

IDENTIFICATION CODE
POL11-030

TITLE: POLICY FOR THE PURCHASING OF GOODS AND SERVICES

ENFORCEMENT DATE	REQUIRED AUTHORIZATION	RESPONSIBLE FOR FOLLOW-UP
May 16, 2011	Administrator	Director of Administrative Services

INFORMATION PAGE

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GOAL

The goal of the present policy is to provide a framework for and to determine the rules regarding the awarding of purchasing contracts, service contracts, and construction work contracts for the School Board. It also defines the roles and responsibilities of school and department administrations in purchasing goods, services, and awarding construction work contracts.

PEOPLE ADDRESSED

Governing boards, the parents' committee, the external auditor, and employees of the Commission scolaire du Littoral.

CONTENTS

1. DELEGATION OF FUNCTIONS AND POWERS

The Commission scolaire du Littoral determines by ordinance the functions and powers in regards to, among other things, the purchasing of goods and services and the awarding of construction work contracts. The present policy will apply in accordance with the provisions of this ordinance.

2. SOURCES

The present policy is based mainly on the following documents:

- 2.1 The *Education Act*;
- 2.2 The *Act respecting contracting by public bodies* and the by-laws regarding procurement contracts, service contracts, and construction work contracts with public bodies; *organismes publics* et les règlements sur les contrats d'approvisionnement, sur les contrats de services et sur les work contracts with public bodies;
- 2.3 Intergovernmental orders and agreements on liberalization of trade signed by the Quebec Government.

3. PRINCIPLES

While respecting any governmental agreement applicable to the School Board and in accordance with the *Act respecting contracting by public bodies* and its by-laws, this policy aims at promoting:

- 3.1 transparency in contract processes;
- 3.2 the equitable and impartial treatment of competitors;
- 3.3 the possibility for qualified competitors to participate in the School Board's calls for tenders;
- 3.4 the use of effective and efficient procedures which include, in particular, appropriate and thorough prior assessment of needs and requirements, and take

into account the Government's orientations with regard to sustainable development and the environment;

- 3.5 accountability reporting based on the imputability of the officers of the School Board and the proper use of public funds;
- 3.6 the establishment of methods of quality assurance covering the supply of goods, services, or construction work required by the School Board.

4. DEFINITIONS

4.1 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 by-laws.

4.2 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. It requires the submission of project specifications.

4.3 Goods

Any furniture, instrumentation systems, equipment, and consumable supply, capitalizable or not.

4.4 Tender documents

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

4.5 Purchase 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.

4.6 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.

4.7 Task order contract

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

4.8 Supply contract

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

4.9 Service contract

Contract for services of a technical nature or professional services.

4.10 Technical contract

Contract for the performance of physical work requiring a large proportion of technical execution and applications. For example, janitorial and snow removal contracts and contracts for the maintenance of green spaces.

4.11 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. For example, contracts with architects, engineers, surveyors, financial auditors, or lawyers.

4.12 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.

4.13 Request for quotations

Process by which the School Board asks a certain number of suppliers, service providers, or contractors to submit their prices and terms in writing, for the purpose of a project for the acquisition of goods, services, or construction work. It does not necessarily require the submission of project specifications.

4.14 Mutual agreement contract

Process by which the School Board awards directly to a supplier, service provider, or contractor, a supply contract for goods, services, or construction work, after they have submitted their prices and terms to the School Board.

4.15 Approval of goods

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

4.16 Management of administrative unit

Institution or department director.

4.17 Contractor

Natural person or corporate body providing services in the construction field.

4.18 Service provider

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

4.19 Supplier

Natural person or corporate bo-dy providing goods.

4.20 Qualification of service providers

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

4.21 Region

With a view to making a regionalized call for tenders or in a larger application, the region is defined by the School Board's territory or, if the number of tenders is insufficient, the appropriate territory to obtain a sufficient number of tenders.

4.22 Expenditure

Amount corresponding to the total disbursement required to enable the School Board to purchase goods, services, or to carry out a construction contract.

4.23 Disbursement

Amount corresponding to the purchase of goods, services, or a construction contract, net taxes, that is with the addition of the applicable taxes less the tax rebate.

