

POLICY RESPECTING THE AWARDING AND MANAGEMENT OF CONTRACTS

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1. PURPOSE AND LEGAL FRAMEWORK

The purpose of this Policy Respecting the Awarding and Management of Contracts (the "Policy") is to inform the Bishop's community of the measures that have to be put in place in order to meet the requirements of the *Act Respecting Contracting by Public Bodies* (RSQ, c. C-65.1) (the "Act"), its Regulations, and the Departmental Policy ("DP"). It sets out the conditions and procedures as well as the responsibilities of the various authorities and Heads of departments or services with respect to tendering for, and the award of, all contracts entered into by Bishop's University. Finally, the Policy establishes rules for reporting and accountability.

2. SCOPE

This Policy applies to every contract entered into by Bishop's University that involves the expenditure of public monies, including supply, service, information technology or construction contracts, to the extent that they are not for the acquisition of goods for commercial sale or resale. This Policy applies, without exception, to every individual who carries out duties within Bishop's University or performs work for its benefit. It is subject to the Signing Authority Policy.

This Policy applies to public contracts with a corporation, a general, limited or undeclared partnership, or a natural person, when such contracts involve public expenditure. The Policy applies to public and private partnership contracts, with the necessary adjustments.

The Policy does not apply to contracts of employment or to contracts for the purchase or lease of immovable property.

The Policy hereby prohibits any third party from entering into any supply, service, information technology or construction contract for the benefit of Bishop's in order to avoid the applicable regulation and rules.

Lastly, the Policy puts in place provisions:

1. to implement different procedures for the award of contracts depending on their value;
2. to provide for a rotation system among tenderers or contractors, as defined in section 6.4;

3. to establish procedures for the tendering and award of contracts;

All dollar amounts herein should be interpreted as being in Canadian dollar and before taxes.

3. DEFINITIONS

The following terminology is used in the Policy and whenever the legislative, regulatory or ministerial provisions apply.

3.1. ACT

An Act Respecting Contracting by Public Bodies, LRQ c. C-65.1.

3.2. ATTESTATION FROM REVENU QUÉBEC

Attestation issued by Revenu Québec certifying that:

- ♦ a business has filed the returns required under Quebec tax laws and does not have any overdue accounts with the Quebec Minister of Revenue or,
- ♦ if it does, it has reached a payment agreement and observes it, or the collection of its debt has been suspended.

3.3. AUTORITÉ DES MARCHÉ PUBLICS

The public procurement authority established by the government to oversee all public procurement for public bodies and apply the Act as regards ineligibility for public contracts, prior authorization to obtain public contracts and performance evaluation.

3.4. CHIEF EXECUTIVE OFFICER (CEO)

The Chief Executive Officer is the member of the senior administrative personnel to whom the Board of Governors has delegated the functions conferred on the Chief Executive Officer.

3.5. CONTRACT AMOUNT OR MONETARY VALUE OF THE CONTRACT

The entire consideration that will or may possibly be paid to a supplier, including the costs of options and costs related to extensions of the contract, shipping costs, training, service contracts and other costs incurred during the entire duration of the contract.

3.6. CONTRACT AWARD METHODS

The methods of awarding a contract, depending on its value, as set out in section 6.5.

3.7. CONTRACT REGISTER

A list of all contracts over \$25,000 awarded over a given reporting year, kept by the Manager of Procurement.

3.8. CONTRACT RULES COMPLIANCE MONITOR (RARC)

The Chief Executive Officer of a public body must designate a Contract Rules Compliance Monitor as per section 21.0.1 of the Act Respecting Contracting by Public Bodies.

3.9. DEPARTMENTAL POLICY (DP)

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* (contract management policy respecting supply, service, and construction contracts entered into by public bodies

from the education network) published on April 12, 2010, and all its amendments, or any other policy replacing it as per Conseil du Trésor's decision.

3.10. DURATION OF A CONTRACT

For the purpose of this Policy, the duration of a contract includes options or the possibility of extending the duration of the contract.

3.11. EXTERNAL MEMBER OF A SELECTION COMMITTEE

An individual who neither carries out duties within Bishop's University (including members of the Board of Governors) or any of its facilities nor works for the University's benefit.

3.12. INFORMATION TECHNOLOGY CONTRACT

A contract for the acquisition of goods or the provision of services in the field of information technologies when it seeks preponderantly to ensure or enable functions of information processing and communication by electronic means, including the collection, transmission, display and storage of information.

