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Part

2

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Laws and Regulations

Volume 144

Summary

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
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Coming into force of Acts

Gouvernement du Québec

O.C. 780-2012, 4 July 2012

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations
(2009, c. 28)

— **Coming into force of certain provisions of the Act**

An Act respecting the professional recognition of medical electrophysiology technologists
(2012, c. 10)

— **Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations and of the Act respecting the professional recognition of medical electrophysiology technologists

WHEREAS the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, c. 28) was assented to on 19 June 2009;

WHEREAS section 19 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS, under Order in Council 552-2010 dated 23 June 2010, sections 187.3.1, 187.3.2 and 187.5 to 187.5.6, introduced by section 11 of the Act, come into force on 23 June 2010;

WHEREAS, under Order in Council 526-2012 dated 23 May 2012, sections 187.1, 187.2, 187.3, 187.4, 187.4.1, 187.4.2 and 187.4.3 of the Professional Code (R.S.Q., c. C-26), introduced by section 11 of the Act, come into force on 21 June 2012;

WHEREAS the Act respecting the professional recognition of medical electrophysiology technologists (2012, c. 10) was assented to on 16 May 2012;

WHEREAS section 21 of that Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 20 September 2012 as the date of coming into force of sections 1 to 10 and 12 to 18 of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations;

WHEREAS it is expedient to set 20 September 2012 as the date of coming into force of section 11 of the Act respecting the professional recognition of medical electrophysiology technologists;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT 20 September 2012 be set as the date of coming into force of sections 1 to 10 and 12 to 18 of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations and of section 11 of the Act respecting the professional recognition of medical electrophysiology technologists.

GILLES PAQUIN,
Clerk of the Conseil exécutif

2214

Gouvernement du Québec

O.C. 788-2012, 4 July 2012

An Act respecting the sharing of certain health information
(2012, c. 23)

— **Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act respecting the sharing of certain health information

WHEREAS the Act respecting the sharing of certain health information (2012, c. 23) was assented to on 18 June 2012;

WHEREAS section 180 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the dates of coming into force of sections 1 to 6, 120, 121, 130, 132 to 135, 147 to 150, 163 to 166, 168 to 176, 178 and 179;

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

THAT sections 1 to 6, 120, 121, 130, 132 to 135, 147 to 150, 163 to 166, 168 to 175, 178 and 179 of the Act respecting the sharing of certain health information (2012, c. 23) come into force on 4 July 2012;

THAT section 176 of the Act come into force on 1 December 2012.

GILLES PAQUIN,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 774-2012, 4 July 2012

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3)

Financial assistance for education expenses — Amendment

Regulation to amend the Regulation respecting financial assistance for education expenses

WHEREAS, under section 57 of the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3), the Government may make regulations for the purposes of the application of the Act;

WHEREAS the Government made the Regulation respecting financial assistance for education expenses (R.R.Q., c. A-13.3, r. 1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the first paragraph of section 23.7 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60), every draft regulation respecting the financial assistance programs instituted pursuant to the Act respecting financial assistance for education expenses must be submitted for advice to the advisory committee on the financial accessibility of education;

WHEREAS the committee has given its advice on the draft Regulation to amend the Regulation respecting assistance for education expenses;

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 pursuant to section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

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

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

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the amendments proposed by the draft Regulation improve the financial assistance programs in order to maintain accessibility to education;

— the new measures apply for the 2012-2013 year of allocation, which starts on 1 September 2012, in accordance with section 2 of the Act respecting financial assistance for education expenses;

— the coming into force of the new measures will make it possible from the date of the coming into force, that is, before 1 September 2012, to process assistance applications and pay financial assistance to students according to certain amended parameters;

WHEREAS it is expedient to make the Regulation attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation to amend the Regulation respecting financial assistance for education expenses, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting financial assistance for education expenses

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3, s. 57)

1. The Regulation respecting financial assistance for education expenses (c. A-13.3, r. 1) is amended in section 1

(1) by replacing the second sentence of the third paragraph by the following: “The financial assistance granted to the student in the form of a loan may not exceed that portion of the maximum amount of a loan, without taking into account the increase provided for in section 51.1, if applicable.”;

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

“Despite the third paragraph, the financial assistance granted to a student who receives a contribution from his or her parents, a sponsor or a spouse may exceed that portion of the maximum amount of a loan, where the result of the computation of the financial assistance is greater than the maximum portion of a loan established pursuant to section 51, without taking into account the increase provided for in section 51.1, to which is added the special allocation provided for in section 29.2. In that case, the financial assistance granted to the student in the form of a loan may not exceed the result of the computation of the financial assistance.”.

2. Section 29.2 is amended

(1) by inserting “, without taking into account the increase provided for in section 51.1” at the end of the first paragraph;

(2) by replacing “\$70.83” in the second paragraph by “\$75.94”.

3. The following is inserted after section 29.2:

“**29.3.** A compensatory allocation is granted in the form of a loan to a student who attends a university-level institution in Québec and whose bursary is lower than the special allocation provided for in section 29.2.

The amount of the allocation corresponds to the result obtained by subtracting the amount of the bursary granted and, if applicable, the amount of the loan increase provided for in 51.1 from the special allocation provided for in section 29.2.

The amount of the allocation is not taken into account for the purposes of the computation of the financial assistance for education expenses.

29.4. A special allocation for university studies is granted in the form of a loan to a student who meets the following conditions:

(1) the student attends a university-level institution in Québec;

(2) the student receives a contribution from his or her parents, a sponsor or a spouse having an income established pursuant to section 15 of not more than \$100,000; and

(3) the loan granted to the student according to the computation provided for in section 14 of the Act is lower than the first portion of a loan.

