

DIRECTIVE ON AWARD OF SUPPLY, SERVICES AND CONSTRUCTION CONTRACTS

Department responsible : Material Resources	Approved by : _____ Director general
Effective date : January 1 st 2003	Amended : October 5, 2009, January 1 st , 2014 and April 6 th , 2016.
References : CC 2013/2014 – 17 CC 2015/2016-46	

1. GENERAL PRINCIPLES

- 1.1 [purpose](#) The purpose of the present Directive is to provide a framework to Kativik Ilisarniliriniq (KI) for the supply of goods, services and construction work required and to determine the rules regarding the award of such contracts.

This Directive only constitutes a general summary of the legal and procedural requirements applicable to contracts, and therefore, the practitioners shall refer to the applicable legislation to ensure all the conditions are met.

- 1.2 [sources](#) This Directive is based on the following sources and documents:

- The Education Act for Cree, Inuit and Naskapi Native Persons (CQLR, c. I-14);
- The Act respecting contracting by public bodies (CQLR, c. C-65.1) and the Regulations respecting supply contracts, service contracts and construction contracts of public bodies;
- The MEES *Policy regarding the management of work related to goods, services and construction for public bodies in the education sector* (April 2010);
- Intergovernmental trade liberalization agreements entered into by the Government of Québec.

- 1.3 [definitions](#) The definitions that follow apply to this Directive:

- a) **Act:** the Act respecting contracting by public bodies (CQLR, c. C-65.1) and its regulations;



- b) **call for tender:** call for competitive bids from several suppliers, inviting them to submit a tender for the purpose of obtaining a contract;
- c) **call for tender by invitation¹:** sent to a limited number of suppliers identified by the purchasing services and/or the person(s) making the requisition;
- d) **construction contract:** contract for preliminary soil preparation, foundation works, construction, renovation, repair, maintenance, alteration or demolition of a building or of a civil engineering work that requires skilled labour from the building trades and to which the Building Act (chapter B-1.1) applies;
- e) **contract:** an agreement of wills by which one or several persons obligate themselves to one or several other persons to perform a service related to the purchase/lease of goods or services, construction, etc. It can be verbal or written and is formed by the sole exchange of consents between persons having capacity to contract;
- f) **public call for tender:** notice of invitation to submit a tender posted on the electronic tendering system approved by the Government;
- g) **Purchasing Agent:** person responsible employed by the Board for managing requests for goods and supplies;
- h) **requisitioner:** person who is empowered to acquire equipment and supplies within the budget of the department he represents;
- i) **requisition form:** to be used for any requisition;
- j) **SEAO:** Système Électronique d'Appel d'Offre du Gouvernement Québec.

2. GENERAL PRINCIPLES

2.1 [purpose](#) While respecting any governmental agreement applicable to the School Board and in accordance with the *Act Respecting Contracting by Public Bodies* and its by-laws, this Directive aims at promoting :

- a) public confidence in the public procurement process by attesting to the integrity of tenderers;

¹ Nunavik suppliers should be invited.



- b) transparency in contracting processes;
- c) the honest and fair treatment of tenderers;
- d) the opportunity for qualified tenderers to compete in calls for tenders made by KI;
- e) the use of effective and efficient contracting procedures, including careful, thorough evaluation of procurement requirements;
- f) the implementation of quality assurance systems for the goods, services or construction work required by KI; and
- g) accountability reporting by the Board to verify the proper use of public funds.

2.2 application This Directive applies to :

- a) supply contracts, including contracts for the purchase, lease or rental of movable property, which may include the cost of installing, operating and maintaining the property;
- b) construction contracts;
- c) service contracts ²;
- d) contracts of affreightment, contracts of carriage other than those subject to an Act, damage insurance contracts and contracts of enterprise other than construction contracts are considered to be service contracts.

Consultants are service providers covered by this Directive.

books The acquisition of books by the Board is not governed by the present Directive but rather by a specific process pursuant to the *Act Respecting the development of Québec Firms in the Book Industry* (CQLR. c. D-8.1). A mutual agreement contract process is mandatory with accredited bookstores and provisions under this specific Law must be respected.

