



**COMMISSION SCOLAIRE EASTERN SHORES
EASTERN SHORES SCHOOL BOARD**

**Policy ESSB
ES-243**

Policy on the Purchase of Goods and Services

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POLITIQUE D'ACHAT DES BIENS ET DES SERVICES

L'UTILISATION DU MASCULIN DANS CE DOCUMENT NE VISE QU'À ALLÉGER LE TEXTE.

Approved by the Council of Commissioners
C13-06-216
June 19, 2013

Approuvé par le Conseil des Commissaires
C13-06-216
19 juin 2013

EASTERN SHORES SCHOOL BOARD
Policy on the purchase of Goods and Services

1. PURPOSE

The purpose of the present policy is to provide a framework to Eastern Shores 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.

With respect to all government agreements applicable with the School Board and in conformity with the Act Respecting Contracting by Public Bodies and Regulations the policy must promote the following:

- 1.1 Transparency in the contract process.
- 1.2 Honest and equitable treatment of competitors
- 1.3 The opportunity of 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 contract 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.
- 1.8 Autonomy and accountability of the various interveners.
- 1.9 Selection of the best price-quality ratio.

2. REFERENCES

The present policy is founded upon the following documents:

- 2.1. The Quebec Education Act.
- 2.2. The Act Respecting Contracting by Public Bodies, the Regulation respecting supply contracts by public bodies, the Regulation

respecting service contracts by public bodies and the Regulation respecting construction contracts of public bodies.

- 2.3. The decrees and intergovernmental agreements for trade liberalization of the Government of Quebec.
- 2.4 The *Politique de gestion contractuelle* regarding the conclusion of work related to goods, services and construction for public bodies in the education sector.
- 2.5 The By-Law delegating the functions and powers to the School Board.

3. SCOPE

- 3.1 This Policy applies to acquisitions made by the School Board for goods, services and construction work provided by a supplier, a service provider or a contractor who is:
 - A for-profit legal entity established under private law;
 - A general, limited or undeclared partnership private corporation;
 - A sole proprietorship;
 - An enterprise where the majority of employees have a disability;
- 3.2 This Policy equally 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:
 - A Non-profit legal entity
 - An individual who does not operate a sole proprietorship

4. GENERALITIES

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

- All acquisitions by the School Board must be made in compliance with this policy, its pertinent documents and within the scope of available funds.
- 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.
- 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.

- The School Board shall ensure, during its procurement process, that the enterprises with which it is contracting have demonstrated honesty and integrity.
- 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.
- 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.
- The School Board promotes the 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, as long as there is sufficient competition in the region for the type of service required in the tender call.
- The School Board promotes, as much as 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.

- 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 analyze 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.
- The School Board must request a tender guarantee, an execution of work guarantee or remuneration, materials and services when stipulated in the Act respecting contracting by public bodies. It may also request such guarantee during any acquisition process.
- The School Board has sole ownership of all goods acquired regardless of their location within the administrative units of the board, and it is the only one to benefit from services or construction work it acquires.
- 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.
- The School Board must, during its acquisition process, ensure that the Ministry of Revenue of Québec requirements are met.
- All amounts mentioned in the present policy are amounts before taxes.
- This policy does not apply to the purchase of books in an accredited book store.
- The School Board through its Material Resources Director reserves the right to modify at all times the annexes without any other changes to the documents.

- 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.
- 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. SOLICITATION PROCEDURES:

5.1 PRESELECTION PROCESS

Before any acquisition process the School Board may, if needed, use a certification process to ensure that the goods meet recognized standards or a technical specification in place.

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.

These processes are carried out jointly by the administration of the administrative unit and Financial Resources department in accordance with the following provisions:

For the certification of Goods:

The Regulation Respecting Supply Contracts by Public Bodies

For the Qualifications of Service Providers:

The Regulations Respecting Service Contracts of Public Bodies

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, if any, 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.

5.1.1 Public call for tenders:

The public call for tenders' process is pursuant to the following regulations:

- The Regulation Respecting Supply Contracts by Public Bodies;
- The Regulation Respecting Service Contracts of Public Bodies; And
- The Regulations Respecting Construction Contracts of Public Bodies.

In a contract which 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.

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 with the Regulation respecting service contracts of public bodies and the Regulation respecting construction contracts of public bodies, subject to the authorized adjustments allowed.

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.

5.1.2 Invitation to tender:

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; (reasonable timeline)
- 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 tenders nor any of the tenders received;
- The description of the requirements

The documents relating to a call for tenders shall be sent to a minimum of three suppliers.

A regionalized call for tenders is favoured when competition permits.

The opening of the bids must be done in the presence of at least two School Board representatives.

