

## INSTRUCTIONS CONCERNING THE BIDDER'S COMMITMENT

In order to be entitled to deposit your tender through the BSDQ or to take possession of the tenders that are addressed to you, you must have completed and signed the present commitment and join the following documents:

- 1) A copy of your up to date contractor's licence, issued by "La Régie du bâtiment du Québec". A new copy of this document must be transmitted to the BSDQ whenever your licence is renewed, if not, the present commitment will be suspended.
- 2) A cheque in the amount of the **114.98 \$** (100 \$ + taxes) for the annual fees. The cheque must be made to the order of the "BSDQ" and must bear the date the bidder contractor's commitment is handed over to the BSDQ.

AND

- 3) The TES user protocol completed and signed by the designated person in the presence of the BSDQ's representative as well as a photo ID with signature.

The commitment must be signed by: - the owner of the enterprise; when it is composed solely of one individual, a resolution is not required.

Or

- a person entitled to bind the enterprise and who's authority is confirmed in the appropriate resolution, in the case of a corporate body (company) or in a letter signed by the partners, in the case of a partnership.

The company which is a member of the CMEQ and an association affiliated to the ACQ, or is a member of the CMMTQ and an association affiliated to the ACQ, must indicate, with respect to non-exclusive electrical or mechanical works, his choice of the organization to which they wish to be referred to in case of a written complaint. This choice is made by signing the disciplinary reference form, which text appears in the following pages, and must be accompanied by the appropriate resolution (in the case of a company) or by a letter from the partnership confirming the giving authorization to the signatory to bind the said company or partnership.

All required documents must be returned in person by the signatory of the TES protocol by making an appointment with the office of the representative of BSDQ closest to your place of business. If you prefer, mail them at BSDQ's head office to the attention of: Commitment agent - Application service, 7750 Bombardier Street, Anjou (Québec) H1J 2G3

In that case the protocol must be joined to an affidavit confirming the identity of the signatory of the protocol.

Note: The information given in the following chart, stating the different specialties that are subject and susceptible to be received by the BSDQ, according the rules of the Tendering Code, is accurate as at the printing of this document. This information is subject to change. For an up to date document, if need be, please refer yourselves to our Web Site at the following address:  
[www.bsdq.org](http://www.bsdq.org)

## SCHEDULE I

### TABLE SUMMARIZING THE GOVERNED SPECIALTIES ACCORDING TO PARAGRAPHS A), B), C), D) OR E) OF SCHEDULE I AND TERRITORIES CONCERNED

	BAIE-COMEAU	DRUMMONDVILLE	GRANBY	HULL	JOLIETTE	JONQUIÈRE	MONTREAL	QUÉBEC	RIMOUSKI	ROUYN-NORANDA	SAINT-JEAN	SAINT-JÉRÔME	SAINT-HYACINTHE	SEPT-ÎLES	SHERBROOKE	SOREL	TROIS-RIVIÈRES
<b>ARCHITECTURAL SPECIALTIES</b>																	
Reinforcing Steel	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Structural Steel <u>with</u> Guide (see Schedule V)								*	*								
Structural Steel <u>without</u> Guide (see Schedule V)						*											
Elevators / Conveyors	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Pre-Cast Concrete	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Polish Cement						*							*				
Roofing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Special Coatings	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*
Kitchen / Cafeteria Equipment	*	*	*	*	*	*	*	*	*			*	*	*	*	*	*
Laboratory Equipment	*	*	*	*	*	*	*	*	*			*	*	*	*	*	*
Excavation, Backfill and Site Design (C)							*										
Windows (Wooden or Metal) & Entrances	*	*	*	*	*	*	*	*	*				*	*	*	*	*
Mechanical Insulation (B)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Thermal insulation <u>with</u> Guide (A) (see Schedules IV and V)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Thermal insulation <u>without</u> Guide (A) (see Schedule IV)						*					*	*	*	*	*	*	*
Masonry <u>with</u> Guide (see Schedule V)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Masonry <u>without</u> Guide (see Schedule V)	*					*							*	*	*	*	*
Miscellaneous Metal Work <u>with</u> Guide (see Schedule V)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Miscellaneous Metal Work <u>without</u> Guide (see Schedule V)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Building Integrated furniture	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Walls / Curtains	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Painting	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Metal Siding <u>with</u> Guide (see Schedule V)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Metal Siding <u>without</u> Guide (see Schedule V)						*					*	*	*	*	*	*	*
Resilient Floor Covering	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Road Signs and / or Super-Signs	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Interior systems <u>with</u> Guide (A) (see Schedules IV and V)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Interior systems <u>without</u> Guide (A) (see Schedule IV)	*					*					*	*	*	*	*	*	*
Carpets	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Terrazzo / Ceramics	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Glass and Glazing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>ELECTRICAL SPECIALTIES</b>																	
Fire and Burglar Alarm Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Remote Control Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Exterior lighting	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Electricity	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Intercommunication	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Lightning Conductor Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Electrical Traffic Control	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>MECHANICAL SPECIALTIES</b>																	
Sprinklers Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Oil or Natural Gas Burners	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Heating	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Medical Gases	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Vacuum Cleaning Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Plumbing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Refrigeration Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Industrial piping / Process piping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Ventilation / Air Conditioning	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>REFERENCES</b>	(A)	Other than on the roof or mechanical															
	(B)	Boilers, ducts and pipes															
	(C)	Exception for municipal, provincial and federal road work															
	(*)	Except for industrial work															
	(*)	Marble, tile and terrazzo															

Updated: May 1<sup>st</sup> 2018

**TENDERER’S COMMITMENT TO THE BSDQ**

All tenderers wishing to have their tender accepted by the BSDQ shall hold a contractor’s licence issued pursuant to the provisions of the Building Act (CQLR., c. B-1.1) and shall deliver a copy thereof to the BSDQ after first signing the following commitment to the BSDQ:

\_\_\_\_\_  
Name of Firm (in block letters).

*The aforementioned contractor undertakes to comply with the rules set out in this Tendering Code (Code) enacted pursuant to the agreement establishing the Bureau des soumissions déposées du Québec (BSDQ) as well as with the provisions of any amendment possibly made to said Code.*

*In the event of any breach or infringement on his part, he agrees to be accountable to all other tenderers having acted in accordance with this Code for damages suffered by them as a result of said breach or infringement.*

*With respect to the parties to the agreement establishing the BSDQ, subject to and without affecting the obligations, sanctions, rights and recourses provided for by law in such case, he agrees, should he breach or infringe any provision of this Code in making any offer, tender or agreement, to pay, in lieu of liquidated damages, a penalty equal to five percent (5 %) of the price of the contract thus secured. Should he fail to pay the aforementioned penalty, one of the parties hereto may consequently prosecute him accordingly.*

*He also undertakes to pay any fine and to comply with disciplinary measures possibly taken against him by any one of the parties to the BSDQ agreement in respect of any breach or infringement of this Code.*

*He also undertakes to file a tender electronically, to make all necessary verifications and to gather any information that may be required, prior to filing a tender, the whole in order to ensure that said tender is submitted in accordance with this Code. He shall sign the User Protocol providing access to TES and comply with the procedure established by the BSDQ for the use of TES.*

*He authorizes the BSDQ not to make his tender available to a recipient contractor having failed to sign the commitment to the BSDQ contained in Section C-2 of this Code.*

*Whenever he secures a contract after filing a tender through the BSDQ, he undertakes to inform the BSDQ accordingly. He also undertakes to pay the BSDQ yearly dues as well as any required contribution due and the cost of any item, document or service provided to him, based on amounts set by the latter from time to time and to pay the withdrawal fees mentioned in this Code.*

*He acknowledges and agrees that should he still be in default with respect to the payment of amounts owing to the BSDQ ninety (90) days after his billing date, the BSDQ may deem this commitment to the BSDQ contract cancelled or null and void.*

*He also agrees to be bound by the provisions of Section C-2 of this Code when acting as recipient contractor.*

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature \_\_\_\_\_  
Name of the signatory \_\_\_\_\_  
(in block letters)  
Title of the signatory \_\_\_\_\_  
Name of Firm \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_ Postal Code \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
Cellular number \_\_\_\_\_  
E-mail address \_\_\_\_\_  
Do you have any other business address ? Yes  No

**If yes, read reverse side of this page**

The firm is member of ACQ  CMEQ  CMMTQ

Space reserved for BSDQ

If your firm has other business addresses, please indicate them here :

Address \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

**RESOLUTION CONCERNING THE BINDING  
COMMITMENT OF A BIDDER UNDER ARTICLE C-1**

Resolution in the case of a corporate body (Company)

IT IS PROPOSED

THAT

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(name and address of Firm)

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subscribes, for all legal purposes, to the binding commitment as foreseen in the Tendering Code of the BSDQ and binds itself to act in strict conformity with the provisions of this Code where applicable, in all tenders and all contracts.

THAT it assumes and accepts to be responsible of all obligations as foreseen in this commitment.

THAT Mr. or Mrs. \_\_\_\_\_ be duly authorized to sign the said binding commitment for and in the name of the company.

ADOPTED

ATTESTATION

I, the undersigned, certify that the above-mentioned resolution has been duly adopted by the administrator(s) of the said company and that it resolution is still in force, without modification.

And I have signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature :

\_\_\_\_\_  
(The President or Secretary)

\_\_\_\_\_  
Name of the signatory (in block letters)

\_\_\_\_\_  
Title

**ATTESTATION CONCERNING THE BINDING  
COMMITMENT OF A BIDDER UNDER ARTICLE C-1**

Attestation in the case of a partnership

This is to certify that the partnership \_\_\_\_\_

(name and address of Firm)

\_\_\_\_\_

\_\_\_\_\_

agrees to subscribe to the binding commitment provided for in article C-1 of the Tendering Code of the BSDQ and also to act in conformity therewith.

This also certifies that the said partnership assumes and is accountable for all obligations foreseen in this commitment, and that Mr. or Mrs.

\_\_\_\_\_

(name of the representative authorized to sign this commitment)

is duly authorized to sign the said commitment for and in the name of the partnership, which shall be bound thereby.

I have signed \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Name of partners in block letters and signature

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## DISCIPLINARY REFERENCE FOR THE NON-EXCLUSIVE ELECTRICAL AND MECHANICAL TRADES.

The company which is a member of the CMEQ and an association affiliated to the ACQ, or is a member of the CMMTQ and an association affiliated to the ACQ, must indicate, with respect to non-exclusive electrical or mechanical works, his choice of the organization to which they wish to be referred to in case of a written complaint.

The BSDQ, as laid down in chapter L of the Tendering Code, will forward the written investigation report following a complaint, as stated in the instructions from the company and according to the information it has at the time the complaint was formulated.

I, THE UNDERSIGNED, DECLARE THAT:

1. The company which I represent is a member of:

CMEQ       CMMTQ       ACQ

2. If a complaint is brought against the company which I represent and an investigation report must be forwarded by the BSDQ with regard to a violation of the Tendering Code, I ask that the complaint be forwarded to the following disciplinary organization:

\* for the non-exclusive electrical works enumerated in paragraph A) of Schedule 1 of the Tendering Code

CMEQ       ACQ

(select only one organization)

\* for the non-exclusive mechanical works enumerated in paragraph B) of Schedule 1 of the Tendering Code

CMMTQ       ACQ

(select only one organization)

3. I recognize the jurisdiction of the selected organization which will dispose of the complaint according to its powers.

4. This form is in force for the same length of time as the commitment of the company.

5. I recognize the selection made can be modified by informing the BSDQ in writing. This modification will be applied to any complaint received after the written notification to the BSDQ.

