



COMMISSION SCOLAIRE SIR-WILFRID-LAURIER
SIR WILFRID LAURIER SCHOOL BOARD

Policy n°
1999-MR-01

Policy on the Supply of Goods & Services

Resolution n°

990217-MR-0205

Revision:

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1.0 PREAMBLE

The goal of this policy is to provide a framework to the Sir Wilfrid Laurier School Board (SWLSB) for the supply of goods, services and construction work and to determine the rules regarding the award of such contracts.

2.0 OBJECTIVES

This policy aims at:

- 2.1 Promoting transparency in contract awarding;
- 2.2 Treating competitors equitably and with integrity;
- 2.3 Maximizing efficiency and provide schools, centres and departments with a useful, uniform mechanism for expediting the purchasing process and for simplifying follow-up procedures;
- 2.4 Ensuring the purchase or lease of goods and services at the best possible prices, with a fair competition of quality, delivery and after-sales service.
- 2.5 Encouraging group purchases by region when financially beneficial;
- 2.6 Accountability of the Council of Commissioners and administrators of the SWLSB regarding the responsible use of public funds.

3.0 REFERENCES

- 3.1 This policy is developed in compliance with applicable laws; notably the *Education Act*, the *Act respecting contracting by public bodies* and the by-laws regarding supply, service and construction contracts of public bodies, Intergovernmental orders and agreements on liberalization of trade signed by the Quebec Government and the SWLSB's Delegation of Powers by-law.
- 3.2 The « *Politique de gestion contractuelle concernant la conclusion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics* », as enacted by the Minister and included in appendix A herein, is an integral part of this policy.

4.0 DEFINITIONS

For the purpose of this policy, the following terms and expressions signify:

- 4.1 Group Purchases
Grouping together the specific needs of several schools, centres departments or various school boards and Cegeps for acquiring goods and services in accordance with the suppliers' list provided by the SWLSB.

- 4.2 Direct Price Request
A request by which one or more suppliers are contacted by telephone, fax or in writing on the prices and conditions relative to the purchase of their goods or services.
- 4.3 Call for Tenders by Invitation
Request for tenders sent to selected suppliers, inviting them to submit written quotations on specific projects, goods or services.
- 4.4 Public Call to Tenders
Process by which the SWLSB invites suppliers, service providers and contractors to bid on a specific project. A public call for tenders is published in the electronic system approved by the Government. It may also be published in one or more local and/or provincial publication.
- 4.5 Tender Documents
Documents issued by the SWLSB and comprised of the following: a call for tenders, a description of the goods and services sought, the rules and conditions, a tender form, and any other related documents.
- 4.6 Adjudication
Action by which the SWLSB selects the supplier who will be supplying specific goods or services.
- 4.7 Certification of goods
Pre-selection of goods by the SWLSB, prior to the acquisition process.
- 4.8 Qualification of service provider
Pre-selection of service providers by the SWLSB prior to the acquisition process.
- 4.9 Electronic tendering system
Accredited system by the MELS named SEAO.

5.0 GENERAL PROVISIONS

- 5.1 Each administrator is responsible for the budget allocated to him and for maintaining a record of the purchases made.
- 5.2 Projects may not be divided into several orders to obtain preferential terms or to avoid budget controls and default authorization.
- 5.3 The purchase of goods and services on behalf of a group of students, which is financed with the proceeds of fundraisers, is not subject to this policy.
- 5.4 The SWLSB favours grouped procurements for goods and services, when applicable, as long as this process does not jeopardize the economy in the region aimed by the grouped purchase.
- 5.5 All projects requiring a public call for tenders must be authorized by the Executive Committee for projects of \$150,000 or under and by the Council of Commissioners for projects greater than \$150,000.
- 5.6 The SWLSB favours, when possible, rotation amongst suppliers, service providers and contractors in the scope of its tendering process.
- 5.7 The SWLSB also favours, when possible, calling upon new suppliers, service providers and contractors in the sector of activities intended for the acquisition process.
- 5.8 All purchases pertaining to Information Technology must conform to the guidelines established by the Information Technology department.
- 5.9 Any engagement over \$1,000 or lasting more than one year requires that a purchase order be issued and authorized.

- 5.10 The total amount of a purchase order or a contract lasting several years is to be considered for the signing authority level.
- 5.11 All amounts mentioned herein exclude taxes.
- 5.12 If required, amounts need to be converted to Canadian currency for the signing authority level.