5. IMPLEMENTATION

The governing bodies authorized to commit the School Board's funds are those authorized under the terms of the School Board's by-laws.

6. APPLICABILITY

The present 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:

- 6.1 a for-profit legal person established for a private interest;
- 6.2 a general partnership, limited partnership, or joint venture;
- 6.3 a sole proprietorship;
- 6.4 an enterprise most of whose employees are handicapped persons.

7. GENERAL

- 7.1 All of the School Board's acquisitions must be made according to the present policy and the documents on which it is based with due regard for the funds available to it.
- 7.2 All of the School Board's acquisitions must be made according to the purchasing process prescribed by the *Act respecting contracting by public bodies* and its by-laws

or, where applicable, according to the purchasing process set out in the present policy with the objective of generating the best quality/price ratio.

- 7.3 The School Board favours grouped purchases of goods and services when this is possible and when it is beneficial on an economic level.
- 7.4 The School Board favours using suppliers, service providers, and contractors from its region whenever the *Act respecting contracting by public bodies* and its by-laws 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.
- 7.5 The School Board will, insofar as possible, favour a rotation between the suppliers, service providers, and contractors that it calls on in its purchasing processes.
- 7.6 The School Board will also favour the use of new suppliers, service providers, and contractors, whenever possible, in the activity sector targeted by the purchasing process.
- 7.7 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*. The School Board may request such guarantees for any other purchasing process.
- 7.8 The School Board remains the owner of all the goods acquired irrespective of their location in the various departments, schools, and centres and is the only one to benefit from the services or construction work it acquires.
- 7.9 The School Board maintains a centralized invoice payment system.
- 7.10 The School Board forbids any kind of kickback from suppliers, service providers, and contractors to its employees. Thus, any kind of incentive bonus or other bonus or gift becomes the School Board's property and the Administrator can assign it to the administrative unit involved in the acquisition.
- 7.11 The School Board requires that any staff member directly or indirectly involved in the supply of goods or services, comply with the same obligations as an external supplier of the Commission scolaire du Littoral and that the staff member complies with the policy on conflicts of interest.
- 7.12 The School Board favours suppliers, service providers, and contractors who promote sustainable development.
- 7.13 All the amounts set out in the policy's various acquisition methods are amounts without taxes, that is amounts corresponding to the School Board's net expenditures.
- 7.14 Splitting requirements to circumvent any application of this policy or this law is forbidden. Notwithstanding the preceding, awarding contracts by administrative unit to correspond to the budget distribution is not splitting requirements.

8. PRESELECTION PROCESS

- 8.1 The School Board may resort to an approval process before the purchasing process, when it wants to ensure that goods conform to a recognized standard or established technical specification.
- 8.2 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.
- 8.3 These processes are carried out in compliance with the following provisions:
 - 8.3.1 For the approval of goods: the Regulation respecting supply contracts of public bodies;
 - 8.3.2 For the qualification of service providers (technical or professional): the Regulation respecting service contracts of public bodies.
- 8.4 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. Except in cases set out in section 13 of the law, 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.

9. MUTUAL AGREEMENT CONTRACT

- 9.1 The School Board may use the mutual agreement contract in situations where section 13 of the *Act respecting contracting by public bodies* or its by-laws allow it, whatever the amount of the School Board's expenditures.
- 9.2 The School Board may also use the mutual agreement contract for situations set out in articles 12.4 and 13.4 of the policy as well as in the following situations, subject to the application of the law:
 - 9.2.1 When purchasing a service or a good when for technical reasons, or reasons of efficiency, compatibility, or incorporation in an existing whole, it is of an exclusive nature without equivalence;
 - 9.2.2 When purchasing a used good (material or equipment);
 - 9.2.3 When purchasing external consultation services from individuals;
 - 9.2.4 When purchasing external consultation services in cases where the nature of the service offered is exclusive and meets a specific need.
- 9.3 Before awarding a mutual agreement contract, the School Board will ensure the best price and the best terms from the supplier, service provider, or contractor in question.

