



**CÉGEP HERITAGE COLLEGE
POLICY # 30**

**CONCERNING
THE ACQUISITION OF GOODS AND SERVICES**

COMING INTO FORCE: February 23, 2009
REVISED: October 27, 2021
ADMINISTRATOR: Director of Building Services

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Concerning the Acquisition of Goods and Services

Preamble¹

The College is responsible for acquiring, at the opportune moment, the goods and services needed to accomplish its mission and to do so in such a way as to take advantage of the best market conditions. It must also ensure the sound management of all the goods acquired, moveable and immovable property and consumable goods, which includes operations regarding the taking of inventories, the loan, storage and disposition of its property. Lastly, the College must carry out these operations in the most transparent, efficient and effective way possible. The College is committed to favouring the purchase of products that help maintain and improve the quality of the environment and promote sustainable development, as defined on the *College Policy #38 concerning environmental management*.

In compliance with its «Régime budgétaire et financiers des collèges d'enseignement général et professionnel», the College is required to adopt internal regulations with respect to its acquisition of goods and services and construction work contracts. In addition, the College is subject to the «Loi sur les contrats des organismes publics (LCOP) (RLRQ c C-65.1) » and regulations passed thereunder.

ARTICLE 1

Purpose

This policy sets forth the general rules applicable to the procurement of goods and services, and construction contracts entered into by the College to fulfil its mission and exercise the additional powers it holds under the « Loi sur les collèges d'enseignement général et professionnel (R.S.Q. c. C-29)» and the « Loi sur les contrats des organismes publics (RLRQ c C-65.1). »

The present policy is also meant to protect the College and its employees by providing clarification and removing any appearance of discretionary or preferential treatment in the acquisition of goods and services for the College.

¹ See the Glossary for explanations of frequently used terms.

ARTICLE 2

Application

The present policy applies to the purchasing of goods and services, and to the construction contracts for all administrative units of the College, irrespective of the nature and source of funds for their financing.

This policy applies to the management of the College's property, that is, the control of inventories, loan, storage and disposition.

2.1 Exceptions

This policy does not apply for the activities mentioned hereunder:

- the purchase, rental or alienation of a building;
- employment contracts, concession contracts, expenses the purchase of books (the library is responsible for the purchase of books, in compliance with the Act respecting the development of Quebec firms in the book industry (R.S.Q. c. D-8.1);
- related to travel and entertainment expenses;
- banking, financial or legal services.

ARTICLE 3

Provisions

3.1 Guiding Principles

The present policy relies on the following principles:

- i. the College is committed to seeking the best sources of procurement with respect to quality/price ratio, considering warranties and total purchase price, in context of sound management of public funds;
- ii. the College favors the purchase of products that help maintain or improve the quality of the environment and promote sustainable development;
- iii. whenever it seems advantageous, the College participates in group buying (global buying) on a regional basis. The College also favors partnerships and the exchange of services with other public bodies;
- iv. the College ensure compatibility between purchasing practices and the LCOP;

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- v. the College's employees shall maintain a good relationship with the College's suppliers, ensuring respect and compliance of the Quebec public function values²: competency, impartiality, integrity, loyalty and respect;
- vi. the College's employees responsible or involved at the procurement process must respect, comply and promote the principles mentioned in the Article #2 of the « LCOP – Principes de Gestion Contractuel»;³ »
- vii. the property acquired or rented by the College is for the exclusive use of the College. Users must use it properly and take care of it;
- viii. Building Services Department is solely responsible for the purchase and rental of goods and services, and for the construction contracts;
- ix. any contract to which this policy applies is subject to the *College Procedure # 27 relating to purchasing*. Any contract which does not comply with these procedures is null and void and involves only the personal responsibility of the employee;
- x. all suppliers, contractors or subcontractors, established in the province of Quebec, that enter into contracts with the College, worth \$ 25,000 before taxes or more, must hold a valid certificate from Revenue Québec, as established by the Quebec legislation⁴;
- xi. all the amounts mentioned in this policy are before taxes.

