

BY-LAW BEAC-186
BY-LAW CONCERNING CONTRACT MANAGEMENT

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At the regular meeting of the Municipal Council of the City of Beaconsfield, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on DAY MONTH, 202X, at 8 p.m.

WERE PRESENT: Mr. Mayor Martin St-Jean and Councillors Dominique Godin, Marie Léveillé, Robert Mercuri, David Newell, Jason Rossie and Tim Quinn

WHEREAS section 7 of the *Act respecting contracting by municipal bodies* (CQLR, c. C-65.01) provides that every municipal body must adopt a contract management by-law setting out standards applicable to the awarding and performance of all of its contracts.

WHEREAS the City wishes, as permitted by section 9 of the *Act respecting contracting by municipal bodies*, to establish rules applicable to the awarding of contracts referred to in Chapter V of Title III, which may depart from the provisions of that Chapter, as well as any other standard applicable to the awarding or management of contracts.

WHEREAS this by-law pursues objectives of transparency and sound management of public funds;

WHEREAS this by-law repeals and replaces By-law BEAC-151 concerning contract management.

WHEREAS a draft by-law was filed and a notice of motion of this by-law was given at the regular Council meeting on XXX, 20XX;

On motion of Councillor XXXXXXXX XXXXXX, seconded by Councillor XXXXXXXX XXXXXX and **UNANIMOUSLY RESOLVED:**

THE COUNCIL OF THE CITY OF BEACONSFIELD ENACTS THE FOLLOWING:

1. Preamble

The preamble forms an integral part of this by-law.

In accordance with the *Act respecting contracting by municipal bodies* (CQLR, c. C-65.01), the City establishes, by this by-law, measures aimed at:

- a) Promoting compliance with applicable laws intended to combat bid-rigging;
- b) Ensuring compliance with the *Lobbying Transparency and Ethics Act* (CQLR, c. T-11.011) and the *Lobbyists' Code of Conduct* (CQLR, c. T-11.011, r. 2) adopted pursuant to that Act;
- c) Preventing acts of intimidation, influence peddling or corruption;
- d) Preventing situations of conflict of interest;
- e) Preventing any other situation likely to compromise the impartiality and objectivity of the tendering process and the management of the resulting contract;
- f) Governing decision-making that has the effect of authorizing a contract amendment;
- g) Promoting responsible procurement taking into account the principles set out in section 6 of the *Sustainable Development Act* (CQLR, c. D-8.1.1);
- h) Promoting Québec or otherwise Canadian goods and services, and businesses having an establishment in Québec or elsewhere in Canada, for the purpose of awarding any contract awarded through a written invitation process or by mutual agreement;
- i) Promoting rotation among potential contracting parties, with respect to contracts, insofar as such contracts may be awarded by mutual agreement under this by-law.

2. Definitions

For the purposes of this by-law, the following terms have these meanings:

“Administration”: A City officer or employee.

“Call for tenders”: An open procedure or by written invitation whereby enterprises are invited to submit written price proposals for goods or services under conditions set out in documents prepared for that purpose and in accordance with the conditions provided for by law.

“Contracting party”: A natural person or legal person to whom the City has awarded a contract.

“Contract by mutual agreement”: A contract entered into after negotiations between the parties without a tendering process, request for prices, or any other form of competition.

“Written request for prices”: An invitation process to at least two enterprises by means of a written request for prices. The City determines the terms for communicating such request and the procedure for submitting and opening the bids received in response.

“Elected official”: A member of Council.

“Enterprise”: A natural person or legal person able to provide goods or services meeting the City’s requirements and needs.

“Bidder”: An officer, director, shareholder or employee of a business, as well as any other mandatary of that business, who participates in a tendering process.

“Mandatary”: A natural person or legal person whom the City empowers to represent it in the performance of a legal act with a third party and who, by accepting, undertakes to exercise such power.

3. Application

3.1 Types of contracts covered

This by-law applies to any contract involving an expenditure awarded by the City.

3.2 Person responsible for applying this by-law

The Director General is responsible for applying this by-law.

