

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

Table of Contents
Coming into force of Acts
Regulations and other acts
Draft Regulations
Municipal Affairs
Index

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Table of Contents

Page

Coming into force of Acts

148-2001	Exercise of the fundamental rights and prerogatives of the Québec people and the Québec State, An Act respecting the... — Coming into force	1331
165-2001	Société d'Investissement Jeunesse, An Act respecting the... — Coming into force	1331
179-2001	Health services and social services and amending various legislative provisions... — Coming into force of certain provisions	1331

Regulations and other acts

159-2001	Îlet-aux-Alouettes Wildlife Preserve	1333
161-2001	Distribution of financial products and services, An Act respecting the... — Commission des valeurs mobilières — Rules of ethics in the securities sector	1334
191-2001	Building Act — Regulation (Amend.)	1335
	Replacement of Schedule 42 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State	1336

Draft Regulations

Contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit	1339
Corporation d'hébergement du Québec — Contracts	1340
Régie de l'énergie — Conditions and cases where authorization is required	1353
Régie de l'énergie — Tenor of a supply plan and the intervals at which it is to be submitted	1355

Municipal Affairs

149-2001	Elections to the councils of the new cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis	1357
150-2001	Authorization of the Minister of Municipal Affairs and Greater Montréal to require the towns of Jonquière, Chicoutimi, Laterrière and La Baie, the municipalities of Shipshaw and Lac-Kénogami and Canton Tremblay to file a joint application for amalgamation	1358
151-2001	Authorization of the Minister of Municipal Affairs and Greater Montréal to require the towns of Bromptonville, Fleurimont, Lennoxville, Rock Forest, Sherbrooke and Waterville, the municipalities of Ascot, Deauville, Saint-Élie-d'Orford, Compton and Stoke, Paroisse de Saint-Denis-de-Brompton and Canton de Hatley to file a joint application for amalgamation	1359
152-2001	Authorization to the Minister of Municipal Affairs and Greater Montréal to require the towns of Trois-Rivières, Trois-Rivières-Ouest, Cap-de-la-Madeleine and Sainte-Marthe-du-Cap to file a joint application for amalgamation	1360

Coming into force of Acts

Gouvernement du Québec

O.C. 148-2001, 28 February 2001

An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State (2000, c. 46)
— **Coming into force**

COMING INTO FORCE of the Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State

WHEREAS the Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State (2000, c. 46) was assented to on 13 December 2000;

WHEREAS under section 14 of the Act its provisions come into force on the dates to be fixed by the Government;

WHEREAS it is expedient to fix 28 February 2001 as the date of coming into force of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Canadian Intergovernmental Affairs:

THAT the Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State (2000, c. 46) come into force on 28 February 2001.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

4139

Gouvernement du Québec

O.C. 165-2001, 28 February 2001

An Act respecting the Société d'Investissement Jeunesse (2000, c. 62)
— **Coming into force**

COMING INTO FORCE of the Act respecting the Société d'Investissement Jeunesse

WHEREAS the Act respecting the Société d'Investissement Jeunesse (2000, c. 62) was assented to on 20 December 2000;

WHEREAS section 5 of the Act provides that it shall come into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 28 February 2001 as the date of coming into force of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Industry and Trade and of the Minister for Industry and Trade:

THAT the provisions of the Act respecting the Société d'Investissement Jeunesse (2000, c. 62) come into force on 28 February 2001.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

4146

Gouvernement du Québec

O.C. 179-2001, 28 February 2001

An Act respecting health services and social services and amending various legislative provisions (1998, c. 39)
— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act respecting health services and social services and amending various legislative provisions (1998, c. 39)

WHEREAS the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) was assented to on 20 June 1998;

WHEREAS under section 209 of that Act, it comes into force on 20 June 1998, except the provisions of paragraph 2 of section 63, sections 94 to 97, 139, 141 to 149, 160, 171, 202, 207 and 208, which come into force on the date or dates to be fixed by the Government;

WHEREAS the coming into force of the provisions of sections 171, 207 and 208 of that Act was fixed at 1 April 1999 by Order in Council 272-99 dated 24 March 1999;

WHEREAS the coming into force of the provisions of sections 139, 141 to 149 and 202 of that Act was fixed at 31 March 1999 by Order in Council 376-99 dated 31 March 1999;

WHEREAS it is expedient to fix the date of coming into force of paragraph 2 of section 63, sections 94 to 97 and section 160 of the Act to amend the Act respecting health services and social services and amending various legislative provisions;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT 1 April 2001 be fixed as the date of coming into force of paragraph 2 of section 63, sections 94 to 97 and section 160 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 159-2001, 28 February 2001

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Îlet-aux-Alouettes Wildlife Preserve

Regulation respecting the Îlet-aux-Alouettes Wildlife Preserve

WHEREAS under paragraphs 1 and 3 of section 125 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 28 of chapter 48 of the Statutes of 2000, the Government may, by regulation, in respect of a wildlife preserve:

— determine the conditions on which hunting, fishing or trapping activities are permitted and fix the amount of the fees exigible for the carrying on of such activities or prohibit them according to the category of persons or licences concerned, the age of the persons, the activity carried on, the species of wildlife sought, the length of the stay, the place where the hunting, fishing or trapping activity is carried on or the period during which or the date on which the activity is carried on;

— determine the conditions that must be complied with by a person who enters, stays in or travels about a wildlife preserve or engages there in any activity, or prohibit such activities;

WHEREAS under paragraph 14 of section 162 of the Act, amended by section 36 of chapter 48 of the Statutes of 2000, the Government may, in addition to the other regulatory powers conferred on it by the Act, make regulations determining the provisions of a regulation the infringement of which constitutes an offence;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting the Îlet-aux-Alouettes Wildlife Preserve was published in Part 2 of the *Gazette officielle du Québec* of 22 November 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were made with respect to the draft Regulation and no amendments have been made to it since that publication;

WHEREAS it is expedient to make the Regulation respecting the Îlet-aux-Alouettes Wildlife Preserve;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation respecting the Îlet-aux-Alouettes Wildlife Preserve, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the Îlet-aux-Alouettes Wildlife Preserve

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 125, par. 1 and 3 and s. 162, par. 14; 2000, c. 48, s. 28 and 36)

1. This Regulation applies to the Îlet-aux-Alouettes Wildlife Preserve.

2. No person may trap in the wildlife preserve.

3. Subject to section 4, hunting is permitted in the wildlife preserve.

4. No person may, during the period from 1 April to 15 July of each year, enter, stay in or travel about the wildlife preserve or engage in any activity therein.

Notwithstanding the foregoing, a person who, in the performance of his duties, carries out scientific research, inspection, protection, supervision or maintenance work and the holder of an eiderdown permit issued in accordance with the Migratory Birds Regulations (C.R.C., c. 1035) may enter, stay in or travel about the wildlife preserve during that period.

5. No person except those referred to in the second paragraph of section 4 may, in the wildlife preserve, engage in any activity likely to modify a biological, physical or chemical element of the habitat of the common eider (*Somateria mollissima dresseri*) or that of other aquatic birds.

6. No person except for those referred to in the second paragraph of section 4 may change, move or remove the nesting boxes installed in the wildlife preserve.

7. Any person who violates any of the provisions of sections 2 to 6 is guilty of an offence.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4144

Gouvernement du Québec

O.C. 161-2001, 28 February 2001

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Commission des valeurs mobilières — Rules of ethics in the securities sector

Regulation respecting the rules of ethics in the securities sector

WHEREAS under the first paragraph of section 201 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), the Commission des valeurs mobilières du Québec may, after consulting the chamber of financial products, make a regulation to determine the rules of ethics applicable to securities representatives;

WHEREAS under the second paragraph of that section, a regulation made under the first paragraph shall be submitted to the Government for approval with or without amendment;

WHEREAS the chamber of financial products was consulted;

WHEREAS under that section, the Commission des valeurs mobilières du Québec made the Regulation respecting the rules of ethics in the securities sector;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in the *Gazette officielle du Québec* of 25 October 2000 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS the Commission des valeurs mobilières du Québec did not receive any comments following that publication;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the Regulation respecting the rules of ethics in the securities sector, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the rules of ethics in the securities sector

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 201)

DIVISION I PURPOSE AND SCOPE

1. This regulation sets forth the rules of ethics applicable to the securities representatives mentioned in the first paragraph of section 9 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2).

DIVISION II RULES OF CONDUCT

2. A representative shall show loyalty towards his client whose interests shall be of the utmost priority when he makes a trade on his behalf.

3. A representative shall make a diligent and professional effort to get to know a client's financial and personal situation as well as his investment goals. The information he obtains from the client shall describe this situation as well as any developments with respect thereto.

4. A representative's recommendations shall be based on an in-depth analysis of information obtained from the client and information concerning the trade.

5. A representative shall caution a client who gives him an unsolicited order which does not appear to be in keeping with his situation.

6. A client's capital shall remain his exclusive property and a representative shall only use it for trades authorized by the client.

7. A representative shall take reasonable steps to ensure the accuracy and sufficiency of information given to a client concerning his investments.

DIVISION III CONFIDENTIALITY OF CLIENT INFORMATION

8. Information about a client's trades and account shall be confidential and a representative shall not disclose them without the client's permission, unless a provision of law or an order from a court having jurisdiction exempts him from this requirement.

9. Information about a client's order shall remain confidential and a representative shall not use it to trade in his personal account or that of another client.

DIVISION IV RESPECT AND CONFIDENCE OF THE PUBLIC

10. A representative's methods of soliciting and conducting business shall inspire respect and confidence from the public.

11. Orders shall only be executed when a client authorizes a representative to do so.

12. Trades a client asks a representative to make shall only be carried out by a person authorized by law to do so.

13. In conducting his activities, a representative shall take into consideration the financial integrity and liabilities of the firm on behalf of which he is acting.

14. A representative's professional activities shall be conducted responsibly, with respect, integrity and skill.

15. A representative shall maintain a high level of professional knowledge.

16. A representative shall ensure that his conduct complies with the law and meets the requirements of the body governing the firm on behalf of which he is acting.

17. A representative who receives privileged or confidential information from a client, an issuer or a third party shall not pass it on, nor shall he trade using such information.

18. A representative shall refrain from making false declarations as to his level of skill or as to the effectiveness of his services or those of the firm on behalf of which he is acting.