10. SUPPLY CONTACT

10.1 Public call for tenders

- 10.1.1 The School Board must use the public call for tenders for all supply contracts when the amount of the expenditure is equal to or greater than \$100,000.
- 10.1.2 The public call for tenders is the process prescribed by the Regulation respecting supply contracts by public bodies.
- 10.1.3 When no intergovernmental a-agreement is applicable to the contract targeted by the public call for tenders, the School Board may proceed with a regional call for tender, unless this process does not allow for a sufficient number of tenders.
- 10.1.4 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 by public bodies, subject to the adjustments therein allowed.
- 10.1.5 If the goods targeted by the call for tenders is the subject of an approval by the School Board, the public call for tenders process must take this into account.

10.2 Invited call for tenders

- 10.2.1 The School Board must use an invited tender process for contracts if the amount of the expenditure is equal to or greater than \$25,000 but less than \$100,000.
- 10.2.2 The School Board may publish a public call for tenders for contracts where the amount of the expenditure is less. Where applicable, the call for tenders process set out in the present policy will apply.
- 10.2.3 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;
 - The fact that the School Board does not bind itself to accept the lowest or any tender.
- 10.2.4 The tender documents will be sent to at least three suppliers.
- 10.2.5 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.

10.3 Request for quotations

- 10.3.1 The School Board must use a request for quotation from at least three suppliers for all purchasing contracts where the amount of the expenditure is equal to or greater than \$10,000 but less than \$25,000 and from at least two suppliers for all purchasing contracts where the amount of the expenditure is equal to or greater than \$2,500 but less than \$10,000.

- 10.3.2 The School Board may use a request for quotation process for supply contracts where the amount of the expenditure is less than \$2,500. In this case, the request for quotation procedure set out in the present policy will apply.
- 10.3.3 The School Board must submit this request to the required number of suppliers, indicating the good(s) or service(s) required by the School Board, the contract awarding procedure, and any other relevant information.
- 10.3.4 Before awarding the contract, the School Board will receive written confirmation of prices and conditions by the invited suppliers who are interested.
- 10.3.5 If the goods targeted by the quotation request are the subject of an approval by the School Board, this must be taken into account.

10.4 Mutual agreement contract

- 10.4.1 The School Board must use the mutual agreement contract for all its supply contracts where the amount of the expenditure is equal to or greater than \$0.01 but less than \$2,500.
- 10.4.2 The School Board communicates directly with a supplier, indicating the goods required by the School Board and any other relevant information.
- 10.4.3 Before awarding the contract, the School Board will ensure the best price and terms possible from this supplier.
- 10.4.4 If the goods targeted by the mutual agreement contract are the subject of an approval by the School Board, this must be taken into account.

10.5 Possibility of delivery order contracts

- 10.5.1 Regardless of the purchasing procedure selected, the School Board may sign a delivery order contract with the successful bidder.
- 10.5.2 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.

11. SERVICE CONTRACT

11.1 Public call for tenders

- 11.1.1 The School Board must use the public call for tender process for all its service contracts when the amount of the expenditure is equal to or greater than \$100,000.
- 11.1.2 The public call for tenders process is that prescribed by the Regulation respecting supply contracts by public bodies.
- 11.1.3 When no intergovernmental agreement is applicable to the contract targeted by the public call for tenders process, the School Board may proceed with a regional

call for tenders, unless this process does not allow for a sufficient number of tenders.

11.1.4 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 by public bodies, subject to authorized adjustments.

11.1.5 If one or more of the service providers were qualified for the technical or professional service targeted by the call for tenders, the public call for tenders process must take this into account.

11.2 Invited call for tenders

11.2.1 The School Board must use an invited tender process for all its contracts when the amount of the expenditure is equal to or greater than \$25,000 but less than \$100,000.

11.2.2 The School Board may publish a public call for tenders for contracts where the amount of the expenditure is less. Where applicable, the call for tender process set out in the present policy will apply.

11.2.3 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;
- The fact that the School Board does not bind itself to accept the lowest or any tender.

11.2.4 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 supply contracts by public bodies, subject to the adjustments therein allowed.

