



PROVINCE OF QUEBEC
REGIONAL COUNTY MUNICIPALITY OF BROME-MISSISQUOI
MUNICIPALITY OF WEST BOLTON

BY-LAW NUMBER 468-2024 RESPECTING CONTRACT MANAGEMENT

WHEREAS the Municipality adopted its first Contract Management Policy on December 6, 2010;

WHEREAS the Municipality adopted By-law number 350-2018 Respecting Contract Management on October 6, 2018, following the coming into force of the *Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers* (S.Q. 2017, c. 13);

WHEREAS, in accordance with section 305.0.1 of the *Act respecting elections and referendums in municipalities* (R.E.R.M.), provides that a municipality may, when the conditions of application provided for in that Act are met, enter into a contract for the acquisition or lease of property by the municipality in a business in which a member of Council of that municipality holds an interest or a contract for the purpose of supplying services for the benefit of the municipality by a member of the council of that municipality or by an enterprise in which the member has an interest, to the extent that the municipality provides for this possibility in its contract management by-law;

WHEREAS on June 6, 2024, the *Act to enact the Act to protect elected municipal officers and to facilitate the unhindered exercise of their functions* (S.Q. 2024, c. 24) was assented to, amending section 938.1.2 of the Municipal Code of Quebec in order to require municipalities to include in their contract management by-law measures promoting, in certain circumstances, Quebec or otherwise Canadian goods and services and suppliers, insurers and contractors who have an establishment in Quebec or elsewhere in Canada;

WHEREAS it is necessary to amend this By-law Respecting Contract Management to add the provisions that have been made mandatory by these laws;

WHEREAS By-law No. 379-2021 Respecting Contract Management should be repealed in order to replace it with a new by-law that includes measures to favour Quebec goods, services, suppliers, insurers and contractors who have an establishment in Quebec, in accordance with section 124 of the aforementioned Act;

WHEREAS a notice of motion for this by-law was given at the Council meeting of November 11, 2024, and a draft by-law was tabled at the same meeting.

COUNCIL ENACTS AS FOLLOWS:

Chapter 1 - PRELIMINARY PROVISIONS

Section I – DEFINITIONS

1. In these by-laws, and with some exceptions, the following words or expressions have the following meaning:
 - a) **"Bidder"**: A natural or legal person who intends to bid or who has submitted a bid in a solicitation and who has undertaken to meet the requirements and conditions of the tender documents if the contract is awarded to them.

- b) **"Budget Activity Lead"**: Any public servant who meets the regulatory requirements on budget control and monitoring as a budget activity lead;
- c) **"Call for tenders"**: Any public procurement process or procurement by written invitation that solicits written quotes from suppliers for goods or services under the conditions set out in documents provided for that purpose. A request for quotation is excluded when no call for tenders is required by law or by this by-law;
- d) **"Construction Contract"**: A contract for the construction, reconstruction, demolition, repair or renovation of a building or civil engineering work, including site preparation, excavation, drilling and blasting, the supply of products and materials, equipment and machinery if provided for in and related to the Contract, as well as the installation and repair of fixed equipment in a building or civil engineering structure;
- e) **"Contract"**: Any undertaking by which the Municipality obtains services (including insurance), has work carried out or purchases goods and for which it undertakes to pay an amount as payment to a contractor or supplier, other than an employment contract or an inter-municipal agreement;
- f) **"Cost overrun"**: Any cost in excess of the original cost of a contract, other than a change in the estimated quantities at unit price;
- g) **"Over-the-counter purchase"**: Any supply of goods or services that can be acquired by private agreement on an ad hoc basis and for which the price is already fixed by the supplier for all of its customers, such as the purchase of food, office supplies or over-the-counter products;
- h) **"Price Request"**: Confidential written or verbal communication with a minimum of two (2) suppliers for the purpose of obtaining written prices, the use of e-mail being authorized;
- i) **"Professional Services Agreement"**: A contract for the provision of services which, under an Act or regulation, may only be provided by a physician, dentist, nurse, pharmacist, veterinarian, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary;
- j) **"Purchase"**: Any supply of a good or service required in the course of the Municipality's operations, that may be acquired by tender or by private agreement;
- k) **"Purchase Order"**: A document confirming to a supplier the goods to be delivered or the service to be performed under the terms and conditions thereof;
- l) **"Responsible Officer"**: The responsible officer for the solicitation of bids or the management of the contract, as the context requires;
- m) **"S.A.P."**: public tender threshold set by ministerial regulation;
- n) **"Selection Committee"**: A committee formed when the tendering process provides for the use of a system of weighting and evaluating bids, regardless of the method chosen;
- o) **"Service Agreement"**: A contract for the provision of services in which parts or some materials necessary for this supply may be included;
- p) **"Solicitation procedure"**: All the mechanisms put in place by the Municipality for the award of a contract to a supplier through one of the tendering methods provided for