² Déclaration de valeurs de l'administration publique Québécoise
https://www.tresor.gouv.qc.ca/fileadmin/PDF/ethique_valeurs/declaration_valeurs.pdf

³ Loi sur les contrats des organismes publics (LCOP) (RLRQ c C-65.1) <http://legisquebec.gouv.qc.ca/fr/showdoc/cs/c-65.1>

⁴ RCA Art.37.1, RCS Art. 50.1, RCTC Art. 40.1, RCTI Art. 62.
<https://www.tresor.gouv.qc.ca/faire-affaire-avec-letat/cadre-normatif-de-la-gestion-contractuelle/autres-exigences/attestation-de-revenu-quebec/>

3.2 Legal Framework

This policy is consistent with the following laws and regulations:

- Loi sur les contrats des organismes publics - Act respecting contracting by public bodies (LCOP) (RLRQ c C-65.1) ;
- Loi sur la fonction publique;
- Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics;
- Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle;
- Règlement sur certains contrats d'approvisionnement des organismes publics (LCOP C-65.1, r. 2);
- Règlement sur certains contrats de service des organismes publics (LCOP C-65.1, r. 4);
- Règlement sur les contrats de travaux de construction des organismes publics (LCOP C-65.1, r. 5);
- Règlement sur les contrats des organismes publics en matière de technologies de l'information (LCOP C-65.1, r. 5.1);
- Règlement sur le paiement d'intérêts aux fournisseurs du gouvernement (LCOP C-65.1, r. 8);
- Règlement sur l'éthique et la discipline dans la fonction publique;
- Market liberalization agreements entered into by the Government of Québec;
- *College Policy #1 concerning Financial Management*.

3.3 Level of spending

Level of spending must be approved as follows:

- i) \$0 to \$5,000 authorized by the Purchasing Technician with the approval of the Building Services Director;
- ii) \$5,001 to \$25,000 approved by the Procurement Manager with the approval of the Building Services Director;
- iii) \$25,001 to \$50,000 approved by the Director of Building Services;
- iv) \$50,001 to \$100,000 approved by the Director General;
- v) \$100,001 and over, approved by the Board of Governors.

The aforementioned limits are before taxes.

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3.4 Procurement

Subject to other provisions in this policy, all contracts are awarded through direct negotiations, invitation to tender, or public calls for tenders, applying the *College procedure # 27 relating to purchasing*.

As stated in the LCOP, any purchases over \$25,000 must be published on the SEAO (service électronique d'appels d'offres) Web site for public information.

3.4.1 Construction work contracts

The College will use either direct negotiations, invitation to tender, or public calls for tenders for any purchases under \$100,000.

The College shall favour regionalized purchases for any amount under \$100,000.

Public calls for tenders shall be compulsory for all construction work evaluated equal or at more than \$100,000.

3.4.2 Procurement contracts

For purchases whose value is under \$100,000, the College will either use direct negotiations, invitation to tender, or public calls for tenders.

Public calls for tenders shall be compulsory for the order of goods evaluated equal or at more than \$100,000.

The College may negotiate directly with a supplier for the purchase of sand, stone, gravel or bituminous coated material whose value is under \$200,000.

3.4.3 Service contracts

For services whose value is under \$100,000, the College will use either direct negotiations, invitation to tender, or public calls for tenders.

Public calls for tenders shall be compulsory for any service contract evaluated equal or at more than \$100,000.

3.4.4 Analysis of tenders, evaluations and publication of the information.

Building Services shall be responsible for the review and analysis of bids submitted, for any contractual process.

In the case of a tender process, the supplier selection shall be done based on the evaluation modality specified in the documents of the tender, and *applying the College Procedure # 27 relating to purchasing*.

Any participant in the bid review process who has an interest in one of the bidding firms shall immediately notify, in writing, the person in charge of the Purchasing Department and indicate the nature of his/her interest.

The College reserves the right to cancel, at any time, a call for tenders or request for quotation. A bidder does not have any recourse against the College, for any motive, following a decision to cancel or reject a call for tenders or a request for quotation.

3.4.5 Contract Amendments

A contract may be amended if it is an incidental amendment and does not change the nature of the contract. In the case of contracts evaluated at more than \$100,000, if the amendment is under the 10% of the total value of the contract, it shall be authorized by the Director General. In the same case, if the amendment is over the 10% of the total value of the contract, it shall be authorized by the Board of Governors and published on the SEAO.

3.4.6 Cash purchases and reimbursements

Administrative and teaching staff can make cash purchases of up to \$50, previously authorized by the department coordinator. The amount spent will be reimbursed from the petty cash. If the purchase amount is greater than \$50 and up to \$200, the reimbursement will be made through a check requisition. In both cases, the guidelines and the limits are established in *College Procedure # 27 relating to Purchasing* must be followed.

All purchases for a total amount higher than \$200 must be processed through the college system.

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3.5 Purchase of IT and Audio-Visual Equipment

The procurement and acquisition of all IT and audio-visual equipment are regulated by the « Règlement sur les contrats des organismes publics en matière de technologies de l'information ».

Any requisition to purchase computer equipment, software, audio-visual equipment, cameras, telephone equipment, photocopiers, printers and chip- cards, etc., must be part of the IT annual or the three-year plan.

All the purchasing request for the items previously mentioned shall be submitted to Computer Services. This department will define the exact products to be purchased, which satisfy the requirement and which in turn comply with the college's IT strategy. Based on this definition, Building Services Department will execute the purchase.

