

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

CLASSIFICATION:	Facilities Management
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**SECTION 0.1
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, information technology and construction contracts covered under paragraphs (1) to (3) of the first paragraph of section 3 of the Act respecting contracting by public bodies (*chapter C-65.1*) and 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 chapter 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 (chapter 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 (chapter 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 0.2 DEFINITIONS

In this document, the following expressions mean:

AMP: *Autorité des Marchés Publics*

CEO: Chief Executive Officer of the College, the Board of Governors of the College.

College: Dawson College, legally known as Collège Dawson.

Construction: Construction work covered by the Building Act (chapter B-1.1) for which a contractor must have a license under chapter IV of this same Act.

Consultant: A specialist external to an organization.

Contract: An agreement between the College and a vendor that outlines the purpose, compensation and contractual conditions for each of the parties. This agreement must take the form of a purchase order, a procurement contract, a service contract or a construction contract.

Contractor: In the context of a construction contract, a legal person (other than a non-profit organization), a professional recognized by the Office des professions or a self-employed worker.

Contracts Act: Act Respecting Contracting by Public Bodies (chapter C-65.1) and its regulations.

DGC: Directive on the management of supply, service, and construction work contracts for public bodies.

ERP: Enterprise Resource Planning such as Clara.

Goods: Any physical item having intrinsic value, excluding money, securities and negotiable instruments.

Invitation to tender: A notice to individual vendors inviting them to bid on supplying goods or services or on a construction or information technology project.

LCOP: *Contracts Act (Loi sur les contrats des organismes publics)*.

LGCE: Act Respecting the Management and Control of the Workforces of Ministries, Agencies, Public Sector Networks, and State-Owned Enterprises.

NDA: Non-disclosure agreement

Procurement: Complete process of obtaining goods, services, construction and information technology projects—from preparation and processing of a requisition through to receipt and approval of the invoice for payment. Also called sourcing, it involves (1) purchase planning, (2) standards determination, (3) specifications development, (4) supplier research and selection, (5) value analysis, (6) financing, (7) price negotiation, (8) making the purchase, (9) supply contract administration, (10) inventory control and stores, and (11) disposals and other related functions.

Proposal: A bid or quote in response to an invitation to tender or public tender.

Public tender or public call for tenders: An open invitation to vendors to bid on the electronic tendering system designated under the Contracts Act. The public tender threshold - the amount at which the use of this system becomes mandatory - is specified in the College's Procurement and Contract Management Policies and Procedures (FAMA-01).

Purchase: The purchase or lease of goods, services, construction and information technology projects including their installation, implementation and maintenance.

Purchasing Department: An administrative unit under the Facilities Management directorate, generally responsible for purchasing activities in the College.

RARC: Contract rules compliance monitor (*Responsable de l'Application des Règles Contractuelles*)

SEAO: Electronic tendering system for the Quebec public sector (*Système électronique d'appel d'offres*).

Service: Work, other than that concerning the integration of arts into the architecture and environment of government buildings and sites, performed by persons, be they physical or legal, who are not employees of the College. Services not covered by an employment contract but performed by employees are also subject to this bylaw.

Service provider: In the context of a service contract, a legal person (other than a non-profit organization), a professional recognized by the Office des professions or a self-employed worker.

SME: Small or medium-sized enterprise

Supplier: In the context of a procurement contract, a legal person (other than a non-profit organization), a professional recognized by the Office des professions or a self-employed worker.

Vendor: a contractor, a service provider or a supplier.

SECTION 1:

CONFIDENTIALITY OF DOCUMENTS

1.1 To ensure that tender documents, and related documents 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 supervision of the manager in charge.
- Employees with access to these documents are informed that they are confidential.

1.2 Confidentiality of the Tendering Process

In the contractual process, individuals involved in contract management, members of the requesting department, and members of the selection committee, among others, have access to confidential information.

