



**CÉGEP HERITAGE COLLEGE
POLICY #30**

**CONCERNING
THE ACQUISITION OF GOODS AND SERVICES**

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Cégep Heritage College Policy #30
Concerning the Acquisition of Goods and Services

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Cégep Heritage College Policy #30

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.

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 An Act Respecting Contracting by Public Bodies (R.S.Q. 2006 c. 29) and regulations passed thereunder (hereinafter referred to as the Act).

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 fulfill its mission and exercise the additional powers it holds under the General and Vocational Colleges Act (R.S.Q. c. C-29) (hereinafter referred to as the College Act).

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.

The present policy seeks to ensure the optimal management of the physical resources of the College through an effective supply system aiming at the least

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

cost while satisfying the College's requirements for the quality of goods and services.

All of the above goals must be accomplished while:

- processing the requests of departments and services with a view to maintaining dependability and respecting the needs expressed by the requisitioners;
- satisfying requests within a reasonable delay and at the best price possible, depending on market conditions;
- respecting the regulations applicable to public and parapublic organizations such as Cégep Heritage College;
- ensuring the fair treatment of suppliers and a promoting healthy competition among them;
- promoting the economic progress of Quebec and fostering local and/or regional purchasing;
- promoting transparency of the purchasing process.

ARTICLE 2

Application

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

- hotel;
- travel fees;
- legal services;
- financial services;
- the purchasing of books (the library is responsible for the purchase of books, in compliance with An Act respecting the development of Québec firms in the book industry (R.S.Q. c. D-8.1);
- employment contracts;
- the purchase of goods and services stated in article 2.1.

2.1 Exceptions

The provisions of article 3.8 shall not be applicable and the Director General or a delegate may authorize a purchase, without a call for tenders in the following cases:

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- i) from public utilities such as hydro, gas, telephone, cable, etc.;
- ii) when the product to be purchased has been the subject of a rental contract and part of the rental cost is recoverable;
- iii) when the time required for a written invitation to tender could prove detrimental to the College. In the case of a purchase of procurement or service contract between ten thousand dollars (\$10,000) and fifty thousand dollars (\$50,000), and in the case of a purchase of a construction contract in an amount greater than \$25,000, the Director General must report such a purchase to the Executive Committee.
- iv) when only one supplier satisfies the specific needs of the requisitioner;
- v) when used goods are purchased, in which case, an explanatory note must be attached to the purchase record and the onus of proof, if necessary, will be the responsibility of the requisitioner of the purchase by exception;
- vi) when the manufacturer controls the selling price of its distributors, entitling the buyer to an institutional or governmental price;
- vii) for contracts allocated to the winner of a design competition;
- viii) for purchasing goods under exceptionally advantageous conditions, for example in the case of bankruptcy;
- ix) in an emergency situation, if the life, health or security of individuals is threatened or if there is a substantial risk that the College's property may be damaged;
- x) when the contract can only be entered into with a certain contractor because of a warranty, a property right or an exclusive right, such as a copyright or a right based on an exclusive licence or a patent, or because of the artistic,

patrimonial or museological value of the goods or services requested;

- xi) whenever, subject to the authorization of the Board of Governors, there is a reasonable belief that, in a case involving a matter of a confidential or privileged nature, its disclosure through a call for public tenders, might have an adverse effect or harm in any other way the public interest;
- xii) whenever, subject to the authorization of the Board of Governors, the College believes that it can demonstrate that, due to the subject matter of the contract and in compliance with the principles stated in section 2 of the Act, a call for tenders would not be in the public interest.