The amount of the allocation corresponds to the special allocation provided for in section 29.2, to which is added, up to \$2,400, the difference between the first portion of a loan and the loan granted to the student pursuant to section 14 of the Act.

The amount of the allocation is not taken into account for the purposes of the computation of the financial assistance for education expenses.”.

4. Section 50 is amended by replacing “\$18,313” in subparagraph 3 of the first paragraph by “\$18,466”.

5. The following is inserted after section 51:

“**51.1.** The maximum amount of a loan for a student receiving a contribution from his or her parents, a sponsor or a spouse is increased as follows, the result being not less than zero:

(1) where the contribution is received from both parents living together, the lesser of \$2,850 and 19% of the parents’ income, from which applicable exemptions and an amount of \$45,000 are subtracted;

(2) where the contribution is received from one parent without a spouse or from a sponsor, the lesser of \$2,850 and 19% of the income of the parent or sponsor, from which applicable exemptions and an amount of \$40,000 are subtracted;

(3) where the contribution is received from a spouse, the lesser of \$2,850 and 19% of the spouse’s income, from which applicable exemptions and an amount of \$38,000 are subtracted.

The amount of the increase determined in subparagraphs 1 and 2 is divided, where applicable, by the number of children of the parents or the sponsor, including the student, who are pursuing full-time studies in vocational training at the secondary level or full-time studies at the postsecondary level and are deemed to receive a contribution from their parents or sponsor.

The amount of the increase determined in subparagraph 3 is divided, where applicable, by the number obtained by counting the student and each child of the student and his or her spouse who are pursuing full-time studies in vocational training at the secondary level or full-time postsecondary studies and are deemed to receive a contribution from their parents.”.

6. Sections 53 and 54 are amended by replacing the words “to section 51” everywhere they appear by “to sections 51 and 51.1”.

7. Section 82 is amended by replacing “\$50,000” in the second paragraph by “\$60,000”.

8. Section 86 is amended by replacing “\$162.13” in subparagraph 3 of the first paragraph by “\$167.27”.

9. Schedule III is replaced by the following:

“SCHEDULE III

(s. 12)

**CONTRIBUTION OF THE PARENTS,
SPONSOR OR SPOUSE**

Contribution of parents living together	
\$60,000 to \$72,000	\$0 on the first \$60,000 and 19% on the remainder
\$72,001 to \$82,000	\$2,280 on the first \$72,000 and 29% on the remainder
\$82,001 to \$92,000	\$5,180 on the first \$82,000 and 39% on the remainder
\$92,001 and +	\$9,080 on the first \$92,000 and 49% on the remainder
Contribution of the parent without a spouse or the sponsor	
\$55,000 to \$67,000	\$0 on the first \$55,000 and 19% on the remainder
\$67,001 to \$77,000	\$2,280 on the first \$67,000 and 29% on the remainder
\$77,001 to \$87,000	\$5,180 on the first \$77,000 and 39% on the remainder
\$87,001 and +	\$9,080 on the first \$87,000 and 49% on the remainder
Contribution of the spouse	
\$53,000 to \$65,000	\$0 on the first \$53,000 and 19% on the remainder
\$65,001 to \$75,000	\$2,280 on the first \$65,000 and 29% on the remainder
\$75,001 to \$85,000	\$5,180 on the first \$75,000 and 39% on the remainder
\$85,001 and +	\$9,080 on the first \$85,000 and 49% on the remainder

”.

10. Despite section 2 of this Regulation, the amount granted pursuant to the second paragraph of section 29.2 of the Regulation respecting financial assistance for education expenses is as follows:

- (1) for the 2012-2013 year of allocation: \$25.12;
- (2) for the 2013-2014 year of allocation: \$33.59;
- (3) for the 2014-2015 year of allocation: \$42.06;
- (4) for the 2015-2016 year of allocation: \$50.53;
- (5) for the 2016-2017 year of allocation: \$59.00;
- (6) for the 2017-2018 year of allocation: \$67.47.

11. Despite section 4 of this Regulation, the amount granted pursuant to subparagraph 3 of the first paragraph of section 50 of the Regulation respecting financial assistance for education expenses is as follows:

- (1) for the 2012-2013 year of allocation: \$16,942;
- (2) for the 2013-2014 year of allocation: \$17,196;
- (3) for the 2014-2015 year of allocation: \$17,450;
- (4) for the 2015-2016 year of allocation: \$17,704;
- (5) for the 2016-2017 year of allocation: \$17,958;
- (6) for the 2017-2018 year of allocation: \$18,212.

12. Despite section 5 of this Regulation, the amounts provided for in subparagraphs 1 to 3 of the first paragraph of section 51.1 of the Regulation respecting financial assistance for education expenses are as follows:

- (1) for the 2012-2013 year of allocation:
 - (a) in subparagraph 1, \$3,838 and \$35,000;
 - (b) in subparagraph 2, \$3,838 and \$30,000;
 - (c) in subparagraph 3, \$3,838 and \$28,000;
- (2) for the 2013-2014 year of allocation:
 - (a) in subparagraph 1, \$3,791 and \$35,600;
 - (b) in subparagraph 2, \$3,791 and \$30,600;
 - (c) in subparagraph 3, \$3,791 and \$28,600;

(3) for the 2014-2015 year of allocation:

(a) in subparagraph 1, \$3,762 and \$38,000;

(b) in subparagraph 2, \$3,762 and \$33,000;

(c) in subparagraph 3, \$3,762 and \$31,000;

(4) for the 2015-2016 year of allocation:

(a) in subparagraph 1, \$3,382 and \$41,000;

(b) in subparagraph 2, \$3,382 and \$36,000;

(c) in subparagraph 3, \$3,382 and \$34,000.

