



**CÉGEP HERITAGE COLLEGE
POLICY # 42**

**CONCERNING THE CONTRACT RULES
COMPLIANCE MONITOR (CRCM)**

COMING INTO FORCE: June 19, 2014
REVISED: N/A
ADMINISTRATOR: Director of Building and Computer Services

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Preamble

In accordance with the « *Loi sur les contrats des organismes publics (RSQ)* », Cégep Heritage College must adopt a policy to designate a contract rules compliance monitor (CRCM). The present policy is established in accordance with the *Law respecting Contracting by Public Bodies*, hereinafter referred to as the Law.

Furthermore, the present policy respects the bylaws adopted by the Board of Governors of Cégep Heritage College.

The College is subject to the Law and its related regulations.

ARTICLE 1 Purpose

The main purpose of this policy is to put in place rules and responsibilities of the Cégep Heritage College contract rules compliance monitor related to the application of contracts and their management.

Normally the length of a CRCM mandate is five years.

ARTICLE 2 Application

The present policy applies to all administrative units of the College. It applies to all internal management personnel who deal with contracts. Most importantly, this policy indicates the responsibilities of the CRCM.

ARTICLE 3 Provisions

3.1 The contract rules compliance monitor has a crucial role. According to this policy, he/she:

- Ensures the development of a contract management reference document that specifies guidelines, operating procedures, contract award procedures, processes to be followed when awarding contracts, roles and responsibilities of all persons involved in the contract management process;
- Ensures that information related to accountability reporting, before being submitted to the treasury board secretariat, is in compliance with requirements provided for this purpose, is reliable, and is submitted within the prescribed timeframe;
- Checks supporting evidence when entering into or amending a contract and participates in submission of requests for authorization to the Chief Executive Officer of the College before publishing a notice;
- Ensures that publication of contract information on the electronic tendering service is in compliance with the requirements of the regulatory framework.

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3.1.1 The CRCM advises the chief Executive Officer of the College and suggests recommendations or advisory opinions with regard to the application of the contract management regulatory framework.

Specific CRCM functions:

- Is consulted during preparation and before sending contract files that require authorizations so as to be able to make recommendations to the Chief Executive Officer of the College.
- Is consulted by administrators responsible for a particular file, before entering into a contract by mutual agreement and involving an amount equal to or above the tender threshold. The file must be submitted in writing and include supporting evidence in this regard so as to approve the project before it is signed by the Chief Executive Officer of the College.
- Examines supporting evidence and the possibility of concluding the contract by mutual agreement, and makes recommendations to the Chief Executive Officer of the College.
- Is involved in the context of requests for assistance from businesses dissatisfied with a contracting process. Makes recommendations to the Chief Executive Officer of the College on following up on a file as well as on any changes thought to be desirable in the contract management process.

3.1.2 Documents or information to be provided to the CRCM:

- Any person in the organization who is informed of a situation calling into question the integrity of internal processes of contract management must as soon as possible communicate the relevant information to the CRCM. Examples of situations that demonstrate deficient internal procedures include the following:
 - Dividing up needs for the purpose of evading a call for tenders;
 - Failure to rotate businesses in a call for tenders by invitation;
 - Unjustified cost overruns;
 - Manipulating a selection committee;
 - Information leaks.

Specific related CRCM functions:

- Reports any problem encountered to the Chief Executive Officer of the College and suggests eventual improvements to the contract management process in force in the College.
- Depending on the seriousness of the situation, the CRCM can consult and work with an ethics advisor, as appropriate, and eventually initiate or promote the reporting of any situation that should be brought to the

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attention of “Unite Permanente Anticorruption” (UPAC).

- Ensures that control and follow-up mechanisms related to compliance with the regulatory framework are established by the College as needed.

3.1.3 The CRCM is responsible to ensure the quality of personnel performing contract management activities.

Specific CRCM functions:

- Ensures that the chair of the selection committee has valid certification showing that they have the requisite training and have participated in the required activities.
- Ensures a rotation of the members of the selection committees.
- Ensures the inclusion of activities in the human resources training and development plan that enable personnel to update their knowledge, mainly by means of the continuing training offered by the Treasury Board Secretariat.
- With Human Resources, establishes the list of checks to be performed before hiring new employees (required training, checking situations that could place the future employee in a conflict of interest, etc).
- Ensures that personnel working in contract management are sensitive to the integrity of public contracts.

3.1.4 The CRCM oversees the performance of any function that the Chief Executive Officer may require in ensuring compliance with contract rules.

Examples of situations and documents likely to be submitted to the CRCM:

- Tenders with an unusually low price;
- Reports of unsatisfactory performance;
- Contract status reports.

