



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 37
(2020, chapter 2)

**An Act mainly to establish the Centre
d'acquisitions gouvernementales and
Infrastructures technologiques
Québec**

**Introduced 18 September 2019
Passed in principle 5 November 2019
Passed 20 February 2020
Assented to 21 February 2020**

**Québec Official Publisher
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EXPLANATORY NOTES

This Act establishes the Centre d'acquisitions gouvernementales and Infrastructures technologiques Québec and provides for the abolition of the Centre de services partagés du Québec.

Under the Act, the Centre d'acquisitions gouvernementales is responsible for providing public bodies with the goods and services they need in the exercise of their functions and has full power to acquire such goods and services on behalf of such bodies. The Centre must establish a government procurement plan and send it to the Conseil du trésor. The Act transfers responsibility to the Centre for disposal services for property no longer needed by public bodies.

The Act confers on the Chair of the Conseil du trésor the power to determine which goods and services must be procured through the Centre. It confers on the Minister of Health and Social Services and the Minister of Education and Higher Education a similar power with regard to the bodies under their respective responsibility.

Under the Act, Infrastructures technologiques Québec is responsible, in keeping with the policy directions determined by the Conseil du trésor, for providing public bodies with common technology infrastructure services and support system services capable of, among other things, supporting such bodies in the exercise of their functions and in their delivery of services so as to promote their digital transformation. The Act provides that this new body is to pool and develop in-house expertise on common technological infrastructure, and entrusts it with the function of cloud broker. The Act provides that the common technology infrastructure services and support system services that may be offered to public bodies are determined by the Conseil du trésor.

The Act determines the organizational and operational rules of the Centre d'acquisitions gouvernementales and Infrastructures technologiques Québec. It establishes that each of the new bodies has a president and chief executive officer appointed by the Government, as well as vice-presidents appointed by the Government, the number of which is determined by the latter, and that the president and chief executive officer of the Centre must be chosen from among the persons declared qualified by a selection committee. The Act provides for the establishment of a governance committee within the Centre and an audit committee within each of the new bodies.

The Act includes financial provisions governing the activities of the Centre d'acquisitions gouvernementales and those of Infrastructures technologiques Québec. It establishes the Government Infrastructure and Digital Services Fund, dedicated to financing public bodies' common technology infrastructures and support systems as well as to financing the services offered or provided by Infrastructures technologiques Québec.

The Act entrusts the function of Québec Official Publisher to the Minister of Labour, Employment and Social Solidarity and allows the Agence du revenu du Québec to provide public bodies with digitization, courier, storage, mail, printing and document management and preservation administrative services. It specifies that the Chair of the Conseil du trésor is, by virtue of office, to be responsible for any other service currently offered or rendered by the Centre de services partagés du Québec that is not related to a function expressly transferred by the Act.

The Act contains amending, miscellaneous and transitional provisions necessary for creating the Centre d'acquisitions gouvernementales and Infrastructures technologiques Québec, and for transferring rights and obligations of the Centre de services partagés du Québec, Collecto Services regroupés en éducation, SigmaSanté and the other health network joint procurement groups dissolved by this Act, namely, Groupe d'approvisionnement en commun de l'Est du Québec and Groupe d'approvisionnement en commun de l'Ouest du Québec. The Act also contains provisions concerning the transfer of those entities' employees.

The Act amends the Act respecting health services and social services to provide a framework for the non-profit legal person, designated by the Minister of Health and Social Services and whose purpose, as the health and social services network insurance manager, is to offer, from 1 June 2020, the network's institutions damage insurance services adapted to their needs. The Act specifies in that respect that SigmaSanté is deemed to be the legal person designated by the Minister.

Lastly, the Act amends the Act respecting contracting by public bodies to make it possible to enter a company in the register of enterprises ineligible for public contracts if a penalty has been imposed on the company or a person who is an associate of the company with respect to an abusive tax avoidance transaction, and to allow the Autorité des marchés publics to take such situations into account under the contracting authorization regime it administers in accordance with that Act. Such amendments apply only with respect

to the assessment of a penalty imposed under the Taxation Act that results from an audit or investigation that began after the 59th day following the date of assent to this Act. The Taxation Act is also amended to provide for a transitional period during which taxpayers may disclose abusive tax avoidance transactions to the Minister of Revenue in order to prevent such ineligibility.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Public Administration Act (chapter A-6.01);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Building Act (chapter B-1.1);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);
- Act respecting contracting by public bodies (chapter C-65.1);
- Act respecting the development of Québec firms in the book industry (chapter D-8.1);
- Election Act (chapter E-3.3);
- Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);

- Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1);
- Taxation Act (chapter I-3);
- Public Infrastructure Act (chapter I-8.3);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Ministère des Relations internationales (chapter M-25.1.1);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting the Ministère du Conseil exécutif (chapter M-30);
- Act to ensure the occupancy and vitality of territories (chapter O-1.3);
- Act to establish the Office Québec-Monde pour la jeunesse (chapter O-5.2);
- Act respecting the Compilation of Québec Laws and Regulations (chapter R-2.2.0.0.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies (chapter R-26.2.01);
- Act respecting occupational health and safety (chapter S-2.1);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting the Société québécoise d’information juridique (chapter S-20);
- Act respecting public transit authorities (chapter S-30.01);

- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

LEGISLATION ENACTED BY THIS ACT:

- Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1);
- Act respecting Infrastructures technologiques Québec (2020, chapter 2, section 2).

LEGISLATION REPEALED BY THIS ACT:

- Act respecting the Centre de services partagés du Québec (chapter C-8.1.1).

REGULATIONS AMENDED BY THIS ACT:

- Terms and conditions for the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor (chapter A-6.01, r. 4);
- Regulation respecting contracts of the Ethics Commissioner (chapter C-23.1, r. 1);
- Règles sur les modalités de gestion administrative, financière et d’engagement de personnel et des commissions d’enquête instituées en vertu de la Loi sur les commissions d’enquête (chapter C-37, r. 1, French only);
- Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2);
- Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4);
- Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1);
- Règlement sur les contrats du Protecteur du citoyen (chapter P-32, r. 2, French only).

Bill 37

AN ACT MAINLY TO ESTABLISH THE CENTRE D'ACQUISITIONS GOUVERNEMENTALES AND INFRASTRUCTURES TECHNOLOGIQUES QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

ENACTMENT OF THE ACT RESPECTING THE CENTRE D'ACQUISITIONS GOUVERNEMENTALES

1. The Act respecting the Centre d'acquisitions gouvernementales, the text of which appears in this Part, is enacted.

“ACT RESPECTING THE CENTRE D'ACQUISITIONS GOUVERNEMENTALES

“CHAPTER I

“ESTABLISHMENT

“1. The Centre d'acquisitions gouvernementales is established.

The Centre is a legal person and a mandatary of the State.

The Centre may choose, following the approval of the Chair of the Conseil du trésor, to refer to itself by another name or by an acronym by sending a copy of a decision to that effect to the enterprise registrar; at the same time, it posts the decision on its website.

“2. The Centre's property forms part of the domain of the State, but the performance of its obligations may be levied against its property.

The Centre binds none but itself when it acts in its own name.

“3. The Centre's head office is in the national capital at the place it determines.

The Centre publishes a notice of the location and of any change in location of its head office in the *Gazette officielle du Québec* and, at the same time, posts it on its website.

“CHAPTER II

“MISSION AND RESPONSIBILITIES

“DIVISION I

“MISSION

“4. The Centre’s mission is to provide to public bodies the goods and services they require in the exercise of their functions, with a view to optimizing government procurement in compliance with the applicable contract rules.

For the purposes of this Act, public bodies are

(1) bodies within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1), except those determined by the Government; and

(2) any other entity designated by the Government.

“5. The Centre must, more specifically,

(1) acquire goods and services on behalf of public bodies, by making groups or carrying out mandates; in this Act, such acquisition is called “government procurement”;

(2) manage such procurement, taking into account the instructions issued to it by the Chair of the Conseil du trésor regarding government procurement;

(3) establish and update, in collaboration with the public bodies it serves and taking into account the instructions it receives from the Chair of the Conseil du trésor, the planning of the government goods and services procurement entrusted to it;

(4) enlist the participation of the public bodies and other partners with the knowledge and skills required to carry out government procurement projects;

(5) produce management information on the terms and conditions determined by the Chair of the Conseil du trésor, including with regard to the use of resources allocated for government procurement under its responsibility; and

(6) carry out any other related mandate the Government or the Chair of the Conseil du trésor entrusts to it.

The Minister of Health and Social Services and the minister responsible for education and higher education may also exercise, with regard to the bodies under their respective responsibility, the power provided for in subparagraph 5 of the first paragraph.

The Chair of the Conseil du trésor publishes on the Conseil du trésor’s website, within a reasonable time, the instructions referred to in subparagraphs 2 and 3 of the first paragraph.

“6. A public body must, for the purpose of ensuring that a government procurement project meets its needs, determine those needs and communicate them to the Centre.

The Centre must consult the public bodies covered by such a project when meeting specific needs other than those concerning a commodity. In addition, the Centre may consult any person or entity whose expertise it considers necessary, including an outside expert.

The consultation pertains to any purpose or stage of the project, in particular to the preparation of tender documents or to the testing of the good under conditions of use.

To that end, the Centre establishes an advisory committee composed of user members from a network or networks concerned and identified by the Centre. A user member is a person who uses a good or service covered by the government procurement project.

For the purposes of this section, “commodity” means a good or service identified as such in an order made in accordance with section 9.

“7. The Centre gives its opinion on any matter within its jurisdiction submitted to it by the Chair of the Conseil du trésor or the Government, and attaches to it any recommendations the Centre considers appropriate.

“DIVISION II

“GOVERNMENT PROCUREMENT

“8. The Centre must establish a plan for government procurement under its responsibility that takes into account the needs of public bodies.

The government procurement plan must be sent to the Conseil du trésor.

The Chair of the Conseil du trésor determines the information the plan must include, the period it covers, the time limit for sending it to the Conseil du trésor, its form, and the schedule for any revisions of it.

“9. Subject to any incompatible provision, public bodies must exclusively use the Centre to obtain a good or service determined by order of the Chair of the Conseil du trésor, the Minister of Health and Social Services or the minister responsible for education and higher education; in the case of the latter two ministers, such an order applies solely to bodies under their respective responsibility.

The order may set out categories of goods or services. It may concern one or more public bodies. It may indicate the cases and circumstances related to the obligation to use the Centre's services.