herein (public call for tenders, invitation to tender, request for quotation or negotiation by private agreement);

- q) **"Supplier"**: A natural or legal person retained for the performance of a contract following a call for tenders or following the conclusion of a contract resulting from a negotiation by private agreement, where applicable;
- r) **"Supply Contract"**: A contract for the purchase or lease of personal property in which charges may be included for the installation, operation and maintenance of the property;

Section II – PURPOSE

- 2. The purpose of this by-law is to establish contract management rules relating to the seven (7) categories of measures required under Section 938.1.2 of the *Municipal Code* (CQLR, c. C-27.1), in order to assure the taxpayers of the Municipality that the sums spent on the purchase of goods or services are spent in accordance with the principles of equity, transparency and sound management.
- 3. The rules set out in this by-law must be interpreted in such a way as to respect the principle of proportionality according to the nature and amount of the expense, the contract to be entered into and the costs, the time required and the size of the Municipality.

Section III – SCOPE

- 4. The provisions of this by-law:
 - a) do not have the effect of replacing or modifying any legislative or regulatory provision regarding the awarding of municipal contracts, especially the provisions applicable to contracts of a value equal to or greater than the public tendering threshold set by ministerial regulation;
 - b) do not have the effect of preventing a contract from being entered into in a case of force majeure likely to endanger the life or health of the population or to seriously deteriorate municipal equipment, in which case the mayor, or any other person authorized under Section 937 of the *Municipal Code* or by Municipal by-law, may override these rules and award the contract necessary to remedy the situation;
 - c) do not have the effect of limiting the possibility for the Municipality to use any method of competitive tendering for the award of a contract, whether by public call for tenders, by invitation or by a request for quotation, even if it may lawfully proceed by private agreement;
 - d) do not have the effect of preventing the Municipality from proceeding by private agreement in cases where the Act or this by-law allows it to do so;
 - e) apply regardless of whether the contract is awarded by Council or by an authorized officer;
 - f) are binding on bidders, suppliers, and any person who, by his or her actions, seeks to enter into a contract with the Municipality.

Any authorized party or any supplier or contractor involved in a contracting process must act in accordance with the contract management by-laws.

5. The provisions of this by-law do not apply:
 - a) for over-the-counter purchases;
 - b) to the exceptions that appear in Section 938 of the *Municipal Code*.

Chapter 2 - MEASURES REFERRED TO IN SECTION 938.0.2 OF THE MUNICIPAL CODE

Section I - MEASURES TO PROMOTE COMPLIANCE WITH APPLICABLE LAWS AIMED AT COMBATING BID-RIGGING.

6. No employee or member of Council shall disclose any information that identifies the number or identity of persons who have been invited to submit a price or bid, who have submitted a price or bid, or who have requested a copy of the solicitation or a document to which it refers or any additional document related thereto, until the opening of bids.
7. Any call for tenders must provide that for any information, the bidder must contact in writing the responsible officer or his/her representative whose contact details appear in the call for tenders.
8. When possible and in the interest of the Municipality, goods and services from Quebec or Canada, as well as businesses with an establishment in Quebec or elsewhere in Canada, are preferred to any other competitor when awarding a contract by private agreement or when sending a written invitation to tender when the amount of the expenditure is below the threshold for the use of public tenders as determined by the Minister.

