

CANADA
PROVINCE OF QUÉBEC
MRC VALLÉE-DE-LA-GATINEAU
MUNICIPALITY OF KAZABAZUA

Minutes – Tuesday January 22, 2019

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL OF THE MUNICIPALITY OF KAZABAZUA HELD AT 26 BEGLEY ROAD (COMMUNITY CENTER), JANUARY 22, 2019 AT 7:04 P.M. UNDER THE CHAIRMANSHIP OF MR. ROBERT BERGERON, MAYOR.

Are present PAUL CHAMBERLAIN
LYNNE LACHAPELLE
LYNN NOËL
SYLVAIN LA FRANCE
HENRI CHAMBERLAIN
CRAIG GABIE

Secretary of the meeting: PIERRE VAILLANCOURT

Pursuant to sections 152 and 153 of the Municipal Code of Québec, the secretary-treasurer has given a special notice in writing of the extraordinary meeting of today's day to all the members of council. The members of council acknowledge that they have been served with the notice as required by law. As a result, all are present; they renounce the notice of convocation as signified by the secretary-treasurer.

GENERAL ADMINISTRATION

2019-01-022

1. **OPENING OF THE MEETING**

The President welcomes those present, after establishing a quorum opens the session.

CARRIED

2. **QUESTION PERIOD**

Following the question period, the President presents the agenda as follow:

1. Opening of the meeting
 2. Question Period
 3. Adoption of the agenda
 4. Adoption of By-law number 2018-022 « contractual management »
 5. Granting purchase of a 1999 International 40S Rescue
 6. Question Period
 7. Closing of the meeting
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2019-01-023

3. **ADOPTION OF THE AGENDA**

IT IS PROPOSED by Sylvain La France
SECONDED by Henri Chamberlain
And resolved

THAT council adopts the agenda as presented.

CARRIED

2019-01-024

4. **ADOPTION OF BY-LAW NUMBER 2018-022 « CONTRACTUAL MANAGEMENT »**

CANADA
PROVINCE OF QUÉBEC
MRC VALLÉE-DE-LA-GATINEAU
MUNICIPALITY OF KAZABAZUA

BY-LAW NUMBER 2018-022

CONTRACTUAL MANAGEMENT

WHEREAS a Contract Management Policy has been adopted by the Municipality on January 11, 2011, in accordance with article 938.1.2 of the Municipal Code of Québec (hereinafter called "C.M.");

WHEREAS section 938.1.2 CM was replaced on January 1, 2018, obliging the municipalities, as of the latter date, to adopt a regulation on the contractual management, the current policy of the Municipality however being deemed to be such Regulation;

WHEREAS the Municipality wishes, as permitted by the 4th paragraph of Article 938.1.2 CM, to provide for rules for the awarding of contracts that include an expenditure of at least \$ 25,000 but less than the threshold of the expenditure of a contract that can be awarded only after a public bid solicitation under Article 935 CM;

WHEREAS therefore, Article 936 C.M. (invitation to tender) no longer applies to these contracts from the date of entry into force of this Regulation;

WHEREAS this Regulation meets an objective of transparency and sound management of public funds;

WHEREAS a notice of motion has been given and a draft by-law has been tabled at the meeting of December 4, 2018;

WHEREAS the Director General and Secretary-Treasurer states that the purpose of this by-law is to provide for contractual management measures for any contract to be entered into by the Municipality, including certain contracting rules for contracts which involve an expenditure of not less than \$ 25,000 but less than the expenditure threshold of a contract that can be awarded only after a public bid solicitation under section 935 CM, this threshold being, since April 19, 2018, \$ 101 100, and may be modified following the adoption by the Minister of a regulation to that effect;

THEREFORE, IT IS MOVED by Craig Gabie, **SECONDED** by Lynn Noël and unanimously resolved

THAT THE PRESENT BY-LAW IS ADOPTED AND THAT IT IS ORDERED AND RULED AS FOLLOWS:

CHAPTER I

DECLARATORY AND INTERPRETATIVE PROVISIONS

SECTION I

DECLARATORY PROVISIONS

1. Purpose of the Regulation

This Regulation aims to:

- (a) to provide for the awarding and management of contracts awarded by the Municipality, in accordance with article 938.1.2 C.M.
- (b) provide for contracting rules that include an expenditure of not less than \$ 25,000 but less than the expenditure threshold of a contract that can be awarded only after a public bid solicitation under Article 935 CM.

