



Commission Scolaire Lester- B.-Pearson
Lester B. Pearson School Board

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CONTRACT MANAGEMENT POLICY

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1. OBJECTIVE

This policy serves as the official framework for the management of contracts involving the purchase of goods, services or construction work at the Lester B. Pearson School Board. It aims to clarify the applicable rules, conditions and responsibilities of the various parties involved and to promote the implementation of control measures and mechanisms to ensure compliance with the regulatory framework and its guiding principles.

2. REGULATORY FRAMEWORK

This policy is based on the laws and regulations enacted by the Quebec Government to govern public procurement.

The regulatory framework for public procurement applicable to the School Board includes the following texts:

- *Education Act*
- *Act Respecting Contracting by Public Bodies*
- *Regulation Respecting Certain Supply Contracts of Public Bodies*
- *Regulation Respecting Certain Service Contracts of Public Bodies*
- *Regulation Respecting Construction Contracts for Public Bodies*
- *Regulation Respecting Contracting by Public Bodies in the Field of Information Technologies*
- *Act Respecting the Autorité des Marchés Publics*
- *Anti-Corruption Act*
- *Integrity In Public Contracts Act*
- *Act Respecting the Centre d'Acquisitions Gouvernementales*
- *Act Respecting the Ministère de la Cybersécurité et du Numérique*
- *An Act Mainly to Promote Québec-Sourced and Responsible Procurement by Public Bodies, to Reinforce the Integrity Regime of Enterprises and to Increase the Powers of the Autorité des Marchés Publics.*
- *Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics, Secrétariat du Conseil du trésor, Government of Quebec*
- *Directive concernant la reddition de comptes en gestion contractuelle des organismes publics, Secrétariat du Conseil du trésor, Government of Quebec*
- *Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle, Secrétariat du Conseil du trésor, Government of Quebec*
- *Decrees and Intergovernmental Agreements on Trade Liberalization signed by the Government Of Quebec*
- *School Board's Delegation of Power By-Laws*
- *The School Board Environmental and Sustainability Policy*



3. GUIDING PRINCIPLES

In accordance with the applicable regulatory framework, this policy aims to promote :

- Transparency in contractual processes;
- Fair and honest treatment of competitors;
- The possibility for qualified competitors to take part in calls for tender issued by the School Board;
- The implementation of effective and efficient procedures, including an appropriate and rigorous preliminary needs assessment that takes into account Government orientations in terms of sustainable development and the environment;
- The implementation of quality assurance systems whose scope covers the supply of goods, the provision of services or construction work required by the School Board;
- Accountability based on the responsibility of the Director General;
- Optimal management of public resources and funds.

4. ROLES AND RESPONSIBILITIES

- 4.1. The Council of Commissioners adopts this policy, ensures its revision, publication and application as required.
- 4.2. The Council of Commissioners adopts regulations delegating spending authority to certain members of the School Board's administrators and setting the limits of such authority.
- 4.3. The Director General assumes the role of Chief Executive Officer of the organization within the meaning of the *Act Respecting Contracting by Public Bodies*, in accordance with By-law 7 (2008) - *By-law to confer powers and authority in respect to the Act Respecting Contracting by Public Bodies* and provides a yearly report to the Council of Commissioners, which includes any findings and recommendations of the Contract Rules Compliance Monitor.
- 4.4. School Board's administrators are responsible for ensuring compliance with this policy and applicable directives and procedures when approving expenditures.
- 4.5. Monitoring of the purchasing process is part of the School Board's activities, the external auditor's mandate, and if applicable, the internal auditor.

5. CONTRACT RULES COMPLIANCE MONITOR

- 5.1. In accordance with article 21.0.1 of the *Act Respecting Contracting by Public Bodies*, the Director General designates a Contract Rules Compliance Monitor, whose duties include
 - Seeing that measures are put in place within the School Board to comply with the regulatory framework;
 - Advising and making recommendations to the Director General regarding the application of the regulatory framework;



- Seeing that measures are put in place within the School Board to ensure the integrity of internal processes;
- Seeing to the professional competencies of the personnel involved in contractual activities; and
- Exercising any other function the Director General may require to ensure that contract rules are complied with.

