

POLICY NAME	PURCHASING & PROCUREMENT (DJ)
Original approval date	2014-05-06
Last review date	2015-11-03; 2021-06-01; 2026-06-02
Next review date	2031-2032
Related documents	OG DJA Purchasing – Authorities OG DJB Purchasing Procedures OG DJC Internal Controls for Public Contracting OG DJE Tendering Process By-Law BLA Delegation of Powers by the Council to the Director General

1. PURPOSE AND SCOPE

- 1.1. This policy applies for New Frontiers School Board (NFSB) purchases of supplies, services or capital projects with all operating and capital expenditures made for approved NFSB budgets of schools, centres, and departments, in accordance with applicable laws.
- 1.2. This policy provides guidance on applicable laws, purchasing and procurement processes and limits, reporting requirements and exemptions.
- 1.3. In accordance with the *Act Respecting Contracting by Public Bodies* and its by-laws and supporting regulations, this Policy promotes:
 - 1.3.1. Transparency in contract awarding.
 - 1.3.2. Treating competitors equitably and honestly.
 - 1.3.3. The participation of qualified competitors to bid in NFSB tenders; using effective and efficient contracting procedures which include an appropriate and thorough assessment of needs and requirements, while considering the Government's orientations of sustainable development and the environment.
 - 1.3.4. Establishing methods of quality assurance goods and services purchased.

2. DEFINITIONS

Chief Executive Officer	Is the Council of Commissioners, responsible for monitoring and reviewing NFSB purchases. The Council of Commissioners may delegate this role to the Director General and has done so via By-law BLA (Delegation of Powers by the Council to the Director General). No further delegation is permitted by law.
LCOP	Is the <i>Act Respecting Contracting by Public Bodies</i> .
RARC	<i>Responsable de l'application des règles contractuelles</i> is the individual responsible for the application of the contract rules at the school board.
CAG	<i>Centre d'acquisitions gouvernementales</i>
SEAO	<i>Système électronique d'appels d'offres du Québec</i>

3. POLICY CONTENT

3.1. Key Requirements

- 3.1.1. The *Law on Integrity in Public Contracts* requires the appointment of an officer to ensure application of the purchasing practices within each public body. This officer is designated by the RARC, and is responsible for:
 - Evaluating the application of contractual rules laid down in the LCOP and related regulations, policies and governance.
 - Advising the Director General and providing recommendations or opinions on the application of purchasing governance within the organization.
 - Overseeing the implementation of measures within the organization to ensure the integrity of internal controls.
 - Exercising any other function that the “Chief Executive Officer” may request to ensure compliance with contractual requirements.
- 3.1.2. To effectively carry out this mandate, the RARC should:
 - Be in a position of authority (to be able to report objectively)
 - Not be the buyer or a member of a purchasing selection committee.

3.2. General Principles

3.2.1. The NFSB, in accordance with applicable laws, regulations, directives and decrees:

- Obtains the best total value for goods and services, including the lowest price, good quality, timeliness, and appropriate support. Relies on competition between suppliers while ensuring fair treatment.
- Bases the purchase of supplies with written specifications.
- Encourages purchasing choices that reduce consumption, are healthy, and reuse materials when possible.
- Must adhere to the ministerial orders including acquisitions through the CAG; see OG DJB for details.
- Must buy locally in Quebec, otherwise Canada.
- Follows the requirement not to purchase from US vendors without the permission of the Chief Executive Officer.
- Follows the requirement to purchase from an online marketplace only if the vendor has a retail outlet in Quebec.
- Favors, when possible, a rotation system among suppliers, service providers or contractors involving an acquisition.
- Combines related orders into a single contract when they share the same goal and timeline. Requires that the RARC and the Director of Material Resources remain current in their understanding of applicable laws relating to purchasing and procurement, within which this governance is developed and understood.

3.2.2. The Chief Executive Officer must approve exceptions to the requirements of the purchasing policy in advance and is responsible for ensuring the NFSB's compliance with reporting requirements of the LCOP and its regulations.

