



COMMUNICATION OF INFORMATION PROCEDURE

May 25th 2019

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PROCEDURE FOR THE COMMUNICATION OF INFORMATION

1. STATUTORY FRAMEWORK

Pursuant to section 57 of the [Act respecting the Autorité des marchés publics](#) (chapter A-33.2.1) (AAMP), the Autorité des marchés publics (the Authority) must establish a procedure for the communication of information under section 56 and publish it on its website.

2. APPLICABLE CONDITIONS (SECTION 56 OF THE AAMP)

2.1. Who may communicate information?

- Anyone.
- You may identify yourself or remain anonymous.

2.2. What information can be communicated to the Authority?

- Non-compliance by a public body with the normative framework related to the tendering or awarding process respecting a public contract.
- Non-compliance by a public body with the normative framework related to the execution of a public contract.
- The contract management of a public body
- Changes in government procurement.
- The contracting practices of a public body.
- A problematical situation that affects competition in government procurement.
- The lack of integrity of a business, one of its directors, partners, executive officers or shareholders.
- Any other information related to the Authority's mandate.

2.3. How can information be communicated to the Authority?

- At all times:
 - By telephone at 1-888-772-7443 (confidential, toll-free line)
 - By completing the [secure form](#) accessible on the Authority website
 - By secure e-mail: signalement@amp.quebec
 - By regular mail to our head office in Québec City:
Autorité des marchés publics
525, boulevard René-Lévesque Est, RC. 30
Québec (Québec) G1R 5S9
- In person at our Québec City and Montréal offices, between 8:30 a.m. and 12 noon and 1 p.m. and 4:30 p.m.:

Québec

Autorité des marchés publics
525, boulevard René-Lévesque Est, RC. 30
Québec (Québec) G1R 5S9

Montréal

Autorité des marchés publics
413, rue Saint-Jacques, local 160
Montréal (Québec) H2Y 1N9

3. HANDLING OF THE INFORMATION RECEIVED

3.1. Confidentiality (section 61 of the AAMP)

The Authority must take all necessary measures to preserve the anonymity of a person who communicates information to it.

3.2. The Authority's discretion

The Authority compiles all of the information that it receives. When it deems it necessary to do so and knows your identity, it can contact you to obtain clarifications.

The Authority may decide to not further analyze the information you submitted or to do so later on. In all cases, the Authority will securely, confidentially preserve the information that you provided.

Should the Authority deem it necessary, it can conduct an audit, an investigation or an intervention and, at the conclusion of the process, hand down decisions or make recommendations.

Should the Authority deem it appropriate to examine the process or execution of a contract targeted by the communication of information, it must inform the public body's chief executive officer of the grounds that justify the examination and invite the officer to submit his observations (section 59 of the AAMP). At the conclusion of the examination, the Authority transmits its decision with reasons in writing to the public body concerned and informs the person who communicated the information of follow-up to it (section 60 of the AAMP).

3.3. Transmission of information to another body

The information that you communicate to the Authority may fall under the jurisdiction of another body, in which case the Authority must transmit such information to the body concerned. If so, the Authority may request your permission to reveal your identity to the other body, to enable the latter to contact you if the need arises.

4. CIVIL LIABILITY (SECTION 62 OF THE AAMP)

A person who, in good faith, communicates information or cooperates in an audit conducted on the grounds of such a communication incurs no civil liability for doing so.

5. REPRISALS

5.1. Prohibition on taking reprisals (sections 63(1) and 64 of the AAMP)

It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, communicated information or cooperated in an audit conducted on the grounds of such a communication.

The demotion, suspension, dismissal or transfer of a person or any other disciplinary measure or measure that adversely affects such a person's employment or conditions of employment is presumed to be a reprisal within the meaning of that section.

5.2. Prohibition on taking reprisals (section 63(2) of the AAMP)

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from communicating information or cooperating in an audit conducted on the grounds of such a communication.

5.3. What should you do if you believe that you are the victim of reprisals (section 65 of the AAMP)?

If you believe that you are the victim of reprisals, you may file a complaint with the Authority at 1-888-772-7443 so that it can examine the complaint and submit, if need be, the recommendations that it deems appropriate to the chief executive officer of the public body concerned by the reprisals.

If the Authority is of the opinion that the reprisals of which you believe you are the victim constitute a prohibited practice within the meaning of subparagraph 14 of the first paragraph of section 122 of the [Act respecting labour standards](#) (chapter N-1.1), the Authority will refer you to the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

At the conclusion of its examination, the Authority will inform the complainant of its observations and, where applicable, its recommendations.

6. LEGAL CONSULTATION SERVICE (SECTION 58 OF THE AAMP)

You can contact the [Québec Ombudsman](#) to take advantage of the legal consultation service stipulated in section 26 of the [Act to facilitate the disclosure of wrongdoings relating to public bodies](#) (chapter D-11.1) if:

- you are communicating or wish to communicate information to the Authority;
- you are cooperating on an audit conducted because of the communication of information to the Authority;
- you believe that you are the victim of reprisals as described in section 5 of this procedure.

The Quebec Ombudsman will then determine if you can benefit from the legal consultation service. It is also the Quebec Ombudsman who will determine, if the need arises, the manner in which the legal consultation service is provided and for how long.

7. CRIMINAL OFFENCES (SECTION 66 OF THE AAMP)

The following actions or omissions constitute offences liable to a fine of \$2 000 to \$20 000 in the case of a natural person or of \$10 000 to \$250 000 in other cases and, in the case of a subsequent offence, the fine is doubled:

- communicate information that the person knows to be false or misleading;
- exercise reprisals against a person who, in good faith, communicated information or collaborated in an audit conducted because of such a communication, or threaten to take a reprisal against a person so that the person will abstain from communicating information or cooperating in an audit conducted on the grounds of such a communication;
- by an act or omission, help another person to commit either of the abovementioned offences or by encouragement, advice, consent, authorization or command, induce another person to commit either of the abovementioned offences.