2. Scope

This Regulation applies to any contract entered into by the Municipality, including a contract that is not referred to in any of the paragraphs of the first paragraph of subsection 9 (1) or in sections 938.0.1 and 938.0. 2 CM.

This by-law applies regardless of the authority that grants the contract, be it the council or any other person to whom the council has delegated the spending power and enter into contracts on behalf of the municipality.

SECTION II

INTERPRETATIVE PROVISIONS

3. Interpretation of text

This Regulation must be interpreted in accordance with the principles of the Interpretation Act (RLRQ, c. I-16).

It shall not be construed as derogating from the mandatory provisions of the laws governing municipal contracts, unless such laws expressly permit derogation by this by-law including, for example, some of the measures provided for in Chapter II of the this regulation.

4. Other bodies or agencies

The Municipality recognizes the importance, the role and the powers granted to other bodies that may investigate and act on the objects targeted by certain measures provided for in this by-law. This includes measures to prevent acts of intimidation, trading in influence, bribery, bid-rigging, and those aimed at ensuring compliance with the Transparency and Ethics Act. Lobbyists and the Lobbyists' Code of Conduct adopted under this Act.

5. Specific rules of interpretation

This Regulation shall not be interpreted as:

- a) a restrictive or literal manner;
- b) as restricting the possibility for the Municipality to contract by mutual agreement, in cases where the law allows it to do so.

The measures provided for in this Regulation must be interpreted

- a) in accordance with the principles set out in the preamble to the Act, which primarily recognize that municipalities are local governments and thereby increase their autonomy and powers (2017, c.13) (Bill 122), recognizing in particular municipalities as local governments and elected officials, the legitimacy necessary to govern according to their attributions;
- b) in order to comply with the principle of proportionality and thereby ensure that the steps related to the measures imposed are proportionate to the nature and amount of the contract expenditure to be incurred, having regard to the costs, the time required and the size of the municipality.

6. Terminology

Unless the context otherwise indicates, words and expressions used in these Regulations have the following meanings:

« *Call for tenders* »: Invitation to tender or public invitation required by articles 935 and following C.M. or a regulation adopted under this law. Are excluded from the expression "call for tenders", price requests that are formulated when no call for tenders is required by law or by this Regulation.

« *Tenderer* »: Anyone who submits an offer during a bidding process

CHAPTER II

RULES OF CONTRACT AWARD AND ROTATION

7. General

The Municipality respects the contracting rules provided for in the laws that govern it, including the C.M. More specifically:

- a) it proceeds by invitation to tender where the law or a regulation made under an Act imposes such a call for tenders, unless there is a specific provision to the contrary provided for in this Regulation;
- b) it proceeds by public call for tenders in all cases where a public call for tenders is imposed by law or by a regulation adopted under the law;
- c) it may proceed by mutual agreement in cases where the law or this Regulation permits it to do so.

Nothing in this by-law may have the effect of limiting the possibility for the Municipality to use any method of call for competition for the award of a contract, whether by public call for tenders, by invitation or by request for price, even if it can legally proceed by mutual agreement.

8. Contracts that can be concluded by mutual agreement

Subject to Article 11, any agreement referred to in any of paragraphs of the first paragraph of Article 935 CM, involving an expenditure of at least \$ 25 000, but less than the threshold of the expense of a contract can only be awarded after a public bid solicitation under Article 935 CM, may be concluded by mutual agreement by the Municipality.