In case of incompatibility between an order made by the Chair of the Conseil du trésor and an order made by the Minister of Health and Social Services or the minister responsible for education and higher education concerning the same object, the order made by the Chair of the Conseil du trésor prevails.

“10. The Centre must inform the Chair of the Conseil du trésor if a public body refuses or fails to use the Centre to obtain a good or service covered by an order made in accordance with section 9. It must also inform the minister responsible for such a body.

Where a minister responsible is so informed, the minister must inform the chief executive officer of the body in writing and may request that measures to rectify the situation be, within the time the minister specifies, prepared and submitted for the minister's approval, with or without amendment. Where such measures are not complied with or implemented in a diligent manner, the minister may require the body to take corrective measures, conduct the appropriate follow-up and comply with any other penalty determined by the minister, including oversight and support measures. In such cases, all or part of the amount intended for such a body may be withheld or cancelled by the minister responsible.

“11. The Chair of the Conseil du trésor may determine joint procurement targets applicable to a public body, in particular to promote its voluntary participation in such procurement.

“12. The Centre has all the powers necessary to enter into a contract for a public body and at the latter's expense.

“13. The Centre assumes the management operations arising from any litigation for or against the Centre or a public body concerning procurement of a good or service by the Centre for that public body.

“14. When a public body uses the Centre to obtain a good or service, the Centre is exonerated of all liability for any injury that may result from its intervention, unless such injury is due to an intentional or gross fault on the part of the Centre.

The first paragraph does not apply with respect to the Centre's intervention in the context of a tendering process for a public contract.

“15. The Chair of the Conseil du trésor may, if he or she considers it necessary, issue directives to the Centre regarding government procurement. The Chair may do likewise in the case of public bodies regarding the same subject.

The Minister of Health and Social Services and the minister responsible for education and higher education may, in the same manner, issue directives regarding the same subject to public bodies under their responsibility.

Such directives are binding on the Centre and the public bodies concerned.

In case of incompatibility between a directive issued by the Chair of the Conseil du trésor and a directive issued by the Minister of Health and Social Services or the minister responsible for education and higher education concerning the same object, the directive issued by the Chair of the Conseil du trésor prevails.

“16. The Conseil du trésor may authorize a public body to obtain a good or service on conditions that differ from those set out in this Act and determine the conditions applicable in such a case.

The authorization provided for in the first paragraph is not required

(1) if such a body obtains a good or service at a cost that does not involve using public funds; or

(2) if such a body enters into a contract by mutual agreement because there is an emergency that threatens human safety or property, in accordance with subparagraph 1 of the first paragraph of section 13 of the Act respecting contracting by public bodies, and because it is therefore able to provide reasons based on events that could not be anticipated. The chief executive officer of the body must, however, so inform the Chair of the Conseil du trésor and include a summary description of the circumstances or reasons considered.

“DIVISION III

“OTHER RESPONSIBILITIES

“17. Subject to any incompatible provision, the Centre may provide disposal services for property no longer needed by public bodies.

“18. The Centre may provide goods and services to any other person or entity.

The application of the first paragraph may not reduce or otherwise restrict delivery of the services the Centre must provide to public bodies, which must always be given priority.

“CHAPTER III

“OPERATION

“19. The Centre’s affairs are administered by a president and chief executive officer appointed by the Government from among the persons who have been declared qualified to hold that office by the selection committee composed of the Secretary of the Conseil du trésor, the Deputy Minister of the Ministère de la Santé et des Services sociaux and the Deputy Minister of the Ministère de l’Éducation et de l’Enseignement supérieur or their representative.

The Chair of the Conseil du trésor publishes a notice inviting interested persons to apply, in accordance with the procedure the Chair determines.

The selection committee promptly evaluates the candidates on the basis of their knowledge, particularly regarding procurement, their experience and their qualifications. The committee presents to the Chair of the Conseil du trésor a report in which it lists the candidates it has met whom it considers qualified to hold the office of president and chief executive officer. All information and documents regarding the candidates and the proceedings of the committee are confidential.

The committee members are entitled to reimbursement of their expenses to the extent determined by the Government.

The Government determines the president and chief executive officer’s remuneration, employee benefits and other conditions of employment.

The president and chief executive officer is appointed for a term of up to five years. At the end of the term, the president and chief executive officer remains in office until replaced or reappointed.

“20. The president and chief executive officer is responsible for the administration and direction of the Centre. The office of president and chief executive officer is a full-time position.

“21. The Government may, on the recommendation of the Chair of the Conseil du trésor, appoint the number of vice-presidents it determines to assist the president and chief executive officer. The Government determines their remuneration, employee benefits and other conditions of employment.

The office of vice-president is a full-time position. Each vice-president is appointed for a term of up to four years and remains in office until replaced or reappointed.

“22. The president and chief executive officer designates a vice-president to replace him or her when he or she is absent or unable to act.

“23. The Centre may make by-laws for its internal management.

“24. The Centre’s documents, if certified true by the president and chief executive officer, a vice-president, the secretary or any other person authorized by the Centre for that purpose, are authentic. The same applies to copies emanating from the Centre or forming part of its records if they have been so certified.

“25. No document is binding on the Centre or may be attributed to it unless it is signed by the president and chief executive officer, a vice-president, the secretary or, to the extent determined in the Centre’s by-laws, a member of the Centre’s personnel.

The rules governing the delegation of signing authority may provide for subdelegation and how it is to be exercised.

“26. The Centre may, subject to the conditions and on the documents it determines by by-law, allow a required signature to be affixed by any information technology-based process.

“27. A governance committee is established within the Centre. The committee is composed of the following members:

- (1) the Secretary of the Conseil du trésor;
- (2) the Deputy Minister of the Ministère de la Santé et des Services sociaux;
- (3) the Deputy Minister of the Ministère de l’Éducation et de l’Enseignement supérieur; and
- (4) two independent members appointed by the Government. At the expiry of their term, those members remain in office until replaced or reappointed.

A member is independent if, in the opinion of the Chair of the Conseil du trésor, the member qualifies as an independent director within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 and 25 of that Act apply, with the necessary modifications.

The Secretary of the Conseil du trésor is the chair of the committee.

The members of the governance committee receive no remuneration. They are, however, entitled to reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“28. The functions of the governance committee include

- (1) ensuring that the Centre carries out the government procurement projects in compliance with ministerial or government policy directions and in keeping with the principle of transparency;

(2) seeing to it that the consultation processes provided for in this Act are put in place;

(3) seeing to it that measures are put in place to create an environment conducive to mobilizing and retaining human resources, including measures for the development and optimal management of in-house expertise;

(4) ensuring that the Centre maintains effective governance, taking into account best practices and innovative approaches with respect to governance;

(5) seeing to it that the Centre adopts a code of ethics, subject to the provisions of a regulation made under sections 3.0.1 and 3.0.2 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) and to the provisions of the Public Service Act (chapter F-3.1.1);

(6) examining any activity that could be detrimental to good governance of the Centre;

(7) giving the Chair of the Conseil du trésor, at the latter's request, its opinion on any subject or making recommendations to the Chair; and

(8) carrying out any other mandate the Chair of the Conseil du trésor entrusts to it.

“29. The governance committee meets at least once every three months and more often if necessary, at the request of its chair or a majority of the members.

The committee may hold its meetings anywhere in Québec.

“30. An audit committee is established within the Centre. The committee is composed of three independent members appointed by the Chair of the Conseil du trésor, after consultation with the Minister of Health and Social Services and the minister responsible for education and higher education. On the expiry of their term, such members remain in office until replaced or reappointed.

The members of the audit committee must, as a group, have the appropriate expertise and experience, in particular expertise in accounting and law.

A member is independent if, in the opinion of the Chair of the Conseil du trésor, the member qualifies as an independent director within the meaning of section 4 of the Act respecting the governance of state-owned enterprises.

The members of the audit committee receive no remuneration. They are, however, entitled to reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

Sections 5 to 8 and 25 of the Act respecting the governance of state-owned enterprises apply, with the necessary modifications.

“31. The functions of the audit committee include

(1) seeing to it that the processes for consulting the stakeholders are implemented efficiently and properly;

(2) ensuring that a plan for the optimal use of the Centre’s resources is put in place, and following up on that plan;

(3) seeing to it that internal control mechanisms regarding operations and management practices are put in place and ensuring they are appropriate and effective;

(4) ensuring that a risk management process is put in place;

(5) reviewing any activity that could be detrimental to the Centre’s financial health;

(6) seeing to it that the Centre applies its code of ethics;

(7) ensuring that the Centre’s decisions or, more generally, its activities comply with the applicable laws, policies and directives; and

(8) ensuring that the report referred to in section 42 and, if applicable, the report referred to in section 44 on financial matters contain the information required by the Chair of the Conseil du trésor.

“32. The audit committee meets at least twice a year and more often if necessary.

The committee may hold its meetings anywhere in Québec.

“33. The governance committee and the audit committee may, in the exercise of their functions, require that any document or information used by the Centre be communicated to them.

The officers, employees and mandataries of the Centre must, on request, communicate those documents or that information to, and facilitate their examination by, the committees.

“34. The governance committee is under the authority of the Chair of the Conseil du trésor and the audit committee is under the authority of the governance committee.

The committees must inform their respective authorities and the Chair of the Conseil du trésor in writing on discovering non-compliant operations or practices.

“35. The members of the Centre’s personnel are appointed in accordance with the Public Service Act.

“CHAPTER IV

“FINANCIAL PROVISIONS

“36. The Centre determines by regulation the tariff of fees as well as the other forms of remuneration payable for the services it provides. The tariff and other forms of remuneration may vary according to the goods or services provided or the clientele served.

The above forms of remuneration require the approval of the Conseil du trésor.

“37. The Government may, on the conditions and according to the terms it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the Centre and the performance of any of its obligations; and

(2) authorize the Minister of Finance to advance to the Centre any amount considered necessary to meet its obligations or pursue its mission.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

“38. The Centre may not, without the Government’s authorization,

(1) contract a loan that causes the total of its outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or in contravention of the terms determined by the Government;

(3) acquire or transfer assets in excess of the limits or in contravention of the terms determined by the Government; or

(4) accept a gift or legacy to which a charge or condition is attached.

“39. The sums received by the Centre must be allocated to the payment of its obligations. The Centre retains any surpluses, unless the Government decides otherwise.

“CHAPTER V

“ACCOUNTS AND REPORTS

“40. The Centre’s fiscal year ends on 31 March.

“41. Each year, the Centre submits its budgetary estimates for the following fiscal year to the Chair of the Conseil du trésor, in accordance with the form, content and schedule determined by the latter.

