

CONTRACTUAL MANAGEMENT POLICY

PRESENTATION

The present « Contractual management Policy » is adopted as per Article 938.1.2 of the Quebec municipal Code, L.R.Q., c. C-27.1.

As per this provision, every Municipality must adopt a Contractual management Policy which applies to municipal contracts which must forecast measures in order to ensure health competition between those who contract and those thinking of entering into a contract with the Municipality. The measures in question must pertain to seven (7) areas of concern clearly specified in this legislative provision. These themes must contain a minimum of two specific measures.

It must be noted that the present policy is not meant to replace, modify or improve any legislative provision or jurisprudential regulation with regards to the granting or management of municipal contracts.

MAINTENANCE MEASURES FOR A SOUND COMPETITION

1. **Measures aimed at ensuring that every tenderer or one of his representatives has not contacted or attempted to contact, for the purpose influencing, with one of the selection committee members with regards to the request for a bid for which he has presented a bid**
 - a) Council delegates to the Director general, the power to form any selection committee which is necessary in order to receive, study the bids received and draw the appropriate conclusions.
 - b) Every selection committee must be formed before proceeding with the call for tenders, and consist of at least three members.
 - c) Every Council member, every employee and each of its representatives must protect, at all times, the confidentiality of the identity of the selection committee members.
 - d) Each call for tender that requires the forming of a selection committee, the tender documents must include the following provisions:
 - Every tenderer must include in his bid, a declaration attesting that he nor any of his representatives have contacted or tried to contact a member of the selection committee in order to exert an influence on them.
 - If a tenderer or one of his representatives contact or try to contact a member of the selection committee with the intent of influencing him, the bid will be automatically rejected.
2. **Measures which favour respect of applicable laws aimed at fighting against rigging bids**
 - a) Every tenderer must include in his bid, a declaration attesting that his offer was prepared and presented without any collusion, communication, agreement or arrangement with any



other tenderer or person to agree upon a price to be submitted or to influence the submitted price.

- b) Must also be included in the offer documents, a provision stipulating that should a tenderer has denounced a collusion, a press release or has entered into an agreement or an arrangement with another tenderer or competitor to influence or fix the submitted prices, his bid will automatically be rejected.
3. Measures aimed at ensuring respect of the «*Loi sur la transparence et l'éthique en matière de lobbyisme et du Code de déontologie des lobbyistes*» adopted as per this Law
- a) Every Council member or every employee ensures that anyone contacting him with regards to obtaining a contract that they are registered with the “Registre des lobbyistes prévu par la Loi sur la transparence et l'éthique en matière de lobbyisme”.
 - b) Every tenderer must attach to his bid, a declaration attesting that he nor any of his representatives have tried to contact and influence in order to obtain a contract or, if such communication took place, attach a declaration to his bid with regards that this communication did take place after every registration was done as required by the “Loi au Registre des lobbyists”.
4. Measures to be taken to prevent intimidation gestures, traffic of influence or corruption
- a) The Municipality must, in the case of call for tenders by written invitation, favours as much as possible, invitations to various businesses. The identity of those who have been invited cannot be made public until the opening of the bids.
 - b) Every tenderer must attach to his bid, a declaration attesting that he nor any of his associates or employees have not made any gestures of intimidation, traffic of influence or corruption.
 - c) Every call for tender must indicate if a person has engaged in one or any of the acts mentioned in the previous paragraphs, this person's bid will be automatically rejected.
5. Measures to be taken in order to prevent conflict of interest situations
- a) Every person who participates in the drawing up, execution or follow-up of a call for tenders or contract, as well as the secretary and members of a selection committee, if applicable, must declare having a conflict of interest and any situation of a potential conflict of interest.
 - b) A person in conflict of interest cannot participate in the drawing up, execution or follow-up of a call for tenders or contract.
 - c) Every tenderer must attach to his bid, a declaration attesting there has not been any link to interest in a conflict of interest because of his connection to a Council member or a civil servant.



6. Measures to be taken in order to prevent any situation susceptible of compromising fairness and objectivity of the process for requesting an offer and the management of the resulting contract

 - a) For the purpose of every call for tenders, is identified a person responsible for the call for tenders who was given the mandate to supply any information regarding the call for tenders and must be stipulated in every call for tender document that every potential tenderer or every tenderer must only contact the person responsible in order to obtain any precision with regards to the call for tenders.
 - b) For any call for tender, it is prohibited for any Council member and any municipal employee to answer any request for a precision regarding any call for tender other than referring the requestor to the person responsible.
7. Measures aimed at surrounding the decisions taken in order to authorize the modification of a document

 - a) The Municipality must, in every contract, establish a procedure surrounding any authorization for modification and foresee that such modification is not possible unless it is an addenda to the contract and does not change its nature..
 - b) The Municipality must anticipate in the call for tenders document the holding of the on-site meetings will be done regularly during the execution of the work in order to ensure the follow-up of the execution of the contract.