



1.0 Reference framework 2



- 5.1 The complaint must be submitted electronically to the Complaint Examination Monitor at rarc@swlauriersb.qc.ca . This person is also the Contract Rules Compliance Monitor.
- 5.2. Should the Complaint Examination Monitor be absent or unable to act, the Complaint Examination Monitor Substitute is the Secretary General.

This procedure applies to contracts involving a public expenditure and to public-private partnership contracts.

Complaints in compliance with this procedure must be filed without the fear of reprisals from the School Board.

Section 51 of the LAMP expressly stipulates that it is forbidden to take a reprisal in any manner whatsoever against a person or partnership that files a complaint with the Autorité des marchés publics (hereinafter referred as the "Authority") or to threaten to take a reprisal against a person or partnership so that this person or partnership will abstain from filing a complaint with the Authority. A person or partnership that considers has been a victim of a reprisal may file a complaint with the Authority. The Authority shall determine if the complaint is substantiated and make any recommendations it considers appropriate to the chief executive officer of the School Board. When the examination is concluded, the Authority must inform the Complainant of its findings and, if applicable, its recommendations.

To preserve the rights to recourse with the Authority in accordance with the provisions of sections 37, 38, 39 and 41 of the LAMP, all complaints must be filed with the School Board in compliance with this procedure.

In the case of a complaint concerning an ongoing public tender, enterprise qualification process or certification process of goods, the complaint must absolutely be withdrawn before the established deadline for filing a complaint.

For this purpose, the Complainant must send an email to the School Board at rarc@swlauriersb.qc.ca indicating the reasons for withdrawing the complaint.

After receiving this email, the School Board will enter the complaint withdrawal date in the electronic tendering system (hereinafter referred to as "SEAO").

In the case of a complaint concerning the awarding process for a contract entered into by mutual agree

In the case of a complaint concerning an ongoing public tender, enterprise qualification process or certification process of goods, the School Board shall dismiss a complaint for one of the following reasons:

- The complaint does not meet all conditions for admissibility.
- The Complainant is pursuing or has pursued a judicial remedy based on the same facts as those set out in the complaint.

In the case of a complaint concerning an ongoing public tender, enterprise qualification process or certification process of goods, the School Board will amend by addendum the documents involved in the process if it deems it necessary following a thorough analysis of the complaint.

- 7.1.1. Complaints must be filed electronically using the form provided by the Authority for this purpose (hereinafter referred as the "AMP Form").
 - 7.1.2. Complaints must be filed electronically with the Complaint Examination Monitor, at rarc@swlauriersb.qc.ca , and transmitted simultaneously to the Authority for information purposes.
 - 7.1.3. Complaints must be filed and indicated on the SEAO within the deadline for filing complaints, i.e., a period corresponding to half the timeframe for receiving tenders but which may not be less than ten (10) days, in accordance with the LCOP and its regulations.
 - 7.1.4. The School Board will publish without delay on the SEAO the date on which a complaint was received after having ascertained the Complainant's interest. An acknowledgement of receipt will be sent to the Complainant.
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- 7.2.1. Admissibility conditions of complaints:
 - 7.2.1.1. Complaints must be filed in accordance with section 7.1 of this procedure.
 - 7.2.1.2. Complaints should relate to one of the following:
 - An ongoing call for tender
 - A certification process of goods
 - An enterprise qualification process
 - 7.2.1.3. Complaints must establish that the tender documents include:
 - Conditions that do not ensure the honest and fair treatment of tenderers, or;
 - Conditions that do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or;
 - Conditions that are not compliant with the normative framework.

7.3.1. The Complaint Examination Monitor will analyze the complaint based on the points raised by the Complainant in the AMP Form concerning the documents of the specific tendering process. To proceed with this analysis, the Complaint Examination Monitor must comply with the following conditions set out in the LCOP regulations:¹

7.3.1.1. A complaint concerning a public call for tenders must be filed with the School Board not later than the complaint filing deadline indicated on the SEAO;

7.3.1.2. Such a complaint may pertain only to the content of the tender documents made available at least two (2) days before the deadline;

7.3.1.3. When the Complaint Examination Monitor receives a first complaint, the School Board must Complaint Examination Monitor or receives a first complaint, int 792 re-18()-66(Mon)





9.3.2.1. In the case of an ongoing public call for tenders, only an enterprise or group of enterprises or its representative interested in participating in the tendering process for a public contract may file a complaint concerning the process based on the fact that the tender documents include conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the normative framework.

9.3.3. The Complaint Examination Monitor must submit his decision to the Complainant within a reasonable timeframe considering the circumstances. The decision shall be final.

10.1. The deadlines and references indicated in this procedure and resulting from legislative or regulatory provisions shall be automatically modified through a legislative or regulatory amendment upon its entry into force.

10.2. This procedure comes into effect on May 25, 2019.