The favored procedure for awarding a contract is the selection of the lowest bidder who meets the requirements defined in the call for tenders.

If the goods, services 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 invitation to tender.

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.

5.1.3 Request for quotations:

The request for quotations procedure shall be established by the School Board and contain at least the following components:

- The date, time and location to receive tenders;
- The obligation for the bidder to forward tenders in writing to the School Board;
- The description of the requirements.

The documents shall be sent to a minimum of three suppliers.

The favored procedure for awarding a contract is the selection of the lowest bidder who meets the requirements defined in the request for quotations.

In the case of a tie between the lowest bidders who meet the requirements, the contract is awarded by random draw.

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 request for quotations.

5.1.4 Mutual Agreement Contract:

The School Board may award a negotiated contract in such cases where it is provided for under the Act Respecting Contracting by Public Bodies and its Regulations, regardless of the amount of the expenditure involved.

The School Board may also award a contract by mutual agreement according to the conditions and in the specific situations stipulated in this Policy.

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.

When possible a request for quotations is always favored.

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.

The School Board shall favor a supplier, service provider or contractor from its region.

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.

5.1.5 Delivery Order Contract:

Regardless of the supply procedure chosen, the School Board may sign a Delivery Order Contract with the supplier chosen.

The School Board's tenders or the information transmitted to suppliers for direct quotes, and Mutual Agreement Contracts must advise that at the end of the process intends to engage a Delivery Order Contract.

6. CHOICE OF SOLICITATION PROCEDURE

Choice of solicitation procedure for contracts relating to the **procurement of goods or services of technical nature** (other than professional services and construction work)

- A contract for the procurement of goods or services of a technical nature involving expenditure less than \$5,000 may be awarded by mutual agreement contract.
- A contract for the procurement of goods or services of a technical nature involving an expenditure of \$5,000 or more, but below \$25, 000 has a minimum requirement of a competitive request for quotations.
- A contract for the procurement of goods or services involving an expenditure of \$25,000 or more, but below \$100,000 has a minimum requirement of a competitive invitation to tender;
- Any purchase involving an expenditure of \$100,000 or greater, requires that a competitive public call for tenders be done.

Choice of solicitation procedure for contracts relating to **construction work and professional services**

- The School Board may request to have a proof of quality only, to award a service contract to professionals governed by an Order.
- For all architectural or engineering service contracts whose cost is less than \$100,000 the Board shall proceed with the selection process of a recipient which is generally established by a committee and specific to the services concerned or by a mutual agreement contract and shall obtain the agreement of the decision-making body concerned.
- A contract relating to construction work or professional services other than construction involving an expenditure of \$100,000 or greater, a competitive public call for tender in required.

Whatever the solicitation procedure's minimal requirement under the present Policy, it is always possible to select the solicitation procedure used for greater price thresholds.

7. AWARDING A CONTRACT

The method for awarding contracts by the School Board, whatever the chosen solicitation 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:

Lowest Price: The contract is awarded to the compliant bidder who has submitted the lowest price

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.

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.

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

7.1 PARTICULARS

7.1.1 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 \$100,000 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.

Delivery order Contract: Whatever the solicitation procedure chosen, the School Board may sign a delivery order contract with the supplier selected.

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

Contract Award: 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.

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.

8. SPECIAL CASES AND EXCEPTIONS

8.1 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 expenditure below \$10,000 may be concluded by a mutual agreement contract.
- If the expenditure involves \$10,000 or more, the minimal solicitation 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 center administrator, and shall be based on predetermined evaluation criteria.

- The decision-making authority in these cases is the school or center 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.

8.2 Architecture or Engineering Services:

The School board must solicit a quality demonstration only to award an architecture or engineering contract (other than forestry)

8.3 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 document.

8.4 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.

8.5 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 authorization from the Director General.

8.6 Centralized Contract in Effect:

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

8.7 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.

Exceptional situation where there may be deviation below the threshold determined by Law. In an exceptional case and for the 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.

8.8 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.

8.9 Legal Services:

These contracts are pursuant to the Regulation Respecting Service Contracts of Public Bodies. An agreement may be entered into by a mutual agreement contract.

8.10 Auditor Services:

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

8.11 Training or Lecturer Services:

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 a mutual agreement contract.

8.12 School Manuals Accredited and Approved by the MELS:

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

8.13 Financial or Banking Services:

These contracts are pursuant to the Regulation Respecting Contracting by Public Bodies. An agreement may be entered into by a mutual agreement contract.

8.14 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.

8.15 Integration of the Arts with the Architecture and Environment of Buildings:

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

8.16 Public Utility Enterprise:

An agreement may be entered into by a 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.