For contracts by private agreement, the Municipality encourages the sending of requests for quotations to Quebec and Canadian companies in priority to any other competitor, when such requests are justified. In the event of equal prices, quality of services or, more broadly, any comparable offer on its essential elements between a Quebec company and a Canadian company, the Municipality favours the award of the contract to the Quebec company.

For contracts awarded following a written invitation to tender, if it is not possible or if it is not in its interest to limit itself to these persons, the Municipality shall review its needs to determine whether a new wording may make it possible to favour them prior to releasing invitations to tender. If, despite this needs review, it remains necessary or in the interest of the Municipality to include persons who do not meet the objective of the first paragraph, the Municipality may revise its contractual strategy to consider awarding the contract by private agreement, when it is permitted to do so.

Where circumstances do not permit or justify favouring such undertakings, the Municipality may enter into a contract with another competitor.

9. When the Municipality uses the measure set out in Article 8 of this by-law, it shall rotate the contracting parties when awarding contracts by private agreement or inviting persons to tender, if possible and if it is in its interest. This rotation must be done according to the same criteria as those already outlined for the rotation of suppliers who are awarded contracts by private agreement above the monetary threshold of \$25,000 under the provisions of this contract management by-law, with necessary adaptations.
10. A call for tenders must provide that, in order to be eligible to be awarded a contract, a bidder, as well as any subcontractor associated with the bid, must not have been found guilty of collusion, corrupt practices or other acts of a similar nature, or held liable for such acts in

connection with a call for tenders or a contract, in the preceding five (5) years by a final decision of a court, body or person exercising judicial or quasi-judicial functions.

11. The responsible officer must ensure that bidders have not been found guilty of an offence under a law designed to combat bid-rigging, such as the *Act to provide for measures to fight crime in the construction industry* (S.Q., 2009, c. 57) and the *Competition Act* (R.S.C., 1985, c. C-34), and must also ensure that the establishment of a business relationship with a bidder does not contravene a penalty imposed on it.

Section II - MEASURES TO ENSURE COMPLIANCE WITH THE <i>LOBBYING TRANSPARENCY AND ETHICS ACT</i> (CQLR, c. T-11.011) AND THE <i>CODE OF CONDUCT FOR LOBBYISTS</i> ADOPTED UNDER THIS ACT.

12. Any call for tenders shall provide that all bidders must solemnly affirm, by a written declaration attached to their bid, that if communications of influence were made to obtain the contract, they complied with the *Lobbying Transparency and Ethics Act* and the *Code of Conduct for Lobbyists*.

Failure to file this declaration will result in the automatic rejection of the bid.

13. All contracts must include a clause allowing the Municipality, in the event of non-compliance with the *Lobbying Transparency and Ethics Act* or the *Code of Conduct for Lobbyists*, to terminate the contract if the non-compliance is discovered after it has been awarded, provided that the breach is related to events directly related to the contract with the Municipality.
14. Any elected official or municipal employee who is approached by a person seeking to influence decision-making on a subject covered by the *Lobbying Transparency and Ethics Act* must ask the person if he or she is registered with the Registry of Lobbyists.

Otherwise, the elected official or municipal employee must inform the person of the existence of the above-mentioned law and of the obligation to register with the Registry of Lobbyists.

Section III - MEASURES TO PREVENT ACTS OF INTIMIDATION, INFLUENCE PEDDLING OR CORRUPTION.
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15. The financial guarantees required of a bidder must reflect the real nature of the need in order to avoid overestimating them or to ensure that they are not disproportionate to the contract.
16. No clause in a call for tenders shall allow a bidder to be withdrawn after it has been opened. The bid security deposited, if any, shall be forfeited, and the extra costs to the Municipality shall be claimed from the defaulting bidder if it was the lowest compliant bidder.
17. To avoid bringing potential bidders together, no compulsory participation in group site visits should be envisaged.

However, in the case of an existing refurbishment project of such magnitude that the project cannot be adequately described in the tender documents, the mandatory visits must be carried out individually by appointment with the bidders.