1.2.1 Before the Publication of a Call for Tenders

Documents related to a call for tenders before its publication are considered confidential and must be handled appropriately. This includes, but is not limited to, the elements used to define the need, the elements used to estimate costs, and the draft of the call for tenders, etc.

1.2.2 During the Call for Tenders

During an active call for tenders, the only person authorized to respond to questions is the purchaser, identified in the tender documents. All communications must be redirected to the same purchaser to ensure the integrity of the tendering process.

1.2.3 After the Call for Tenders

All documents submitted as part of a call for tenders contain confidential information and must be stored in a way that ensures access is limited to authorized personnel only.

1.2.4 Selection Committee

In the context of a selection committee, the following information is considered confidential: the identity of the members, notes made by committee members, notes by the committee secretary, information related to the prices submitted by bidders other than the winning bidder, and documents related to the selection committee. Access to this information is limited to the selection committee members, the secretary of the selection committee, the purchasing manager, the RARC, and the Director General. Committee members and the secretary are required to sign a document confirming their solemn commitment to confidentiality.

Committee members must not communicate with bidders and must notify the selection committee secretary if any bidder attempts to contact them.

**SECTION 2
CONFLICT OF INTEREST**

2.1 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 (*BOG-CORP-01*), 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 3
DELEGATION OF AUTHORITY**

3.1 According to Bylaw-10, unless specifically unauthorized, all approvals required to be obtained by the CEO under the Contracts Act and any related regulations are delegated to the Director General, who shall exercise such authority in accordance with the provisions of the Act and any applicable policies or procedures established by the College.

3.2 The following authorizations from the normative framework are delegated by the CEO:

Delegated authorization	Legal Reference	Title	Sent to SCT
Service contracts of less than \$50,000 with a natural person who does not operate a sole proprietorship	DGC a.16 al.1	Signing authority, as per Bylaw 5	No
Service contracts of \$50,000 or more with a natural person who does not operate a sole proprietorship	DGC a.16 al.1	Signing authority, as per Bylaw 5	Yes
Service contracts with a company	DGC a.16 al.1	Signing authority, as per Bylaw 5	No
Appointment of selection committee secretary and members, and member rotation	DGC 8	Director General	No
Signing authority for reporting documents related to accountability for contract management	DRC 8	Director General	Yes

SECTION 4

CONTROL PROVISIONS RELATING TO THE CONTRACT AMOUNT AND AMENDMENTS

4.1 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 reserves 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.

4.2 Any modification to a contract should be the subject of an amendment signed by both parties, and any such modification should be minor and must not alter the nature of the contract.

4.3 The following control provisions apply to amendments:

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

Authorisation	Title
Total value of the contracts, including all amendments	Signing authority, as per Bylaw 5

SECTION 5

TENDERER OR CONTRACTOR ROTATION SYSTEM

5.1 When awarding a contract by mutual agreement, the College must prioritize rotation among suppliers and contractors in the relevant region and promote the procurement of Quebec goods, services, or construction work.

5.2 When proceeding by invitation to tender, it must prioritize inviting suppliers (competitors) from the relevant region and promote the procurement of Quebec goods, services, or construction work. At least one SME must be invited as part of an invitation to tender.

5.3 To ensure contractor and supplier rotation when a contract is awarded by mutual agreement or following an invitation to tender, the following measures must be observed:

5.3.1 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.

5.3.2 To ensure that contractors are rotated when the contract is by mutual agreement, the Purchasing Department maintains a list of potential bidders.

SECTION 5.1

MEASURES IMPLEMENTED TO PRIORITIZE THE PROCUREMENT OF QUEBEC GOODS, SERVICES, OR CONSTRUCTION WORK

5.1.1 To prioritize the procurement of Quebec goods, services, or construction work from suppliers in the relevant region, the following measures must be applied:

5.1.1.1 Prioritize Quebec suppliers for mutual agreements;

5.1.1.2 Invitation to tender sent to 3 suppliers with a place of business in the relevant region;

5.1.1.3 Regionalized public call for tenders.

5.1.2 Online purchases

5.1.2.1 The College is committed to finding alternatives to purchases made through online marketplaces that either lack a retail presence in Quebec or do not prioritize Quebec-based products and services. Prior authorization from the Director General is required for the conclusion of a purchase that deviates from this rule.