3.13. INTERGOVERNMENTAL AGREEMENT

A public procurement liberalization agreement between Quebec and another jurisdiction, or an agreement to which Quebec has, in accordance with the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), declared itself bound.

3.14. INVITATION TO TENDER

A written or verbal invitation to tender addressed to at least two qualified suppliers allowing them to bid on a supply, service or construction contract valued under \$100,000.

3.15. K FACTOR

The weighting that a public body is willing to give to quality and that is factored in the calculation of the lowest price. Under the Act, it can range between 15% and 30 %.

3.16. POLICY

The Policy Respecting the Awarding and Management of Contracts.

3.17. PRIOR AUTHORIZATION FOR PUBLIC CONTRACT OR PUBLIC SUBCONTRACT

An authorization issued by the *Autorité des marches publics* to businesses that wish to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government from time to time.

3.18. PROJECT MANAGER

An employee acting as a consultant for an internal client.

3.19. PUBLIC OPENING

Opening, before a witness, of bids at the closing date and time stipulated in a public call for tenders.

3.20. PUBLIC CALL FOR TENDERS

Call for tender published on the official tendering site of the Government of Quebec (SEAO) allowing potential suppliers to bid on a supply, service, information technology or construction contract.

3.21. REGISTRE DES ENTREPRISES NON ADMISSIBLES AUX CONTRATS PUBLICS (RENA)

A register of enterprises ineligible for public contracts.

3.22. REGULATIONS

The regulations made pursuant to the Act, including, but not limited to the *Regulation respecting certain supply contracts of public bodies* (RSQ, c. C-65.1, r.2) (RCA), the *Regulation respecting certain service contracts of public bodies* RSQ, c. C-65.1, r.4) (RSC), the *Regulation respecting construction contracts of public bodies* (RSQ, c. C-65.1, r.5) (RCC), the *Regulation respecting contracting by public bodies in the field of information technologies* (RSQ, c. C-65.1, r.5.1) (RCTI) and, where applicable, any regulation adopted by the University's Board of Governors.

3.23. REVENUE CONTRACT

For the purpose of this policy, a revenue contract is any contract entered into by Bishop's University from which the university derives revenues, equal to or above the threshold determined by the applicable intergovernmental agreements, with a supplier or service provider who, as part of the contract, obtains the exclusivity to sell its goods and services to the Bishop's community for a profit.

3.24. SELECTION COMMITTEE

Committee set up when the contract award process requires a qualitative evaluation, regardless of the method being used. The composition of the committee may vary according to the nature of the contract.

3.25. SUPPLIER

A successful bidder or a contracting partner for a contract resulting from a call for tenders or a mutual agreement in the case of a supply contract, or a contractor for a construction contract or a service provider for a service contract.

3.26. SUPPLY CONTRACT

Supply contract, including contracts for purchase, lease, or rental or movable property, which may include the cost of installing, operating and maintaining the property.

3.27. SYSTÈME ÉLECTRONIQUE D'APPEL D'OFFRES DU GOUVERNEMENT DU QUÉBEC (SEAO)

The electronic tendering system established by the Government. Under the Act, public bodies must use SEAO to issue public calls for tenders.

3.28. TENDERING PROCEDURE

The mechanism the University uses to award a contract to a supplier, including a public call for tenders, an invitation to tender, or mutual agreement.

3.29. TOTAL ACQUISITION COST

A cost, quantifiable and measurable, that a public body incurs, in a supply contract, during the useful life of the goods acquired. They may include, but not limited to, installation, maintenance, support and training costs.

3.30. UNITS

For the purposes of this Policy, 'Unit' means any academic, administrative and ancillary unit of the University.

3.31. UNIVERSITY

Bishop's University.

All other terms must be interpreted in accordance with the Act and its regulations, policies and directives.

