



SAINT · GABRIEL  
· DE ·  
VALCARTIER

# **CONTRACT MANAGEMENT BY-LAW**

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***September 2018***

**1. Measures to insure that no bidder or representative of a bidder has communicated or attempted to communicate with a member of the selection committee in order to influence the member concerning the call for tenders for which the bidder or representative submitted a tender**

1.1 When a committee is evaluating bids;

- a) Before signing the contract, the contractor shall provide a written statement solemnly affirming that he did not initiate contact or attempt to communicate with a member of the committee, since the latter's nomination on the committee, in order to promote his bid. (Annex « A »)
- b) A member of the selection committee must immediately put an end to any communication initiated by a bidder with the purpose of promoting his bid.
- c) However, these measures must not be interpreted or applied in a manner as to prevent:
  - The council from including, in the evaluation process, a meeting with the bidders for evaluation purposes;
  - To request, from a bidder, a verification that the committee deems necessary in order to adequately evaluate a bid.

**2. Measures to promote compliance with any applicable anti-bid-rigging legislation**

2.1 A contract, preceded by a tender, can not be awarded before the contractor has filed a declaration stating solemnly that his bid was prepared and submitted without collusion with any person in contravention of any legislation to fight against bid-rigging. (Annex « B »)

2.2 Should be inserted in the bidding documents a provision for the automatic rejection of a bid if it is clearly established that there was collusion between the bidder and any other person in contravention of any legislation to fight against bid-rigging. (Annex « C »)

**3. Measures to ensure compliance with the Lobbying Transparency and Ethics Act and the code of conduct for lobbyists adopted under that Act**

3.1 Any member of the council or any officer must remind any person coming into contact with them, with the purpose of promoting their bid, of the existence of the Transparency and Ethics in Lobbying Law, whenever they think there could be a contravention to this legislation.

3.2 The Municipality encourages members of council and municipal officials to participate in a training course intended to inform them of the Transparency and Ethics in Lobbying Legislation and/or the Lobbyists' Code of Conduct adopted under that Act.

#### **4. Measures designed to prevent acts of intimidation, influence peddling and corruption**

4.1 Along with the bid, each bidder must submit a statement affirming solemnly that neither he nor any of his associates or employees has engaged in intimidation, influence peddling and corruption, against a member of council, official or employee of the municipality, as part of the tender. (Annex « B »)

4.2 Any member of council, municipal officer or person employed by the Municipality must inform the General Director as soon as possible of any attempt at intimidation, influence peddling or corruption that he has witnessed in the carrying out of his duties. This measure must not be construed as limiting the rights of the person concerned to lodge a complaint with police services or any other public authority.

#### **5. Measures designed to prevent conflict of interest situations**

5.1 When the Municipality uses a system of bid balancing and evaluation of offers, any member of the selection committee must declare in writing, before beginning bid evaluations that he has no particular financial interest, direct or indirect, with respect to the contract to be awarded. (Annex « D »)

5.2 Members of council, municipal officials, as well as any employee of the Municipality, implicated in the preparation of contract documents or the awarding of contracts shall be advised to denounce the existence of any pecuniary interest with any legal entity, association or corporation liable to sign a contract with the Municipality. A member of council makes his denunciation to the council; the General Director, to the Mayor; other municipal officials as well as other persons employed by the Municipality, to the General Director.

5.3 Minimum pecuniary interest is not covered by the measures described in articles 5.1 and 5.2.

**6. Measures designed to prevent any other situation likely to compromise the impartiality and objectivity of the call for tenders process and the management of the resulting contract**

6.1 A call for tenders identifies a contact person mandated to provide all information pertaining to the subject. It is provided within all call for tender documents that potential bidders or bidders must apply solely to this contact to obtain any extra information. (Annex « E »)

6.2 It is forbidden for any member of council, municipal official or any employee of the Municipality, to answer information requests regarding all calls for tender, other than to refer the applicant to the person responsible.

This measure does not apply to the person responsible for providing information to bidders and shall not prevent the council from appointing this person to the selection committee, if there is one.

6.3 Members of council, municipal officials, as well as any employee of the Municipality, involved in the preparation of contract documents or awarding contracts shall be advised to denounce the existence of all situations, other than conflicts of interest liable to compromise the impartiality or objectivity of the call for tenders process and the resulting contract management. A member of council makes his denunciation to the council; the General Director, to the Mayor; other municipal officials as well as other persons employed by the Municipality, to the General Director.