DIVISION V OBLIGATION TO INFORM CLIENT AND COLLABORATE IN ENFORCING THE ACT

19. A representative shall provide, in an objective and complete manner, the information requested by a client as well as all information concerning the status of his investments and that which is needed to understand and assess a trade.

20. A representative shall forthwith collaborate with and respond to a person responsible for enforcing the Act respecting the distribution of financial products and services and its regulations.

21. This regulation shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4145

Gouvernement du Québec

O.C. 191-2001, 28 February 2001

Building Act
(R.S.Q., c. B-1.1)

Regulation — **Amendment**

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS under section 4.1 and subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Government may, by regulation, exempt, in particular, categories of contractors from the total or partial application of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting exemption from the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 5 May 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the title of the Regulation respecting exemption from the application of the Building Act was replaced, by Order in Council 954-2000 dated 26 July 2000, by the title "Regulation respecting the application of the Building Act";

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Building Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Building Act*

Building Act
(R.S.Q., c. B-1.1, ss. 4.1, 182, 1st par., subpar. 1 and s. 192)

1. The following is inserted after section 3.2 of the Regulation respecting the application of the Building Act:

“**3.2.1** A building contractor who is a member of the Corporation des maîtres électriciens du Québec or of the Corporation des maîtres mécaniciens en tuyauterie du Québec and any contractor domiciled outside Québec shall be exempted from the application of section 57.1 of the Act.”

2. This Regulation comes into force on 29 March 2001.

4148

M.O., 2001-008

Order of the Minister responsible for Wildlife and Parks dated 1 March 2001

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Replacement of Schedule 42 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 85 of Chapter 40 of the Statutes of 1999 and by section 15 of Chapter 48 of the Statutes of 2000, which provides that the Minister may delimit, after consultation with the Minister of Natural Resources, areas on land in the domain of the State in view, primarily, of increased utilisation of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that the Government, by Order in Council 573-87 dated 8 April 1987, as amended by Orders in Council 497-91 dated 10 April 1991, 534-93 dated 7 April 1993, 904-95 dated 28 June 1995, 25-96 dated 10 January 1996, 952-97 dated 30 July 1997, 1439-97 dated 5 November 1997, 98-98 dated 28 January 1998, 245-98 dated 4 March 1998 and 739-98 dated 3 June 1998, designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;

CONSIDERING the making by the Government of Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State;

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, G.O. 2, 1100), was last amended by the Regulation made by Order in Council 954-2000 dated 26 July 2000 (2000, G.O. 2, 4233). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

CONSIDERING that it is expedient to replace schedule 42 of Order in Council 573-87 dated 8 April 1987;

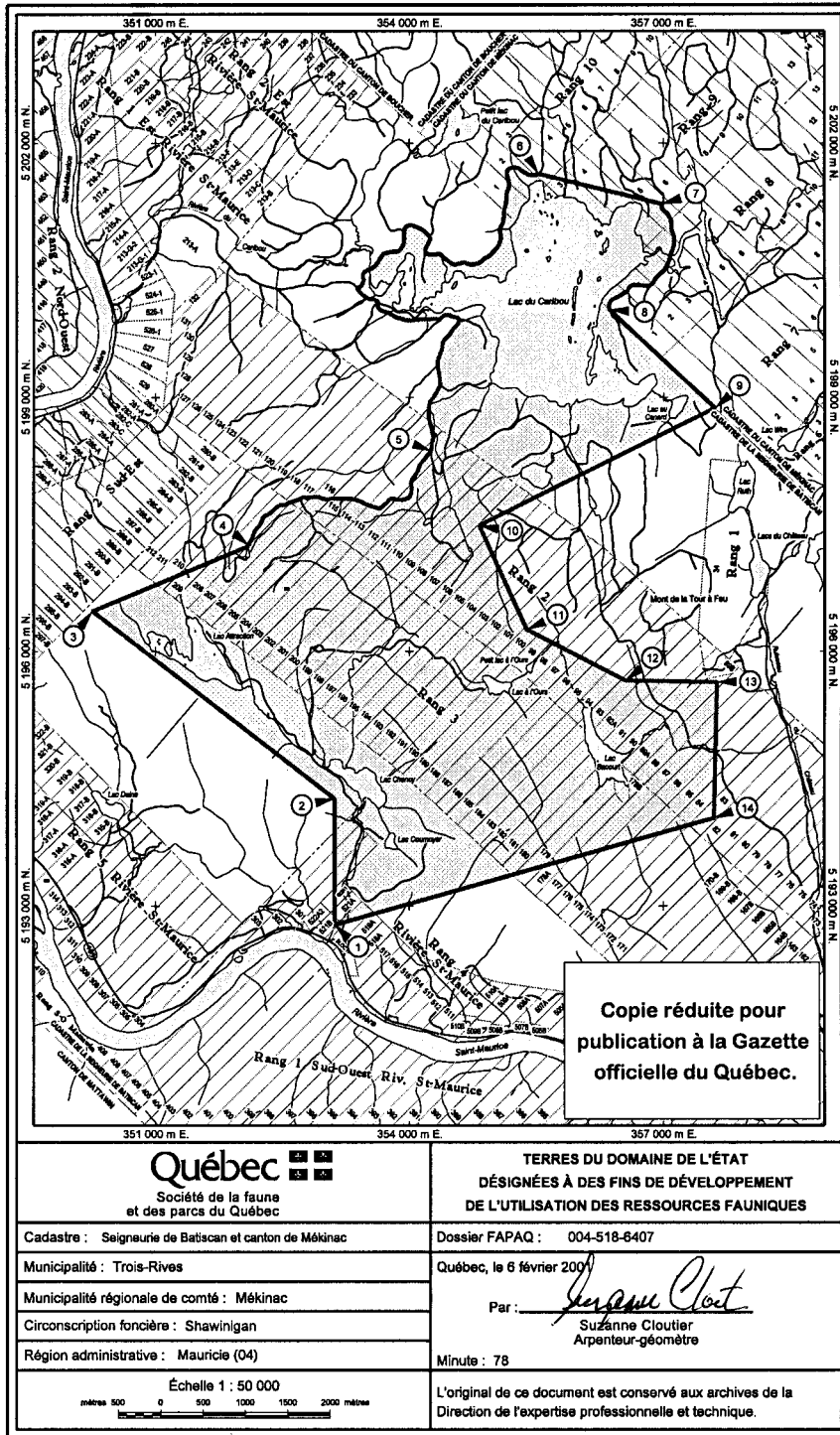
ORDERS that:


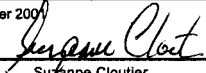

Schedule 42, attached hereto be substituted for Schedule 42 to Order in Council 573-87 dated 8 April 1987.

This Minister's Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 1 March 2001

GUY CHEVRETTE,
*Minister responsible for
Wildlife and Parks*



Québec  Société de la faune et des parcs du Québec	
Cadastré : Seigneurie de Batiscan et canton de Mékinac	Dossier FAPAQ : 004-518-6407
Municipalité : Trois-Rives	Québec, le 6 février 2001
Municipalité régionale de comté : Mékinac	Par : 
Circonscription foncière : Shawinigan	Suzanne Cloutier Arpenteur-géomètre
Région administrative : Mauricie (04)	Minute : 78
Échelle 1 : 50 000 mètres 500 0 500 1000 1500 2000 mètres 	

TERRES DU DOMAINE DE L'ÉTAT DÉSIGNÉES À DES FINS DE DÉVELOPPEMENT DE L'UTILISATION DES RESSOURCES FAUNTIQUES	
L'original de ce document est conservé aux archives de la Direction de l'expertise professionnelle et technique.	

Draft Regulations

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit — Amendments

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, the text of which appears below, may be made by the Government upon the expiry of 21 days following this publication.

The purpose of the draft Regulation is to amend the rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit.

Under section 13 of the Regulations Act, the draft Regulation may be made within a period shorter than that provided for in section 11 of the Act, by reason of the urgency due to the following circumstances:

— the need to follow up on the commitments made by the partners during the Sommet de la forêt privée de 1995 which provided that the contribution of the industry would be \$8 M per year;

— the importance to reduce rapidly the rate fixed by regulation so that it applies as of the beginning of the next fiscal year of the agencies, considering that the surpluses paid by the industry to agencies are \$2.4 M and that they continue to accumulate.

Further information regarding the draft Regulation may be obtained by contacting Jacques Tremblay, Director of the Direction des programmes forestiers, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1S 4X4, telephone: (418) 627-8650, fax: (418) 646-9245.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 21-day period, to the Minister of Natural Resources, 5700, 4^e Avenue Ouest, bureau A-308, Charlesbourg (Québec) G1H 6R1.

JACQUES BRASSARD,
Minister of Natural Resources

Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit*

Forest Act
(R.S.Q., c. F-4.1, ss. 124.29, 124.30 and 172, par. 18.4)

1. Section 1 of the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit is amended by substituting the amount “\$1.20” for the amount “1.45 \$” at the end of the section.

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

4150

* The Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit was made by Order in Council 1113-96 dated 4 September 1996 (1996, *G.O.* 2, 3979). The Regulation has not been amended since.

Draft Regulation

An Act respecting the Corporation d'hébergement du Québec
(1999, c. 34)

Corporation d'hébergement du Québec — Contracts

Regulation respecting contracts of the Corporation d'hébergement du Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting contracts of the Corporation d'hébergement du Québec, adopted by the Corporation d'hébergement du Québec, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish the conditions concerning contracts entered into by the Corporation, to determine the cases in which a public call for tenders is required and to determine the conditions and procedure for the purchase and acquisition of goods and services.

Essentially, the purpose of the draft Regulation is to relax and simplify all the rules governing the awarding of contracts of the Corporation d'hébergement du Québec with respect to the construction of immovables as well as to provide the Corporation with rules concerning supply contracts and contracts for services entered into by the latter.

The draft Regulation is consistent with the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies and it contains only the rules the application of which is essential to ensure that suppliers receive fair and transparent treatment.

Further information may be obtained by contacting :

M^e Claude Gilbert, Secretary General and Director, Direction des affaires juridiques, Corporation d'hébergement du Québec, 2535, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4M3

Telephone: (418) 644-3600, extension 223
Fax: (418) 644-3609

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to M^e Claude Gilbert.

