



CONTRACT MANAGEMENT POLICY

Division I: General Provisions

1. **Purpose** – Town of Mount Royal hereby establishes rules pertaining to contract management with a view to favouring transparency, fairness, integrity and sound contract management in the best interests of the community.

The Policy also promotes competition in order to obtain the best possible prices, while also taking into consideration the quality of the goods and services offered, delivery deadlines and supplier reliability.

2. **Scope** – Subject to the provisions of the *Cities and Towns Act*, this Policy applies to all contracts entered into by the Town as part of a contract awarding process. The Policy is binding on the municipal administration and its mandataries and all bidders and parties contracting with the Town.
3. **Objectives** – Pursuant to the provisions of the *Cities and Towns Act*, the Town hereby implements various measures to achieve the following:
 - i) Ensure 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 has submitted a bid;
 - ii) Ensure compliance with the applicable anti-bid-rigging laws and regulations;
 - iii) Ensure compliance with the *Lobbying Transparency and Ethics Act* (R.S.Q., c. T-11.011) and the *Code of Conduct for Lobbyists* adopted under that Act;
 - iv) Prevent intimidation, influence-peddling and corruption;
 - v) Prevent conflict-of-interest situations;
 - vi) Prevent any other situation likely to compromise the impartiality or objectivity of the call-for-tenders process or the management of the resulting contract;

- vii) Provide a framework for making decisions authorizing the amendment of a contract.

4. **Definitions** – In applying this Policy:

“administration” means an elected official, officer or employee of the Town;

“bidder” means an executive officer, director, shareholder or employee of an enterprise or any other mandatary of the enterprise who takes part in a call-for-tenders process.

Division II: Obligations of the Administration and Its Mandataries

Subdivision I: Provisions Applicable to the Administration and Its Mandataries

5. **Ethics** – The administration and its mandataries make an undertaking to bidders and contracting parties to:
- i) Treat all participants fairly;
 - ii) Ensure that the contracting process is transparent;
 - iii) Avoid all conflicts of interest and other situations that could entail personal advantage or gain;
 - iv) Refrain at all times from using their position to favour the awarding of a contract to a particular bidder;
 - v) Conduct themselves with integrity and honesty;
 - vi) Apply this Policy in the best interests of the Town.
6. **Confidentiality** – In all call-for-tenders or contract-awarding processes, the administration and its mandataries shall conduct themselves with absolute discretion and maintain the confidentiality of the information disclosed to them regarding the process. Specifically, they shall at all times refrain from disclosing information that reveals the number and identity of the persons who have submitted a bid or requested a copy of the invitation to tender, a document to which it refers or an additional document related thereto, until the opening of the tenders.

7. **Site visits and information sessions** – Organizing site visits or information sessions involving several bidders is forbidden. Should either be necessary, the person in charge shall arrange for individual visits or sessions with each bidder. Such visits or sessions shall be arranged on an appointment basis and a schedule shall be established to ensure that bidders do not meet one another.

All questions asked by a bidder during a visit or session shall be noted. Any questions and answers thereto that generate amendments to the specification requirements shall be provided to all bidders.

8. **Declaration** – When an officer or employee becomes aware that he or she has a relationship that may be perceived as conflicting with the interests of a prospective bidder in a call-for-tenders or contract-awarding process in which that officer or employee is involved, he or she shall immediately inform the Town Manager.
9. **Gifts and other benefits** – The administration and its mandataries shall refuse all gifts and other benefits offered by an enterprise or a supplier or by their representatives in connection with a call-for-tenders or contract-awarding process.

Subdivision II: Provisions Applicable to the Selection Committee

10. **Selection committee declaration** – The members of the selection committee shall declare, in writing, that no bidder or contracting party has attempted to communicate with them with a view to influencing them in their consideration, appreciation or recommendation respecting the awarding of the contract that was the subject of the call-for-tenders process.
11. **Member's declaration** – A member of a selection committee or the secretary shall immediately notify the Town Manager if he or she has a relationship that may be perceived as conflicting with the interests of one or more bidders, regardless of whether that relationship is familial, financial or of some other nature.

