

[This is an English version of the decision originally submitted in French to Montréal's City Council on October 26, 2015]



Partial Lifting of the Suspension of the Contract for Road Levelling Work, Laying of Asphalt and Reconstruction of Curbs and Sidewalks (PCPR) in the Montréal-North and Anjou Boroughs (Call for Tenders 320201)

(section 57.1.10 of *Montréal's City Charter*)

October 13, 2015

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The Facts

On September 22, 2015, the Inspector General issued a decision pursuant to section 57.1.10 of *Montréal's City Charter*, an excerpt of which reads as follows:

“The Inspector General:

SUSPENDS the contract awarded to Demix Construction, a division of Holcim (Canada) Inc., for road levelling work, laying of asphalt and reconstruction of curbs and sidewalks (PCPR) in the Montréal-North and Anjou boroughs (public call for tenders 320201) to enable the Infrastructures, Roads and Transports Department (Service des infrastructures, de la voirie et des transports) to:

1. remind the contractor, Demix Construction, of its contractual obligations, including the obligation to carry out all surface and partial-depth repairs;
2. formally inform SNC-Lavalin, in its capacity as site supervisor, of the situation so that it protects the City's rights and reinforces the specifications to the City's satisfaction.

Said suspension, which **TAKES EFFECT IMMEDIATELY**, as set forth in section 57.1.11 of *Montréal's City Charter*, shall be lifted once the city has the assurance that the necessary conditions are in place for the proper execution of the work in accordance with the specifications, and the Infrastructures, Roads and Transports Department (Service des infrastructures, de la voirie et des transports) has informed the Inspector General of such.

(...)”

As stipulated in the law, a copy of this decision was sent on the day of issue to the mayor and City clerk. The City clerk in turn sent the decision to the co-contracting party. The Inspector General was notified that the work identified in the suspended contract ceased on the afternoon of September 22, 2015.

On October 7, 2015, following discussions with the Office of Inspector General, the City's Infrastructures, Roads and Transports Department (Service des infrastructures, de la voirie et des transports) committed to asking its co-contracting parties for further details and commitments and, in the interim, made a verbal request to partially lift the suspension of the contract in order to complete the sidewalk repairs and pavement markings, given the impending end of the construction season. The written request, received on October 9, indicated the following [TRANSLATION]:

We are also submitting a list of the streets and the work involved for which we wish the suspension to be lifted, in light of the necessity of completing this work:



- *Monselet Street: Pavement markings, correction of deficiencies;*
- *Prieur Street: Pavement markings, correction of deficiencies;*
- *Hébert Avenue: Pavement markings, correction of deficiencies;*
- *Gertrude Boulevard: Pavement markings, correction of deficiencies;*
- *De La Seine Avenue: Completion of culverts, of work behind the sidewalks (e.g., residents' driveways) and of appurtenances that have already been cut;*
- *Giraud Avenue: Completion of culverts and of work behind the sidewalks;*
- *Montesquieu Avenue: Completion of culverts and of work behind the sidewalks;*
- *George Avenue: Completion of culverts and of work behind the sidewalks.*

Considering that the nature of the work to be performed is not related to the breaches identified in the September 22 decision and that the construction season is coming to an end,

FOR THESE REASONS,

The Inspector General:

PARTIALLY LIFTS THE SUSPENSION of the contract awarded to Demix Construction, a division of Holcim (Canada) Inc., for road levelling work, laying of asphalt and reconstruction of curbs and sidewalks (PCPR) in the Montréal-North and Anjou boroughs (public call for tenders 320201), as it pertains to the following work:

- *Monselet Street: Pavement markings, correction of deficiencies;*
- *Prieur Street: Pavement markings, correction of deficiencies;*
- *Hébert Avenue: Pavement markings, correction of deficiencies;*
- *Gertrude Boulevard: Pavement markings, correction of deficiencies;*
- *De La Seine Avenue: Completion of culverts, of work behind the sidewalks (e.g., residents' driveways) and of appurtenances that have already been cut;*
- *Giraud Avenue: Completion of culverts and of work behind the sidewalks;*
- *Montesquieu Avenue: Completion of culverts and of work behind the sidewalks;*
- *George Avenue: Completion of culverts and of work behind the sidewalks*



SENDS, in accordance with section 57.1.10 of *Montréal's City Charter*, a copy of this decision to the mayor of the City as well as to the clerk, who shall in turn send it to the council concerned, i.e., Montréal's City Council.

The Inspector General,

Denis Gallant, Ad. E.