18. Any call for tenders must provide that each bidder must solemnly affirm, by a written declaration (attached as Appendix I) attached to the bid, that to their knowledge and after serious verification, the bid was established without collusion, communication, agreement or arrangement with a competitor.

Failure to file this declaration will result in the automatic rejection of the bid.

19. Any bidder found guilty of having prepared a bid with collusion, communication, agreement or arrangement with a competitor shall be ineligible to bid on any contract with the Municipality for five (5) years following the finding of guilt.

Section IV - MEASURES AIMED AT PREVENTING SITUATIONS OF CONFLICT OF INTEREST.
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20. The selection committee shall be composed of at least three (3) members, in addition to one (1) secretary, who are not members of Council.
21. The selection committee must be established prior to the launch of the call for tenders, but its composition must be kept confidential.
22. Each member of the Selection Committee must give a solemn undertaking using the form attached in Appendix II to this by-law:
 - a) to carry out his or her duties without bias, favouritism or consideration and in accordance with applicable rules of ethics;
 - b) should they learn that a bidder or shareholder or a member of the board of directors of one of the bidders is related to them or has business ties with them, or that they are in competition with one of the bidders. In that case, they should notify the secretary of the selection committee without delay.
23. The secretary of the selection committee must ensure that the members of the selection committee have the relevant information related to their mandate and give them access to basic training.

Section V - MEASURES TO PREVENT ANY OTHER SITUATION THAT COULD COMPROMISE THE IMPARTIALITY AND OBJECTIVITY OF THE SOLICITATION PROCESS AND THE RESULTING MANAGEMENT OF THE CONTRACT
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24. Members of a selection committee must undertake not to disclose any information relating to the discussions and scores assigned during their work.
25. The responsible officer or his or her representative whose contact information appears in the call for tenders is the only one who can issue an addendum as part of a tendering process. This official must ensure that bidders are provided with and given access to impartial, uniform and equal information and eliminate any favouritism.
26. Where a system of weighting and evaluation of tenders is provided for the award of a contract, the tender documents may provide for the use of a form to ensure uniform presentation of the information required from bidders in order to demonstrate quality.
27. Any call for tenders must provide that no person who participated in preparing the call for tenders may bid on or directly or indirectly, control a bidding company.

However, this exclusion does not apply to persons who participated in developing the technical clauses or in the cost estimate of a project, provided that the documents they prepared, including detailed cost breakdowns, are provided to all bidders.

28. Call for tenders must provide that every bidder must produce a declaration of its intentions to subcontract where this option is permitted and specify, where applicable, the subcontractors concerned so as to limit any possible collusion, except those determined through the *Bureau des soumissions dépôts du Québec* or by an agency holding a bulk transportation brokerage permit.

However, the call for tenders may, for a construction contract, provide that the list of subcontractors will be submitted before the contract is signed or at the latest, on the date of the opening of the construction site.

Any call for tenders may provide that failure to file this declaration has the effect of automatically rejecting the tender.

29. Every call for tenders must provide that bidder must solemnly affirm, by a written declaration attached to their tender (Appendix I), that, to their knowledge and after serious verification, neither the bidder nor any collaborator or employee has communicated or attempted to communicate with an employee or member of Council of the Municipality for the purpose of influencing them or obtaining information in relation to this call for tenders, except in the context of written communication with the responsible officer or their representative whose contact information appears in the call for tenders.

Failure to file this return will result in the automatic rejection of the bid.

If such an act is discovered after the award of the contract, the Municipality reserves the right, at its sole discretion, to terminate the contract without prejudice to its other rights and remedies against such a co-contractor.

30. Any company with a head office in Quebec that is interested in bidding for a construction contract of \$25,000 or more with the Municipality must provide a certificate issued by Revenu Quebec indicating that it has filed the returns and reports required under Quebec tax laws and that it does not have an overdue account with Revenu Quebec. In the event that the successful bidder uses subcontractors, it is responsible for ensuring that every subcontractor holds a valid certificate from Revenu Quebec if the amount of their respective subcontract is \$25,000 or more.