2.3 compliance All acquisitions by the School Board must be made in compliance with this Directive and the documents that form its basis and in accordance with the funds available. Any of the School Board's acquisitions will be done according to the purchasing/contracting process pursuant to the Act Respecting Contracting by Public Bodies and its regulations or, where applicable, according to the purchasing process pursuant to this Directive.

² Other than contracts to integrate the arts with the architecture and environment of KI buildings and sites.



- 3.6 [contracts of \\$25,000 and more but less than \\$100,000](#) For contracts involving a consideration of \$25,000 and more but not exceeding \$100 000, the Board shall invite at least 3 suppliers to submit written quotations except where there is a sole sourcing or when delivery order contract exists for this acquisition.

The purchasing department is responsible for the invitation for supply contracts, and the concerned department is responsible for the other contracts. The purchasing department will have to be informed of every contract attributed in that range so as to be able to publish it in the SEAO.

CONTRACT OF \$100,000 AND OVER

- 3.7 [other regulation applicable](#) All Quebec school boards must abide by the rules stemming from different agreements signed by the Québec government with other provinces for purchasing exceeding \$100 000. These agreements essentially oblige them to give to Ontario and New-Brunswick suppliers the opportunity to submit a tender for the purchasing of certain categories of goods.

- 3.8 [contract of \\$100,000 and over](#) No contract involving a consideration of \$100 000 and more shall be awarded except after a call for public tenders unless in cases where the Act provides for an exception (emergency, mutual agreements, etc.).

The information needed in the public tenders will have to be provided by the department requesting the purchases and the tenders will be published by the Department of material resources.

- 3.9 [purchasing group](#) The Board shall participate as much as possible in purchasing groups, such as the Montreal Island School Council purchasing group. When the Board is part of a purchasing group, the rules applicable for purchasing of \$100 000 and over shall be applied.

4. SPECIFIC REQUIREMENTS FOR PUBLIC TENDERS

- 4.1 [publication on SEAO](#) The Board's public calls for tenders must be published on the SEAO.

- 4.2 [basic information](#) All invitations to submit bids shall contain at a minimum the following information :

- a) a brief description of the services required;



- 4.3 minimum delay The Board provides suppliers with a minimum of 15 days ⁴ to submit a bid for public tenders as stated in the Act.
- 4.4 information on bids received Public tender openings shall be public and all bidders may, upon request, obtain the list of bids received and the price ⁵ of each acceptable bid.
- 4.5 criteria must be disclosed It is agreed that in addition to the submitted price, the evaluation of bids may take into account quality, quantity, delivery, and service, as well as the financial capacity of the supplier. However, the tender documents shall clearly identify the requirements as well as all criteria that will be used for evaluating the bids. The methods of weighing and evaluating the criteria shall also be divulged in those documents.

5.1 [contract amendments](#) A contract may be amended if the amendment is accessory and does not change the nature of the contract.

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.

⁵ Where an evaluation is based on quality, only the names of the suppliers are disclosed at this stage.

6. OTHER CONSIDERATIONS

- 6.1 [confidential quotations](#) At no time a person is authorized to inform bidders of budget of tender during the tender process or of quotations from other competing bidders.

Such practice is detrimental to fair competition and ultimately detrimental to obtaining long term savings for the Board.

[confidentiality of documents](#) To ensure that, as long as it is not made public, a call for tenders document or any other related document or information is treated as a confidential document, the following shall apply :

- Access to documents and computer directories where they are stored is limited to authorized persons and, under the control of the director of material resources.
- Personnel who have access to these documents will be made aware of the confidential nature thereof. They shall be reminded of the confidentiality and nondisclosure agreement of KI's employees.

- 6.2 [amount](#) Splitting purchase requisitions, purchase orders or contracts to circumvent the amounts set in this Directive is prohibited.

All the amounts set-out in this Directive for the purchase of goods, services or construction work from a supplier, service provider or contractor, are in Canadian funds, before taxes.

- 6.3 [determination of the category value of the contract](#) To determine which category the contract falls into, the value has to be set at the time when the tender is launched, and includes all other kinds of remuneration such as premium, honorarium, commissions and interests.