3.6 Regional Purchasing

Whenever possible, the College seeks supply sources within the Outaouais Territory (administrative region #7). The College will promote purchasing from local suppliers at comparable cost, quality, service and availability of goods. This does not apply in the case of liberalized public procurement and group purchases.

3.7 Performance Evaluation

The College shall, in compliance with the regulations mentioned in the Article 3.2, record in a written report the evaluation concerning a supplier, contractor or service provider whose performance is unsatisfactory, *following the College procedure # 27 relating to purchasing.*

The College shall proceed with the evaluation no later than 60 days after the end of the contract and shall forward a copy of it to the supplier, contractor or service provider in question. If the College fails to proceed within this time limit, the performance of the supplier, contractor or service provider shall be deemed satisfactory.

The College may reject the bid of a supplier, contractor or service provider who, within two (2) years prior to the opening of public tenders, had an unsatisfactory performance evaluation, failed to follow up on a bid or a contract, or whose contract

was cancelled due to his/her failure to comply with its terms and conditions. This information has to be always indicated in the call for tender documents.

3.8 Rotation of suppliers

Purchasing Services has the responsibility to ensure rotation of suppliers for all acquisitions.

For contracts valued at less than ten thousand dollars (\$10,000), however, the rotation principle is applicable only when a pool of suppliers is available and when it is to the advantage of the College.

3.9 Environmental Considerations

Whenever possible, services and products procured will support sustainable development principles in that they are energy efficient and eco-responsible. The College will aim to reduce waste at the source and promote the use of recycled, recyclable and reusable products, following the provisions included in the *Policy #38 – Concerning environmental management.*

3.10 Inventory management and disposal of surplus inventory

The administration and control of the inventory of the products acquired by the college is responsibility of Building Services.

When goods are no longer judged to be useful by an administrative unit, the manager responsible for the unit must dispose of the goods in accordance with the *College Procedure #27 relating to Purchasing* and to the *College Procedure #43 Concerning Acquisition of furniture for administrative personnel and teaching personnel.*

3.11 Conflict of Interest

To preserve the College integrity and impartiality, all employees shall avoid conflict of interest, actual or perceived, which includes, but is not limited to:

- Using the college buying power to procure services or good for personal use;
- influencing college decision to favor personal interests or those of a close third party;

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- having access to confidential information that may affect the employee objectivity or to be used to favor a supplier;
- requesting or accepting gifts from suppliers, such as:
 - Gifts, gift cards, gratuities, cash or other cash equivalents;
 - Free or discounted tickets for any kind of event;
 - Hospitality, travel or use of facilities.

All employees who have any involvement in the purchasing process, from whoever makes the requisition to whoever executes it, must sign the form “*Engagement de confidentialité et Déclaration de conflit d'intérêts*”, at the moment the employee is involved in this process⁵.

ARTICLE 4

Roles and Responsibilities

The present policy confirms the following roles and responsibilities:

4.1 Board of Governors

The Board of Governors' authorization shall be required for any **procurement** contract whose term, including renewals, is for more than three (3) years. In the case of standing offer agreements, the Board of Governors shall not, however, authorize a contract with a term, including renewals, of more than five (5) years.

The Board of Governors' authorization shall be required for any **recurring service** contract with a term, including renewals, of more than three (3) years. In the case of an on-call contract, the Board of Governors shall not, however, authorize a contract with a term, including renewals, of more than five (5) years.

The Board of Governors approves the present policy and any amendments thereto.

⁵ This form is managed and provided by Building Services. The process to keep record of it, is described in the internal *Procedure # 27 relating to purchasing*.

4.2 Director General

The Director General shall be responsible for the overall management of the present policy and may delegate related responsibilities.

4.3 Director of Building Services

The Director of Building Services is responsible for the enforcement of the present policy, in compliance with the provisions of Cégep Heritage College Policy #1 concerning Financial Management and Cégep Heritage College Policy #2 concerning Signing Authority.

The Director of Building Services is responsible for recommending updates to the present policy.

4.4 Contract Rules Compliance Monitor (Responsable de l'application des règles contractuelles – RARC)⁶.

The Contract Rules Compliance Monitor ensures the development of legal documents and internal policies and procedures, that specify guidelines, operating procedures, contract award procedures, roles and responsibilities of all persons involved in the contract management process.

4.5 Personal from Purchasing Services

Only authorized personnel⁷ from Purchasing Services may negotiate and issue purchase orders for the acquisition of goods and services on behalf of Cégep Heritage College. Purchasing Services is in charge of receiving and distributing the goods and services.

