



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO: GEN-2019-52-1

**BY-LAW AMENDING BY-LAW NO GEN-2019-52
CONCERNING CONTRACT MANAGEMENT IN ORDER
TO UPDATE CERTAIN ELEMENTS AND PROMOTE
LOCAL PURCHASING**

ADOPTION PROCEDURE

Notice of motion:	June 7, 2021
Draft by-law:	June 7, 2021
Adoption of by-law:	July 5, 2021
Publication:	July 6, 2021
Coming into force:	July 6, 2021

- CONSIDERING that pursuant to section 573.3.1.2 of the *Cities and Towns Act* (CQLR, c. C-19), every municipality must adopt a by-law on contract management;
- CONSIDERING *An Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions* (S.Q. 2021, chapter 7) was assented to on March 25, 2021;
- CONSIDERING section 124 of this Act provides that for a period of three (3) years, as of June 25, 2021, municipalities must provide for measures to support Quebec businesses for any contract which involves an expenditure below the threshold for public calls for tenders;
- CONSIDERING pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), notice of motion of this by-law was given and a draft of this by-law was filed at the regular sitting of the Municipal Council held on June 7, 2021;
- CONSIDERING copies of this by-law were made available to the public;
- CONSIDERING the Preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

ARTICLE 1 GENERAL PROVISIONS

Chapter 3 of Title I is amended by the replacement of article 3 with the following, so that it reads as follows:

“ARTICLE 3 TYPES OF CONTRACTS COVERED

This By-Law applies to any contract involving an expenditure that has been awarded by the Town, with the exception of employment contracts. It also applies to any procedure related to the conclusion of a contract, as well as to any subcontract directly or indirectly related to such contract, regardless of its value.”

ARTICLE 2 DISCUSSIONS AND COMMUNICATIONS WITH SUPPLIERS

Chapter 2 of Title II is amended:

- A) by the replacement of article 13 with the following, so that it reads as follows:

“ARTICLE 13 COMMUNICATION WITH A PROSPECTIVE BIDDER

During the bidding period, no prospective bidder and no person acting for the bidder shall communicate with any person other than the Town’s representative(s) designated for that purpose in the general specifications of the tender documents, regarding the call for tenders.

Except to the extent and in accordance with the channel and method of communication stipulated in the tender documents, as of the invitation to tender or publication of the notice of the call for tenders, no elected office holder or employee may engage in any communication with a prospective bidder regarding the contract concerned or the tender process that has commenced.”

- B) by the replacement of article 14 with the following, so that it reads as follows:

“ARTICLE 14 ATTESTATION OF INDEPENDENT BID PREPARATION

A supplier, service provider or contractor that enters into a contract with the Town further to a competitive tendering process provided for in Title IV involving an expenditure, including applicable taxes, of \$25,000 or more, must sign and submit Annex A – *Attestation of Independent Bid Preparation, of no Conviction under the Federal Competition Act and of Compliance with Lobbying Disclosure Requirements*.

By filing a bid with the Town, the bidder solemnly affirms that there has not been and that there will not be any influence communication, including by a person registered as a lobbyist, during the bidding period.”

ARTICLE 3 THE CONTRACT MANAGEMENT PROCESS

Chapter 1 of Title IV is amended:

A) by the replacement of article 21 with the following, so that it reads as follows:

“ARTICLE 21 CONTRACTS INVOLVING AN EXPENDITURE OF \$50,001 OR MORE BUT NOT EXCEEDING THE THRESHOLD FOR PUBLIC CALLS FOR TENDERS

Articles 22 to 24 apply to any contract involving an expenditure of \$50,001 or more but not exceeding the threshold for public calls for tenders.”

B) by the replacement of article 22 with the following, so that it reads as follows:

“ARTICLE 22 COMPETITIVE BIDDING MECHANISMS

For the purposes of articles 22 to 24, the following types of bid solicitation constitute competitive bid mechanisms:

(a) **Request for quotation in writing:** a process whereby at least two suppliers or contractors are invited to submit a quotation in writing. In its request, the Town specifies the applicable methods of communication as well as the bid submission and bid opening procedures.

(b) **Simplified public call for tenders:** solicitation of bids by way of a public call for tenders, in which the methods of publication, the bidding period and the opening of bids are specified.

For a contract involving an expenditure of \$50,001 or more but not exceeding the threshold for public calls for tenders, the Town must use one of the competitive bidding process stipulated in this article. The bid solicitation document must specify the contract awarding method selected by the Town.”

C) by adding, after article 22, article 22.1, so that it reads as follows:

“ARTICLE 22.1 LOCAL PURCHASING

Pursuant to section 124 of *An Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions* (S.Q. 2021, chapter 7), the present article shall remain in force for a period of three (3) years, until June 25, 2024.

Without limiting the principles and measures set out in this By-Law concerning the rotation of suppliers and subject to sound management considerations, in the awarding of any contract involving an expenditure below the threshold for public calls for tenders, the Town shall favour Quebec goods and services as well as suppliers, insurers and contractors who have an establishment in Quebec.

For the purposes of this article, an establishment in Quebec is any place where a supplier, insurer or contractor carries on its activities on a permanent basis that is clearly identified with its name and is accessible during normal business hours.

Quebec goods and services are goods and services for which the majority of the design, manufacturing, assembly and realization is done from an establishment located in Quebec.”

D) by the replacement of article 26 with the following, so that it reads as follows:

“ARTICLE 26 CONTRACTS INVOLVING AN EXPENDITURE EXCEEDING THE THRESHOLD FOR PUBLIC CALLS FOR TENDERS

Contracts involving an expenditure exceeding the threshold for public calls for tenders are governed by the *Cities and Towns Act* (CQLR, c. C-19). Such contracts may not be granted except pursuant to a public call for tenders and must be awarded to the lowest conforming bidder or the bidder who obtained the highest score where a bid weighting and evaluation system is used, subject to the exceptions set forth in the aforementioned Act.”

ARTICLE 4 COMING INTO FORCE

The present By-Law comes into force in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk