



DIRECTIVE DG-01/22

DIRECTIVE ON SERVICE CONTRACTS NOT SUBJECT TO THE AUTHORIZATION OF THE CHIEF EXECUTIVE OFFICER

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Directive on Service Contracts

English Montreal School Board

PREAMBLE

The *Act Respecting Workforce Management and Control Within Government Departments, Public Sector Bodies and Networks and State-Owned Enterprises* (2014, Chapter 17) (hereinafter referred to as “LGCE”) establishes specific measures applicable to service contracts that the *English Montreal School Board* (hereinafter the “Organization”) intends to enter into during the periods subject to workforce control measures, Among other things, by making the conclusion of these contracts subject to the authorization of the chief executive officer.

The purpose of this Act is to ensure that a public body may not enter into a service contract if the contract eludes the workforce-related control measures taken under this Act.

Public bodies, designated by the Conseil du trésor, may issue a directive on service contracts not subject to the authorization of the chief executive officer.

The English Montreal School Board (EMSB) was designated by the Conseil du trésor on October 19, 2021, to enable it to adopt a directive on service contracts not subject to the authorization of its chief executive officer.

In accordance with section 17 of the LGCE, this directive must be made public not later than 30 days after it is made. The directive is also sent to the Chair of the Conseil du trésor who may, at any time, require the public body to amend the directive.

SUBJECT

The purpose of this directive is to identify situations where the authorization of the CSEM chief executive officer is not required for the conclusion of a service contract during the period of application of the LGCE.

This directive stems from section 16 of the LGCE, which provides, during the control period referred to in section 11 of the LGCE, that the conclusion of any service contract by the Organization must be authorized by its chief executive.

This power can be delegated by the chief executive officer in the case of a service contract with a natural person who operates or not a sole proprietorship, involving an expenditure of less than \$10,000 and, in other cases, an expenditure of less than \$25,000.

However, the authorization is not required if the following conditions are met:

the public body, after being designated by the Conseil du trésor, made a **directive** on service contracts not subject to the authorization of its chief executive officer;

1. the object of the service contract is set out in the directive; and
2. the contract is entered into with a contractor other than a natural person.

SCOPE OF APPLICATION

This directive applies to service contracts referred in section 3 of the Act respecting contracting by public bodies (CQLR, chapter C-65.1) and contracts assimilated to be a service contract pursuant to the third paragraph of said section for each period determined by the Conseil du trésor pursuant to section 11 of the LGCE.

CONTRACTS NOT SUBJECT TO THE AUTHORIZATION OF THE CHIEF EXECUTIVE OFFICER

The following service contracts, concluded with a contractor other than a natural person, are not subject to the authorization of the Organization's chief executive officer provided for in section 16 of the LGCE:

1. Emergency and security service contracts

- Maintenance and repair of gas pipelines;
- Maintenance of video surveillance systems;
- Maintenance/installation of access system;
- Maintenance/monitoring of fire alarm and intrusion system;
- Maintenance of parking equipment;
- Specialized maintenance of the ventilation system;
- Watchman service;
- Water safety service;
- Locksmith;

- Vérification/inspection/maintenance:
 - alarm systems;
 - special systems;
 - sprinkler systems;
 - kitchen hoods;
 - fire hoses;
 - emergency lighting;
 - portable fire extinguishers;
 - fire pumps;
 - fountains;
 - of various equipments or installations.

2. Quality, evaluation, performance and ethics service contracts

- Audit on corruption/collusion risk management;
- Investigation.

3. Information resource services contracts

- Rental, maintenance and service plan:
 - software;
 - IT equipment such as computers, laptops, servers, routers, networks and other similar equipment;
 - printers and photocopiers.
- Development, implementation of software and applications;
- Internet domain registration and positioning;
- Maintenance of multimedia equipment (audiovisual);
- Internet hosting;
- Telecommunications (telephone, Internet, mobile phone, pager, long distance).

4. Specialized equipment maintenance service contracts

- Calibration of specialized equipment;
- HEPA filtration integrity certification;
- Certification of chemical and biological hoods;
- Maintenance of gas infrastructure and networks;
- Preventive and corrective maintenance of specialized equipment.