**7. Measures to govern the making of decisions authorizing the amendment of a contract**

7.1 Any amendment to a contract awarded following a call for tenders, which has the effect of increasing the price, must be justified in writing by the person responsible for managing this contract. Such an amendment can be made only if it is an accessory to the contract and does not change its nature.

7.2 In the case of construction works, the Municipality must hold regular site meetings in order to monitor development and execution of the contract.

## 8 Mutual Agreement Contracts

- 8.1 Any contract involving an expenditure of at least \$25,000 but less than \$58,000 may be concluded by mutual agreement by the Municipality.
- 8.2 The Municipality favours, if possible, the rotation among potential suppliers with respect to contracts that may be concluded by agreement under section 8.2. In making decisions in this regard, the Municipality considers the following principles in particular:
- a) the degree of expertise necessary;
  - b) the quality of the works, services or materials already dispensed or delivered to the Municipality;
  - c) the delays inherent to the execution of the work, the supply of material or materials or the provision of services;
  - d) the quality of goods, services or work sought;
  - e) delivery terms;
  - f) maintenance services;
  - g) the experience and financial capacity required;
  - h) price competitiveness, taking into account all market conditions;
  - i) the fact that the supplier has an establishment on the territory of the Municipality, or the Metropolitan Community of Québec;
  - j) any other criteria directly related to the market.
- 8.3 For the purposes of implementing the rotation provided for in section 8.2, the Municipality shall apply to each contract, to the extent possible and in the absence of special circumstances, the following measures:
- a) potential suppliers are identified before awarding the contract. If the territory of the Municipality has more than one supplier, this identification may be limited to the latter territory or, as the case may be, to the territory of the MRC or to any other territory that may be considered relevant given the nature of the contract to be granted;

- b) once the suppliers have been identified and considering the principles listed in Article 8.2, rotation should be favoured, unless there are reasons related to sound administration

The Municipality may proceed to a call for interest in order to know which of the suppliers is likely to meet its needs.

ADOPTED AT SAINT-GABRIEL-DE-VALCARTIER THIS SEPTEMBER 10<sup>TH</sup>, 2018.

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Brent Montgomery,  
Mayor

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Joan Sheehan,  
Director-General  
Secretary-Treasurer

## ANNEX « A »

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### Declaration pertaining to the selection committee

I, the undersigned, contractor or representative of the contractor *(briefly identify the contract)*, solemnly declare that to the best of my knowledge, neither I nor any of the contractor's other representatives have contacted or attempted to communicate with a member of the committee, since the latter's nomination on the committee, in order to promote my bid or that of the contractor.

SIGNED :

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Solemnly declared before me  
at [REDACTED]  
this [REDACTED]

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Commissioner of Oaths  
for the district of [REDACTED]

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## ANNEX « B »

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### Declaration pertaining to the absence of bid-rigging and acts of intimidation

I, the undersigned, contractor or representative of the contractor **(name)**, solemnly declare that to the best of my knowledge,

- a) this call for tenders has been prepared and submitted without collusion with any person in contravention of any legislation to fight against bid-rigging;
- b) neither I nor any of the bidder's collaborators or employees were engaged in acts of intimidation, influence peddling and corruption against a member of council, municipal officer or person employed by the Municipality, involved in the call for tenders process.

SIGNED:

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Solemnly declared before me  
at **[redacted]**  
this **[redacted]**

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Commissioner of Oaths  
for the district of **[redacted]**

## ANNEX « C »

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### Clause to be inserted in all call for tender documents

#### « **Collusion** »

*The Municipality will automatically reject a bid if it is clearly established that there was collusion between the bidder and any other person in contravention of any legislation to fight against bid-rigging.*

*In order to be awarded the contract, the successful bidder will have to submit a solemn declaration stating that his bid was prepared and submitted without collusion with any person in contravention of any legislation to fight against bid-rigging. »*

## ANNEX « D »

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### Declaration pertaining to the absence of conflict of interest situations

I, the undersigned, member of the selection committee for *(identify contract)*, solemnly declare having no financial interest, direct or indirect, with respect to the contract to be awarded.

SIGNED:

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Solemnly declared before me  
at [redacted]  
on [redacted]

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Commissary of Oaths  
for the district of [redacted]

## ANNEX « E »

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### Clause to be inserted in all Call for Tender Documents

*« Any questions regarding this call for tender must be addressed to the following contact person::*

*(identification) »*