8.17 Task Order Contract for Acquisition of Software:

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

8.18 Service Contract for Activities on Foreign Soil:

An agreement may be entered into by a mutual agreement contract.

8.19 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 a mutual agreement contract.

8.20 Sand, Stones, Gravel or Bituminous Substance Contract:

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

8.21 Research and Development Contract:

An agreement may be entered into by a 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.

8.22 Contract Where the Public Interest is of Concern:

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

8.23 Situation of Confidential or Protected Nature:

An agreement may be entered into by a mutual agreement contract.

8.24 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 a mutual agreement contract.

8.25 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 Ministère de l'Éducation, du Loisir et du Sport annually when it enters into mutual agreement contracts involving an expenditure of \$100,000 or more.

9. RESPONSIBILITY AND MONITORING

The Council of Commissioners adopts this policy, oversees its revision as needed, and ensures its publication and implementation.

The framework for the acquisition process is ensured through normal internal monitoring of the School Board activities.

The Council of Commissioners, the Executive Committee, the Director General and the administrative unit directors are the authorised authorities for use of School Board funds as indicated in the By-Law, Delegation of Functions and Powers to the School Board in effect.

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

9.1 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 center, school or department **and/or** Financial Resources or Material Resources for expenditures involving an amount less than \$25,000;

- Administration of a center, school or department **with** Financial Resources or Material Resources for expenditures involving an amount of \$25,000 or more.

9.2 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:

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

9.3 Responsibility for the acquisition process relating to Construction work comes under the authority of:

- Administration of a center, school or department with Material Resources for expenditures involving an amount less than \$10,000;
- Material Resources for expenditures involving an amount of \$10,000 or more.

9.4 Responsibility for the acquisition process relating to legal activities that do not involve spending public funds (100% self-financed) comes under the authority of the:

- Administration of a center, 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 center, school or department with Financial Resources or Material Resources for expenditures involving an amount of \$25,000 or more.

10. 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.

Each administrator of a center, 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.

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.

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.

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.

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

12. DELEGATION OF AUTHORITY

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

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*.

In the case of a contract relating to legal activities 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 of commitment of more than one year

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

13. AMENDMENT TO CONTRACT

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

- Ensure that the amendment is accessory and does not change the nature of the contract in accordance with article 17 of the Act respecting contracting by public bodies;

- Obtain authorization for the expenditure as defined in the School Board's by-Law on Delegation of functions and Powers;
- 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;
- If a contract involves expenditure equal to or greater than \$100,000, 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.
- For all contracts involving an expenditure below \$100,000 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
- 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.

In the event of instructions for a change given in accordance with article 48 under the Regulation, the School Board shall provide details to the Minister as stipulated in Appendix A of the *Politique de gestion contractuelle*.

14. REQUIREMENTS RELATING TO THE FRENCH LANGUAGE

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.

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.

15. COMING INTO FORCE

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.

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.

This Policy and any revisions are transmitted to the Ministry in accordance with clause 6 of the *Politique de gestion contractuelle*.

This policy will come into force on the date of its adoption by the council of Commissioners.

16. ANNEXES

Annex 1: Definitions
Annex 2: Summary Tables

ANNEX 1

DEFINITIONS

Administrative Unit: School, center or school board department.

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 Quebec sales tax (QST).

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.

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.

Construction Contracts: 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.

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 pre- determined terms and conditions.

Contractor: The physical person or legal entity who provides services related to the construction sector.

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

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

Homologation of Goods: A pre-selection of goods by the School Board prior to a call for tenders, to ensure that the goods conform to a recognized standard of technical specification in place.

Individual who does not operate a sole ownership: A physical person who does not have full decisional power as to the functions and whose activities do not meet the following conditions:

1. A corporate body whose business plan, although not in writing, reflects the economic objectives of the company and the basis of its foundation.
2. 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.
3. Retainability, i.e. repetition of acts, thereby excluding casual or isolated acts.
4. Of an economic nature i.e., it provides commercial services, (traditional, artistic or agricultural activities) which therefore, exclude the activity for social, charitable or volunteer use.
5. Involving other economic partners receptive to the services offered by the enterprise, generally defined as a client or a market, and the existence of an economic value or benefit directly attributable to the efforts of individuals.
6. 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

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.

Mutual Agreement Contract: 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.

Non-Profit Legal Entity: A non-profit legal entity under private law other than a corporation with the majority of employees who are disabled.

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.

Professional Services Contract: A contract for the purpose of achieving intellectual work which requires mainly design, creation, research and analysis work or service provided by a professional whose profession is subject to the Code des Professions.

Property: All buildings, tools, equipment, and expendable goods.

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

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 pre-determined terms and conditions.

Region: The territory covered by Eastern Shores School Board.

