

**MODEL**

**BY-LAW CONTRACTUAL MANAGEMENT POLICY**

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| **WARNING**  This document is a model that you must adapt to your needs. When using it, please remove this box and any notes to the reader that appear in the text.  The passages highlighted in yellow in this model are to be filled in or adapted.  With the support of |

QUEBEC

MUNICIPALITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MRC \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BY-LAW NUMBER \_\_\_\_\_\_\_\_\_\_\_\_\_\_ MODIFYING THE CONTRACT MANAGEMENT POLICY

Regular Sitting of the Municipal Council of the Municipality of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, held on DATE, at the regular meeting place of the Council, at which sitting were present:

MAYOR:

COUNCIL MEMBERS:

All members of council forming a quorum.

**WHEREAS** the Municipality has adopted on \_\_\_\_\_\_\_\_\_\_\_, a Contract Management Policy;

**WHEREAS** section 278 of the *Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers* (S.Q. 2017, c. 13) provides that a Contractual Management Politcy is deemed to be a by-law adopted by the Municipality in accordance with section 938.1.2 of the Municipal Code of Québec (hereinafter referred to as "M.C.");

**WHEREAS** the *An 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* (S.Q. 2021, chapter 7) was assented to on March 25, 2021;

**WHEREAS** in the context of the COVID-19 pandemic, section 124 of this Act provides that for a period of three (3) years, starting June 25, 2021, municipalities must provide for measures to favour Quebec businesses for any contract that involves an expenditure below the threshold decreed for the expenditure of a contract that can only be awarded after a public call for tenders;

**WHEREAS** a notice of motion was given and a draft by-law was tabled and presented at the meeting of DATE. (or at the meetings of DATE and of DATE.)

THEREFORE, IT IS MOVED BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AND SECONDED BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AND UNANIMOUSLY RESOLVED THAT THIS BY-LAW BE ADOPTED AND THAT IT BE ORDERED AND DECREED AS FOLLOWS

1. Section 4 of this by-law shall be effective from June 25, 2021, or the day this by-law comes into force, whichever is later, and shall remain in effect until June 25, 2024.

2. The title of the Contract Management Policy is replaced with the following: "Contract Management Bylaw No."

3. The Contract Management Policy is amended by replacing the phrase "this policy" with "this by-law".

4. The Contract Management Policy is amended by adding the following section:

**Measures to promote the Quebec economy**

1. **Local purchasing**

In awarding any contract that involves an expenditure below the decreed threshold of the expenditure of a contract that can only be awarded after a public call for tenders, the municipality must favour Quebec goods and services as well as suppliers, insurers and contractors that have an establishment in Quebec.

For the purposes of this section, an establishment in Québec is any place where a supplier, insurer or contractor carries on business on a permanent basis that is clearly identified with its name and accessible during normal business hours.

Quebec goods and services are goods and services of which the majority of their design, manufacture, assembly or realization is done from an establishment located in Québec.

1. **Principles**

The Municipality, in making its decision as to the awarding of a contract referred to in the present article, shall consider in particular the following principles:

a) the degree of expertise required;

b) the quality of the work, services or materials already provided or delivered to the Municipality;

(c) the time involved in performing the work, providing the materials or services;

(d) the quality of the goods, services or work sought;

(e) the terms of delivery;

(f) maintenance services;

(g) experience and financial capability required;

(h) the competitiveness of the price, 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 contract.

1. **Measures**

In order to promote Québec’s economy, the Municipality applies, to the extent possible and unless there are special circumstances, the following measures:

a) potential suppliers are identified before awarding the contract. If the Municipality's territory has more than one supplier, this identification may be limited to the latter territory or, as the case may be, to the territory of the MRC or any other geographic region of the Province of Québec that is deemed relevant, given the nature of the contract to be awarded;

b) once the suppliers have been identified and considering the principles listed in section 5.5.2, Quebec goods and services as well as suppliers, insurers and contractors who have an establishment in Québec must be favoured, unless there are reasons related to sound administration;

c) the Municipality may proceed with a call for interest in order to identify suppliers likely to meet its needs;

d) for the categories of contracts that it determines, for the purpose of identifying potential suppliers, the Municipality may also establish a list of suppliers.

Notice of motion: DATE

Filing and passing of the draft by-law: DATE

Adoption of the by-law: DATE

Notice of promulgation: DATE