a senior delegate. Such a case shall be subject to specific prior approval by the senior delegate who has been delegated powers to authorize such an operation.

5.5.8 **Purchase of Handbooks**

This type of acquisition is pursuant to the *Loi sur le développement des entreprises québécoises dans le domaine du livre*. A mutual agreement contract process is mandatory with accredited bookstores and provisions under this Law must be respected.

5.5.9 **Legal Services**

These contracts are pursuant to the Regulation respecting service contracts of public bodies. An agreement may be entered into by mutual agreement contract.

5.5.10 **Auditor Services**

External auditors are selected and designated by the Council of Commissioners.

5.5.11 **Training or Lecturer Service**

Subject to the threshold price authorized by Law, where training requires the expertise of a specific training instructor, an agreement may be entered into by mutual agreement contract.

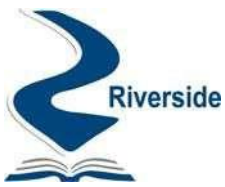
5.5.12 **School manuals accredited and approved by the Minister**

Subject to the threshold authorized by Law, accredited school manuals may be purchased from an editor. An agreement may be entered into by mutual agreement contract.

5.5.13 **Financial or Banking Services**

These contracts are pursuant to the Regulation respecting contracting by public bodies. An agreement may be entered into by mutual agreement contract.

5.5.14 Regular school bus transportation (excluding extracurricular activities and daycare services). This case is covered in the policy related to school bus transportation. The provisions of this policy must be respected.



5.5.15 Integration of the Arts with the Architecture and Environment of Buildings

This case is prescribed by regulation. It relates to the mandatory requirement of integrating works of art in major construction or expansion work. The provisions of that regulation must be respected.

5.5.16 Public Utility Enterprise

An agreement may be entered into by negotiated contract in the case where execution of the work is performed by a public utility company, a municipality, a regional county municipality, an urban community where the required work is within their competence.

5.5.17 Task Order Contract for Acquisition of Software

An agreement may be entered into by negotiated contract in conformity with the provisions stipulated under article 29.1 of the Regulation respecting supply contracts by public bodies.

5.5.18 Service Contract for Activities on Foreign Soil

An agreement may be entered into by mutual agreement contract.

5.5.19 Contract for Work Performed on a Rented Building

Where it is a rented building by the School Board and the work to be accomplished is entrusted to the owner of the building, an agreement may be entered into by mutual agreement contract.

5.5.20 Sand, Stones, Gravel or Bituminous Substance Contract

An agreement may be entered into by negotiated contract for the acquisition of sand, stones, gravel or bituminous substance involving an expenditure below \$200,000.

5.5.21 Research and Development Contract

An agreement may be entered into by mutual agreement contract relating to research and development where, due to technical or scientific reasons, only one supplier is able to carry it out and there are no other alternate solution or substitute goods.

5.5.22 Contract Where the Public Interest is of Concern

An agreement may be entered into by mutual agreement contract where the public interest is of concern.

5.5.23 Situation of Confidential or Protected Nature

An agreement may be entered into by mutual agreement contract.

5.5.24 Service contract for specialized experts (negotiator, mediator, arbitrator, expert witness, etc.) This type of contract is pursuant to article 42.1 of the Regulation respecting service contracts of public bodies. An agreement may be entered into by mutual agreement contract.

5.5.25 **Contract Entered into with a Non-profit Legal Person**

The School Board may conclude a contract with a non-profit legal person following a negotiated contract process or a call for tenders where only these corporate bodies were invited to tender. The School Board shall inform the Minister annually when it enters into mutual agreement contracts involving an expenditure above the threshold.

5.5.26 **Contract entered into with a natural person who does not operate a sole proprietorship**

The School Board may conclude a mutual agreement contract with a natural person who does not operate a sole proprietorship. However, awarding of such a contract remains an exceptional contracting procedure. The School Board shall inform the Minister annually when it enters into negotiated contracts involving an expenditure above the threshold.

