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Integrity in public contracts – The City of Westmount to require an authorization from the *Autorité des marchés financiers* as of January 1st, 2017

Westmount, August 2, 2016 – The Municipal Council of the City of Westmount adopted a resolution on August 1st, 2016 to require an “authorization to contract”, issued by the *Autorité des marchés financiers* (**AMF**), from contractors wishing to bid for certain public calls for tenders.

The City’s call-for-tenders documents will therefore be modified to include this requirement for contracts subject to this policy starting on January 1st, 2017. The contracts affected by this new policy will be those with a value over \$100,000 and that are in one of the following categories:

- Contracts for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewers;
- Contracts for the supply of bituminous compounds;
- Service contracts for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewers.

In addition, Westmount will require from contractors to whom it gives a mandate to perform work in the context of the above-mentioned contracts, that their sub-contractors also hold an authorization from the AMF for sub-contracts with a value of \$25,000 or more.

Through the adoption of the *Integrity in Public Contracts Act* in 2012, the Quebec Government established a process to ascertain that contractors who wish to contract with a municipality meet certain criteria of integrity. Since the month of November 2015, contractors who wish to obtain a contract from the City of Montreal for the same types of contracts must possess an authorization from the AMF.

“Given that work performed in Westmount is similar to work performed in Montreal – a City that surrounds us – our residents have the right to expect that contractors with whom we do business meet the same standards of integrity as is being required in Montreal. The requirement to prove one’s integrity should not be determined or limited by geographical considerations,” declared Westmount’s Mayor, Peter F. Trent.

The adoption of this policy comes in the wake of the work of the *Commission d’enquête sur l’octroi et la gestion des contrats publics dans le domaine de la construction* (the Charbonneau Commission) and the recommendations contained in its report dated November 24, 2015. More specifically, the adoption of this policy is clearly within the mandate of the City of

Westmount, which consists of, amongst other things, ensuring good and sound management of public funds.

“The objective is not to restrict the market, far from it. This is why we are now announcing this policy, which is to come into force only in 2017. We want to give those who have not deemed it pertinent or necessary to obtain an authorization from the AMF the time to do so, in order to either tender for the first time on a contract in Westmount or, as the case may be, to be able to continue to tender on our contracts,” stated Me Martin St-Jean, Director of Legal Services for the City of Westmount.

The City of Westmount encourages all companies interested in tendering on its infrastructure projects in 2017 to undertake right away the steps required to obtain an authorization from the AMF, if they have not already done so.

SOURCE : City of Westmount

INFORMATION : Me Martin St-Jean, Director of Legal Services and City Clerk (514-989-5253 or mst-jean@westmount.org)