4.6 Directors or Managers of Administrative Units

Each director or manager of an administrative unit is responsible for planning the purchasing needs of the unit in coordination with Purchasing Services so that the goals of the present policy may be respected as efficiently as possible.

⁶ The Contract rules compliance monitor (RARC) must fulfill his/her functions as established in the Quebec Government policy “Politique concernant les responsables de l'application des règles contractuelles”,
https://www.tresor.gouv.qc.ca/fileadmin/PDF/faire_affaire_avec_c/tat/cadre_normatif/politique_gestion_contractuel.pdf

⁷ Administration Technician of Building Services Department, Procurement Manager and Director of Building Services.

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4.7 Requester

The requester is responsible for providing a complete description of the goods and services to be acquired. That individual may, when the nature of the goods and services required necessitate a specific technical knowledge, gather such information from potential suppliers. The requester may not negotiate or make any commitment on behalf of the College.

ARTICLE 5

Revision

The present bylaw/policy will be reviewed at least every five (5) years, and revised when deemed necessary.

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GLOSSARY

Administrative unit:	Service or academic department forming part of the administrative structure of the College.
Call for tenders:	Formal and structured procedure, led by Building Services, whereby potential suppliers have the opportunity to submit a bid to supply the goods and/or services requested by Cégep Heritage College.
The College:	Cégep Heritage College.
Construction:	Construction work is defined in the Building Act (R.S.Q.c. B-1.1) which requires that a contractor hold a license pursuant to Chapter IV of that statute.
Consumable goods:	Goods that do not result in the creation of a long-term asset and are expected to be fully utilized during the current cycle are charged to operating funds.
Contract:	Written agreement between the College and a supplier, a contractor or a service provider, indicating its purpose, as well as the consideration involved and terms and conditions for each of the parties. This agreement may be in the form of a purchase order.
Invitation to tender:	A call for tenders addressed to potential suppliers identified by Purchasing Services.
Public call for tenders:	A call for tenders open to all potential suppliers, published on the electronic call-for-tender system defined by the government of Quebec.
Regionalized public call for tenders:	A call for tenders open to all potential suppliers of a specific region, published on the electronic call-for-tender system defined by the government of Quebec.
SEAO:	Service électronique d'appels d'offres. Electronic tendering system of the government of Quebec.
“Standing offer” agreement:	An offer from a potential supplier to provide goods and/or services at pre-arranged prices, under set terms and conditions, when and if required. It is not a contract until the college issues a purchase order against the standing offer.

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Related Document(s)

This document is to be used in conjunction with:

- *Cégep Heritage College Policy #1 concerning Financial Management*⁸.
- *Cégep Heritage College Policy #2 concerning Signing Authority*⁹.
- *Cégep Heritage College Policy #38 Concerning Environmental Management*¹⁰.
- *Cégep Heritage College Policy #42 concerning the contract rules compliance Monitor*¹¹.
- *Cégep Heritage College Bylaw #6 concerning Ethics and Professional Conduct of Board Administrator*¹².
- *Cégep Heritage College Bylaw #8 concerning the Delegation of Power given by virtue of the Law respecting Contracting by Public Bodies*¹³.
- *Cégep Heritage College Procedure #27 concerning the Acquisition of Goods and Services*¹⁴.
- *Cégep Heritage College Procedure #43 Concerning Acquisition of furniture for administrative personnel and teaching personnel*¹⁵.
- *Loi sur les contrats des organismes publics. (RLRQ c C-65)*¹⁶.
- *Loi sur la fonction publique*³ RLRQ c F-3.1.12.
- *Loi sur la transparence et l'éthique en matière de lobbyisme* RLRQ c T-11.0112.
- *Loi sur l'intégrité en matière de contrats publics* RLRQ c C-65.12.
- *Règlement sur certains contrats d'approvisionnement des organismes publics* (LCOP C-65.1, r. 2).
- *Règlement sur certains contrats de services des organismes publics* (LCOP C-65.1, r. 4).
- *Règlement sur les contrats de travaux de construction des organismes publics* (LCOP C-65.1, r. 5).
- *Règlement sur les contrats des organismes publics en matière de technologies de l'information* (LCOP C-65.1, r. 5.1).
- *Régime Budgétaire et financier des collèges d'enseignement général et professionnel.*

⁸ Copies of this document are available from Financial Services.

⁹ Copies of this document are available from the Director General's Office.

¹⁰ Copies of this document are available from Building Services.

¹¹ Copies of this document are available from Building Services.

¹² Copies of this document are available from the Director General's Office.

¹³ Copies of this document are available from Building Services.

¹⁴ Copies of this document are available from Building Services.

¹⁵ Copies of this document are available from Building Services.

¹⁶ Copies of all laws related to procurement, issued by the government of Quebec, are available from Building Services.

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