

**ORGANIZATIONAL FRAMEWORK FOR MANAGING CORRUPTION
AND COLLUSION RISKS IN CONTRACT MANAGEMENT PROCESSES**

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HISTORY

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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 June 2016, the Conseil du trésor enacted the *Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle* [directive on managing corruption and collusion risks in contract management processes], which was updated in April 2019 (the “Directive”). The purpose of this Directive is to specify the Centre de services scolaire’s obligations for managing corruption and collusion risks in contract management processes.

Risk management must enable the Centre de services scolaire’s strategic stakeholders, including the Contract Rules Compliance Monitor (CRCM), to identify, analyze and evaluate corruption and collusion risks in the Centre de services scolaire’s contract management processes and to implement internal controls and mitigation measures to this effect.

In this context, the Directive requires the Centre de services scolaire to adopt an organizational framework for managing corruption and collusion risks in its contract management processes (the “Framework”).

1. OBJECTIVES

The Framework has the following objectives:

- Ensure the existence of a structured and standardized process for identifying, analyzing, evaluating, managing and monitoring corruption and collusion risks in the Centre de services scolaire’s contract management processes;
- Specify the components of a corruption and collusion risk management plan;
- Define the roles and responsibilities of the various stakeholders involved in managing corruption and collusion risks in contract management processes;
- Define applicable accountability mechanisms.

2. SCOPE AND COVERAGE

This Framework applies to the Director and all Centre de services scolaire staff members involved in the contract management process and applies to all stages of the contract management process.

3. LEGAL FRAMEWORK

This Framework has been developed in accordance with the following texts:

- *Act respecting contracting by public bodies* (CQLR, c. C-65.1) and its regulations;
- *Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle* [directive on managing corruption and collusion risks in contract management processes] (C.T. 216501, modified by C.T. 219354 and C.T. 220841);
- *Politique concernant le responsable de l’application des règles contractuelles* [Contract Rules Compliance Monitor policy] (C.T. 220867, May 7, 2019).

4. DEFINITIONS

Collusion: Secret **agreement** between potential bidders to hinder competition, notably by fixing prices or production, sharing sales or territories or rigging bids.

Conflict of interest: A situation in which professional, financial, family, political or personal interests may interfere with the judgment of individuals in the course of their duties within the organization. A conflict of interest may be perceived, potential or real.

Corruption: An exchange or attempted exchange in which, directly or indirectly, an undue advantage is offered, promised or granted by a briber or asked for, accepted or received by a public office holder, in return for an act on the part of the public office holder for the benefit of the briber.

Risk management: All the activities involved in identifying the risks to which the Centre de services scolaire is exposed, and then defining and implementing the appropriate preventive measures to control or mitigate the consequences of an incurred risk.

Contract management process: All the processes involved in concluding supply, service or construction contracts, including the definition of requirements, procurement planning, contract award, acquisition of goods and services, execution of work, and accountability reporting.

Risk: Any situation involving a degree of uncertainty that could jeopardize the achievement of the organization's strategic and operational objectives.

5. ANNUAL RISK MANAGEMENT PLAN

For each fiscal year, the Centre de services scolaire adopts a management plan for corruption and collusion risks in contract management processes.

This plan includes:

- Analysis of the context in which the Centre de services scolaire concludes its contracts;
- Assessment of corruption and collusion risks in contract management processes, including the identification, analysis and evaluation of these risks;
- Provisions for dealing with risks, including risk mitigation mechanisms;
- Any other element determined by the Conseil du trésor.

5.1. Monitoring report

Each risk management plan must be the subject of a report on the monitoring and review of the organizational framework for managing corruption and collusion risks in contract management processes.

This report includes:

- Measurement of the organization's risk management performance;
- Progress and deviations from the previous risk management plan;
- Results of the audit on the Framework's effectiveness – these results must be presented at least once every three [3] years;
- Review of the Framework;
- Any other element determined by the Conseil du trésor.

6. ROLES AND RESPONSIBILITIES

6.1 Director

- Adopts and implements the Framework;
- Ensures that the necessary responsibilities and authority are assigned to the various contract management stakeholders, including the Contract Rules Compliance Monitor (CRCM), in order to identify, analyze and evaluate corruption and collusion risks and their consequences in contract management processes;
- Adopts the annual risk management plan presented by the Contract Rules Compliance Monitor;

- Approves the report on the monitoring and review of the Framework no later than four (4) months after the end of each relevant fiscal year;
- Approves the list of risks identified following the CRCM's recommendations;
- Integrates into the Centre de services scolaire's audit plan the work for deploying the Centre de services scolaire's management process for corruption and collusion risks in its contract management processes;
- Ensures the implementation of corrective actions and internal control measures following recommendations from the CRCM, the Secrétariat du Conseil du trésor or the Unité permanente anticorruption (UPAC) concerning the control of corruption and collusion risks by the Centre de services scolaire.

6.2 Contract Rules Compliance Monitor (CRCM)

- Designs and implements the present Framework after its adoption by the Director;
- Ensures that this Framework applies to all stages of the Centre de services scolaire's contract management process;
- Monitors and reviews the Framework, and makes changes where necessary;
- Ensures that the Framework is kept up to date;
- Provides the necessary and competent resources to implement the Framework;
- Prepares the annual plan for managing corruption and collusion risks in contract management processes and presents it to the Director;
- Sends to the Chair of the Conseil du trésor, within fifteen (15) days of the Chair's request, the annual risk management plan, the monitoring report and any other related documents;
- Analyzes the context in which the Centre de services scolaire concludes its contracts;
- Analyzes, identifies, evaluates and assesses the corruption and collusion risks in the Centre de services scolaire's contract management processes;
- Develops mechanisms for mitigating corruption and collusion risks in the Centre de services scolaire's contract management processes, as well as provisions for dealing with these risks;
- Makes recommendations to the Director in connection with their analyses, evaluations and assessments of corruption and collusion risks in the Centre de services scolaire's contract management processes;
- Measures the Centre de services scolaire's performance in managing corruption and collusion risks in its contract management processes;
- Tracks the progress and deviations from the previous risk management plan;
- Verifies the Framework's effectiveness.

6.3 Material Resource Department

- Facilitates the implementation of the annual corruption and collusion risk management plan;

- Supports the CRCM in its accountability reporting, in particular by monitoring the action plan for mitigation mechanisms under its responsibility;
- Informs the CRCM of any vulnerable situation that may affect the achievement of the Centre de services scolaire's objectives in terms of managing corruption and collusion risks in its contract management processes.

6.4 Centre de services scolaire resource involved in a contract management process

- Integrates the means and measures identified for managing corruption and collusion risks in the Centre de services scolaire's contract management processes;
- Participates, when requested, in workshops on assessing corruption and collusion risks;
- Ensures accountability and monitoring of risk mitigation mechanisms under their responsibility;
- Informs the CRCM of any vulnerable situation that may affect the achievement of the Centre de services scolaire's objectives in terms of managing corruption and collusion risks in its contract management processes.

7. EFFECTIVE DATE AND REVIEW OF THE FRAMEWORK

This Framework comes into effect on the date of its adoption by the Director. Any amendment or repeal of this Framework must be adopted by the Centre de services scolaire's Director and comply with the provisions of the relevant laws and regulations. The Framework is updated at least every five (5) years, or when significant changes occur that could affect its implementation.