6. I authorize the BSDQ, if the company I represent is no longer a member of one or the other organization identified, to consider this change as soon as it is effective and to forward the investigation report to the organization which the company is still a member of, and who will dispose of the complaint.

Signed at \_\_\_\_\_ the \_\_\_\_\_

\_\_\_\_\_  
Name of the company or partnership

\_\_\_\_\_  
Authorized signatory

## RESOLUTION CONCERNING THE DISCIPLINARY REFERENCE

Resolution in the case of a corporate body (company)

IT IS PROPOSED

THAT

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(Name and address of Firm)

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Subscribes to the subjoined disciplinary reference applicable to enterprises, which are members of the CMEQ or the CMMTQ and of an association affiliated the ACQ, in the case of nonexclusive electrical or mechanical works and acknowledges to be bound and to abide by it.

THAT Mr. or Mrs.: \_\_\_\_\_ be duly authorized to sign the said binding disciplinary reference for and in the name of the company.

CARRIED

### ATTESTATION

I, the undersigned, certifies that the above-mentioned resolution, has been duly adopted by the administrator(s) of the said company and that it is still in force, without modification.

And I have signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature :

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(The President or Secretary)

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Name of the signatory (In block letters)

Title



## ATTESTATION CONCERNING THE DISCIPLINARY REFERENCE

### Attestation in the case of a partnership

This is to certify that the following partnership

\_\_\_\_\_

(Name and address of Firm)

\_\_\_\_\_

\_\_\_\_\_

Agrees to subscribe to the subjoined disciplinary reference applicable to enterprises, which are members of the CMEQ or the CMMTQ and of an association affiliated to the ACQ, in the case of non-exclusive electrical or mechanical works and acknowledges to be bound and to abide by it.

That also Mr. or Mrs.:

\_\_\_\_\_

(Name of the representative authorized to sign the disciplinary reference)

is duly authorized to sign the said disciplinary reference for and in the name of the partnership, which shall be bound thereby.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Name of partners in block letters and signature.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## TES USER PROTOCOL<sup>1</sup>

This Protocol contains the terms of use of a computer system supporting electronic bid transmission (TES) and the rights and obligations of the users. When they access TES Internet site, users, in their own name and on behalf of the firm committed to the BSDQ, accept said terms of use as well as any changes subsequently made thereto. They also agree to refer thereto on a regular basis.

### ACCESS TO TES AND ELECTRONIC SIGNATURE

The BSDQ shall provide all legal and natural persons having signed either commitment C-1 or commitment C-2 of the Tendering Code and who require same, with a master-user's code and a temporary password. The BSDQ shall provide only one master-user's code per person committed to the BSDQ, and said master-user's code shall be provided to the natural person appointed or designated by the person committed to the BSDQ. The master-user's code shall allow that person to access TES, to establish his password which constitutes his electronic signature and to identify other users allowed to access TES depending upon what supervision and guidance and what limits were selected and determined by the master-user.

The BSDQ shall also provide, where required to do so, a master-user's code and a temporary password to any natural person appointed or designated by any surety company mentioned in Schedule II of the Tendering Code. Furthermore, the BSDQ shall provide, where required to do so, a master-user's code and a temporary password to any natural person appointed or designated by a legal or a natural person, to whom tenders may be sent in his capacity as «addressee of copies », in accordance with section E-2 of the Tendering Code.

The BSDQ can also provide a master-user's code and temporary password to any natural person appointed by the awarding authority who has requested tenders be filled and addressed directly to them electronically in order to take possession of the tenders through the TES exclusively. The awarding authority and the BSDQ will determine the procedures for the filling and receiving of the tenders.

The temporary password provided by the BSDQ shall be changed by the holder of the master-user's code when he first accesses TES site. The new password so indicated, along with any subsequent changes thereto, and any passwords belonging to those users previously granted certain rights of access, shall become the electronic signature of the person committed to the BSDQ. This signature shall have the same legal effect as an original handwritten signature. The same shall apply to any password indicated for the representative of any surety company, the representative of the «addressee of copies » or the representative of the awarding authority who has agreed to use the TES.