The estimates require the approval of the Government.

“42. Not later than 30 September each year, the Centre must file its financial statements and a report on its activities for the preceding fiscal year with the Chair of the Conseil du trésor. The Centre must send a copy of these documents to the Minister of Health and Social Services and to the minister responsible for education and higher education.

The financial statements and report must include all the information required by the Chair of the Conseil du trésor, after consultation with the Minister of Health and Social Services and the minister responsible for education and higher education.

The Chair of the Conseil du trésor tables the Centre’s financial statements in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.

“43. The Auditor General audits the Centre’s books and accounts each year and whenever so ordered by the Government.

The Auditor General’s report must be submitted with the Centre’s financial statements and activity report.

“44. The Centre sends the Chair of the Conseil du trésor any information or any other report required by the Chair concerning the Centre’s activities.

“45. Chapter II of the Public Administration Act (chapter A-6.01) applies to the Centre as if it were a body designated under the second paragraph of section 5 of that Act.

“CHAPTER VI

“AUDIT

“46. The Chair of the Conseil du trésor may, if he or she considers it advisable, conduct an audit to verify whether the Centre is complying with the provisions of this Act. The audit may verify, among other things, whether a public body’s actions are in compliance with this Act and with the directives issued under it to which such a body is subject.

The Chair of the Conseil du trésor may designate a person in writing to conduct the audit.

“47. The Centre or the public body being audited under this chapter must, at the request of the Chair of the Conseil du trésor or the person designated to conduct the audit, send or otherwise make available to the Chair or the designated person all documents and information the Chair or designated person considers necessary to conduct the audit.

“48. The Chair of the Conseil du trésor presents any recommendations he or she considers appropriate to the Conseil du trésor. The Chair may then require the Centre or the public body concerned to take corrective measures, conduct any appropriate follow-up and comply with any other measure determined by the Conseil du trésor, including oversight or support measures.

“CHAPTER VII

“TRANSITIONAL AND MISCELLANEOUS PROVISIONS

“DIVISION I

“RIGHTS AND OBLIGATIONS

“49. The Centre replaces the Centre de services partagés du Québec with respect to the functions entrusted to it by this Act; it acquires the latter’s rights and assumes its obligations.

The assets and liabilities of the Centre de services partagés du Québec with respect to the functions entrusted to the Centre by this Act are identified by the Chair of the Conseil du trésor and transferred to the Centre according to the value and on the conditions determined by the Government.

“50. The Centre replaces the following joint procurement groups recognized by the Minister of Health and Social Services in accordance with section 435.2 of the Act respecting health services and social services (chapter S-4.2):

(1) Groupe d’approvisionnement en commun de l’Est du Québec, constituted by letters patent of amalgamation deposited in the enterprise register on 3 April 2012 under business number 1168143635; and

(2) Groupe d’approvisionnement en commun de l’Ouest du Québec, constituted by letters patent of amalgamation deposited in the enterprise register on 30 June 2014 under business number 1170179726.

The Centre acquires the rights and assumes the obligations of the above groups.

“51. The Centre succeeds to the rights and obligations of the joint procurement group SigmaSanté, recognized by the Minister of Health and Social Services in accordance with section 435.2 of the Act respecting health services and social services and constituted by letters patent deposited in the enterprise register on 26 May 1994 under business number 1140477762, for the continuance of its goods and services procurement contracts identified by the Chair of the Conseil du trésor. The Centre also acquires the assets and liabilities of SigmaSanté that are related to goods and services procurement and identified by the Chair of the Conseil du trésor; the Government determines the value and conditions relating to the transfer.

“52. The joint procurement groups referred to in section 50 are dissolved. The Chair of the Conseil du trésor sends a notice to that effect to the enterprise registrar, who deposits it in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1). Any remaining assets devolve to the Chair of the Conseil du trésor, except those identified by the Chair of the Conseil du trésor.

“53. The Centre succeeds to the rights and obligations of Collecto Services regroupés en éducation, constituted by letters patent deposited in the enterprise register on 13 June 1997 under business number 1146879888, for the continuance of its goods and services procurement contracts identified by the Chair of the Conseil du trésor.

“DIVISION II

“HUMAN RESOURCES

“54. Employees of the Centre de services partagés du Québec who are assigned to functions related to those entrusted to the Centre by this Act and are identified by the Chair of the Conseil du trésor not later than 31 May 2020 become without further formality employees of the Centre.

“55. Employees of Groupe d’approvisionnement en commun de l’Est du Québec and of Groupe d’approvisionnement en commun de l’Ouest du Québec become without further formality employees of the Centre.

The same applies to employees of Collecto Services regroupés en éducation, employees seconded to Collecto Services regroupés en éducation, provided their home organization is an education network body, and employees of SigmaSanté who are assigned to functions related to those entrusted to the Centre by this Act and are identified by the Chair of the Conseil du trésor not later than 31 May 2020.

The above employees are deemed to have been appointed in accordance with the Public Service Act. In the case of employees hired for a limited period of time, such a presumption applies only for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration, classification and any other condition of employment applicable to them.

For the purposes of this section, an education network body is a school board, a general and vocational college, the Fédération des cégeps, the Fédération des commissions scolaires du Québec or any other entity designated by the Chair of the Conseil du trésor.

“DIVISION III

“DOCUMENTS AND MISCELLANEOUS MEASURES

“**56.** Records, archives and other documents of the Centre de services partagés du Québec, Collecto Services regroupés en éducation, Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec and SigmaSanté that are related to the functions entrusted to the Centre by this Act become the latter’s records, archives and documents.

“**57.** The Centre becomes, without continuance of suit, a party to all proceedings to which the Centre de services partagés du Québec, Collecto Services regroupés en éducation, Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec or SigmaSanté was a party, with respect to the functions entrusted to the Centre by this Act.

“**58.** Until 21 February 2021 or, if it is earlier, the date of coming into force of an order made in accordance with section 9 that provides otherwise, the Centre provides, without interruption, the goods and services that, on 31 May 2020, were provided by the Centre de services partagés du Québec, Collecto Services regroupés en éducation, Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec or SigmaSanté, as applicable, but only if the goods and services to be obtained are related to the functions entrusted to the Centre by this Act.

“**59.** Tariffs and other forms of remuneration applicable to public bodies for goods and services provided by the Centre de services partagés du Québec and in force on 31 May 2020, continue to apply regarding the Centre until the date of coming into force of the first regulation made by the Centre in accordance with section 36.

The same applies, with the necessary modifications, to the tariffs and other forms of remuneration of Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec and SigmaSanté in force on that date for the public bodies concerned.

“60. Persons and bodies other than the public bodies that, on 31 May 2020, were served by, as applicable, Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec or SigmaSanté regarding goods and services procurement continue to be served in the same manner by the Centre until 21 February 2021, with no obligation on the part of such persons and bodies to use the Centre’s services.

“61. Calls for tenders published on 31 May 2020 in the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1), under the responsibility of the Centre de services partagés du Québec, Collecto Services regroupés en éducation, Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec and SigmaSanté, related to the functions entrusted to the Centre by this Act and possibly involving persons or bodies referred to in section 60, are continued under the Centre’s responsibility, without interruption.

“62. Despite any incompatible provision, an amendment to the constituting act of Groupe d’approvisionnement en commun de l’Est du Québec, Groupe d’approvisionnement en commun de l’Ouest du Québec or SigmaSanté after 17 September 2019 is without effect.

Despite the first paragraph, an amendment must be made to the constituting act of SigmaSanté after that date in order to give full effect to the application of this Act.

“63. Unless the context indicates otherwise or this Act provides otherwise, in any Act or any other document

(1) a reference to the Centre de services partagés du Québec or to the director general of purchasing referred to in the Act respecting the Service des achats du gouvernement (chapter S-4) is a reference to the Centre d’acquisitions gouvernementales, with respect to the functions entrusted to the latter by this Act; and

(2) a reference to the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) or any of its provisions is a reference to this Act or the corresponding provision of this Act, with respect to the functions entrusted to the Centre d’acquisitions gouvernementales by this Act.

“64. The Secretary of the Conseil du trésor may, until the date preceding the date the Centre’s first president and chief executive officer takes office, enter into any contract he or she considers necessary to ensure the establishment of the Centre and promote the smooth conduct of its activities and operations. For those purposes, the Secretary may make any necessary financial commitment in the amount and for the duration he or she considers appropriate.

“CHAPTER VIII

“FINAL PROVISIONS

“**65.** The Chair of the Conseil du trésor must, not later than 1 June 2025 and subsequently every five years, submit a report to the Government on the carrying out of this Act.

The report must include recommendations concerning the Centre’s activities and an assessment of the Centre’s efficiency and performance, including benchmarking measures.

The report is tabled in the National Assembly within 30 days or, if the National Assembly is not sitting, within 15 days of resumption.

“**66.** The Chair of the Conseil du trésor is responsible for the administration of this Act.”

PART II

ENACTMENT OF THE ACT RESPECTING INFRASTRUCTURES TECHNOLOGIQUES QUÉBEC

2. The Act respecting Infrastructures technologiques Québec, the text of which appears in this Part, is enacted.

“ACT RESPECTING INFRASTRUCTURES TECHNOLOGIQUES QUÉBEC

“CHAPTER I

“ESTABLISHMENT

“**1.** Infrastructures technologiques Québec is established.

Infrastructures technologiques Québec may choose, following the approval of the Chair of the Conseil du trésor, to refer to itself by another name or by an acronym by sending a copy of a decision to that effect to the enterprise registrar; at the same time, it posts the decision on its website.

“**2.** Infrastructures technologiques Québec’s head office is in the national capital at the place it determines.

Infrastructures technologiques Québec publishes a notice of the location and of any change in location of its head office in the *Gazette officielle du Québec* and, at the same time, posts it on its website.

“CHAPTER II

“MISSION AND RESPONSIBILITIES

“3. Infrastructures technologiques Québec’s mission, in keeping with the policy directions determined by the Conseil du trésor, is to provide public bodies with common technology infrastructure services and support system services capable of, among other things, supporting such bodies in the exercise of their functions and in their delivery of services so as to promote their digital transformation.

Infrastructures technologiques Québec pools and develops in-house expertise on common technology infrastructures. It contributes to enhancing digital information security within public bodies and the availability of services to citizens and businesses through the increased use of secure, high-performance shared technology infrastructures within such bodies.

The Conseil du trésor determines, in writing, the common technology infrastructure services and support system services that Infrastructures technologiques Québec may provide. The Conseil du trésor describes the services and determines their nature and extent as well as any other conditions. It publishes on its website, within six months after the coming into force of this Act, the first list of the services provided for in this paragraph and, subsequently, any amendment to the list, within a reasonable time.

For the purposes of this Act, public bodies are the bodies referred to in section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03).

“4. Infrastructures technologiques Québec must, more specifically,

(1) ensure that the common technology infrastructure services and support system services under its responsibility are accessible;

(2) ensure that its services meet public bodies’ needs, taking into account government priorities, and that its services keep up with advances in information technology;

(3) seek to optimize the design, execution, operation and development costs of its services so as to improve the efficiency and effectiveness of its services with respect to performance objectives and contribute to government-wide savings;

(4) establish customer relationship management processes to support public bodies using Infrastructures technologiques Québec services and measure their level of satisfaction with regard to the services it provides;

(5) see to it that the proper, highest performance standards conducive to ensuring the confidentiality, integrity and availability of the public body information it keeps are complied with and maintained, in particular by putting security measures in place;

(6) take the necessary measures to ensure the longevity of the information assets under its responsibility and indicate the life cycle of each asset in its inventory compiled and kept in accordance with paragraph 3 of section 13 of the Act respecting the governance and management of the information resources of public bodies and government enterprises so as to anticipate when the assets will become obsolete and to prevent them from becoming obsolete;

(7) contribute to the emergence of exemplary and innovative technology management practices in cooperation with the chief information officer and the various actors in the information technology community; and

(8) carry out any other related mandate the Government or the Chair of the Conseil du trésor entrusts to it.

“5. Infrastructures technologiques Québec acts as a cloud broker for public bodies by making cloud offerings available by type of good or service.

For that purpose, Infrastructures technologiques Québec must prepare a catalogue of cloud offerings designed to meet the bodies’ needs and assist them in such matters.

“6. Infrastructures technologiques Québec may provide services to any other person or to any other entity designated by the Chair of the Conseil du trésor.

“7. Infrastructures technologiques Québec must inform the Chair of the Conseil du trésor if a public body refuses or fails to use Infrastructures technologiques Québec services in cases where the Government requires the use of such services following an order made under subparagraph 1 of the first paragraph of section 22.1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises.

“CHAPTER III

“OPERATION

“8. Infrastructures technologiques Québec’s affairs are administered by a president and chief executive officer appointed by the Government, which determines his or her remuneration, employee benefits and other conditions of employment.

The president and chief executive officer is appointed for a term of up to five years. At the end of the term, the president and chief executive officer remains in office until replaced or reappointed.

“9. The president and chief executive officer is responsible for the administration and direction of Infrastructures technologiques Québec. The office of president and chief executive officer is a full-time position.

“10. The Government may, on the recommendation of the Chair of the Conseil du trésor, appoint the number of vice-presidents it determines to assist the president and chief executive officer. The Government determines their remuneration, employee benefits and other conditions of employment.

The office of vice-president is a full-time position. Each vice-president is appointed for a term of up to four years and remains in office until replaced or reappointed.

“11. The president and chief executive officer designates a vice-president to replace him or her when he or she is absent or unable to act.

“12. Infrastructures technologiques Québec may make by-laws for its internal management.

“13. Infrastructures technologiques Québec’s documents, if certified true by the president and chief executive officer, a vice-president, the secretary or any other person authorized by Infrastructures technologiques Québec for that purpose, are authentic. The same applies to copies emanating from Infrastructures technologiques Québec or forming part of its records if they have been so certified.

“14. No document is binding on Infrastructures technologiques Québec or may be attributed to it unless it is signed by the president and chief executive officer, a vice-president, the secretary or, to the extent determined in Infrastructures technologiques Québec’s by-laws, a member of Infrastructures technologiques Québec’s personnel.

The rules governing the delegation of signing authority may provide for subdelegation and how it is to be exercised.

“15. Infrastructures technologiques Québec may, subject to the conditions and on the documents it determines by by-law, allow a required signature to be affixed by means of any information technology-based process.

“16. Infrastructures technologiques Québec sends its strategic plan, and any amendment to it, to the Chair of the Conseil du trésor for examination of the plan’s consistency with ministerial and government policy directions. The Chair of the Conseil du trésor may ask Infrastructures technologiques Québec to replace the plan or the amendment.

“17. An audit committee is established within Infrastructures technologiques Québec. The committee is composed of three independent members appointed by the Chair of the Conseil du trésor. On the expiry of their terms, such members remain in office until replaced or reappointed.

The members of the audit committee must, as a group, have the appropriate expertise and experience, in particular expertise in accounting and information technology.

The Secretary of the Conseil du trésor is a permanent member of the committee but is not entitled to vote; the Secretary may appoint a substitute.

A member is independent if, in the opinion of the Chair of the Conseil du trésor, the member qualifies as an independent director within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

The members of the audit committee receive no remuneration. They are, however, entitled to reimbursement of the expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

Sections 5 to 8 and 25 of the Act respecting the governance of state-owned enterprises apply, with the necessary modifications.

“18. The functions of the audit committee include

(1) ensuring that a plan for the optimal use of Infrastructures technologiques Québec resources is put in place, and following up on that plan;

(2) seeing to it that internal control mechanisms regarding operations and management practices are put in place and ensuring they are appropriate and effective;

(3) ensuring that a risk management process is put in place;

(4) reviewing any activity that could be detrimental to Infrastructures technologiques Québec’s financial health;

(5) seeing to it that Infrastructures technologiques Québec applies its code of ethics;

(6) ensuring that Infrastructures technologiques Québec’s decisions or, more generally, its activities comply with the applicable laws, policies and directives; and

(7) ensuring that the annual management report referred to in section 24 of the Public Administration Act (chapter A-6.01) contains the elements or information determined by the Conseil du trésor.

“19. The audit committee meets at least twice a year and more often if necessary.

The committee may hold its meetings anywhere in Québec.

“20. The audit committee may, in the exercise of its functions, require that any document or information used by Infrastructures technologiques Québec be communicated to the committee.

The officers, employees and mandataries of Infrastructures technologiques Québec must, on request, communicate those documents or that information to, and facilitate their examination by, the committee.

“21. The audit committee is under the authority of the Chair of the Conseil du trésor.

The audit committee must inform the president and chief executive officer of Infrastructures technologiques Québec and the Chair of the Conseil du trésor on discovering non-compliant operations or practices.

“22. The members of Infrastructures technologiques Québec’s personnel are appointed in accordance with the Public Service Act (chapter F-3.1.1).

“CHAPTER IV

“FINANCIAL PROVISIONS

“23. Infrastructures technologiques Québec finances the services it offers or provides out of the sums from the Government Infrastructure and Digital Services Fund. Infrastructures technologiques Québec’s administrative expenses are financed by the sums granted for that purpose by Parliament.

“24. Infrastructures technologiques Québec determines the tariff of fees as well as the other forms of remuneration payable for the services it provides. The tariff and other forms of remuneration may vary according to the service provided or the clientele served.

The above forms of remuneration require the approval of the Conseil du trésor.

Infrastructures technologiques Québec publishes on its website, within a reasonable time, its rate schedule and any amendment to it.

“25. Infrastructures technologiques Québec sends the Chair of the Conseil du trésor any information or any other report required by the Chair concerning Infrastructures technologiques Québec’s activities.

“CHAPTER V

“GOVERNMENT INFRASTRUCTURE AND DIGITAL SERVICES FUND

“26. A special fund to be known as the “Government Infrastructure and Digital Services Fund” is established at Infrastructures technologiques Québec.

“27. The Fund is dedicated to financing public bodies’ common technology infrastructures and support systems, and the services offered or provided by Infrastructures technologiques Québec.

The financing of a technology infrastructure may cover its design, implementation, maintenance, evolution and operation.

“28. The following are credited to the Fund:

(1) the sums collected by Infrastructures technologiques Québec for the goods and services financed by the Fund;

(2) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(3) the sums transferred to it by a minister or by a budget-funded body listed in Schedule 1 to the Financial Administration Act out of the appropriations granted for that purpose by Parliament;

(4) the gifts, legacies and other contributions paid into the Fund to further the achievement of its purposes; and

(5) the interest earned on the sums credited to the Fund.

“29. The sums required to pay any expense needed to finance the infrastructures, systems and services referred to in section 27, excluding Infrastructures technologiques Québec’s administrative expenses, are debited from the Fund.

“30. Any surpluses accumulated by the Fund are transferred to the general fund on the dates and to the extent determined by the Government.

“31. The president and chief executive officer is responsible for managing the Fund.

“32. The Auditor General audits the Fund’s books and accounts each year and whenever ordered by the Government.

“CHAPTER VI

“TRANSITIONAL PROVISIONS

“33. Infrastructures technologiques Québec replaces the Centre de services partagés du Québec with respect to the functions entrusted to it by this Act; it acquires the latter’s rights and assumes its obligations.

The assets and liabilities of the Centre de services partagés du Québec with respect to the functions entrusted to Infrastructures technologiques Québec by this Act are identified by the Chair of the Conseil du trésor. The assets and liabilities are divided between Infrastructures technologiques Québec and the Government Infrastructure and Digital Services Fund as follows:

(1) the assets and liabilities related to administrative activities are transferred to Infrastructures technologiques Québec; and

(2) the assets and liabilities related to the services offered or provided by Infrastructures technologiques Québec to its clientele are transferred to the Government Infrastructure and Digital Services Fund.

The assets and liabilities are divided according to the value and on the conditions determined by the Government.

The sums necessary to provide for the payment of the liabilities referred to in subparagraph 1 of the second paragraph are taken out of the Consolidated Revenue Fund.

“34. Records, archives and other documents of the Centre de services partagés du Québec that are related to the functions entrusted to Infrastructures technologiques Québec by this Act become the latter’s records, archives and documents.

“35. Calls for tenders published on 31 May 2020 in the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1), under the responsibility of the Centre de services partagés du Québec and related to the functions entrusted to Infrastructures technologiques Québec by this Act, are continued under the latter’s responsibility, without interruption.

“36. Until the date of coming into force of the first decision by the Conseil du trésor made in accordance with the third paragraph of section 3, Infrastructures technologiques Québec provides services to clients that, on 31 May 2020, were served by the Centre de services partagés du Québec, but only to the extent that those services are related to the functions entrusted to Infrastructures technologiques Québec by this Act.

“37. The project called “Programme de consolidation des centres de traitement informatique et de l’optimisation du traitement et du stockage” and referred to in Order in Council 38-2019 dated 29 January 2019 continues under the same conditions, under the aegis of Infrastructures technologiques Québec.

