



## PROCEDURE REGARDING THE RECEPTION AND EXAMINATION BY THE TOWN OF MOUNT ROYAL OF THE COMPLAINTS FILED IN THE COURSE OF THE AWARDING OF A CONTRACT THROUGH A PUBLIC CALL FOR TENDERS OR OTHERWISE

(Cities and Towns Act, C.Q.L.R. c. C-19, s. 573.3.1.3)

### Chapter I: General Provisions

13. **Definitions** – In this procedure, the following words and expressions shall have the following meanings:

*Contract-complaint reviewing committee*: the committee established under section 2 which acts as the designated authority for the purposes of this procedure (hereinafter: the committee);

*Public contract*: contract for the performance of work or the provision of insurance, equipment, material, or services, including professional services, which the city can enter into and which involves expenses that are equal to or higher than the limit which legally requires it to proceed by a public call for tenders;

*Tendering Process*: any existing public tendering process that leads to the awarding of a public contract;

*Awarding Process*: any process for directly awarding a public contract to a supplier who is the only one capable of providing the equipment, materials or services required, in accordance with section 573.3.0.1 of the Cities and Towns Act, C.Q.L.R. c. C-19;

*Designated authority*: the committee responsible for enforcing this procedure on the city's behalf;

*SEAO*: the electronic tendering system referred to in section 11 of the Act Respecting Contracting by Public Bodies, C.Q.L.R. c. C-65.1;

*City*: The Town of Mount Royal.

14. **Designated authority** – Under this section is established the Contract-complaint reviewing committee who comprises the following members of the municipal administration:

- iv. the Town Manager, chair;
- v. the Treasurer, vice-chair;
- vi. the Town Clerk.

This committee is responsible for enforcing this procedure. It represents and acts on behalf of the city in the implementation of obligations with which it must comply under the *Act Respecting the Autorité des marchés publics*, S.Q. 2017 chapter 27, and under the sections that this act introduced under the Cities and Towns Act. Notably, the committee makes all decisions for this procedure, on behalf of the city.

In order to assist the committee, the Assistant Clerk acts as secretary. For the purposes of section 573.3.1.3 of the Cities and Towns Act, and under this procedure, the secretary is the individual responsible for receiving complaints and expressions of interest on behalf of the city, which will be sent to the following address: [contrat-plainte@ville.mont-royal.qc.ca](mailto:contrat-plainte@ville.mont-royal.qc.ca). Upon receipt of a complaint or expression of interest, the secretary shall transmit a copy to the committee members without delay.

Following the instructions from the chair, the secretary accomplishes all administrative and logistical tasks required to ensure that the city's obligations, delegated to the committee, are respected, and that the committee members can meet, have documentation, and proceed with the reviews and analyses required for making decisions within the required timelines.

At the same time or as quickly as possible, and to the same extent, committee members must receive all information or documentation collected for the purpose of processing the complaint or the expression of interest, from the secretary. They may analyze this information individually.

However, committee members must meet to hear from any person whose testimony is received in the course of their work. All official decisions must be made during meetings, and any deliberations leading to it must also take place at this time.

For the purposes of a meeting, two committee members form a quorum.

The decisions of the committee following a complaint or expression of interest are reached either by a majority, the chair's vote, or in their absence, the decision of the vice-chair in the event of a tie.

The final and written decisions are signed by the committee's secretary in the name of the committee and of the city. However, before submitting a decision, the secretary must obtain written attestation from all members present during the meeting in which the decision was made. All members, regardless of their position and of their agreement with the reasons expressed in support of the decision, must sign this confirmation if the decision signed by the secretary is consistent with the one duly concluded by the committee in accordance with the rules set out above. The secretary shall retain these attestations.

At the end of every meeting, the secretary shall prepare minutes for that meeting, in which they will record the following information:

- vii. The start time and date of the meeting;
- viii. The location of the meeting;
- ix. Members present and the statement of the quorum;
- x. The names of the persons heard by the committee, if applicable;
- xi. The final decision of the committee;
- xii. The end time and date of the meeting.

In the event that the chair is absent or unable to act, the vice-chair shall exercise his or her rights and obligations as though they were chair.