Expressly appointed or designated BSDQ employees shall also dispose of a master-user's code allowing them to access TES so as to ensure that it operates properly and in order to allow the BSDQ to assume its role.

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<sup>1</sup> *It should be noted that, for interpretation purposes, the French text shall prevail over the English, the latter being a translation of the French original and that acronyms are reproduced as in the French version.*

## **CONFIDENTIALITY AND SECURITY**

In order to allow the BSDQ to safeguard and protect the integrity of the information and the data in the TES and for TES to be accessible in due course and as required by any authorized person and in order that only authorized persons have access to information and data flowing through TES, the BSDQ shall make sure to confirm the identity of the natural person appointed or designated as aforesaid and provided with a master-user's code, and to have the latter sign this Protocol.

A master-user shall be responsible for the use he makes of his user's code and of any password he chose and he shall keep said password secret. A master-user shall also be responsible for any access, whether limited or unlimited, he may grant within his own firm.

The BSDQ shall retain, in a historical record, any information related to transactions executed through TES by the users. Retention of the aforesaid elements shall be required in order to make it possible for the BSDQ to suitably play its part and ensure the integrity and soundness of bid E-filings and their possession.

Neither the BSDQ nor any of its agents or employees shall be allowed to access tenders less than one hour after the closing hour of the general contractor's tender at the awarding authority as per article H-1 of the Tendering Code.

E-Mails received at the BSDQ shall be dealt with using the same confidentiality measures as those used where mail is concerned.

The BSDQ takes any steps required in order to avoid intrusions.

## **USER LIABILITY**

When it obtains a master-user's code, the natural person appointed or designated undertakes, thereby binding himself and any other users it gives limited or unlimited access, to use TES in compliance with the provisions of the Tendering Code and of this Protocol, and solely for authorized purposes. BSDQ shall hereby be authorized to limit or to prohibit access by any user making excessive use of, or abusing, TES.

Users shall immediately report to BSDQ any faulty operation of the system they may be aware of.

## **NON PAYMENT OF YEARLY DUES OR ANY AMOUNTS DUE TO THE BSDQ**

The BSDQ can limit or deny access to the TES to all users designated or identified by the signing officer of the commitment C-1 or C-2 of the Tendering Code if the person owes any money to the BSDQ including the yearly dues.

## **MAINTENANCE AND TECHNICAL SUPPORT**

TES shall always be accessible, save only during required maintenance periods. Where required, said maintenance work shall be carried out between 12 AM and 6 AM.

Technical support shall be provided between 8 AM and 5 PM weekdays, on BSDQ working days.

## REQUIRED EQUIPMENT AND TOOLS

In order to access TES, users shall have the required equipment and (software) tools, namely a personal computer and its components, Internet access (high-speed recommended) and the Explorer Web browser, version 8.0 or a later version.

Users shall also have « Acrobat Reader » software to be able to view and print « .pdf » files.

## RULES AND TERMS OF USE

Pursuant to the Tendering Code and provided its conditions of application are met, tenderers shall transmit any tenders sent to recipient contractors only through the BSDQ and only electronically. TES makes it possible for tenderers and recipient contractors to comply with Tendering Code rules by providing an electronic channel through which tenders can be made and received.

These main adjustments are dealt with below. Users shall refer to the Operating Guides provided by the BSDQ and avail themselves of the training given to become acquainted with additional information that can prove useful when using TES.

## MAIN TERMS OF USE

**Deadline for Project opening request (article E-1.1 of the Tendering Code):** Owing to the introduction of controls, tenders and bid bonds cannot be e-filed unless the BSDQ posts the project in the TES. The project opening request should be submitted at least four hours prior to the probable time of closing at the BSDQ to allow the project to be posted in time to permit the deposit of tenders. The deadline of four hours is established considering the opening hours of the BSDQ. The BSDQ reserves the right to refuse the posting of a project if the request is not submitted in time to obtain all necessary information and allow the posting of the project.