ARTICLE 3 Provisions

3.1 Guiding Principles

The present policy relies on the following principles:

- i) subject to items ii, iii, iv and v of section 3.3 Procurement, the Building and Computer Services Department is solely responsible for the purchase and rental of goods and services and construction contracts;
- ii) seeking the best sources of procurement with respect to quality/price ratio, taking into account warranties and total purchase price, in context of sound management of public funds;
- iii) the College favours the purchase of products that help maintain or improve the quality of the environment and promote sustainable development;
- iv) whenever it seems advantageous, the College participates in group buying (global buying) on a regional basis. The College also favours partnerships and the exchange of services with other public bodies;

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| <p>v) ensuring compatibility between purchasing practices and the Law;</p> <p>vi) the College acquires and rents the goods needed to accomplish its mission. The College may also accept gifts, make exchanges, and take advantage of loans on condition that this practice does not create liens obliging the College to acquire goods and services in contravention of the regulations in effect;</p> <p>vii) units submitting requests for goods and services shall clearly define their needs. To that end, they shall forward to the person in charge of the Purchasing Department the specifications on the goods and services requested. These specifications shall be very precise with respect to the type of need to be filled and end use of the goods and services. Above all, unless reasons to the contrary are submitted in writing, the process shall be pro-competitive. In addition, the purchases shall be planned in order to enable the Purchasing Department to comply with the objectives of this policy;</p> <p>viii) while respecting the aforementioned, promoting local suppliers in the Outaouais region;</p> <p>ix) any company contracting or sub-contracting with the College is required to file a certificate of tax compliance obtained from the Department of <i>Revenu Québec</i>. This certificate is required for all contracts of 25,000\$ or more, whether as a result of a tender or mutual agreement, and this for all companies with establishment in Quebec;</p> <p>x) the property acquired or rented by the College is for the exclusive use of the College. Staff members may not use it, unless loaned or rented, except in the exercise of their duties. Staff and students who wish to take College property off-campus must follow applicable College procedures. Students may only use it as part of their academic</p> | <p>or extra-curricular activities. Users must use it properly and take care of it;</p> <p>xi) any contract to which this policy applies is subject to its related procedures. Any contract which does not comply with these procedures is null and void and involves only the personal responsibility of the employee, unless it has been ratified by the competent authorities in compliance with the financial management approval levels of College Policy #1 regarding Financial Management;</p> <p>xii) no public body may split or segment its procurement requirements or amend a contract for the purpose of avoiding the obligation to make a public call for tenders or any other obligation under the Act;</p> <p>xiii) the Purchasing Department shall maintain a good relationship with the College's suppliers, ensuring that the integrity of the College's suppliers or its employees not be questioned, that the relations between the suppliers and the College's employees be maintained with courtesy, care, good faith and fairness, and that any conflict of interests or situation likely to create a conflict of interests be avoided;</p> <p>xiv) credit cards should be used for purchase of a good or a service only when it is not possible to proceed with a purchase order issued by the College. Credit cards can be also used for hotel and transportation expenses concerning travel activities directly associated with the college's business.</p> |
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| <p>3.2 Legal Framework</p> <p>i) subject to the exceptions under section 2.1, this Policy is applicable to any service, supply or construction work contract entered into by the College;</p> <p>ii) this Policy applies to the management of the College's property, that is, the taking of inventories, loan, storage and disposition;</p> |
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- iii) this Policy is not applicable to the purchase, leasing or disposal of a building. It does not apply to employment contracts, dealership contracts, the purchase of school manuals, nor contracts under the travel and public relations policy;
- iv) this Policy complies with the following:
 - an Act respecting contracting by public bodies;
 - regulation respecting supply contracts of Government departments and public bodies;
 - regulation respecting construction contracts of public bodies;
 - regulation respecting service contracts of public bodies;
 - Public Administration Act;
 - market liberalization agreements entered into by the Government of Québec;
 - College Policy #1 concerning Financial Management.

3.3 Procurement

Subject to other provisions in this Policy, all contracts are awarded through public calls for tenders, calls for tenders by invitation or direct negotiations.

i) Construction Work Contracts

The College shall use direct negotiations or calls for tenders by invitation with at least two (2) suppliers for any construction work contract whose value is under \$25,000.

The College shall use regionalized public calls for tenders or calls for tenders by invitation for construction work contracts with values between \$25,000 and \$100,000.

Public calls for tenders are recommended for any project whose estimated value exceeds \$85,000.

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

ii) Procurement Contracts

For orders whose value is under \$10,000, the College uses direct negotiations with supplier(s) where the market exists and it is in the best interest of the College. The College reserves the right to negotiate directly with suppliers.