9. Rotation - Principles

The Municipality favors, if possible, the rotation among the potential suppliers, with regard to the contracts that can be passed by agreement under Article 8. The Municipality, in the decision making in this regard, considers in particular the following principles:

- a) the degree of expertise required;
- b) the quality of the work, services or materials already delivered or delivered to the Municipality;
- c) the delays inherent in the execution of the work, the supply of material or materials or the provision of services;
- d) the quality of the goods, services or works sought;
- e) the delivery terms;
- f) maintenance services;
- g) the required experience and financial capacity;
- h) price competitiveness, taking into account all market conditions;
- i) the fact that the supplier has an establishment on the territory of the Municipality;
- j) any other criteria directly related to the market.

10. Rotation - Measures

For the purpose of ensuring the implementation of the rotation provided for in section 9, the Municipality shall apply, to the extent possible and in the absence of special circumstances, the following measures:

- a) potential suppliers are identified before awarding the contract. If the territory of the Municipality has more than one supplier, this identification may be limited to the latter territory or, as the case may be, the territory of the MRC or any other geographic region that is deemed relevant given the nature of the contract to intervene;
- b) once the suppliers have been identified and considering the principles set out in section 9, the rotation between them must be encouraged, unless there are grounds for sound administration;
- c) the Municipality may make an appeal for interest in order to find out which suppliers may meet its needs;
- d) unless there are special circumstances, the person in charge of managing the contract completes, to the extent possible, the analysis form found in Appendix 4;
- e) for the categories of contracts, it determines, for the purpose of identifying potential suppliers, the Municipality may also establish a list of suppliers. The rotation among the suppliers appearing on this list, if any, shall be favored, subject to the provisions of paragraph (b) of this Article.

CHAPTER III

MEASURES

SECTION I

CONTRACTS BY AGREEMENT

11. General

For certain contracts, the Municipality is not subject to any special competitive bidding procedure (public call for tenders or invitation). This bylaw may not have the effect of restricting the possibility for the Municipality to proceed by mutual agreement for these contracts. These include, in particular, contracts:

- which, by their nature, are not subject to any tendering process (contracts other than insurance contracts for the performance of works, supply and services);
- expressly exempted from the tendering process (in particular those listed in Article 938 CM and the professional services contracts necessary for an appeal to a court, body or person exercising judicial or judicial functions ;
- insurance, for the performance of works, supplies or services (including professional services) that involve an expenditure of less than \$ 25,000.

12. Measures

When the Municipality chooses to grant a private contract, the following measures apply, unless these measures are incompatible with the nature of the contract:

- a) Lobbying
 - Measures provided for in Articles 16 (Duty to inform elected officials and employees) and 17 (Training);
- b) Intimidation, influence peddling and corruption
 - Measure provided for in Article 19 (Denunciation);
- c) Conflict of interest
 - Measure provided for in Article 21 (Denunciation);
- d) Amendment of a contract
 - Measure provided for in Article 27 (Amendment of a contract).

13. Information Document

The Municipality must publish, on its website, the contractual management information document attached to Annex 1, so as to inform the public and potential contractors of the measures it has taken under this by-law.

SECTION II

BID-RIGGING

14. Sanction if collusion

Must be inserted in the tender documents, a provision providing for the possibility for the Municipality to reject a bid if it is clearly established that there has been collusion with any person in contravention of any law aimed at combating bid rigging.

15. Declaration

All tenderers must attach to their tender, or at the latest before the award of the contract, a statement affirming solemnly that its bid has been prepared and submitted without collusion, communication, agreement or arrangement with any person in contravention any law to combat bid-rigging. This declaration must be made on the form attached as Annex 2.

SECTION III

LOBBYING

16. Duty to inform elected officials and employees

Any member of the council or any officer or employee shall remind all persons who take the initiative of contacting him or her to obtain a contract that the Lobbying Transparency and Ethics Act is in place, when he believes that there is a contravention of this law.

17. Training

The Municipality favors the participation of council members and public servants and employees in training designed to provide them with information on applicable laws and regulations relating to lobbying.

18. Declaration

Tenderers must attach to their tender or, at the latest before the award of the contract, a statement affirming solemnly that neither it nor any of its employees, agents or employees engaged in a communication of influence for the purpose of obtaining a contract in contravention of the Lobbying Transparency and Ethics Act or, if such disclosure of influence has occurred, that it has been entered in the Lobbyists' Register when such registration is required by law. This declaration must be made on the form attached as Annex 2.

SECTION IV

INTIMIDATION, INFLUENCE TRAFFIC AND CORRUPTION

19. Denunciation

All member of the council, any public servant or employee, as well as any other person working for the Municipality must denounce, as soon as possible, any intimidation, influence peddling or corruption which he has witnessed in the framework of his functions. This measure should not be interpreted as limiting the right of the person concerned to lodge a complaint with a police service or other public authority.

A member of the council makes this denunciation to the director general; the director general to the mayor; other public servants and employees as well as any person working for the Municipality, the Director General. When the denunciation directly or indirectly involves the mayor or the director general, the denunciation is made to the one who is not involved. If both are involved, the information is reported to the acting mayor or other non-involved municipal council member. The person who receives the information must treat it with diligence and take the appropriate measures according to the nature of the situation complained of.

20. Declaration

All tenderer must enclose with his tender, or at the latest before the award of the contract, a declaration solemnly affirming that neither he nor any of his collaborators, representatives or employees has engaged in the call for offers, acts of intimidation, trading in influence or corruption, against a member of the council, an officer or employee or any other person working for the Municipality. This declaration must be made on the form attached as Annex 2.

SECTION V

CONFLICTS OF INTEREST

21. Denunciation

All member of the council, any officer or employee, as well as any other person working for the Municipality, involved in the preparation of contractual documents or in the awarding of contracts, must denounce, as soon as possible, the existence of any interest pecuniary in a legal person, company or company likely to conclude a contract with the Municipality.

A member of the council makes this denunciation to the director general; the director general to the mayor; other public servants and employees as well as any other person working for the Municipality, to the Director General. When the denunciation directly or indirectly involves the mayor or the director general, the denunciation is made to the one who is not involved. If both are involved, the information is reported to the acting mayor or other non-involved municipal council member. The person who receives the information must treat it with diligence and take the appropriate measures according to the nature of the situation complained of.

22. Declaration

When the Municipality uses a system of weighting and evaluation of the offers, any member of the selection committee must solemnly declare in writing, before starting the evaluation of the tenders, that he has no particular pecuniary interest, direct or indirect, in respect of the contract being evaluated. He must also undertake not to disclose the mandate entrusted to him by the Municipality, and not to use, communicate, attempt to use or communicate, both during his term of office and after

this one., information obtained in the course of or in connection with the performance of his duties as a member of the selection committee. This declaration must be made on the form attached in Annex 3.

23. Minimal pecuniary interest

The minimal pecuniary interest is not affected by the measures described in Articles 21 and 22.

SECTION VI

IMPARTIALITY AND OBJECTIVITY OF THE TENDERING PROCESS

24. Responsible for the call for tenders

All tender identifies a person responsible and provides that any potential bidder or any bidder must address solely to the person responsible for any information or clarification regarding the tender.

25. Questions from tenderers

The person responsible of the call for tenders compiles the questions posed by each bidder during the bidding process and issues, if deemed necessary, an addendum, so that all bidders can obtain the bids. answers to questions asked by others.

The person responsible of the call for tenders has full discretion to judge the relevance of the questions asked and those that require a response and may consolidate and reword certain questions for the purpose of forwarding responses to bidders.

26. Denunciation

All member of the council, any officer or employee, as well as any other person working for the municipality, must, as soon as he is informed, denounce the existence of any situation, other than a conflict of interest, likely to compromise the impartiality and objectivity of the tendering process and resulting contract management.

A member of the council makes this denunciation to the director general; the director general to the mayor; other officers and employees, as well as any other person working for the Municipality, to the Director General. When the denunciation directly or indirectly involves the mayor or the director general, the denunciation is made to the one who is not involved. If both are involved, the information is reported to the acting mayor or other non-involved municipal council member. The person who receives the information must treat it with diligence and take the appropriate measures according to the nature of the situation complained of.

SECTION VII

AMENDMENT OF A CONTRACT

27. Amendment of a contract

Any change in a contract that has the effect of increasing the price must be justified by the person responsible for the management of the contract, considering the applicable rules to authorize such a modification.

The Municipality may not modify a contract awarded following a call for tenders, except in the case where the modification constitutes an accessory to it and does not change its nature.

28. Site meetings

When justified by the nature of the work, the Municipality favors regular site meetings to monitor the execution of the contract.

CHAPITRE IV

ADMINISTRATIVE AND FINAL PROVISIONS

29. Application of the regulations

The application of this regulation is the responsibility of the Director General of the Municipality. The latter is responsible for preparing the report to be submitted annually to the council concerning the application of this by-law, in accordance with article 938.1.2 C.M.

30. Repeal of the Contract Management Policy

This Regulation replaces and repeals the Contract Management Policy adopted by Council on January 11, 2011 and deemed, since January 1, 2018, a Regulation on Contract Management under section 278 of the Act, which is intended principally to recognize that municipalities are municipalities. governments and to increase their autonomy and powers in this respect (2017, c.13).

31. Entry into force and publication

This by-law comes into force in accordance with the law and is published on the website of the Municipality. In addition, a copy of these rules is sent to the MAMH.

CARRIED

2019-01-025
5.

GRANTING THE PURCHASE OF A 1999 INTERNATIONAL TRUCK 40S RESCUE

WHEREAS the by-law number 2018-022 concerning the contractual management was adopted by the Municipality on January 22, 2019, in accordance with article 938.1.2 of the Municipal Code of Québec (hereinafter called "C.M.");

WHEREAS therefore, Article 936 C.M. (invitation to tender) no longer applies to these contracts after the entry into force of By-law 2018-022;

WHEREAS the purpose of By-law 2018-022 is to provide for contract management measures for any contract to be entered into by the Municipality, including certain contracting rules for contracts involving an expenditure of at least 25,000 \$, but less than the expenditure threshold of a contract that can be awarded only after a public bid solicitation under section 935 CM, that threshold having been, since April 19, 2018, \$ 101,100, and may be amended following the adoption by the Minister of a regulation to that effect;

THEREFORE, IT IS MOVED by Henri Chamberlain, **SECONDED** by Lynn Noël and unanimously resolved

THAT the Council award the contract for the purchase of a Rescue 1999 International 40S for the Kazabazua Fire Department to Matthew Chamberlain at a purchase price of \$ 38,262.25, plus the SAAQ registration fees and applicable taxes as specified under report number S2019-1999I as submitted to Council;

ALSO, THAT the council mandates the director general Mr. Pierre Vaillancourt to transfer this vehicle at the S.A.A.Q. and sign all documents for and on behalf of the municipality.

CARRIED

6.

QUESTION PERIOD

7.

CLOSING OF THE MEETING

the agenda being exhausted, the President adjourned the meeting at 7:20 p.m.

CARRIED

President

Secretary



Robert Bergeron
Mayor

Pierre Vaillancourt, DMA
Director General / Secretary-treasurer

« I, Robert Bergeron, certify that the signing of these minutes is equivalent to the signature by me of all the resolutions it contains within the meaning of Article 142 (2) of the Municipal Code ».