13. Despite section 7 of this Regulation, the amount provided for in the second paragraph of section 82 of the Regulation respecting financial assistance for education expenses is as follows:

(1) for the 2012-2013 year of allocation: \$55,200;

(2) for the 2013-2014 year of allocation: \$55,550;

(3) for the 2014-2015 year of allocation: \$57,800;

(4) for the 2015-2016 year of allocation: \$58,800.

14. Despite section 8 of this Regulation, the amount granted pursuant to subparagraph 3 of the first paragraph of section 86 of the Regulation respecting financial assistance for education expenses is as follows:

(1) for the 2012-2013 year of allocation: \$116.45;

(2) for the 2013-2014 year of allocation: \$124.92;

(3) for the 2014-2015 year of allocation: \$133.39;

(4) for the 2015-2016 year of allocation: \$141.86;

(5) for the 2016-2017 year of allocation: \$150.33;

(6) for the 2017-2018 year of allocation: \$158.80.

15. Despite section 9 of this Regulation the table provided for in Schedule III to the Regulation respecting financial assistance for education expenses is the following:

(1) for the 2012-2013 year of allocation:

Contribution of parents living together	
\$55,200 to \$72,000	\$0 on the first \$55,200 and 19% on the remainder
\$72,001 to \$82,000	\$3,192 on the first \$72,000 and 29% on the remainder
\$82,001 to \$92,000	\$6,092 on the first \$82,000 and 39% on the remainder
\$92,001 and +	\$9,992 on the first \$92,000 and 49% on the remainder

Contribution of the parent without a spouse or the sponsor	
\$50,200 to \$67,000	\$0 on the first \$50,200 and 19% on the remainder
\$67,001 to \$77,000	\$3,192 on the first \$67,000 and 29% on the remainder
\$77,001 to \$87,000	\$6,092 on the first \$77,000 and 39% on the remainder
\$87,001 and +	\$9,992 on the first \$87,000 and 49% on the remainder

Contribution of the spouse	
\$48,200 to \$65,000	\$0 on the first \$48,200 and 19% on the remainder
\$65,001 to \$75,000	\$3,192 on the first \$65,000 and 29% on the remainder
\$75,001 to \$85,000	\$6,092 on the first \$75,000 and 39% on the remainder
\$85,001 and +	\$9,992 on the first \$85,000 and 49% on the remainder

(2) for the 2013-2014 year of allocation:

Contribution of parents living together	
\$55,550 to \$72,000	\$0 on the first \$55,550 and 19% on the remainder
\$72,001 to \$82,000	\$3,126 on the first \$72,000 and 29% on the remainder
\$82,001 to \$92,000	\$6,026 on the first \$82,000 and 39% on the remainder
\$92,001 and +	\$9,926 on the first \$92,000 and 49% on the remainder

Contribution of the parent without a spouse or the sponsor	
\$50,550 to \$67,000	\$0 on the first \$50,550 and 19% on the remainder
\$67,001 to \$77,000	\$3,126 on the first \$67,000 and 29% on the remainder
\$77,001 to \$87,000	\$6,026 on the first \$77,000 and 39% on the remainder
\$87,001 and +	\$9,926 on the first \$87,000 and 49% on the remainder

Contribution of the spouse	
\$48,550 to \$65,000	\$0 on the first \$48,550 and 19% on the remainder
\$65,001 to \$75,000	\$3,126 on the first \$65,000 and 29% on the remainder
\$75,001 to \$85,000	\$6,026 on the first \$75,000 and 39% on the remainder
\$85,001 and +	\$9,926 on the first \$85,000 and 49% on the remainder

(3) for the 2014-2015 year of allocation:

Contribution of parents living together	
\$57,800 to \$72,000	\$0 on the first \$57,800 and 19% on the remainder
\$72,001 to \$82,000	\$2,698 on the first \$72,000 and 29% on the remainder
\$82,001 to \$92,000	\$5,598 on the first \$82,000 and 39% on the remainder
\$92,001 and +	\$9,498 on the first \$92,000 and 49% on the remainder

Contribution of the parent without a spouse or the sponsor	
\$52,800 to \$67,000	\$0 on the first \$52,800 and 19% on the remainder
\$67,001 to \$77,000	\$2,698 on the first \$67,000 and 29% on the remainder
\$77,001 to \$87,000	\$5,598 on the first \$77,000 and 39% on the remainder
\$87,001 and +	\$9,498 on the first \$87,000 and 49% on the remainder

Contribution of the spouse	
\$50,800 to \$65,000	\$0 on the first \$50,800 and 19% on the remainder
\$65,001 to \$75,000	\$2,698 on the first \$65,000 and 29% on the remainder
\$75,001 to \$85,000	\$5,598 on the first \$75,000 and 39% on the remainder
\$85,001 and +	\$9,498 on the first \$85,000 and 49% on the remainder

(4) for the 2015-2016 year of allocation:

Contribution of parents living together	
\$58,800 to \$72,000	\$0 on the first \$58,800 and 19% on the remainder
\$72,001 to \$82,000	\$2,508 on the first \$72,000 and 29% on the remainder
\$82,001 to \$92,000	\$5,408 on the first \$82,000 and 39% on the remainder
\$92,001 and +	\$9,308 on the first \$92,000 and 49% on the remainder

Contribution of the parent without a spouse or the sponsor	
\$53,800 to \$67,000	\$0 on the first \$53,800 and 19% on the remainder
\$67,001 to \$77,000	\$2,508 on the first \$67,000 and 29% on the remainder
\$77,001 to \$87,000	\$5,408 on the first \$77,000 and 39% on the remainder
\$87,001 and +	\$9,308 on the first \$87,000 and 49% on the remainder

Contribution of the spouse	
\$51,800 to \$65,000	\$0 on the first \$51,800 and 19% on the remainder
\$65,001 to \$75,000	\$2,508 on the first \$65,000 and 29% on the remainder
\$75,001 to \$85,000	\$5,408 on the first \$75,000 and 39% on the remainder
\$85,001 and +	\$9,308 on the first \$85,000 and 49% on the remainder

16. Sections 29 to 32 of the Regulation to amend the Regulation respecting financial assistance for education expenses, made by Order in Council 1009-2011 dated 28 September 2011, are repealed, except paragraph 1 of sections 29, 30 and 31 as regards the 2011-2012 year of allocation.

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

2213

M.O., 2012

Highway Safety Code
(R.S.Q., c. C-24.2)

Order number 2012-05 of the Minister of Transport dated 28 June 2012

CONCERNING the Regulation to designate the territory of municipalities as an area where making a right turn on a red light is prohibited

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 359.1 of the Highway Safety Code (R.S.Q., c. C-24.2) according to which the Minister of Transport may designate all or any part of the territory of a municipality as an area where making a right turn on a red light is prohibited;

CONSIDERING it is essential to restate existing rules to take into account the municipal reorganization made under the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (S.Q. 2003, c. 14) in the territory of the agglomeration of Montréal;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to designate the territory of municipalities as an area where making a right turn on a red light is prohibited was published in Part 2 of the *Gazette officielle du Québec* of 16 November 2011 with a notice that it could be made by the Minister of Transport on the expiry of 45 days following that publication and any interested person could submit comments within the 45-day period;

WHEREAS it is expedient to make the Regulation without amendment;

ORDERS AS FOLLOWS :

1. Making a right turn on a red light is prohibited in the territory of the following municipalities:

- (1) Baie-D'Urfé;
- (2) Beaconsfield;
- (3) Côte-Saint-Luc;
- (4) Dollard-Des Ormeaux;
- (5) Dorval;
- (6) Hampstead;
- (7) Kirkland;
- (8) Montréal;
- (9) Montréal-Est;
- (10) Montréal-Ouest;
- (11) Mont-Royal;
- (12) Pointe-Claire;
- (13) Sainte-Anne-de-Bellevue;
- (14) Senneville;
- (15) Westmount.

2. The Order of the Minister of Transport dated 5 March 2003 concerning the designation of the territory of a municipality as an area where making a right turn on a red light will be prohibited (2003, *G.O.* 2, 1217) is revoked.

PIERRE MOREAU,
Minister of Transport

2217

M.O., 2012

Order number 2012-06 of the Minister of Transport dated 3 July 2012

Highway Safety Code
(R.S.Q., c. C-24.2)

Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (R.S.Q., c. C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport may, by order, authorize pilot projects to test the use of vehicles or to study, improve or develop traffic rules or standards applicable to safety equipment and that the Minister may prescribe rules relating to the use of a

vehicle on a public highway as part of a pilot project and authorize any person or body to use a vehicle in compliance with standards and rules prescribed by the Minister that are different from those provided in the Code and the regulations;

CONSIDERING the third paragraph of that section, which provides that pilot projects are conducted for a period of up to three years, that the Minister may modify or terminate a pilot project at any time and determine the provisions of an order made under the section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$30 or more than \$360;

CONSIDERING the fourth paragraph of that section, which provides that the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) does not apply to an order made under section 633.1 of the Code and an order made under the second and third paragraphs of that section is published in the *Gazette officielle du Québec*;

CONSIDERING the sound level control of the exhaust system of a motorcycle and moped by means of a sound level meter would reduce the sources of distraction for drivers of road vehicles and would also reduce the risk of accident;

CONSIDERING that a pilot project could develop traffic rules applicable to a motorcycle or moped;

CONSIDERING that the Société has been consulted on the implementation of a pilot project concerning the sound level control of the exhaust system of a motorcycle and moped;

ORDERS AS FOLLOWS:

1. The Société de l'assurance automobile du Québec is authorized, for three years, to implement the Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped.

The purpose of the pilot project is to collect information on the implementation of the control to verify the validity of the parameters used.

2. The owner of a motorcycle or moped may not drive it or allow to have it driven if the sound level of the exhaust system of the vehicle exceeds the values indicated in the table below according to the class of road vehicle and the sound level measurement method:

Classes of road vehicle and measurement methods	A-weighted (dBA) values measured in decibels	
motorcycle	method where the engine rotates with a constant or variable speed	100
	method where the engine is idle	92
moped	method where the engine rotates with a constant or variable speed	90
	ethod where the engine is idle	82

In the case of an offence under the provisions of this section, the owner of a road vehicle is liable to a fine of \$100 to \$200.

3. The sound level of the exhaust system of a motorcycle or moped may be measured by a sound level meter approved by the Minister of Transport and used by a peace officer who has successfully completed appropriate training. Two inspections, one before and one after its use, must indicate whether it is in proper working order.

The sound level measured by a sound level meter under the conditions set out in the first paragraph is proof of its accuracy, in the absence of any evidence to the contrary.