Request for Quotations: A process whereby the School Board invites a certain number of supplier, service providers, or contractors to submit a written quote of their price and terms for the purpose of the acquisition of goods, services, or construction work.

School Board: Eastern Shores School Board or a person duly delegated authority for a particular activity.

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.

Service Supplier: Individual or legal entity that provides services of a technical or professional nature.

Service Supplier Qualifications: Pre-selection of service providers by the School Board, prior to the acquisition process.

Supplier: An individual or legal entity who supplies goods.

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).

Task Order Contract: A contract signed with one or more service providers or contactors when the needs are recurring and the quantity of requests, the rate or the frequency of execution is uncertain.

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.

Tender Documents: A set of documents, clauses, and conditions emitted by the School Board regarding a public call for tenders or invitation to tender.

**ANNEX 2: SUMMARY CHARTS
POLICY ON THE PURCHASE OF GOODS AND SERVICES**

**Summary 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 \$4,999	Negotiated Contract (minimum 1 supplier)	Optional	Center Director School Principal Department Director And/or Finance or Material Resources	Management staff of Departments, Schools & Centers (if delegation)
\$5,000 To \$9,999	Direct request for prices (minimum 3 suppliers)	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		Council of Commissioners (resolution)
\$10,000 To \$24,999			Council of Commissioners (resolution)	
\$25,000 to \$99,999	Invitation to tender (minimum 3 suppliers)		Center Director School Principal Department Director With Finance or Material Resources	Council of Commissioners (resolution)
\$100,000 or more	Public tenders (published in SÉAO)			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 supplier)	Responsibility for the purchasing process	Delegation of Power (Decision maker)
Less than \$4,999	Negotiated Contract (minimum 1 provider)	Optional	Center Director School Principal Department Director And/or Finance or Material Resources	Management staff of Departments, Schools & Centers (if delegation) Note: contract must be for one year of less
\$5,000 To \$9,999	Direct request for prices (minimum 3 providers)	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		Council of Commissioners (resolution)
\$10,000 To \$24,999			Council of Commissioners (resolution)	
\$25,000 to \$99,999	Invitation to tender (minimum 3 providers)		Center Director School Principal Department Director With Finance or Material Resources	Council of Commissioners (resolution)
\$100,000 or more	Public tenders (published in SÉAO)			Council of Commissioners (resolution)

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

**Summary Table 3
Professional Service Contracts**

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 \$24,999	Negotiated Contract (minimum 1 provider)	Optional	Center Director School Principal Department Director And/or Finance or Material Resources	Council of Commissioners (Resolution)
\$25,000 To \$99,999	Selection process normally set by a committee and directly related to departments concerned	Optional	Center Director School Principal Department Director With Finance or Material Resources	Council of Commissioners (Resolution)
100,000 or more	Public tenders (published in SÉAO)	Lowest <u>adjusted</u> price taking into account an evaluation of quality: usual method or Lowest price taking into account an evaluation of quality: possible or price only: possible or Quality only : mandatory architecture and engineering, possible if set rates are known		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 supplier)	Responsibility for the purchasing process	Delegation of Power (Decision maker)
Less than \$4,999	Negotiated Contract (minimum 1 contractor)	Optional	Center Director School Principal Department Director with Material Resources	Center Director School Principal Department Director Management staff of Material Resources (if delegation)
\$5,000 To \$24,999	Direct request for prices (minimum 3 contractors ⁱ)	Lowest price: usual method or Lowest price following an evaluation of quality: possible		Council of Commissioners (resolution)
\$25,000 to \$99,999	Invitation to tender (minimum 3 contractors ⁱⁱ)	or Lowest adjusted price taking into account an evaluation of quality: possible	Material Resources	Council of Commissioners (resolution)
\$100,000 or more	Public tenders (published in SÉAO)			Council of Commissioners (resolution)

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

Summary table 5
Purchasing process tied to legal operations that do not involve spending public funds
(100% self-financed)

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 \$4,999	Negotiated Contract (minimum 1 supplier)	Optional	Center Director School Principal Department Director	Center Director School Principal, with the support of the Governing Board (see note 3)
\$5,000 To \$24,999	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 <u>adjusted</u> price taking into account an evaluation of quality: possible	And/or Finance or Material Resources	
\$25,000 and more	Invitation to tender (minimum 3 suppliers ¹)	<i>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.</i> <i>(See note 2)</i>	Center Director School Principal Department Director With Finance or Material Resources	

Examples: food concession services, school uniform contracts, 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 4.4.5.1 of the Policy on the Purchase of Goods and Services. However, as the spending of public funds is not involved, the composition of Selection Committee may vary.

Note 3: There are two delegates 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.