- 6.4 [support documentation](#) It is the responsibility of the Purchasing Department to inform schools and departments of the sources and prices of products. Catalogues and other relevant documentation should be sent, making sure that each user is able to make the best choice.

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 Finance.



- 6.5 [change to the requisition](#) When a requisition is received from a school or department no change can be made without prior consent of the requisitioner. Any time where the Purchasing Department judges the requisition as giving unfair advantage to a supplier should be reported to the Director of the concerned department.
- 6.6 [bid security, performance bond, etc.](#) The School Board must request a bid security, a performance bond and a guarantee for wages, material and services where required by the *Act Respecting Contracting by Public Bodies*. The School Board may request such guarantees for any other purchasing process.

7. ADVISORY COMMITTEES

- 7.1 [advisory committee](#) Advisory Committees may be established by the Director General after consultation with the Management Committee to ensure that purchasing decisions such as the designation of approved suppliers benefit the Board.
- 7.2 [computers](#) The purchase of computers and software should follow the recommendations and orientations of a computer committee, and must apply relevant Directives that may be issued from time to time by the Director-General. The person responsible for IT shall be part of the Computer committee along with at least 2 other appointed members. The Committee also establishes the list of standard equipment used by the MAO Committee.
- Software purchases may be made directly by the concerned director of a department or the budget supervisor following the above rules whenever applicable or appropriate.

[ISO 9001 : 2008](#) The School Board must conclude any contract for professional services in information technology involving an expense that is equal or greater than \$500,000 with a service provider holding a certificate of registration for ISO 9001: 2008.

8. REQUISITION

The information below details the steps to follow for transactions handled by the Purchasing Department.

- 8.1 [responsibility of the requisitioner](#) The requisitioner shall:
- a) make sure the equipment or supplies are not available in another department of KI;
 - b) write the requisition, with all the required information;



- c) if there are plans and specifications, they should be attached to the requisition. Specifications should be written broadly enough to encourage competitive bidding;
- d) suggested suppliers and/or catalogue number(s) should be indicated;
- e) generally, brand names should be used only to specify a standard or in the case of a unique item;
- f) make sure the departmental budget is respected;
- g) sign the requisition and obtain the other necessary information if any;
- h) transmit the requisition to the Purchasing Department.

- 8.2 [responsibility of the purchasing department](#) The Purchasing Department shall:
- a) negotiate by mutual agreement or obtain tenders;
 - b) analyze the tenders of suppliers if required;
 - c) inform the requisitioner whenever alternatives are contemplated;
 - d) fill the purchase order;
 - e) make sure to respect all requirements as set forth in this Directive.
- 8.3 [responsibility of the concerned department](#) When a purchase order is issued, the concerned department shall:
- a) verify the budget code;
 - b) authorize the expenses according to the budget.

Procedure

- 8A) [requisition form](#) All requisitions must be made using the form «REQUISITION FOR MATERIAL» ; the following information must be provided:
- a) date of the request;
 - b) requested date of delivery; the actual date required should be shown. An "As Soon as Possible" entry will be considered to mean that the supplier's normal (possibly slow) delivery date is acceptable;
 - c) name of supplier (a full address is needed in the case of suppliers located outside Québec);
 - d) name of the Department and of the requisitioner;
 - e) desired quantity;



- f) catalogue number: if no other product is acceptable the term “NO SUBSTITUTE” should be included but justification must be provided;
- g) short description of the item;
- h) cost estimate: the estimated value of the order must be entered on the requisition. This information is required for budget purposes. Requisitioning department will be contacted if actual cost data obtained by the Purchasing Department is significantly different;
- i) requisitioner’s signature;
- j) supervisor’s signature (if necessary);
- k) budget code;
- l) amount applicable to each budget code, if more than one code;
- m) any relevant comment (ex.: Priority cargo delivery, name and location of the receiving point to which the delivery should be directed, etc.).

8B) [send to form](#) When the requisition form has been filled in and signed, the requisitioner should send the first copy to the Purchasing Department and keep the other in his files. This other copy should make follow-up on deliveries or any other verification easier.

