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Policy DJ

Purchasing & Procurement

Where the word “Unit” appears, it may apply to any administrative units, such as schools, centres, and departments. Where the term “Director” or “Director of” is used, it is taken to mean “a” or “the” administrator responsible for the department or function.

SCOPE

This policy applies the fulfillment of the New Frontiers School Board requirements in regards to purchases of goods, services, or construction work from a supplier, service provider, or contractor who is:

- A profit-making legal person established for a private interest;
- A general partnership, limited partnership or joint venture;
- A sole proprietorship;
- An enterprise most of whose employees are handicapped persons.

It applies to all operating and capital expenditures made within the allocated and approved budgets of centers, schools and services, including supplementary budgets and school/center local financed activities involving public funds. Other governance supporting this policy includes:

- Organizational Guide DJA – Purchasing Authority
- Organizational Guide DJB – Purchasing Procedures
- Organizational Guide DJE – Tendering Procedures

The goal of this policy is to provide a framework to the New Frontiers School Board (NFSB) for the supply of goods, services and construction work, to establish the rules regarding the awarding of such contracts, and to ensure appropriate oversight and monitoring as to the compliance of the Board’s purchasing activities to applicable governance. It aims at:

- Setting forth the key requirements of the governance under which this policy is developed
- Summarizing the general principles for the purchase of goods, services, and contracts
- Defining the process required by the governance relating to purchasing in the public sector
- Establishing guidelines and limits for the selection of methods for the tendering, awarding, and reporting of public contracting
- Identifying transactions that are exempted from the provisions of this policy
- Clarify the legal responsibilities of the Board for accountability and reporting on purchasing activities.

The policy is developed subject to applicable laws; notably the Education Act, the Act respecting contracting by public bodies and the related governance regarding supply, service and construction contracts of public bodies, as the requirements of intergovernmental orders and agreements on liberalization of trade signed by the Quebec Government and the New Frontiers School Board’s Delegation of Powers By-Law (BLA).

ORIENTATION

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 and supporting regulations, this policy aims at promoting:

- Transparency in contract awarding;
- Treating competitors equitably and honestly;
- The possibility for qualified competitors to participate in the School Board's invitation to tender; using effective and efficient contracting procedures which include an appropriate and thorough assessment of needs and requirements, while taking into account the Government's orientations with regard to sustainable development and the environment;
- Establishing methods of quality assurance covering supply of goods, services, or construction work needed by the School Board;
- Accountability reporting based on the Chief Executive Officer's responsibilities.

KEY REQUIREMENTS

- For the purposes of purchasing activities, the Council of Commissioners is designated the “Chief Executive Officer“, responsible for monitoring and reporting, and signing off on purchasing activities of the Board relative to applicable governance.
- The Council of Commissioners may delegate this role to the Director General. No further delegation is permitted under the Law.
- The Law on Integrity in Public Contracting (December 2012) calls for the appointment of an officer whose role is to oversee purchasing practices within each public body. This officer is designated the RORC (Responsable de l'observation des règles contractuelles), and is responsible for:
 - Evaluating the application of contractual rules laid down in the Act and related regulations, policies and governance;
 - Advising the head of the organization and providing recommendations or opinions on the application of purchasing governance within the organization.
 - Seeing to the implementation of measures within the organization that ensure the integrity of internal processes
 - Exercising any other function that the “Chief Executive Officer may request to ensure compliance with contractual requirements
- In order to effectively carry out this mandate the officer Responsible for the Observation of Contracting (RORC) should:
 - Be In a position of authority (in order to be able to report objectively)
 - Not be the buyer or a member of a purchasing selection committee

GENERAL PRINCIPLES

- The management of the school board's assets involves obtaining the lowest possible cost when acquiring goods and services, considering their usage, quality and delivery as well as after- sales service.
- The school board systematically relies on competition between suppliers while ensuring them fair treatment.
- Whenever possible, the purchase of supplies or services is based upon written specifications.
- The school board is concerned with reduction of environmental impact and encourages sound choices including the reduction of consumption, healthy choices, and the reuse of materials where appropriate.
- The School Board benefits from centralized contracts and purchasing agreements, which may be negotiated by the Board itself or by any other organization it has mandated for that purpose (grouped or consolidated purchasing). The Board and all its organizational units are required to purchase from the list of selected suppliers, service providers or contractors and must respect the terms and conditions defined in such agreements.
- The School Board favors purchase of goods and services originating from Québec suppliers, service providers or contractors from its region whenever provisions under the Act respecting contracting by public bodies and its regulations permit, and as long as there is sufficient competition in the region for the type of service required in the tender call.
- The School Board favors, when possible, a rotation system among suppliers, service providers or contractors involving an acquisition.
- In assessing contractual needs, the School Board groups all orders that may be awarded in response to a need or initiative, if it is reasonable to determine that the activities to be undertaken or needs to be fulfilled are connected by a specific objective, scope, start-date and end-date.
- The RORC and the Director responsible for Material Resources shall remain current in their understanding of the Laws relating to purchasing and procurement, within which this governance is developed and understood.
- The Chief Executive Officer must approve exceptions to the requirements of purchasing policy in advance.
- The Chief Executive Officer is responsible for ensuring the School Board’s compliance with the release of information requirements (see Accountability Reporting section of this policy) of the Act Respecting Contracting by Public Bodies and its bylaws.