4. When required to do so by a peace officer, the driver of a motorcycle or moped must drive the vehicle to the place indicated, provided it is not over 15 kilometres from the place of interception, and must, in compliance with the peace officer's orders, help in measuring the sound level, in particular by performing the following:

(1) in the case of a motorcycle but subject to subparagraph 2,

(a) sit on the vehicle's seat;

(b) put the transmission in the neutral position;

(c) ensure the stability of the vehicle in the upright position;

(d) if the vehicle has a control system that may affect the sound level, adjust the system in the position giving the maximum noise;

(e) where the measurement method where the engine rotates with a constant speed is applied, activate the throttle of the vehicle in order to reach and maintain for at least 2 seconds the rotational speed of the engine to the value determined in the second and third paragraphs of section 5;

(f) where the measurement method where the engine rotates with a variable speed is applied, activate the throttle of the vehicle in order to increase progressively for at least 2 seconds the rotational speed of the engine from the idle engine speed to the value determined in the second and third paragraphs of section 5;

(2) in the case of a motorcycle with an automatic transmission having no neutral position and a moped,

(a) let the vehicle rest on its centre stand;

(b) ensure the stability of the vehicle in the upright position;

(c) lift the back wheel from the ground so that it can turn freely;

(d) if the vehicle has a control system that may affect the sound level, adjust the system in the position giving the maximum noise;

(e) stand beside the vehicle on the opposite side from where the measurement is carried out so that the rotational speed of the engine can be controlled;

(f) where the measurement method where the engine rotates with a constant speed is applied, activate the throttle of the vehicle in order to reach and maintain for at least 2 seconds the rotational speed of the engine to the value determined in the second and third paragraphs of section 5;

(g) where the measurement method where the engine rotates with a variable speed is applied, activate the throttle of the vehicle in order to increase progressively for at least 2 seconds the rotational speed of the engine from the idle engine speed to the value determined in the second and third paragraphs of section 5.

The driver of a road vehicle who does not comply with the provisions of the first paragraph is guilty of an offence and is liable to a fine of \$200 to \$300.

5. The measurement method where the engine rotates with a constant speed designates a method where, during measurement, the rotational speed of the engine is maintained during at least 2 seconds to the value determined in the second and third paragraphs.

Subject to the third paragraph, the rotational speed of a motorcycle is, according to the displacement:

Values expressed in revolutions per minute (RPM) according to the number of cylinders of the engine	
1, 2 or 6 cylinders	2,500 (+ - 250)
3 or 4 cylinders	5,000 (+ - 250)

In respect of a motorcycle with an automatic transmission having no neutral position and a moped, the rotational speed of the engine is, according to the class of road vehicle:

Values expressed in revolutions per minute (RPM) according to the class of road vehicle	
motorcycle	4,000 (+ - 250)
moped	5,000 (+ - 250)

6. The measurement method where the engine rotates with a variable speed designates a method where, during measurement, the rotational speed of the engine is increased progressively for at least 2 seconds from the idle engine speed to the value determined in the second and third paragraphs of section 5. The idle engine speed is a speed where the engine is running but where the throttle is not activated.

7. The measurement method where the engine is idle designates a method where, during measurement, the engine is running but where the throttle is not activated.

8. A police force that uses a sound level meter approved as part of the application of the pilot project must report to the Société on the application of the pilot project on 15 December of each year.

9. This Order comes into force on the fifteenth day following the date of publication in the *Gazette officielle du Québec* of the Order of the Minister of Transport respecting the approval of sound level meters. It is revoked on August 2nd, 2015.

PIERRE MOREAU,
Minister of Transport

2206

Draft Regulations

Draft Regulation

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1)

Register of enterprises ineligible for public contracts and oversight and monitoring measures — 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 the register of enterprises ineligible for public contracts and oversight and monitoring measures, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation updates the provisions relating to accreditation of persons who will be responsible for applying oversight and monitoring measures, to take into account the fact that the members of the three professional orders of accountants referred to in the regulation currently in force are brought together within a single professional order, under the Chartered Professional Accountants Act (2012, chapter 11).

The draft Regulation also adds new offences in respect of which the conviction of a contractor or of an associate of a contractor is considered for the purposes of ineligibility for public contracts and specifies the period of such ineligibility for each offence. The new offences were introduced in the statutory instruments concerned.

The draft Regulation has no impact on the public. As for enterprises, the proposed measures are likely to affect only enterprises that enter into contracts with the State and that have been convicted of any of the new offences determined in the draft Regulation. The enterprises that will be entered in the register of enterprises ineligible for public contracts will indeed be banned from public contracts for the period indicated, unless they are granted authorization. They will not be allowed either to continue the performance of contracts in progress starting from their entry in the register. They will, however, be allowed to keep operating in the private sector.

Further information on the draft Regulation may be obtained by contacting Christine Michaud, Team Leader, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bur. 2.339, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4935; fax: 418 528-6877; email: christine.michaud@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.

MICHELLE COURCHESNE,
*Minister responsible for Government Administration and
Chair of the Conseil du trésor*

Regulation to amend the Regulation respecting the register of enterprises ineligible for public contracts and oversight and monitoring measures

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1, s. 23, 1st par., subpars. 8, 8.1, 9 and 13)

1. The Regulation respecting the register of enterprises ineligible for public contracts and oversight and monitoring measures (R.R.Q., c. C-65.1, r. 8.1) is amended by replacing “to which the person belongs” in subparagraph 1 of the first paragraph of section 21 by “referred to in paragraph 1 of section 16”.

2. Section 22 is amended by striking out “to which the person belongs” in paragraph 1.

3. Schedule 1 is amended by inserting the following offences and periods of ineligibility in Division I, in numerical order:

Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (R.R.Q., c. C-65.1, r. 1.1)	1.1 with 10	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	9.1 with 10	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	
Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2)	7.2 with 45.1	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	41.1 with 45.1	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	
Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4)	7.2 with 58.1	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	54.1 with 58.1	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	
Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5)	7.2 with 58.1	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	54.1 with 58.1	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	

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

2211

Draft Regulation

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1)

Supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act — 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, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes it an offence for a contractor to submit a tender that contains false or inaccurate information or a falsified document, or to knowingly submit an application for payment that contains an amount to which the contractor is not entitled under the 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 Christine Michaud, Team Leader, 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: 418 643-0875, extension 4935; fax: 418 528-6877; email: christine.michaud@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.