The College shall use calls for tenders by invitation with at least (2) suppliers for the order of goods whose total value is between \$10,000 and \$25,000, where a market exists and it is in the best interest of the College.

The College shall have the option to use either regionalized public calls for tenders or calls for tenders by invitation for the order of goods whose total value is between \$25,000 and \$100,000. Public calls for tenders are recommended for any order whose estimated value exceeds \$85,000.

Public calls for tenders shall be compulsory for the order of goods evaluated 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.

The College may negotiate directly for a procurement contract with respect to teaching, research or development activities when, for technical or scientific reasons, only one supplier can fulfill the terms of the contract and there is no alternative solution or possibility of replacement.

iii) Service Contracts

For services whose value is under \$15,000, the College uses direct

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negotiations with supplier(s) where the market exists and it is in the best interest of the College.

The College shall use calls for tenders by invitation with at least (2) suppliers for an order of services whose total value is between \$15,000 and \$25,000, where a market exists and it is in the best interest of the College.

The College shall have the option to use either regionalized public calls for tenders or calls for tenders by invitation for the order of services whose total value is between \$25,000 and \$100,000. Public calls for tenders are recommended for any order whose estimated value exceeds \$85,000.

Public calls for tenders shall be compulsory for any service contract evaluated at more than \$100,000, except for professional service contracts with respect to professionals such as engineers, architects, land surveyors and forest engineers.

With regard to contracts involving engineers and architects, the College may use regionalized public calls for tenders, provided that the service order value is under \$250,000. Otherwise, the usual rules shall apply.

The College may negotiate directly with a service provider for a legal services contract or a financial or banking contract.

iv) **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, any amendment shall be authorized by the Board of Governors.

In all cases, a memorandum from the person requesting the order or from the Purchasing Department shall be entered

into the purchase record for auditing purposes.

3.4 Level of spending

Level of spending must be approved as follows:

- i) \$0,000 to \$50,000 approved by the Director of the department/Person responsible for the budget;
- ii) \$50,000 to \$100,000 approved by the Director General;
- iii) \$100,000 to \$200,000 approved by the Executive Committee;
- iv) \$200,000 and over, approved by the Board of Governors.

3.5 Purchase of System Equipment

Any requisition to purchase material, computer equipment and software, telephone equipment, photocopiers and chip-cards must be submitted to Building and Computer Services for their recommendation before issuing a purchase order. Any requisition to purchase audio-visual equipment and digital cameras must be submitted to Audio-Visual and Web Services.

Each service providing a recommendation, must ensure that the warranties, plans and manuals required for the maintenance of the recommended equipment are available on the market. Also, the recommending service must ensure that the equipment meets the needs of the requisition and is compatible with the network and the equipment already in place.

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.

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

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For contracts valued at less than twenty-five thousand dollars (\$25,000), however, the rotation principle is applicable only when a pool of suppliers is available and when it is to the advantage of the College.

3.7 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.

3.8 Analysis of Tenders, Evaluation and Publication of Information

Building and Computer Services shall be responsible for the review of bids submitted.

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.

Any bid submitted in breach of article 3.3 Procurement item ii shall be set aside.

Contracts are granted as follows:

- 1) For procurement contracts:
 - the lowest price alone; or
 - a minimum quality and the lowest price.

In cases when more than one supplier meets the minimum quality specifications, price will be the deciding factor.

- 2) For construction contracts: tender evaluations are based on the lowest price alone.
- 3) For service contracts:
 - the lowest price alone;

- a minimum quality and the lowest price;
- a specified quality/price ratio (according to the adjusted lowest price); or
- quality alone (the highest final score).

When the College uses a contract award process other than the one based strictly on the price, the criteria and evaluation procedures relating to the bids shall be indicated in the call for tender documents.

The College shall use the terms and conditions and quality evaluation procedures provided in the schedules to regulations enacted under the Act.

When there is a quality evaluation, the College must establish a selection committee of three (3) members plus a secretary, who is responsible for coordinating the activities. A member of the committee may be an external resource.