4. GUIDING PRINCIPLES

The interpretation and application of this Policy are governed by the following principles, as defined in, or inspired by, the Act:

1. Public confidence in the public procurement process by attesting to the integrity of tenderers;
2. Transparency in contracting processes;
3. The honest and fair treatment of tenderers;
4. Consideration by the University, prior to any procurement process, of whether a group call for tenders is appropriate, both for its own benefit and that of the other participants in the following groups: the RGAUQ (*Regroupement des gestionnaires d'approvisionnement des universités de Québec*); the GACEQ (*Groupe d'approvisionnement en commun de l'est du Québec*); the *Collecto*.
5. The opportunity for qualified tenderers to compete in calls for tenders made by the University;
6. The use of effective and efficient contracting procedures, including a careful and thorough evaluation of procurement requirements, that reflect the Government's and the University's sustainable development and environmental policies;
7. The promotion of quality assurance systems for goods, services or construction work required by the University;
8. Accountability reporting by the CEO of the University to verify the proper use of public funds;
9. A prohibition on splitting or segmenting procurement requirements, or amending a contract for the purpose of avoiding the obligation to make a public call for tenders or any other obligation under the Act.
10. The application of the University's Conflict of Interest Policy in all public purchasing and the confidentiality of tendering procedures to circumvent collusion;
11. All goods purchased by the University, whatever the source of funding, are and stay the property of the University, unless otherwise stated in the subsidizing organisation regulation.
12. An evaluation of the quality of the proposed goods and services, when applicable.

5. ROLES AND ENFORCEMENT RESPONSIBILITIES

5.1. BOARD OF GOVERNORS

The Board of Governors adopts a Policy respecting the award and management of public contracts and ensures compliance with it.

The Board of Governors also fulfils any specific responsibilities assigned to it including those pursuant to the DP with respect to contract amendments. To this end, the Board receives an accountability report from the organization's CEO in situations described in Schedule 1 of this Policy. The Board of Governors also ensures that the University complies with its obligations under the DP.

5.2. CHIEF EXECUTIVE OFFICER (CEO)

The CEO ensures that the various departments and services of the university and individuals working within the University or for its benefit enforce and comply with the Policy. In order to do so, the CEO must designate a Contract Rules Compliance Monitor (RARC).

At least once a year, the CEO reports to the Board of Governors on policy enforcement matters and provides accountability reports pursuant to legislation and departmental policies.

The CEO may delegate the power to authorize amendments to a contract worth up to 10% of the initial amount of the contract. The CEO may delegate the power to nominate members of a selection committee.

5.3. CONTRACT RULES COMPLIANCE MONITOR (RARC)

The duties of the RARC, as defined in section 21.0.2 of Chapter V.0.1 of the Act, and further defined in the *Politique concernant les responsables de l'application des règles contractuelles* include:

1. ensuring compliance with the rules prescribed by the Act and the regulations, policies, and directives made under it ;
2. advising, and making recommendations or providing advisory opinions to, the CEO on compliance with contract rules;
3. putting measures in place within the University to ensure the integrity of internal processes;
4. seeing to the professional fitness of the personnel involved in contractual activities;
5. exercising any other function the CEO may require to ensure that contract rules are complied with.

5.4. RESPONSIBILITIES FOR PROCUREMENT PROCEDURES

5.4.1 Manager of Procurement

The Manager of Procurement, in consultation with the RARC, manages and is responsible for all procurement operations conducted by all University departments, services, and employees with procurement responsibilities.

The RARC, defines the parameters for updating the guidelines described in section 4 in collaboration with of the Manager of Procurement.

The Manager of Procurement, in consultation with the RARC, fulfils the following duties:

1. Ensures that tendering processes comply with this Policy;
2. Takes responsibility, in consultation with the RARC when necessary, for choosing the tendering process and the contract award method in compliance with the Regulation and with the contents of section 6 of the Policy, subject to the written comments of the concerned Head of Unit and users. The responsibility includes documenting the choice to proceed by means of a written or verbal invitation to tender or by mutual agreement. For this purpose, the appropriate authorizations must be obtained as determined by regulation and the DP. If the Manager of Procurement and the Head of Unit are unable to agree on the tendering process, a submission is made to the RARC, who will determine the tendering process after examining the comments of each of the aforementioned individuals;
3. Ensures that suppliers and service providers hold the certification required to enter into public contracts (Attestation from Revenu Québec, RENA, Prior authorization for public contract or public subcontract by the *Autorité des marchés publics*);
4. Ensures that the contract register is kept up to date, and conserving contracts and documents of a similar nature;

5. Ensures that the University meets its obligations to report in the SEAO in a timely fashion;
6. Reports at least once a year to the CEO, on the application of the Policy;
7. Provides the CEO with information needed to report to the Board of Governors, and the Conseil du trésor, in compliance with applicable departmental policies and legislation.

