

**Title: PROCUREMENT AND MANAGEMENT OF CONTRACTS
POLICIES AND PROCEDURES**

CLASSIFICATION: Corporate Affairs
FIRST ADOPTED: 22 February 2016
AMENDED: 18 January 2017, 7 April 2022, 6 December 2022

**SECTION 1
PURPOSE AND SCOPE**

1. The purpose of this document is to establish the rules respecting the management of contracts entered into by the College.
2. It applies to supply, service and construction contracts covered under paragraphs (1) to (3) of the first paragraph of section 3 of the Act respecting contracting by public bodies and contracts considered to be supply, service and construction contracts, that the College may enter into with a person or partnership covered under section 1 of the Act or with a natural person who does not operate a sole proprietorship.

This excludes library books, which are governed by CQLR D-8.1.

This Directive is applied in accordance with applicable laws, bylaws, regulations and policies, including without limitation:

- Act respecting contracting by public bodies (CQLR C-65.1), hereafter 'LCOP', and its regulations on service contracts ('RCS'), supply contracts ('RCA'), construction contracts ('RCC'), and contracts in information technology ('RCTI').
- Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises (CQLR G-1.011), hereafter 'LGCE'.
- Directive for the management of contracts for goods, services and construction of public organisations, *Secrétariat du Conseil du Trésor* (SCT), hereafter, 'DGC'.
- Directive for accountability reporting in contract management, *Secrétariat du Conseil du Trésor* (SCT), hereafter, 'DRC'.
- Bylaw Number 10 concerning Procurement, Dawson College.

**SECTION 2
CONFIDENTIALITY OF DOCUMENTS**

3. To ensure that tender documents or any other related document or information not yet rendered public remain confidential, the following measures apply:
- Access to documents and the computer drives in which they are stored is limited to qualified persons under the control of the manager in charge.
 - Personnel with access to these documents are informed that they are confidential.

**SECTION 3
CONFLICT OF INTEREST**

4. To ensure that employees involved in managing public contracts are not in a conflict of interest, they will be informed about statutes, regulations and other rules governing ethics and discipline, notably the College Policy on Conflict of Interest and Nepotism, and Bylaw 10, sections 7.04 and 8.05. They will fill a form to this effect and disclose any potential or apparent conflict of interest to their supervisor, who will take appropriate actions to mitigate or remediate.

**SECTION 4
DELEGATION OF AUTHORITY**

5. The following authorisations from the normative framework are delegated by the Chief Executive Officer:

Delegated authorisation	Legal Reference	Title	Sent to SCT
Service contracts of less than \$10,000 with a natural person, or less than \$25,000 with a company	LGCE s. 16	Signing authority	No
Service contracts of \$10,000 or more with a natural person, or \$25,000 or more with a company ; up to i) \$100,000, ii) \$300,000	LGCE s. 16	i) Director General ii) Executive Committee	Yes
Contracts and amendments with a natural person who does not operate a sole proprietorship of \$50,000 ; up to i) \$100,000, ii) \$300,000	DGC s. 16 DGC s. 18	i) Director General ii) Executive Committee	Yes
Goods and Service contracts between 3 to 5 years ; up to i) \$100,000, ii) \$300,000	RCA, s. 33, and RCS, s. 46	i) Director General ii) Executive Committee	No
Amendments within 10% for contracts over the public tender threshold	LCOP s. 17	Director General	No

Appointment of selection committee secretary and members, and member rotation	DGC 8	Director General	No
Appointment of members to the committee for a tender with an unusually low price	RCS 29.3, RCA 15.4, RCC 18.4, RCTI 35	Director General	No
Rejection of a tender with an unusually low price	RCS s.7.1, 29.7, 29.8 ; RCA 7.1, 15.8, 15.9 ; RCC 7.1, 18.8, 18.9 ; RCTI 39	Director General	Yes
Signing authority for reporting documents related to accountability for contract management	DRC 8	Director General	Yes

**SECTION 5
CONTROL PROVISIONS RELATING TO THE CONTRACT AMOUNT AND
AMENDMENTS**

6. The following control provisions apply to the contract amount:

- As per Bylaw 10 s. 7.05 the College is not required to accept any proposal, including where it considers that the prices are too high or disproportionate or that they do not reflect a fair price.
- The College reserve the right to claim from any tenderer the difference between the tender amount and the one subsequently accepted where the tenderer fails to respect his tender, in order to avoid collusion between tenderers.

7. The following control provisions apply to amendments:

The chief executive officer of the public body shall designate the persons with the power to authorize in instances not covered by the normative framework.

Authorisation	Title
Amendments to contracts under \$50,000 with a natural person who does not operate a sole proprietorship, or \$100,000 in other cases	Signing authority

**SECTION 6
TENDERER OR CONTRACTOR ROTATION SYSTEM**

- 9. To ensure that tenderers are rotated during an invitation to tender, as per Bylaw 10 section 7.03, the Purchasing Department maintains a list of potential bidders and previously invited companies.
- 10. To ensure that contractors are rotated when the contract is by mutual agreement, the Purchasing Department maintains a list of potential bidders.