6.0 PRE-SELECTION PROCESS

- 6.1 The SWLSB may certify goods if it is expedient to ascertain before proceeding with the acquisition that the goods meet a recognized standard or an established technical specification.
- 6.2 The SWLSB may also qualify service providers prior to the acquisition process for technical or professional services. In such a case, the quality of applications for qualification is evaluated by a selection committee composed of a secretary in charge of coordinating activities and at least 3 other members.
- 6.3 The certification or qualification must be preceded by a public notice to that effect. A list of certified goods and qualified service providers is published in the electronic tendering system and every supplier and provider is informed of entry on the list or the reasons for refusal if entry denied. Finally, a notice of certification and qualification is published at least once a year.
- 6.4 Every contract subsequent to the certification of goods or qualification of service providers is limited to those certified goods and qualified service providers and, if such contract involves an expenditure equal to or above \$100,000, it must be awarded through a public call for tenders.

7.0 TYPES OF CALLS FOR TENDER

All acquisitions, constructions, leases and services are made in light of the estimated amount of the contract according to the following rules:

- 7.1 Mutual Agreement Contract
 - 7.1.1 The SWLSB may use the mutual agreement contract for all its contracts estimated at an amount less than \$ 3,000.
 - 7.1.2 The SWLSB communicates directly with at least one supplier, indicating the good(s), service(s) or construction work(s) required by the SWLSB and any other relevant information.
 - 7.1.3 Before awarding the contract, the SWLSB will ensure a fair price and terms from this supplier.
- 7.2 Direct Pricing Request (≥\$3,000 < \$10,000.)

In order to negotiate the price of one or several articles in a same category, whose estimated value is generally equal or greater than three thousand dollars (\$3,000) but less than ten thousand dollars (\$10,000), the person responsible will obtain a written quotation, and may choose to meet with one or several suppliers, or to consult a price list.
- 7.3 For Tenders by Invitation (≥\$10,000 < \$50,000.)
 - 7.3.1 For the purchase of goods or services equal or greater than ten thousand dollars (\$10,000) but less than fifty thousand dollars (\$50,000), written tenders must be received from at least three (3) suppliers.
 - 7.3.2 The details of the process will be established by the school board in its call for tender documents.

- 7.4 For Tenders by Invitation (\geq \$50,000. $<$ \$100,000)
- 7.4.1 For the purchase of goods or services equal or greater than fifty thousand dollars (\$50,000) but less than one hundred thousand dollars (\$100,000), invitation must be sent to at least five (5) suppliers and written tenders must be received from at least three (3) suppliers.
- 7.4.2 The details of the process will be established by the school board in its call for tender documents.
- 7.5 Public Call for Tenders (\geq \$100,000)
- 7.5.1 Unless otherwise provided for herein, the SWLSB must use the public call for tenders for all contracts estimated equal or over \$100,000.
- 7.5.2 When no intergovernmental agreement is applicable to the contract, the SWLSB may proceed with a regional call for tender, unless this process does not allow for a sufficient number of tenders.
- 7.5.3 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 for public call for tenders apply, subject to authorized adjustments.
- 7.5.4 The public call for tenders must take into account the goods provided for in the tendering process that are certified or the service that is qualified.

8.0 OTHER ACQUISITION METHODS

- 8.1 Petty Cash:
- Purchases under two hundred and fifty dollars (\$250) may be paid from the petty cash allowances requested by a Principal or Director of Service.
- 8.2 Cheque Request:
- Purchases from a supplier under one thousand dollars (\$1,000) may be paid through a cheque request submitted by a Principal or Director.

9.0 CONTRACT AMENDMENTS

- 9.1 A contract may be amended if the amendment is accessory and does not change the nature of the contract.
- 9.2 If the amendment involves an additional expenditure under 20% of the expenditure, the level of authorization is the one for the additional expenditure only.
- 9.3 If the amendment involves an additional expenditure of 20% or more of the expenditure, the level of authorization is the one for the cumulative total of all expenditures.
- 9.4 Notwithstanding the above, if the contract involves expenditure above \$100,000, the additional expenditures must be authorized by the Executive Committee and may not total more than 10% of the initial amount of the contract. If the additional expenditure is greater than 10% of the initial contract, it must be authorized by the Council of Commissioners.

10.0 EXCEPTION TO THE TENDERING PROCESSES

For the purpose of this policy, the following activities are not subject to the calls for tenders' process. Notwithstanding the foregoing, the Delegation of Functions and Powers related to spending limits must be respected.