9. DELIVERY

9.1 [responsibility at the reception](#) When a package is delivered, it is the responsibility of the employee who receives it to:

- a) verify the packing slip and sign it;
- b) send the packing slip to the Purchasing Department.

9.2 [responsibility of the requisition](#) When the goods are received, it is the responsibility of the requisitioner to :

- a) make sure the equipment and supplies received match the purchase order;
- b) notify the Purchasing department of any damage or discrepancy between the goods ordered and the goods received.



10. PAYMENT

- 10.1 [responsibility of the finance department](#) It is the responsibility of the Finance department to:
- receive, verify and keep invoices and proofs of delivery;
 - obtain the requisitioner's authorization before issuing a payment;
 - issue payments to suppliers.
- 10.2 [petty cash](#) Authorized use of small petty cash in certain departments and schools is meant to cover small urgent purchases. It cannot be used to circumvent the current directive.

11. INVENTORY

- 11.1 [inventory](#) Every department or school has the responsibility to control the equipment and supplies they have in their inventory.

12. CONFLICT OF INTEREST

- 12.1 [conflict of interest](#) All Board members and employees who have decision-making authority or who are in a position to influence a decision about an acquisition or order must disclose in writing any personal interest in a prospective supplier to the Director-General and withdraw from the decision-making process, if that is deemed appropriate.
- Apart from this restriction, members of the Board and employees may recommend a source of supply, but the final selection rests with the authority responsible for purchasing, provided such selection is in accordance with the principles mentioned herein.
- No gift of any kind or any form can be accepted from suppliers except for the sole benefit of the Board.
- The Code of Ethics for Commissioners and the Code of Ethics for Employees shall be respected.
- 12.2 [contract management](#) To ensure that employees involved in the management of public contracts are not in a conflict of interest, they will be made aware of the laws, regulations and other rules governing ethics and discipline as follows :
- All employees are required to disclose to their supervisor or to the Director General, any situation that could reasonably place them in a conflict of interest;



- All employees must be reminded and asked to review regularly the Code of Ethics and Professional Conduct for employees of the Kativik School Board.

13. EMERGENCY

- 13.1 [exception](#) In emergency situations requiring immediate action, Material Resources may proceed with purchasing of goods and services without following the rules set in this Directive. However, these rules should be followed as much as possible depending on circumstances.

14. FINAL PROVISIONS

- 14.1 [publication](#) The chief executive officers 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.
- 14.2 [Board's obligations](#) The Board must, during its acquisition process, ensure that the Ministry of Revenue of Québec and Treasury Board requirements are met.
- 14.3 [CRCM](#) The Director of Finance is designated as the contract rules compliance monitor with functions including:
- a) seeing that the contract rules prescribed by the Act and the regulations, policies and directives under the Act are complied with;
 - b) advising, and making recommendations or providing advisory opinions to, the chief executive officers on compliance with contract rules;
 - c) seeing that measures are put in place within the Board to ensure the integrity of internal processes;
 - d) seeing to the professional fitness of the personnel involved in contractual activities; and
 - e) exercising any other function the chief executive officers may require to ensure that contract rules are complied with.



14.4 [information to provide](#) The following information must be submitted to the contract rules compliance monitor (“CRCM”) to enable him to perform the required operations:

- Any information about a file where an authorization of the Director General is required under the regulatory framework must be sent to the contract rules compliance monitor (“CRCM”) to enable him to play his advisory role;
- Any other information or documentation that may be required by the contract rules compliance monitor (“CRCM”) to enable him to perform the functions entrusted to him.

15. OPEN COMPETITION FOR SMALL AND MEDIUM BUSINESSES

15.1 [implement measure](#) To ensure an open competition for small and medium businesses (“SMB”) and a realistic definition of requirements against the school board’s needs, the following measures are to be implemented:

- To make sure to open up the markets to a maximum of qualified competitors, the school board must set realistic requirements in connection with its needs;
- The eligibility conditions, the conditions of compliance and the evaluation criteria of the quality of submissions, if any, should not be defined and drafted so as to exclude competitors that could very well meet the needs of the School Board;
- The specifications of a product should not unduly limit the competition, or the experience-related evaluation criteria should not have excessively high minimum expectations that have the effect of eliminating companies or resources capable of adequately meeting the needs;
- Where possible and appropriate, the school board may use tenders by batch. This can enable “SMBs” to meet lower requirements, if any;
- The School Board may also promote business combinations in order to enable “SMBs” to bid for projects of greater size and complexity;
- The school board may use a notice of appeal of interest in order to explore a new public market and get information from the industry in this regard.