5.6 **Responsibility and Monitoring**

5.6.1 The Council of Commissioners adopts this Policy, oversees its review, as needed, and ensures its publication and implementation.

5.6.2 The framework for the acquisition process is insured through normal internal monitoring of the School Board's activities.

5.6.3 The Director of Financial Resources shall ensure compliance and implementation of this Policy.

5.6.4 Responsibility for the acquisition process relating to goods or services of technical nature (other than construction work or professional services) comes under the authority of the:

- administration of a centre, school or department and/or Financial Resources or Material Resources for expenditures involving an amount less than \$25,000;
- administration of a centre, school or department with Financial Resources or Material Resources for expenditures involving an amount of \$25,000 or more.

5.6.5 Responsibility for the acquisition process relating to professional services (especially those whose profession is subject to the Code des professions) comes under the authority of the:

- administration of a centre, school or department and/or Financial Resources or Material Resources for expenditures involving an amount less than \$25,000;
- administration of a centre, school or department with Financial Resources or Material Resources for expenditures involving an amount of \$25,000 or more.

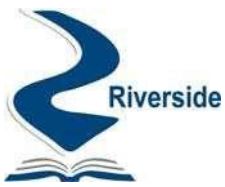
- 5.6.6 Responsibility for the acquisition process relating to construction work comes under the authority of the:
- administration of a centre, school or department and/or Material Resources for expenditures involving an amount less than \$50,000;
 - administration of a centre, school or department with Material Resources for expenditures involving an amount of \$50,000 or more.

- 5.6.7 Responsibility for the acquisition process relating to legal transactions that do not involve spending public funds (100% self-financed) comes under the authority of the:
- administration of a centre, school or department and/or Financial Resources or Material Resources for expenditures involving an amount less than \$25,000. However, if the acquisition involves construction work, Material Resources must be consulted.
 - administration of a centre, school or department with Financial Resources or Material Resources for expenditures involving an amount of \$25,000 or more.

5.6.8 **Documentation**

All documentation (original documents) related to an acquisition process including tender documents, comparative charts, committee reports (as needed) and the mandatory authorization documents shall be retained by the person responsible for the acquisition process for the period determined by the School Board's calendar for conservation of documents for the purpose of conducting a more precise internal or external audit. A copy of the purchase order and the comparative chart shall be transmitted to the Director of Financial Resources.

- 5.6.9 Each administrator of a centre, school or department has the responsibility of:
- Planning its purchases in an optimal manner.
 - Verifying, monitoring, accepting or refusing delivery of goods or services.
 - Respecting the call for tender procedure.
 - Respecting the centralized contracts in force.
 - Refusing a purchase made on behalf of an employee.
 - Conserving the documents that he or she was responsible for during the acquisition process.
 - Transmitting a copy of the purchase order and the comparative chart to the Director of Financial Resources.
- 5.6.10 The Director of Financial Resources in the case of contracts involving the acquisition of goods and services and the Director of Material Resources in the case of contracts involving construction work are responsible for ensuring that the School Board complies with the mandatory publication of information pursuant to the Act respecting contracting by public bodies and its regulations.
- 5.6.11 The Director General of the School Board is responsible for ensuring that the School Board fulfills its obligation with respect to accountability pursuant to the Act respecting contracting by public bodies, its regulations and the *Politique de gestion contractuelle*, particularly towards the Ministry.



5.6.12 The person responsible for a contract, the Director of Financial Resources or, where applicable, the administration of the administrative units concerned shall ensure monitoring of the amount involving an expenditure related to a contract.

5.6.13 The Director of Financial Resources is responsible for the accreditation of suppliers, service providers and contractors.

6. Delegation of Authority

6.1 The persons authorized for the purpose of commitment of funds are designated in the School Board's By-Laws on the Delegation of Authority. Any future amendments to the By-Laws on the Delegation of Authority shall take precedence over this Policy.

