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Summary

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Regulations and other Acts

Gouvernement du Québec

O.C. 520-2009, 29 April 2009

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

Wind energy

— 250 MW block of from Aboriginal projects — Amendment

Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects

WHEREAS, under subparagraph 2.1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining, for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS the Government made the Regulation respecting a 250 MW block of wind energy from Aboriginal projects by Order in Council 1043-2008 dated 29 October 2008;

WHEREAS the Government amended the Regulation respecting a 250 MW block of wind energy from Aboriginal projects by Order in Council 180-2009 dated 4 March 2009;

WHEREAS the Government determined in that Regulation that the price of electric power may not exceed 9.5¢/kWh in 2008 dollars adjusted to the Consumer Price Index for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity;

WHEREAS the unstable economic and financial context can influence the feasibility, realization and profitability of renewable energy projects, including wind energy projects;

WHEREAS the maximum price of 9.5¢/kWh is no longer appropriate given the current economic and financial context and it is necessary to change it to ensure the success of the call for tenders for the benefit of Aboriginal communities;

WHEREAS raising the maximum price to 12.5¢/kWh in 2009 dollars fully adjusted each year to the Consumer Price Index or its equivalent will favour the optimal development of Aboriginal projects for the benefit of the communities and will give more flexibility to tenderers;

WHEREAS it is expedient to further amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, in accordance with the Regulation respecting a 250 MW block of wind energy from Aboriginal projects, Hydro-Québec must issue the call for tenders for 250 MW of wind energy from Aboriginal projects before 1 May 2009;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects:

— it is advisable to change the price of electric power so that tenderers may know the basic parameters of the call for tenders as soon as it is issued before 1 May 2009

and submit tenders that take into account the current economic and financial context, while ensuring the optimal development of Aboriginal projects for the benefit of the communities;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects*

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 112, 1st par., subpar 2.1)

1. The last paragraph of section 1 of the Regulation respecting a 250 MW block of wind energy from Aboriginal projects is replaced by the following:

“The price of electric power for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity, may not exceed 12.5¢/kWh in 2009 dollars fully adjusted each year to the Consumer Price Index or its equivalent.”

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

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Gouvernement du Québec

O.C. 521-2009, 29 April 2009

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

Wind energy — 250 MW block from community projects — Amendment

Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects

WHEREAS, under subparagraph 2.1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining, for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS the Government made the Regulation respecting a 250 MW block of wind energy from community projects by Order in Council 1045-2008 dated 29 October 2008;

WHEREAS the Government amended the Regulation respecting a 250 MW block of wind energy from community projects by Order in Council 179-2009 dated 4 March 2009;

WHEREAS the Government determined in that Regulation that the price of electric power may not exceed 9.5¢/kWh in 2008 dollars adjusted to the Consumer Price Index for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity;

WHEREAS the world economic and financial context influences the feasibility, realization and profitability of renewable energy projects, including wind energy projects;

WHEREAS the maximum price of 9.5¢/kWh is no longer appropriate given the current economic and financial context and it is necessary to change it to ensure the success of the call for tenders for the benefit of the regions;

WHEREAS raising the maximum price to 12.5¢/kWh in 2009 dollars fully adjusted each year to the Consumer Price Index or its equivalent will favour the optimal

* The Regulation respecting a 250 MW block of wind energy from Aboriginal projects, made by Order in Council 1043-2008 dated 29 October 2008 (2008, *G.O.* 2, 5099), was amended by Order in Council 180-2009 dated 4 March 2009 (2009, *G.O.* 2, 544).

development of community projects for the benefit of the regions and will give more flexibility to tenderers;

WHEREAS it is expedient to further amend the Regulation respecting a 250 MW block of wind energy from community projects;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, in accordance with the Regulation respecting a 250 MW block of wind energy from community projects, Hydro-Québec must issue the call for tenders for 250 MW of wind energy from community projects before 1 May 2009;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects:

— it is advisable to change the price of electric power so that tenderers may know the basic parameters of the call for tenders as soon as it is issued before 1 May 2009 and submit tenders that take into account the current economic and financial context, while ensuring the optimal development of community projects for the benefit of the regions;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects*

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar 2.1)

1. The last paragraph of section 1 of the Regulation respecting a 250 MW block of wind energy from community projects is replaced by the following:

“The price of electric power for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity, may not exceed 12.5¢/kWh in 2009 dollars fully adjusted each year to the Consumer Price Index or its equivalent.”.

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

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* The Regulation respecting a 250 MW block of wind energy from community projects, made by Order in Council 1045-2008 dated 29 October 2008 (2008, *G.O.* 2, 5100), was amended by Order in Council 179-2009 dated 4 March 2009 (2009, *G.O.* 2, 543).

Draft Regulations

Draft Regulation

An Act respecting contracting by public bodies
(2006, c. 29)

Supply contracts of public bodies — Amendment

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 to amend the Regulation respecting supply contracts of public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation allows certain bodies to enter into a delivery order contract by mutual agreement for the acquisition of software, provided that the contract is authorized by the minister responsible for the public body where the estimated amount of the expenditure is above the public tender threshold. It also requires that an extensive and documented search be conducted by every body wanting to avail itself of the delivery order contract.

The draft Regulation has no impact on the public and should have no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Lucien Turcotte, Director, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.339, Québec (Québec) G1R 5R8; telephone: 418 644-3421; fax: 418 528-6877; e-mail: lucien.turcotte@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MONIQUE GAGNON-TREMBLAY,
*Minister responsible for Government
Administration and Chair of the Conseil du trésor*

Regulation to amend the Regulation respecting supply contracts of public bodies*

An Act respecting contracting by public bodies
(2006, c. 29, s. 23, 1st par., subpars. 1, 5 and 7)

1. The Regulation respecting supply contracts of public bodies is amended by inserting the following after section 29:

“DIVISION IV CONTRACT FOR THE ACQUISITION OF SOFTWARE

29.1. Despite the provisions of Division I of Chapter III, a public body referred to in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act may enter into a delivery order contract by mutual agreement for the acquisition of software for cases other than those referred to in subparagraphs 1 to 4 of the first paragraph of section 13 of the Act.

To avail itself of a delivery order contract, the public body benefiting from the acquisition must have conducted an extensive and documented search showing that only the supplier identified in the contract may meet its requirements.

The authorization of the minister responsible is required if the estimated amount of the expenditure resulting from the delivery order contract is above the public tender threshold. The minister may set the conditions applicable to the contract.”

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

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* The Regulation respecting supply contracts of public bodies, made by Order in Council 531-2008 dated 28 May 2008 (2008, G.O. 2, 2079), has not been amended since it was made.

Draft Regulation

An Act respecting contracting by public bodies
(2006, c. 29)

Construction contracts of public bodies — Amendments

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 to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation specifies that, if a contract involves construction work on transport infrastructures and contractors have been qualified for that work, the work must be performed by those contractors.

The draft Regulation has no impact on the public and should have no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Lucien Turcotte, Director, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.339, Québec (Québec) G1R 5R8; telephone: 418 644-3421, fax: 418 528-6877; e-mail: lucien.turcotte@sct.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MONIQUE GAGNON-TREMBLAY
*Minister responsible for Government
Administration and Chair of the Conseil du trésor*

Regulation to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction*

An Act respecting contracting by public bodies
(2006, c. 29, s. 23, 1st par., subpars. 1 and 3)

1. The Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction is amended by replacing its title by the following:

“Regulation respecting construction contracts of public bodies”.

2. Section 38 is replaced by the following:

“**38.** Except in the cases described in section 13 of the Act, where a contract involves construction work for which contractors have been qualified, the work must be performed by a qualified contractor and, where such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders.”.

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

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Draft Regulation

An Act respecting contracting by public bodies
(2006, c. 29)

Service contracts of public bodies — Amendments

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 to amend the Regulation respecting service contracts of public bodies and amending other regulatory provisions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

* The Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, made by Order in Council 532-2008 dated 28 May 2008 (2008, *G.O.* 2, 2086), has been amended once, by Order in Council 873-2008 dated 10 September 2008 (2008, *G.O.* 2, 4617).

The draft Regulation establishes the items that may be taken into account by a public body to determine the lowest bidder for a task order contract entered into with more than one service provider, when the object of the contract is the rental of heavy machinery with operator.

It allows the conclusion by mutual agreement of service contracts for the hiring of persons who perform certain specific duties.

The draft Regulation has no impact on the public and should have no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Lucien Turcotte, Director, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.339, Québec (Québec) G1R 5R8; telephone: 418 644-3421, fax: 418 528-6877; e-mail: lucien.turcotte@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MONIQUE GAGNON-TREMBLAY,
*Minister responsible for Government
Administration and Chair of the Conseil du trésor*

Regulation to amend the Regulation respecting service contracts of public bodies and amending other regulatory provisions*

An Act respecting contracting by public bodies (2006, c. 29, s. 23, 1st par., subpars. 1, 5 and 7)

1. The Regulation respecting service contracts of public bodies and amending other regulatory provisions is amended by replacing its title by the following:

“Regulation respecting service contracts of public bodies”.

2. The following is inserted after section 32:

“**32.1.** Despite sections 10 and 32, in the case of a task order contract entered into with more than one service provider and whose object is the rental of heavy machinery with operator, the public body may, to determine the lowest bidder, take into account, in addition to the hourly rate submitted for the machine, the machine’s age and hourly transportation cost and the operator’s hourly travelling and boarding expenses.

In such a case, the performance requests are made to the service provider whose machine has obtained the lowest weighted coefficient, unless the provider cannot perform the service, in which case the other providers are solicited according to their respective rank.

For the purposes of this section,

(1) “weighted coefficient” means the quotient obtained by dividing the sum of the hourly rate submitted for the machine, the machine’s hourly transportation cost, the operator’s hourly travelling expenses and boarding expenses, where applicable, by the maximum total hourly rental rate in effect, as indicated in the booklet *Taux de location de machinerie lourde*, published by the Centre de services partagés du Québec;

(2) “hourly rate submitted for the machine” means the hourly rate indicated by the service provider or, if that rate is higher than the maximum total hourly rate or if the machine is registered after the tender opening date with a “late” notation, the maximum total hourly rate.”.

3. The following is inserted after section 42:

“DIVISION VII OTHER SERVICE CONTRACTS

42.1. A service contract for the hiring of an investigator, conciliator, negotiator, mediator, arbitrator, a physician or a dentist in matters of medical assessment related to their field or a person as an expert court witness may be entered into by mutual agreement.”.

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

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* The Regulation respecting service contracts of public bodies and amending other regulatory provisions, made by Order in Council 533-2008 dated 28 May 2008 (2008, G.O. 2, 2099), has been amended once, by Order in Council 873-2008 dated 10 September 2008 (2008, G.O. 2, 4617).

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