- The School Board may also make its future needs known through a reverse technology showcase. Such an approach allows the market to share existing solutions that can meet a need in whole or in part and to avoid the development of customized solutions that would cost more.

16. CONSULTANTS

- 16.1 [access to premises](#) To ensure that all employees and managers are informed of the presence of a consultant at the workplace, the following measures are to be implemented:
- Any employee of a consultant must identify himself when speaking to a member of the School Board;
 - Any employee of a consultant must wear a badge issued by the school board identifying him as a visitor.
- 16.2 [access to documents](#) The following measures are in place to restrict access to the premises and information deemed critical to the achievement of the consultants' mandate :
- Access to documents and computer directories is limited to personnel members authorized by the manager responsible, and a consultant must obtain permission from the manager to have access to them.

17. APPLICATION OF THIS DIRECTIVE

- 17.1 [previous provisions](#) The present directive replaces all other directives of the Board pertaining to this subject, while respecting the policies adopted by the Council of Commissioners where applicable. If such policies are adopted, the provisions of these policies will be integrated into this directive for the benefit of the reader.
- 17.2 [responsibility](#) Any person referred to in this Directive must abide to all its provisions and all managers of the School Board are responsible to ensure that all its provisions are applied and respected.

The Director of Material Resources is the person responsible for providing support in the interpretation of this Directive and to ensure its revision when necessary.



APPENDIX A

Exceptions

Excerpts from the Act Respecting Contracting by Public Bodies CQLR, c. C-65.1)

3. The following public procurement contracts are subject to this Act when they involve public expenditure:

Contracts of affreightment, contracts of carriage other than those subject to the Education Act (chapter I- 13.3), damage insurance contracts and contracts of enterprise other than construction contracts are considered to be service contracts.

13 A contract involving expenditure above the public tender threshold specified in section 10 may be entered into by mutual agreement:

- 1 if there is an emergency that threatens human safety or property;
- 2 if there is only one possible contractor because of the existence of a guarantee, an ownership right or an exclusive right such as a copyright or a right based on an exclusive licence or patent, or because of the artistic, heritage or museological value of the required property or service;
- 3 if the contract involves confidential or protected information whose disclosure in a public call for tenders could compromise its confidential nature or otherwise hinder the public interest;
- 4 if the public body considers that it will be able to prove, in accordance with the principles set out in section 2, that a public call for tenders would not serve the public interest given the object of the contract concerned; Or
- 5 in any other case determined by government regulation.

In the cases described in subparagraphs 3 and 4 of the first paragraph, the contract must be authorized by the chief executive officer of the public body, who must inform the minister responsible on an annual basis.

Excerpt from: (Sections 27 and 28 of the Regulation respecting supply contracts of public bodies)

CONTRACT FOR THE ACQUISITION OF SAND, STONE, GRAVEL OR BITUMINOUS COMPOUNDS

27. A contract to acquire sand, stone, gravel or bituminous compounds involving an expenditure below \$200,000 may be entered into by mutual agreement.

CONTRACT RELATING TO RESEARCH AND DEVELOPMENT OR TEACHING

28. A supply contract relating to research and development or teaching activities may be entered into by mutual agreement where, due to technical or scientific reasons, only one supplier is able to carry it out and there is no other alternate solution or substitute goods.



Excerpt from: (Sections 35, 37, 39 and 41 of the Regulation respecting service contracts of public bodies)

LEGAL SERVICE CONTRACTS

35. A legal service contract may be entered into by mutual agreement.

FINANCIAL OR BANKING SERVICE CONTRACTS

37. A financial or banking service contract may be entered into by mutual agreement.

ADVERTISING CAMPAIGN CONTRACTS

39. A public body may solicit only a quality demonstration to award an advertising campaign contract. The amount indicated in the contract may not be greater than the amount predetermined in the tender documents.