4. Measures promoting compliance with applicable laws intended to combat bid-rigging

4.1 Mandatory disclosure of collusion, bid-rigging, influence peddling, intimidation and corruption

Any member of the City’s administration or elected official who becomes aware of a situation of collusion, bid-rigging, influence peddling, intimidation or corruption, or who witnesses such a situation, must report it to the person responsible for applying this by-law or, if the situation concerns that person, to the Direction des enquêtes et des poursuites en intégrité municipale.

4.2 Confidentiality and discretion

The administration and its mandataries, as well as elected officials, must, in the context of any tendering process or contract awarding process, and even before or after such processes, act with discretion and keep confidential any information known to them regarding such a process.

In particular, they must refrain, at all times, in accordance with the *Act respecting contracting by municipal bodies*, from disclosing information making it possible to know the number and identity of the persons who submitted a bid or requested a copy of a document related to the open procedure, until the opening of bids.

A mandatary of the City responsible for drafting one or more documents useful for a tender call or who assists the City in such a process must also keep confidential the work performed in the course of the mandate.

4.3 Site visits and disclosure of information

If a site visit or information meeting is necessary, the person in charge must organize individual site visits or information meetings with each bidder, by appointment, arranging the schedule so that bidders do not meet one another. It is prohibited to organize site visits or information meetings bringing together several bidders.

4.4 Disclosure of information

Bidders submit their questions in writing by email to the City representative identified in the tender documents. The representative is the only person within the City authorized to answer bidders’ requests. Questions and answers are sent to all bidders. However, if a question has the effect of modifying the requirements of the specifications, the answer is provided by addendum.

It is prohibited for any member of the City's administration and any elected official to answer any question or request for clarification relating to a call for tenders other than by referring the request to the City representative.

4.5 Declaration regarding bid-rigging

At the same time as submitting a bid, the bidder must submit a declaration (Bidder's Declaration – Schedule I) stating that the bidder has not been found guilty, in the five (5) years preceding the call for tenders, of an offence under a statute aimed at countering bid-rigging in calls for tenders.

5. Measures to ensure compliance with the *Lobbying Transparency and Ethic Act* and with the *Code of Conduct for Lobbyists*

5.1 Retention of information relating to an influence communication

Any member of the administration and any elected official must keep, where applicable, in paper or electronic form, all documents such as agendas, emails, telephone logs, letters, meeting notes, presentation documents, service offers, faxes, etc. relating to any influence communication made to them, whether or not such communication was made in compliance with the *Lobbying Transparency and Ethics Act*, the *Code of Conduct for Lobbyists* or opinions of the Lobbying Commissioner.

5.2 Declaration regarding lobbying activities carried out with the City

At the same time as submitting a bid, the bidder must submit a declaration (Bidder's Declaration – Schedule I) stating whether lobbying activities took place for the purpose of obtaining the contract for which the bidder is bidding and whether such lobbying activities were carried out in compliance with the *Lobbying Transparency and Ethics Act*, the *Lobbyists' Code of Conduct* and opinions of the Lobbying Commissioner.

5.3 Exceptions to lobbying activities

The following do not constitute lobbying activities:

- a) The fact that a bidder or contractor responds to a request from a member of the administration or one of its mandataries or an elected official, including representations made in the context of public calls for tenders issued under the City's authority;
- b) Communications whose sole purpose is to inquire into the nature or scope of the rights or obligations of a client, a business or a group under the law.

6. Measures to prevent intimidation, influence peddling and corruption

6.1 Declaration of absence of collusion and of attempts to influence a member of the administration or an elected official

When submitting a bid, the bidder must also submit a declaration (Bidder's Declaration – Schedule I) stating that, to the bidder's knowledge and following serious verification, neither the bidder nor any employee, officer, director or shareholder of the bidder's business has attempted to contact or contacted a member of the administration or an elected official, including members of a selection committee, if any, for the purpose of influencing them or obtaining information relating to the call for tenders.

The bidder must also declare that the bid was prepared without collusion and without having communicated or entered into any agreement or arrangement with a competitor or, where applicable, that the bid was prepared after communicating or entering into an agreement or arrangement with one or more competitors and that the bidder discloses, in the declaration, all related details, including the competitors' names and the reasons for such communications, agreements or arrangements.