Section VI - MEASURES TO PROVIDE A FRAMEWORK FOR MAKING ANY DECISION AUTHORIZING THE MODIFICATION OF A CONTRACT

31. The Municipality must ensure that site meetings are held regularly during the execution of construction work in order to monitor the execution of the contract and in particular, to control the resulting costs.
32. In the event of unforeseen circumstances and if it becomes necessary to modify a contract during execution, the following rules must be respected:
- a) the amendment must be ancillary to the contract and not change its nature, the amendment of the contract being the exception;
 - b) an official may authorize an amendment to a contract resulting in a cost overrun only to the extent that it complies with the thresholds authorised by the regulatory provisions decreeing the rules of budgetary delegation, control and monitoring, in which case a purchase order must be issued;
 - c) any cost overrun equal to \$15,000 or less plus taxes must be authorized in writing by

the Director General;

- d) any cost overrun of more than \$15,000 plus taxes must be authorized by resolution of the Council of the Municipality.

Section VII - MEASURES TO PROMOTE THE ROTATION OF POTENTIAL CO-CONTRACTORS FOR CONTRACTS THAT INVOLVE AN EXPENDITURE OF AT LEAST \$25,000 BUT BELOW THE PUBLIC TENDERING THRESHOLD SET BY MINISTERIAL REGULATION

- 33. The Municipality must encourage rotation among potential co-contractors who can meet its needs and, in the case of a request for quotation or a call for tenders by invitation or by private agreement when this method is authorized, it must, as far as possible, invite new competitors who have not been solicited in a previous tender. For private contracts, a new search for bidders must be carried out for each new contract when the contract is sufficient.

To this end, the official responsible for the solicitation must take the necessary steps to promote such a rotation and document the process by means of an appropriate medium, in order to promote an equitable distribution of contracts and accessibility to new competitors in the region.

Rotation must not be at the expense of sound management of public spending. In the event that the rotation cannot be beneficial to the Municipality, the responsible officer must document his decision.

Chapter 3 - MEASURES REFERRED TO IN SECTION 124 OF THE 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

Section I - MEASURES TO PROMOTE QUEBEC GOODS AND SERVICES AS WELL AS SUPPLIERS, INSURERS AND CONTRACTORS WITH AN ESTABLISHMENT IN QUEBEC

- 34. For the period from June 25, 2021, to June 25, 2024, for any contract that involves an expenditure less than the SAP, the Municipality favours the acquisition and provision of Quebec goods and services as well as suppliers, insurers and contractors who have an establishment in Quebec.

As a result, the Municipality promotes the acquisition of goods created and manufactured in Quebec as well as the provision of services by Quebec companies. The Municipality also favours suppliers, insurers and contractors who have an establishment in Quebec and who can meet its needs.

When the Municipality solicits and awards a contract by request for quotation, invitation to tender or by private agreement, it must ensure that it invites suppliers, insurers and contractors who are able to offer Quebec goods and services, as well as suppliers, insurers and contractors who have an establishment in Quebec.

To this end, the responsible officer for the solicitation must take necessary measures to promote the awarding of any contract that involves an expenditure less than the SAP to suppliers, insurers and contractors who are able to offer Quebec goods and services to the Municipality, as well as to suppliers, insurers and contractors who have

an establishment in Quebec. The responsible officer must document the process in an appropriate format.

Nothing in this section shall be construed to interfere with the sound management of public expenditures. In the event that the provision of goods or services by a supplier, insurer or contractor with an establishment in Quebec cannot be beneficial to the Municipality, the responsible officer must document this or her decision based on objective and demonstrable facts.

35. For a call for tenders by invitation issued under this by-law, the Municipality reserves the right to award the contract to a bidder who has not submitted the lowest bid on condition that the price of its bid does not exceed the price of the lowest bid by more than 5%.
36. For a request for quotation sent to several suppliers, the Municipality reserves the right to offer a local supplier who has offered a higher price than a "non-local" supplier the possibility of reducing its price to that of the "non-local" supplier.
37. For a request for quotation sent to several suppliers, the Municipality may, in the event of a tie in the prices offered, favour the local supplier.