The Corporation d'hébergement du Québec will forward those comments to the Minister of Health and Social Services, Minister of State for Health and Social Services, Minister responsible for the application of the Act respecting the Corporation d'hébergement du Québec, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

MICHEL SALVAS,
Chief Executive Officer
of the Corporation d'hébergement du Québec

Regulation respecting contracts of the Corporation d'hébergement du Québec

An Act respecting the Corporation d'hébergement du Québec
(1999, c. 34, a. 29; 2000, c. 8, a. 236)

CHAPTER 1 GENERAL

DIVISION 1 SCOPE

1. This Regulation applies to the following contracts entered into by the Corporation d'hébergement du Québec :

1) supply contracts, meaning contracts for the purchase or lease of movable property that may include the cost of installing, operating or maintaining that property;

2) construction contracts, meaning contracts entered into for construction work referred to in the Building Act (R.S.Q., c. B-1.1) for which the supplier must hold the licence required under chapter IV of the said Act;

3) service contracts including a contract of undertaking or a contract for services within the meaning of the Civil Code, a damage insurance contract or a cartage contract, excepting a construction contract, a contract for the hiring of a mediator designated by the Service de médiation de la Cour supérieure, or a contract referred to in the Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux et publics, made under Order in Council 955-96 dated 7 August 1996;

4) mixed contracts, meaning contracts comprising at least two of the following elements: supply, construction or services

2. This Regulation does not apply to the following contracts:

1) contracts entered into within the purview of a cooperation agreement financed in whole or in part by an international cooperation organization if the agreement contains contract rules;

2) contracts entered into in emergency situations in cases where the safety of persons or of property is at risk, except for the provisions of Section 82 hereinafter;

3) contracts entered into by the Corporation as a mandatory of a third party not subject to this Regulation.

Any contract entered into by the Corporation acting outside Quebec covering the purchase of goods or services is governed by the provisions of this Regulation subject to adapting them to the practices and conditions prevailing in the country or territory concerned.

DIVISION 2 DEFINITIONS

3. In this Regulation,

“intergovernmental agreement” means an agreement entered into by the Government of Québec and another government in order to promote access to public contracts; (*accord intergouvernemental*)

“auxiliary services contract” means a contract for services other than professional services; (*contrat de services auxiliaires*)

“professional services contract” means a contract for services that must be carried out by professionals or under their responsibility, considering that a professional is a person holding an undergraduate degree recognized by the ministre de l'Éducation, or the equivalent of such degree, and, in the case of exclusive practice, is a member of a professional order governed by the Professional Code (R.S.Q., c. C-26); (*contrat de services professionnels*)

“open contract” means a contract designed to meet the future needs of a group of users or the future needs of the Corporation, in which the latter undertakes to purchase or to have purchased certain goods or services, or to carry out construction work at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for a specific period and from time to time, as it may require; (*contrat ouvert*)

“Corporation” means the Corporation d'hébergement du Québec; (*Corporation*)

“establishment” means a public or private establishment governed by the Act for health and social services (R.S.Q. c. S-4.2); (*établissement*)

“supplier” means a legal or natural person or partnership, excepting a subsidiary of the Corporation, or a public body within the meaning of section 3 of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1), a department or body of another government, a band council, a fund for the benefit of confined persons set up in accordance with section 22.0.1 of the Act respecting correctional services (R.S.Q., c. S-4.01) or a non-profit legal person other than an adapted work centre; (*fournisseur*)

“amount of the contract” means the total financial involvement resulting from a contract, taking into account its renewals, or, in the case of an open contract, the estimated amount of the expenditure that may result therefrom; (*montant du contrat*)

“estimated amount of the contract” means the total estimated expenditure of the contract, except for a contract having a term of at least one year, renewable for a determined period, in which case it means the estimated expenditure of the initial contract, excluding the estimated expenditure for the renewal period; however, in the case of a service contract for an advertising campaign, the estimated amount of the contract shall not include media placement costs; (*montant estimé du contrat*)

“tender for services” means a proposal or an application submitted by a supplier with a view to obtaining a contract; (*offre de services*)

“standing offer” means a bid or a tender for services submitted by a supplier with a view to eventually obtaining specific supply, construction or service contracts either at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for specific periods and as required from time to time, comprising either an obligation to deliver the goods or services required whenever a user so requests, or a mere obligation to deliver them subject to their availability; (*offre permanente*)

“place of business” means a place where a supplier conducts his activities on a permanent basis, where his name clearly appears and which is open during the normal business hours; (*place d'affaires*)

“price” means a fixed price, a unit price, a rate, a percentage or a combination thereof; (*prix*)

“unsolicited offer” means an offer of professional services submitted by a supplier, on his own initiative, in order to meet or to try to meet the needs of the Corporation; (*proposition non sollicitée*)

“region” means an administrative region of Québec established under Order in Council 2000-87 dated 22 December 1987; (*région*)

“bid” means a tender submitted by a supplier, which consists in submitting solely a price for carrying out a contract; (*soumission*)

“rate” means the amount established on an hourly, daily, weekly or monthly basis for goods, services or persons assigned to the carrying out of a contract. (*taux*)

CHAPTER 2 AUTHORIZATION

4. The issuance of a call for tenders must be authorized by the board of directors of the Corporation when standing orders are invited and their terms and conditions do not provide that eventual specific contracts must be awarded, among the suppliers selected, to the supplier who, given the cost of transportation related to the delivery of the goods and services sought and, where applicable, their availability, submitted the lowest price or the best quality/price, except if the awarding procedure has already been authorized by the board of directors.

5. A contract must be authorized by the president and director general of the Corporation in the following cases:

1) the amount of the contract for professional services awarded in the cases provided in paragraph 5 or 7 of section 10 is \$100 000 or more, or of \$25 000 or more if the contract is with a natural person;

2) the term of the contract awarded or of the standard offers invited exceeds three years;

3) a single eligible offer is considered acceptable by the selection committee following the evaluation of the offers for services received;

4) the amount of the contract is for \$25 000 or more and a single eligible offer has been received;

5) the amount of a contract awarded to a non-profit legal person, other than an adapted work center, is:

a) equal to or exceeds \$500 000;

b) equal to or exceeds \$100 000 but is lower than \$500 000 except when the Corporation has proceeded by way of call for tenders by invitation;

6) the contract awarded to a contractor other than a supplier does not include a clause whereby a maximum of 10% of the amount of the contract may be used to remunerate activities subcontracted out;

7) the call for tenders for services provides a remuneration established on the basis of a rate and this remuneration is estimated at an amount of \$100 000 or more, except if the contract is subject to a rate set in accordance with an Act or approved by the Government or by the Conseil du trésor and if the estimated amount of this contract is lower than \$500 000.

CHAPTER 3 PRIOR CONDITIONS TO CONCLUDING CONTRACTS

DIVISION 1 QUALITY CONTROL

6. A contract, except where referred to in paragraphs 4 to 8, 11, 12, 15 to 17, 23 and 24 of section 10, may not be entered into with a supplier or group of businesses acting as a supplier unless that supplier or the business in that group carrying out the contract holds a registration certificate issued by the Standards Council of Canada or by an accrediting agency recognized by it, according to which it has a quality control system that covers the goods and services or construction work in question and complies with the ISO standard listed in Schedule I, in the following cases:

1) the main object of the contract is the supply of goods or services pertaining to a specialty and for an estimated amount listed in that Schedule with regard to estimated amount indicated therefor;

2) it is a construction contract of an amount estimated at \$500 000 or more.

7. Notwithstanding section 6, when the territory involved in calling for tenders has fewer than three suppliers holding an ISO registration certificate specified in Schedule I, the call for tender may be addressed to all the suppliers working in that field. In such case, when a tender is submitted by a supplier holding an ISO registration certificate specified in the Schedule, the lowest eligible tender is determined after subtracting from that supplier's tender 10% of his submission price.

DIVISION 2 CALL FOR TENDERS

8. In this Regulation “call for tenders” means a procedure for competitive tendering by several suppliers, inviting them to submit a bid or an offer of services.

9. Subject to section 10, a contract may not be entered into unless a call for tenders was previously issued, except where the amount of the contract is less than:

- 1) \$5 000 for a supply contract;
- 2) \$10 000 for an auxiliary services contract;
- 3) \$25 000 for a professional services contract or a construction contract.

10. A call for tenders is not required in any of the following cases:

1) a contract is awarded to one of the suppliers on the list of suppliers whose standing offers have been accepted;

2) a contract is awarded to a contracting party other than a supplier with the meaning of section 3;

3) there exists an unforeseen emergency situation and the products, services, or the construction work cannot be obtained in time by proceeding with a call for tenders;

4) it is a contract for maintenance or repair of specialized equipment which must be done by the manufacturer or his exclusive representative;

5) there is only one supplier with a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement, who was found, after an extensive and documented search to meet the specific requirements and to have the qualifications necessary to carry out the contract, or, there is no qualified supplier in the territory in question;

6) entering into a contract with a supplier other than the supplier who provided movable property, a service or construction work, could void existing guarantees applying to the movable property, service or work;

7) a supplier holds a copyright or right of ownership giving him a significant advantage over other potential suppliers and there can be no competition since only one supplier is able to submit a tender at an economically attractive price;

8) a contract is awarded to the only possible supplier considering that a person’s exclusive right such as a copyright or a right based on a license or a patent, or else the artistic or museological value of the goods or services must be complied with;

9) the contract is for the purchase of books or of a document deposited in accordance with Division VI of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.1);

10) the contract is a construction contract for less than \$500 000 involving both the making and the laying of bituminous compound;

11) it is a contract awarded within the scope of a partnership agreement relating to the socio-sanitary sector as provided in section 6 of the Act respecting the Corporation d’hébergement du Québec (1999, c. 34) and this agreement, previously approved by the Board of Directors of the Corporation contains particular provisions for entering into contracts as well as a financial participation by the partner who is not subject to the present Regulation;

12) a construction contract or auxiliary services contract is given to a public utility firm referred to in section 98 of the Charte de la langue française (R.S.Q., c. C-11) within the scope of its activities;

13) the contract is for legal, financial or banking services;

14) the contract is a service contract for the hiring of an investigator, a conciliator, a negotiator or an arbitrator, or of an assessor or an expert by reason of a conflict, saving and excepting when an intergovernmental agreement applies;

15) A professional services contract is given to the original designer of plans and specifications involving the adaptation, alterations or supervision thereof and the original construction plans and specifications are used again;

16) a professional services contract is given, for the supervision of the work, to the designer of the plans and specifications;

17) a professional services contract is given to the designer of the plans and specifications or to the person who supervised the work, as part of defending the interests of the Corporation with regard to a claim made in courts of ordinary jurisdiction or in connection with a mediation or arbitration procedure;

18) a services contract related to training activities or consulting services is awarded to a private educational institution dispensing the educational services referred to in paragraphs 4 and 8 of section I of the Act respecting private education (R.S.Q., c. E-9.1);

19) a professional services contract related to study or research is related to an educational institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

20) it is an auxiliary services contract subject to a rate set under an Act or a rate approved by the Government or by the Conseil du trésor, except where an inter-governmental agreement applies;

21) it is a travel services contract for an amount under \$100 000;

22) the Corporation makes the media placement directly;

23) it is a contract for construction work on an immovable property or part of same leased by the Corporation and the contract is performed by the lessor of the immovable property;

24) it is a supply or professional services contract concerning matters of a confidential nature and it is reasonable to believe that should they be divulged within the framework of calling for tenders, this would compromise the confidential character of the said information, cause a disruption of the economy or in some other fashion harm the public interest.

