



**CÉGEP HERITAGE COLLEGE
BYLAW #8**

**CONCERNING THE DELEGATION OF POWER GIVEN
BY VIRTUE OF *THE LAW RESPECTING CONTRACTING
BY PUBLIC BODIES***

COMING INTO FORCE: April 20, 2009
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ADMINISTRATOR: Director of Building and Computer Services

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CONCERNING THE DELEGATION OF POWER GIVEN BY VIRTUE OF THE LAW RESPECTING CONTRACTING BY PUBLIC BODIES

Preamble¹

Cégep Heritage College is a public body as stipulated by the *Law respecting Contracting by Public Bodies* (RLRQ c C-65) and its relevant regulations (hereinafter called “the Law”), which gives certain powers and responsibilities to the governing authority of a public body. By virtue of article 8 of the Law, the Board of the College is its governing authority and as such is able, by bylaw, to delegate all or part of its functions as governing authority of the College to the Executive Committee or to the Director General.

ARTICLE 1 Purpose

The purpose of the present bylaw is to delegate some of the functions of the Board with respect to construction, service and purchasing contracts.

ARTICLE 2 Application

The present bylaw applies to all construction, service and purchasing contracts for amounts of \$100,000 or less.

ARTICLE 3 Provisions

3.1 Delegation of Powers to the Director General

The Board delegates to the Director General or a delegate all powers and responsibilities accorded to it by the Law with respect to all construction, service and purchasing contracts up to \$100,000.

ARTICLE 4 Roles and Responsibilities

4.1 Board of Governors

Any amendments to, or repeal of, the present bylaw must be adopted by the Cégep Heritage

¹ See the Glossary for explanations of frequently-used terms.

College Board of Governors, in accordance with the provisions of the Law and its relevant regulations.

4.2 Director General

4.2.1 The Director General or a delegate exercises all powers and responsibilities delegated by the Board in accordance with the Law with respect to all construction, service and purchasing contracts up to \$100,000.

4.2.2 The Cégep Heritage College Board of Governors has delegated its role of chief administrator of the organization to the Director General in order for the Director General to act in its place in the approval of contracts as specified in the law and in annex #8.1 of the “Politique de gestion contractuelle concernant la reddition de comptes des organismes public”.

4.2.3 The Cégep Heritage College Board of Governors has delegated its role of chief administrator of the organization to the Director General in order for the Director General to act in its place in the approval of contracts as specified in the “Loi sur la gestion et le contrôle des affectifs des ministères, des organismes et des réseaux du secteur public”(RLRQ c G-1.03)”; and

That the Director General’s authorization and signature be the requirement for all reports submitted to the Treasury Board.

4.3 Director of Building and Computer Services

The Director of Building and Computer Services is responsible for ensuring that the present bylaw is reviewed according to the terms under article 5 and, if necessary, revised in accordance with the Law.

The Director of Building and Computer Services or the Project Manager exercises all powers and responsibilities delegated by the Board in accordance with the Law with respect

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to all modifications of construction, service
and purchasing contracts not to exceed 10% of
the initial value of the contract.

ARTICLE 5
Revision

The present bylaw will be reviewed and, if necessary,
revised at least every five (5) years, or when deemed
necessary by government requirements or by the
Board.

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GLOSSARY

the Board: the Board of Governors of Cégep Heritage College, Chief Administrator of the organization.

the College: Cégep Heritage College.

the Law: *Law respecting Contracting by Public Bodies (RLRQ c C-65)* and its relevant regulations.

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Related Document(s)

This document is to be used in conjunction with:

- *Act respecting Contracting by Public Bodies (RLRQ c C-65).*²
- *Act respecting Workforce Management and Control within Government Departments, Public Sector Bodies and Networks and State-Owned Enterprises*³
- *Cégep Heritage College Policy #30 concerning the Acquisition of Goods and Services.*³
- *Cégep Heritage College Procedure #27 relating to Purchasing.*⁴
- *Cégep Heritage College Bylaw #6 concerning Ethics and Professional Conduct of Board Administrator.*⁴
- *Cégep Heritage College Policy #1 concerning Financial Management.*³
- *Cégep Heritage College Policy #2 concerning Signing Authority.*⁴
- *Cégep Heritage College Procedure #27 concerning the Acquisition of Goods and Services.*²
- *Cégep Heritage College Policy #42 concerning the contract rules compliance Monitor.*²
- *General and Vocational Colleges Act (R.S.Q., c. C-29, s.18; 1997, c.87, s 1).*⁴
- *Loi sur la fonction publique*² RLRQ c F-3.1.1
- *Loi sur la gouvernance et la gestion des ressources informationnelles des organismes publics et des entreprises du gouvernement*² RLRQ c G-1.03
- *Loi sur la transparence et l'éthique en matière de lobbyisme*² RLRQ c T-11.011
- *Loi sur l'intégrité en matière de contrats publics*² RLRQ c C-65.1
- *Régime Budgétaire et financier des collèges d'enseignement général et professionnel.*⁴

² Copies of this document are available from Building Services.