5. Fixed assets, facilities management and logistics service contracts

- Acoustics;
- Combustion analysis;
- Specialized analysis of diagnostic samples;
- Specialized analysis and repair of the electrical network;
- Post-disaster, decontamination and dewatering;
- Architects, engineers, surveyors, lifting equipment and soil analysis;
- Real estate brokerage;
- Energy saving;
- Disposal and shredding of confidential documents;
- Waste disposal;
- Disposal of hazardous products;
- Storage of archives;
- Maintenance of vertical transport equipment (lifts and hoists);
- Maintenance of pneumatic transport systems;

- Maintenance of exterior grounds and parking lots including :
 - snow removal;
 - maintenance of grounds, gardens and lawns;
 - landscaping and tree pruning;
 - maintenance of sidewalks and parking areas;
 - minor repairs to sidewalks and parking areas.
- Maintenance of motorized, revolving and garage doors;
- Maintenance and upkeep of the building's automatic regulation systems;
- Maintenance, inspection and repair of vehicles;
- Hydraulic and aeraulic balancing;
- Industrial and occupational hygiene;
- Rental of physical space (lease);
- Independent labour force of construction trades;
- Shuttle bus;
- Cleaning of ventilation ducts;
- Window cleaning;
- Cleaning of pits, sumps and grease traps;
- Recycling;
- Pest control and extermination services;
- Water service;
- Electricity service;
- Oil service;
- Natural gas or propane service;
- Vending machine service;
- Thermography of electrical installations;
- Water treatment;
- Treatment of biomedical waste;
- Transportation, moving, storage and messaging (parcel delivery).

6. Administration of financial resources, human resources, communications and egal affairs service contracts

- Arbitration and mediation;
- Insurance and guarantee;
- External auditor;
- Advertising campaign;
- Website design;
- Legal advice (lawyers);
- Market assessment;
- Specialized training;
- Bailiff;
- Employee and Family Assistance Program (EFAP);
- Recruitment and survey;
- Banking, financial and other related services;
- Communication, printing, signalling and publishing services;
- Media placement;
- Translation.

7. Other service contracts

- Accompaniment (students or parents);
- Scheduling production agency;
- Travel agency, hotel, taxi and food service/catering;
- Facilitators and coaches;
- Accompanying artists (choir, performance, auditions and works of art);
- Proofreaders and tutoring;
- Development of audio-video educational materials;
- Maintenance of specialized simulation equipment for training;
- Maintenance/installation of specialized equipment/systems;
- Housekeeping;
- External training (lecturers/speakers);
- Interpreter;
- Community intervention, mobilization (e.g., healthy living);
- Medical experts;
- Mentoring and coaching of managers;
- Organization of events;
- Organization of school trips;
- Theatre production (technicians and assistants);
- Industrial psychologists;
- Collection;
- Insurance;
- Professional recruiters.

MAINTENANCE OF RULES ON THE AWARDING OF CONTRACTS

A contract covered by this directive must comply with all the rules relating to the awarding of contracts and contract management otherwise provided for in the Act respecting contracting by public bodies (*CQLR, chapter C-65.1*), Education Act (*CQLR, chapter 1-13.3*) and their regulations, as well as any other applicable legislation and regulations. EMSB's directives, policies, by-law on delegation of powers and contract management procedures must also be followed.

Any authorization required under any of these Acts, regulations, by-laws, directives, policies or procedures must be obtained, if applicable.

PRECEDENCE OF THE LGCE

In the event of a discrepancy between this directive and the LGCE, the latter shall prevail.

CEASE OF EFFECT

This directive ceases to have effect if it is repealed or replaced or at the end of any period of implementation of workforce controls as determined by the Conseil du trésor.

COMING INTO FORCE

This directive comes into force on the day of its adoption by the EMSB.