Bylaw #8, concerning the Delegation of Power given by virtue of the Law respecting Contracting by Public Bodies, determines the body responsible for the awarding of all construction, service and purchasing contracts for amounts of two hundred thousand dollars (\$200,000) or less.

Following a public tender call, all granted contracts must be published in the electronic tendering system designated by the Law within 15 days of awarding the contract.

All granted contracts, which are valued at twenty-five thousand dollars (\$25,000) and more, must be published in the electronic tendering system designated by the Law no later than November 1 and May 1 of each year.

When opening a call for tenders, the names of suppliers and their respective total prices (all taxes excluded) are disclosed, and are subject to future audits. This information must be published in the electronic tendering system designated by the Law within four (4) days after the bid opening.

When there is a quality assessment, only the names of suppliers are disclosed. This information must be published in the electronic

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tendering designated by Law within four (4) days after the bid opening. The College informs each bidder of the result of its bid within 15 days following the granting of the contract.

3.9 Conflict of Interest

- i) a staff member may not have a direct or indirect interest in a contract to which this Policy applies if he/she can directly or indirectly be involved, through his/her work, in the purchase process, the preparation of the call for tender documents, the bid evaluation, the decision to award a contract, or if he/she is likely to be a user of the goods or services;

The first paragraph is not applicable under the following conditions:

- the staff member's interest is limited to that of a shareholder of a company which he/she does not control, of which he/she is neither a director nor a senior executive, and in which he/she holds less than 10% of the outstanding voting shares;
 - the individual acquired his/her interest by succession or gift and waived it or divested himself/herself of it as soon as practicable;
 - the contract involves bonds, notes or other securities publicly offered by the College or the purchase of its bonds, notes or other securities on non-preferential terms;
 - when due to an Act of God, the interest of the College requires that the contract be entered into in preference to any other contract.
- ii) Similarly, members of the Board of Governors are bound to article 12 of the College Act as well as to Cégep Heritage College Bylaw #6 concerning the Ethics and Professional Conduct of Board Administrators when the College does business with companies in which

members of the Board have direct or indirect interests.

3.10 Inventory Management

Cégep Heritage College establishes and keeps an up-to-date inventory of its capitalizable goods.

3.10.1 Renewal of the Building and Grounds Inventory

- building renovations and alterations: cost of the work, fees and other costs;
- grounds: trees, fences, concrete and paved areas, athletic areas, lighting and signage.

3.10.2 Disposition of Surplus Goods

When goods are no longer judged to be useful by an administrative unit, the senior management member responsible for the unit must dispose of the goods in accordance with the Cégep Heritage College Procedure related to the Acquisition of Goods and Services.

ARTICLE 4 Performance Evaluations

- 4.1 The College shall, in compliance with the Act, record in a written report the evaluation concerning a supplier, contractor or service provider whose performance is unsatisfactory.
- 4.2 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.
- 4.3 Provided that it is indicated in its call for tender documents, the College may reject the bid of a supplier, contractor or service provider who,

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within two (2) years prior to the opening of public tenders, had an unsatisfactory job 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.

ARTICLE 5

Roles and Responsibilities

The present policy confirms the following roles and responsibilities:

5.1 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.

5.2 Executive Committee

The College does not recognize any commitment arising from a purchase made outside the rules prescribed by the present policy or by the purchasing procedures sanctioned by the Board of Governors, except if such a purchase was approved by the Executive Committee or, in an emergency, by the Director General.

The Executive Committee approves any administrative regulations relating to the present policy, and any modifications thereto. Furthermore, it also approves goods and services contracts as stipulated in the present policy and Bylaw #8.

5.3 Director General

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

5.4 Director of Building and Computer Services

The Director of Building and Computer 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 and Computer Services is responsible for recommending updates to the present policy. Only authorized personnel from Purchasing Services may negotiate and issue purchase orders for the acquisition of goods and services on behalf of Cégep Heritage College, except for the goods and services cited in article 3.5. Purchasing Services is in charge of receiving and distributing the goods and services.

5.5 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.

5.6 Requisitioner

The requisitioner 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 requisitioner may not negotiate or make a commitment on behalf of the College.