Chapter 4 - RULES FOR THE AWARD OF CERTAIN CONTRACTS

SECTION I - GENERAL RULES FOR SOLICITATION AND CONTRACT AWARD

38. Subject to what may be specifically mentioned below based on the nature of the contract to be awarded, the rules set out in this section must be considered in general by the Municipality when a solicitation process is initiated.

Where applicable, the use of fixed-price and unit-priced contracts is preferred to hourly rates, in order to allow for risk sharing with suppliers.

39. The Municipality may solicit and award a contract by private agreement when the subject matter of the contract appears on the list of exceptions provided for in Section 938 of the *Municipal Code*. This provision shall not have the effect of excluding the application of the provisions of Sections VI and VII of Chapter 2 which shall remain applicable to such contracts, if any.
40. When the Municipality is able to make a choice as to the method of solicitation, in addition to the situations described in Article 34, the following shall be considered:
 - a) Contract amount;
 - b) Competition in the marketplace;
 - c) Impact on the regional economy;
 - d) Possibility of rotation among competitors;
 - e) Organizational effort required;
 - f) Timeline of the need to be met;
 - g) Anticipated added value from the use of the procedure.

The responsible officer must document the decision regarding the choice of solicitation method.

41. The Municipality encourages the purchase of products that maintain or improve the quality of the environment and promote sustainable development.

42. For all contracts not subject to a public call for tenders, the Municipality favours the use of companies in its territory.
43. All procurement contracts, contracts for services other than professionals, contracts for professional services and contracts for construction work involving an expenditure of at least \$25,000, but below the public tendering threshold set by ministerial regulation, may be entered into by private agreement by the Municipality.

The responsible officer is responsible for verifying that this contract is to the advantage of the Municipality, and for documenting the considerations that led to the award of the contract to one company over another.

44. When issuing a public call for tenders or a call for tenders by invitation, the Municipality may choose one of the following four (4) evaluation methods depending on the nature of the contract:
 - a) The lowest compliant bidder;
 - b) The weighting grid including the price;
 - c) The method of weighting and evaluation of two-envelope bids;
 - d) The weighting grid including the price with discussion and negotiation.

Despite section 936.0.1.2 of the *Municipal Code*, any contract for professional services that involves an expenditure below the public call for tenders threshold set by ministerial regulation may be awarded by means of a call for tenders, considering only the price, without having to use a system of evaluation and weighting of tenders.

45. The rule in a call for tenders is to award the contract to the bidder with the lowest compliant bid. When a bid evaluation and weighting system is used, the contract is awarded to the bidder with the highest score.

Chapter 5 - VIOLATIONS OF THE BY-LAW

46. Any member of Council who violates this by-law is liable to the penalties provided for in the *Municipal Code* in the event of an offence, whether civil or penal.
47. The obligations imposed by this by-law are an integral part of any employment contract between the Municipality and an employee.

In addition to any penal sanction provided for by law, an employee who violates this by-law is liable to disciplinary sanctions depending on the seriousness of the violation committed, based on the principle of graduated sanctions that may include suspension without pay or dismissal.

48. Any bidder or subcontractor who violates the requirements imposed by this by-law is subject to the rejection of their tender, the termination of their contract or the ineligibility to submit a tender to the Municipality for a period of five (5) years following a conviction in case of violation of a law that provides for such a penalty.

Chapter 6 - TRANSITIONAL AND FINAL MEASURES

49. The Director General is responsible for applying this by-law.
50. The provisions of this by-law apply in respect of any contract for which the award process commences after the coming into force of the by-law.

51. By-law number 350-2018 Respecting Contract Management, adopted on October 6, 2018, is repealed.
52. This by-law comes into force in accordance with the law.

ADOPTED IN WEST BOLTON, DECEMBER 9, 2024.