5.1.2.2 Online purchases regulations apply to mutual agreements, which refer to any type of purchase, regardless of the amount, that does not require a tendering process. The tendering process remains in the purview of the Facilities Management department.

5.1.2.3 The Purchasing department will proceed with the purchase via the online marketplace that lack a retail presence in Quebec or do not prioritize Quebec-based products and services if:

- the price difference exceeds the 25% threshold;
- the product is unavailable from a Quebec-based online marketplaces.

SECTION 6

SOLICITING CONTRACTS INVOLVING EXPENDITURES BELOW THE PUBLIC TENDER THRESHOLDS

6.1 There are two selection methods for contracts awarding.

- Tendering process
- Mutual agreement

6.2 The procurement method is selected by value as per the table below with exceptions to Waiver purchase, Group purchase, Books and purchase from another Public Organization:

Value Before Tax (CAD)	Procurement Method
< \$25,000	Direct Purchase Order / Mutual agreement
\$25,000 < \$50,000	Price comparison (minimum of three quotations)
≥\$50,000 < public tender threshold	Invitation to tender (minimum of three proposals)
≥ \$25,000 < public tender threshold	Single source form / Mutual agreement
≥ Public tender threshold	Public tender through SEAO

All values expressed in this table exclude applicable taxes

Other

Nature of contract	Range	Solicitation	Required documentation
Rental of facilities	< \$100,000	Mutual agreement	
Special cases in LCOP s.13 or Regulations (see section 18)	Any	Mutual agreement	Waiver of tendering process form
Group purchase, books, or public organisation	Any	Exempt from tendering	

6.3 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, ...
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> .

6.4 Contracts entered into with a natural person who does not operate a sole proprietorship

6.4.1 When the College enters into a contract with an individual whose activity does not meet all the conditions set out in Article 15 of the DGC, the College is considered to have entered into a contract with a natural person who is not operating a sole proprietorship.

6.4.2 This contract is governed by Section 6 of the DGC and, where applicable, the relevant provisions of the regulatory framework (e.g., Article 16 of the LGCE).

6.4.3 Given the specific status of a natural person who does not operate a sole proprietorship, a public body must not subject that individual to contractual provisions that are typically applicable to those operating a company.

SECTION 7

AUTHORISATIONS AND ACCOUNTABILITY REPORTING TO THE CEO OF THE PUBLIC BODY

7.1 The following terms apply to authorizations and accountability reporting to the CEO 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 depending on the total amount of the contract.

SECTION 8

CONTRACT RULES COMPLIANCE MONITOR

8.1 The RARC 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 CEO on compliance with contract rules.
- seeing that measures are put in place within the public body to ensure the integrity of internal processes.
- ensure the fair handling of complaints submitted to the public body in connection with the awarding or granting of a public contract.
- seeing to the professional fitness of the personnel involved in contractual activities
- exercising any other function the CEO may require to ensure that contract rules are complied with.

SECTION 9

OPENING UP COMPETITION TO SMALL AND MEDIUM ENTERPRISES

9.1 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.

- 9.2** When possible and appropriate, the College may use calls for tenders by lots. This could allow SMEs to respond to requirements that are better suited to their reality, where applicable, since a large contract would be divided into smaller lots.

SECTION 9.1

IMPLEMENTATION TERMS OF THE PUBLIC TENDER PROGRAM RESERVED FOR SMALL BUSINESSES IN QUEBEC AND ELSEWHERE IN CANADA

- 9.1.1** When a contract falls under the first paragraph of Article 14.1 of the Contracts Act, the College may reserve a public call for tenders for small businesses in Quebec and elsewhere in Canada if it determines that competition is sufficient. The program applies to contracts where the expenditure, including options, is below the minimum threshold applicable under the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States.