“38. Employees of the Centre de services partagés du Québec who are assigned to functions related to those entrusted to Infrastructures technologiques Québec by this Act and are identified by the Chair of the Conseil du trésor not later than 31 May 2020 become without further formality employees of Infrastructures technologiques Québec.

“39. The expenditure and investment estimates for the Government Infrastructure and Digital Services Fund, set out in Schedule I, are approved for the fiscal year 2020–2021.

“CHAPTER VII

“MISCELLANEOUS AND FINAL PROVISIONS

“40. Unless the context indicates otherwise or this Act provides otherwise, in any Act and any other document

(1) a reference to the Centre de services partagés du Québec is a reference to Infrastructures technologiques Québec, with respect to the functions entrusted to the latter by this Act; and

(2) a reference to the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) or any of its provisions is a reference to this Act or the corresponding provision of this Act, with respect to the functions entrusted to Infrastructures technologiques Québec by this Act.

“41. The Secretary of the Conseil du trésor may, until the date preceding the date Infrastructures technologiques Québec’s first president and chief executive officer takes office, enter into, on behalf of Infrastructures technologiques Québec, any contract the Secretary considers necessary to ensure the establishment of Infrastructures technologiques Québec and promote the smooth conduct of its activities and operations. For those purposes, the Secretary may make any necessary financial commitment in the amount and for the duration the Secretary considers appropriate.

“42. The Chair of the Conseil du trésor is responsible for the administration of this Act.

“SCHEDULE I
(Section 39)

GOVERNMENT INFRASTRUCTURE AND DIGITAL SERVICES FUND

2020–2021 EXPENDITURE AND INVESTMENT ESTIMATES
(in thousands of dollars)

	2020–2021
Revenues	400,000
Expenditures	<u>400,000</u>
Surplus (deficit) for the fiscal year	–
Investments	75,000
Balance of loans or advances”.	

PART III

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

3. Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Infrastructures technologiques Québec” in alphabetical order.

4. Schedule 2 to the Act is amended

(1) by inserting “Centre d’acquisitions gouvernementales” in alphabetical order;

(2) by striking out “Centre de services partagés du Québec”.

TAX ADMINISTRATION ACT

5. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by replacing subparagraph z.3 of the second paragraph by the following subparagraph:

“(z.3) the Autorité des marchés publics, in respect of information necessary for the purposes of Chapters V.1 and V.2 of the Act respecting contracting by public bodies (chapter C-65.1);”.

6. The Act is amended by inserting the following section after section 69.5.2:

“69.5.3. The Autorité des marchés publics may, without the consent of the person concerned, record in the register of enterprises ineligible for public contracts that it keeps under section 21.6 of the Act respecting contracting by public bodies (chapter C-65.1) any information obtained under subparagraph z.3 of the second paragraph of section 69.1 to the extent that the information concerns a penalty imposed on the person under section 1079.13.1 or 1079.13.2 of the Taxation Act (chapter I-3).”

PUBLIC ADMINISTRATION ACT

7. Section 21 of the Public Administration Act (chapter A-6.01) is amended by replacing the first paragraph by the following paragraph:

“At a minister’s or body’s request, the Centre d’acquisitions gouvernementales or, as applicable, Infrastructures technologiques Québec may intervene in a management agreement for the delegation and exercise of the powers conferred on them by, respectively, the Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1) and the Act respecting Infrastructures technologiques Québec (2020, chapter 2, section 2) and which they may not otherwise delegate.”

8. Section 24 of the Act is amended by striking out subparagraph 1.1 of the second paragraph.

9. Section 77.1 of the Act is amended

(1) by inserting the following paragraphs after paragraph 2:

“(2.1) establish government procurement directives and see to their implementation, taking into account their impact on the regional economy and in keeping with intergovernmental agreements within the meaning of the second paragraph of section 2 of the Act respecting contracting by public bodies (chapter C-65.1);

“(2.2) take any necessary measure, including the implementation of a mechanism to increase the efficiency and effectiveness of the Centre d’acquisitions gouvernementales and restrict procurement expenses;”;

(2) by replacing both occurrences of “e-government” in paragraph 6 by “digital public administration”;

(3) by inserting the following subparagraphs after subparagraph 6:

“(6.1) ensure the implementation of a plan for the public administration’s digital transformation and assist public bodies in implementing the plan;

“(6.2) coordinate the efforts of public bodies and support them in adopting optimal management practices with respect to information resources;

“(6.3) ensure that public bodies adopt the best cybersecurity practices, in particular by establishing strategies;”;

(4) by adding the following paragraph at the end:

“For the purposes of this section, public bodies are

(1) the public bodies referred to in the second paragraph of section 4 of the Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1); and

(2) the public bodies referred to in the fourth paragraph of section 4 of the Act respecting Infrastructures technologiques Québec (2020, chapter 2, section 2).”

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

10. The Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended by inserting the following section after section 51:

“**51.1.** The Agency may provide the following administrative services to a public body:

- (1) digitization;
- (2) courier, storage and mail;
- (3) printing, including high volume printing and insertion; and
- (4) management and preservation of documents.

For the purposes of this section, a public body is

(1) a public body referred to in section 4 of the Act respecting contracting by public bodies (chapter C-65.1); or

(2) any other person or entity designated by the Government.”

BUILDING ACT

11. Section 65.4 of the Building Act (chapter B-1.1) is amended by replacing “a joint procurement group” in subparagraph 5 of the first paragraph by “the health and social services network insurance manager”.

ACT RESPECTING THE CENTRE DE SERVICES PARTAGÉS
DU QUÉBEC

12. The Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) is repealed.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

13. Section 43 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended

(1) in the first paragraph,

(a) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(b) by inserting “or on those of Infrastructures technologiques Québec” after “Centre’s services”;

(2) by replacing “Centre de services partagés du Québec” in the second paragraph by “Centre d’acquisitions gouvernementales, to Infrastructures technologiques Québec”;

(3) by replacing “Centre de services partagés du Québec” in the third paragraph by “Centre d’acquisitions gouvernementales, Infrastructures technologiques Québec”.

CITIES AND TOWNS ACT

14. Section 29.9.2 of the Cities and Towns Act (chapter C-19) is amended

(1) in the first paragraph,

(a) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(b) by inserting “or on those of Infrastructures technologiques Québec” after “Centre’s services”;

(2) by striking out “the Act respecting health services and social services (chapter S-4.2) or” in the second paragraph;

(3) by replacing “Centre de services partagés du Québec” in the third paragraph by “Centre d’acquisitions gouvernementales, Infrastructures technologiques Québec”.

15. Section 29.12.2 of the Act is amended by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”.

16. Section 573.3.2 of the Act is amended

(1) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(2) in the second paragraph,

(a) by replacing “the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it” in the introductory clause by “Infrastructures technologiques Québec”;

(b) by adding the following subparagraph at the end:

“(4) the goods or services referred to in the framework agreement take into account the applicable criteria related to security, levels of services and compliance.”;

(3) in the third paragraph,

(a) by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(b) by replacing “l’entremise de celui-ci” in the French text by “leur entremise”.

MUNICIPAL CODE OF QUÉBEC

17. Article 14.7.2 of the Municipal Code of Québec (chapter C-27.1) is amended

(1) in the first paragraph,

(a) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(b) by inserting “or on those of Infrastructures technologiques Québec” after “Centre’s services”;

(2) by replacing “Centre de services partagés du Québec” in the third paragraph by “Centre d’acquisitions gouvernementales, Infrastructures technologiques Québec”.

18. Article 14.18 of the Code is amended by replacing “or to the Centre de services partagés du Québec” by “or to the Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”.

19. Article 938.2 of the Code is amended

(1) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(2) in the second paragraph,

(a) by replacing “the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it” in the introductory clause by “Infrastructures technologiques Québec”;

(b) by adding the following subparagraph at the end:

“(4) the goods or services referred to in the framework agreement take into account the applicable criteria related to security, levels of services and compliance.”;

(3) in the third paragraph,

(a) by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(b) by replacing “l’entremise de celui-ci” in the French text by “leur entremise”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

20. Section 114 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(2) in the second paragraph,

(a) by replacing “the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it” in the introductory clause by “Infrastructures technologiques Québec”;

(b) by adding the following subparagraph at the end:

“(4) the goods or services referred to in the framework agreement take into account the applicable criteria related to security, levels of services and compliance.”;

(3) in the third paragraph,

(a) by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(b) by replacing “l’entremise de celui-ci” in the French text by “leur entremise”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

21. Section 107 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended

(1) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(2) in the second paragraph,

(a) by replacing “the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it” in the introductory clause by “Infrastructures technologiques Québec”;

(b) by adding the following subparagraph at the end:

“(4) the goods or services referred to in the framework agreement take into account the applicable criteria related to security, levels of services and compliance.”;

(3) in the third paragraph,

(a) by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(b) by replacing “l’entremise de celui-ci” in the French text by “leur entremise”.

ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

22. Section 18 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales”.

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

23. Section 4 of the Act respecting contracting by public bodies (chapter C-65.1) is amended by replacing “joint procurement groups” in subparagraph 6 of the first paragraph by “the health and social services network insurance manager”.

24. Section 15 of the Act is amended by adding the following paragraph at the end:

“Despite the second paragraph, where a public body and a legal person established in the public interest make a joint call for tenders through the Centre d’acquisitions gouvernementales or where the public body making a joint call for tenders with such a legal person is the Centre, the conditions for the call for tenders are those determined by this Act.”

25. Section 16 of the Act is amended by adding the following paragraph at the end:

“The same applies to the Centre d’acquisitions gouvernementales when it acquires goods or services on behalf of a public body.”

26. The Act is amended by inserting the following section after section 21.1:

“21.1.1. For the purposes of this chapter, an enterprise is deemed to have been found guilty, under a final judgment, of an offence listed in Schedule I if a penalty has been imposed on the enterprise under section 1079.13.1 or 1079.13.2 of the Taxation Act (chapter I-3), in connection with an assessment regarding which all rights of objection have expired or, if the enterprise has validly objected to the assessment or appealed from it to a court of competent jurisdiction, the objection or the appeal, as applicable, has been permanently settled.

Likewise, a person who is an associate of an enterprise within the meaning of section 21.2 is deemed to have been found guilty, under a final judgment, of an offence listed in Schedule I if a penalty has been imposed on the person under section 1079.13.1 or 1079.13.2 of the Taxation Act, in connection with an assessment regarding which all rights of objection have expired or, if the person has validly objected to the assessment or appealed from it to a court of competent jurisdiction, the objection or the appeal, as applicable, has been permanently settled.