11.2.5 The tender documents will be sent to at least three service providers.

11.2.6 If one or more of the service providers were qualified for the technical or professional service targeted by the call for tenders, the invited call for tenders process must take this into account.

11.3 Request for quotations

11.3.1 The School Board must use a request for quotation from at least three service providers for all purchasing contracts where the amount of the expenditure is equal to or greater than \$10,000 but less than \$25,000, and from at least two service providers for all purchasing contracts where the amount of the expenditure is equal to or greater than \$2,500 but less than \$10,000.

- 11.3.2 The School Board may use a request for quotation process for contracts where the amount of the expenditure is less than \$5,000. In this case, the request for quotation process set out in the present policy will apply.
- 11.3.3 The School Board must submit this request to the required number of service providers, indicating the service(s) required by the School Board, the contract awarding procedure, and any other relevant information.
- 11.3.4 Before awarding the contract, the School Board will receive written confirmation of prices and conditions offered by the invited service providers who are interested.
- 11.3.5 If one or more of the service providers were qualified for the technical or professional service targeted by the call for tenders, the request for quotations process must take this into account.

11.4 Mutual agreement contract

- 11.4.1 The School Board may use the mutual agreement contract for all its supply contracts where the amount of the expenditure is equal to or greater than \$0.01 but less than \$2,500.
- 11.4.2 The School Board communicates directly with a service provider, indicating the good(s) required by the School Board and any other relevant information.
- 11.4.3 Before awarding the contract, the School Board will ensure the best price and terms possible from this service provider.
- 11.4.4 If one or more of the service providers were qualified for the technical or professional service targeted by the call for tenders, the mutual agreement contract process must take this into account.

11.5 Possibility of task order contracts

- 11.5.1 Regardless of the purchasing procedure selected, the School Board may sign a task order contract with the successful bidder.
- 11.5.2 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.

11.6 Professional service contract for engineering or architecture

- 11.6.1 The School Board adopts as its guiding principle for awarding engineering and architecture contracts of less than \$100,000, to establish a rotation mechanism between all the firms in the region in order to obtain parity in the fees collected for all the contracts awarded in the five years preceding any new award. However, the following elements must be respected when applying this principle:
- a) It does not automatically apply to contracts of less than \$50,000;

- b) The firms must be able to provide the services required from their place of business located in the School Board's territory;
- c) The firms' experience as regards the building, the system involved or the type of mandate, must be taken into account when the choice is being made.

11.6.2 In accordance with section 23 of the Regulation respecting service contracts, the awarding of contracts is not subject to a request for quotation.

11.6.3 As with other service contracts, the School Board may conduct a public call for tenders or an invited call for tenders for contracts involving an expenditure of less than \$100,000.

12. CONSTRUCTION WORK CONTRACT

12.1 Public call for tenders

12.1.1 The School Board must use the public call for tender process for all its construction work contracts when the amount of the expenditure is equal to or greater than \$100,000.

12.1.2 The public call for tenders process is that prescribed by the Regulation respecting supply contracts by public bodies.

12.1.3 When no intergovernmental a-agreement is applicable to the contract targeted by the public call for tenders process, the School Board may proceed with a regional call for tenders, unless this process does not allow for a sufficient number of tenders.

12.1.4 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 by public bodies, subject to the adjustments allowed therein.

12.2 Invited call for tenders

12.2.1 The School Board must use an invited tender process for all its construction work contracts when the amount of the expenditure is equal to or greater than \$25,000 but less than \$100,000.

12.2.2 The School Board may publish a public call for tenders for contracts where the amount of the expenditure is less. Where applicable, the call for tender process set out in the present policy will apply.

12.2.3 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;

- The fact that the School Board does not bind itself to accept the lowest or any tender.

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

12.3 Request for quotations

12.3.1 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 equal to or greater than \$15,000 but less than \$25,000 and from at least two contractors for all construction work contracts where the amount of the expenditure is equal to or greater than \$10,000 but less than \$15,000.

12.3.2 The School Board may use a request for quotation process for contracts where the amount of the expenditure is less than \$10,000. In this case, the request for quotation process set out in the present policy will apply.