CHAPTER 4 SPECIFIC REGULATIONS FOR CERTAIN CONTRACTS

DIVISION 1 CONSTRUCTION CONTRACTS

11. Where it is decided, after opening the bids, not to go ahead with a public call for tenders, the lowest bidder is entitled to receive, as compensation and final settlement for expenses incurred, the amount of:

1) \$2 000 where the estimated amount of the contract is equal to or greater than \$500 000 but is less than \$1 000 000;

2) \$5 000, where the estimated amount of the contract is equal to or greater than \$1 000 000.

12. Acceptance of the work by the Corporation shall be made by means of a notice of acceptance with or without reservations.

13. Once the supplier's contract has been partially completed, the Corporation may accept, in accordance with sections 14 and 15, any completed portion of the work, provided that the supplier consents thereto and guarantees free and safe access to the portions put into use.

14. The notice of acceptance with reservation is a document signed by the representative, duly authorized thereto by the Corporation, certifying that most of the work has been completed, that the remaining work could not be completed owing to contingencies beyond the supplier's control and that the value of work to be corrected other than work to be completed, is equal to or less than 0.5% of the amount of the contract.

The notice shall be given with a list of the work to be completed or corrected, as the case may be.

15. The notice of acceptance without reservation is a document signed by the representative authorized thereto by the Corporation, certifying that the work is ready for its intended use and that, where applicable, all the work on the list attached to the notice of acceptance with reservation has been completed or corrected as the case may be.

DIVISION 2 MIXED CONTRACTS

16. Subject to sections 17 to 26, a mixed contract must be entered into in accordance with the rules applicable to the object comprising the major part of the estimated amount of the contract.

If the contract includes the cost of installing, operating or maintaining property, those costs shall be considered as elements included in the part related to supply.

17. The provisions of sections 20 to 26, 54 and 55 do not apply to a mixed construction and services contract.

18. A contract that includes both the purchase of services and the carrying out of construction work must be entered into for a fixed price. It may, however, include, in an ancillary fashion, a unit price, a rate, a percentage or a combination thereof.

19. Where a call for tenders is required with a view to awarding a mixed construction and services contract, tenders shall be invited through a call for tenders for services.

DIVISION 3

MIXED CONTRACTS RELATED TO ENERGY EFFICIENCY

20. This Division may apply to any contract designed to produce savings arising from improvements in energy efficiency which includes the hiring of professional services as well as the carrying out of construction work wherein the cost is covered by the resulting savings. The contract may also provide for the purchase of auxiliary goods and services.

21. Paragraph 7) of section 5 and sections 16 to 19, 54, 55, 62, 64, 65, 67 and 74 do not cover a mixed contract related to energy efficiencies when the present Division applies.

22. Tenders shall be invited by a call for tenders for services. Tenders for services shall include a list of the energy-saving measures proposed by the supplier as well as an evaluation of the savings resulting therefrom and of the costs incurred by the project.

23. The evaluation chart must include a minimum of 4 criteria for the evaluation of tenders for services of which at least one must concern the evaluation of the proposed prices. Each criterion must be weighed according to its importance for the carrying-out of the contract without, however, exceeding 30% of the weighting of all the criteria.

24. The selection committee shall determine the financial value of each tender for services it has deemed acceptable. An acceptable offer of services is one that earns the minimum number of points required in the documents calling for tenders when it is evaluated in respect of the "quality" criterion.

The financial value of a tender for services shall be the net discounted savings resulting from the project, that is, the current savings less the current cost incurred by the project.

25. The selection committee shall weigh the financial value it has set on each tender for services by multiplying that value by the percentage obtained for each offer respectively in connection with the quality criterion.

26. The contract shall be awarded to the supplier whose eligible and acceptable offer has achieved the highest weighted financial value. In case of identical results, the contract shall be awarded to the supplier whose offer has the highest financial value. In case of a double tie between the weighted financial value and the financial value, the contract shall be awarded by drawing lots between those suppliers.

DIVISION 4

UNSOLICITED PROPOSALS

27. When the Corporation receives an unsolicited offer, it must:

1) ensure that it does not duplicate a project it has already started up, that it falls within its overall mission and that it directly contributes to achieving one of its objectives;

2) evaluate its level of quality by considering, in particular, its feasibility, profitability and timeliness.

28. Following the evaluation of an unsolicited offer, the president and director general shall notify the supplier with respect to the admissibility of the offer.

29. The Corporation must, to ensure the carrying out of an unsolicited offer that earned a favorable notice in accordance with section 28, proceed as follows:

1) when the unsolicited offer is not precise enough to enable potential suppliers to propose carrying it out at a fixed price, the Corporation shall award to the supplier who submitted the offer a contract designed to allow him to clarify the offer, provided that the contract is for less than \$100 000 and that the supplier shall guarantee that his offer will become precise enough to be carried out at a fixed price;

2) when the offer is or becomes precise enough to enable potential suppliers to propose carrying it out at a fixed price, the Corporation shall hold a call for tenders for services.

30. The call for tenders referred to in paragraph 2) of section 29 must require that suppliers submit a fixed price in order to obtain the contract. Furthermore, the lowest eligible offer shall be determined after subtracting 7% from the price submitted by the supplier having submitted the unsolicited offer which earned a favorable notice, provided that the supplier did not have to clarify his proposition pursuant to paragraph 1) of section 29.

CHAPTER 5

CALLS FOR TENDERS

DIVISION 1

PRINCIPLES

31. Where a call for tenders is required, it must be held either by a public call for tenders, by a regionalized public call for tenders or by an invitation to tender.

32. A public call for tenders may be used in all cases. Moreover, a public call for tenders shall be used in the following cases :

- 1) where the estimated amount of the supply contract equals or exceeds \$25 000;
- 2) where the estimated amount of the service or construction contract equals or exceeds \$100 000;
- 3) in order to draw up a list of suppliers from whom some standing offers will be retained;
- 4) in order to draw up a permanent list of suppliers, within the scope of a prior selection.

33. The regionalized public call for tenders is used when the estimated amount of the service or construction contract equals or exceeds \$25 000 but is less than \$100 000.

34. An invitation to tender shall be held in the following cases :

- 1) when the estimated amount of the supply or auxiliary services contract amounts to less than \$25 000;
- 2) when the Corporation holds a call for tenders from suppliers registered in the permanent list of suppliers or in a particular list of suppliers, drawn up as a result of a prior selection.

DIVISION 2 TYPES OF CALLS FOR TENDERS

35. Public calls for tenders are addressed to all suppliers having a place of business in Québec or, when an intergovernmental agreement is involved, in Québec or in a province or territory included in that agreement.

36. The regionalized public call for tenders is addressed to all suppliers having a place of business in the region where the contract will be carried out.

37. When a call for tenders by invitation is used, the Corporation invites at least three suppliers, which it has chosen, having a place of business in Québec, or, failing that, the only two suppliers having a place of business in Québec.

The preceding provision does not apply in those cases where the Corporation has held a prior selection of suppliers, in which event the invitation is addressed to all the suppliers registered on the permanent list of suppliers or on the particular list of suppliers.

DIVISION 3 PUBLIC CALLS FOR TENDERS

38. The public call for tenders or the regionalized public call for tenders is held by means of a notice circulated in an electronic bulletin board system. The Corporation, however, reserves the right to also publish the notice by way of any other medium of distribution.

39. When the type of solicitation for a contract estimated at under \$25 000 is a call for bids, the invitation and the bids may be made verbally. A written record of the initiatives taken and the things done must, however, be kept.

DIVISION 4 PRIOR SELECTION

40. This Division applies when the Corporation makes a prior selection of suppliers with a view to setting up a permanent list of suppliers able to respond to later calls for tenders or a particular list of suppliers able to respond to one or to any number of later specific calls for tenders.

41. When it has drawn up a permanent list of suppliers, the Corporation shall hold, at least once a year, a public call for tenders in order to allow suppliers who have not already done so to register on the list.

Moreover, a supplier may register at any time on the list drawn up so long as he meets the conditions of admissibility laid down in the most recent call for prior selection of suppliers.

42. Sections 54, 55 and 64 to 79 do not apply to a call for tenders for drawing up a permanent list or a particular list of suppliers within the scope of a prior selection in accordance with this Division.

43. The tenders for services are invited by calls for tenders excluding price.

44. The selection committee shall retain those offers having obtained at least the minimum number of marks required in the documents calling for tenders, which minimum shall not be less than 60%.

A minimum number of points may be required with regard to any of the criteria or to groups of criteria laid down in the documents calling for tenders.

45. Where the Corporation arranges to make a prior selection of suppliers, within the scope of a call for tenders, it shall hold itself to the following obligations :

1) specify, in the documents calling for tenders used in the prior selection of suppliers, in what cases the list of suppliers will be used, the terms and conditions of its use, as well as all the qualification criteria which suppliers must meet in order to be registered on this list and to continue to be registered thereon;

2) confirm in writing to suppliers who request to be registered on the list of suppliers that their name has been so registered or, failing that, tell them what qualification criteria they failed to meet.

46. Where the Corporation uses the list of suppliers within the scope of a call for tenders, it shall provide, to any supplier registered on the list, the notice of call for tenders, and, as the case may be, the documents calling for tenders.

