

REGISTER OF POLICIES, PROCEDURES AND BY-LAWS

PURCHASING POLICY

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**POLICY AND RULES RELATED TO
SUPPLY, SERVICE, AND CONSTRUCTION CONTRACTS**

- d. using effective and efficient contracting procedures which include, in particular, appropriate and a thorough assessment of the needs and requirements, while taking into account the Government's orientations with regard to sustainable development and the environment;
- e. establishing methods of quality assurance covering supply of goods, services, or construction work needed by the School Board;
- f. accountability reporting based on the Chief Executive Officer's (Addendum C) responsibilities.

4. IMPLEMENTATION

- 4.1. The Council of Commissioners, the Executive Committee, the Director General, the Assistant Director General, the Department Directors, the School Principals and Center Directors are the governing bodies authorized to commit the School Board's funds in compliance with the School Board's Delegation of Powers By-Laws made public.
- 4.2. To this end, the Council of Commissioners adopts the present policy, ensures its review, publication and implementation as needed.
- 4.3. Monitoring of the purchasing process is part of the normal internal supervision of the School Board's activities, the external auditor's mandate, and where appropriate the internal auditor.

5. APPLICABILITY

- 5.1. The present policy applies to the School Board's purchasing of goods, services and construction work from a supplier, a service provider or a contractor who is:
 - a) a profit-making legal person established for a private interest;
 - b) a general partnership, limited partnership or joint venture;
 - c) a sole proprietorship;
 - d) an enterprise most of whose employees are handicapped persons.

- 5.2 Exceptions to where the Legislation and Regulations will be applied are found in Addendum B.
- 5.3 This policy applies only to public funding covered by the Legislation and other references noted in section 2.

6. GENERAL

- 6.1. Any of the School Board's acquisitions of less than \$100,000 must be acquired according to this policy and the documents on which it is based, while respecting the funds available.
- 6.2. Any of the School Board's acquisitions will be purchased according to the purchasing process pursuant to the *Act Respecting Contracting by Public Bodies* and its by-laws or, where applicable, according to the purchasing process pursuant to this policy. As indicated in the provisions of the legislation, the School Board may elect to award a contract based on lowest price, lowest price meeting minimum quality standards, lowest price adjusted for quality or quality only.
- 6.3. The School Board favours grouped procurements for goods and services, where applicable, as long as this way of purchasing does not jeopardize the economy in the Montreal area.
- 6.4. The School Board favours the purchase of goods and services originating from Quebec first, while abiding by the inter-governmental agreements.
- 6.5. 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.
- 6.6. The School Board remains the owner of all the goods acquired irrespective of their location in the various departments, schools, and centres and is the only one to benefit from the services or construction work it acquires.
- 6.7. The School Board may award a mutual agreement contract in situations provided by the *Act Respecting Contracting by Public Bodies* and its by-laws, whatever the amount. (Addendum B)
- 6.8. Before signing a mutual agreement contract, the School Board has to be diligent in ensuring fair prices and conditions from the supplier, service provider or contractor.

- 6.9. The School Board will explore the possibility of purchasing products with an environmental benefit where circumstances permit.
- 6.10. Anyone responsible for a negotiation must not stand to benefit personally or financially from the negotiation at hand or any subsequent purchases.

7. TENDERING OF CONTRACTS

7.1. Public call for tenders

- a)** The School Board must use the public call for tenders for all contracts estimated over \$ 100,000.
- b)** The public call for tenders is the process prescribed by the Legislation in
- i. The Act Respecting Contracting by Public Bodies*
 - ii. The Regulation Respecting Supply Contract by Public Bodies*
 - iii. The Regulation Respecting Service Contracts of Public Bodies*
 - iv. The Regulation Respecting Construction Contracts of Public Bodies.*
- c)** When no intergovernmental agreement is applicable to the contract, the School Board may proceed with a regional call for tender, unless this process does not allow for a sufficient number of tenders.
- d)** The School Board may publish a public call for tenders for contracts where the amount is less than \$ 100,000. In this case, the procedures provided by the Legislation, subject to adjustments, are authorized.

7.2. Invited call for tenders

- a)** The School Board must use an invited tender process for contracts of an estimated value greater than \$ 50,000 but less than \$ 100,000.
- b)** The School Board may use an invited tender process for contracts less than \$50,000. In this case, the process provided by this policy will apply.
- c)** A minimum of three suppliers must be invited as part of the process.
- d)** The details of the process and other information will be established by the School Board in its call for tender documents and will have to include the following components:
- 1 - The date, time and location to receive the tenders;

- 2 - The obligation for the bidders to forward tenders in writing;
- 3 - The awarding procedure, either lowest price, lowest price meeting minimum quality standards, lowest price adjusted for quality or quality only.
- 4 - A statement that the School Board does not bind itself to accept the lowest bidder or any tender.

7.3 Request for quotations

- a) The School Board must use a request for quotation process for all contracts estimated at an amount greater than \$5,000 but less than \$50,000.
- b) The School Board may use a request for quotation process for supply contracts under \$5,000. In this case, the request for quotation procedure provided by this policy will apply.
- c) The School Board must submit this request to at least two (2) suppliers, indicating the good(s), service(s) or construction work(s) required by the School Board, the contract awarding procedure and any other relevant information.
- d) Before awarding the contract, the School Board will receive written confirmation of prices and conditions by the invited suppliers who are interested.