5.4.2 Buildings and Grounds

Buildings and Grounds shall collaborate with the Manager of Procurement with regard to the award of construction contracts and professional services contracts relating to construction work. To this end, Buildings and Grounds is responsible for the development of technical specifications for construction work and for the selection of construction professionals, and fulfils the following duties:

1. Ensures that invitations to tender are issued and construction professionals and other suppliers are selected in compliance with this Policy by working with the Manager of Procurement to choose the appropriate tendering approach in accordance with section 6 of this Policy, and to ensure that contractors are authorized to contract with a public body;
2. Implements a rotation system for contracts awarded by mutual agreement with the existing contractors and introduces new ones in the system as needed.
3. Identifies requirements for the installation and operation of equipment.

5.4.3 Library

The John Bassett Memorial Library shall ensure that suppliers are authorized to contract with a public body, and work with the Manager of Procurement with regard to document resource purchases over \$100,000 and reporting of purchases over \$25,000.

5.5. HEADS OF UNITS

The duties and responsibilities of the Heads Units include the following:

1. Ensuring compliance with this Policy and with the legal and regulatory obligations of the University respecting procurement;
2. Defining, in collaboration with the Manager of Procurement, the requirements respecting goods and services for which they have responsibility;
 - 2.1 The duty to define requirements includes determining the impact cost where applicable as well as all other information that may be required in order to establish the nature and the monetary value of a contract.
3. Plan the Unit's supply, service, or construction work needs so as to guarantee continuity of service;
4. Certify that goods or services have been delivered or rendered;
5. Promptly inform the Manager of Procurement of any problem respecting the quality of goods or services and of any health and safety risks posed by them;
6. Prepare and approve, in accordance with the level of authorization stipulated below, purchase orders and forward them when necessary to the Manager of Procurement.

7. Provide in writing, at the request of the Manager of Procurement, all the reasons for a decision to use a tendering process other than the primary method of tendering, as set out in section 6.

6. GENERAL RULES FOR AWARDING CONTRACTS

Subject to anything specifically stipulated below and in accordance with the nature of the contract to be awarded, Heads of Units must follow the rules set out in this chapter when they initiate a purchase.

6.1. GENERAL CONSIDERATIONS

1. Under the Act, any expenditure equal to or above the lowest threshold specified in an intergovernmental agreement applicable to the contract must be made by a public call for tenders, unless an exception exists. The applicable threshold is currently \$101,100, but it may change from time to time.
2. Any expenditure below the public tender threshold must be made in conformity with the principles set out in the Act. To meet this requirement, any expenditure between \$25,000 and \$101,100 will normally be made by an invitation to tender, as set out in section 6.2.
3. Purchases equal or over \$25,000 are made by the Manager of Procurement and pre-approved in compliance with the Signing Authority Policy.
4. Purchases from \$0 to \$25,000 are made by the Heads of Units and services and pre-approved in compliance with the Signing Authority Policy.
5. When contracts or agreements exist, all purchases must be made in accordance with them, unless prior authorization has been obtained by the proper authority.
6. When considering a tendering process, the following factors have to be considered:
 - Amount of the contract;
 - Competition in the marketplace;
 - Anticipated value-added arising from the procedure;
 - Impact on the regional economy;
 - Sustainable development considerations;
 - Possibility of rotating tenderers;
7. The authorization of the CEO is required for every contract whose expected term, including any renewal, is greater than 3 years. The CEO may not authorize a delivery order contract or a task order contract whose expected term, including renewal, is greater than 5 years.
8. When inviting suppliers to tender, the University must include at least one small or medium business of less than 250 employees.