The chair may name any other person than the Assistant Clerk to act as secretary for the purpose of a special file, but the latter remains the individual responsible for receiving electronically complaints and expressions of interest on behalf of the city.

The committee may call upon the advice of an external resource at any time.

## Chapter II: Complaints regarding a public contract tendering process

15. **Required interest** – Only a person or group interested in participating in the tender for a public contract, or their representative, may file a complaint to the city regarding this process.
16. **Reasons for reporting a complaint** – Any complaint regarding a tendering process for a public contract must be filed on one of the grounds provided in section 573.3.1.4 of the Cities and Towns Act.
17. **Methods and deadline for filing a complaint** – All complaints regarding a tendering process for a public contract must be:
  - iv. transmitted electronically to the Assistant Clerk at the following address: [contrat-plainte@ville.mont-royal.qc.ca](mailto:contrat-plainte@ville.mont-royal.qc.ca);
  - v. presented using the form prescribed by the Autorité des marchés publics, which is available on their website;
  - vi. received at the above-mentioned email address by the cut-off date for receiving complaints, as stated in the SEAO.
18. **Contents of a complaint** – Regardless of the information that must appear in a complaint, as stated on the form prescribed by the Autorité des marchés publics for this purpose or by law, all complaints must contain at least the following information and shall be accompanied by all documentation which supports, endorses, or illustrates the content of the complaint:
  - v. the date on which the complaint was written;
  - vi. all the complainant's contact information;
  - vii. identification of the tendering process for which the complaint is being filed;
  - viii.a statement of the reasons supporting the complaint, in as much detail as possible.
19. **Inadmissible complaint** – In the following cases, a complaint will be considered inadmissible and will not be reviewed by the decision-making committee at the end of this procedure.
  - viii.the complainant does not have the legal interest required to file the complaint;
  - ix. The complaint was not sent electronically, or was not sent to the email address provided under sections 2 and 5;

- x. the complaint was not presented on the form prescribed for the purposes determined by the Autorité des marchés publics;
- xi. the complaint was not received by the cut-off date for receiving complaints as set out in the SEAO;
- xii. the complaint does not refer to a public contract;
- xiii. the complaint does not address the content of the bid solicitation documents available in the SEAO at the latest two (2) days before the cut-off date for receiving complaints;
- xiv. it is not made on one of the grounds discussed in section 4.

### **Chapter III: Expressions of interest and complaints made regarding an awarding process**

- 20. **Reasons supporting an expression of interest** – An individual may show an interest in a contract subject to a notice of proposal if they consider themselves capable of carrying out the contract for which the notice is posted, based on the needs and obligations set out in the SEAO.
- 21. **Methods and deadline for filing a complaint** – All expressions of interest must be transmitted electronically to the Assistant Clerk at the following address: [contrat-plainte@ville.mont-royal.qc.ca](mailto:contrat-plainte@ville.mont-royal.qc.ca). It must be received at the above-mentioned email address by the cut-off date for receiving notices of proposals, published in the SEAO.
- 22. **Content for the expression of interest** – In addition to the information that must appear in an expression of interest by law, all expressions of interest must contain the following information and be accompanied by all documentation which supports, endorses, or illustrates the content of the complaint:
  - v. the date on which the complaint was written;
  - vi. all contact information of the person who wishes to enter into the contract with the city;
  - vii. identification of the notice of proposal concerned;
  - viii. a description, as detailed as possible, that proves the individual is capable of carrying out the contract based on the needs and obligations set out in the notice of proposal.

23. **Inadmissible expression of interest**– In the following cases, an expression of interest will be considered inadmissible and will not be reviewed by the decision-making committee at the end of the following procedure:

- v. the expression of interest was not sent electronically, or was not sent to the email address provided for this purpose;
- vi. it was not received by the cut-off date for notices of proposals set out in the SEAO;
- vii. it does not refer to a public contract;
- viii. it is not made on one of the grounds discussed in section 8.

#### **Chapter IV: Final Provisions**

24. **Entry into force** – this procedure shall enter into force on May 25, 2019.