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

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

12.4 Mutual agreement contract

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

12.4.2 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.

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

12.5 Possibility of task order contracts

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

12.5.2 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.

13. EXCEPTIONS

The following situations are not subject to the present policy:

- 13.1 When the process for purchasing goods or services has been established by the provincial or the federal government, this process will always take precedence. This includes the following purchases or contracts:
- Purchases of library books;
 - School transportation contracts;
 - Purchases of school textbooks.
- 13.2 In the case of mandates given by the School Board to another organization for global purchases where the prices and conditions of these purchases are negotiated by the Government of Quebec, pour de tels achats sont négociés par le gouvernement du Québec.
- 13.3 For the purchase of goods or services through an agreement with non-profit (community organization) organizations.
- 13.4 For the purchasing of goods or services through an agreement with other public organizations subject to the *Act respecting contracting by public bodies*.

14. PUBLICATION OF INFORMATION

- 14.1 The director of the School Board's Administrative Services is responsible for ensuring that the School Board complies with the obligation to publish the information on SEAO, set out in the *Act respecting contracting by public bodies*.

15. AWARD OF CONTRACT

- 15.1 The method for awarding contracts by the School Board for one or the other of the purchasing processes targeted by the present policy must be clearly indicated in the tender documents or when making a request for quotation or when holding discussions with suppliers, service providers, and contractors, if such is the case.
- 15.2 Any School Board commitment towards a supplier, service provider, or contractor must be confirmed by a contract signature or the issuance of a purchase order.
- 15.3 Any contract or purchase requisition must be signed by a person authorized to do so by the School Board.

16. ROLES AND RESPONSIBILITIES

16.1 Administrative Unit

The main responsibilities of the administrative unit management are to:

- 16.1.1 Determine its needs for goods and services in order to carry out its activities, taking into account established priorities.
- 16.1.2 Make purchases with due regard for the budgets allocated to it and according to the established policy and procedures.
- 16.1.3 Inform the Director of Administrative Services of any surplus of moveables (furniture, instrumentation systems, equipment).

- 16.1.4 Send to the department involved any invoices and other papers required to ensure quick payment of invoices.
- 16.1.5 Inform the Director of Administrative Services in writing of any purchase for which the expenditure was more than \$2,500.
- 16.1.6 Report on decisions made regarding the purchasing of goods and services in compliance with the regulations regarding the delegation of certain functions and powers.

16.2 Material resources management

The main responsibilities of the Material Resources Services are to:

- 16.2.1 Advise the administrative units on their purchases.
- 16.2.2 Plan and coordinate the purchase of products on a fixed date with a view to local or general globalization.
- 16.2.3 Help the administrative units negotiate with authorized suppliers.
- 16.2.4 Ensure that the administrative units apply the purchasing processes set out by the Government and the School Board and the various laws and regulations, and conform to the auditors' requirements.
- 16.2.5 Coordinate the transfer of furniture, instrumentation systems or equipment between the administrative units and ensure joint inventory control according to an established system.
- 16.2.6 Ensure the execution of the entire process for any purchase related to construction and professional services connected with construction.
- 16.2.7 Carry out an evaluation of the performance of suppliers, service providers, and construction contractors whose performance is considered to be unsatisfactory and make a report to the administrator.
- 16.2.8 Report on decisions made regarding the purchasing of goods and services and construction work in compliance with the regulations regarding the delegation of certain functions and powers.

16.3 External auditor

Monitoring of the purchasing process is ensured by the normal internal supervision measures of the School Board's activities and is part of the external auditor's mandate.

17. PROMOTION OF FRENCH

All steps in the purchasing process must be conducted in French. Procurement documents, documents accompanying goods and services, along with inscriptions on products, product containers, and product packaging must be in French. In

addition, when any product or device requires the use of a language, that language must be French.

18. VARIOUS PROVISIONS

In case of disagreement between the present policy and the *Act Respecting Contracting by Public Bodies* and its regulations, the Act and its regulations have precedence.

19. EFFECTIVE DATE

The present policy was adopted by ordinance. It revokes and replaces goods and services purchasing policy POL05-000.