In such cases, the provisions of this Act apply, with the necessary modifications.”

27. The Act is amended by inserting the following section after section 21.26:

“21.26.1. For the purposes of this chapter and despite section 21.29, an enterprise, person or entity is deemed to have been found guilty of an offence listed in Schedule I if a penalty has been imposed under section 1079.13.1 or 1079.13.2 of the Taxation Act (chapter I-3), in connection with an assessment regarding which all rights of objection have expired or, if the enterprise, person or entity has validly objected to the assessment or appealed from it to a court of competent jurisdiction, the objection or the appeal, as applicable, has been permanently settled.

In such cases, the provisions of this Act apply, with the necessary modifications.”

28. Section 22 of the Act is amended

(1) by replacing “\$25,000” in the first paragraph by “\$10,000, as well as the total amount paid by the body for each contract”;

(2) in the second paragraph,

(a) by replacing “In addition to the initial amount of each contract” by “Where the contract involves an expenditure equal to or greater than \$25,000, in addition to the initial amount and the total amount paid by the public body”;

(b) by replacing “that amount by more than 10% and the total amount paid by the public body” by “the initial amount by more than 10%”.

29. Section 23 of the Act is amended by replacing “\$25,000” in paragraph 6 by “\$10,000”.

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

30. Section 6 of the Act respecting the development of Québec firms in the book industry (chapter D-8.1) is amended by replacing subparagraph 3 of the fourth paragraph by the following subparagraph:

“(3) one by the Chair of the Conseil du trésor.”

ELECTION ACT

31. Section 488.1 of the Election Act (chapter E-3.3) is amended by replacing “Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the third paragraph by “Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1)”.

ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF THE
INFORMATION RESOURCES OF PUBLIC BODIES AND
GOVERNMENT ENTERPRISES

32. Section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) is amended by replacing “joint procurement groups” in subparagraph 5 of the first paragraph by “the health and social services network insurance manager”.

33. Section 7 of the Act is amended by replacing “e-government information resource initiatives” in paragraph 4 by “those aimed at achieving a digital public administration”.

34. Section 8 of the Act is amended by replacing “under the minister’s responsibility” in the first paragraph by “within the Minister’s portfolio”.

35. Section 12.1 of the Act is amended by inserting the following paragraph before paragraph 1:

“(0.1) recommending to the Conseil du trésor the services that may be provided by Infrastructures technologiques Québec;”.

36. Section 16.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The investment and expenditure plan for the information resources of public bodies is attached to the estimates of expenditures tabled in the National Assembly under section 45 of the Public Administration Act (chapter A-6.01).”

37. Section 16.2 of the Act is amended by replacing the second paragraph by the following paragraph:

“If the conditions and procedures relate to the management of projects carried out by the public bodies referred to in any of subparagraphs 4, 4.1 and 5 of the first paragraph of section 2 or by a body having its own information officer in accordance with the second paragraph of section 8, they must be determined after consultation with the minister responsible for the body.”

38. The Act is amended by inserting the following section after section 19:

“19.1. The Chair of the Conseil du trésor may communicate expectations to public bodies regarding digital transformation.”

39. Section 22 of the Act is amended by replacing “the Centre de services partagés du Québec” in the first paragraph by “Infrastructures technologiques Québec”.

40. Section 22.1 of the Act is amended by replacing “the Centre de services partagés du Québec” in subparagraph 1 of the first paragraph by “Infrastructures technologiques Québec”.

41. The Act is amended by inserting the following section after section 47:

“**47.1.** This Act may be cited as the Act respecting information resources.”

ACT RESPECTING HÉMA-QUÉBEC AND THE BIOVIGILANCE COMMITTEE

42. Section 3 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1) is amended by replacing “a joint procurement group referred to in section 435.1 of the Act respecting health services and social services (chapter S-4.2) that has been designated by the Minister” in subparagraph 8 of the second paragraph by “the Centre d’acquisitions gouvernementales”.

43. Section 38 of the Act is repealed.

TAXATION ACT

44. The Taxation Act (chapter I-3) is amended by inserting the following section after section 1079.8.7:

“**1079.8.7.1.** A person who is an enterprise or a member of an enterprise, where the enterprise is a partnership, who is a shareholder of an enterprise, where the enterprise is a corporation, the shareholder is not an enterprise and the shareholder is an associate of an enterprise within the meaning of the second paragraph of section 21.2 of the Act respecting contracting by public bodies (chapter C-65.1), or who is a director or officer of an enterprise registered in the register provided for in section 21.45 of that Act, where the enterprise is a corporation or a partnership, may disclose to the Minister, in the period that begins on 18 September 2019 and ends on 21 April 2020, in an information return that must be filed in accordance with section 1079.8.9, any transaction that began to be carried out in a taxation year or fiscal period, as the case may be, by the enterprise, shareholder, director or officer, as the case may be, and has not been disclosed in accordance with sections 1079.8.5 to 1079.8.7.

For the purposes of the first paragraph, “enterprise” has the meaning assigned by section 13.1 of the Act respecting contracting by public bodies and “director” and “officer” mean a director or an officer, as the case may be, referred to in subparagraph 3 of the first paragraph of section 21.26 of that Act.

Despite the first paragraph, a transaction may not be disclosed on or after the start day of an audit or investigation by Revenu Québec or the Canada Revenue Agency in respect of that transaction.

For the purposes of the third paragraph, the start date of an audit or investigation of a person or partnership, in respect of a transaction, means the day that the person, one of the person's shareholders, officers or directors or one of the partnership's members or officers may reasonably be considered to have known or to ought to have known that Revenu Québec or the Canada Revenue Agency was about to undertake or had begun an audit or investigation regarding the transaction."

45. Section 1079.8.9 of the Act is amended by replacing "1079.8.7" in the introductory clause of the first paragraph by "1079.8.7.1".

46. Section 1079.8.11 of the Act is amended by replacing "1079.8.7" by "1079.8.7.1".

47. Section 1079.13.1 of the Act is amended by replacing "1079.8.7" in the second paragraph by "1079.8.7.1".

48. The Act is amended by inserting the following section after section 1079.15.1:

"1079.15.1.1. Despite section 1079.15.1, if section 1079.10 applies to a person in relation to a transaction and the person was not required to file an information return referred to in any of sections 1079.8.5 to 1079.8.6.1, in respect of the transaction or series of transactions that includes the transaction, did not file an information return referred to in section 1079.8.7, in respect of the transaction or series of transactions, and filed an information return in accordance with section 1079.8.7.1, in respect of the transaction or series of transactions, the Minister may, despite the expiry of the time limit provided for, in respect of the taxpayer, in paragraph *a* or *a.0.1* of subsection 2 of section 1010, determine the tax consequences to the person, the interest and the penalties, under this Act, and make a reassessment or an additional assessment on or before the day determined under section 1079.15.1, in respect of the person and in relation to the transaction or series of transactions, or the day, if it is later, that is one year after the day on which the information return referred to in section 1079.8.7.1 is sent by the person to the Minister in relation to the transaction or series of transactions.

However, the Minister may make a reassessment or an additional assessment beyond the period that, in respect of a person, is referred to in paragraph *a* or *a.0.1* of subsection 2 of section 1010, because of the application of section 1079.10 to the person in relation to a transaction, only to the extent that the reassessment or additional assessment may reasonably be considered to relate to the transaction."

PUBLIC INFRASTRUCTURE ACT

49. Section 3 of the Public Infrastructure Act (chapter I-8.3) is amended by replacing “joint procurement groups” in subparagraph 6 of the first paragraph by “the health and social services network insurance manager”.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

50. The Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended by inserting the following sections after section 57.3:

“57.3.1. The Minister acts as Québec Official Publisher.

“57.3.2. The Official Publisher publishes or commissions the publishing of

(1) the statutes of Québec;

(2) an official journal known as the *Gazette officielle du Québec*; and

(3) the documents, notices and announcements that the Government, the Office of the National Assembly or an Act require the Official Publisher to publish.

“57.3.3. All documents, notices and announcements whose publication is required by law are published in the *Gazette officielle du Québec*, unless another mode of publication is prescribed by law.

“57.3.4. The Minister, under the name “Les Publications du Québec”, provides document editing, publishing, distribution and marketing services. The Minister also provides translation and linguistic revision services.

The Minister, under the name “Les Publications du Québec”, is also in charge of selling the publications referred to in section 57.3.2.

“57.3.5. The Government may, by regulation,

(1) determine the terms and conditions applicable to operations relating to the publications or other works under the responsibility of the Official Publisher, except National Assembly publications;

(2) prescribe the publication conditions for the *Gazette officielle du Québec*;

(3) designate the public bodies, public servants and other persons to which or whom the Official Publisher shall send the *Gazette officielle du Québec* free of charge;

(4) fix the subscription price for the *Gazette officielle du Québec*; and

(5) establish a tariff of the amounts payable for the notices, announcements and documents published in the *Gazette officielle du Québec*.”

ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

51. Section 14 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by striking out “jointly with the minister responsible for the administration of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in paragraph 10.

ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES

52. Section 30 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) is amended by replacing “Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1), the Act respecting Infrastructures technologiques Québec (2020, chapter 2, section 2)”.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

53. Section 12.41 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing paragraph 2 by the following paragraph:

“(2) the provision of services for the acquisition and disposal of rolling stock, subject to the provisions of the Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1);”.

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

54. Section 3.17 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by replacing “Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1)”.

ACT TO ENSURE THE OCCUPANCY AND VITALITY OF TERRITORIES

55. Section 4 of the Act to ensure the occupancy and vitality of territories (chapter O-1.3) is amended by replacing “Centre de services partagés du Québec” in paragraph 2 by “Centre d’acquisitions gouvernementales” and by inserting “Infrastructures technologiques Québec,” after “Hydro-Québec,” in that paragraph.

ACT TO ESTABLISH THE OFFICE QUÉBEC-MONDE POUR LA JEUNESSE

56. Section 5 of the Act to establish the Office Québec-Monde pour la jeunesse (chapter O-5.2) is amended by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales”.

ACT RESPECTING THE COMPILATION OF QUÉBEC LAWS AND REGULATIONS

57. Section 7 of the Act respecting the Compilation of Québec Laws and Regulations (chapter R-2.2.0.0.2) is amended by replacing “under the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the third paragraph by “by the Minister of Employment and Social Solidarity”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

58. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by striking out “Groupe d’approvisionnement en commun de l’Est du Québec” and “Groupe d’approvisionnement en commun de l’Ouest du Québec” in paragraph 1.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

59. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by striking out “Groupe d’approvisionnement en commun de l’Est du Québec” and “Groupe d’approvisionnement en commun de l’Ouest du Québec” in paragraph 1.

