



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO: GEN-2019-52-2

**BY-LAW AMENDING BY-LAW NO. GEN-2019-52
CONCERNING CONTRACT MANAGEMENT IN ORDER
TO MODIFY THE METHODS OF SOLICITATION AND
THE THRESHOLDS**

ADOPTION PROCEDURE

Notice of motion:	March 6, 2023
Filing of draft by-law:	March 6, 2023
Adoption of by-law:	April 3, 2023
Publication:	April 6, 2023
Coming into force:	April 6, 2023

- 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 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 March 6, 2023;
- 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 CONTRACT MANAGEMENT PROCESS

Chapter 1 of Title IV is amended by the replacement of articles 20, 21 and 22 with the following, so that they read as follows:

“ARTICLE 20 CONTRACTS INVOLVING AN EXPENDITURE OF \$25,000 OR MORE BUT BELOW THE PUBLIC TENDER THRESHOLD

A contract involving an expenditure of \$25,000 or more but less than the public call for tenders threshold may be awarded using one of the competitive bidding mechanisms provided for in section 21 or by mutual agreement.

The choice of the method of solicitation or the mutual agreement is made by the relevant administrative unit, accompanied by the procurement department, within the limits permitted in the *Internal By-law of the Municipal Council Pertaining to the Delegation of Powers in Matters Relating to Contracts and to Human Resources* and in accordance with the *Cities and Towns Act* (CQLR, c. C-19).

ARTICLE 21 COMPETITIVE BIDDING MECHANISMS

For the purposes of articles 20 to 24, the following methods of solicitation constitute competitive bidding mechanisms:

- a) **request for quotations:** process whereby at least two suppliers, service providers or contractors are invited to submit a quotation in writing, by email or otherwise. The Town describes the good to be acquired, the service required or the work to be performed. The Town shall determine the methods and duration of publication and the methods for filling and opening the quotations which shall be set out in the request for quotations documents;
- b) **call for tenders by invitation:** solicitation of bids by way of a call for tenders by invitation to at least two or more suppliers, service providers or contractors. The Town shall determine the methods and duration of publication and the methods for filling and opening the bids, which shall be set out in the call for tenders by invitation documents. The Town may send the call for tenders by invitation documents by e-mail, through the Government of Quebec's electronic tendering system (“SEAO”) or otherwise;
- c) **public call for tenders:** solicitation of bids by way of a public call for tenders published on the SEAO.

ARTICLE 22 PUBLICATION DEADLINES

For any contract for which the expenditure is lower than the threshold for a public call for tenders, the choice of the publication period for the request for quotations or the call for tenders by invitation is made by the relevant administrative unit, accompanied by the procurement department.

A period shorter than the minimum period of eight days provided for in section 573.1 of the *Cities and Towns Act* (RLRQ, c. C-19) may be chosen.”

ARTICLE 2 DELEGATIONS OF POWERS

Chapter 1 of Title IV is amended by replacing Article 27 with the following, so that it reads as follows:

“ARTICLE 27 AUTHORIZATION TO ENTER INTO CERTAIN CONTRACTS

A contract involving an expenditure below the public bidding threshold must be authorized in accordance with the *Internal By-law of the Municipal Council Pertaining to the Delegation of Powers in Matters Relating to Contracts and to Human Resources*.

A contract involving an expenditure equal to or greater than the public tender threshold must be authorized by the Municipal Council of the Town.”

ARTICLE 3 ANNUAL REPORT

Chapter 3 of Title VI is amended by replacing Article 45 with the following, so that it reads as follows:

“ARTICLE 45 ANNUAL REPORT

In accordance with section 573.3.1.2 of the *Cities and Towns Act*, the Assistant Director General shall table a report on the application of the by-law at least once a year at a sitting of the council.”

ARTICLE 4 ACCESSIBLE PROCUREMENT

Chapter 1 of Title IV is amended by adding the following Article 22.2:

“ARTICLE 22.2 ACCESSIBLE PROCUREMENT

In accordance with Section 61.3 of the *Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration*, chapter E-20.1, the Town shall take into account accessibility for handicapped persons in its procurement process when purchasing or leasing goods and services. It thus promotes the implementation of concrete means to create accessible environments, both for citizens who request services and for its employees.”

ARTICLE 5 COMING INTO FORCE

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

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk