



## **CONTRACT MANAGEMENT BYLAW**

**265-10-2016** Proposed by Cr. Knox  
Seconded by Cr. Elliott

And Unanimously Resolved **THAT** Clarendon adopts this modified Contractual Management Policy pursuant to section 938.1.2 of the Municipal Code. The Modified Contractual Management Policy is as follows:

**Article A** – This contract management policy will be subject to article 936 of the Municipal Code which states: *“A contract referred to in any of the subparagraphs of the first paragraph of sub article 1 of article 935 may be awarded only after a call for tenders by written invitation to at least two contractors or, as applicable, two suppliers if it involves an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935.”*

This « Contract management policy » is adopted under article 938.1.2 of the Municipal Code.

Under this provision, every municipality must adopt a contract management policy that applies to municipal contracts and that provides for fair competition between the contracting individuals or those wanting to enter into contract with the municipality. The measures shall address seven (7) concerns clearly stated in this legislative provision.

It shall be noted that this policy is not intended to replace, modify or augment any provision or case-law-based rule applicable to granting or managing municipal contracts.

Measures for maintaining a healthy competition.

**1. Measures aimed at ensuring that any bidder or a representative has not communicated with or attempted to influence a member of the selection Committee with respect to the request for proposals for which it has submitted a bid.**

- The council delegates to the Director General the authority to establish any selection committee necessary to receive evaluate and draw conclusions for all bids.
- All selection committees must be formed prior to the launch of the call for tenders and shall have at least three (3) members.
- Any council member or Councillor, every employee and agent thereof shall maintain, at all times, confidentiality of the identity of members of any selection committee.
- Upon any tender requiring the creation of a selection committee, the tender documents should contain provisions to the following effects:
  - A bidder shall submit with its bid a statement that neither he nor any of its representatives has contacted or attempted to communicate in order to exert influence, with one member of the selection committee.
  - If a bidder or a representative communicates or attempts to communicate in order to influence it, with one member of the selection committee, its bid will be automatically rejected.

## **2. Measures Promoting Compliance with the Applicable Laws aimed at Combating against Bid Rigging**

- All bidders must submit with its bid a statement that its bid was prepared and submitted without collusion, communication, agreement or arrangement with any other bidder or person to submit to agree on prices or to influence price submitted.
- Must be inserted in the bidding documents a provision that if a bidder has engaged in collusion, communicated or entered into an agreement or arrangement with any other bidder or competitor to influence or determine the price submitted, the bid will be automatically rejected.
- Any council member or employee to make sure anyone who communicates with him for the purpose of obtaining a contract that it has registered with lobbyists under the Lobbying Transparency and Ethics of Lobbying.
- All bidders must submit with its bid a statement that neither he nor any of its representatives has engaged in a communication of influence for the purpose of obtaining the contract, or, if such communication has been influenced instead, joining its bid a statement to the effect that this communication was made after any registration required under the Act the Registrar of Lobbyists has been made.

## **3. Measures to Ensure Compliance with the Law on Transparency and Ethics of Lobbying and the Code of Ethics for Lobbyists adopted pursuant to this Act.**

- Any council member or employee to make sure anyone who communicates with him for the purpose of obtaining a contract that it has registered with lobbyists under the Lobbying Transparency and Ethics of Lobbying.
- All bidders must submit with its bid a statement that neither he nor any of its representatives has engaged in a communication of influence for the purpose of obtaining the contract, or, if such communication has been influenced instead, joining its bid a statement to the effect that this communication was made after any registration required under the Act the Registrar of Lobbyists has been made.

## **4. Measures designed to prevent the Acts of Intimidation, Corruption or Influence Traffic and to Promote Rotation among Prospective Contracting Parties**

- The municipality shall, in the case of tenders invited in writing, favor possible invitation from different companies. The identity of the persons so invited may not be made public only at the opening of bids.
- All bidders must submit with its bid a statement that neither he nor any of its associates or employees has engaged in intimidation, influence peddling and corruption.
- All calls for bids must state that if a person has engaged in one or other of the acts mentioned in the preceding paragraph, the submission thereof shall be automatically rejected.

## **5. Measures designed to prevent Conflict of Interests**

- Any person participating in the preparation, execution or follow-up of a call for tenders or contract, as well as the Secretary and the members of a selection Committee if any, are to declare any conflict of interest and any potential conflict of interest situation.
- No person in conflict of interest may participate in the development, execution or follow-up of a call for tender or a contract.
- Any bidder shall attach to its' submission a statement attesting that there was no link building or may generate a conflict of interest because of its links with Member of the Council or an official.

## **6. Measures designed to prevent any situation that could compromise the impartiality and objectivity in the process of Submission Request and Management of the Resulting Contract**

- For purposes of any tender is identified an official of the tender which is mandated to provide any information about the tender and is expected to call for any document bids that any bidder or potential bidder should contact the sole responsibility for any clarification regarding the tender.
- Upon any tender, it is forbidden for any member of the Council and any employee of the municipality to respond to any request for clarification with respect to any tender other than the applicant referring to the person responsible.

## **7. Steps to supervise any Decision which would allow the Amendment of a Contract.**

- The municipality shall, for all contracts, implement a procedure to oversee contract amendment authorizations and establish that such amendment is only possible as incidental to the contract and does not change the nature of such contract.
- The municipality shall provide in the tenders to hold meetings on site regularly during the execution of works in order to ensure the monitoring of execution of the contract.

## **8. ENTRY INTO FORCE**

The policy came into force the 25<sup>th</sup> of October, 2016.

## **BY-LAW NUMBER 265-10-2021 MODIFYING THE BY-LAW ON CONTRACTUAL MANAGEMENT**

Regular Sitting of the Municipal Council of the Municipality of held on May 11, 2021 at the place of council meetings, at which sitting were present :

MAYOR John Armstrong

COUNCIL MEMBERS:

Phillip Elliott

Rick Younge

Jonathan Dagg

Eric Smith

Edward Walsh

Mavis Hanna

All members of council and forming a quorum.

the Contract Management By-law was adopted by the Municipality on October 25, 2016, in accordance with article 938.1.2 of the Quebec Municipal Code (hereinafter referred to as the "M.C.") (or article 573.3.1.2 of the Cities and Towns Act (hereinafter referred to as the C.T.A."));

WHEREAS the Act to establish a new planning regime in flood-prone areas of lakes and watercourses, to grant temporary powers to municipalities to meet certain needs and to amend various provisions (S.Q. 2021, chapter 7) received assent on March 25, 2021

WHEREAS in the context of the COVID-19 pandemic, section 124 of this Act provides that for a period of three (3) years, starting June 25, 2021, municipalities must provide for measures to favour Quebec businesses for any contract that involves an expenditure the threshold decreed for the expenditure of a contract that can only be awarded after a request for public tender

WHEREAS a notice of motion was given and a draft by-law was tabled and presented at the meeting of May 11, 2021

THEREFORE, IT IS

MOVED BY : Cr.Dagg

SECONDED BY : Cr. Elliott

UNANIMOUSLY RESOLVED THAT THIS BY-LAW BE ADOPTED AND THAT IT BE ORDERED AND DECREED AS FOLLOWS

1. Section 2 of this by-law shall be effective from June 25, 2021, or the day this by-law comes into force, whichever is later, and shall remain in effect until June 25, 2024.
  2. The Contract Management By-law Number is amended by adding the following section:

10.1 Without limiting the principles and measures set out in this by-law with respect to the rotation of suppliers, in awarding any contract that involves an expenditure below the decreed threshold of the expenditure of a contract that can only be awarded after a public request for tenders, the municipality must favour Quebec goods and services as well as suppliers, insurers and contractors who have an establishment in Quebec.

For the purposes of this section, an establishment in Quebec is any place where a supplier, insurer or contractor carries on business on a permanent basis that is clearly identified with its name and accessible during normal business hours. Quebec goods and services are goods and services of which the majority of their design, manufacture, assembly or realization is done from an establishment located in Quebec.

The Municipality, in making a decision regarding the awarding of a contract referred to in the present article, shall consider, among other things, the principles and measures set out in the articles of the by-law regarding the rotation of potential suppliers, subject to the necessary adaptations for local purchasing.
  3. This by-law comes into force in accordance with the law.
- ADOPTED in the Municipality of Clarendon

Mayor *John Armstrong*

Director General/Secretary Treasurer *Patricia Hobbs*

Notice of motion: May 11, 2021

Deposit and presentation of the draft by-law: May 11, 2021

Adoption of the by-law: May 25, 2021

Public Notice: May 26, 2021

Coming into Force : June 25, 2021 to June 25, 2024