6.2 A person responsible for an acquisition process must obtain authorization for the expenditure as defined in the School Board's By-Law on Delegation of functions and powers as well as any other authorization from an administrator or the proper authority as required under the Act respecting contracting by public bodies, its regulations or the *Politique de gestion contractuelle*.

6.3 In the case of a contract relating to legal transactions that do not involve spending public funds, the only two delegations of authority prescribed relate to:

- A public call for tenders made voluntarily.
- A contract or commitment of more than one year.

In such cases, authorization from the School Board is required. Otherwise, the school or centre principal, supported by the Governing Board, may authorize the commitment.

7. Amendment to a contract

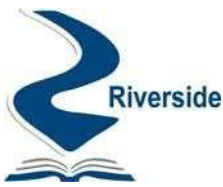
If an amendment to a contract entered into is deemed necessary, the person responsible for this contract must:

7.1. Ensure that the amendment is accessory and does not change the nature of the contract in accordance to the Act respecting contracting by public bodies;

7.2. Obtain authorization for the expenditure as defined in the School Board's By-Law on Delegation of functions and powers;

7.3. An amendment does not require authorization if it is due to a variation in the amount to which a predetermined percentage is to be applied or, to a variation in a quantity for which a unit price has been agreed;

7.4. If a contract involves an expenditure equal to or above the threshold, an amendment that entails an additional expenditure must be authorized by the Council of Commissioners or the person legally delegated, in writing, the power to authorize such an amendment in successive maximum portions of 10% of the initial amount of the contract.



- 7.5. For all contracts involving an expenditure below the threshold, the Director General or the Director of Material Resources may authorize an accessory amendment that entails an additional expenditure not exceeding 35% of the initial amount of the contract, as long as the amount is below \$110,000 in the case of the Director general and below \$27,500 in the case of the Director of Material Resources;
- 7.6. In virtue of article 48 under the Regulation respecting construction contracts of public bodies, if a contract related to a building involves an expenditure equal to or greater than \$3,000,000 and the proposed change order increases the total value of the changes by more than 10% of the initial value of the contract, the Council of Commissioners or the person legally delegated this responsibility, in writing, may not authorize the changes nor any other subsequent changes unless the contractor receives confirmation that the necessary funds are available for the execution of the changes.

8. Requirements Relating to the French Language

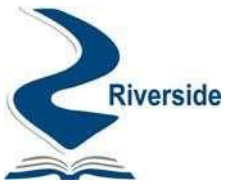
- 8.1. All steps involving the acquisition process shall proceed in the French language. The acquisition documents, as well as documents included with the goods and services and the labelling on the purchased products and their packaging shall be in the French language. Also, if the use of a product or equipment requires use of a language, it shall be French.
- 8.2. However, it may be necessary for the content of a pedagogical product to be in the language of instruction; in such a case, all steps related to the acquisition process shall nevertheless be carried out in the French language.

9. Information to be Published

- 9.1. Any contract involving a total expenditure equal to or greater than \$25,000 must be recorded within 90 days of the end of the contract in the electronic tendering system, commonly known as "SEAO".
- 9.2. Any public call for tenders is made by means of a notice published in the "SEAO" electronic tendering system. The person in charge of the acquisition process must publish the following information according to the prescribed deadlines:
- the result of the public opening of tenders within 4 working days;
 - the conclusion of the contract within 15 days;
 - any additional expenses resulting from a modification of the contract by more than 10% of the initial amount within 60 days;
 - the end of the contract within 90 days of its conclusion.

10. Coming Into Force

- 10.1. This Policy revokes and replaces any other policy or previous by-law on the same subject and is effective on the date of its adoption by the Council of Commissioners.
- 10.2. In case of disagreement between this Policy and the Act respecting contracting by public bodies and its regulations, the Act and its regulations have precedence.
- 10.3. This Policy and any revisions are transmitted to the Ministry in accordance with clause 6 of the *Politique de gestion contractuelle*.
- 10.4. This policy will come into force on the date of its adoption by the Council of Commissioners.