6. SCOPE OF APPLICATION

6.1. This policy applies to all contracts involving the purchase of goods, services or construction work with a private legal entity, a general, limited or joint partnership or with a self-employed person when the contract involves the expenditure of public funds. This policy does not apply, in particular, to the following procurement(s):

- Transportation contracts governed by the *Education Act*;
- The purchase of books governed by the *Act Respecting the Development of Quebec Firms in the Book Industry*;
- Any contract entered into with a public body or one of its subsidiaries.

7. GENERAL PROVISIONS

7.1. Contract Splitting

7.1.1. The School Board may not split, divide or allocate its needs or make a modification to a contract in order to avoid the application of this policy, in particular to avoid using the public call for tender process.

7.2. On-demand Contracts

7.2.1. For recurring needs, when the quantity of goods or services, or the pace or frequency of purchases are uncertain, the School Board favours the awarding of on-demand contracts.

7.2.2. When an on-demand contract is concluded, the School Board must acquire the goods and services directly from the identified suppliers as and when the need arises, according to the prices and conditions set out in the contract.

7.3. Group Purchasing

7.3.1. The School Board must acquire its goods and services in compliance with contracts awarded by the Centre d'Acquisitions Gouvernementales (CAG) when provided for in a ministerial decree or order-in-council adopted under the *Act Respecting the Centre d'Acquisitions Gouvernementales*.

7.3.2. The School Board must also acquire its goods and services in compliance with contracts awarded by another public body when it participates in a group purchase.



- 7.3.3. In all cases, it is the responsibility of anyone involved in the process of acquiring a good or service to verify whether the goods or services are part of a group purchasing plan. The acquisition of goods or services within the framework of a group purchasing plan must be preceded by the same rigorous needs assessment and must be pre-approved in accordance with the delegation of authority provided for in the School Board's By-Laws.
- 7.4. Local And Responsible Purchasing
 - 7.4.1. The School Board gives preference to the acquisition of goods, services or construction work from regional suppliers when possible in accordance with sections 14.1 to 14.5 of the *Act Respecting Contracting by Public Bodies*.
 - 7.4.2. In compliance with sections 14.6 to 14.9 of the *Act Respecting Contracting by Public Bodies*, the School Board conducts an assessment of its needs in the pursuit of sustainable development prior to awarding or granting a contract, taking into account the School Board's Environmental and Sustainability Policy, as well as the orientations and strategies put in place by the Government of Quebec with respect to sustainable development.
- 7.5. Information Security And Privacy
 - 7.5.1. When personal information must be transmitted to suppliers as part of the performance of a contract, the School Board ensures compliance with the rules set out in the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, in particular by including in the contract sufficient protection and security measures to protect the data exchanged and ensures confidentiality in compliance with applicable standards.
- 7.6. School Board Ownership
 - 7.6.1. All acquisitions of goods, services or construction work must be made in the exclusive interest of the School Board and not for personal use. Unless otherwise provided, all goods or services acquired or paid for by the School Board are the exclusive property of the School Board.
- 7.7. Measures to Encourage Competition
 - 7.7.1. To ensure that contracts are opened up to as many qualified competitors as possible, the School Board must define realistic requirements in line with its needs. Eligibility conditions, compliance requirements and bid quality evaluation criteria, where applicable, must be defined and drafted in such a way as to allow for open competition.
 - 7.7.2. The School Board should evaluate the possibility of creating different lots when issuing a call for tenders and of publishing notices of call for interest, when possible,
- 7.8. Supplier Rotation
 - 7.8.1. In awarding contracts with a value below the public tender threshold, the School Board favours rotation among invited bidders and contractors to whom it awards contracts.



7.9. Service Contract and Workforce Control

- 7.9.1. In compliance with the Act Respecting Workforce Management and Control within Government Departments, Public Sector Bodies and Networks and State-Owned Enterprises, no service contract may be awarded to circumvent a lack of resources at the School Board or to fill a need that would normally justify the hiring of personnel. The service contract must never give rise to a situation similar to an employment contract. In particular, the purpose of the service contract must be to provide specific expertise that is only available externally, or to provide services traditionally entrusted to outside firms, or to provide one-off services that do not justify the hiring of staff.
- 7.9.2. The authority responsible for approving the expenditure must ensure compliance with this rule.