DIVISION 5 ADMISSIBILITY AND ELIGIBILITY OF TENDERS

47. The Corporation shall mention, in the documents calling for tenders, the conditions of admissibility governing offers, those regulating the awarding of contracts, the rules on receiving and opening tenders, on eligibility and those applying to evaluating tenders, including the evaluation criteria retained, as well as the applicable weighting and the use of the preferential margin set in sections 7 and 30, where applicable.

Where the call for tenders is held in order to draw up a list of suppliers whose permanent tenders will be retained, the documents calling for tenders shall also make clear the terms and conditions to be met by a supplier so that he may be registered on the list and the terms and conditions under which contracts will be awarded.

48. The rules governing eligibility of tenders must indicate these cases where the tender shall be automatically rejected:

- 1) some required document is missing;
- 2) the signature of an authorized person is missing on a document requiring such signature;
- 3) any crossing or correction made to the prices submitted and not initialed by the authorized person, as the case may be;
- 4) any conditional or restrictive offer;
- 5) failure to respect the location, date and deadline, set for receiving offers;

6) failure to meet any other condition stipulated as essential in the instructions to suppliers.

49. Only tenders submitted by suppliers having the qualifications, authorizations, permits, licenses and registration required, and having a place of business in Québec, or in the case of an intergovernmental agreement, in Québec or in a province or a territory covered by that agreement, shall be considered.

50. The Corporation may refuse to consider a tender from a supplier who, within two years preceding the date when tenders are received:

1) failed to, or refused to follow up on a tender submitted to the Corporation or on a contract entered into with it, saving and excepting a case where the Corporation, due to such omission or refusal, did recover the security guarantee which it had required;

2) was cited in an unsatisfactory performance report in accordance with chapter 8, if the nature of the contract is the same;

3) was found responsible in a judgment following legal proceedings taken out by the Corporation due to the supplier's failure to execute a contractual obligation.

DIVISION 6 NOTICE OF CALL FOR TENDERS

51. A notice calling for tenders shall, among other things:

1) briefly describe the goods, the services or the construction work required;

2) indicate where to obtain the documents calling for tenders; if the call for tenders is to be published otherwise than by the electronic bulletin board system, or if these documents are not to be transmitted by the system server, advise how to obtain the documents; and state:

3) where to obtain information;

4) where to forward the tenders;

5) the deadline (date and hour) for submitting tenders;

6) the date, hour and location set for a public opening of tenders, as the case may be;

7) whether the contract in question is subject to an intergovernmental agreement, or, moreover, if it is so subject, whether it is an exception thereto, and, as the case may be, the title of the agreement involved.

The notice must stipulate that the Corporation undertakes to accept neither the lowest nor any bid received.”

DIVISION 7

DEADLINES FOR TENDERING

52. The deadline for receiving tenders shall be calculated from the date the call for tenders is first published and it may not be less than 15 days when the call for tenders involves a contract subject to an intergovernmental agreement.

53. Any addenda shall be forwarded to the suppliers to whom tender documents have been given. If the addenda is such that it may affect the price of the prices to be submitted by the suppliers, it must be sent out at least 7 days before the deadline for receiving tenders. To ensure that this 7 day delay is respected, the initial deadline shall, as required, be extended as a result thereof.

However, if the initial delay for receiving tenders is less than 7 days, any addenda that may influence the price must be sent out at least within a delay equivalent to the initial delay for receiving tenders. The initial deadline shall be extended accordingly, as the case may be.

CHAPTER 6

SOLICITING OF TENDERS, EVALUATION OF TENDERS AND AWARDING OF CONTRACTS

DIVISION I

SOLICITING OF TENDERS

54. Tenders shall be solicited by calls for tenders for services or by calls for bids in the following cases:

1) when a call for tenders is required to award a contract;

2) in order to draw up a list of suppliers whose standing offers will be accepted with a view to awarding contracts.

55. A price must be solicited where a call for tenders for services is held.

Notwithstanding the first paragraph, a price does not have to be solicited in the following cases:

1) in the case of a contract for services intended to carry out a publicity or advertising campaign;

2) where there is a rate set under a law or approved by the Government or by the Conseil du trésor and when the contract in question is not subject to an intergovernmental agreement.

Notwithstanding the first and second paragraphs, a price may not be solicited in the case of a professional services contract related to architecture, engineering, soil and materials engineering or forest engineering.

DIVISION 2

EVALUATION OF TENDERS FOR SERVICES

§1. Selection committee

56. The evaluation of tenders for services shall be made by a selection committee made up of a secretary and of at least three members appointed by the Corporation, at least one of which shall be from outside the Corporation.

57. The evaluation of tenders for professional services related to architecture, civil engineering or to soils and materials engineering required in connection with a project to erect a building to be occupied by an establishment is done, where the estimated amount of the contract is less than \$100 000, by a selection committee comprised of a secretary and a minimum of 3 members appointed as follows:

1) 2 members appointed by the Corporation of whom at least one is from a department or from a public body within the meaning of section 3 of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q. c. A-2.1) other than the Corporation or the establishment involved;

2) 1 member appointed by the establishment concerned.

In those cases where the committee consists of more than three members, the additional members are appointed in equal number by the establishment concerned and by the Corporation.

58. The evaluation of tenders for professional services related to architecture, civil engineering or to soils and materials engineering required in connection with a project to erect a building to be occupied by an establishment is done, where the estimated amount of the contract is equal to or exceeds \$100 000, by a selection committee comprised of a secretary and a minimum of 5 members appointed as follows:

1) 3 members appointed by the Corporation;

2) 2 members appointed by the establishment concerned.

For each of paragraphs 1) and 2), at least one of the members appointed shall be one member from a department or from a public body within the meaning of sec-

tion 3 of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q. c. A-2.1.) other than the Corporation or the establishment concerned.

In those cases where the committee consists of more than five members, the additional members are appointed in equal number by the establishment concerned and by the Corporation.

59. The president and director general or his designated representative arranges for the rotation of the persons he designates to sit on these committees.

60. The Corporation reserves the right to designate one or more observers who shall then act merely in an advisory capacity.

The Corporation may, until such time as the committee's meetings have begun, replace any member unable to participate in the committee's activities. In the event that the committee's meetings have begun and any one member becomes unable to so participate, the Corporation reserves the right to dissolve the committee.

§2. Selection procedure

61. Members of the selection committee shall evaluate the "quality" aspect of eligible tenders by means of the chart developed by the Corporation.

62. The chart shall comprise a minimum of four criteria to evaluate tenders for services in light of the "quality" aspect.

Each criterion must be weighted on the basis of its importance for carrying out a contract. The total weighting of the criteria must be equal to 20 and no criterion may have a weighting greater than 6.

63. The final score given to a tender for services is the sum total of the marks obtained with regard to each of the criteria, which marks are arrived at by multiplying the mark obtained from the selection committee by the weighting applying thereto.

A minimum number of points may be required with regard to any criterion or to any group of criteria laid down in the documents calling for tenders. As the case may be, a tender for services which does not reach that minimum shall be ignored.

64. The evaluation of tenders according to the established criteria shall be made without the tendered price, or bid, where required, being known to the members of the selection committee. The tendered price or bid shall be submitted under separate cover.

65. Where the call for tenders for services does not solicit a price, the selection committee shall determine the supplier obtaining the highest score.

66. Where the call for tenders for services solicits a price, the selection committee shall retain those tenders obtaining the highest scores among the tenders deemed acceptable up and including a maximum of 5 tenders. A tender for services is acceptable if it earns the minimum number of points required by the documents calling for tenders, when evaluated in light of the "quality" aspect, which score shall not be less than 60%.

In those cases where the number of tenders for services retained in accordance with the first paragraph is less than 3 and the minimum number of points required in the documents calling for tenders is higher than 60%, the committee shall deem acceptable the tenders for services, if any, obtaining at least 60%, the committee restricting itself to those tenders obtaining the highest scores, in order to retain 5 in all.

67. Prices submitted by those suppliers who tendered acceptable tenders for services in light of the "quality" criterion, in accordance with section 66, shall be considered in accordance with one of the following methods:

1) where the call for tenders indicates that evaluation of tenders shall be made in accordance with a price/quality ratio, the supplier whose tender is acceptable and who submitted the lowest price or deemed so pursuant to sections 7 and 30, taking into account, as the case may be, the approximate comprehensive price, shall be awarded a mark of 100 points under the "price" aspect. The remaining suppliers, whose offers are acceptable, shall lose, counting down from the 100 mark, a number of points corresponding to the percentage of difference between their price and the price of the lowest tender, to a limit of 10 points; the supplier whose offer exceeds the lowest offer by more than 10 points shall be eliminated.

For each of the acceptable tenders for services, the marks earned in light of the "quality" criterion shall be added to those earned under the "price" criterion. The selection committee shall determine which supplier obtained the highest score;

2) where the call for tenders indicates that evaluation of tenders shall be made by considering first their quality and subsequently the price submitted, the selection committee shall determine, from among the suppliers who submitted an acceptable tender for services, which supplier submitted the lowest price offer or the one deemed the lowest, pursuant to sections 7 and 30, taking

into account, as the case may be, the approximate comprehensive price.

Whichever evaluation method is used, the price offer connected to an unacceptable tender for services shall not be considered and the envelope containing such price shall be returned unopened.

68. Where the call for tenders provides that the evaluation shall be made in two stages, the first stage shall consist of a call for tenders for services without price by which the selection committee retains a certain number of suppliers who will be invited to proceed to the second stage. The number of suppliers to be retained shall have been set down in the documents calling for tenders and the suppliers invited to submit new tenders for services shall be those who earned the highest scores.

69. It is not objectionable for two or more suppliers to obtain the same score. However, in the case of section 66 when identical scores are obtained by two or more suppliers vying to fill the fifth position, the selection committee shall proceed by a drawing of lots among those suppliers.

70. The resulting evaluation of the file of a supplier tendering for services shall be sent to him within 15 days following the signing of the contract. The information forwarded shall include:

1) the rank and score obtained by the supplier as well as, where applicable, an explanation of that score, and, with regard to a contract referred to in section 20, the weighted financial value of his offer for services;

2) the number of eligible and ineligible suppliers;

3) the name of the successful tenderer, the score he obtained and, where applicable, the price submitted, or, in the case of a contract referred to in section 20, the weighted financial value of the tender for services.

The names of the members of the selection committee shall be forwarded to any supplier so requesting.

DIVISION 3 AWARDING OF CONTRACTS

71. If two or more identical tenders are submitted, the selection committee shall award the contract by a drawing of lots among those suppliers.

