



Procedure to handle and process complaints – Public call for tenders or contracts

WHEREAS under article 938.1.2.1 of the Quebec Municipal Code (RLRQ, c. C-27.1) (hereinafter referred to as «MC»), a Municipality must have a procedure for receiving and processing complaints arising from the awarding of a contract following a public call for tenders or the conclusion of a contract;

WHEREAS the Municipality must equitably study and process the complaints which are filed by concerned persons;

WHEREAS nothing in this procedure shall modify or limit the obligations foreseen in the Quebec Municipal Code on how to handle complaints.

THEREFORE

It is moved by Jessica Goodwin

Seconded by Nancy Clark

And unanimously approved by the Councillors present

THAT the following procedure be hereby adopted:

1. Preamble

The preamble is an integral part of this present procedure.

2. Purposes

- a) Ensure to equitably handle the complaints filed to the municipality for awarding a contract following a call for public tenders;
- b) Ensure to equitably handle expressions of interest filed to the municipality under a contract which, were it not for Article 938 of the MC, would have been subject to article 935 of the MC, with a supplier who is the only one able to provide goods and services under paragraph 2 of the first paragraph of article 938 of the MC;
- c) Identify the person to whom these complaints or expressions of interest must be sent, including their e-mail address.

3. Interpretation

This procedure shall not be interpreted as derogating from the mandatory provisions of the laws governing municipal contracts, including the provisions of these laws regarding the right to file a complaint, the admissibility of the complaint, the applicable deadlines, etc.

4. Person in charge

The Director General and Secretary-Treasurer of the Municipality is designated as the person responsible for this present procedure. For this purpose, this person is designated as the one to whom complaints regarding public tenders or expressions of interest must be made following the publication of a notice of intention, in accordance to article 938.0.0.1 of the MC.

In case of absence or inability of the Director General/Secretary-Treasurer to act, the assistant will assume this responsibility.

All complaints or expressions of interest must be forwarded to the following e-mail address: jturnbull@mungi.ca or to any other address designated by the person responsible and must be indicated in the call for public tenders or the notice of intention to conclude a contract by mutual agreement.

5. Obligations of the person in charge

The person who is in charge must act impartially and diligently in applying the provisions of the MC regarding the reception, examination, processing and the follow-up of complaints or expressions of interest.

In regards to these functions, the person responsible shall, in particular:

- a) Receive the complaints or expressions of interest;
- b) Verify their admissibility according to the provisions of the MC and this present procedure;
- c) Ensure that the registrations are done on the Electronic Tendering System (SEAO) in accordance to the MC;
- d) Ensure the treatment and the follow-up of the complaints and expressions of interest in accordance to the MC, by appealing to any person, firm or expert mandated by the municipality where it is appropriate or of interest;
- e) Formulate and forward to the complainant or to the person who expressed their interest, the municipality's decision;
- f) Inform the complainant or the person who expressed their interest of their rights to file a complaint under the Public Procurement Authority Act (RLRQ, c. A-33.2.1), when applicable within the time limits specified in the MC.

6. Reasons in support of a complaint within the framework of the awarding of a contract following a call for public tenders

A person or a group of persons interested in participating in the tendering process or his representative may file a complaint regarding the public call for tender process if the person believes that the call for tenders provides conditions that:

- Do not ensure an honest and fair treatment of competitors;
- Do not allow the competitors to participate although they are qualified to respond to the expressed needs; or
- Do not otherwise comply with the regulatory framework of the municipality.

7. Reason to support an intentional statement in regards to awarding a direct agreement (gré à gré) contract with a sole service provider

A person can express his interest in a contract to be concluded by mutual agreement with a sole service provider if he is able to demonstrate that he can fulfill this contract in regards to the needs of the municipality and the obligations of the contract stated in the notice of intent.

8. Coming into force

This procedure comes into force upon adoption by the members of council of the Municipality of Grosse Ile.