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ARTICLE 6

Enactments and amendments

The Board of Governors may, by resolution, delegate all or part of the functions conferred within the provisions of the Act and associated regulations to the Executive Committee or the Director General.

ARTICLE 7

Revision

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

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GLOSSARY

Adjusted lowest price:	used in the quality evaluation process for service contracts, as referenced in Division IV, article 21 of the <i>Regulation respecting service contracts of public bodies</i> , c. C65.1, r.2. The formula to be used in determining adjusted lowest price is prescribed in Schedule 2 “Quality evaluation conditions for a contract award based on the lowest adjusted price or based on the final score for the highest quality.”
Administrative unit:	service or academic department forming part of the administrative structure of the College.
AIT:	Agreement on Internal Trade.
Buyer:	A member of the Purchasing Services staff who is authorized to negotiate and issue purchase orders for the acquisition of goods and services on behalf of Cégep Heritage College.
Call for tenders:	A document issued in writing (or verbally in the case of calls for tenders requested by phone, also called “requests for quotations”) by Purchasing Services whereby potential suppliers have the opportunity to submit a bid to supply the goods and services requested by Cégep Heritage College.
Capitalizable goods:	Goods of an enduring nature that are recorded as long-term assets that will benefit current and future accounting periods, are charged to capital funds.
The College:	Cégep Heritage College.
The Colleges Act:	<i>General and Vocational Colleges Act</i> (R.S.Q., c. C-29, s.18; 1993, c.25, s. 11) and amendments.
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 sent by fax, mail-out or any other information technology personally addressed to potential suppliers identified by Purchasing Services and inviting them to submit bids in writing.
The Law	<i>Law respecting Contracting by Public Bodies</i> (R.S.Q., c. C-65.1) and amendments.
Procurement:	Purchase or rental of goods, which may include installation, operation or maintenance costs.
Public call for tenders:	A call for tenders by the electronic call-for-tender system required by the government of Quebec and/or a call for tenders in daily, biweekly or weekly newspapers or trade publications covering the region and inviting suppliers to submit bids in writing.

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**Regionalized
public call for
tenders:**

Invitation by the College to the suppliers of a specific region to submit a bid on the electronic tendering system set up under the Act.

Services:

Services other than services relating to the integration of arts to architecture, building environments and governmental locations. (“services”)

**Service
provider:**

Within the context of a service contract, a legal incorporated business other than a non-profit corporate entity, a recognized professional as defined by the Office des professions or a self-employed worker.

Specifications:

A document outlining the general conditions and technical requirements of the College for a public call for tenders or an invitation to tender.

**“Standing offer”
agreement:**

A written agreement between the College and one or more suppliers of services, items, goods, equipment, materials or supplies, printing or reproduction and subscription agreements. Such an agreement may take the form of a purchase order.

Supplier:

A legally-constituted company, a recognized professional under the terms of the *Office des professions*, or a self-employed worker called upon to supply goods and services to the College.

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Related Document(s)

This document is to be used in conjunction with:

- *Law respecting Contracting by Public Bodies (R.S.Q., c. C-65.1), its regulations and their schedules and amendments.*¹
- *Régime Budgétaire et financiers des collèges d'enseignement général et professionnel.*²
- *General and Vocational Colleges Act (R.S.Q., c. C-29, s.18; 1993, c.25, s 11).*³
- *Cégep Heritage College Bylaw #6 concerning Ethics and Professional Conduct of Board Administrator.*⁴
- *Cégep Heritage College Bylaw #8 concerning the Delegation of Power given by virtue of the Law respecting Contracting by Public Bodies.*⁵
- *Cégep Heritage College Policy #1 concerning Financial Management.*⁶
- *Cégep Heritage College Policy #2 concerning Signing Authority.*⁷
- *Cégep Heritage College Procedure #27 concerning the Acquisition of Goods and Services.*¹

¹ Copies of this document are available from Building Services.

² Copies of this document are available from Financial Services.

³ Copies of this document are available from the Director General's Office.

⁴ Ibid.

⁵ Ibid.

⁶ Copies of this document are available from Financial Services.

⁷ Copies of this document are available from the Director's General Office.