



Town of Kirkland

Annual Report on the Application of the By-Law Concerning Contract Management Year 2024

**Tabled at the Sitting of the Municipal Council
on March 3rd, 2025**

1. Preamble

Article 573.3.1.2 of the *Cities and Towns Act* (C.T.A.) as well as the Town of Kirkland's By-Law Concerning Contract Management No. GEN- 2019-52, adopted on January 14th, 2019, provide that an annual report regarding the application of the By-law Concerning Contract Management shall be tabled at a sitting of the Municipal Council.

2. Purpose

The purpose of this report is to increase the transparency of the Town's contract management process and to inform citizens regarding the application of the measures provided for in its By-law Concerning Contract Management.

3. Amendments to the By-law Concerning Contract Management

In 2024, no amendments were made to the Town of Kirkland's By-Law Concerning Contract Management.

4. Application of the Measures Provided for in the By-law Concerning Contract Management

4.1 Measures to combat bid rigging

The bidder's Attestation to this effect is included in all our calls for tenders, and bidders are required to return it duly completed and signed.

4.2 Measures to ensure compliance with the *Lobbying Transparency and Ethics Act* and the *Code of Conduct for Lobbyists*

Suppliers seeking to influence an elected officer of the Town must already be registered in the registry of lobbyists. This aspect is also addressed in the bidder's attestation.

4.3 Measures to prevent acts of intimidation, influence peddling or corruption

The identity of invited bidders is never disclosed before the opening of the bidding. The names of the members of a selection committee are kept confidential and such members are appointed by the Director General.

4.4 Measures to prevent conflict of interest situations

Before taking office, members of a selection committee and the secretary of the selection committee shall complete and submit the declaration provided in Annex C or Annex D of the by-law. This declaration provides in particular that the selection committee members shall evaluate each submitted bid impartially, without favour or consideration, and in accordance with the governing rules of ethics, and that they shall individually evaluate the quality of each of the conforming bids submitted, prior to the selection committee's review.

The members of the selection committee and the selection committee secretary must also declare that they will not, under any circumstances, disclose the mandate entrusted to them by the Town, that they will keep the deliberations a secret and take all the appropriate precautions to avoid placing themselves in a potential conflict of interest situation, and that they have no direct or indirect interest in the call for tenders. Failing this, they formally undertake to declare their interest and terminate their mandate.

4.5 Measures to prevent situations likely to compromise the impartiality or objectivity of the call for tenders and the management of the resulting contract

All questions and e-mails are directed to one person in the Purchasing Department in order to avoid any confusion or differing interpretations. Suppliers are prohibited from communicating with other managers.

4.6 Measures to govern the making of decisions authorizing the amendment of a contract

Our Internal By-Law No. 2013-52 of the municipal council pertaining to the delegation of powers in matters relating to contracts and to human resources provides for a procedure for modifying a contract. The power to authorize any modification to an already awarded contract may be exercised when this modification is an accessory to the contract and does not change its nature.

5. Statistics on Contracts Entered into for the Period from January 1st to December 31st, 2024

The Town can enter into contracts using three main methods of solicitation: a contract entered into by mutual agreement, a contract awarded following a call for tenders by invitation, or a contract awarded following a public call for tenders. In order to determine the applicable method of solicitation, the Town takes into consideration the total estimated amount of the contract.

a) Group purchasing

We have mandated the UMQ, the City of Montreal and the *Centre d'acquisitions gouvernementales* (formerly the CSPQ) for several mandates, including :

- ✓ Supply and spreading of de-icing salt;
- ✓ Supply of tires;
- ✓ Supply of fuel;
- ✓ Supply of paper products for sanitary service;
- ✓ Supply of desktop computers, laptops, software, servers, and electronic tablets;
- ✓ Supply of winter abrasives;
- ✓ Supply of high-volume printer paper;
- ✓ Confidential document destruction service;
- ✓ Damage insurance services;
- ✓ Group insurance services.

b) **Table:** Summary of contracts entered into for the year 2024, listed by awarding method and value of contracts with an expenditure of \$25,000 or more.

Type of Contract	Nature of Contract	Number of Contracts	Value of Contracts
Mutual Agreement Contracts	Supply (goods)	8	\$388,708.98
Mutual Agreement Contracts	Technical Services	5	\$457,309.46
Mutual Agreement Contracts	Professional Services	7	\$242,848.96
Mutual Agreement Contracts	Construction Services	2	\$86,153.28
Mutual Agreement Contract Emergency Measures	Supply (goods)	1	\$69,881.82
Mutual Agreement Contracts Emergency Measures	Technical Services	6	\$528,797.74
Mutual Agreement Contract Emergency Measures	Professional Services	1	\$67,835.27
Call for Tenders by Invitation	Supply (goods)	17	\$791,948.56
Call for Tenders by Invitation	Technical Services	10	\$497,231.23
Call for Tenders by Invitation	Professional Services	4	\$147,722.76
Call for Tenders by Invitation	Construction Services	10	\$595,683.73
Public Call for Tenders	Supply (goods)	4	\$726,933.50
Public Call for Tenders	Technical Services	5	\$1,697,624.88
Public Call for Tenders	Professional Services	4	\$722,662.71
Public Call for Tenders	Construction Services	10	\$20,394,902.63

6. Exemptions to the Rules Governing the Awarding of Contracts

The exemptions to the public tender process made by the Town in 2024 are related to the flood that occurred on August 9, 2024. Emergency measures were taken to quickly implement operations to repair the damage. The provision of the *Cities and Towns Act* under which the Mutual Agreement Contracts were awarded is located in Article 573.2: a case of force majeure.

7. Complaints and Sanctions

In 2024, no complaints were received, and no sanctions were imposed regarding the application of the by-Law.

8. Contract Management Best Practices

The Town of Kirkland has put in place best practices for contract management, in particular :

- The Town has put in place measures to promote rotation among prospective contracting parties. The Town aims for the participation of the greatest possible number of companies from among those able to meet its requirements by promoting rotation between prospective contracting parties whenever possible. Such rotation must not compromise the sound management of public expenditures;
- Verifications in the *Registre des entreprises non admissibles aux contrats publics* (RENA) are carried out before awarding any contracts;
- Bids received are verified and analyzed as to the eligibility of the bidders and the compliance of the bids. Bids deemed non-compliant are documented as such;
- The Town has put in place a process for evaluating the performance of contracting parties;
- Cost overruns and other modifications to contracts are authorized only when they are accessory to the initial contract and when they concern elements that could not be foreseen at the time the contract was awarded. Depending on the amount of the additional expenditures, such expenditures are either authorized by the employees with the delegated authority to authorize expenditures in accordance with Internal By-Law No. 2013- 52 of the municipal council pertaining to the delegation of powers in matters relating to contracts and to human resources, or by the Municipal Council.

Report tabled at the Public Sitting of March 3rd, 2025



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