



MUNICIPALITY OF CAMPBELL'S BAY

CONTRACTING MANAGEMENT POLICY

(This document is an unofficial translation of the *Politique de Gestion Contractuelle* and may not be used for legal reference)

PREAMBULE

The present policy is adopted in accordance with article 938.1.2 of the Municipal Code.

In conformity with this provision, any municipality must adopt such policy in regards with contracts given out by this one and to maintain a fair trading process for any person or enterprise wishing to contract with the municipality. This policy will cover 7 different themes which are clearly identified in the legislative provision.

MEASURES TO MAINTAIN FAIR TRADING

1. Measures aimed to ensure that any tenderer or one of his or her representatives have not communicated or attempted to communicate with one of the selection committee members to influence his or her decision in regards with a call for tenders for which a tender was submitted.

- a) The municipal council delegates to its Director General the power to form any selection committee required to receive and study tenders received in compliance with articles 936.0.1 et 936.0.1.1 of the Municipal Code and to draw any conclusion accordingly.
- b) Any selection committee must be formed before any call for tenders is launched and must be composed of at least three members.
- c) Any elected official, municipal employee and any representative of the municipality must keep confidential the identity of the members sitting on the selection committee.
- d) When a call for tenders requiring that a selection committee be formed is launched, the call for tenders documents must contain provisions in regards with the following aspects :
 - Any tenderer must include with his or her tender a declaration attesting that nor he or she nor any of his or her representatives have communicated or attempted to communicate in order to influence the call for tenders process.
 - Any tender submitted that does not respect the previous paragraph will automatically be rejected.

2. Measures promoting the application of laws preventing rigged tenders.

- a) Any tenderer must include with his or her tender a declaration attesting that his or her tender was prepared and submitted without any collusion, agreement or arrangement with any other tenderer or person in order to agree upon prices to submit or influence prices submitted.
- b) Calls for tender's documents must include a provision that will allow to automatically refuse any tender submitted by a tenderer who took part in a collusion, communicated or participated in an agreement or arrangement with another tenderer or competitor in order to influence or set prices submitted.

3. Measures promoting the application of the Act on transparency and ethics in the matter of lobbying and the Lobbyists' Code of Ethics prescribed by this Act.

- a) Any tenderer must submit a declaration attesting that nor he or she nor one of his or her representatives have taken part in communications of influence in order to obtain the contract, or, if any such communication

did take place, he or she must submit a declaration attesting that this communication took place after proper inscription to the *Lobbyists' Registry* as required by the Act.

4. Measures aimed at preventing acts of intimidation, traffic or influence or bribery.

- a) When a call for tenders by invitation is launched, the municipality must, as much as possible, invite different enterprises to tender.
- b) Any tenderer must include with his or her tender a declaration attesting that nor he or she nor any of his or her collaborators or employees have taken part in acts of intimidation, traffic of influence or bribery.
- c) All calls for tenders must indicate that if anyone has taken part in one of the maneuvers listed in the previous paragraph, he or she will see his or her tender automatically rejected.

5. Measures to prevent situations of conflict of interests.

- a) Any person participating in the layout, execution or follow up of a call for tenders, as well as the secretary or members of the selection committee should the case be, must declare any situation or potential situation of conflict of interests.
- b) No one in a position of conflict of interest can take part in the layout, the execution or the follow up of a call for tenders or contract.
- c) Any tenderer must include with his or her tender a declaration attesting that no conflict of interests or potential conflict of interests exists because of his or her relationship with an elected official or a municipal employee.

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

- a) Any precision in regards with a call for tenders will be given only by the official representative named by the selection committee and whose name will be indicated in the call for tenders documents.
- b) No other elected official or any municipal employee is authorized to answer any questions in regards with a call for tenders.

7. Measures aimed at setting the guidelines for the decision taking process regarding the authorization of modifications to a contract.

- a) The municipality must, for any given contract, set out a procedure that will dictate how any modification to an original contract will be authorized, providing that such modification is only accessory to the work being performed and does not change the nature of the original contract.
- b) The municipality must indicate in its call for tender's documents that site meetings will take place regularly during the execution of the contract to ensure that its specifications are respected.

8. Application and date of effect

The present policy becomes effective as of the date of its approval by the municipal council.

Original signed

William Stewart
Mayor

Original signed

Colleen Larivière
Director General