- 10.1 If there is an emergency that threatens human safety and property.
- 10.2 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.
- 10.3 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. This exception must be duly authorized by the Council of Commissioners who must inform the Minister responsible for Education.
- 10.4 If the school board considers that it will be able to prove, in accordance with the Act respecting contracting by public bodies, that a public call for tenders would not serve the public interest given the object of the contract concerned. This exception must be duly authorized by the Council of Commissioners who must inform the Minister responsible for Education
- 10.5 A contract to acquire sand, stone, gravel or bituminous compounds involving an expenditure below \$200,000.
- 10.6 A supply contract relating to research and development or teaching activities where, due to technical or scientific reasons, only one supplier is able to carry it out and there is no alternate solution or substitute goods.
- 10.7 Professional service contracts estimated at an amount less than \$100,000 if the fee is set by legislation or to a preset standard. In this case, the SWLSB selects the professional service provider which, in its opinion, is most able to provide the services required.
- 10.8 A legal service contract.
- 10.9 A financial or banking service contract.
- 10.10 Contracts for student transportation.
- 10.11 Any procurement may proceed with another acquisition method when expressly authorized in writing by the Director General for contracts estimated at an amount equal or less than \$75,000, as long as by acting in this manner the school board complies with the policy's principles and the legislation contained therein.

11.0 OPENING OF TENDERS

- 11.1 Tenders with a quality evaluation that are equal or greater than \$100,000 must be handled by a selection committee composed of a secretary in charge of coordinating activities and at least 3 members. The Director of Material Resources or its designate will act as Secretary of the selection committee.
- 11.2 Public tenders based on price only and tenders by invitation shall be opened by at least two (2) representatives of the Sir Wilfrid Laurier School Board in the presence of tenderers wishing to attend, at the time, day and place stipulated in the call for tenders.
- 11.3 The Sir Wilfrid Laurier School Board reserves the right to accept tenders in whole or in part or to reject the lowest or any of the tenders.

12.0 PUBLICATION OF INFORMATION

The Material Resources department is responsible for ensuring the SWLSB compliance with the release of information requirement as follow:

- 12.1 At least fifteen (15) days prior to the closing date of the public tendering process, a notice of the public call for tenders is made on the electronic tendering system. This notice must specify and contain the name of the SWLSB, a brief description of the project and the place of work or delivery, the nature and amount of any required tender security, whether or not an intergovernmental agreement applies, the place where the tender documents or

information may be obtained, the place as well as the closing and opening dates and times and the fact that SWLSB is not bound to accept any tender.

- 12.2 Within four (4) business days of the opening of tenders, the SWLSB must make the results of the public opening of tenders available in the electronic tendering system.
- 12.3 Within fifteen (15) days of the awarding of a contract pursuant to a public call for tenders, the SWLSB must publish, on the electronic tendering system, the name of the successful tenderer and the amount of the contract or, in the case of a delivery order contract or a task order contract, the estimated amount of the expenditure. In addition, if the contract involves renewal options, the SWLSB will also publish the total amount of the expenditure that would be incurred if all options were exercised.
- 12.4 The SWLSB must publish on the electronic tendering system, at least once every six (6) months, a list of the contracts involving expenditure greater than \$25,000 entered into by mutual agreement or following an invitation to tender, except contracts involving confidential or protected information. The list must contain the name of the supplier, the date and the amount of the contract or, the estimated amount of the expenditure, the total amount of expenditure that would be incurred if a renewal option is exercised and the nature of the goods or services covered by the contract.
- 12.5 If SWLSB rejects a tender for ineligibility or non-compliance, it will inform the tenderer in writing and give the reason for the rejection not later than fifteen (15) days after awarding the contract.

13.0 RESPONSIBILITY FOR THE APPLICATION OF THE POLICY

- 13.1 The Council of Commissioners is the Chief Executive Officer, as described in the Act respecting contracting by public bodies. As such, it may, by regulation, delegate all or part of the functions conferred on the Chief Executive Officer to the Executive Committee and the Director General.
- 13.2 Each school, centre or department administrator is responsible for ensuring the full enforcement of this policy in his school, centre or department. The Director of the Material Resources is responsible for the overall application of this policy and must ensure it is respected.
- 13.3 The Director of the Financial Resources may perform a random audit of purchasing transactions to ensure that the purchasing policy is being observed.
- 13.4 The Director of the Material Resources shall evaluate the suppliers and maintain a list of accredited suppliers. A poor evaluation may entail the removal of the supplier's name from the list.

14.0 REVIEW

This policy shall be reviewed at least every three (3) years or as required.