SECTION 10

CONSULTANTS

- 10.1** When working in the College, consultants are assigned a temporary workspace.
- 10.2** 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.
 - When applicable, sign an NDA to protect confidential and proprietary information.

SECTION 11

PENALTIES FOR AMERICAN COMPANIES IN THE RELEVANT FIELDS

- 11.1** In accordance with Decree 209-2026 issued by the Quebec government, the College must apply a penalty ranging from 10% to 25% on the bid prices of companies established in the United States but not established in Quebec or in another territory covered by an intergovernmental agreement applicable within the framework of a public tender open to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership and the World Trade Organization (CPTPP/WTO) or explicitly and exceptionally open to the United States. This penalty is used solely to determine the contract awardee, as the contract itself is concluded at the price submitted by the eligible company that has submitted the lowest compliant bid.
- 11.2** The percentage of this penalizing margin (equivalent to an inverted preferential margin) is determined by the College by assessing the interests of the Quebec government, those of Quebec or otherwise Canadian companies, and the market.
- 11.3** In the case of an invitation to tender, the College must invite only companies with an establishment in Quebec or in a territory covered by an applicable intergovernmental

agreement, excluding the United States.

- 11.4** In the case of a contract awarded by mutual agreement, the College must award the contract to a company that has an establishment in Quebec or in a territory covered by an applicable intergovernmental agreement, excluding the United States. Prior authorization from the Director General is required for the conclusion of any contract by mutual agreement that deviates from this rule.
- 11.5** Section 11 provisions apply from March 4, 2025, until March 4, 2027, or until a new government directive is adopted.
- 11.6** These provisions apply to the following supply contracts:
- Computer hardware and software;
 - Medical supplies and equipment;
 - Pharmaceuticals;
 - Scientific instruments.

SECTION 12 INTEGRITY DECLARATION

- 12.1** In accordance with Article 21.2 of the Contracts Act, the College must ensure that every company submits an integrity declaration for any public contract, regardless of its value.
- 12.2** This requirement does not apply if the contract is already subject to the obligation to obtain authorization to contract from the AMP, or if the bidder already holds this authorization.
- 12.3** The integrity declaration is not required for contracts awarded by mutual agreement when they result from the unqualified acceptance of the terms and conditions by the College.
- 12.4** The requester must be able to confirm the following three statements to determine whether an integrity declaration is required for a contract awarded by mutual agreement:
- The contract was not documented in writing prior to its execution;
 - The contract was not the subject of any discussion with the public body;
 - It is an unqualified acceptance of an offer to contract made in the normal course of the company's business and not specifically intended for the College.

SECTION 13 PROCEDURE IN THE EVENT OF AN ABNORMALLY LOW BID

- 13.1** When the College considers that a submitted price may be abnormally low, it must carry out a serious and well-documented analysis to determine whether the submitted price would prevent the bidder from performing the contract under the conditions set out in the tender documents without jeopardizing its execution.
- 13.2** The analysis is conducted by the purchaser and the requester, who must ensure compliance with the procedure and deadlines set out in the applicable regulations of the Contracts Act. A report must be produced presenting the conclusions and the reasons

supporting them.

- 13.3** This report must be signed by the purchasing manager and the requester’s manager before a copy is sent to the bidder. The report must also be kept in the tender’s files.

**SECTION 14
ADDITIONAL APPROVALS**

- 14.1** The following are subject to additional approvals.

Authorisation	Nature of approval	Title
Capital expenditures	Access to capital budget	Director General
A single bidder submitted a proposal in response to the public tender	Administrative approval	Director General
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

- 14.2** **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.

**SECTION 15
TRANSITIONAL AND FINAL PROVISIONS**

- 15.1** These internal guidelines come into effect on March 16, 2026 and must be updated in accordance with regulatory developments.