

**CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF GROSSE ILE**

**BYLAW 2019-010 – TO REPEAL AND REPLACE THE CONTRACT MANAGEMENT
POLICY (BYLAW)**

WHEREAS Article 33 of the *Act Respecting l’Autorité des marchés publics* authorizes the council of a municipality to delegate all or part of its duties assigned under this Act to the director general or, failing that, to the employee holding the highest office within the organization;

WHEREAS the council of the Municipality of Grosse Ile wishes to delegate the aforementioned to the director general of the municipality;

WHEREAS a notice of motion was given at the regular sitting of council on October 21, 2019 and a draft bylaw was also presented at this same sitting;

WHEREAS a copy of this bylaw was given to each member of council at least seventy-two (72) hours prior to the present sitting;

WHEREAS the members of council declare having read this present bylaw;

WHEREAS during the course of the sitting, the content and scope of the bylaw are mentioned;

THEREFORE

It is moved by Jessica Goodwin

Seconded by Steve Clarke

And unanimously approved by the Councillors present

THAT Bylaw 2019-010 to repeal and replace the Contract Management Policy (Bylaw) be hereby adopted. The following is ordered and decreed by the said bylaw:

**BYLAW 2019-010 – TO REPEAL AND REPLACE THE CONTRACT
MANAGEMENT POLICY (BYLAW)**

Article 1 Preamble

The preamble is an integral part of this present bylaw.

Article 2 Object:

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

The bylaw 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 call for tenders in which a proposition was submitted;
2. respecting applicable laws which oppose doctoring offers;
3. to ensure that the Act Respecting Lobbying Transparency and Ethics in regards to lobbying 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 conflict of interest;
6. with the goal of preventing any other 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 an amendment to a contract.

Article 3 Measures 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 call for tenders in which a proposition was submitted

3.1 The members of council authorize the director-general to form any selection committee necessary, as the case may be, in accordance to the dispositions outlined in the Quebec Municipal Code which apply to certain call for tenders;

3.2 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;

3.3 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;

3.4 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 bid, 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.

Article 4 Measures respecting applicable laws which oppose doctoring offers

4.1 Any person submitting a tender must attach to the tender documents 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 bids submitted;

4.2 A disposition must be inserted in the call for tender documents 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 the bids submitted, his tender will automatically be rejected.

Article 5 Measures to ensure that the Act Respecting Lobbying Transparency and Ethics in regard to lobbyism and the Code of Conduct for Lobbyists is respected

5.1 Any member of council or employee of the municipality must ensure that any person who contacts him or her with the intent 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*;

5.2 Any person submitting a tender must declare, in writing and attached 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.

Article 6 Measures with the intent of preventing gestures of intimidation, influence or corruption

6.1 Limit, as much as possible, group visits by producing plans and costs estimates as complete as possible;

6.2 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;

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

Article 7 Measures with the intent of preventing situations regarding conflict of interest;

7.1 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 of conflict of interest;

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

Article 8 Measures with the intent of preventing any other 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;

8.1 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;

8.2 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;

8.3 Any person submitting a tender must attach to the tender documents a written declaration that 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 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.

Article 9 Measures creating strict guidelines around any decision that may be made to authorize an amendment to a contract.

9.1 Any amendments to a contract must be authorized by both the director-general of the municipality 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;

9.2 Hold regular meetings regarding the worksite in order to ensure proper follow-up of the contracts.

Article 10 Director of a municipal organization

In accordance with Article 33 of the *Act Respecting l'Autorité des marchés publics (RLRQ, C. A-33.2.1)*, the council delegates to the director general the tasks, responsibilities and duties assigned by the said Act to the director of a municipal organization.

However, the Director General shall report to the council, as soon as possible, any recommendation or request received from the *l'Autorité des marchés publics*.

Article 11 Repealing of bylaws

This bylaw repeals and replaces any former policies and/or bylaws of the same nature that were adopted by the Municipality of Grosse Ile.

Article 12 Coming into effect

This bylaw will come into force in accordance with the law.

Rose Elmonde Clarke
Mayor

Janice Turnbull
Director General

NOTICE OF MOTION: October 21, 2019
ADOPTION: November 18, 2019
PUBLICATION: November 21, 2019