7.4 Mutual agreement contract

- 7.4.1 The School Board may use the mutual agreement contract for all its contracts estimated at an amount less than \$ 5,000.
- 7.4.2 The School Board communicates directly with at least one supplier, indicating the good(s), service(s) or construction work(s) required by the School Board and any other relevant information.
- 7.4.3 Before awarding the contract, the School Board will ensure a fair price

7.5 Task order or delivery order contracts

7.5.1 Regardless of the purchasing procedure selected, the School Board may, for practical reasons, sign a delivery order contract or a task order contract with the successful bidder.

7.5.2 The School Board's call for tender documents, or the information given to the suppliers when using the request for quotation or the mutual agreement process, must indicate that the School Board intends to commit, at the end of the process, to a delivery or task order.

8. OTHER ACQUISITION METHOD

The Director General may authorize in writing, to proceed with procurement through another acquisition method than that prescribed by this policy, as long as by acting in this manner the School Board complies with the policy's principles and the legislation contained therein.

9. AMOUNTS

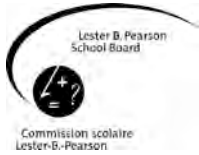
9.1 The estimated amount for each order is to be compared to the threshold values for each mode of tendering. The mode of tendering is to be determined before the tender process is started and cannot be affected by the results of the tender.

9.2 The amounts without taxes are to be used.

9.3 If required, amounts need to be converted to Canadian currency.

9.4 The amounts to be compared against the threshold values provided in this policy are the estimated amounts for each individual order. The values of multiple orders need not to be summed except in the following case:

- a) In the case of an individual project, all orders which may be awarded to the same supplier as part of this one project must be considered as a group. A project is defined as a single initiative, which is planned, which has a specific objective, a specific scope, a specific start-date and a



SE OF INFORMATION

- 10.1 The Department Directors are responsible for ensuring the School Board's compliance with the release of information requirement, pursuant to the *Act*

pecting Contracting by Public Bodies and its bylaws.

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cept for contracts related to Equipment Services, the School Board's purchasing Department is

tender documents or discussed with suppliers, if such is the case.

- 12.2. Any School Board commitment towards a supplier, service provider or contractor must be confirmed by a contract signature or the issuance of a purchase order.
- 12.3. Any contract or purchase requisition must be authorized and signed by one of the School Board's appropriate authority officers as described in the Delegation of Powers By-law.

13. DELEGATION OF AUTHORITY

Certain functions and powers of the Council of Commissioners are delegated to the Executive Committee and the Director General as provided for by section 181 and 174 of the Education Act as well as by By-Laws 2/98 (Director General) and 6/00 (Executive Committee) subject to the revision of these By-Laws and any amendment to the Education Act.

14. EFFECTIVE DATE

- 14.1. This policy revokes and replaces any other policy or prior By-Law on this matter and is effective on the date of its adoption by the Council of Commissioners.
- 14.2. 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.

15. MODIFICATIONS

To the exception of Addendum A (definitions), none of the addendums are an integral part of the present policy. They are added to the present policy for information purposes only and can be modified without consultation

ADDENDUM A

Definitions

a) Contractor

Natural person or corporate body providing services in the construction field

b) Delivery order contract

Contract signed with one or several suppliers when the needs are recurring and the quantity of goods and frequency of purchase are uncertain.

c) Goods

Any furniture, instrumentation systems, equipment and consumable supply.

d) Invited call for tenders

Process by which the School Board invites a certain number of suppliers, service providers or contractors to submit their tenders pertaining to the acquisition of goods, services or construction work.

e) Mutual agreement contract

Process by which the School Board awards directly to a supplier, service provider or contractor, a supply contract for goods, services or construction work, after they have submitted their prices and terms to the School Board.

f) Professional services contract

Contract for the purpose of achieving some intellectual work mainly requiring design, creation, research and analysis tasks or that of a professional whose profession is subject to a *Professional Code*.

g) Public call for tenders

Process by which the School Board publicly invites suppliers, service providers or contractors to submit their tenders pertaining to the acquisition of goods, services or construction work, in compliance with the *Act Respecting Contracting by Public Bodies* and its by-laws.

ADDENDUM A

Definitions (continued)

h) Purchase Order

Document duly signed by an authorized person enabling a supplier, a service provider or a contractor to deliver goods, provide a service or execute construction work according to pre-established conditions.

i) Request for quotations

Process by which the School Board asks a certain number of suppliers, service providers or contractors to submit their prices and terms in writing, for the purpose of a project, the acquisition of goods, services or construction work.

j) Service contract

Contract for services of a technical nature or professional services.

k) Service provider

Natural person or corporate body providing services of a technical or professional nature or non-professional nature.

l) Supplier

Natural person or corporate body providing goods and equipment

m) Supply contract

Purchase or rental of moveables, which could include installation, operating or maintenance costs of said moveables.

n) Task order contract

Contract signed with one or several service suppliers or contractors when the needs are recurring and the quantity of requests and frequency of execution are uncertain.

ADDENDUM A

Definitions (continued)

o) Tender documents

Documents, terms and conditions issued by the School Board relating to a call for tender

ADDENDUM B

EXCEPTIONS

Excerpts from:

(Sections 3 in fine and 13 of the Act Respecting Contracting by Public Bodies R.S.Q. ch. 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

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ADDENDUM B

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17. However, if the contract involves an expenditure above the public tender threshold (\$100,000), an amendment that entails an additional expenditure must moreover be authorized by the chief executive officer of the public body. The chief executive officer may delegate, in writing and to the extent specified, the power to authorize such an amendment. Additional expenditures authorized under a given delegation may not total more than 10% of the initial amount of the contract.

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Purchasing Policy

