

		Commission scolaire English-Montréal English Montreal School Board
POLICY:	TENDERING PROCESS	CODE: DG-15
Origin:	General Directorate	
Authority:	Resolution #12-06-20-6.1	
Reference(s):	EMSB policies and By-Laws: <ul style="list-style-type: none"> • Purchasing (DG-16); • By-Law No. 5: Delegation of Certain Functions and Powers to the Director General; • By-Law No. 6: Delegation of Certain Functions and Powers to the Principals and Vice-Principals of Schools/Centres; • By-Law No. 7: Delegation of Certain Functions and Powers to Members of the Executive Staff 	

RATIONALE

All requests for prices, quotations and bid submissions based on mutual agreement, calls for tender by invitation, or public call for tenders, for goods, services or construction work, incurred on behalf of the EMSB, must be made on the basis of this policy.

POLICY STATEMENT

The *Act Respecting Contracting by Public Bodies* and its regulations establishes the conditions to respect for public contracting for goods, services and construction work starting at \$100,000 plus applicable taxes. The EMSB must provide the rules for purchases that are inferior to \$100,000 plus applicable taxes.

The purpose of the present policy is to establish the contractual threshold of values that require competitive bids for the supply of goods, services and construction work paid with public funds, and to determine the rules regarding the awarding of such contracts.

FIELD OF APPLICATION

This policy statement applies to all EMSB employees who are authorized to enter into contractual agreements for goods, services and construction work in schools, centres daycares, and service departments.

The policy also applies to Procurement Services and Buildings and Grounds, for any contractual agreement as a result of either a call for tenders, or a call for tenders by invitation.

ROLES AND RESPONSIBILITIES

It is the responsibility of each school principal, centre principal and department director to ensure that the policy is adhered to.

1) PRINCIPLES

Requests for goods, services and construction work that are made based on a public call for tenders must respect the conditions prescribed in the *Act Respecting Contracting by Public Bodies* and all other regulations of the Province of Quebec.

The fundamental principles that this policy is based on include the following:

- 1.1 to strive to maintain competitiveness among suppliers in as many fields of goods and services as possible so that the proper use of public funds is protected by the use of public calls for tender or calls for tender by invitation;
- 1.2 to facilitate accessibility;
- 1.3 to use a rotating system among qualified companies;
- 1.4 to maintain transparency and accountability in the EMSB's public contracting processes by ensuring control and monitoring mechanisms;
- 1.5 to promote fair treatment for tender bidders;
- 1.6 amounts identified in Sections 2.9 and 3 exclude all applicable taxes (GST and QST).

2) DEFINITIONS

2.1 Administrative Unit

School, centre, daycare or a service department.

2.2 Call for public tenders

A formal process by which the school board publicly invites suppliers, service providers and contractors to submit bids as part of a proposed acquisition of goods, services or construction work in accordance with the *Act Respecting Contracting by Public Bodies* and other government regulations. Prices must be received in a sealed envelope prior to the deadline established in the tender documentation.

2.3 Call for tenders by invitation

A formal process by which the school board invites a limited number of suppliers, service providers or contractors to submit bids as part of a proposed acquisition of goods, services or construction work. Prices must be received in a sealed envelope prior to the deadline established in the tender documentation.

2.4 Written competitive bids

An informal process by which the school board invites a limited number of suppliers, service providers or contractors to submit bids as part of a proposed acquisition of goods,

services or construction work. Prices may be received by fax, email, or in a sealed envelope.

2.5 EMSB

English Montreal School Board.

2.6 Initiator

Authorized personnel responsible to describe the exact requirements of a project and to present the specifications for the items or service required. This person is also responsible to prepare the documentation, and to solicit prices for the acquisition of goods, services or construction work.

2.7 Purchase Order

Document duly signed by an authorized person authorizing a supplier, service provider or contractor to deliver goods, to provide a service or carry out construction work under the conditions previously agreed.

2.8 Supply Agreement

Contract with a supplier or service provider, when needs are recurrent, and the quantity of goods and/or the rate or frequency of acquisition are uncertain when the contract is awarded. These agreements are initiated via Procurement Services and other authorized governmental or local purchasing groups.

2.9 Sole Source Certification Form

A form designed to approve a transaction in excess of \$5,000 for which only one (1) supplier or service provider can provide the required item(s) or services or other conditions stipulated on the form.

3) RULES OF APPLICATION

3.1 Individual purchases for any goods or services that are part of a valid Supply Agreement are not subject to this policy since they have already respected the conditions stipulated in this section.

3.2 Expenditures up to \$5,000

Goods, services and construction work estimated to be valued up to \$5,000 may be incurred by mutual agreement on the basis of best value available as determined by the person authorizing the expenditure. If an item has a wide distribution and/or for which there are many alternative brands, then quotes can still be obtained for such an item, regardless if the individual price is under \$5,000.