The bidder must also declare, unless specifically disclosed, that there was no agreement or arrangement with a competitor regarding prices, methods, factors or formulas for establishing prices, the decision to submit or not submit a bid, the submission of a bid not meeting the specifications of the call for tenders, directly or indirectly, and before the earlier of the following dates: the time of the official opening of bids or the awarding of the contract.

The bidder must also declare that the bidder did not influence or take part in drafting the specifications or tender documents for the purpose of gaining an advantage or limiting competition.

6.2 Benefits to a member of the administration or an elected official

It is strictly prohibited for a bidder, contracting party, enterprise or purchaser to make offers, gifts, payments, presents, remuneration or any other benefit to a member of the administration or an elected official in the context of, or in anticipation of, a tendering process, request for prices or contract awarding process.

7. Measures to prevent conflict of interest situations

7.1 Employees' disclosure of interests

When an employee finds that they have a connection giving rise to the appearance of a conflict of interest with a bidder in the context of a tendering process, negotiation, awarding of a mutual agreement contract, or during the performance of a contract in which they are involved, the employee must immediately inform the Director General.

7.2 Bidder's disclosure of interests

When submitting a bid, a bidder must make a declaration (Bidder's Declaration – Schedule I) indicating whether the bidder personally, or through its directors, shareholders or officers, has family, financial or other ties likely to create the appearance of a conflict of interest, directly or indirectly, with a member of the City's administration or an elected official.

7.3 Failure to produce a declaration

The existence of a connection between a bidder and a member of the City's administration or an elected official does not automatically result in the rejection of the bid. The City reserves the right to take any measure permitted by law if it considers that the conflict of interest is of such intensity that it warrants awarding the contract to another bidder.

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

8.1 Selection of invited bidders

The person responsible for applying this by-law, as well as the directors of each department, have the power to choose any enterprise invited in the context of a tender call by invitation or a request for prices of 25,000\$ or more but less than the threshold determined for the application of section 29 of the Act respecting contracting by municipal bodies.

8.2 Loyalty

Any member of the administration and any elected official must refrain, at all times, from using their position to favour the awarding of a contract to a particular bidder.

8.3 Prohibition against splitting

No project, requirement or order may be split or divided for the purpose of favouring a bidder, avoiding a control procedure or avoiding an obligation provided for in this by-law.

The object of a contract may not be divided so as to allow the awarding of several contracts of a similar nature, unless such division is warranted on grounds of sound administration or the contract is for professional services necessary for the purposes of a proceeding before a tribunal, or a body or a person exercising judicial or adjudicative functions.

8.4 Delegation of the power to appoint members of the selection committee responsible for analyzing bids

In order to preserve the confidentiality of the identity of the members of the selection committee, Council delegates to the Director General the power to appoint any member of the selection committee in accordance with the By-law respecting the delegation of powers to officers and employees of the City of Beaconsfield.

8.5 Appointment of a secretary

To assist and oversee, where required, the work of the members of a selection committee responsible for analyzing certain bids, the Director General also appoints a secretary of the selection committee. The secretary coordinates, assists, oversees and ensures the smooth running of the committee's work, without participating in deliberations or voting.

8.6 Declaration of members and the secretary of the committee

The members of a selection committee and the secretary of the committee must, before taking office, complete and provide a solemn declaration (Schedule II). This declaration provides, in particular, that the committee members will evaluate the bids submitted by bidders without bias, favour or consideration, in accordance with ethics, and that they will conduct an individual analysis of the quality of each compliant bid received, prior to the evaluation by the selection committee.

Each member of the selection committee must individually assess the quality of each bid received in accordance with the weighting and evaluation grid provided in the tender documents without knowing the price, unless the weighting grid provided in the tender documents includes price among the evaluation criteria.

The committee members and the secretary of the committee must also solemnly affirm that they will not disclose under any circumstances the mandate entrusted to them by the City, that they will keep the committee's deliberations confidential, that they will take all 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 disclose their interest and to terminate their mandate.

The identity of the members of a selection committee must be kept confidential by the administration and by elected officials.

9. Measures governing decision-making authorizing a contract amendment

9.1 Authorization steps for an amendment

A contract may be amended only if the amendment is an accessory to the contract and does not change its nature.

Where an amendment entails an expenditure, the terms governing employees' authority to authorize expenditures set out in the By-law respecting the delegation of powers to officers and employees of the City of Beaconsfield apply. Where the amendment exceeds the delegations provided for in that by-law, it must be submitted to Council for approval, and the amendment may be made only once the resolution is adopted.

10. Evaluation of procurement requirements

The administration must, before initiating an awarding procedure for a contract, conduct a serious evaluation of procurement requirements.

This evaluation must be documented where the contract involves an expenditure equal to or greater than 25,000\$, unless it is a contract awarded due to an emergency situation where the safety of persons or property is at stake.

This assessment may, in particular, take into account the responsible procurement principles set out in section 12.2, while keeping in mind the City's best interests and the sound management of public funds, from a global perspective and taking into account the criteria set out in this by-law as guidance, to decide on the choice of the solicitation and contract awarding method.

11. Contract awarding rules where the value ranges between 25 000 \$ and the maximum threshold permitted by law

11.1 Methods for awarding mutual agreement contracts whose value does not exceed the threshold determined for the application of section 29 of the Act respecting contracting by municipal bodies

All contracts covered by this by-law, whose value does not exceed the threshold determined for the application of section 29 of the Act respecting contracting by municipal bodies, net of taxes, may be awarded by mutual agreement. In such a case, the measures provided for in sections 11.2, 12.1 and 12.2 must be complied with.

At any time, the City may alternatively choose to use one or another of the competitive processes below:

- a) Open procedure
- b) Written request for prices
- c) Any other form of competition, at the City's discretion

The weighting and evaluation system is not mandatory for professional services in the context of mutual agreement contracts.

11.2 Decision to award a mutual agreement contract

The following criteria may be considered when deciding to award a mutual agreement contract:

- a) Nature of the contract: contracts for which the City considers that a public call for tenders would not serve the public interest, including a contract for legal services, financial or banking services, public relations services or an advertising campaign, purchase of IT products;
- b) Total amount of the expenditure, while taking into account factors such as warranties offered, quality and availability of products, professionals' expertise, training costs, etc.;
- c) Number of enterprises likely to meet the City's needs;
- d) Costs and delays associated with the process;
- e) Objectives not related to price, such as favouring the local economy, sustainable development or social economy enterprises;
- f) Continuity of services or supply with certain products;
- g) Degree of in-house expertise in the area covered by the contract;
- h) Urgency of the situation that does not allow for a call for tenders;
- i) Rarity or particular needs.

12. Measures to promote rotation among potential contracting parties when awarding mutual agreement contracts

12.1 Participation of different contracting parties

The City must strive to involve the greatest possible number of enterprises among those able to meet its needs by promoting rotation among potential contracting parties whenever possible.

The City may issue a call for interest in order to identify contracting parties likely to meet its needs.

Rotation must not occur to the detriment of sound management of public expenditures. Where rotation is not possible, the project manager must explain the reasons in writing and submit such written explanation to the Director General.

The selection of contracting parties is made taking into account the following factors:

- The City favours responsible procurement;
- Expertise in performing similar contracts;
- Capacity and availability to perform the contemplated contract;
- The City's previous experience with the contracting party over the past two years.

12.2 Responsible procurement

In order to better integrate the pursuit of sustainable development into its areas of intervention, the City takes into account, in the context of awarding contracts, all of the following principles:

- a) Health and quality of life: favour goods, services and works that protect the health and safety of persons and reduce nuisances for residents and staff;
- b) Environmental protection: reduce the environmental footprint of acquisitions, in particular by limiting pollution, greenhouse gas emissions and impacts on natural environments;
- c) Economic efficiency: favour, where justified, overall value and total cost of ownership (acquisition, operation, maintenance, service life, end-of-life) rather than only the initial price;
- d) Prevention and precaution: where there is a known or potential risk of harm, integrate prevention, mitigation and corrective measures, primarily at the source;
- e) Responsible production and consumption: reduce needs and waste at the source, promote durability, repairability, reuse, reconditioning and responsible end-of-life management;
- f) Protection of cultural heritage: where the purpose of the contract allows, take into account the protection and enhancement of heritage, landscape and harmonious integration into the environment;

- g) Preservation of biodiversity and respect for ecosystem carrying capacity: minimize impacts on biodiversity and, where possible, favour solutions that protect or improve natural environments;
- h) Participation, transparency and access to knowledge: ensure clear requirements and criteria, promote dissemination of market-relevant information and maintain internal competencies necessary to apply responsible procurement measures;
- i) Partnership and coherence: where beneficial, use joint purchasing, harmonized practices or intergovernmental collaborations to improve the economic, social and environmental performance of acquisitions;
- j) Polluter pays and internalization of costs: integrate, where relevant, contractual obligations requiring the enterprise to assume costs related to prevention, control and remediation of environmental harm, as well as damages caused by its fault or non-compliance.

