



Office of Inspector General of Ville de Montréal
1550 Metcalfe St., Suite 1200 (12th floor)
Montreal, QC H3A 1X6
Telephone: 514 280-2800

**Communication of
information**

Date: 2020-07-22

Subject: Procedure regarding the communication of information to the Inspector General of Ville de Montréal under Sections 56 through 66 of the *Act Respecting the Autorité des marchés publics*

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1. Legal framework

Under Section 68 of the *Act Respecting the Autorité des marchés publics*, the Inspector General exercises the functions and powers conferred on the Autorité des marchés publics in respect of Ville de Montréal or any of its related bodies. The Inspector General replaces the Autorité for the enforcement of the provisions of the *Act Respecting the Autorité des marchés publics*.

Under Section 57 of the *Act Respecting the Autorité des marchés publics*, the Office of Inspector General must establish and publish a procedure on its website regarding the submission and handling of communication of information.

2. Purpose of the procedure

The purpose of this procedure is to ensure fair treatment of the communication of information to the Office of Inspector General of Ville de Montréal.

Any person may disclose information relating to the award, assignment or performance of a public contract to the Inspector General of Ville de Montréal during the publication of the public call for tenders, before or after the contract award, or during performance of the contract.

3. Interpretation

Unless specifically stated to the contrary or resulting from the context or provision, the following expressions, terms and words shall have the meaning and application attributed to them in this section:

Assignment process (to a sole supplier identified as such):

Any process aimed at assigning by mutual agreement a specific contract to a supplier that is the only one capable of supplying the goods or services, in accordance with **Section 573.3.0.0.1 of the CTA**.

Award process:

Any ongoing public tender process leading to the award of a specific contract.

Public contract:

An insurance or procurement contract, or contract for the performance of work or the provision of services, including professional services, which Ville de Montréal or any of its related bodies may enter into.

SEAO (Electronic Tendering System):

Electronic tendering system under Section 11 of the *Act Respecting Contracting by Public Bodies*.



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4. Application

The Deputy Inspector General – Analysis and Preliminary Investigations is responsible for the application of this procedure.

He or she is responsible for receiving the communication of information, conducting the required verifications and analyses, and responding.

5. Who can communicate information

Any person may disclose information relating to a contract award or assignment process, or performance of a contract, to the Office of Inspector General of Ville de Montréal.

A person disclosing information may identify themselves or remain anonymous.

6. Means of information disclosure

One of the following three methods may be used for the disclosure of information:

- Electronically: To big@bigmtl.ca;
- By phone: (514) 280-2800, Monday to Friday, from 8:30 am to 5:00 pm;
- By mail or in person: Monday to Friday, from 8:30 am to 5:00 pm

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7. Content of a communication of information

A communication of information may include the following:

- Date;
- Complainant's identification and contact information (optional):
 - Name
 - Address
 - Phone number
 - Email address
- Identification of the subject or situation referred to in the communication of information:
 - Contract number
 - Name of company
- Detailed explanation of observed irregularities
- If applicable, any relevant documentation supporting the information being sent.



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8. Review of a communication of information

If the Inspector General of Ville de Montréal deems it appropriate to review an award or assignment process, or the performance of a contract referred to in any communication of information, she will inform the director of the public body of the reasons justifying such a review and ask the director to submit his or her comments.

Upon concluding the review, the Inspector General shall forward her reasoned decision in writing to the public body concerned and notify the person who sent the communication of information of any follow-ups that were done. She may also, if she deems it appropriate, send a copy of her decision to the public body in question.

9. Protection of persons who communicate information

The Inspector General of Ville de Montréal takes all the necessary measures to maintain the anonymity of any person communicating with her.

It is prohibited to take any reprisals against a person who communicates information or cooperates in any audit conducted as the result of such communication.

Furthermore, no person may be threatened with reprisals to make them refrain from disclosing information or cooperating in any audit conducted as the result of such communication.

Any person who believes they have been the victim of reprisals may file a complaint with the Office of Inspector General of Ville de Montréal by email at big@bigmtl.ca. You may also contact the Office of Inspector General of Ville de Montréal by phone at (514) 280-2800 if you have any questions.

After reviewing the complaint, if the Inspector General finds it to be founded, recommendations are made to the director of the public body concerned by the reprisals.

In addition, if the Inspector General determines that reprisals which a person who made a communication believes to be a victim of appear to be prohibited under paragraph 14 of Section 122 of the *Act Respecting Labour Standards* (c. N-1.1), said person shall also be referred to the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

A person who communicates or would like to communicate information, who is cooperating in an audit performed following a communication of information, or who believes to have been subject to reprisals as a result of a communication of information may apply to the Québec Ombudsman to benefit from legal advice as provided under Section 26 of the *Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies* (c. D-11.1).

Anyone who communicates information that he or she knows to be false or misleading, or takes or threatens to take reprisals against a person who communicated information, commits an



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offence and is liable to a fine of \$2,000 to \$20,000 for an individual, and \$10,000 to \$250,000 in all other cases.

These sanctions also apply to anyone who aids, abets, advises, consents, authorizes or orders a person to commit such offences.

Fines are doubled in the case of a repeat offence.

10. Effective date and accessibility

This procedure shall be effective starting on July 22, 2020.

As soon as the procedure is in effect, the Office of Inspector General of Ville de Montréal shall make it accessible at all times by publishing it on its website.

The Inspector General,

Ms Brigitte Bishop

ORIGINAL SIGNED