6.2. TENDERING PROCESSES

Tendering processes must be conducted as follow:

TENDERING PROCESSES ⁽¹⁾ ⁽²⁾				
TYPES OF CONTRACT	MUTUAL AGREEMENT	VERBAL INVITATION TO TENDER	WRITTEN INVITATION TO TENDER	PUBLIC CALL FOR TENDERS
<i>Certain Supply contract</i> \$0 to \$24,999 \$25,000 to \$99,999 \$100,000 and over	Primary Method Exception Exception	Exception Possible Not Applicable	Exception Possible Not Applicable	Exception Exception Primary Method
<i>Certain Professional and technical services contract</i> \$0 to \$24,999 \$25,000 to \$99,999 \$100,000 and over	Primary Method Possible ⁽³⁾ Exception	Exception Possible Not Applicable	Exception Possible Not Applicable	Exception Exception Primary Method
<i>Information Technology contract</i> \$0 to \$24,999 \$25,000 to \$99,999 \$100,000 and over	Primary Method Exception Exception	Exception Possible Not Applicable	Exception Possible Not Applicable	Exception Exception Primary Method ⁽⁴⁾
<i>Construction work contract</i> \$0 to \$24,999 \$25,000 to \$99,999 \$100,000 and over	Primary Method Exception Exception	Exception Not Applicable Not Applicable	Exception Primary Method Not Applicable	Exception Exception Primary Method

(1) The applicable thresholds are determined by best practices recommended by Conseil du trésor and by the lowest threshold specified in an intergovernmental agreement applicable to the contract and the public body

(2) All expenditures are calculated before applicable taxes

(3) Engineering and Architecture Contracts from \$25,000 to \$99,999 can be awarded by Mutual Agreement, where a rotation system has been put in place to ensure qualified tenderers have access to public contracts

(4) Where the University's need involve a high level of complexity, the University may, for awarding a contract after the CEO's authorization, issue a call for tender involving a competitive dialogue.

Primary Method	is the recommended method
Possible	applies when two tendering processes are equally possible
Exception	applies when the primary method is judged to be not appropriate given the circumstances and an alternate method is available given section 6.3.
Not applicable	applies when the tendering process cannot be used for a particular contract

The Manager of Procurement, in consultation with the RARC, with the help of the Head of Units and the users, must, where appropriate, identify the grounds for invoking an exception pursuant to section 6.3. These grounds must be the subject of a brief report to be forwarded to the person holding signing authority or the CEO, whichever may apply, for all contracts over \$25,000. The prior authorization of the CEO is mandatory for all exceptions to the public call for tenders requirement.

6.3. GROUNDS FOR INVOKING AN EXCEPTION

6.3.1 Over the applicable intergovernmental agreement threshold

When a public call for tenders is normally required under the Act, the Regulations, or the DP, the University may consider a contract by mutual agreement in the following exceptional circumstances:

- **Under the Act**

1. An emergency that threatens human safety or property;
2. There is only one possible contractor because of the existence of a guarantee, an ownership right, or an exclusive right such as a copyright or a right based on an exclusive licence or patent, or because of the artistic, heritage or museological value of the required property or service;
3. If 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;
4. If the University considers that it will be able to prove, in accordance with the principles set out in section 2 of the Act, that a public call for tenders would not serve the public interest given the object of the contract concerned;
5. In any other case determined by government regulation.

Ref.: Act, s. 13

- **Under the Regulation Respecting Certain Supply Contracts of Public Bodies (RCA):**

1. A Contract to acquire sand, stone, gravel, or bituminous compounds involving an expenditure below \$200,000 (RCA, s.27);
2. A supply contract relating to research and development or teaching activities where, due to technical or scientific reasons, only one supplier is able to carry it out, and there is no other alternate solution or substitute goods (RCA, s.28);

- **Under the Regulation Respecting Certain Service Contracts of Public Bodies (RCS):**

1. A legal service contract (RSC, s.35) The Regulation respecting the fees for certain legal services rendered to bodies of the Government applies to these mutual agreements;
2. A financial or banking service contract (RSC, s. 37);
3. A service contract for the hiring of an investigator, conciliator, negotiator, mediator, arbitrator, a physician or a dentist in matters of medical assessment related to their field or a person as an expert court witness (RSC, s. 42.1);

- **Under the Regulation Respecting Contracting by Public Bodies in the field of information technologies**

1. A supply contract relating to research and development or teaching activities where, due to technical or scientific reasons, only one supplier is able to carry it out, and there is no other alternate solution or substitute goods (RCTI, s.49);

6.3.2 Notice of intention

Before entering into a contract by mutual agreement where a public call for tender would not serve the public interest, the University must publish a notice of intention allowing any Supplier to express its interest in carrying the contract on SEAO.

6.3.3

Below the applicable intergovernmental agreement threshold

The University must award contracts involving an expenditure below the public tender threshold in accordance with the principles set out in the Act. Grounds for invoking an exception to the primary method must comply with section 6.3.1.