However, in the cases covered under sections 74 and 75, in the event of identical results, the contract shall be awarded to the supplier who submitted the lowest fixed price or approximate total price, or so deemed in accor-

dance with section 30, as the case may be. If the tenders for services as well as the prices submitted are identical, the contract shall be awarded by a drawing of lots among the suppliers in question.

72. In the case of a call for bids, the contract shall be awarded to the supplier who submitted the eligible bid with the lowest fixed price or approximate total price, as the case may be, as calculated in accordance with the method set out in the tender documents or to the supplier deemed to have submitted the lowest price pursuant to section 7. The price specified in the contract shall not exceed the price submitted.

73. In the case of a call for tenders for services not soliciting a price, the contract shall be awarded to the supplier whose eligible tender obtained the highest score.

74. Within the context of a call for tenders for services where a price was solicited, and where the evaluation was made in accordance with a price/quality ratio, the contract shall be awarded to the supplier whose eligible tender obtained the highest score corresponding to the total points to be earned pursuant to the "quality" aspect, and, regarding the "price" aspect, in accordance with paragraph 1) section 67. The price specified in the contract shall not exceed the price submitted.

75. Within the context of a call for tenders for services where a price was solicited, and where the evaluation was made by considering first quality and subsequently the price submitted, the contract shall be awarded to the supplier who tendered the eligible offer with the lowest price, in accordance with paragraph 2) of section 67. The price specified in the contract shall not exceed the price submitted.

76. The Corporation may, following a call for tenders, negotiate the price with the sole supplier who submitted an eligible bid or an eligible and acceptable tender for services, when the price varies considerably from the initial estimate.

77. The Corporation may, following a call for tenders by invitation, negotiate the price with the supplier who submitted the lowest eligible bid or who obtained the highest score for his eligible and acceptable tender for services, when the price varies considerably from the original estimate.

Should the negotiation fail to result in a signed contract, the Corporation may hold a new public call for tenders.

78. Where the Corporation has drawn up a list of suppliers from whom standing offers have been accepted,

it shall, pursuant to the terms and conditions governing the documents calling for tenders, award any contract referred to in the said list of suppliers, to one or another of the suppliers appearing on the said list.

79. Notwithstanding sections 71 to 78, the Corporation may, for good and serious reasons, specified in a resolution adopted by the board of directors of the Corporation, set aside the lowest eligible tender, or the one most financially advantageous, and award the contract to another supplier whose tender is eligible.

CHAPTER 7

CONDITIONS FOR THE ADMINISTRATION OF CONTRACTS

DIVISION 1

SUPPLEMENTS

80. The Corporation may grant a supplement over and above the amount payable for carrying out a contract in the following cases:

1) a modification of the contract is required to ensure the carrying out of the project;

2) there is a variation in the amount to which an already established percentage must apply or a variation in a quantity for which a unit price or a rate was agreed upon;

3) salaries to be paid are modified in accordance with a law or an Order in Council.

81. A supplement to a contract contemplated under paragraph 1) of section 80 or a supplement attributable to a variation in the time period set down in a contract wherein the remuneration is established on the basis of a rate, shall need to be authorized by the president and director general in the following cases:

1) the initial amount of the contract is below \$100 000 and the supplement or the aggregate of the supplements adds up to 25% of the amount of the contract;

2) the initial amount of the contract is \$100 000 or greater and the supplement or the aggregate of the supplements exceeds the higher of these two following values, either \$25 000, or 10% of the amount of the contract.

DIVISION 2

PAYMENT

82. No payment for the performance of a contract entered into in accordance with paragraph 2 of section 2 and paragraph 3 of section 10 shall be made without the

authorization of the president and director general of the Corporation.

83. No payment shall be made with respect to a contract entered into in contravention of the provisions of this Regulation, without submitting the matter to the board of directors.

CHAPTER 8

EVALUATION OF THE PERFORMANCE OF SUPPLIERS

84. The Corporation shall issue a performance report whenever a contract's value is equal to or exceeds \$100 000.

85. The evaluation shall be recorded in a performance report within 60 days following the end of a contract, except in the case of a construction contract for which the period must be calculated from the expiry date of the performance security or, failing such security, the date of the completion of the work. Notwithstanding the foregoing, for a contract of a repetitive nature or involving several successive deliveries, the performance report may be made before the end of the contract.

86. The Corporation shall forward to the supplier a copy of any unsatisfactory report concerning him.

87. The supplier may, within 30 days following receipt of an unsatisfactory performance report, convey to the Corporation any comment he may have in that regard.

88. Within 30 days following the term set out in section 87, or within 30 days following receipt of the supplier's written comments, as the case may be, the president and director general shall uphold or revoke the evaluation made and shall inform the supplier accordingly. Should these delays not be respected, the report shall be deemed to be satisfactory.

CHAPTER 9

REPORT

89. Every year, the Corporation shall file with the minister responsible for applying the Act a report covering in a general way all the contracts entered into, stating their number and the aggregate amount involved therefor, their regional distribution as well as any other information it may deem appropriate. It shall attach a list of those contracts for which the authorization of the president and director general or that of the board of directors was needed hereunder.

CHAPTER 10 TRANSITORY AND FINAL PROVISIONS

90. The exercise of the powers accorded to the board of directors of the Corporation pursuant to this Regulation may be delegated according to law.

91. The procedures for awarding contracts undertaken before the present Regulation comes into force shall go ahead in accordance with the provisions in force at the commencement of the award process.

92. Any contract currently in force at the time the present Regulation comes into force is extended and proceeded with in accordance with this Regulation unless otherwise provided for in the said current contract, in which case the contractual clause shall prevail.

93. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

SCHEDULE I (s.6)

QUALITY CONTROL

1) The specialties and conditions of application related to contracts for supply or services for which a supplier must hold an ISO registration certificate are the following:

Specialty	Estimated amount	Standard required
SUPPLYING:		
Furniture:		
• Integrated furniture, composed of electrifiable removable partitions and of furniture components hung on the partitions or self-supporting	≥ \$25 000	ISO 9002
• Metal cabinets, bookcases and display units	≥ \$25 000	ISO 9003
• Chairs and armchairs complying with specification DGA-S-7110-5000	≥ \$25 000	ISO 9003

Specialty	Estimated amount	Standard required
• Side filing units	≥ \$25 000	ISO 9003
• Standardized office and office automation furniture, made from wood particle boards, with a stratified or melamine finish, complying with DGA-S-7110 specifications series: 0100, 2000 and 300	≥ \$25 000	ISO 9003
PROFESSIONAL SERVICES:		
Services related to building construction:		
• Acoustics	≥ \$50 000	ISO 9002
• Building engineering	≥ \$50 000	ISO 9001
• Mechanical and electrical building engineering	≥ \$50 000	ISO 9001
• Project management	≥ \$50 000	ISO 9002
• Preventive maintenance system * (Note 1)	≥ \$50 000	ISO 9002
Soil and material engineering:		
• Characterization testing of granulates	≥ \$25 000	ISO 9002
• Performance testing of granulates	≥ \$25 000	ISO 9002
• Structural inventory of roads	≥ \$25 000	ISO 9002
• Road mechanics	≥ \$25 000	ISO 9002
• Soil mechanics	≥ \$25 000	ISO 9002
• Soil mechanics and cement concrete quality control	≥ \$25 000	ISO 9002
• Soil recognition (pedological studies)	≥ \$25 000	ISO 9002
• Metal quality control	≥ \$25 000	ISO 9002
• Soil quality control	≥ \$25 000	ISO 9002
• Bituminous concrete quality control	≥ \$25 000	ISO 9002
• Cement concrete quality control	≥ \$25 000	ISO 9002

Specialty	Estimated amount	Standard required
• Environment:		
• Characterization of potentially contaminated sites	≥ \$25 000	ISO 9002
• Environmental impact study	≥ \$25 000	ISO 9001
• Restoration of contaminated sites	≥ \$25 000	ISO 9001
Information technologies:		
• Computer systems development	≥ \$100 000	ISO 9001
• Hardware and software counseling	≥ \$200 000	ISO 9001
• Computer systems maintenance	≥ \$200 000	ISO 9001
• Management of processing centers	≥ \$200 000	ISO 9002
• Management and planning information technologies	≥ \$200 000	ISO 9001
• Computer systems development	≥ \$200 000	ISO 9001
• Computer security	≥ \$200 000	ISO 9001

AUXILIARY SERVICES

Printing:

• Cheque form printing	≥ \$25 000	ISO 9002
• Document printing and reproduction:		
• Quality level "Information" or "Office"	≥ \$50 000	ISO 9003
• Quality level "Fine" or "Prestige"	≥ \$25 000	ISO 9002

2) The specialties and conditions of application related to construction contracts for which a supplier must hold an ISO registration certificate are the following:

Specialty	Estimated amount	Standard required
BUILDING CONSTRUCTION:		
• For the commercial, industrial and institutional sectors	≥ \$500 000	ISO 9002

* (Note 1) **Preventive maintenance systems:** development of planned maintenance programs for mechanical and electrical systems of a building.

Draft Regulation

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01)

Régie de l'énergie — Conditions and cases where authorization is required

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days from this publication.

The purpose of the Regulation is to determine the cases and conditions where authorization is required from the Régie de l'énergie for the carrier of electric power or the distributors of electric power or natural gas to carry on certain activities, in particular, to acquire, construct or dispose of immovables or assets for energy transmission or distribution.

Further information on the draft Regulation may be requested from the secretary of the Régie de l'énergie, tour de la Bourse, 800, place Victoria, bureau 255, C.P. 001, Montréal (Québec) H4Z 1A2; tel. (514) 873-2452; fax: (514) 873-2070.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the secretary of the Régie. The Régie will then review the comments and forward them to the Minister of Natural Resources, who is responsible for the administration of the Act respecting the Régie de l'énergie.

M^e VÉRONIQUE DUBOIS,
Secretary of the Régie de l'énergie

Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 114, 1st par., subpar. 6 and 2nd par.; 2000, c. 22, s. 51)

1. Authorization from the Régie de l'énergie is required:

(1) to acquire, construct or dispose of immovables or assets for energy transmission or distribution purposes as well as to extend, modify or change the use of the

transmission or distribution system as part of a project involving:

(a) the transmission of electric power worth \$25 million or more;

(b) the distribution of electric power worth \$10 million or more;

(c) the distribution of natural gas worth \$1.5 million or more, where the distributor's total annual delivery is 1 billion cubic metres or more;

(d) the distribution of natural gas worth \$450 000 or more where the distributor's total annual delivery is less than 1 billion cubic metres;

(2) to cease or suspend the operations of the carrier or distributor for reasons other than public safety or normal system operation;

(3) to restructure the carrier's or distributor's operations so that a part thereof would be excluded from the application of the Act.