TRAVEL SERVICE CONTRACTS

41. A public body may solicit only a quality demonstration to award a travel service contract involving an expenditure equal to or above the public tender threshold.

In that case, the public body negotiates the amount of the contract with the service provider whose acceptable tender obtained the highest score for quality.



**APPENDIX B
SUMMARY CHART / ACQUISITION DIRECTIVE
OF GOODS AND SERVICES
SUPPLY CONTRACTS**

Estimated expenses (before taxes)	Procurement Mode (minimal process)	Department in charge of the bids	Approval
0 to \$24 999	Direct price quotation request or mutual agreement contract (at least 1 supplier)	Concerned department or the Material Resources Service	Department direction
\$25 000 to \$99 999	Call for tender by invitation (at least 3 suppliers) ¹	Material Resources Service	Department Director up to \$50 000 Director General > \$50 000
\$100 000 & over	Public call for tender (Publication on SÉAO) ²	Material Resources Service	Director General \$50 000 to \$100 000 Executive Committee >\$100 000 < \$250 000 Commissioner Council > \$250 000

Examples : Acquisition of office supplies (furniture, supplies), equipment including computer material, perishable goods, maintenance products.



<p>Contract in charge of bids</p>	<p>Approval</p>
<p>concerned</p>	<p>Department direction (for contracts with a duration</p>

concerned Material Department	contracts with a duration of a year or less) or Direction of Material Resources Department
concerned Material Department	Department Director up to \$50 000 Director General > \$50 000
Resources Department	Director General \$50 000 to \$100 000 Executive Committee >\$100 000 < \$250 000 Commissionner Council > \$250 000

- 1- The selection of suppliers must be justified and the submissions must be retained.
- 2- Except in cases indicated by law where's public call for tender is not necessary.
- 3- A copy of the service contract must be sent to the Finances Department.

⁶ Every contract of \$25 000 and more must be published in the SEAO.

APPENDIX C SELECTION COMMITTEE

Excerpts from the Directive on the management of supply, services and construction contracts for public bodies. **Under the Act Respecting by Public Bodies (CQLR, c. C-65-1)**

Section 4

SELECTION COMMITTEE

7. Where a public body uses a selection committee, the selection of committee members must be done with care to avoid any conflict of interest and appearance of conflict of interest.
8. In order to promote the neutrality and objectivity when rating the quality of tenders, the public body must apply the following rules:
 1. The selection committee must be formed before launching the tender;
 2. The head of the organization should designate the person who can act as selection committee secretary;
 3. Only a person in a position of executive or professional status within the body and having a permanent or equivalent status, or being in the process of acquiring that status, can act as selection committee secretary. However, an organization can, given the resources available, make arrangements with another organization so that this other agency's selection committee secretary also acts as committee secretary for the organization;
 4. The selection committee secretary must hold a certificate issued by the Secretary of the Treasury Board or its designated representative certifying that he has completed the training required for him to assume this function;
 5. The Selection Committee Secretary shall maintain updated knowledge in particular through continuing training offered by the Secretary of the Treasury Board;
 6. The selection committee secretary is responsible for the bid quality evaluation process by the committee and he must be consulted during preparation of tender documents;
 7. The head of the organization or his representative shall appoint the members of the selection committee;
 8. At least one member of the selection committee must be external to the agency concerned by the tender;
 9. The head of the organization or its designated representative must ensure the rotation of the persons designated to act as members of these committees;



10. The project leader concerned, the leader of the organization, a member of its Board of Directors or, if the organization is a school board, a commissioner of the school board, cannot be a member of the selection committee;
 11. There should be no hierarchical relationship between the members of a committee;
 12. Each member of a selection committee has the responsibility to individually analyze the quality of each of the compliant tenders received before they are evaluated by the committee.
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9. Where the public body evaluates the quality of a tender following an invitation to tenders, the implementation of paragraph 8 of Article 8 is not required.
 10. The head of the public body may, if he considers it proper to allow a derogation from the application of paragraphs 1, 3, 6 and 9 of Article 8.