Appendice A

PURCHASING POLICY

Summary Tables



TABLE 1: SUPPLY CONTRACTS (GOODS)

ESTIMATED EXPENSE (before taxes)	PROCEDURE TO PURCHASE (Minimum Procedure)	AWARDING OF CONTRACT (predetermined & included in the request for price or invitation to tender) (Selecting a supplier)	RESPONSIBILITY FOR THE PURCHASING PROCESS	DELEGATION OF POWER (Decision maker)
Less than \$10,000	Negotiated contract (minimum 1 supplier)	N/A	Centre Director School Principal Department Director and/or Finance or Material Resources	Management staff of Departments, Schools & Centres under \$5,000 (if delegation) Management staff of Technology & Material Resources (if delegation)
\$10,000 to less than \$25,000	Direct request for prices (minimum 3 suppliers1)	Lowest price: usual method or Lowest price following an evaluation of quality or pre-approved specifications: possible or Lowest adjusted price taking into account an evaluation of quality: possible		Centre Director School Principal Department Director
\$25,000 to less than the threshold	Invitation to tender (minimum 3 suppliers1)		Centre Director School Principal Department Director with Finance or Material Resources	Director General (according to delegation)
Above the threshold	Public tenders (published in SEAO)			Council of Commissioners (resolution)

Examples: purchase of office equipment (furniture, supplies) and other equipment including technology, perishable goods and cleaning products.

SUMMARY TABLE 2: SERVICE CONTRACTS OF A TECHNICAL NATURE

ESTIMATED EXPENSE (before taxes)	PROCEDURE TO PURCHASE (Minimum Procedure)	AWARDING OF CONTRACT (predetermined & included in the request for price or invitation to tender) (Selecting a provider)	RESPONSIBILITY FOR THE PURCHASING PROCESS	DELEGATION OF POWER (Decision maker)
Less than \$10,000	Negotiated contract (minimum 1 supplier)	N/A	Centre Director School Principal Department Director and/or Finance or Material Resources	Management staff of Departments, Schools & Centres under \$5,000 (if delegation) Management staff of Technology & Material Resources (if delegation)
\$10,000 to less than \$25,000	Direct request for prices (minimum 3 suppliers1)	Lowest price: usual method or Lowest price following an evaluation of quality or pre-approved specifications: possible or Lowest adjusted price taking into account an evaluation of quality: possible		Centre Director School Principal (if contract is less than one year), Department Director
\$25,000 to less than the threshold	Invitation to tender (minimum 3 suppliers1)		Director General (according to delegation)	
Above the threshold	Public tenders (published in SÉAO)		Council of Commissioners (resolution)	

Examples: caretaking, snow removal, grounds keeping, mail delivery

SUMMARY TABLE 3: PROFESSIONAL SERVICE CONTRACTS
(Particularly those that fall under a rate decreed by the treasury Board)

ESTIMATED EXPENSE (before taxes)	PROCEDURE TO PURCHASE (Minimum Procedure)	AWARDING OF CONTRACT (predetermined & included in the request for price or invitation to tender) (Selecting a professional)	RESPONSIBILITY FOR THE PURCHASING PROCESS	DELEGATION OF POWER (Decision maker)
Less than \$25,000	Negotiated contract or Selection process normally set by a committee (minimum 1 supplier)	N/A	Centre Director School Principal Department Director and/or Finance or Material Resources	Centre Director School Principal (if contract is less than one year), Department Director
\$25,000 to less than the threshold			Centre Director School Principal Department Director with Finance or Material Resources	Director General (according to delegation)
Above the threshold	Public tenders (published in SÉAO)	Quality only: mandatory for architecture and engineering or Lowest price taking into account an evaluation of quality: possible or Price only: possible		Council of Commissioners (resolution)

Examples: architects, engineers, surveyors, lawyers, notaries.

