



MILLER THOMSON LLP

Barristers & Solicitors
Patent & Trade-Mark Agents



CONSTRUCTION COMMUNIQUÉ

November 2008

A publication of
Miller Thomson LLP's
Construction Practice
Group.

FOR YOUR INFORMATION... LATE BREAKING NEWS

The Competition Bureau has just issued the following news release:

SOURCE - <http://www.competitionbureau.gc.ca/epic/site/cb-bc.nsf/en/O2748e.html>

Quebec Construction Companies Charged with Bid-rigging Following Competition Bureau Investigation

OTTAWA, November 10, 2008 – The Competition Bureau announced today that three construction companies and their presidents have been charged with rigging bids submitted for the expansion and refitting of the emergency room at the Chicoutimi Hospital, and finishing work to be performed at the Alcan smelter in Alma, Quebec.

The Bureau alleges that the parties entered into agreements to predetermine which of the companies would win the contracts, which held a combined value of over \$1 million. It is believed the agreements also provided for financial compensation for the other bidders. All three companies are based in Chicoutimi, Quebec.

Construction G.T.R.L. (1990) Inc. and its President, Richard Girard, Acoustique JCG and its President, Jean-Claude Gauthier, and Entreprises de Construction OPC Inc. and its President, Rémi Boucher, have been charged with bid-rigging.

“Combating domestic cartels is the Bureau’s number one enforcement priority,” said Sheridan Scott, Commissioner of Competition. “The Bureau takes very seriously these potentially anti-competitive schemes that can result in overcharges to Canadians, and we will not hesitate to take action against any individuals or businesses involved.”

In its investigation, the Bureau benefited from the cooperation of an immunity applicant. Under the Bureau’s Immunity Program, the first party to disclose to the Competition Bureau an offence not yet detected or to provide evidence leading to the filing of charges may receive immunity from the Director of Public Prosecutions of Canada as long as the party co-operates with the Bureau.

Under section 47 of the *Competition Act*, it is a criminal offence for two or more bidders to agree that one party will refrain from bidding, or to agree among themselves on bids submitted without informing the person calling for the bids of this agreement. Penalties for bid-rigging include a fine at the discretion of the court and/or a prison sentence of up to five years.

The Competition Bureau is an independent agency that contributes to the prosperity of Canadians by protecting and promoting competitive markets and enabling informed consumer choice.

For more information about our Construction law practice group, please visit our website at www.millerthomson.com, or contact:

VANCOUVER	TORONTO	TORONTO	CALGARY	EDMONTON	MONTRÉAL
Owen D. Pawson	William B. Pigott	Dražen F. Bulat	Kathleen J. Kendrick	William J. Kenny, QC	Louis-Michel Tremblay
604.643.1254	416.595.8179	416.595.8613	403.298.2455	780.429.9784	514.871.5421

PRIVACY POLICY: Miller Thomson LLP uses your contact information to send you information on legal topics that may be of interest to you. It does not share your personal information outside the firm, except with subcontractors who have agreed to abide by its privacy policy and other rules.

DISCLAIMER: This communiqué is provided as an information service to our clients and is a summary of current legal issues. This article is not meant as a legal opinion and readers are cautioned not to act on information provided in this communiqué without seeking specific legal advice with respect to their unique circumstances.