



François Pouliot

Director, Procurement Services

Directeur, Services de l'approvisionnement

Financial Services

Services financiers

TEL: (514) 398-2658

Montréal (Québec)

Montréal (Québec)

Email: francois.pouliot@mcgill.ca

Subject: DIRECTIVE, Chief Executive Officer Authorization in relation to the exception of Article 13(4) of an Act respecting contracting by public bodies

AUTHORITY

The present Directive is issued under the authority assigned to Procurement Services by the Procurement Policy.

PART I – PURPOSE AND SCOPE

1.1. There is a finite number of situations that can lead to the legitimate use of the exception of 13(4) of an *Act respecting contracting by public bodies* (a public call for tenders would not serve the public interest). These situations are:

- i. a previous contract which has just ended served to fulfill the needs;
- ii. there is no possible competition;
- iii. a public call for tenders was recently held for the same needs but failed to deliver a contract;
- iv. the acquisition can be made on exceptionally advantageous terms;
- v. the acquisition(s) to be made are for commodities for which transactions can be made on a base market.

Prior to entering into a contract of an estimated amount above the public tendering threshold because it deems that it finds itself in the presence one of these situations, the University must first issue a public notice of intent, as per article 13.1 of an *Act respecting contracting by public bodies*. However, neither the publication of such notice of intent, nor the lack of a response to it by market stakeholders, can suffice to establish the facts demonstrating the existence of such situation.

To ensure the compliant application of this exception and the appropriate documentation of the facts supporting its use, the Director, Procurement Services, hereby issues this **Directive**.



PART II - INSTRUCTIONS

2.1. The authorization of the Chief Executive Officer shall be requested, and must be obtained, prior to the publication of the public notice of intent, with the Annex 2 form documenting all the facts supporting the existence of one (1) or more of the five (5) situations that can give rise to the use of the exception of article 13(4) of *An Act respecting contracting by public bodies*.