3.3 Expenditures between \$5,001 and \$10,000

Goods, services and construction work estimated to be valued between \$5,001 and \$10,000 must be incurred on the basis of three (3) written competitive bids. All expenditures in this category must be supported by comprehensive documentation that can justify that this process was respected (see Appendix A for an example of a form that can be used to support the purchase). Once authorization is granted, as per the various by-laws delegating certain functions and powers to employees, the principal or director must award the contract by issuing a Purchase Order.

3.4 Expenditures between \$10,001 and \$25,000

Goods, services and construction work estimated to be valued between \$10,001 and \$25,000 must be incurred on the basis of three (3) written competitive bids or call for tenders by invitation where three (3) suppliers or service providers were invited to submit bids. Regardless of the method used by the initiator, the initiator must ensure that a sealed envelope approach is respected. All expenditures in this category must respect the following conditions:

- i) the initiator must provide a document identifying the specifications of goods, services or construction work requested;
- ii) the bidders are requested to submit a bid in a sealed envelope by a predetermined date and time;
- iii) the envelopes must be stamped with the date and time when they are received by the administrative unit;
- iv) if the request for bids was completed by a school, centre, or daycare, the envelopes are to be opened together by the principal and at least one (1) other employee;
- v) if the request for bids was completed by a service department, the envelopes are to be opened together by at least two (2) Senior Management employees (i.e. directors, assistant directors or a combination of these two functions).
- vi) the principal, director or their delegate, and/or Procurement Services (if required) must analyze the bids to ensure that they conform to the specifications of the goods, services or construction work requested;
- i) Once authorization is granted, as per the various by-laws delegating certain functions and powers to employees, the principal, director or Procurement Services must award the contract to the lowest conforming bidder by issuing a Purchase Order. A copy of the Purchase Order must be sent to Procurement Services immediately following the awarding of the contract.

3.5 Expenditures between \$25,001 and \$99,999.99

Goods, services and construction work estimated to be valued between \$25,001 and \$99,999.99 must be incurred on the basis of a call for tenders by invitation. However, it may be prudent for the initiator to consider a public call for tender for goods, services and construction work estimated to be valued between \$85,000 and \$99,999.99.

In this category, at least three (3) suppliers or service providers must be invited to participate. All expenditures in this category must respect the following conditions:

- ii) the initiator provides a comprehensive document, including the specifications of goods, services or construction work requested, and the EMSB purchasing terms and conditions;
- iii) provide the suppliers or service providers with at least ten (10) days to prepare their responses;
- iv) the bidders are requested to submit a bid in a sealed envelope by a predetermined date and time;
- v) the envelopes must be stamped with the date and time when they are received by the administrative unit;
- vi) if the call for tender by invitation was completed by a service department, the envelopes are to be opened together by three (3) Senior Management employees (i.e. directors, assistant directors or a combination of these two functions).
- vii) if the call for tender by invitation was completed by a school, centre or daycare, the envelopes are to be opened together by the principal, and at least two (2) other employees;
- viii) when only one (1) bid is received in response to a call for tender by invitation, the school, centre or service department can either request authorization in writing by the Director General to open the envelope prior to proceeding, or returned the unopened envelope to the sole bidder and proceed with a new call for tender by invitation;
- ix) when at least two (2) bids are received in response to a call for tender by invitation, the envelopes can be opened, and the contract can be awarded to the lowest conforming bidder;
- x) the principal, director or their delegate must analyze the bids to ensure that they conform to the specifications of the goods, services or construction work requested;
- xi) once authorization is granted, as per the various by-laws delegating certain functions and powers to employees, the principal, or Director General (through Procurement Services) awards the contract to the lowest conforming bidder by issuing a Purchase Order. A copy of the Purchase Order must be sent to Procurement Services immediately after the contract is awarded.

3.6 Expenditures \$100,000 and over

Goods, services and construction work estimated to be valued at \$100,000 or greater must be incurred on the basis of a public call for tenders. All the conditions established in the following legislative documents must be respected for public contracting for goods, services and construction work in this category:

- i) *Act Respecting Contracting by Public Bodies*;
- ii) Regulation Respecting Supply Contracts by Public Bodies;
- iii) Regulation Respecting Service Contracts of Public Bodies;
- iv) Regulation respecting Construction Contracts of Public Bodies.

4) **EXCEPTIONS**

No tendering is required in the following situations:

- 4.1 Emergency situation – where the security of a person or asset may be at risk - authorization must be granted, as per the various by-laws delegating certain functions and powers to employees, by the Director General, or by the Deputy Director General;
- 4.2 Sole possible supplier – due to a guarantee, warrantee, copyright, or an exclusive right, etc. In this case, a ‘Sole Source Certification Form’ (Annex B) must be completed, duly authorized and submitted to Procurement Services. The form must be archived at the school, centre, daycare or department for auditing purposes;
- 4.3 Confidential or protected nature – when divulging information may compromise the situation or the public interest;
- 4.4 Internal service provider – services and construction work performed by an EMSB employee as part of their employment functions (Example: Trades Division, website support, etc.
- 4.5 Other situations determined by government regulation (Example: Legal services, financial or banking services, pedagogical textbooks and other educational material that is specified through Pedagogical Services by an author’s name, by a book title or a specific publisher, including library books purchased from an accredited bookstore as outlined by the Board).

