

## **CONTRACT MANAGEMENT POLICY**

Object :

The goal of a contract management policy is to ensure *sound* competition between persons who wish to enter into contracts with the Municipality.

The policy must foresee the following measures:

1. ensuring that any person submitting a bid, or one of his representatives, did not communicate or try to communicate, in order to influence, with a member of a selection committee relevant to the tenders request in which a proposition was submitted;
2. respecting applicable laws which oppose doctoring offers;
3. to ensure that the Lobbying Transparency and Ethics Act in regard to lobbyism and the Code of Conduct for Lobbyists is respected;
4. with the goal of preventing gestures of intimidation, influence or corruption;
5. with the goal of preventing situations regarding conflicts of interest;
6. with the goal of preventing any situation susceptible to compromise the impartiality and the objectivity of the process in requesting tenders and the awarding of the contract resulting from the request;
7. creating strict guidelines around any decision that may be made to authorize a modification to a contract.

# **CONTRACT MANAGEMENT POLICY**

## **Resolution 2010-190**

**Adopted at the regular sitting of council held December 8, 2010**

### **1. Measures ensuring that any person submitting a bid, or one of his representatives, did not communicate or try to communicate with, in order to influence, a member of a selection committee relevant to the tenders request in which a proposition was submitted**

1.1 The members of council delegate the Director-General to form any selection committee necessary, as the case may be, in accordance to dispositions outlined in the Quebec Municipal Code which apply to certain call for tenders;

1.2 Any selection committee must be formed prior to the posting of the call for tenders and the committee must be composed of no less than three people;

1.3 All members of council, any municipal employee or person mandated by the council must keep the identity of the members of the selection committee confidential;

1.4 When the creation of a selection committee becomes necessary, the call for tender documents must include the following:

- Any person submitting a tender must attach, to the tender, a declaration attesting that neither he or one of his representatives communicated, or tried to communicate, with a member of the selection committee with the intent to influence the decision of the selection committee;
- If a person submitting a tender or one of his representatives communicates or tries to communicate with a member of the selection committee with the intent to influence the decision of the selection committee, his tender will be automatically rejected.

### **2 Measures respecting applicable laws which oppose doctoring offers**

2.1 Any person submitting a tender must attach, to the tender, a declaration attesting that his bid was prepared and deposited without collusive acts, an attempt to communicate or to come to an agreement or arrangement with any other person submitting a tender or any individual in order to agree on a price to submit or to influence the price of tenders submitted;

2.2 A disposition must be inserted in the call for tenders stating that if a person submitting a tender was involved in collusive acts, an attempt to communicate or to

come to an agreement or arrangement with any other person submitting a tender or any individual in order to agree on a price to submit or to influence the price of bids submitted, his tender will automatically be rejected.

**3 Measures to ensure that the Lobbying Transparency and Ethics Act in regard to lobbying and the Code of Conduct for Lobbyists is respected**

3.1 Any member of council or employee of the municipality must ensure that any person who contacts him or her with the intention of obtaining a contract must be listed in the *Registre des lobbyists prévu par la Loi sur la transparence et l'éthique en matière de lobbyisme*;

3.2 Any person submitting a tender must declare, in writing and attach to the tender documents, that he or any of his representatives or employees, have respected the Lobbying Transparency and Ethics Act relative to the call for tenders. If this declaration is not attached, the tender will be rejected.

**4 Measures with the intent of preventing gestures of intimidation, influence or corruption**

4.1 Limit, as much as possible, group visits by producing plans and cost estimates as complete as possible;

4.2 Any person submitting a tender must attach a declaration attesting that neither himself, his collaborators or any of his employees have taken part in gestures of intimidation or corruption;

4.3 All call for tenders must indicate if a person is involved in acts mentioned in section 4.2 of the present document, shall result in the automatic rejection of the tender.

**5 Measures with the intent of preventing situation regarding conflict of interest;**

5.1 Any person participating in the elaboration, execution or follow-up of a call for tenders or contract, as well as the secretary and members of the selection committee as the case may be, must declare any situation, or potential situation, that may be a conflict of interest;

5.2 Any person that may be in conflict of interest is **not** able to participate in the elaboration, execution or follow-up of a call for tenders or contract;

**6 Measures with the intent of preventing any situation that is susceptible to compromise the impartiality and the objectivity of the process in requesting tenders and the awarding of the contract resulting from the request;**

- 6.1 A person shall be designated by the members of council as the person responsible for all call for tenders of the Municipality and that person shall supply all information concerning the call for tenders and it shall be mentioned in all call for tender documents that any persons requiring information pertaining to the call for tenders must address this person only to obtain the required information regarding the call for tenders;
- 6.2 It is forbidden for any member of the council or employee of the Municipality to respond to any request for information pertaining to the call for tenders and they must refer the person requesting the information to the person designated to this effect;
- 6.3 Any person submitting a tender must attach to the tender documents, a written declaration that neither he, nor any collaborator or employee of the person submitting a tender contacted or tried to contact a member of the municipal organisation other than the person designated as the person responsible for the issuing of information with the intent to influence or obtain information regarding the call for tenders. If the declaration is not attached the tender will be automatically rejected.

**7 Measures creating strict guidelines around any decision that may be made to authorize a modification to a contract.**

- 7.1 Any modifications to a contract must be authorized by both the Director-General and the engineer or project consultant up to a maximum of 10% of the total cost of the project. Any expense exceeding 10% must be authorized by a resolution of council;
- 7.2 Hold regular on site meetings with the contractor in order to ensure proper follow-up of the contract and work carried out.