Annex 1

ACT RESPECTING WORKFORCE MANAGEMENT AND CONTROL WITHIN GOVERNMENT DEPARTMENTS, PUBLIC SECTOR BODIES AND NETWORKS AND STATE-OWNED ENTERPRISES

DIVISION III

CONTROL

§ 1. — *Period of application*

11. This division applies only to the periods specified by the Conseil du trésor.

2014, c. 17, s. 11.

§ 2. — *Measures relating to the workforce*

12. The Conseil du trésor establishes the staffing level to be assigned to each minister for all the public bodies under the minister's responsibility that are not subject to the second paragraph of section 32 of the Public Administration Act (chapter A-6.01).

Despite the first paragraph, the Conseil du trésor establishes the staffing level of each public body referred to in paragraph 7 of section 2.

In addition to the information communicated under this chapter, the Conseil du trésor may determine additional information a minister responsible must send for the purposes of this section, as well as the conditions and procedure for sending it. A public body must provide the minister responsible with any information the minister requires to produce that additional information.

2014, c. 17, s. 12.

13. Each minister responsible distributes all or part of the staff assigned by the Conseil du trésor under the first paragraph of section 12 among the public bodies under the minister's responsibility and informs the Chair of the Conseil du trésor of the distribution carried out. The minister also informs the bodies concerned of the staffing level established under the second paragraph of that section.

2014, c. 17, s. 13.

14. A public body's workforce must be managed in a manner that maintains the services provided to the public.

A minister responsible may issue a directive to each public body subject to section 12 that the minister identifies with respect to the management of the workforce assigned to it.

2014, c. 17, s. 14.

§ 3. — Measures relating to service contracts

15. A public body may not enter into a service contract if the contract eludes the workforce-related control measures taken under this Act.

2014, c. 17, s. 15.

16. To enter into a service contract, a public body must be authorized by its chief executive officer. This power can be delegated by the chief executive officer in the case of a service contract with a natural person involving an expenditure of less than \$10,000 and, in other cases, an expenditure of less than \$25,000.

However, the authorization provided for in the first paragraph is not required if

- (1) the public body, after being designated by the Conseil du trésor, made a directive on service contracts not subject to the authorization of its chief executive officer;
- (2) the object of the service contract is set out in the directive; and
- (3) the contract is entered into with a contractor other than a natural person.

Nor is the authorization provided for in the first paragraph required for a service contract with a natural person who does not operate a sole proprietorship in cases when the contract must be authorized by the Conseil du trésor under a policy or a directive concerning the management of the supply, service and construction contracts of public bodies issued under section 26 of the Act respecting contracting by public bodies (chapter C-65.1).

For the purposes of this Act, the chief executive officer of a public body is the person having the highest administrative authority, such as the deputy minister, the president, the director general or any other person responsible for the day-to-day management of the public body. However, in the case of a public body referred to in any of paragraphs 2 to 4 of section 2, the chief executive officer is the board of directors or, in the case of a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), the council of commissioners. The board of directors or the council of commissioners may, despite the provisions of the first paragraph regarding delegation of the power to authorize the conclusion of certain service contracts, delegate all or part of the functions conferred on the chief executive officer of a body to its executive committee, the director general or, in the case of a university institution, a member of the senior administrative personnel within the meaning of the Act respecting educational institutions at the university level (chapter E-14.1).

2014, c. 17, s. 16; 2020, c. 1, s. 277.

17. A directive concerning service contracts not subject to the authorization of the chief executive officer of the public body must be made public not later than 30 days after it is made. The directive is also sent to the Chair of the Conseil du trésor who may, at any time, require the public body to amend the directive.

2014, c. 17, s. 17.

18. The chief executive officer of a public body that has a board of directors, other than a public body referred to in paragraph 3 or 4 of section 2, must inform the board of any service contract involving an expenditure of \$25,000 or more at the first meeting after the date the contract is entered into.

2014, c. 17, s. 18.

A public body must, at the request of the Chair of the Conseil du trésor, send the Chair any information the Chair determines regarding service contracts entered into during each reference period preceding a period specified under section 11.

The Chair determines the conditions and procedure for sending the information concerned and the length of any reference period, which cannot, however, exceed 24 months.

2014, c. 17, s. 19.