12.3 Québec goods and enterprises

Without limiting the principles and measures set out regarding enterprise rotation provided for in this by-law, and subject to sound management reasons, in awarding any mutual agreement contract or when issuing a written invitation to bid below the threshold determined for the application of section 29 of the Act respecting contracting by municipal bodies, the City favours Québec or otherwise Canadian goods and services, as well as enterprises, insurers and contractors having an establishment in Québec or elsewhere in Canada.

In addition, in the context of a competitive process, the City may favour any Québec good and service and take into account the origin of goods and of such enterprises in order to determine the best quality/price ratio.

For the purposes of this section, an establishment in Québec or elsewhere in Canada means any place where an enterprise, insurer or contractor carries on its activities on a permanent basis, clearly identified in its name and accessible during normal business hours.

Québec or otherwise Canadian goods and services are goods and services whose design, manufacturing, assembly and delivery are carried out mostly from an establishment located in Québec or elsewhere in Canada.

In deciding whether to award a contract covered by this section, the City considers, in particular, the principles and measures set out regarding the rotation of potential enterprises, more specifically provided for in section 12.1 of this by-law, subject to the necessary adaptations for local purchasing.

13. Performance evaluation

The City may evaluate a contracting party whose performance is considered unsatisfactory.

The City may use this evaluation:

- a) to exclude the enterprise from the rotation provided for in section 11.1;
- b) to reject an enterprise in the context of an open procedure, in accordance with the Act respecting contracting by municipal bodies.

14. Sanctions

14.1 Sanctions for the administration

Any member of the administration must comply with the measures provided for in this by-law, failing which the sanctions provided for in the Cities and Towns Act apply.

14.2 Sanctions for the contracting party, mandatary, consultant, enterprise or purchaser

Any contracting party, mandatary, consultant, enterprise or purchaser who contravenes this by-law or the content of a declaration signed by them under this by-law may, in addition to any penalty, have their contract unilaterally terminated.

14.3 Sanctions for the bidder

A bidder who, directly or indirectly, contravenes the obligations imposed on them by this by-law or the content of a declaration signed by them under this by-law may have their bid rejected

where the breach is of a seriousness that warrants it, and may have their contract, if already awarded, unilaterally terminated.

14.4 Penal sanctions

No person may contravene or allow a contravention of a provision of this by-law.

Any person who contravenes or allows a contravention of sections 4.1, 5.2, 6.1 or 7.2 of this by-law commits an offence and is liable to a fine of 1,000\$ in the case of a natural person and 2,000\$ in the case of a legal person, regardless of any other measure that may be taken by Council.

In the event of a subsequent offence, the offender is liable to a fine of 2,000\$ in the case of a natural person and 4,000\$ in the case of a legal person.

In all cases, costs are added to the fine.

Where the offence is continuing, each day the offence continues constitutes a separate offence and the fine prescribed for such offence may be imposed for each day the offence continues.

15. Coming into force

This by-law comes into force in accordance with law.

MAYOR

CITY CLERK

Schedule 1 - Bidder's Declaration

DRAFT



Ville de Beaconsfield

Déclaration du soumissionnaire

No de projet

Titre

Je, _____, (nom et
titre de la personne autorisée par le soumissionnaire)

signataire dûment mandaté pour la soumission déposée en vertu du présent appel d'offres, au
nom de :

_____,
(nom de l'entreprise soumissionnaire)

Pour faire suite à la procédure ouverte (ci-après l'« appel d'offres ») lancée par la Ville de Beaconsfield déclare ce qui suit et certifie que ces déclarations sont vraies et complètes à tous les égards.

