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HISTORY

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TABLE OF CONTENTS

PREAMBLE.....	3
1. INTERNAL GUIDELINES	3
2. EFFECTIVE DATE.....	8

PREAMBLE

The Centre de services scolaire du Littoral (the “Centre de services scolaire”) is subject to the *Act respecting contracting by public bodies* (CQLR c. C- 65.1) (the “Act”). Pursuant to section 26 of this Act, in July 2015, the Secrétariat du Conseil du trésor enacted the *Directive concernant la gestion des contrats d’approvisionnement, de services et de travaux de constructions des organismes publics* [directive on managing supply, service and construction contracts of public bodies], which was updated in May 2019 (the “Directive”). The purpose of the Directive is to establish certain guidelines for managing contracts of public bodies, including the Centre de services scolaire. In this regard, the Directive stipulates that the Centre de services scolaire must adopt certain internal guidelines to ensure better management of its contracting processes.

These internal guidelines complement the *Politique concernant la gestion des contrats d’approvisionnement, de services et de travaux de construction du centre de services scolaire du littoral* [policy on managing supply, service and construction contracts of public bodies] (the “Policy”).

1. INTERNAL GUIDELINES

1.1 Confidentiality of documents

To ensure that, as long as they are not made public, a call for tender document or any other related document or information is treated as confidential, in particular by limiting access to these documents and to the computer directories where they are stored to authorized persons only, under the control of the manager in charge, and by making staff members who have access to these documents aware of their confidential nature, the following measures apply:

- Identify these documents as being confidential using any mark for this purpose;
- Keep these documents in a safe place, accessible only to persons authorized to consult them to carry out their duties, including computer directories;
- Raise the awareness of the persons responsible for a procurement process, along with all Centre de services scolaire staff members, or any other person participating in a procurement process regarding the confidential nature of these documents, by all appropriate means, including a presentation or training for this purpose;
- Obtain a written commitment from any person responsible for a procurement process or any authorized person participating in a call for tender process, including a selection committee member, in which this person acknowledges having read the confidentiality obligations under this Policy and undertakes to respect them.

1.2 Conflicts of interest

To ensure that employees involved in managing public contracts are not in conflict of interest, the following measures apply:

- Any person responsible for a procurement process, any Centre de services scolaire staff member or any other person participating in a Centre de services scolaire procurement process must disclose to their immediate supervisor or, alternatively, the CRCM, any direct or indirect interest in a company that creates a conflict of interest between their personal interests and the duties relating to their position.

In the event of a conflict of interest situation, their immediate supervisor or the CRCM will take the appropriate measures.

- Persons responsible for a procurement process, Centre de services scolaire staff members or any other person participating in a Centre de services scolaire procurement process may not, directly or indirectly:
 - a) Grant, solicit or accept—in their capacity as a person responsible for or as a participant in a Centre de services scolaire procurement process—a favour or undue advantage for themselves or for another person;
 - b) Use for their own benefit or that of a third party “associated” with them any information obtained in their capacity as a person responsible for or a participant in a Centre de services scolaire procurement process.
- The Centre de services scolaire raises the awareness of persons responsible for the procurement process, Centre de services scolaire staff members or any other person participating in a Centre de services scolaire procurement process about the concept of conflict of interest, the contents of this clause, and any resulting obligations, by all appropriate means, including a presentation or training for this purpose;
- A Centre de services scolaire staff member is identified to support any person responsible for or participating in a Centre de services scolaire procurement process to identify conflict of interest situations referred to in this clause;
- Obtain a written commitment from any person responsible for or participating in a Centre de services scolaire procurement process stating that they have read the conflict of interest obligations in this clause and undertake to observe them.

1.3 Delegation of powers

1.3.1 Control over contract amounts and related additional expenses

To ensure control over the contracts amounts and any related additional expenses, the following measures apply:

- Rigorously analyze, prior to launching a procurement process, the value of the contract to be entered into, including, as applicable, any options;
- Determine the duration of the planned contract considering the principles established in this Policy and possible changes in the market targeted by the procurement process in question;
- Following a call for tenders, analyze all prices submitted by a bidder when these significantly exceed the estimated value of the contract, and, as applicable, not accept any of the bids received when the Centre de services scolaire deems that the prices are too high, disproportionate or do not reflect a fair price;
- Ensure, in compliance with section 17 of the *Act respecting contracting by public bodies*, that the proposed amendment is accessory and does not change the nature of the contract;
- Obtain the necessary spending authorities from the Director;
- If a contract involves an expenditure greater than the public tender threshold, and that the amendment generates an additional expenditure, obtain authorization from the Director or from the person to whom this authority was delegated in writing, subject to the exceptions provided for in the *Act respecting contracting by public bodies*.

1.3.2 Rotation of tenderers or contractors

To ensure rotation among tenderers or contractors used by the organization, or to use new tenderers or contractors, in cases where this organization proceeds by call for tenders or concludes a mutual agreement contract, the following measures apply:

- Identify and know the companies located in the area, and update the list periodically;
- Except under special circumstances, make sure to invite, for mutual agreement or an invited call for tenders negotiations, one or more companies different than those of the previous procurement process, if possible;
- Receive and analyze bids from new suppliers, service providers and contractors from the Centre de services scolaire's region;
- Whenever possible, except under special circumstances, include these new suppliers, service providers and contractors in the Centre de services scolaire's future procurement processes.

1.4 Method of solicitation (contracts below public tender thresholds)

The Policy provides:

Type of contract	Estimated expenditure (excluding taxes)	Method of solicitation	Procurement process manager
Goods Services Construction Information technology	From \$0.01 to less than \$25,000	1. Mutual agreement negotiation 2. Request for quotations from at least two (2) companies, if possible	Administrative Unit Management
Goods Services Construction Information technology	From \$25,000 to the applicable threshold under intergovernmental agreements	1. Invited call for tenders from at least two (2) companies, if possible 2. Mutual agreement negotiation	Material Resource Department
Goods Services Construction Information technology	≥ Applicable threshold under intergovernmental agreements	Public tender required	Material Resources Department

1.4.1 Authorizations and accountability

- The Director of the Centre de services scolaire is responsible for making sure that the Centre de services scolaire complies with its accountability reporting obligations under the *Act respecting contracting by public bodies*, its regulations and the *Directive concernant la reddition de comptes en gestion contractuelle des organismes publics* [directive on accountability in contract management for public bodies], in particular with regard to the Conseil du trésor. The same is true for any accountability reporting obligation under the *Act respecting workforce management and control*;
- The CRCM is responsible for reporting to the Director regarding the observance by the Centre de services scolaire of the authorizations to be obtained from the Chief Executive Officer or from any person to whom they have delegated their duties under the *Act respecting contracting by public bodies*, its regulations or the *Act respecting workforce management and control*, without regard to the accountability reporting required from the person to whom authority was delegated.

1.4.2 Contract Rules Compliance Monitor (CRCM)

CRCM functions (LCOP, section 21.0.2)
1. Ensures that the Centre de services scolaire puts in place all measures to comply with contract rules;
2. Advises and makes recommendations to the Director on compliance with contract rules;
3. Ensures that measures are put in place to ensure the integrity of internal processes;
4. Ensures the professional fitness of the personnel involved in contractual activities;
5. Performs any other function the Chief Executive Officer may require to ensure compliance with contract rules.

1.5 Opening the doors to competition

To ensure openness to competition and to small- and medium-sized businesses, and to ensure that requirements in calls for tenders are not disproportionate to the organization's needs, the Policy provides for the following:

- Favour the use of companies in the area whenever the Act so permits, and insofar as there is sufficient competition in the area for the sector covered by the procurement;
- Identify and specify the needs of the Centre de services scolaire in a rigorous manner and in accordance with the principles set out in the Policy;
- Ensure that staff members affected by the proposed acquisition are contacted and take part in the identification of needs;
- Ensure knowledge of the market that meets or could meet the identified needs;
- Ensure that the requirements listed in its tender documents—without limiting the generality of the foregoing, such as eligibility conditions, compliance conditions, quality assessment criteria or any other administrative or technical requirements—are realistic and established based on the needs identified for the proposed acquisition.
- More specifically, to open the market to a maximum number of qualified competitors, especially small- and medium-sized enterprises:
 - a) Make sure not to include, define or draft requirements, regardless of their nature, for the purpose of excluding qualified competitors that could otherwise meet the needs identified by the said proposed acquisition;
 - b) Favour the grouping of companies in tender documents so that small- and medium-sized enterprises may bid on large projects.
 - c) Assess the possibility of using public or invited calls for tenders, by lot.

1.5.1 Consultants

To ensure that all of the Centre de services scolaire's staff members are informed of the presence of a consultant in the workplace, the Centre de services scolaire implements the following measures:

- Clearly indicate to the consultant where they are to work, and specify where they may not go;
- As applicable, ensure that staff members are informed about the presence of the consultant, the nature of the services or work being done, along with their duration;
- Except for special situations, the Centre de services scolaire does not provide the consultant with access to its files, including computer directories. As applicable, special measures must be taken to limit the consultant's access to only those files and computer directories required for the performance of their contract and after obtaining assurances of confidentiality and discretion;
- The consultant must at all times identify themselves as such during the performance of their contract to Centre de services scolaire staff members and to external third parties.

1.6. Local purchases

For all contracts below the Call for tender threshold, the Centre de services scolaire must put in place control provisions relating to the amount of the contract and any additional expenses associated with it, particularly if the contract is concluded by mutual agreement (art. 14 LCOP)

When a contract, including the value of options, involves an expenditure equal to or greater than the minimum threshold provided for in any applicable intergovernmental agreement, but less than the minimum threshold applicable under the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States (CETA), the school service center may :

Reserve a public call for tenders for small businesses in Quebec and elsewhere in Canada;

Give preference based on Quebec or otherwise Canadian value-added;

Require Quebec or otherwise Canadian goods, services or construction. (art. 14.1 LCOP).

2. EFFECTIVE DATE

These Internal Guidelines have been adopted and come into force on XXXXX.