**Fees relating to the electronic filing of a tender:** The cost of each filing shall be set by the BSDQ. The fees for electronic filings must be paid in advance by VISA or MASTER CARD.

**Project description:** Project description mentioned in the tender form is the description of the project posted by the BSDQ as per article E-1.1. Projects are submitted on dropdown lists allowing users to choose from those lists projects that are of interest to them.

**Specialty identification:** The identification, on the tender form, of the specialty or grouping of specialities liable to be called upon to perform the work being tendered for is determined by the selection made by tenderers from lists of specialties identified by the BSDQ with regard to each project.

**Recipient contractors identification:** Recipient contractors having signed a commitment to the BSDQ shall be indexed in a directory from which tenderers must make a selection. Nevertheless, unindexed recipient contractors are free to request to be indexed in the directory on a temporary basis by communicating with the BSDQ at the appropriate time. To be authorized to take possession of tenders intended for them, said recipient contractors shall first sign a commitment to the BSDQ as per article C-2 of the Tendering Code and meet any requirements set in order to use TES.

**Bid bonds and letters of intent:** Bid bonds and letters of intent shall first be e-filed by the legal person issuing same.

**Electronic transfer:** When the security is supplied via the electronic transfer through a financial institution as per article D-10 and following, the required amount shall be deposited in the BSDQ's trust account immediately following the filing of the secured tender, prior to the closing time set at the BSDQ with respect to tenderers. The existence and validity of the aforesaid tender security shall be confirmed by the BSDQ the day after it is filed. Recipient contractors shall be responsible for securing said confirmation in compliance with article D-10.1 of the Tendering Code.

The amount deposited by way of tender security in the BSDQ's trust account shall be returned to the tenderers in accordance with the terms and conditions provided for in the Tendering Code. Any interest earned as a result of said deposit shall be assigned to the BSDQ.

**Required fields:** Certain mandatory controls or checks are implemented by means of TES, requiring tenderers to fill in fields indicated by an asterisk. Should they fail to do so, it shall be impossible for them to file their tender and they shall be notified thereof. More particularly, tenders without a security where required by the Code, tenders not digitally signed, tenders whereon the contractor's license number does not appear, and tenders with empty « price », « plan numbers », « specifications sections » or « addenda » fields cannot be filed.

**Taking possession:** Recipient contractors take possession of tenders addressed to them by accessing TES on and after a set time. Recipient contractors consulting a list of tenderers having sent them a tender regarding a given project shall, whether they refuse or whether they accept tenders addressed to them through electronic channels, confirm said refusal or acceptance through their electronic signature. Tenders shall be deemed refused until accepted by recipient contractor.

Nevertheless, where recipient contractors fail to take cognizance of the list of tenderers having sent them tenders, said tenders shall be deemed unread.

**Request for taking possession of tenders not addressed to a recipient (Section J-7 of the Tendering Code):** Requests submitted to the BSDQ in accordance with Section J-7 must be filed by the recipient contractor in TES prior to the established closing time. For the process to be completed in compliance with the Code and within the times mentioned in Section J-7 (fourth paragraph), the BSDQ recommends that the electronic request from the recipient contractor be submitted at least four hours prior to the tenders closing time for recipient contractors, taking into account the BSDQ office hours.

After verification, the BSDQ sends the list of tenderers who have submitted a tender for the governed specialty concerned to the recipient contractor. This list can be consulted in TES. The recipient contractor then confirms his acceptance to take possession of the tender from the tenderers whose names have been disclosed to him. He does this in TES, selecting the tenderers whose tender he accepts and using his electronic signature. The BSDQ then notifies the selected tenderers by email. These tenderers are responsible for authorizing the BSDQ to make their tender available to them. They must do this in TES. The recipient contractor is immediately notified and given access to the tenders in TES, in the same manner as if these tenders had been addressed to him prior to the tenders closing time at the BSDQ and he had taken possession of them.