PURCHASING PROCESS

The awarding of contracts can be summarized by these four principles:

1. Purchasing activity may not be split or segmented to avoid the requirements under this and related governance.
2. The Board must always select the lowest cost supplier unless:
 - a. A quality based selection process is undertaken with the approval of the Director General, who must see to the formation of a Quality Control Committee and appoint a Secretary to it
 - b. The supplier qualifies as a sole-source supplier under the law
 - c. The purchase is an emergency as defined under the law
 - d. The product or service being purchased is specifically exempted under the law (see below)
 - e. The supplier has been pre-selected by a compliant selection process at the level of the Board or by a recognized purchasing group.
 - f. The Chief Executive Officer must approve any exception in advance.
3. The Board must use tendering methods (methods of obtaining supplier quotations) that ensure broader competition (and opportunity for suppliers) as the value of the contract increases.
4. The Board must maintain documentation supporting the decisions made in awarding contracts

TENDERING METHODS

The selection of tendering methods for contracts relating to the procurement of goods or services of technical nature (other than professional services and construction work) is based on amounts in Canadian currency, excluding taxes.

Public Call for Tenders	Written and published tender is provided to potential suppliers	For contracts valued at \$100,000 or more
Invited Call for Tenders	An invitation to tender is submitted to a minimum of three suppliers	For contracts valued at \$25,000 or more
Mutual Agreement Contract	Requirements are communicated directly with at least one supplier	For contracts valued at less than \$25,000

The format and information to be used for each of the tendering methods in communicating the needs of the School Board, as well as the method of awarding contracts, are set forth in Organizational Guide DJE – Tendering Procedures.

Notwithstanding the above:

The School Board may with the authorization of the Chief Executive Officer conclude a contract by mutual agreement with an individual not operating a personal business (sole proprietorship). The value of a contract concluded in this manner may not exceed the Public Tender threshold (\$25,000).

The School Board may use mutual agreement contracts for professional service contracts estimated at an amount less than \$ 100,000 if the fee is set by legislation or to a pre-set standard. In this case, the School Board selects the professional service provider that, in its opinion, is most able to provide the services required.

EXCEPTIONS UNDER THE PURCHASING POLICY

The following items are exempted from the application of the tendering provisions of the purchasing policy:

- Salary deductions derived from legal or statutory obligations;
- Expenditures ensued from collective agreements;
- Membership fees, travel and representation expenditures;
- Hiring of experts and professionals as defined in the Act and Regulations – Buildings and Equipment only;
- Public, electric and telephone utilities (excluding long-distance services), etc.;
- Contracts for student transportation (morning and afternoon);
- Goods/services that are regulated by ministerial decree;
- Single source items (example: textbooks/specialized equipment)
- Purchases on behalf of a group of students using funds raised by the students.

AWARDING OF CONTRACTS

- The method for awarding contracts by the School Board must be clearly indicated in the tender documents or be discussed with suppliers, as applicable (Reference Tendering Procedures - OG DJE).
- Any School Board commitment towards a supplier, service provider or contractor must be confirmed by the signature of contract or by the issuance of a purchase order (Reference Purchasing Process – OG – DJB).
- 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, within limits defined therein or in OG DJA.

ACCOUNTABILITY REPORTING

- Article 26 of the LCOP provides for the Conseil du trésor to issue directives applying to all public bodies, or to one or more particular groups of public bodies.
 - The Board shall provide timely reporting to the Secrétariat du conseil de trésor consistent with the “Politique de gestion contractuelle concernant la reddition de comptes des organismes publics”.
 - The Board shall provide timely reporting the “Ministère de l'éducation, du loisir, et du sport” consistent with the requirements of the “Politique de gestion contractuelle concernant la conclusion des contrats d'approvisionnement, de services, et de travaux de construction des organismes publics du réseau de l'éducation”.
- The Board shall maintain a system of record keeping facilitating the tracking and reporting of contracting activity.

OTHER PROVISIONS

- The officer designated to be the Board RORC (Responsable de l'observation des règles contractuelles) functions as a resource available to all Board employees in assessing the application of this Policy and related governance to a particular situation or need.
- 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.

End.