8. NEEDS ASSESSMENT

- 8.1. Any staff member who requires authorization to purchase goods, services or construction work on behalf of the School Board must first determine the need in a complete and detailed manner, within the budgetary limits established by the School Board. The request should cover all the elements that are known or foreseeable, including options, where applicable.
- 8.2. Under no circumstances may a request be divided or extended over time to avoid the application of this policy.
- 8.3. In accordance with articles 14.6 and 14.7 of the *Act Respecting Contracting by Public Bodies*, the request must include, whenever possible, an element relating to environmental, social or economic responsibility. Such an element may take the form of an eligibility condition, a technical requirement, a quality evaluation criterion or a preferential margin not exceeding 10%.
- 8.4. In compliance with the applicable provisions of the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, a privacy impact assessment must be carried out for any project involving the acquisition, development or redesign of information systems or the electronic delivery of services involving the collection, use, disclosure, retention or destruction of personal information.
- 8.5. Once the need has been identified, an estimate must be drawn up and attached to the authorization request.
- 8.6. The estimated total value of the projected contract, before taxes, determines the authorized acquisition method.

9. APPROVAL OF EXPENDITURE

- 9.1. All expenses must be approved in due time by the required authority in accordance with the School Board's Delegation of Power By-Laws.



- 9.2. The authority responsible for approving the expenditure must ensure compliance with this policy and with applicable directives and procedures, and must in particular validate the description, evaluation and appropriateness of the need, as well as the proposed method of acquisition.

10. ACQUISITION METHODS

10.1. Public Tender

- 10.1.1. The School Board uses public tendering for all expenditures whose total estimated value is equal to or above the lowest threshold specified in the intergovernmental agreement(s) applicable to the contract (hereinafter "public tender thresholds", Appendix A).
- 10.1.2. The School Board then proceeds in accordance with the rules set out in the *Act Respecting Contracting by Public Bodies* and its regulations.

10.2. Call for Tenders by Invitation

- 10.2.1. The School Board uses a call for tenders by invitation for all expenditures with an estimated total value, before taxes, equal to or greater than \$75,000, but less than the thresholds set out in the public call for tenders.
- 10.2.2. The tender documents must be sent to a minimum of three (3) suppliers with an invitation to submit a bid.
- 10.2.3. Instructions to bidders, applicable general conditions and technical specifications are provided in the tender documents and must include as a minimum the following information:
- The obligation for bidders to submit their bids in writing;
 - Date, time and place of bid opening;
 - A detailed description of the goods, services or construction work required by the School Board;
 - The award criteria, i.e. lowest price, lowest price meeting minimum quality standards, lowest price adjusted for quality or best quality only.
 - A statement that the School Board is not obliged to accept the lowest bid, or any bid.

10.3. Request for Quotation

- 10.3.1. The School Board uses the request for quotation for all purchases whose total estimated value, before taxes, is equal to or greater than \$10,000 but less than \$75,000.
- 10.3.2. The School Board must submit this request in writing to various suppliers, describing in detail the School Board's needs and providing any other relevant information to enable them to submit a bid.
- 10.3.3. In all cases, the School Board must obtain at least two (2) bids before awarding the contract.



10.4. Direct Contract with a Supplier

- 10.4.1. The School Board may contract directly with a supplier for all requirements whose total estimated value, before taxes, is less than \$10,000.
- 10.4.2. Before awarding the contract, the School Board ensures that it obtains a fair price and conditions from the supplier, in particular by comparing the proposed price with the conditions generally offered on the market.

10.5. Special Cases

- 10.5.1. The School Board may contract directly with a supplier in all cases provided for by the *Act Respecting Contracting by Public Bodies* including in particular for the purchasing of legal, financial and banking services.
- 10.5.2. The School Board may also, with the approval of the Director General and when the total expenditure remains below the public tender threshold, contract directly with a supplier in the following cases:
 - When only one supplier can offer the required goods, services or construction work;
 - When an urgent or exceptional situation requires it;
 - When it is in the public interest to select a supplier due to the nature of the service to be provided;
 - In any other situation that meets the criteria for an exception as outlined in the *Act Respecting Contracting by Public Bodies*.
- 10.5.3. The School Board must contract directly with the supplier chosen as a result of a group purchasing process when the School Board has participated in the group.