Specific CRCM functions:

- Is informed of any major gap (above or below) between the estimated amount of the expenditure and the amount in the tenders received.
- Establishes a review committee provided for under Article IV.1 of the Law when an unusually low price is observed and, after analysis of the report, makes the recommendation to the Chief Executive Officer of the College. This committee is composed of the CRCM and at least three members appointed by the Chief Executive Officer of the College who are not directly involved in the tendering process.
- Is consulted when an administrator plans to issue an evaluation report of a business

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- whose performance is considered unsatisfactory. After analysis of the file, the CRCM submits recommendations to the stakeholders involved and to the Chief Executive Officer of the College.
- Once per year, the CRCM shall receive from each administrative service responsible for any type of contract (supplies, services, or construction work) a report (see appendix 1) on each contract planned, ongoing, or recently completed, providing a portrait indicating gaps in relation to obligations under the regulatory framework, if needed. This is mainly with regard to the following:
 - Content and/or deadlines for publication on SEAO;
 - Content and/or deadlines for accountability reports to the President of the Treasury Board or to the Chief Executive Officer of the College;
 - Content and/or the signature date of authorizations by the Chief Executive Officer of the College.
 - The CRCM closely examines the reports submitted to him/her and, as needed, identifies improvements to be made in the contract management process, if any.

- The CRCM can advise the Chief Executive Officer of the College of any problems encountered and can make recommendations to him/her for the purpose of applying the regulatory framework.

ARTICLE 4

Roles and Responsibilities

The present policy confirms the following roles and responsibilities:

4.1 Board of Governors

The Board of Governors exercises its powers and responsibilities, pursuant to the Law. Board of Governors authorization is required for all internal management and services contracts of more than three years, including all renewals. Authorization cannot be given for any contract of more than five years, including all renewals.

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

4.3 Director General

The Director General as Chief Executive Officer of the College shall be responsible for the overall management of the present policy.

4.4 Contract Rules Compliance Monitor

The present policy describes the roles and responsibilities of the CRCM in detail. This individual is appointed by

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the Board of Governors according to the Law.

4.5 Director of Building and Computer Services

The Director of Building and Computer Services is responsible for the application of the present policy.

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

4.6 Directors or Managers of Administrative Units

Each director or manager of an administrative service is responsible to report any document, report or contract for the needs of the service to CRCM of the college so that the goals of the present policy may be respected as efficiently as possible.

**ARTICLE 5
Revision**

The present policy will be reviewed every five (5) years, and is revised when deemed necessary. The evaluation criteria will include the following:

- Conformity in that the practical application of the present policy is in accord with the written policy.
- Clarity in that the policy clearly delineates the roles and responsibilities of those involved in contract granting process.
- Conformity in that the policy is in accord with all provincial and ministerial obligations.

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GLOSSARY

The Act:	General and Vocational Colleges Act (RSQ), C-29 June 1, 2014.
The Board:	the Board of Governors of Cégep Heritage College.
The Chief Executive Officer:	Director General, Cégep Heritage College.
The College:	Cégep Heritage College.
The CRCM:	Contract Rules Compliance Monitor.
The Law:	<i>Loi sur les contrats des organismes publics (RSQ), Chapitre C-65.1, June 1, 2014.</i>
SEOA	<i>Système électronique d'appel d'offres.</i>
UPAC:	<i>Unité Permanente Anticorruption.</i>

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Related Document(s)

This document is to be used in conjunction with:

- Cégep Heritage College Bylaw # 1 Concerning the General Administration of the College.
- Cégep Heritage College Bylaw # 8 Concerning the Delegation of Power Given By Virtue of the Law Respecting Contracting By Public Bodies.
- Cégep Heritage College Policy # 2 Concerning Signing Authority.
- Cégep Heritage College Policy # 3 Concerning Personnel Management.
- Cégep Heritage College Policy # 29 Concerning Facilities Use and Rental.
- Cégep Heritage College Policy # 38 Concerning Environmental Management.
- Cégep Heritage College Procedure # 9 Concerning Safety-Disposal/Recycling of Hazardous Waste.
- Cégep Heritage College Procedure # 10 Concerning Safety-Disposal of Sharp Items Needles.
- Cégep Heritage College Procedure # 19 Concerning Selection of Financial Institution.
- Cégep Heritage College Procedure # 27 Concerning Purchasing.
- Cégep Heritage College Procedure # 38 Concerning Environmental Management.
- General and Vocational Colleges Act (RSQ), C-29, June 1, 2014.
- *Loi sur les contrats des organismes publics (RSQ), Chapitre C-65.1*, June 1, 2014.

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Annex #P42.1 État de Situation en date du (2014-2015)

ANNEXE 1

Proposition

**État de situation
en date du (préciser)**

NO AO ou CONTRAT	UNITÉ DEMANDERESSE ET RESPONSABLE	DESCRIPTION	DATE OUVERTURE DOSSIER	MONTANT ESTIMÉ	STATUT (Rédaction, validation, approbation)	DATE LANCEMENT APPEL D'OFFRES si requis	OUVERTURE DES OFFRES si requis	NOMBRE D'OFFRES REÇUES si requis	RENCONTRE DU COMITÉ SÉLECTION si requis	NOM DE L'ENTREPRISE	MONTANT RÉEL DU CONTRAT	DEBUT DU CONTRAT	FIN DU CONTRAT	ÉCART AU CADRE NORMATIF si requis
TOTAL DES SOMMES ESTIMÉES														