MICHELLE COURCHESNE,
*Minister responsible for Government Administration
and Chair of the Conseil du trésor*

Regulation to amend the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23.1)

1. The Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (R.R.Q., c. C-65.1, r. 1.1) is amended by inserting the following after the heading of Chapter II:

“DIVISION I TENDER DOCUMENTS

1.1. A contractor interested in entering into a contract with a body may not submit a tender that contains information the contractor knows to be false or inaccurate, or a document that contains such information or is otherwise falsified.

DIVISION II ATTESTATION FROM REVENU QUÉBEC”.

2. The following is inserted after section 9:

“CHAPTER II.1 CONTRACT MANAGEMENT CONDITIONS

9.1. A contractor may not knowingly send a body an application for payment that contains an amount to which the contractor is not entitled under the supply, service or construction contract”.

3. Section 10 is replaced by the following:

“**10.** A violation of the following provisions constitutes an offence:

(1) section 1.1 or section 9.1;

(2) the second paragraph of section 2 or any of sections 5 to 8.”.

4. Section 11 is amended by inserting “paragraph 2 of” after “subcontractor and”.

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

2210

Draft Regulations

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1)

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

The draft Regulations contain measures to reinforce the transparency and probity of public contracts and to update certain measures in order to better meet the needs of public bodies.

To reinforce transparency in public contracts, the draft Regulations specify the time of the awarding of a contract, introduce the possibility for a public body to provide in a contract options for, as the case may be, the acquisition of goods, services or the carrying out of construction work and require, in such case, the publication of relevant information on the options in the tender notice and documents.

The draft Regulations also provide for the publication, on the electronic tendering system, of certain information for contracts above \$25,000 entered into by mutual agreement or by invitation to tender and the time period for their publication. They also provide for publication in that system of information at the end of the contract, in particular the final cost of the contract.

The draft Regulation to amend the Regulation respecting service contracts of public bodies and the draft Regulation to amend the Regulation respecting construction contracts of public bodies also propose new information elements that a public body must indicate in a notice of qualification. They also propose to allow new service providers and contractors to qualify during the period of validity of a list of qualified enterprises.

To reinforce the probity of public contracts, the 3 draft Regulations include new provisions on the rejection of tenders. They propose to restrict, until the opening of tenders, the disclosure by the operator of the electronic tendering system and by the public body making the call

for tenders of the information that may be used to determine the number of enterprises or the identity of the enterprises that have requested the tender documents or who submitted a tender, including during a call for tenders in 2 stages for services or construction work.

The draft Regulations also provide for an offence for the tenderer that submitted a tender including false or inaccurate information or a falsified document and an offence for having knowingly submitted a request for payment containing an amount the contractor is not entitled to receive under the contract.

For the updating measures, they propose adjustments to the rules on the contribution of the quality assurance system and the rules applicable to joint calls for tenders by public bodies.

The draft Regulation to amend the Regulation respecting supply contracts of public bodies and the draft Regulation to amend the Regulation respecting service contracts of public bodies also update the rules on the affirmative action program.

As for the draft Regulation to amend the Regulation respecting service contracts of public bodies, it allows contracting by mutual agreement of certain specific service contracts. It also removes the requirement to publish information in the case of a service contract for which no waiver of professional secrecy has been obtained. For task order contracts, it amends the English version of the provision requiring the authorization of the chief executive officer of the body where the term of the contract exceeds 3 years and establishes a transitional scheme applicable to calls for tenders whose object is the rental of heavy machinery with operator.

Lastly, the draft Regulation to amend the Regulation respecting supply contracts of public bodies proposes to make it possible to consider the quality of a delivery order contract and the draft Regulation to amend the Regulation respecting construction contracts of public bodies proposes to allow entering into a task order contract with more than one contractor.

The draft Regulations have no impact on the public. They should not have a negative impact on enterprises, including small and medium-sized businesses.

Further information on those draft Regulations may be obtained by contacting Christine Michaud, team leader, 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: 418 643-0875, extension 4935; fax: 418 528-6877; email: christine.michaud@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulations 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.

MICHELLE COURCHESNE,
*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 (R.S.Q., c. C-65.1, s. 23, 1st par., subpars. 1, 3, 5 to 7 and 15)

1. The Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2) is amended in section 4

(1) by inserting the following after subparagraph 2 of the second paragraph:

“(2.1) if applicable, a brief description of the options;”;

(2) by adding the following paragraph at the end.

“For the purposes of this Regulation, “option” means an option to renew or an option to acquire additional goods intended to fulfil the procurement requirements referred to in subparagraph 2 of the second paragraph.”.

2. Section 5 is amended

(1) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) if applicable, a description of the options;”;

(2) by adding “or that have expressed in writing their intent to be parties to it and the prior identification of their procurement requirements” at the end of subparagraph 2 of the first paragraph;

(3) by adding “Any public body and any legal person established in the public interest that have expressed their intent to be parties to the joint call for tenders must also deal with the selected supplier, from the time they become parties to the joint call for tender and on the same conditions.” at the end of the second paragraph.

3. Section 7 is amended by adding the following paragraph at the end:

“Compliance requirements must also specify that the filing by the tenderer of several tenders for the same call for tenders entails automatic rejection of all the tenderer’s tenders.”.

4. The following is inserted after section 7:

“**7.1.** Compliance requirements must also specify that a tender with an unusually low price is non-compliant and must be rejected, after authorization from the chief executive officer of the public body pursuant to Division IV.1.