11. INTEGRITY OF THE PROCUREMENT PROCESS

- 11.1. Any person involved in a procurement process must
 - 11.1.1. Take the necessary steps to ensure the highest degree of transparency and integrity of the process;
 - 11.1.2. Ensure that tender documents or any related information are treated confidentially until they are made public;
 - 11.1.3. Avoid being in a situation which might create a potential or apparent conflict of interest;
 - 11.1.4. Demonstrate integrity and honesty and, in particular, avoid situations in which the awarding of any contract confers a financial or other advantage on them, directly or indirectly;
 - 11.1.5. Comply with the procedures, directives and guidelines adopted by the School Board with respect to contract management



12. PUBLICATION OF INFORMATION AND REPORTING

- 12.1. Department Directors ensure that the publication of information and reporting on projects emanating from their department are carried out in accordance with the requirements of the regulatory framework.
- 12.2. The Purchasing Department is responsible for reporting and publishing information in the following situations:
 - 12.2.1. For all orders issued by the Purchasing Department;
 - 12.2.2. For all tenders managed by the Purchasing Department.

13. CONTROL MEASURES AND REVISION

- 13.1. The Annual Report with respect to the School Board's contractual activities, prepared by the Secrétariat du Conseil du Trésor, is presented to the Director General within 30 days of receipt. Taking into account the results obtained, the Contract Rules Compliance Monitor makes recommendations concerning the measures to be put in place to ensure the integrity of internal processes and compliance with the regulatory framework. In addition, recommendations are made regarding mechanisms or controls that should be revised or put in place to ensure that:
 - 13.1.1. The principles of the *Act Respecting Contracting by Public Bodies* are respected, particularly as it pertains to opening up to competition and the fair and honest treatment of competitors;
 - 13.1.2. Contract management reference documents are known by the staff involved;
 - 13.1.3. Requests for authorization addressed to the Director General are validated;
 - 13.1.4. Reporting information is reliable, compliant with requirements and transmitted on time;
 - 13.1.5. The publication of contract information on the electronic tendering system is carried out in accordance with the requirements of the regulatory framework for public procurement;
 - 13.1.6. The process of evaluating the performance of suppliers is managed in a uniform manner;
 - 13.1.7. Contracts are monitored uniformly and in compliance with the regulatory framework for public procurement;
 - 13.1.8. Corruption and collusion risks are taken into account in the contract management process.
- 13.2. No later than June 15th of each year, the Contract Rules Compliance Monitor submits to the Director General the information required for the issuance of the Annual Declaration in compliance with the *Directive concernant la reddition de comptes en gestion contractuelle des organismes publics*. On this occasion, the Contract Rules Compliance Monitor confirms the validity of the information provided and makes any other recommendations deemed useful to ensure the integrity of internal processes and compliance with the regulatory framework.



APPENDIX A

Definitions

By-Law : An internal regulation adopted by the Council of Commissioners

Call for public tenders: Process governed by the *Act Respecting Contracting by Public Bodies* and its regulations whereby the School Board publicly invites suppliers to submit their bids.

Invitation to tender: A formal process respecting the basic principles of a public call for tender, by which the School Board communicates its needs in writing to certain suppliers in order to obtain their bids.

Liberalization agreement : Refers to a formal arrangement aimed at reducing or eliminating restrictions and barriers to trade, investment, or services between countries or regions.

On-demand contract: Contract signed with one or more suppliers when the School Board's needs are recurring and quantities or frequency are uncertain.

Public tender threshold: Amount above which the School Board is required to use the public tender process to conclude a contract as per article 10 of the *Act Respecting Contracting by Public Bodies*. This amount corresponds to the minimum threshold from which the School Board must open its call for tenders to suppliers in territories covered by a liberalization agreement in which the Government of Quebec participates. It is adjusted every two years according to the inflation and exchange rate fluctuations and has been set at \$133,800 since January 1, 2024.

Purchase order: Document duly signed by an authorized person allowing a supplier to deliver goods, provide services or carry out construction work according to pre-established conditions.

Request for quotation: Process by which the School Board asks a number of suppliers to submit their prices and conditions in writing, before purchasing goods, services or construction work.

Responsible authority: Council of Commissioners, Executive Committee or School Board officer with the power to bind the School Board in accordance with the *Education Act* or a regulation delegating powers.

Responsible procurement: Procurement that uses a purchasing component with a recognized effect on reducing environmental impacts, creating social benefits or sustainable economic development. This component may refer to one of the following elements:

- A characteristic of the good, service or construction work
- A characteristic of the supplier (e.g., a social economy enterprise)
- Supplier practices (e.g., ISO 14 001 certification)

Supplier: Natural or legal person who provides goods or services to the school board or carries out construction work.