ACT TO FOSTER ADHERENCE TO STATE RELIGIOUS NEUTRALITY AND, IN PARTICULAR, TO PROVIDE A FRAMEWORK FOR REQUESTS FOR ACCOMMODATIONS ON RELIGIOUS GROUNDS IN CERTAIN BODIES

60. Section 2 of the Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies (chapter R-26.2.01) is amended by replacing “joint procurement groups” in subparagraph 8 of the first paragraph by “the health and social services network insurance manager”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

61. Section 176.0.1 of the Act respecting occupational health and safety (chapter S-2.1) is amended by replacing “section 10 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” by “the first paragraph of section 10 of the Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1)”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

62. Section 267 of the Act respecting health services and social services (chapter S-4.2) is replaced by the following section:

“267. An institution that is not represented by the health and social services network insurance manager referred to in the first paragraph of section 435.1 for its damage insurance needs must enter into a damage insurance contract in respect of acts for which it may be held liable.”

63. Chapter I.0.1 of Title II of Part III of the Act, comprising sections 435.1 to 436.0.4, is replaced by the following chapter:

“CHAPTER I.0.1

“INSURANCE

“435.1. In this Act, “health and social services network insurance manager” means a non-profit legal person constituted under the laws of Québec and designated by the Minister, whose purpose is to offer institutions damage insurance services adapted to their needs, in accordance with the orientations determined by the Minister. The health and social services network insurance manager may also, with the Minister’s authorization, pursue additional or complementary purposes.

“435.2. All the institutions served by the health and social services network insurance manager are members of the latter.

The composition of the board of directors of the health and social services network insurance manager shall be determined in its constituting Act. The board must be composed in the majority of members from the institutions served by the insurance manager. The insurance manager’s executive director shall be appointed by the Minister following a selection process initiated by the Minister, including an invitation for applications held as determined by the Minister.

Sections 260 to 265, 278 to 280, 282, 289 to 292, 294, 296, 297, 316, 468, 469, 485, 486, 489, 499 and 500 apply, with the necessary modifications, to the health and social services network insurance manager. The Minister shall exercise the responsibilities assigned to an agency under those sections.

The auditor appointed by the health and social services network insurance manager under section 290 must, for the fiscal year for which he was appointed, audit the insurance manager’s financial report and carry out the other components of his mandate that are determined by the insurance manager or the Minister.

“435.3. The health and social services network insurance manager must enter into an agreement with the Minister that covers, in particular, the following subjects:

(1) the insurance manager’s strategic and operational orientations and objectives; and

(2) the manner in which periodic reports are to be filed with the Minister, including an annual financial report that includes the financial statements, the audit report and any other information required by the Minister.

The health and social services network insurance manager must prepare an annual management report containing the information and documents required by the Minister and send it to the latter. The report must be published on the insurance manager’s website.

“435.4. The Minister may, by regulation, determine the standards and scales to be used by the health and social services network insurance manager for

(1) the selection, appointment and hiring, and the remuneration and other conditions of employment, of senior administrators and management personnel; and

(2) the remuneration and other conditions of employment of the other staff members, subject to the collective agreements in force.

The Minister may establish, by regulation and for persons referred to in subparagraphs 1 and 2 of the first paragraph who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, and for cases of suspension without pay or of demotion. The regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby. Lastly, the regulation may prescribe a method for the designation of an arbitrator, to which sections 100.1, 139 and 140 of the Labour Code (chapter C-27) apply, and the measures the arbitrator may take after having heard the parties.

A regulation made under this section must be authorized by the Conseil du trésor. The Conseil du trésor may limit the authorization requirement to the matters it considers of governmental import. It may also attach conditions to the authorization.

“436. The Minister shall determine the general terms governing the financing of the health and social services network insurance manager.”

64. Section 472.1 of the Act is amended, in the first paragraph,

(1) by replacing “a joint procurement group recognized by the Minister under section 267” by “the health and social services network insurance manager referred to in the first paragraph of section 435.1”;

(2) by striking out “by the joint procurement group”;

(3) by replacing “advance to the joint procurement group” by “advance to the insurance manager”.

65. Section 485 of the Act is amended by replacing “joint procurement groups” in the first paragraph by “the health and social services network insurance manager referred to in the first paragraph of section 435.1”.

66. Section 619.36 of the Act is amended by replacing “of the third paragraph of section 435.3” by “of sections 260 to 265, 278 to 280, 282, 289 to 292, 294 to 297, 316, 468, 469, 485, 486, 489, 499 and 500, which apply with the necessary modifications”.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’INFORMATION JURIDIQUE

67. Section 3 of the Act respecting the Société québécoise d’information juridique (chapter S-20) is amended by replacing “minister responsible for the administration of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in paragraph *f* by “Chair of the Conseil du trésor”.

68. Section 23 of the Act is amended by replacing “Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” by “Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001)”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

69. Section 104 of the Act respecting public transit authorities (chapter S-30.01) is amended

(1) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(2) in the second paragraph,

(a) by replacing “the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it” in the introductory clause by “Infrastructures technologiques Québec”;

(b) by adding the following subparagraph at the end:

“(4) the goods or services referred to in the framework agreement take into account the applicable criteria related to security, levels of services and compliance.”;

(3) by replacing “Centre de services partagés du Québec” in the third paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

70. Section 207.1 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended

(1) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(2) in the second paragraph,

(a) by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales or Infrastructures technologiques Québec”;

(b) by replacing “l’entremise de celui-ci” in the French text by “leur entremise”.

71. Section 358.5 of the Act is amended

(1) by replacing “Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” in the first paragraph by “Centre d’acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec”;

(2) in the second paragraph,

(a) by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales or Infrastructures technologiques Québec”;

(b) by replacing “l’entremise de celui-ci” in the French text by “leur entremise”.

TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN ACTS,
DOCUMENTS OR WRITINGS EMANATING FROM THE
SECRETARIAT OF THE CONSEIL DU TRÉSOR

72. The Terms and conditions for the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor (chapter A-6.01, r. 4) are amended by replacing all occurrences of “Act respecting the Centre de services partagés du Québec (chapter C-8.1.1)” by “Act respecting the Centre d’acquisitions gouvernementales (2020, chapter 2, section 1)”, with the necessary modifications.

REGULATION RESPECTING CONTRACTS OF THE ETHICS
COMMISSIONER

73. Section 6 of the Regulation respecting contracts of the Ethics Commissioner (chapter C-23.1, r. 1) is amended by replacing “Centre de services partagés du Québec” in the second paragraph by “Centre d’acquisitions gouvernementales”.

74. Section 24 of the Regulation is amended by replacing “Centre de services partagés du Québec” in the first paragraph by “Centre d’acquisitions gouvernementales”.

RÈGLES SUR LES MODALITÉS DE GESTION ADMINISTRATIVE,
FINANCIÈRE ET D’ENGAGEMENT DE PERSONNEL DES
COMMISSIONS D’ENQUÊTE INSTITUÉES EN VERTU DE LA LOI
SUR LES COMMISSIONS D’ENQUÊTES

75. Section 8 of the Règles sur les modalités de gestion administrative, financière et d’engagement de personnel des commissions d’enquête instituées en vertu de la Loi sur les commissions d’enquêtes (chapter C-37, r. 1, French only) is amended by replacing “Centre de services partagés” by “Centre d’acquisitions gouvernementales ou, selon le cas, Infrastructures technologiques Québec”.

REGULATION RESPECTING CERTAIN SUPPLY CONTRACTS OF
PUBLIC BODIES

76. Section 46.2 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) is amended by replacing “a joint procurement group referred to in section 435.1 of the Act respecting health services and social services (chapter S-4.2)” in the first paragraph by “the Centre d’acquisitions gouvernementales”.

REGULATION RESPECTING CERTAIN SERVICE CONTRACTS OF PUBLIC BODIES

77. Section 21 of Schedule 2 to the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended by replacing “Centre de services partagés du Québec” in subparagraph 1 of the second paragraph by “Centre d’acquisitions gouvernementales”.

REGULATION RESPECTING CONTRACTING BY PUBLIC BODIES IN THE FIELD OF INFORMATION TECHNOLOGIES

78. Section 48 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended, in the first paragraph,

(1) by replacing the introductory clause by the following:

“**48.** A contract for the acquisition of cloud goods or services may be entered into by mutual agreement with a supplier or a service provider, following an interest call issued by Infrastructures technologiques Québec, to the extent that a framework agreement has been entered into with the supplier or service provider and provided that”;

(2) by adding the following subparagraph at the end:

“(4) the goods or services referred to in the framework agreement take into account the applicable criteria related to security, levels of services and compliance.”

RÈGLEMENT SUR LES CONTRATS DU PROTECTEUR DU CITOYEN

79. Section 69 of the Règlement sur les contrats du Protecteur du citoyen (chapter P-32, r. 2, French only) is amended

(1) in the introductory clause of the first paragraph,

(a) by replacing “Centre de services partagés du Québec” by “Centre d’acquisitions gouvernementales ou, selon le cas, par Infrastructures technologiques Québec”;

(b) by striking out “en application du D. 923-2015, 2015-10-28 et ses modifications, le cas échéant.”;

(2) by adding the following subparagraph at the end of the second paragraph:

“(4) les biens et les services visés par l’entente-cadre tiennent compte des critères de sécurité, de niveaux de services et de conformité applicables.”

80. Section 102 of the Regulation is amended by replacing “Centre de services partagés du Québec” in the third paragraph by “Centre d’acquisitions gouvernementales ou, selon le cas, à Infrastructures technologiques Québec”.

PART IV

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

DIVISION I

RIGHTS AND OBLIGATIONS

81. The Agence du revenu du Québec replaces the Centre de services partagés du Québec with respect to the functions entrusted to the Agency by this Act; the Agency acquires the Centre’s rights and assumes its obligations.

Despite the first paragraph, the assets and liabilities of the Centre de services partagés du Québec with respect to the functions entrusted to the Agency by this Act are identified by the Chair of the Conseil du trésor and transferred to the Agency according to the value and on the conditions determined by the Government.

82. The Minister of Employment and Social Solidarity replaces the Centre de services partagés du Québec with respect to the Official Publisher function entrusted to the Minister by this Act; the Minister acquires the Centre’s rights and assumes its obligations.