SUMMARY TABLE 4: CONSTRUCTION CONTRACTS
(WITH CONTRACTORS LICENSED BY THE RÉGIE DU BÂTIMENT DU QUÉBEC - RBQ)

ESTIMATED EXPENSE (before taxes)	PROCEDURE TO PURCHASE (Minimum Procedure)	AWARDING OF CONTRACT (predetermined & included in the request for price or invitation to tender) (Selecting a contractor)	RESPONSIBILITY FOR THE PURCHASING PROCESS	DELEGATION OF POWER (Decision maker)
Less than \$50,000	Negotiated contract	N/A	Centre Director School Principal Department Director and/or Finance or Material Resources	Centre Director, School Principal, Department Director (according to delegation) or Director General
\$50,000 to less than the threshold	Invitation to tender (minimum 3 contractors ¹)	Lowest price: usual method or Lowest price following an evaluation of quality (2 steps): possible or Lowest adjusted price taking into account an evaluation of quality: possible	Centre Director School Principal Department Director with Finance or Material Resources	Director General (according to delegation)
Above the threshold	Public tenders (published in SÉAO)		Material Resources	Council of Commissioners (resolution)

Examples: Construction or expansion of a school, foundation or building work, renovations, repairs, maintenance (painting, electricity, plumbing, roofing...), changes to or demolition of a building, its materials, installations and equipment.

SUMMARY TABLE 5: PURCHASING PROCESS TIED TO LEGAL OPERATIONS THAT DO NOT INVOLVE SPENDING PUBLIC FUNDS (100% self-financed)

The purchasing process described in the table below must be respected when it comes to 100% self-financed activities that do not involve spending public funds.

ESTIMATED EXPENSE (BEFORE TAXES)	PROCEDURE TO PURCHASE (Minimum Procedure)	AWARDING A CONTRACT (predetermined & included in the request for price or invitation to tender) (Selecting a supplier)	RESPONSIBILITY FOR THE PURCHASING PROCESS (see note 4)	DELEGATION OF POWER (Decision maker)
Less than \$10,000	Negotiated contract (minimum 1 supplier)	Optional	Centre Director School Principal Department Director and/or Finance or Material Resources	Centre Director School Principal, with the support of the Governing Board (see note 3)
\$10,000 to less than \$25,000	Direct request for prices (minimum 3 suppliers ¹)	Lowest price: usual method recommended or Quality only: possible or Lowest price following an evaluation of quality: possible or Lowest adjusted price taking into account an evaluation of quality: possible		
\$25,000 and more	Invitation to tender (minimum 3 suppliers ¹)	When the choice of the business is not based on price only, but also includes qualitative elements, an Evaluation Committee, composed of at least one principal or vice-principal, must make a choice based on predetermined criteria. The process must respect the general principles of the Policy on the Purchase of Goods and Services; namely, transparency, equity and accessibility. (see note 2)	Centre Director School Principal Department Director with Finance or Material Resources	

Examples: food concession services, school uniform contract, contract with a non-profit organization.

Note 1: At least three suppliers must be invited, and efforts made so that they submit a price. If a supplier fails to submit a price without a valid reason, he might not be invited again.

Note 2: The evaluation of the quality and the selection of a contractor must be made by an Evaluation Committee as outlined in article 5.4.5.1. of the Policy on the Purchase of Goods and Services. However, as the spending of public funds is not involved, the composition of Selection Committees may vary.

Note 3: There are two delegations of authority prescribed in the case of the purchase of goods or services without spending public funds:

- a public call for tender made voluntarily; in which case, authorization from the School Board is required.
- a contract or commitment of more than one year. Authorization from the School Board is also required.

Note 4: The Material Resources department must be consulted about construction projects or when modifications are made to buildings and grounds.

Consult article 5.5 of the Policy on the Purchase of Goods and Services for the list of special cases and exceptions.