³ Copies of this document are available from Financial Services.

⁴ Copies of this document are available from the Director General's Office.

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Annex #8.1

Regulation respecting the delegation of functions conferred on the Chief administrator of the organization pursuant to the Act respecting contracting by public bodies (c. C-65.1)

Function of the Chief administrator of the organization	Reference	Delegation	
		Yes/ No	Delegating party's function
All the functions conferred on the Chief administrator of the organization pursuant to the ACPB, its regulations and directives.	All references in this table	Yes	Director General
Sign the annual declaration of the Chief administrator of the organization sent to the Treasury Board Secretariat	DRCGC, Point 8	Yes	Director General
Authorize entering into a contract that involves confidential or protected information, involving an expenditure equal to or above the public tender threshold.	ACPB s. 13, 1 st paragraph Subparagraph 3	No	Board of Governors
Authorize entering into a contract where a public call for tenders would not serve the public interest, involving an expenditure equal to or above the public tender threshold.	ACPB s. 13, 1 st paragraph, Subparagraph 4	No	Board of Governors
Authorize an amendment that entails an additional expenditure of not more than 10% of the initial amount of a contract involving an expenditure equal to or above the public tender threshold.	ACPB s. 17, 2 nd paragraph	Yes	Director General
Authorize entering into a contract with a contractor who is ineligible, or a public subcontract directly connected to a public contract with a contractor who is ineligible, if there is an emergency that threatens human safety or property.	ACPB s. 21.5, 2 nd paragraph	Yes	Director General
Authorize entering into a contract with an enterprise that does not hold authorization, or a public subcontract related to an enterprise that does not hold authorization, if there is an emergency that threatens human safety or property.	ACPB s. 21.20 2 nd paragraph	Yes	Director General

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Authorize the rejection of a tender with an unusually low price.	RSC, RSCPB, RCC Chapter II, Division IV.1	Yes	Director General
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Function of Chief administrator of the organization	Reference	Delegation	
		Yes/ No	Delegating party's title
Authorize entering into a contract involving an expenditure equal to or above the public tender threshold with; <ul style="list-style-type: none"> - the only supplier, service provider or contractor who submitted a compliant tender; or - the only supplier, service provider or contractor who submitted an acceptable tender following a quality evaluation. 	RSC s. 33, 2 nd paragraph RSCPB s. 46, 2 nd paragraph RCC s. 39, 2 nd paragraph	No	Board of Governors
Authorize the publication of a public call for tenders that includes an awarding rule allowing a delivery order contract to be entered into with any selected supplier whose submitted price does not exceed the lowest price by more than 10%.	RSC s. 18, 2 nd paragraph	Yes	Director General
Authorize entering into a contract where the expected term, including any renewal, is greater than 3 years, but no more than 5 years, if it involves a delivery order contract.	RSC s. 33, 1 st paragraph	Yes	Director General
Authorize entering into a contract of a repetitive nature whose expected term, including any renewal, is greater than 3 years, but no more than 5 years, if it involves a task order contract.	RSCPB s. 46, 1 st paragraph	Yes	Director General
Authorize the publication of a notice of call for tenders if the tender validity period is greater than 45 days.	RCC s. 39, 1 st paragraph	Yes	Director General
Authorize an exemption from the requirement to enter into a contract for professional services in information technology, involving an expenditure equal to or above \$500,000, with a service provider who holds an ISO 9001: 2008 registration certificate.	DGC s. 6	No	Board of Governors
Authorize an exemption from certain conditions related to the functioning of the selection committee.	DGC s. 10	Yes	Director General

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<p>Authorize the entering into of a contract involving an expenditure equal to or greater than \$50,000 with a natural person who does not operate a sole proprietorship, or, in the case where successive contracts were entered into, to enter into a new contract if the amount of the expenditure of the new contract plus the expenditures for the previous contracts is equal to or greater than \$50,000.</p>	<p>DGC s. 16</p>	<p>Yes</p>	<p>Director General</p>
<p>Function of Chief administrator of the organization</p>	<p>Reference</p>	<p>Delegation</p>	
		<p>Yes/ No</p>	<p>Delegating party's title</p>
<p>Authorize an amendment that entails an additional expenditure greater than 10% of the amount of the contract entered into with the physical person who does not operate a sole proprietorship involving an expenditure equal to or greater than \$50,000.</p>	<p>DGC s. 18 2nd paragraph</p>	<p>Yes</p>	<p>Director General</p>