3.3. Purchasing Process Principles

3.3.1. The awarding of contracts includes the following principles:

- Purchases may not be split or segmented to avoid the requirements under this and related governance.
- NFSB must always select the lowest cost complying 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 Selection 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 NFSB or by a recognized purchasing group.
 - f) The Chief Executive Officer (Director General) must approve any exception in advance.
- NFSB must use tendering methods that ensure broader competition (and opportunity for suppliers) as the value of the contract increases.
- NFSB must maintain documentation supporting the decisions made in awarding contracts.
- Purchase orders are mandatory.

3.4. Tendering Methods

3.4.1. The selection of tendering methods for contracts related to the purchasing of goods or services of a technical nature (other than professional services and construction work) is based in Canadian dollars, excluding taxes.

Public Call for Tenders	Written and published tender is provided to potential suppliers	For contracts valued over the public threshold for tenders (see OG DJA Purchasing Authorities)
Invited Call for Tenders	An invitation to tender is submitted to a minimum of three suppliers	For contracts valued at less than the public threshold for tenders and over the internal limit (see OG DJA)
Mutual Agreement Contract	Requirements are communicated directly with at least one supplier	For contracts valued at less than the internal limit (see OG DJA)

Tendering and awarding of contracts, are outlined in Organizational Guide DJE – Tendering Procedures.

3.4.2. Notwithstanding the above:

- NFSB may, with the authorization of the Chief Executive Officer, award a contract by mutual agreement with an individual not operating a personal business (sole proprietorship). The value of a contract awarded in this manner may not exceed (\$25,000).
- NFSB may use mutual agreement contracts for professional service contracts estimated at an amount less than the public threshold for tenders if the fee is set by legislation, or to a pre-set standard. In this case, NFSB selects the professional service provider that, in its opinion, is most able to provide the services required.

3.5. Exceptions to this Policy

The following items are exempt from the application of the tendering provisions:

- Salary deductions from legal or statutory obligations.
- Expenses incurred from collective agreements.
- Expenses incurred for membership fees, travel, and representation.
- Hiring of experts and professionals as defined in the LCOP and its regulations – Buildings and Equipment only.
- Public, electric, and telephone utilities (excluding long-distance services), etc.
- Contracts for student transportation (morning and afternoon).
- Goods/services regulated by ministerial decree.
- Single source items (example: textbooks/specialized equipment, GRICS).
- Purchases using funds raised by students.

3.6. Awarding of Contracts

- 3.6.1. The method for awarding contracts must be clearly indicated in the tender documents or be discussed with suppliers, as applicable (Reference Tendering Procedures - OG DJE).
- 3.6.2. The commitment towards a supplier, service provider or contractor must be confirmed by the signature of contract and by the issuance of a purchase order (Reference Purchasing Process – OG DJB).
- 3.6.3. Any contract or purchase requisition must be authorized and signed by an authorized NFSB administrator, as described in the Delegation of Powers By-law BLA, or in OG DJA.

3.7. Accountability Reporting

- 3.7.1. As per Article 22 of the LCOP, NFSB must publish on SEAO, all signed contracts with a value greater than \$25,000 before tax.
- 3.7.2. Article 26 of the LCOP provides for the Treasury Board to issue directives that apply to all public bodies, or to one or more particular groups of public bodies.
 - NFSB shall provide timely reporting to the Treasury Board Secretariat consistent with the “*Politique de gestion contractuelle concernant la reddition de comptes des organismes publics*”.
 - NFSB shall provide timely reporting to the Ministry of Education, 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*”.
- 3.7.3. NFSB will maintain a system of record keeping that facilitates tracking and reporting of contracting activity.

3.8. Other Provisions

- 3.8.1. The NFSB director designated to be the RARC, functions as a resource for all employees in assessing the application of this Policy and related governance for the purchasing of goods, services, or construction projects.
- 3.8.2. In case of disagreement between this Policy and the LCOP and its regulations, the LCOP and its regulations have precedence.

4. AUTHORITY

This Policy and its organizational guide(s) are administered under the authority of the Director of Finance and Material Resources.

5. REVIEW

The Director of Finance and Material Resources will review this policy at least once every five (5) years.

End.