7.2. A supplier may not submit a tender that contains information the supplier knows to be false or inaccurate, or a document that contains such information or is otherwise falsified.”.

5. The following is inserted after section 9.1:

“DIVISION II.1 IDENTITY OF SUPPLIERS

9.2. The operator of the electronic tendering system may not disclose information that may be used to determine the number of suppliers or the identity of the suppliers that have requested the tender documents, except to the public body that makes the call for tenders.

9.3. The public body that makes a call for tenders may not, until the opening of tenders, disclose information on the number of suppliers or the identity of the suppliers that have requested the tender documents or submitted a tender.”.

6. Section 12 is amended by adding the following paragraph at the end:

“For the purposes of this Regulation, the contract is awarded at the time the identity of the successful tenderer is determined by the public body.”.

7. The following is inserted after section 15:

“DIVISION IV.1 TENDERS WITH AN UNUSUALLY LOW PRICE

15.1. Where a public body deems that the price of a tender seems unusually low, the public body requests the supplier to explain in writing, within 5 days of receiving the request, the reasons warranting such price.

For the purposes of this Division,

(1) the price of a tender is unusually low if, upon completion of an extensive and documented analysis by the committee, it is found that the submitted price cannot enable the supplier to carry out the contract on the conditions set in the tender documents without incurring serious financial losses;

(2) the committee is composed of the person responsible for compliance with contractual rules at the public body and of at least 3 members designated by the chief executive officer of the public body who are not, directly or indirectly, involved in the awarding procedure.

15.2. If the supplier fails to submit explanations within the time set in section 15.1 or if, despite the explanations provided, the public body still considers the price to be unusually low, the public body submits the tender to the committee for analysis.

The person responsible for compliance with contractual rules supervises the committee's work.

15.3. In analyzing the tender, the committee takes the following factors into account, in particular,

(1) the gap between the tendered price and the public body's estimate of the expenditure, which must have been confirmed by an extensive and documented audit;

(2) the gap between the tendered price and the price tendered by the other suppliers that have submitted a compliant tender;

(3) the gap between the tendered price and the price paid by the public body, or by another public body, under a similar contract, taking into account the economic context if need be; and

(4) the representations made by the supplier concerning the existence of particular facts that have an influence on the tendered price, such as

(a) the method of manufacturing the goods covered by the contract, or the components forming the goods;

(b) the exceptionally favorable circumstances helping the supplier in the performance of the contract;

(c) the innovative character of the tender;

(d) the working conditions of the supplier's employees or, if applicable, subcontractors; and

(e) government financial assistance.

15.4. The committee states in a report the reasons in support of the committee's conclusions.

The person responsible for compliance with contractual rules sends a copy of the report to the chief executive officer of the public body and, if the conclusions are that the tendered price is unusually low, to the supplier.

15.5. The supplier may, within 10 days of receiving the report referred to in section 15.4, send written comments to the public body.

15.6. The chief executive officer of the public body decides, before the expiry of the period of validity of tenders, whether he or she upholds the committee's conclusions or not and, if they are upheld, authorizes the rejection of the tender.

15.7. The public body informs the minister responsible on an annual basis of the tenders rejected pursuant to section 15.6."

8. The following is inserted after section 16:

"**16.1.** Despite section 10, a public body may evaluate the quality of a tender in order to award a delivery order contract by applying the provisions of Division II respecting an evaluation based on a minimum level of quality."

9. Section 35 is amended by replacing the second paragraph by the following:

"If such a contract or subcontract is to be entered into with a supplier or subcontractor outside Québec but within Canada whose business employs more than 100 persons, the supplier or subcontractor must provide an attestation to the effect that the supplier or subcontractor has already made a commitment to implement an employment equity program of the province or territory concerned, as applicable, complying with the provisions of the program.

If such a contract or subcontract must be entered into with a supplier or a subcontractor in Québec or outside Québec but within Canada whose business employs more than 100 persons under federal regulations and subject to the Employment Equity Act (S.C., 1995, c. 44), the supplier or subcontractor must provide an attestation to the effect that the supplier or subcontractor has already made a commitment to implement a federal employment equity program complying with the provisions of the program."

10. Section 36 is replaced by the following:

“**36.** The Chair of the Conseil du trésor cancels the attestation issued to a supplier referred to in the first paragraph of section 35 who does not fulfil a commitment to implement an employment equity program.

Any supplier whose attestation referred to in section 35 has been cancelled for not fulfilling a commitment may not enter into a supply contract with a body referred to in section 34 or a supply subcontract related to such contract as long as a new attestation has not been issued.”.

11. Section 37 is amended by replacing “the ISO 9001: 2000 standard” in the first paragraph by “an ISO standard”.

12. Sections 38 to 40 are replaced by the following:

“DIVISION I**CONTRACTS ENTERED INTO BY PUBLIC CALL FOR TENDERS**

38. Following a public call for tenders, the public body publishes on the electronic tendering system, within 15 days of the awarding of the contract, an initial description of the contract containing at least

(1) the name of the supplier or, in the case of a delivery order contract involving more than one supplier, the name of the suppliers selected;

(2) the nature of the goods covered by the contract;

(3) the date of awarding of the contract and its amount or, in the case of a delivery order contract, the estimated amount of the expenditure or, in the case of a delivery order contract involving more than one supplier, their respective tendered price; and

(4) in the case of a contract that involves options, a description of the options and the total amount of the expenditure that would be incurred if all options were exercised.

38.1. The public body also publishes on the electronic tendering system, within 90 days of the end of a contract referred to in section 38, the final description of the contract. That period is extended to 120 days for a contract entered into following a joint call for tenders referred to in section 15 of the Act.