83. The Chair of the Conseil du trésor becomes, on 1 June 2020, by virtue of office, responsible for any service offered or rendered on that date by the Centre de services partagés du Québec that is not related to a function entrusted to, as applicable, the Centre d’acquisitions gouvernementales, Infrastructures technologiques Québec, the Minister of Employment and Social Solidarity or the Agence du revenu du Québec by this Act.

The Government may, on the conditions it determines, require a public body to use a service for which the Chair of the Conseil du trésor is responsible by virtue of office under the first paragraph. The Government may do likewise for any other administrative service regarding human resources under the Chair’s responsibility. The Government may also, on the conditions it determines, designate a public body to exercise functions or carry on activities related to such services, and provide for its remuneration.

For the purposes of this section, the departments, the bodies and persons listed in Schedule 1 to the Financial Administration Act (chapter A-6.001) and any person or body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1) are public bodies. The National Assembly and the persons appointed or designated by the National Assembly to an office under its authority are not public bodies.

84. Assets and liabilities of the Centre de services partagés du Québec that do not become those of the Centre d'acquisitions gouvernementales, Infrastructures technologiques Québec, the Minister of Employment and Social Solidarity or the Agence du revenu du Québec become those of the Chair of the Conseil du trésor, or of the Minister of Finance in the case of rights or debts toward a financial institution or relating to a financial instrument or contract designated by the Government.

85. The Chair of the Conseil du trésor, the Centre d'acquisitions gouvernementales, Infrastructures technologiques Québec, the Minister of Employment and Social Solidarity and the Agence du revenu du Québec succeed, separately and in keeping with the functions entrusted to them respectively by this Act, to the rights and obligations of the Centre de services partagés du Québec as regards the continuation of the framework agreements and comprehensive agreements entered into by the latter.

DIVISION II

HUMAN RESOURCES

86. Employees of the Centre de services partagés du Québec who are assigned to the function of Official Publisher and are identified by the Chair of the Conseil du trésor not later than 31 May 2020 become without further formality employees of the Ministère de l'Emploi et de la Solidarité sociale, except those who exercise their functions at the communications directorate, who become employees of the Ministère du Conseil exécutif, and those who belong to the class of positions of advocate and notary within the legal affairs directorate of the Centre de services partagés du Québec or to the class of positions of legal manager at the same directorate, who become employees of the Ministère de la Justice.

87. Employees of the Centre de services partagés du Québec who are assigned to functions related to a service for which the Chair of the Conseil du trésor is, by virtue of office, responsible under section 83 and are identified by the latter not later than 31 May 2020 become without further formality employees of the secretariat of the Conseil du trésor, except those who exercise their functions at the communications directorate, who become employees of the Ministère du Conseil exécutif, and those who belong to the class of positions of advocate and notary within the legal affairs directorate of the Centre de services partagés du Québec or to the class of positions of legal manager at the same directorate, who become employees of the Ministère de la Justice.

88. Subject to the conditions of employment applicable to them, employees of the Centre de services partagés du Québec who are assigned to functions related to those entrusted to the Agence du revenu du Québec by this Act and are identified by the Chair of the Conseil du trésor not later than 31 May 2020 become employees of the Agence du revenu.

89. Any employee transferred to the Agence du revenu du Québec under section 88 who, on the date of the transfer, was a public servant with permanent tenure, may apply for a transfer to a position in the public service or enter a promotion-only qualification process for such a position in accordance with the Public Service Act (chapter F-3.1.1).

The same applies in the case of an employee transferred to the Agence du revenu du Québec who, on the date of the transfer, was a public servant who had not acquired permanent tenure, other than a casual employee.

Section 35 of the Public Service Act applies to an employee who participates in such a promotion-only qualification process.

90. An employee referred to in section 89 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification the employee had in the public service on the date of the transfer, as well as the years of experience and the level of schooling attained while in the employ of the Agence du revenu du Québec.

However, before being able to apply for a transfer, an employee referred to in the second paragraph of section 89 who had not completed the probationary period required under section 13 of the Public Service Act before being transferred to the Agence du revenu du Québec must successfully complete the remainder of the probationary period at the Agence du revenu du Québec.

If an employee is transferred into the public service under section 89, the deputy minister or the chief executive officer of the body assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

However, an employee referred to in the second paragraph of section 89 who, at the time of his or her transfer to the Agence du revenu du Québec, had not completed the period of continuous employment required for the purposes of section 14 of the Public Service Act to acquire permanent tenure and who, at the time of his or her transfer to a position in the public service, still has not, after adding the time accumulated in the public service before being transferred to the Agence du revenu du Québec and the time accumulated as an employee of the Agence du revenu du Québec, completed the equivalent of that period must complete the remainder of that period from the day of the transfer before obtaining permanent tenure.

If an employee is promoted under section 89, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

91. If some or all of the operations of the Agence du revenu du Québec are discontinued, an employee referred to in section 88 who had permanent tenure at the time of his or her transfer is entitled to be placed on reserve in the public service with the same classification the employee had on the date of the transfer.

An employee referred to in the second paragraph of section 89 is entitled to be placed on reserve in the public service only if, at the time some or all of the operations of the Agence du revenu du Québec are discontinued, the time accumulated in the public service before the employee's transfer to the Agence du revenu du Québec and the time accumulated as an employee of the Agence du revenu du Québec is at least equivalent to the continuous period of employment provided for in section 14 of the Public Service Act.

If some of the Agency's operations are discontinued, the employee continues to exercise his or her functions within the Agence du revenu du Québec until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

When assigning a position to an employee referred to in this section, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 90.

92. An employee with permanent tenure referred to in section 88 who, in accordance with the conditions of employment applicable to him or her, refuses to be transferred to the Agence du revenu du Québec, is temporarily assigned to the Agence du revenu du Québec until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

93. Subject to remedies available under a collective agreement or provisions standing in lieu of such remedies, an employee referred to in section 88 who is dismissed may bring an appeal under section 33 of the Public Service Act if he or she was a public servant with permanent tenure on the date of the transfer to the Agence du revenu du Québec.

The same applies in the case of an employee referred to in the second paragraph of section 89. However, an employee referred to in that paragraph who had not completed the probationary period required under section 13 of the Public Service Act before being transferred to the Agence du revenu du Québec must successfully complete the remainder of the probationary period at the Agence du revenu du Québec before being able to bring such an appeal.

94. The term of the president and director general of the Centre de services partagés du Québec ends on 31 May 2020. The president and director general is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his or her instrument of appointment.

95. The term of the vice-presidents of the Centre de services partagés du Québec ends on 31 May 2020. The vice-presidents are reintegrated into the public service under the conditions governing an eventual return to the public service set out in their instrument of appointment or receive the severance allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, made by Order in Council 450-2007 (2007, G.O. 2, 2723, French only), without further compensation, if a severance allowance is provided for in their instrument of appointment.

96. The term of the members of the board of directors of the Centre de services partagés du Québec, other than the president and director general, ends on 31 May 2020, without compensation.

97. The employment contract of the executive directors of Groupe d'approvisionnement en commun de l'Est du Québec, Groupe d'approvisionnement en commun de l'Ouest du Québec and SigmaSanté ends on 31 May 2020.

They are deemed to have received the notices required under their contract, and the time limits prescribed are deemed to have expired. They are not entitled to any indemnity other than those provided for in their contract.

DIVISION III

OTHER PROVISIONS

98. Sections 26 and 27 apply with respect to the assessment of a penalty imposed under section 1079.13.1 or 1079.13.2 of the Taxation Act (chapter I-3) that results from an audit or investigation by the Agence du revenu du Québec or the Canada Revenue Agency that began after 20 April 2020, with respect to an avoidance transaction within the meaning of section 1079.11 of the Taxation Act.

For the purposes of the first paragraph, the start date of an audit or investigation of a person, general partnership, limited partnership or undeclared partnership, with respect to an avoidance transaction, means the day the person, one of the person's shareholders, officers or directors or one of the partnership's associates or officers may reasonably be considered to have known or ought to have known that the Agence du revenu du Québec or the Canada Revenue Agency was about to undertake or had begun an audit or investigation regarding the avoidance transaction.

99. As of 1 December 2020, SigmaSanté is deemed to be the legal person designated by the Minister as the health and social services network insurance manager under section 435.1 of the Act respecting health services and social services (chapter S-4.2), enacted by section 63.

SigmaSanté must, before 1 December 2020, take the necessary measures to ensure that its constituting act and all of its activities comply with sections 435.1 and 435.2 of the Act respecting health services and social services, enacted by section 63. Furthermore, the agreement provided for in section 435.3 of the Act respecting health services and social services, enacted by section 63, must be entered into with the Minister not later than that date.

100. Despite the second paragraph of section 435.2 of the Act respecting health services and social services, enacted by section 63, the director of the Direction des assurances du réseau de la santé et des services sociaux at SigmaSanté becomes, on 1 June 2020, the executive director of SigmaSanté.

101. The Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1), made under section 44 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1), is deemed to be made under section 57.3.5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001), enacted by section 50.

102. Sections 44 to 48 have effect from 18 September 2019.

103. The Chair of the Conseil du trésor may, not later than 1 December 2020, cancel any decision of a public body, the Centre de services partagés du Québec, Collecto Services regroupés en éducation, Groupe d'approvisionnement en commun de l'Est du Québec, Groupe d'approvisionnement en commun de l'Ouest du Québec and SigmaSanté if the Chair considers the decision, made on or after 18 September 2019, to be contrary to the future interests of the Centre d'acquisitions gouvernementales, Infrastructures technologiques Québec or the Agence du revenu du Québec, as applicable.

For the purposes of this section, the following are public bodies:

(1) public bodies referred to in the second paragraph of section 4 of the Act respecting the Centre d'acquisitions gouvernementales (2020, chapter 2, section 1); and

(2) public bodies referred to in the fourth paragraph of section 3 of the Act respecting Infrastructures technologiques Québec (2020, chapter 2, section 2).

104. The Government may, by a regulation made before 1 June 2021, prescribe any measure necessary or useful for carrying out this Act or fully achieving its purpose.

A regulation made under the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and comes into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date set in the regulation. The regulation may also, if it so provides, have effect from any date not prior to 21 February 2020.

PART V

FINAL PROVISIONS

105. The Chair of the Conseil du trésor is responsible for the administration of this Act.

106. This Act comes into force on 1 June 2020, except

(1) sections 5, 6, 26, 27, 98 and 102 to 104, which come into force on 21 February 2020;

(2) section 36, which comes into force on 1 January 2021;

(3) sections 28 and 29, which come into force on the date to be set by the Government.