Division III: Obligations of Bidders and Contracting Parties

12. **Declaration** – During a call-for-tenders process, a bidder shall sign the declaration that forms an integral part of the tendering documents and attests to the following:
- i) Whether, at the time it deposits its bid, it has, to the best of its knowledge, any familial, financial or other relationships likely to create a perceived conflict of

- interest, directly or indirectly, with one or more members of the municipal administration;
- ii) That it has not influenced or otherwise taken part in the development of the specifications and standards for the purpose of obtaining an advantage;
 - iii) That during the call-for-tenders process, it did not attempt to communicate with the members of the administration involved in the process, including the members of the selection committee, for the purpose of influencing them in their consideration, appreciation or recommendation respecting the awarding of the contract that was the subject of the process;
 - iv) That it has satisfied each and every requirement prescribed by law and in this Policy;
 - v) That its tender was prepared without collusion and that there has been no communication, agreement or arrangement with a competitor regarding prices, methods, factors or formulas used to determine prices, regarding whether to submit a tender or regarding the submission of a tender that does not meet the specifications of the call for tenders;
 - vi) That in the three (3) years preceding the call for tenders it was never found guilty of a violation of an anti-bid-rigging law or regulation.
13. **Bidder's undertaking** – During the call-for-tenders process, a bidder or contracting party shall undertake that it and its subcontractors will not use the services of any person who took part in developing the call for tenders in response to which it submitted a tender or in preparing the contract that was awarded.
14. **Gifts and other benefits** – The bidder or contracting party is prohibited from offering a gift or other benefit to a member of the administration or to any of its mandataries in a call-for-tenders or contract-awarding process.
15. **Lobbying activities declaration** – A bidder, its mandatary or a contracting party shall declare that, if any communications aimed at influencing the awarding of a contract took place, they were in compliance with the *Lobbying Transparency and Ethics Act* (R.S.Q., c. T-11.011), the *Code of Conduct for Lobbyists* and notices issued by the Lobbyist Commissioner.

Division IV: Contracts

Subdivision I: Provisions Applicable to All Contracts

16. **Contract management** – An amendment to a contract is permissible if it is ancillary to the contract, does not change the nature thereof and is not an element that should have been included in the initial contract.

However, an amendment resulting in an additional expenditure must be justified by the person in charge of the contract or the person who can approve the expenditure and it must be authorized in accordance with the applicable rules.

No project, requirement or order may be split up or apportioned in order to discriminate in favour of a contracting party, be exempted from a control procedure or avoid an obligation stipulated in this Policy.

Subdivision II: Special Provisions Applicable to Contracts for More than \$25,000

17. **Call for tenders** – For a contract-awarding process involving an amount greater than \$25,000 but less than \$100,000, the tendering documents shall be provided by the person designated by the administration.

For any contract-awarding process involving an amount greater than \$100,000, the tendering documents shall be provided through the Système électronique d'appel d'offres (SEAO).

18. **Documents** – The tendering documents shall be prepared with due regard for fairness, objectiveness and clarity. All available information regarding a call for tenders shall be impartially and uniformly made available to all prospective bidders.

Division V: Administrative Provisions

19. **Town Manager** – The Town Manager is responsible for overseeing the application of this Policy and compliance herewith.

He or she shall inform every person in the administration who performs one or more tasks related to the awarding or management of municipal contracts of the rules established hereby.

20. **Whistle-blowing** – Every member of the administration has the duty to report to the Town Manager any situation, conduct or action that could compromise the integrity of the contract-awarding process.

21. **Sanctions against the mandatary** – Besides imposing any penalty that may be stipulated in the contract binding the mandatary to the Town, the Town may unilaterally terminate the contract of a mandatary who violates this Policy.

In addition, the mandatary may no longer be invited to tender on a Town project or contract for a maximum period of three (3) years.

22. **Sanctions against the bidder** – A bidder who, directly or indirectly, violates any of its obligations imposed under this Policy may have its tender automatically rejected if justified by the seriousness of the violation.

In addition, the bidder may no longer be invited to tender on a Town project or contract for a maximum period of three (3) years.