All of these operations must be completed electronically prior to the closing time for filing tenders by the recipient contractors.

**Addressees of copies:** Addressees of copies such as awarding authorities, architects or engineers shall use electronic channels to receive copies of tenders sent to them through electronic channels as per the procedure established by the BSDQ.

## **TRAINING AND OPERATING GUIDES**

The BSDQ offers to the appointed or designated natural persons provided with a master-user's code the TES user guides prepared by the BSDQ. Furthermore, to make it easier for users to utilize the TES, the BSDQ provides training to those wishing to avail themselves.

The BSDQ reserves the right to limit access to its technical helpdesk to any users who chooses not to follow the training.

## **LIMITATION OF LIABILITY**

The parties to the Agreement (the ACQ, the CMEQ and the CMMTQ) and the BSDQ shall not be liable for any damage or injury resulting either from any misuse of TES or for that caused by use of obsolescent equipment or tools.

The parties to the Agreement and the BSDQ shall act as agents for the users and for any firms committed to the BSDQ having appointed them. They shall carefully and diligently assume their duties in that capacity.

The parties to the Agreement and the BSDQ hereby undertake to take the required steps in order to avoid any mistake, error, failure, malfunction or discrepancy and in order to ensure the confidentiality and security of TES. Nevertheless, the parties to the Agreement and the BSDQ shall not be liable for any damage or injury resulting from any user's failure to obtain appropriate information, to access TES, completely or partly, or to finalize or complete the filing or receipt of any tender due to any mistake, error, failure, malfunction or discrepancy. Nor shall the parties to the Agreement and the BSDQ be liable for any damage or injury possibly resulting from any third party fault or from any superior force or fortuitous event.

## **COPYRIGHTS**

The BSDQ and the parties to the Agreement (the ACQ, the CMEQ and the CMMTQ) own the TES system and their copyrights are protected.

## TES USER PROTOCOL

### Signature form for general contractors and/or trade contractors

Signed at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Name of committed firm  
*(please print)* \_\_\_\_\_

BSDQ commitment number \_\_\_\_\_

Name of appointed or designated master-user  
*(please print)* \_\_\_\_\_

Master-user's title or office \_\_\_\_\_

Master-user's E-Mail address \_\_\_\_\_

Master-user's business address  
*(City, Street and Postal Code)* \_\_\_\_\_

Master-user's signature \_\_\_\_\_

Resolution for a business (legal person)

**RESOLUTION RESPECTING THE TES USER PROTOCOL**

WHEREAS

\_\_\_\_\_  
*(Name and address of the business)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

requires a master-user's code enabling it to use the BSDQ computer system supporting electronic bid transmission (TES) ;

BE IT RESOLVED

THAT Mr. or Mrs. \_\_\_\_\_ be appointed or designated « master-user », and that he/she be authorized to sign, on its behalf, the TES user protocol;

THAT the BSDQ be authorized to provide said appointed or designated master-user with a master-user's code and password allowing him/her to access TES.

**CERTIFICATION**

I, the undersigned, certify that the foregoing resolution was duly passed by the directors of the aforementioned legal person and that said resolution is still in force and effect, without amendment.

And I have signed at \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

Signature: \_\_\_\_\_  
*(President or Secretary)*

\_\_\_\_\_  
Signatory's Name *(please print)*

\_\_\_\_\_  
Title



Resolution for a partnership

**RESOLUTION RESPECTING THE TES USER PROTOCOL**

WHEREAS

\_\_\_\_\_  
*(Name and address of the partnership)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

requires a master-user's code enabling it to use the BDSQ computer system supporting electronic bid transmission (TES) ;

BE IT RESOLVED

THAT Mr. or Mrs. \_\_\_\_\_ be appointed or designated « master-user », and that he/she be authorized to sign, on its behalf, the TES user protocol;

THAT the BDSQ be authorized to provide said appointed or designated master-user with a master-user's code and password allowing him/her to access TES.

Signed at \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Name and signature of Partners (please print)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_