All other derogations to this policy must be approved in writing by the Director General or Deputy Director General prior to proceeding with contractual negotiation or awarding a contract to a supplier, service provider or contractor for the acquisition of goods, services or construction work. Derogations approved by the Director General or Deputy Director General shall be presented to the Council of Commissioners for information purposes on a quarterly basis.



PURCHASE VOUCHER - AUDIT CONTROL

School Year:	_____	Voucher Number:	_____
School Name:	_____	Invoice Date:	_____
School Code:	_____	Invoice Number:	_____
Suppliers Name:	_____	Budget Code:	_____
Type of Purchase:	_____		
Amount:	_____	Cheque Number:	_____

Tendering Requirement

- A) If the transaction price is between \$5 000.00 and \$10,000.00, three (3) written competitive bids must be obtained.

_____	\$ _____	_____
Second bidder's name	Second price	Date obtained
_____	\$ _____	_____
Third bidder's name	Third price	Date obtained

Documentation attached

- | | | | |
|---------------------------------|---------------------------|--------------------------|---------------------------|
| A) The supplier's invoice: | <input type="radio"/> Yes | <input type="radio"/> No | |
| B) Second written bid obtained: | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> N/A |
| C) Third written bid obtained: | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> N/A |

Signing Authority Requirement

A) If transactions must be approved by the Principal	_____	_____
	Principal's signature	Date
B) If the transaction price is over \$10 000.00, the Regional Director's approval is required.	_____	_____
	Regional Director's signature	Date
C) If the transaction price is over \$20 000.00, the Deputy Director General's approval is required.	_____	_____
	Deputy Director General's signature	Date
D) If the transaction price is over \$50 000.00, the Director General's approval is required.	_____	_____
	Director General's signature	Date



Sole Source Certification Form

Use for requisitions with a value of \$5,000 (before applicable taxes) or more where competition may be restricted. Note that completing this form does not guarantee that the proposed supplier will be selected. Procurement Services may require additional information.

Sole source is defined as either

- a source selected specifically by the requisitioner due to the compatibility of equipment, replacement parts, training, or some other unique purpose – *even though other sources are available.*

or

- as the source selected when there are no other sources capable of providing the goods or service except for the one selected.

A. Sourcing Reason

By affixing my signature hereto, I attest that one or more of the following conditions apply to this procurement. Please check appropriate condition(s):

- a) to ensure compatibility with existing products, to recognize exclusive rights – such as exclusive licences, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative.
- b) where there is an absence of competition for technical reasons, and the goods or services can be supplied only by a particular supplier, and no alternative or substitute good/service exists (e.g. due to the compatibility of equipment, replacement parts, training, or some other unique purpose).
- c) for the procurement of goods or services of which the supply is controlled by a supplier that is a statutory monopoly.
- d) for the purchase of goods on the commodity market
- e) for work to be performed on a leased building that may be performed only by the lessor (where the Board is the tenant)
- f) for work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work.
- g) for a contract to be awarded to the winner of a design contest.
- h) for the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership.
- i) for the procurement of original works of art, subscriptions to newspapers, magazines or other periodicals, or of real property.

B. Explain Selected Reason – Provide any additional explanation necessary to demonstrate why supplier is the only supplier that will meet your requirements:

C. Reasonable Price Establishment

C.1 Fair Price Reason – Select one or more of the following statements (check the box) to support why the non-competitive price is fair and reasonable.

- 1. The price was obtained from a catalogue or standard price list for items sold to the general public in substantial quantities (provide details in section C.2, below)
- 2. The quoted prices after supplier discounts are lower than prices available to the general public and reflect substantial savings (provide details in section C.2, below)
- 3. The quoted prices compare favourably to market prices, or to previous prices obtained and found to be fair and reasonable, which were paid for the same or similar items on:
Date: _____ **Requisition #:** _____ **Price:** _____
- 4. The supplier has certified that the prices offered are equal to or lower than those offered to any government agency or private institution for both like items/services and quantities.
- 5. Other reason _____

C.2 Explain Selected Reason- Provide/attach supporting documentation or reasons (e.g. catalogue price page; pricing for similar products; supplier certification; etc.)

D. Required Signatures/Approvals

Originator Name (Please Print)

Originator Signature

Director of Administrative Unit (Please Print)

Director Signature

Procurement Services (Please Print)

Procurement Services Signature

Dir. General/Deputy Dir. General (Please Print)

D.G. / D.D.G. Signature