DENIS VAILLANCOURT
Mayor

LÉA LAPLANTE
Director General and Clerk-Treasurer

Notice of Motion:	November 11, 2024
Tabling of draft:	November 11, 2024
Adoption:	December 9, 2024
Public notice of coming into force:	December 20, 2024
Transmission to the MAMH:	December 20, 2024

Appendix I

MUNICIPALITY OF WEST BOLTON
CALL FOR TENDERS NUMBER _____

BIDDER’S DECLARATION

I, the undersigned, _____, as the duly authorized representative of _____ for the submission of this bid, hereby solemnly affirm that: *[each applicable box must be checked]*

- ☐ I am authorized by the bidder to sign this declaration on its behalf;
- ☐ I understand that the attached bid may be rejected if the statements contained herein are not true or complete;
- ☐ I am aware that the contract, if awarded to bidder, may be terminated if the statements contained herein are not true or complete;
- ☐ I have read and understand the contents of this statement;

I declare that, to my knowledge and after serious verification:

- ☐ this bid was prepared without collusion and without having communicated or entered into any agreement or arrangement with any competitor;
- ☐ there has been no communication, agreement or arrangement with a competitor with respect to prices, methods, factors or formulas for the submission of a price, a decision to bid or not to bid, or the submission of a bid that does not meet the specifications of the solicitation;
- ☐ neither I nor any collaborator or employee has communicated or attempted to communicate with any employee or member of Council of the Municipality for the purpose of influencing him/her or obtaining information related to this call for tenders, except communication with the responsible officer or his/her representative, whose contact information appears in this call for tenders;
- ☐ neither I nor any collaborator or employee has communicated or attempted to communicate with any member of the Selection Committee, for the purpose of influencing him/her or obtaining information in relation to this solicitation.
- ☐ I have not been convicted of an offence under a law that would prevent me from entering into a contract with a public body.

I declare: *[check one option]*

- ☐ that I have not, at any time, directly or through another person, made any communications of influence to obtain the contract from a member of Council or an employee of the Municipality;

OR

- ☐ that I, directly or through another person, made influencing communications to obtain the contract from a member of Council or an employee of the Municipality, but that they complied with the *Lobbying Transparency and Ethics Act* and the *Lobbyists’ Code*

of Conduct. The people who were contacted are as follows:

I declare: *[check one option]*

☐ that I am a lobbyist registered in the Registry of Lobbyists, established under the *Lobbying Transparency and Ethics Act*;

OR

☐ that I am not a lobbyist registered in the Registry of Lobbyists, established under the *Lobbying Transparency and Ethics Act*

NAME OF AUTHORIZED INDIVIDUAL: _____

SIGNATURE: _____

DATE: _____

Solemnly affirmed before me at _____

This _____ day of _____ 20 _____

Commissioner of Oaths

District of _____

Appendix II

MUNICIPALITY OF WEST BOLTON
CALL FOR TENDERS NUMBER _____

DECLARATION AND COMMITMENT OF A SELECTION COMMITTEE MEMBER

I, the undersigned, _____, as a member of the Selection Committee for the award of the above-mentioned contract, solemnly affirm that:

1. In my capacity as a member of this Selection Committee, I undertake:
- ☐ not to mention that I am a member of this Selection Committee to anyone except the other members of the Selection Committee or the Secretary of the Committee;
 - ☐ to act faithfully and in accordance with the mandate entrusted to me, without bias, favour or consideration and in accordance with the applicable rules of ethics;
 - ☐ not to reveal or make known, without being required to do so, anything of which I have become aware in the exercise of my duties, except to the other members of the selection committee, the secretary of the committee and the Council of the Municipality;
2. In addition, in the event that I learn that one of the bidders or shareholders or members of the board of directors of one of the bidders is related to me or has business ties with me, or that I am in competition with one of the bidders under evaluation, I will immediately notify the secretary of the Selection Committee.
3. I have read and understood the contents of this statement.

NAME OF SELECTION COMMITTEE MEMBER: _____
SIGNATURE: _____
DATE: _____

Solemnly affirmed before me at _____
This _____ day of _____ 20____

Commissioner of Oaths
District of _____