**SECTION 7
SOLICITING CONTRACTS INVOLVING EXPENDITURES BELOW THE PUBLIC
TENDER THRESHOLDS**

- 11. The public tender threshold is set at \$121,200 for goods, services or construction contracts. The following summarizes rules for solicitation and accompanying documentation:

Goods

Range	Solicitation	Required documentation
< \$10,000	Mutual agreement	
≥\$10,000 and < \$25,000	Invitation	Three quotes
≥\$25,000 and < \$121,200	Invitation	Five quotes
≥\$121,200	Call for public tenders (SÉAO)	

Services

Examples of service contracts include: honorarium and consultants, translation, architecture, engineering, etc.

Range	Solicitation	Required documentation
< \$10,000	Mutual agreement	
≥\$10,000 and < \$121,200	Invitation	Three quotes
≥\$121,200	Call for public tenders (SÉAO)	

Construction

Range	Solicitation	Required documentation
< \$25,000	Mutual agreement	
≥\$25,000 and < \$121,200	Invitation	Three quotes
≥\$121,200	Call for public tenders (SÉAO)	

Other

Nature of contract	Range	Solicitation	Required documentation
Rental of facilities	< \$100,000	Mutual agreement	
Special cases in LCOP s.13 or Regulations (see below)	Any	Mutual agreement	Waiver of tendering process form
Group purchase, books, or public organisation	Any	Exempt from tendering	

12. For special cases in LCOP section 13 and its Regulations where contracts by **mutual agreement** are permitted, a *Waiver of Tendering Process* form must be filled with justifying documentation. The following summarizes the special cases that may be used:

Legal reference	Description
LCOP, s. 13 (1)	Emergency that threatens human safety or property
LCOP, s. 13 (2)	Goods or services that are only available from a specific supplier or service provider and that no substitution or exchange of goods or services can resolve. This includes public utilities such as electricity, natural gas, telephone
LCOP, s. 13 (3)	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
LCOP, s. 13 (4), s. 13.1	The public body considers that it will be able to prove that a public call for tenders would not serve the public interest given the object of the contract concerned. If the value is equal to or above the public tender threshold, a notice of intention must be published on SÉAO at least 15 days prior to entering into the contract.

RCS, s. 35, 37	Banking, financial and legal services, subject to the Ministry requirement to proceed to a call for tenders for external audit services at least once every five years.
RCS, s. 42.1	Hiring of a mediator ; a medical evaluation services ; or an expert witness for a tribunal
RCA, s. 27	Sand, rock, gravel or asphalt valued at less than \$200,000
RCA, s. 27	Goods related to research and development or teaching activities for which there is no alternate solution
RCTI, s. 48	Cloud goods or services covered by an agreement with <i>Infrastructures Technologiques Québec</i>

**SECTION 8
AUTHORISATIONS AND ACCOUNTABILITY REPORTING TO THE CHIEF
EXECUTIVE OFFICER OF THE PUBLIC BODY**

13. The following terms apply to authorizations and accountability reporting to the chief executive officer of the public body and amendments to any contract for an amount, including any amendment, equal to or above the public tender thresholds:
- The Director General will report on mandates it has given to group purchasing at the subsequent Executive Committee or Board of Governors meetings.

**SECTION 9
CONTRACT RULES COMPLIANCE OFFICER**

14. The contract rules compliance officer (RARC: *Responsable de l'Application des Règles Contractuelles*) has the following functions:
- seeing that the contract rules prescribed by the LCOP and the regulations, policies and directives under the LCOP are complied with.
 - advising, and making recommendations or providing advisory opinions to, the chief executive officer on compliance with contract rules.
 - seeing that measures are put in place within the public body to ensure the integrity of internal processes.
 - seeing to the professional fitness of the personnel involved in contractual activities
15. The following information shall be submitted to the contract rules compliance monitor so that he may perform the required actions:
- Information within the normative context, subject to approval by the Chief Executive Officer or its delegate

**SECTION 10
OPENING UP COMPETITION TO SMALL AND MEDIUM ENTERPRISES**

16. To ensure that competition is open to small and medium enterprises and that the public body’s requirements are realistically defined in relation to its needs, the College may use existing measures from LCOP, including tenders by batches, calls for interests, and reverse technological showcase.

**SECTION 11
CONSULTANTS**

17. When working in the College, consultants are assigned a temporary workspace, and shall not have a nameplate.
18. To restrict access to the premises and vital information in order to carry out consulting duties, the following measures are put in place:
- A registry of access to the building is kept by Security
 - Access to sensitive areas is escorted
 - Electronic access is controlled and limited
 - When applicable, contractual documents include a code of conduct and consequences for failure to comply

**SECTION 12
ADDITIONAL APPROVALS**

19. The following are subject to additional approvals.

Authorisation	Nature of approval	Title
Advertising expenditures		Public Relations Office
Computer equipment, computer software (including licenses) and IT services, even if such purchases do not fall under the definition of capital expenditures	Technical compliance and compatibility	Director of Information Systems and Technology or delegate
Furnishing and equipment, even if such purchases do not fall under the definition of capital expenditures	Technical compliance and compatibility	Director of Facilities Management or delegate
Rental of facilities external to the College	Insurance for fire, theft and liability	Director of Facilities Management
Capital goods	Access to capital budget	Director General

20. **Capital goods.** Irrespective of the source of funding, requests for the purchase of goods, e.g., furnishings, equipment or software that are of a value of over \$500 for an individual item, or over \$1000 for a quantity of the same item of an individual value of at least \$200, are subject to the College’s capital acquisition process.