Authorization is also required for projects the cost of which is under the limits set in subparagraph 1 of the first paragraph and which have not yet been recognized as prudently acquired and useful for the operation of an electric power transmission system or an electric power or natural gas distribution system under subparagraph 1 of the first paragraph of section 49 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01).

The second paragraph does not apply to projects for restoring service, or to connections required of the carrier or distributor after the date an application for authorization was filed.

2. An application for authorization under the first paragraph of section 1 shall contain the following:

(1) the project objectives;

(2) the project description;

(3) the justification of the project with regard to the objectives;

(4) the project costs;

(5) the project feasibility study;

(6) the list of authorizations required under other laws;

(7) the impact on the rates including a sensitivity analysis;

(8) the impact on the reliability of the electric power transmission system and on the quality of the electric power transmission service or electric power or natural gas distribution service;

(9) any other solutions contemplated, which must include the information referred to in the preceding paragraphs and paragraphs 2 and 3 of section 3.

3. An application for authorization to acquire, construct or dispose of immovables or assets for energy transmission or distribution shall contain the following:

(1) the list of the principal technical standards applicable to the project;

(2) the sales forecasts for the electric power or natural gas distributors' project;

(3) the contractual commitments of the consumers of the service and their financial contributions, where applicable.

4. An application for authorization to extend, modify or change the use of a transmission or distribution system as well as a request under subparagraph 2 or 3 of the first paragraph of section 1 shall also contain an impact study on the application of the Act, its attendant regulations and any orders or decisions from the Régie.

5. An application for authorization referred to in the second paragraph of section 1 shall be made according to investment category and shall contain the following:

(1) the descriptive summary of the investments;

(2) the costs based on the investment category;

(3) the justification of the investments with regard to the objectives;

(4) the impact on rates;

(5) the impact on the reliability of the electric power transmission system and the quality of the electric power transmission service or electric power or natural gas distribution service.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Draft Regulation

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie

— Tenor of a supply plan and intervals

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the tenor of a supply plan and the intervals at which it is to be submitted, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the Regulation is to allow holders of exclusive electric power and natural gas distribution rights to submit to the Régie de l'énergie a supply plan having the tenor and at the intervals prescribed by this Regulation.

Further information on the draft Regulation may be obtained by contacting the secretary of the Régie de l'énergie, tour de la Bourse, 800, place Victoria, bureau 255, C.P. 001, Montréal (Québec) H4Z 1A2; tel. (514) 873-2452, fax: (514) 873-2070.

Any interested person having comments to make on the Regulation is asked to send them in writing, before the expiry of the 45-day period, to the secretary of the Régie de l'énergie. Comments will be analysed by the Régie and forwarded to the Minister of Natural Resources, responsible for the administration of the Act respecting the Régie de l'énergie.

M^e VÉRONIQUE DUBOIS,
Secretary of the Régie de l'énergie

Regulation respecting the tenor of a supply plan and the intervals at which it is to be submitted

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 114, 1st par., subpar. 7, and 2nd par.; 2000, c. 22, s. 51)

DIVISION I TENOR

1. The supply plan that any holder of exclusive electric power or natural gas distribution rights must prepare and submit to the Régie de l'énergie for approval shall contain the following information:

(1) the economic, demographic and energy-producing context in which the holder of rights operates;

(2) data on demand and supply covering at least 10 years in the case of electric power distributors and at least 3 years in the case of natural gas distributors, describing:

(a) the anticipated needs of their markets, specifying the contribution of energy efficiency programs still in effect or committed to, broken down by consumption sector and by final use or by consumption characteristic, including in particular a sensitivity analysis and a comparison of the forecasts of the previous plan with actual data observed over the duration of the previous plan;

(b) the characteristics of existing supply contracts, including in particular interruptible power or volume contracts, making it possible to establish their contribution to the meeting of their markets' needs, including needs resulting from the application of criteria based on the safety of supplies and, in the case of a natural gas distributor, the characteristics related to the transportation and storage of natural gas;

(c) the characteristics of the additional supplies required to meet the needs of their markets, including needs resulting from the application of criteria based on the safety of supplies and, in the case of a natural gas distributor, the characteristics related to the transportation and storage of natural gas;

(3) the objectives that the holder of rights intends to achieve and the strategy he intends to apply, over the next 3 years in the case of electric power distributors and over the next year in the case of natural gas distributors, with respect to the additional supplies required and identified in subparagraph *c* of paragraph 2, and the characteristics of the contracts he intends to enter into, indicating, among other things,

(a) the various products, tools or measures contemplated;

(b) the risks inherent in the sources of supply chosen;

(c) the measures he intends to take to mitigate the impact of those risks;

(d) the measures he intends to take to have at his disposal an adequate transmission capacity;

(4) the progress and results achieved by the previous supply plan.

2. A supply plan shall include technical data, a description of the working hypotheses and applied methodologies, the reasons for choosing them and a definition of the technical terms used.

3. Municipal systems and the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville are exempted from the application of this Regulation if all their supplies planned for the next 3 years come from Hydro-Québec carrying on its distribution activities.

Notwithstanding the foregoing, they remain subject to this Regulation if part of their supplies for the next 3 years does not come from Hydro-Québec carrying on distribution activities. In that case, the data referred to in paragraph 2 of section 1 shall be submitted so as to cover at least 5 years.

DIVISION II

INTERVALS

4. The supply plan referred to in section 1 shall be submitted annually in the case of a natural gas distributor or 3 years after the filing date of the previous plan in the case of an electric power distributor.

The first supply plan shall be submitted no later than 1 September 2001 in the case of natural gas distributors or Hydro-Québec carrying on distribution activities and, as for other distributors, no later than one year after (*enter here the date of coming into force of this Regulation*).

5. In the 12th and 24th months following the filing of the supply plan referred to in section 1, electric power distributors shall submit a supply plan concerning the progress of the said plan and stating the results achieved and the sufficiency of their supplies on the basis of the criteria defined in subparagraphs *b* and *c* of paragraph 2 of section 1.

6. Within no more than 20 days after any major event disturbing the holder of rights' supplies, the latter shall submit for approval a supply plan describing the nature of the event, the related risks and the measures already taken or to be taken by the holder of rights to rectify the situation.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Municipal Affairs

Gouvernement du Québec

O.C. 149-2001, 28 February 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and Outaouais (2000, c. 56)

An Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2)

Elections to the councils of the new cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis

WHEREAS the cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis shall be constituted on 1 January 2002 under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS, under the above Act, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the election of the mayor of a city, the city councillors and the borough councillors, subject to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais and any order made by the Government under section 9 of each of the Schedules I to V to that Act;

WHEREAS, under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais, the first general election of each city shall be held on 4 November 2001 in accordance with the Act respecting elections and referendums in municipalities;

WHEREAS, for the purposes of the Act respecting elections and referendums in municipalities with regard to that election, certain rules shall be provided for;

WHEREAS, under section 9 of each of the Schedules I to V to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais, the Government may, by order, prescribe any rule providing for any omission for the purpose of ensuring the application of the Act or derogating from any provision of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the following rules providing for omissions be prescribed for the purposes of the general elections of the new cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis:

(1) In accordance with section 396 of the Act respecting elections and referendums in municipalities, amended by section 41 of chapter 25 of the Statutes of 1999, any party may apply for authorization from 14 March 2001.

For the purposes of section 396 with respect to Ville de Montréal, the offices of councillor referred to exclude the office of borough councillor.

(2) Notwithstanding the third paragraph of section 397 of the Act respecting elections and referendums in municipalities, amended by section 42 of chapter 25 of the Statutes of 1999, a party that intends to carry out its activities on the territory of the new city of Montréal, Québec, Longueuil or Lévis, shall submit an application for authorization with the names, addresses and signatures, for at least one-third of the boroughs, of 30 electors from each borough who affirm that they are members or sympathizers of the party and that they support the application for authorization. The address of the elector must be the address entered on the list of electors of the new city on the portion of the list that corresponds to the borough.

For the purposes of the third paragraph of section 397 with respect to a party that intends to carry out its activities on the territory of the new Ville de Hull-Gatineau, the electoral districts are, except for those that make up the territory of Ville de Buckingham and Ville de Masson-Angers, those that already exist on the territory of the cities of Aylmer, Gatineau and Hull on 14 March 2001.

(3) Unless the party leader requests that it be withdrawn, any authorization granted before 14 March 2001 by the chief electoral officer to a party carrying out its activities on the territory of a municipality referred to in section 5 of Schedules I to V to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais is upheld and extended to the entire territory of the new city

that will succeed to the municipality on whose territory the party carries out its activities.

Such party wishing to change its name may submit a written request from the party leader to the chief electoral officer to reserve a name for a period not exceeding six months. The second paragraph of section 398 of the Act respecting elections and referendums in municipalities, adapted as required, shall apply to the reservation.

(4) The chief electoral officer may authorize parties that do not carry out activities on the same territory to merge, on condition that, notwithstanding section 417 of the Act respecting elections and referendums in municipalities, amended by section 49 of chapter 25 of the Statutes of 1999, they carry out the activities on the territory of a municipality to which the new city will succeed, where the newly-merged party intends to carry out its activities and will present candidates.

(5) For the purpose of the provisions of the Act respecting elections and referendums in municipalities that do not concern elections, namely, in respect of party financing, “municipality” means the group of municipalities referred to in section 5 of Schedules I to V to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais.

(6) Until the division into electoral districts is ordered in accordance with the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais, a borough is considered an electoral district for the purposes of the second paragraph of section 380, of the first paragraph of section 435 and of section 444 of the Act respecting elections and referendums in municipalities.

(7) The returning officer designated by each transition committee established under Schedules I to V to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais shall also, for the purposes of Chapter XIII of Title I of the Act respecting elections and referendums in municipalities, perform the duties of treasurer within the meaning of section 364 of that Act until 31 December 2001.

(8) For the purposes of dividing a borough into electoral districts, each electoral district shall be delimited so that, based on the permanent list of electors, the number of electors in the district does not vary by more than 15% from the quotient obtained by dividing the total number of electors in the borough by the number of districts. The percentage shall be 25% where a borough

has fewer than 15 000 electors on the date the information contained in the permanent list of electors is forwarded to the transition committee.

The transition committee may derogate from this general rule; its decision must be put forth in writing with reasons.

(9) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

4140

Gouvernement du Québec

O.C. 150-2001, 28 February 2001

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require the towns of Jonquière, Chicoutimi, Laterrière and La Baie, the municipalities of Shipshaw and Lac-Kénogami and Canton Tremblay to file a joint application for amalgamation

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published the White Paper entitled *La réorganisation municipale: changer les façons de faire pour mieux servir les citoyens*;

WHEREAS that reorganization has already begun for the metropolitan regions of Montréal, Québec and the Outaouais by the adoption of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS the towns of Jonquière, Chicoutimi, Laterrière and La Baie, the municipalities of Shipshaw and Lac-Kénogami and Canton Tremblay shall be part of the census metropolitan region of Chicoutimi-Jonquière;

WHEREAS, on 27 September 2000, the Minister of Municipal Affairs and Greater Montréal designated Pierre Bergeron as mandatary to examine the issues related to the municipal reorganization of the Saguenay;

WHEREAS Pierre Bergeron submitted his report to the Minister on 16 February 2001;

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to require the towns of Jonquière, Chicoutimi, Laterrière and La Baie, the municipalities of Shipshaw and Lac-Kénogami and Canton Tremblay to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS in order to help the municipalities fulfill that obligation, the Minister may designate a conciliator who may be assisted by other persons;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require the towns of Jonquière, Chicoutimi, Laterrière and La Baie, municipalities of Shipshaw and Lac-Kénogami and Canton Tremblay, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

4141

Gouvernement du Québec

O.C. 151-2001, 28 February 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require the towns of Bromptonville, Fleurimont, Lennoxville, Rock Forest, Sherbrooke and Waterville, the municipalities of Ascot, Deauville, Saint-Élie-d'Orford, Compton and Stoke, Paroisse de Saint-Denis-de-Brompton and Canton de Hatley to file a joint application for amalgamation

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published the White Paper entitled *La réorganisation municipale: changer les façons de faire pour mieux servir les citoyens*;

WHEREAS that reorganization has already begun for the metropolitan regions of Montréal, Québec and the Outaouais by the adoption of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS the towns of Bromptonville, Fleurimont, Lennoxville, Rock Forest, Sherbrooke and Waterville, the municipalities of Ascot, Deauville, Saint-Élie-d'Orford, Compton and Stoke, Paroisse de Saint-Denis-de-Brompton and Canton de Hatley shall be part of the census metropolitan area of Sherbrooke;

WHEREAS, in October 2000, the Minister of Municipal Affairs and Greater Montréal designated Pierre Gauthier as mandatary to examine the issues related to the municipal reorganization of the area of Sherbrooke;

WHEREAS Pierre Gauthier submitted his report to the Minister on 16 February 2001;

WHEREAS, under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to require the towns of Bromptonville, Fleurimont, Lennoxville, Rock Forest, Sherbrooke and Waterville, the municipalities of Ascot, Deauville, Saint-Élie-d'Orford, Compton and Stoke, Paroisse de Saint-Denis-de-Brompton and Canton de Hatley to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS in order to help the municipalities fulfill that obligation, the Minister may designate a conciliator who may be assisted by other persons;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require the towns of Bromptonville, Fleurimont, Lennoxville, Rock Forest, Sherbrooke and Waterville, the municipalities of Ascot, Deauville, Saint-Élie-d'Orford, Compton and Stoke, Paroisse de Saint-Denis-de-Brompton and Canton de Hatley, in accordance with section 125.2 of the Act respecting municipal organization, to file with the Minister a joint application for amalgamation.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

4142

Gouvernement du Québec

O.C. 152-2001, 28 February 2001

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require the towns of Trois-Rivières, Trois-Rivières-Ouest, Cap-de-la-Madeleine and Sainte-Marthe-du-Cap to file a joint application for amalgamation

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published the White Paper entitled *La réorganisation municipale: changer les façons de faire pour mieux servir les citoyens*;

WHEREAS that reorganization has already begun for the metropolitan regions of Montréal, Québec and the Outaouais by the adoption of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS the towns of Trois-Rivières, Trois-Rivières-Ouest, Cap-de-la-Madeleine and Sainte-Marthe-du-Cap are part of the census metropolitan region of Trois-Rivières;

WHEREAS, on 3 November 2000, the Minister of Municipal Affairs and Greater Montréal designated André Thibault as mandatary to examine the issues related to the municipal reorganization of the Trois-Rivières region;

WHEREAS André Thibault submitted his report to the Minister on 16 February 2001;

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to require the towns of Trois-Rivières, Trois-Rivières-Ouest, Cap-de-la-Madeleine and Sainte-Marthe-du-Cap to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS in order to help the municipalities fulfill that obligation, the Minister may designate a conciliator who may be assisted by other persons;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require the towns of Trois-Rivières, Trois-Rivières-Ouest, Cap-de-la-Madeleine and Sainte-Marthe-du-Cap, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

4143

Index Statutory Instruments

Abbreviations: **A:** Abrogated, **N:** New, **M:** Modified

Regulations — Statutes	Page	Comments
Authorization of the Minister of Municipal Affairs and Greater Montréal to require the towns of Bromptonville, Fleurimont, Lennoxville, Rock Forest, Sherbrooke and Waterville, the municipalities of Ascot, Deauville, Saint-Élie-d'Orford, Compton and Stoke, Paroisse de Saint-Denis-de-Brompton and Canton de Hatley to file a joint application for amalgamation ... (An Act respecting municipal territorial organization, R.S.Q., c. O-9)	1359	
Authorization of the Minister of Municipal Affairs and Greater Montréal to require the towns of Jonquière, Chicoutimi, Laterrière and La Baie, the municipalities of Shipshaw and Lac-Kénogami and Canton Tremblay to file a joint application for amalgamation ... (An Act respecting municipal territorial organization, R.S.Q., c. O-9)	1358	
Authorization to the Minister of Municipal Affairs and Greater Montréal to require the towns of Trois-Rivières, Trois-Rivières-Ouest, Cap-de-la-Madeleine and Sainte-Marthe-du-Cap to file a joint application for amalgamation ... (An Act respecting municipal territorial organization, R.S.Q., c. O-9)	1360	
Building Act — Regulation ... (R.S.Q., c. B-1.1)	1335	M
Commission des valeurs mobilières — Rules of ethics in the securities sector ... (An Act respecting the distribution of financial products and services, R.S.Q., c. D-9.2)	1334	
Conservation and development of wildlife, An Act respecting the... — Îlet-aux-Alouettes Wildlife Preserve ... (R.S.Q., c. C-61.1)	1333	N
Conservation and development of wildlife, An Act respecting the... — Replacement of Schedule 42 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State ... (R.S.Q., c. C-61.1)	1336	N
Contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit ... (Forest Act, R.S.Q., c. F-4.1)	1339	Draft
Corporation d'hébergement du Québec — Contracts ... (An Act respecting the Corporation d'hébergement du Québec, 1999, c. 34)	1340	Draft
Corporation d'hébergement du Québec, An Act respecting the... — Corporation d'hébergement du Québec — Contracts ... (1999, c. 34)	1340	Draft
Distribution of financial products and services, An Act respecting the... — Commission des valeurs mobilières — Rules of ethics in the securities sector ... (R.S.Q., c. D-9.2)	1334	N
Elections and referendums in municipalities, An Act respecting... — Elections to the councils of the new cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis ... (R.S.Q., c. E-2.2)	1357	

Elections to the councils of the new cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1357	
Elections to the councils of the new cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis (An Act respecting municipal territorial organization, R.S.Q., c. O-9)	1357	
Exercise of the fundamental rights and prerogatives of the Québec people and the Québec State, An Act respecting the... — Coming into force (2000, c. 46)	1331	
Forest Act — Contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit (R.S.Q., c. F-4.1)	1339	Draft
Health services and social services and amending various legislative provisions... — Coming into force of certain provisions (2000, c. 62)	1331	
Îlet-aux-Alouettes Wildlife Preserve (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	1333	N
Municipal territorial organization, An Act respecting... — Elections to the councils of the new cities of Montréal, Québec, Longueuil, Hull-Gatineau and Lévis (R.S.Q., c. O-9)	1357	
Municipal territorial organization, An Act respecting... — Authorization of the Minister of Municipal Affairs and Greater Montréal to require the towns of Bromptonville, Fleurimont, Lennoxville, Rock Forest, Sherbrooke and Waterville, the municipalities of Ascot, Deauville, Saint-Élie-d'Orford, Compton and Stoke, Paroisse de Saint-Denis-de-Brompton and Canton de Hatley to file a joint application for amalgamation (R.S.Q., c. O-9)	1359	
Municipal territorial organization, An Act respecting... — Authorization of the Minister of Municipal Affairs and Greater Montréal to require the towns of Jonquière, Chicoutimi, Laterrière and La Baie, the municipalities of Shipshaw and Lac-Kénogami and Canton Tremblay to file a joint application for amalgamation (R.S.Q., c. O-9)	1358	
Municipal territorial organization, An Act respecting... — Authorization to the Minister of Municipal Affairs and Greater Montréal to require the towns of Trois-Rivières, Trois-Rivières-Ouest, Cap-de-la-Madeleine and Sainte-Marthe-du-Cap to file a joint application for amalgamation (R.S.Q., c. O-9)	1360	
Régie de l'énergie — Conditions and cases where authorization is required (An Act respecting the Régie de l'énergie, R.S.Q., c. R-6.01)	1353	Draft
Régie de l'énergie — Tenor of a supply plan and the intervals at which it is to be submitted (An Act respecting the Régie de l'énergie, R.S.Q., c. R-6.01)	1355	Draft
Régie de l'énergie, An Act respecting the... — Régie de l'énergie — Conditions and cases where authorization is required (R.S.Q., c. R-6.01)	1353	Draft

Régie de l'énergie, An Act respecting the... — Régie de l'énergie — Tenor of a supply plan and the intervals at which it is to be submitted (R.S.Q., c. R-6.01)	1355	Draft
Replacement of Schedule 42 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	1336	N
Société d'Investissement Jeunesse, An Act respecting the... — Coming into force (2000, c. 62)	1331	