Je déclare au nom de

(Nom du soumissionnaire [ci-après le « soumissionnaire »]) _____

Que :

1. J'ai lu et je comprends le contenu de la présente déclaration ainsi que le Règlement sur la gestion contractuelle de la Ville de Beaconsfield : <https://www.beaconsfield.ca/fr/ma-ville/administration-et-finances/reglements-municipaux>
2. Je sais que la soumission ci-jointe sera disqualifiée si les déclarations contenues à la présente déclaration ne sont pas vraies ou complètes à tous les égards;
3. Je sais que le contrat, s'il m'est octroyé, peut être résilié si les déclarations contenues à la présente déclaration ne sont pas vraies ou complètes à tous les égards
4. Je suis autorisé par le soumissionnaire à signer la présente déclaration et à présenter, en son nom, la soumission qui y est jointe;
5. Toutes les personnes dont le nom apparaît sur la soumission ci-jointe ont été autorisées par le soumissionnaire fixer les modalités qui y sont prévues et à signer la soumission en son nom;
6. Aux fins de la présente déclaration et de la soumission ci-jointe, je comprends que le mot « concurrent »

s'entend de tout organisme ou personne, autre que le soumissionnaire, affilié ou non au soumissionnaire :

- a. qui a été invité par l'appel d'offres à présenter une soumission;
- b. qui pourrait éventuellement présenter une soumission suite à l'appel d'offres compte tenu de ses qualifications, ses habiletés ou son expérience;

7. Je déclare (cocher la case appropriée à votre situation) :

- ☐ a) que j'ai établi la présente soumission sans collusion et sans avoir communiqué ou établi d'entente ou d'arrangement avec un concurrent;
- ☐ b) que j'ai établi la présente soumission après avoir communiqué ou établi une entente ou un arrangement avec un ou plusieurs concurrents et que je divulgue, dans le document ci-joint, tous les détails s'y rapportant, y compris le nom des concurrents et les raisons de ces communications, ententes ou arrangements;

8. Sans limiter la généralité de ce qui précède aux alinéas 7(a) ou 7(b), je déclare qu'il n'y a pas eu de communication, d'entente ou d'arrangement avec un concurrent relativement :

- a) aux prix;
- b) aux méthodes, aux facteurs ou aux formules pour établir les prix;
- c) à la décision de présenter ou de ne pas présenter une soumission;
- d) à la présentation d'une soumission qui ne répond pas aux spécifications de l'appel d'offres; à l'exception de ce qui est spécifiquement divulgué conformément à l'alinéa 7(b) ci-dessus;

9. En plus, il n'y a pas eu de communication, d'entente ou d'arrangement avec un concurrent en ce qui concerne les détails liés à la qualité, à la quantité, aux spécifications ou à la livraison des biens ou des services visés par le présent appel d'offres, sauf ceux qui ont été spécifiquement autorisés par l'autorité adjudicative ou spécifiquement divulgués conformément à l'alinéa 7(b) ci-dessus

10. Les modalités de la soumission ci-jointe n'ont pas été et ne seront pas intentionnellement divulguées par le soumissionnaire, directement ou indirectement, à un concurrent avant la première des dates suivantes, soit l'heure de l'ouverture officielle des soumissions, soit l'adjudication du marché, à moins d'être requis de le faire par la loi ou d'être requis de le divulguer conformément à l'alinéa 7(b).

11. Je déclare, qu'à ma connaissance et après vérifications sérieuses, qu'aucune tentative d'influence, manœuvre d'influence, pression indue ou tentative d'obtenir de l'information relative à un appel d'offres auprès du comité de sélection n'a été effectuée à aucun moment, ni par moi-même ni par un employé du soumissionnaire, dirigeant, administrateur, associé ou actionnaire ;

12. Le soumissionnaire déclare (cocher la case appropriée à votre situation) :

- ☐ a) Aucune activité de lobbyisme n'a été exercée par le soumissionnaire ou pour son compte.

Je déclare que je n'ai pas exercé et que personne n'a exercé pour le compte du soumissionnaire, que ce soit à titre de lobbyiste d'entreprise, de lobbyiste-conseil ou de lobbyiste d'organisation, des activités de lobbyisme au sens de la Loi sur la transparence et l'éthique en matière de lobbyisme (L.R.Q., c. T-11.011) et des avis émis par le commissaire au lobbyisme, au regard du processus préalable au présent appel d'offres.

