

**POLICY ON THE MANAGEMENT OF SUPPLY, SERVICE,
INFORMATION TECHNOLOGY, AND CONSTRUCTION
CONTRACTS**

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MONITORING RESPONSIBILITY	Material Resources Department

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PREAMBLE

The Centre de services scolaire du Littoral is subject to the *Act respecting contracting by public bodies* (CQLR c. C-65.1) (referred to in this document as “the Act”).

One of the objectives of the Act is to determine the conditions governing public contracts that the Centre de services scolaire may enter into with a contractor who is:

- A legal person established for a private interest;
- A general partnership, limited partnership, or joint venture; or
- A natural person operating a sole proprietorship.

In some circumstances, the Centre de services scolaire may also enter into a contract with a natural person not operating a sole proprietorship. However, the signing of such a contract is an exception and the Centre de services scolaire must ensure that this contract is not an employment contract. In addition, the signing of such a contract must adhere to the guidelines set out in the *Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de constructions des organismes publics* [Directive respecting supply, service and construction contracts of public bodies].

The Act also sets out conditions that apply to sub-contracts under such a public contract.

The Act is supplemented by various regulations that set out the public tendering procedure to be followed by the Centre de services scolaire, as well as its obligations regarding the disclosure of information.

In addition, the Secrétariat du Conseil du trésor issues directives specifying the obligations of the Centre de services scolaire in terms of contract management, accountability and risk management with regard to corruption and collusion.

The terms used in this Policy are defined in the manner provided in the Act, its regulations and directives.

1. PURPOSE OF THE POLICY

The purpose of this Policy is to define and establish the general principles, and terms and conditions for the procurement of goods, services, information technology and construction work by the Centre de services scolaire, within the meaning of the Act. The Policy also aims to clarify and define the relevant roles and responsibilities of the various Centre de services scolaire stakeholders.

2. SCOPE AND COVERAGE

This Policy applies to the Director and all Centre de services scolaire personnel involved in the procurement of goods, services and construction work for the Centre.

3. LEGAL FRAMEWORK

3.1 This Policy is based on the following documents:

- *Education Act* (CQLR, c. I-13.3)
- *Act respecting contracting by public bodies* (CQLR, c. C-65.1) and its regulations
- *Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de constructions des organismes publics* (C.T. : 215340, modified by C.T. 216690 (July 5, 2016), C.T. 217114 (December 6, 2016) and C.T. 220866 (May 7, 2019))
- Intergovernmental trade liberalization agreements to which the Centre de services scolaire is subject
- *Politique concernant le responsable de l'application des règles contractuelles* [Contract Rules Compliance Monitor Policy] (C.T. 220867 (May 7, 2019))
- *Act respecting the Autorité des marchés publics* (CQLR, c. A-33.2.1) and its regulations
- *Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises* (CQLR, c. G-1.011)

3.2 This Policy is supplemented by the following documents:

- Procedure for receiving and examining complaints arising under the *Act respecting contracting by public bodies* (s. 21.0.3, LCOP)
- Organizational framework for managing corruption and collusion risks in contract management processes of the Centre de services scolaire
- Internal guidelines for managing the supply, service and construction contracts of the Centre de services scolaire

4. PRINCIPLES

4.1 The Centre de services scolaire reaffirms and endorses the principles that the Act aims to promote:

- 4.1.1 Public confidence in the public procurement process by certifying the integrity of tenderers;
- 4.1.2 Transparency in contracting processes;
- 4.1.3 The honest and fair treatment of tenderers;
- 4.1.4 The opportunity for qualified tenderers to compete in calls for tenders;
- 4.1.5 The use of effective and efficient contracting procedures, including careful, thorough evaluation of procurement requirements reflecting the government's sustainable development and environmental policies;
- 4.1.6 The implementation of quality assurance systems for the goods, services or construction work required;
- 4.1.7 Accountability reporting by the Executive Officer and reporting on the proper use of public funds.

4.2 This policy also aims to promote:

- 4.2.1 The acquisition of goods, services and construction work at the best possible cost within the framework of sound management, particularly when negotiating a private contract.

5. PROCUREMENT RULES

5.1 The following rules must be observed in any procurement process covered by the Policy:

5.1.1 All acquisitions must comply with this Policy, respect the public funds made available to the Centre de services scolaire, adhere to allocated budgets and ensure the quality of the services offered.

5.1.2 In exercising their roles and responsibilities, all Centre de services scolaire personnel must comply with the provisions of the Act, its regulations and directives as they apply to a procurement process or contract management.

