



No. CORP-02

Title: PROCEDURE FOR FILING COMPLAINTS RELATED TO CONTRACT AWARDING

CLASSIFICATION:

CORPORATE AFFAIRS

FIRST ADOPTED:

May 22, 2019

Article 1 Objectives

The purpose of this procedure is to ensure an equitable treatment of complaints related to the awarding of contracts.

Article 2 Legal Context

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

- *Act respecting contracting by public bodies (CQLR C-65.1), hereafter 'LCOP', in particular chapter V.0.1.1 regarding the complaint procedure on tendering process towards the public body.*
- *Act respecting the Autorité des Marchés Publics (CQLR A-33.2.1), hereafter 'LAMP', in particular chapter IV which prescribe the complaint procedure and the rights to appeal on a decision made by the public body, and Article 51 which prohibits any form reprisal against a person having made or intending to make a complaint.*
- Bylaw Number 10 concerning Procurement, Dawson College.

Article 3 Scope

3.1 Motives for complaint

Requests for information are not within the scope of this procedure, and should be addressed to the contact provided in the tendering documents.

Complaints can be made when the tendering documents or the amendment to those documents include terms which:

- do not ensure an honest and fair treatment of the bidders, or
- do not allow bidders to participate even though they are qualified to answer the expressed needs, or
- do not comply with the regulatory framework

Complaints can also be made to challenge the awarding of a contract by mutual agreement, after publication of a notice of intent.

3.2 Eligibility

Only a company, a group of companies, or their representative are eligible to submit a complaint, if they are interested and eligible to submit a bid in the tendering, or they can respond to the notice of intention published by the College for a contract by mutual agreement.

3.3 Object of the complaint

The object of the complaint must be a call for tenders or a notice of intention, respecting the minimal thresholds for public tendering applicable for the College.

Article 4 Submission of complaints

The appropriate recourse before submitting a complaint is to first address them to the contact provided in the tendering documents.

Complaints must be sent electronically to contract@dawsoncollege.qc.ca, with copy with the *Autorité des Marchés Publics* (AMP), using the AMP form available at : <https://www.amp.gouv.qc.ca/porter-plainte/plainte-organisme-public/>, within the delays specified on the *Système électronique d'Appel d'Offre* (SÉAO). When the object is a notice of intention, a demonstration of the ability of the bidder to respond to the needs must also be sent within the prescribed deadlines.

Complaints can be withdrawn within the same deadlines.

Article 5 Processing of complaints

5.1 Vérification of motives

The College verifies the motives as defined in Article 3.1. If they are founded, an acknowledgement of receipt is sent within two (2) business days, and the College enters the date of reception of the complaint on SÉAO.

5.2 Analysis of admissibility

To be admissible, a complaint must fall within the scope defined in Article 3, respect the terms for submission set forth in Article 4 and not be the object of past or on-going legal proceedings.

5.3 Analysis of the complaint

In certain cases, the complainant may be asked to provide more details or precisions about their complaint, or their ability to fulfill the contract described in the notice of intention.

5.4 Decision

The complaint will be rejected if it fails the verification of motives or admissibility, or based on the conclusion of the analysis. If however it is well-founded, the College will accept it and take appropriate corrective measures.

The College will transmit its decision electronically to the complainant within the following deadlines:

- at least three (3) days before the deadline for submissions when the object of the complaint is a call for tenders, or
- at least seven (7) days before the conclusion date of the mutual agreement contract, when the object is a notice of intention.

In both cases a minimal delay of seven (7) days must be kept between the decision and the deadline or conclusion date. If necessary, the deadline or conclusion date will be postponed.

Immediately after transmitting the decision, the College will indicate on SEAO that it has been rendered.

5.5 Appeal

The College decision can be appealed to the AMP no later than three (3) days after being rendered. A complaint can also be made to the AMP if the College hasn't rendered a decision within three (3) days of the deadline for submissions, or the conclusion date of the mutual agreement contract.

Article 6 Final provisions

This policy is effective on May 25, 2019.