6.4. ROTATION SYSTEM AMONG SUPPLIERS

The University must ensure that suppliers are rotated. To that end it must, in the case of a contract awarded further to a written or verbal invitation to tender or a mutual agreement, invite new suppliers who were not asked to tender for the previous contract.

6.5. CONTRACT AWARD METHODS

In the case of a public call for tenders or an invitation to tender, the University can use one of the following evaluation methods:

METHODS OF AWARDING CONTRACTS				
TYPE OF CONTRACT	LOWEST PRICE	QUALITY EVALUATION AND LOWEST PRICE	QUALITY EVALUATION AND LOWEST ADJUSTED PRICE	QUALITY ALONE
Supply contract	Primary Method S. 10 of the RCA	Possible Ss. 19, 22 of the RCA	Possible Ss. 19, 23 of the RCA	Possible Ss. 32.1, 32.2 and 32.3 of the RCA
Service contract of a technical nature	Primary Method S. 10 of the RSC	Possible Ss. 33, 20 of the RSC	Possible Ss. 33, 21 of the RSC	Primary method for a qualification of service providers S. 43 of the RSC Possible if a tariff exists for the work under contract S. 23 of the RSC
Professional service contract	Possible, except for an architecture or engineering contract S. 34 of the RSC	Possible, except for an architecture or engineering contract Ss. 16, 19 and 20 of the RSC	Primary Method , except for an architecture or engineering contract Ss. 16, 19 and 21 of the RSC	Mandatory for an architecture or engineering contract, excluding a forest engineering contract S. 24 of the RSC Possible if a tariff exists for the work under contract S. 23 of the RSC Possible for an advertising campaign contract S. 39 of the RSC Possible for a travel service contract \geq \$100,000 S. 41 of the RSC

METHODS OF AWARDING CONTRACTS				
TYPE OF CONTRACT	LOWEST PRICE	QUALITY EVALUATION AND LOWEST PRICE	QUALITY EVALUATION AND LOWEST ADJUSTED PRICE	QUALITY ALONE
IT contract	Primary Method for supplies , possible for services S. 16 of the RCTI	Primary Method for services , possible for supplies S. 17,18 of the RCTI (Call for tenders in two stages)	Possible for services and supplies S. 17 of the RCTI	Possible for services S.54 of the RCTI
Construction work	Primary Method S. 13 of the RCC	Possible Ss. 22, 23 of the RCC (Call for tenders in two stages)	Possible for mixed contracts for construction work and professional services Ss. 24, 25 and 26 of the RCC	Possible Ss. 36, 37 and 38 of the RCC

Primary Method is the recommended method
Possible applies when the regulation allows methods other than the primary method
Mandatory is the only possible method allowed by regulation

6.6. TENDERS WITH UNUSUALLY LOW PRICES

Where the Manager of Procurement observes that the price of a tender is unusually low, he or she must follow the rules set out in the applicable regulation.

6.7. SUSTAINABLE DEVELOPMENT

Any purchase made with public money must take into consideration, where applicable, the Environmental Sustainability Policy and the Government's sustainable development and environmental policies. When possible, suppliers who respect the International Labour Standards of the International Labour Organization and/or are engaged in sustainable development must be favored when awarding a contract.

7. PUBLIC-PRIVATE PARTNERSHIP CONTRACT

A public-private partnership contract can be put in place in compliance with the provisions of sections 18 to 21 of the Act.

8. ORGANIZATIONAL FRAMEWORK TO MANAGE CORRUPTION AND COLLUSION RISKS

The CEO must put in place an organizational framework to manage corruption and collusion risks applicable to all procurement activities and all steps of the procurement process, and must revise it as needed. The Board of Governors must adopt a yearly corruption and collusion risk management plan. Each plan must be followed by a monitoring and review report approved by the CEO at the latest 4 months after the end of the fiscal year. The plan and the report must be presented to the President of the Conseil du trésor upon request.