5.1.3 Any procurement process may be preceded by a certification process for goods or a qualification process for service providers.

5.1.4 Any person responsible for a procurement process may use the method of awarding contracts provided for in the Act, its regulations and applicable directives and which is the most appropriate to ensure a quality acquisition that meets the needs of the Centre de services scolaire.

5.1.5 Any person responsible for a procurement process must obtain spending authorizations and any other authorizations required by the Act, its regulations and directives from the Director, when required.

5.1.6 Any person responsible for a procurement process may use a more restrictive solicitation method than that determined by this Policy.

5.1.7 No staff member, including the person in charge of a procurement process, may separate the requirements of a procurement in order to circumvent any aspect of this Policy.

5.1.8 Any person responsible for a procurement process, prior to any procurement, must confirm whether the Centre de services scolaire has any current contracts relating to the same purpose (e.g. standing order or on-demand contracts, a negotiated price list, catalogues), and make use of them if necessary.

5.1.9 The Centre de services scolaire prefers grouped purchases of goods and services whenever possible and economically beneficial.

5.1.10 The Centre de services scolaire prefers to use companies in its region whenever the Act so permits, and insofar as there is sufficient competition in the region for the sector covered by the procurement.

5.1.11 As part of its procurement process, the Centre de services scolaire must ensure that the companies it deals with demonstrate honesty and integrity.

5.1.12 The Centre de services scolaire has sole ownership of all goods acquired regardless of their location within administrative units, and it is the only one to benefit from the services or construction work it acquires.

6. ROLES AND RESPONSIBILITIES

6.1 Director

6.1.1 As head of the Centre de services scolaire, the Director shall perform the duties specifically assigned in the Act, subject to any duties that have been delegated.

6.1.2 Adopts this Policy and oversees its revision, dissemination and implementation.

6.2 Contract Rules Compliance Monitor (CRCM)

6.2.1 Ensures that the Centre de services scolaire implements all measures to comply with contract rules.

6.2.2 Advises and makes recommendations to the Director on the enforcement of contract rules.

6.2.3 Ensures that measures are put in place to ensure the integrity of internal processes.

6.2.4 Ensures the professional capacity of the personnel involved in contractual activities.

6.2.5 Performs such other duties as the executive officer may require to ensure compliance with contract rules.

6.3 Material Resources Department

6.3.1 Ensures compliance with and implementation of this Policy.

6.3.2 Ensures compliance with disclosure requirements and, if necessary, reports to the Director.

6.3.3 Ensures that accountability obligations are met and, if necessary, reports to the Director.

6.3.4 Maintains control over spending amounts related to a contract under their responsibility.

6.3.5 Forwards to the CRCM or to the Executive Officer any information required for the performance of their duties.

6.4 Administrative unit management

6.4.1 Ensures that this Policy is respected and distributed within its administrative unit.

6.4.2 Ensures the participation of the members of its administrative unit in:

- defining needs prior to a procurement process;
- any process for checking or improving the quality of procurement processes.

6.4.3 Maintains control over spending amounts related to a contract under their responsibility.

6.4.4 Upon request, provides the Material Resources Department, CRCM or the Director with any information required for the performance of its duties.

6.5 Staff member

6.5.1 Reads this Policy.

6.5.2 Participates as required in the determination of needs prior to a procurement process.

6.5.3 Participates as required in any process to verify or improve the quality of procurement processes.

6.5.4 Upon request, forwards to the management of their administrative unit or to CRCM any information required for the performance of their duties.

7. METHOD OF SOLICITATION

Except as provided for in this Policy, Centre de services scolaire procurement shall be made according to the solicitation method indicated below and by the following person:

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. Direct 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. Invitation to tender from at least two (2) companies if possible 2. Direct negotiation	Material Resources Department
- Goods - Services - Construction	any amount greater than the applicable threshold under applicable	Public tender required	Material Resources Department

- Information Technology	intergovernmental agreements		
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8. EXCEPTIONS TO THE SOLICITATION METHOD

8.1 The Centre de services scolaire may award a private contract in situations where the Act, its regulations and directives so provide, regardless of the amount of the expenditure.

8.2 Except for contracts in which the expenditure is higher than the threshold provided for by the applicable intergovernmental agreements, the Director may authorize the procurement process manager, upon request and for legitimate reasons, to purchase goods, services or construction work using a procurement method other than those provided for in this Policy, provided that in so doing, the principles of this Policy are upheld.

9. EFFECTIVE DATE

This policy takes effect on September 1, 2023

It repeals and replaces the following Centre de services scolaire policies: Previous