



Commission Scolaire Eastern Shores  
**EASTERN SHORES SCHOOL BOARD**

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**Policy ES- 245**

**Management of Risks Related to Corruption and Collusion  
In Contract Management Processes**

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

Adopted on : December 17, 2019

Resolution : C19-12-507

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## 1. PREAMBLE

The School Board is subject to the Act respecting contracts for public bodies (LCOP). Pursuant to section 26 of this Act, the Conseil du trésor adopted on June 14, 2016, and updated in April 2019, the Directive concerning the management of risks related to corruption and collusion in contract management processes. This Directive entered into force on September 1, 2016.

In particular, the School Board must design and implement an organizational framework for managing the risks of corruption and collusion in contract management processes that allows strategic stakeholders to identify, analyze and evaluate these risks, as well as to implement controls or mitigation measures.

## 2. POLICY OBJECTIVES

This policy has the following objectives:

- Ensure a structured and standardized process to identify, analyze, evaluate, manage and monitor the risks of corruption and collusion arising from the activities of contract management processes.
- Specify the components of a plan to manage the risks of corruption and collusion.
- Define the roles and responsibilities of the various stakeholders in managing the risks of corruption and collusion in contract management processes.
- Define accountability mechanisms.

## 3. SCOPE

This policy is intended for all employees involved in the Eastern Shores School Board's contract management processes.

## 4. TERMS OF REFERENCE

- *Act respecting the contracts of public bodies (RLRQ, c. C-65.1) and its regulations;*
- *Directives and Policies issued by the Treasury Board under the OPA;*
- *Directive on the management of risks related to corruption and collusion in contract management processes (T.C. : 2016501)*
- *Policy on Contract Enforcement Officials (RARC);*
- *Regulations relating to supply, service, information technology and construction contracts;*
- *Internal policy and guidelines for procurement, service and construction contracts;*

## 5. DEFINITIONS OF THE TERMS

**Collusion:** A secret agreement between potential bidders who organize themselves to impede competition, including through price or output fixing, sales or territory sharing and/or bid rigging.

**Conflict of interest:** A situation where 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.

**Consequence:** Effect of an event affecting the objectives. Consequences can be expressed in terms of both tangible and intangible impacts.

**Internal control:** A process implemented by management at all levels of the company to provide reasonable assurance that the following objectives are achieved: the effectiveness and efficiency of operations; the reliability of financial operations; and compliance with laws and regulations.

**Corruption:** An exchange or attempted exchange where, directly or indirectly, an undue advantage is offered, promised or granted by a briber and/or requested, accepted or received by a public office holder, in return for an act by the public office holder for the benefit of the briber.

**Risk management:** Coordinated activities to direct and steer an organization with respect to risk.

**Stakeholder :** A person or organization that may either influence a decision or activity, or be influenced or feel influenced by a decision or activity.

**Risk Management Plan:** A step in the organizational risk management framework, consisting of the following elements: organizational context, assessment of the current situation (risk identification, analysis and assessment), desired situation (mitigation action plan) and follow-up.

## 6. BENEFITS OF RISK MANAGEMENT

- Meets the needs of the school board and the requirements of the Directive.
- Represents an effective method to increase the organization's resistance to corruption and collusion.
- Allows to assess the control measures in place.
- Is an integral part of management and takes into account other organizational processes (strategic planning, internal policies, internal policies, etc.).
- Based on the best information available.
- Protects the reputation and assets of the school board.
- Decision-making support.

## 7. ANNUAL RISK MANAGEMENT PLAN

The School Board shall adopt, for each fiscal year, a risk management plan for corruption and collusion in contract management processes. Successful implementation depends on effective communication and stakeholder consultation.

This plan must include the following elements:

- The analysis of the context in which the School Board concludes its contracts;
- Assessment of the risks of corruption and collusion in contract management and the controls in place. This step includes the identification, analysis and evaluation of risks;
- Provisions for the treatment of risks, including risk mitigation measures;
- Follow-up, i.e., monitoring and review by assessing the mitigation measures implemented by the School Board and reviewing risks and controls;
- Any other element determined by the Conseil du trésor.

## 8. ROLES AND RESPONSIBILITIES

### 8.1. Council of Commissioners

- Approves this policy and its update;
- Ensures that the school board complies with the requirements of the Directive through this policy;
- Ensures that the responsibilities and authorities of the relevant roles are assigned to strategic stakeholders, including the RARC, to identify, analyse and assess the risks of corruption and collusion in contract management processes;
- Approves the risks assessed following the recommendations of the RARC;
- Adopts the Annual Risk Management Plan for Corruption and Collusion in Contract Management Processes.

### 8.2. Director General

- Ensures the application of and compliance with this Policy;
- Provides the necessary and competent resources to implement this Policy;
- Ensures that the responsibilities of each stakeholder are communicated to all levels of the School Board;
- Ensures that corrective actions are implemented following the recommendations of the Conseil du trésor or the UPAC, concerning the control of the risks of corruption and collusion of its organization;
- Reports to the Council of Commissioners when an act of collusion or corruption is found.

### **8.3 Contract Enforcement Officers (RARC)**

- Ensures that a plan is in place to manage the risks of corruption and collusion;
- Recommends to the manager the risks identified and the risk management approach;
- Ensures the improvement of the process for managing the risks of corruption and collusion in contract management processes.

### **8.4. Manager involved in a contract management process**

- Integrates, in its functions, the management of the risks of corruption and collusion;
- Ensures accountability and follow-up of risk mitigation measures under its responsibility;
- Informs the RARC of any vulnerable situation that may affect the achievement of the organization's objectives.

### **8.5. Staff involved in a contract management process**

- Integrates, in its activities, decision-making related to the management of risks related to corruption and collusion in contract management processes;
- Maintains knowledge of how to assess the risks of corruption and collusion;
- Commits to respecting the rules, with regard to conflicts of interest and confidentiality in the contract management process.

## **9. REVISION OF THE POLICY**

The policy is reviewed when significant changes occur that could affect it.

## **10. ACCOUNTABILITY REPORTS**

The reporting within the school board includes an annual reassessment of risks and a monitoring of the effectiveness of the actions implemented with respect to risks deemed significant. The Secrétaire du Conseil du trésor (SCT) may request that this report be forwarded to them.

## **11. ENTRY INTO FORCE**

This policy is effective on the date of its approval by the Council of Commissioners.