9. OTHER CONSIDERATIONS

9.1. SELECTION COMMITTEE

When the University has to evaluate the quality of the goods, services or construction work being offered, for all contracts over the applicable threshold, it must set up a Selection Committee, prior to launching the call for tenders, consisting of a secretary and at least three members, one of whom must be from outside the University. The identity of the committee members is not a public information and must not be disclosed. The Project Manager, the CEO or a member of the Board cannot be appointed to participate in a selection committee. There cannot be any hierarchical relations between members of a committee. The CEO, or the person delegated by the CEO, authorizes the composition of the Selection Committee for these contracts. For all invitations to tender between \$25,000 and \$100,000, the composition of the Selection Committee can differ, but the quality is still evaluated by a Selection Committee.

The CEO appoints the individuals authorized to act as secretaries of a selection committee. To act as a secretary of a selection committee, the individual must be a permanent manager or professional of the public body and hold an attestation delivered by the Secretary of the Treasury board of Québec certifying that the individual has completed all required training. The CEO can also sign an agreement with another public body to engage the services of a secretary of that public body. While secretaries must fulfil their duties and responsibilities pursuant to the regulations, they do not evaluate goods and services.

9.2. COMPLAINTS

The University must establish a procedure for receiving and examining complaints filed in the course of the awarding of a public contract and make it available on its website. A public call for tender and its addenda must include information on filing complaints and provide a proper timeline for doing so, as prescribed in the applicable regulation. Any complainant not satisfied with the University's decision can escalate the complaint to the Autorité de marchés publics.

9.3. PERFORMANCE EVALUATION

A supplier whose products, services or construction work do not meet the University's expectations in terms of performance, as set out in the specifications, may be the subject of an unsatisfactory performance report. Where the total amount paid for a contract in the field of information technologies is equal or greater than \$100,000, the University must record in a report the evaluation of the supplier or service provider, be the performance satisfactory or not. The following terms and conditions shall apply:

1. No later than 60 days after the end of the contract, the Head of the Unit, in collaboration with the Manager of Procurement, sends a performance evaluation report to the supplier whose performance is considered to be unsatisfactory.
2. The supplier may forward comments on the report in writing within 30 days of receiving the report.
3. Within 30 days after the expiry of the time allowed to the supplier or following receipt of the comments, the CEO determines whether to uphold or cancel the evaluation and informs the supplier of the decision.
4. If the decision is upheld, the supply is ineligible for any contracts with the University for a period of two years.

The performance evaluation may, upon request or by regulation, be transmitted to the Autorité des marchés publics.

9.4. DETERMINING THE “K” FACTOR

The “K” factor, which is used to assess the quality of tenders in order to award a contract on the basis of the lowest adjusted price, is calculated as follows:

8.3.1 Construction contract

When a construction contract is being awarded, the value of the “K” factor is 15% in accordance with the applicable regulations.

8.3.2 Supply or service contract

The Head of the Unit, in consultation with the Manager of Procurement, determines the percentage. If these individuals are unable to agree on the value of “K”, a submission is made to the RARC, who will determine the value of “K” after examining the comments of each of the aforementioned individuals.

9.5. TOTAL ACQUISITION COSTS

In conjunction with the RARC, the Manager of Procurement makes a decision regarding purchase-related total acquisition costs in supply contracts.

The total acquisition costs is based on information provided by the Head of Unit and the users and can take into consideration other factors than price.

10. REFERENCES

Act Respecting Contracting by Public Bodies, RSQ, chap. C-65.1.

Directive concernant la reddition de comptes en gestion contractuelle des organismes publics, 13 décembre 2016

Directive concernant la gestion des contrats d’approvisionnement, de services et de travaux de construction des organismes publics, 6 décembre 2016

Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle, 1 septembre 2016

Politique concernant les responsables de l’application des règles contractuelles, XX mars 2018

Regulation respecting construction contracts of public bodies, RSQ, chap. C-65.1, r. 5

Regulation respecting contracting by public bodies in the filed of information technology, RSQ chap. C-65.1, r. 5.1

Regulation respecting certain service contracts of public bodies, RSQ, chap. C-65.1, r. 4

Regulation respecting certain supply contracts of public bodies, RSQ, chap. C-65.1, r. 2

11. APPROVAL AND EFFECTIVE DATE

This *Policy Respecting the Awarding and Management of Contracts* was adopted by the Board of Governors, meeting on March 27, 2015, and takes effect on April 1, 2015.

This *Policy Respecting the Awarding and Management of Contracts* was amended by the Board of Governors, meeting on October 2, 2015.

This *Policy Respecting the Awarding and Management of Contracts* was amended by the Board of Governors, meeting on March 22, 2019.

SCHEDULE 1

Summary of the specific responsibilities of the Chief Executive Officer of the University as delegated by the Board of Governors of Bishop's University.

1. AUTHORIZATION TO BE GRANTED BEFORE TENDERING

Act s. 13 (2°)	A contract involving an expenditure equal to or above the public tender threshold entered into by mutual agreement when there is only one possible contractor because of the existence of a guarantee, an ownership right or an exclusive right such as a copyright or a right based on an exclusive licence or patent , or because of the artistic, heritage or museological value of the required property or service
Act s.13 (3°)	A contract involving an expenditure equal to or above the public tender threshold entered into by mutual agreement when the contract involves confidential or protected information
Act s.13 (4°)	A contract involving an expenditure equal to or above the public tender threshold entered into by mutual agreement when a public tender would not serve the public interest
RCA s.33 par.1 RCS s.46 par.1 RCTI s.57 par. 1	A contract, whose expected term, including any renewal, is greater than 3 years
RCC s.39 par.1	The tender validity period is greater than 45 days
RCA s.18 RCTI s.43 par.2	The public call for tenders provides for the awarding of orders to any of the selected suppliers whose submitted price does not exceed the lowest price by more than 10%
DP. s.16	A contract entered into with a natural person who does not operate a sole proprietorship , where the expenditure is equal to or above \$50,000
DP s.3.10 par. 2 DP s.3.11 par. 1 DP s.3.11 par. 3	The CEO decides to limit the extent of a copyright license granted to the supplier, the CEO decides to require the assignment of the copyrights to the public body or the CEO decides to require the assignment of the copyrights to the public body and not to grant a license to the supplier
RCTI s.19	A call for tender involving a competitive dialogue where the need of the public body is highly complex in the field of information technologies
RCTI s.48 par.2 (2°)	The CEO decides to award a contract regarding cloud-based goods or services on the basis of other criteria than price, such as technological compatibility, the accessibility of goods or services, performance and technical assistance
DP s.10	Derogation to operating modalities of the selection committee

2. AUTHORIZATION TO BE GRANTED DURING THE CONTRACT AWARD PROCESS

RCA s.33 par.2 (1°) RCS s.46 par.2 (1°) RCC s.39 par.2 (1°) RCTI s.57 par.2 (1°) RCA s.33 par.2 (2°) RCS s.46 par.2 (2°) RCC s.39 par.2 (2°) RCTI s.57 par.2 (2°)	A contract involving an expenditure equal to or above the public tender threshold if only one supplier submitted a compliant tender or submitted an acceptable tender following a quality evaluation
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RCA s.15.4 RCS s.29.3 RCC s.18.4	Members of the committee set up to analyse a tender with an unusually low price
RCA s.15.8 RCS s.29.7 RCC s.18.8 RCTI s.39 par.3	The rejection of a tender whose price is unusually low
Act s.25.0.3 par.2, 3	When a public body finds itself in a situation where the security of people and property is endangered and it wants to enter into a contract with a contractor who is ineligible or does not hold an authorization for public contract
RCTI s.20 par.3	The CEO decides to continue the tendering process involving a competitive dialogue when only 2 tenderers satisfy the selection criteria to award a contract in the filed of information technologies
DP s.6	The awarding of a contract equal to or above \$2M with a service provider who is not certified ISO 9001:2008 or ISO 9001:2015

3. AUTHORIZATION TO BE OBTAINED IN THE COURSE OF CONTRACT MANAGEMENT

Act s. 17	An amendment to a contract, equal to or above the public tender threshold , that entails an additional expenditure
DP s.18	An amendment to a contract entered into with a natural person who does not operate a sole proprietorship, equal to or above \$50,000, that entails an additional expenditure
DP s.3.5	The public body wants to join a buying group after the contract has started

4. ACCOUNTABILITY REPORTING

Any public body described in section 4 of the Act must report to “secretariat du Conseil du trésor” all authorizations given by the CEO, as set forth in the *Directive concernant la reddition de comptes en gestion contractuelle des organismes publics*. At the end of the period starting April 1st and ending March 31 of the following year, and no later than June 30, the public body must transmit a declaration from the CEO stating the reliability of data and controls pertaining to contracts for which an authorization is necessary and information published on the *Système électronique d’appel d’offres du gouvernement du Québec*.