- ☐ b) Des activités de lobbyisme ont été exercées par le soumissionnaire ou pour son compte.

Je déclare que des activités de lobbyisme au sens de la Loi sur la transparence et l'éthique en matière de lobbyisme (L.R.Q., c. T-11.011) et des avis émis par le commissaire au lobbyisme ont été exercées par le

soumissionnaire ou pour son compte en regard du processus préalable au présent appel d'offres public et qu'elles l'ont été en conformité de cette loi, de ces avis ainsi que du Code de déontologie des lobbyistes.

13. Je déclare (cocher la case appropriée à votre situation) :

- ☐ a) Que je n'ai pas personnellement, ni aucun des administrateurs, actionnaires, associés ou dirigeants du soumissionnaire, de liens familiaux, financiers, d'affaires ou autres liens susceptibles de créer une apparence de conflit d'intérêts, directement ou indirectement, avec un ou des membres du conseil, un ou des dirigeants ou un ou des employés de la municipalité ;
- ☐ b) Que j'ai personnellement ou par le biais des administrateurs, actionnaires, associés ou dirigeants du soumissionnaire des liens familiaux, financiers ou autres liens susceptibles de créer une apparence de conflit d'intérêts, directement ou indirectement, avec les membres du conseil, les dirigeants ou employés suivants de la municipalité :

Noms	Nature du lien ou de l'intérêt

14. Je déclare que dans les cinq (5) dernières années (cochez la case appropriée) :

- ☐ a) Je n'ai pas personnellement ni aucun des administrateurs, actionnaires, associés ou dirigeants du soumissionnaire ou du sous-traitant, été condamné pour collusion, manœuvres frauduleuses ou tout autre acte de même nature.
- ☐ b) J'ai personnellement ou un des administrateurs, actionnaires, associés ou dirigeants du soumissionnaire ou du sous-traitant, été condamné pour collusion, manœuvres frauduleuses ou tout autre acte de même nature.

Si b), veuillez spécifier l'identité de la personne condamnée, la date et la nature de la condamnation :

Nom	Date	Nature de la condamnation

Nom et fonction de la personne faisant la déclaration :	
Signature :	
Date :	

Schedule 2 – Committee members solemn declaration

DRAFT



ENGAGEMENT SOLENNEL DES MEMBRES DU COMITÉ DE SÉLECTION

Mandat

Titre

Je, soussigné(e), m'engage en ma qualité de membre du présent comité de sélection à agir fidèlement et conformément au mandat qui m'a été confié.

Je m'engage à assurer la confidentialité de toute information relative aux soumissions reçues, aux discussions en comité et aux résultats de l'évaluation. Ces renseignements doivent demeurer à l'insu des prestataires de services, des journalistes, ainsi que de mon supérieur et de mes collègues de travail (à l'exception bien sûr du secrétaire et des membres du comité de sélection).

Nonobstant la date de signature du présent document, cet engagement entre en vigueur au moment de mon acceptation à siéger comme membre du comité de sélection et reste en vigueur indéfiniment après la séance du comité.

Je certifie qu'aucun prestataires de services dans le cadre du présent mandat n'a communiqué avec moi pour:

- tenter de connaître le nom des membres du comité de sélection;
- tenter d'influencer mon jugement sur les soumissions reçues;
- me faire une offre ou un don, me verser une rémunération ou me procurer un avantage quelconque en relation avec le présent mandat.

Advenant le cas où j'apprendrais qu'une personne associée, actionnaire ou membre du conseil d'administration de l'un des prestataires de services m'est apparentée, j'en avertirai sans délai le secrétaire du comité de sélection. Je certifie ne pas être concurrence avec aucun des prestataires de services évalués. Je certifie aussi ne pas être en situation telle que mon intérêt personnel pourrait l'emporter sur l'intérêt public.

Enfin, je confirme n'avoir été l'objet d'aucune représentation ou pression de la part d'un ou de plusieurs prestataires de services évalués.

Nom (en lettres moulées) du membre du comité de sélection

Signature du membre du comité de sélection

Date (année-mois-jour)