The final description of the contract contains at least

(1) the name of the supplier, the date of the end of the contract and the total amount paid;

(2) in the case of a contract that involves options, the type and number of options exercised and the total amount paid by reason of the exercised options; and

(3) in the case of a delivery order contract involving more than one supplier, the name of the suppliers and the total amount paid to each.

38.2. If a delivery order contract involves price lists whose scope or layout does not make it possible to publish the results in accordance with sections 38 and 38.1, the public body indicates on the electronic tendering system how to obtain the information related to the results.

DIVISION II**CONTRACTS ENTERED INTO BY MUTUAL AGREEMENT OR BY INVITATION TO TENDER**

39. The public body publishes, on the electronic tendering system, within 30 days of entering into a contract involving an expenditure greater than \$25,000 and entered into by mutual agreement or following an invitation to tender, an initial description of the contract containing at least

(1) the method for awarding the contract;

(2) the name of the supplier;

(3) the nature of the goods covered by the contract;

(4) the date of the contract and its amount or, in the case of a delivery order contract, the estimated amount of the expenditure;

(5) in the case of a contract that involves options, a description of the options and the total amount of the expenditure that would be incurred if all options were exercised; and

(6) in the case of a contract entered into by mutual agreement and involving an expenditure above the public tender threshold, the provision of the Act or of this Regulation under which the contract was awarded and, in the case of a contract awarded pursuant to subparagraph 4 of the first paragraph of section 13 of the Act, a statement of the reasons invoked in support of not using a public call for tenders.

40. The public body also publishes, on the electronic tendering system, within 90 days of the end of a contract referred to in section 39, a final description of the contract.

The public body also publishes, within the same time, the final description of any contract entered into by mutual agreement or following an invitation to tender that involved an expenditure equal to or lower than \$25,000 when it was entered into, but for which the total amount paid is greater than \$25,000.

The final description of a contract must contain at least

(1) the name of the supplier, the date of the end of the contract and the total amount paid;

(2) in the case of a contract that involves options, the type and number of options exercised and the total amount paid by reason of the exercised options; and

(3) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 to 5 of section 39.

40.1. Despite sections 39 and 40, no publication is required in the case of a contract involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act.”

13. The following is inserted after section 41:

**“DIVISION 1.1
REQUEST FOR PAYMENT WITHOUT
ENTITLEMENT**

41.1. A supplier may not knowingly submit to the public body a request for payment that includes an amount to which the supplier is not entitled under the contract.”

14. Section 45.1 is replaced by the following:

“45.1. A violation of the following provisions constitutes an offence:

(1) section 7.2 or section 41.1;

(2) section 37.4 or section 37.5.”

15. Section 46.1 is amended by inserting “paragraph 2 of section” after “37.5 and”.

FINAL

16. Sections 1 to 5, 7 and 8 apply only to calls for tenders issued as of (*insert the date of coming into force of this Regulation*) and section 12 applies to contracts in progress on that date and to contracts entered into as of that date.

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

Regulation to amend the Regulation respecting construction contracts of public bodies

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpars. 1, 3, 5 to 7 and 15)

1. The Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5) is amended in section 4

(1) by inserting the following after subparagraph 2 of the second paragraph:

“(2.1) if applicable, a brief description of the options;”;

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

“For the purposes of this Regulation, “option” means an option to renew or an option concerning the additional performance of construction work referred to in subparagraph 2 of the second paragraph.”

2. Section 5 is amended

(1) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) if applicable, a description of the options;”;

(2) by adding “or that have expressed in writing their intent to be parties to it and the prior identification of their procurement requirements” at the end of subparagraph 2 of the first paragraph;

(3) by adding “Any public body and any legal person established in the public interest that have expressed their intent to be parties to the joint call for tenders must also deal with the selected contractor, from the time they become parties to the joint call for tender and on the same conditions.” at the end of the second paragraph.

3. Section 7 is amended by adding the following paragraph at the end:

“Compliance requirements must also specify that the filing by the tenderer of several tenders for the same call for tenders entails automatic rejection of all the tenderer’s tenders.”

4. The following is inserted after section 7:

“7.1. Compliance requirements must also specify that a tender with an unusually low price is non-compliant and must be rejected, after authorization from the chief executive officer of the public body pursuant to Division IV.1.

7.2. A contractor may not submit a tender that contains information the contractor knows to be false or inaccurate, or a document that contains such information or is otherwise falsified.”.

5. The following is inserted after section 12:

“DIVISION II.1
IDENTITY OF CONTRACTORS

12.1. The operator of the electronic tendering system may not disclose information that may be used to determine the number of contractors or the identity of the contractors that have requested the tender documents, except to the public body that makes the call for tenders.

Despite the foregoing, in the case of a call for tenders for construction work related to work relating to a building, the operator must disclose the identity of the contractor that has requested the tender documents if the contractor expressly authorized such disclosure on the electronic tendering system.

12.2. The public body that makes a call for tenders may not, until the opening of tenders, disclose information on the number of contractors or the identity of the contractors that have requested the tender documents or submitted a tender.

Despite the foregoing, where the public body makes a call for tenders in 2 stages, the prohibition in the first paragraph applies until the opening of the tenders submitted at the second stage.”.

6. Section 15 is amended by adding the following paragraph at the end:

“For the purposes of this Regulation, the contract is awarded at the time the identity of the successful tenderer is determined by the public body.”.

7. The following is inserted after section 18:

“DIVISION IV.1
TENDERS WITH AN UNUSUALLY LOW PRICE

18.1. Where a public body deems that the price of a tender seems unusually low, the public body requests the contractor to explain in writing, within 5 days of receiving the request, the reasons warranting such price.

For the purposes of this Division,

(1) the price of a tender is unusually low if, upon completion of an extensive and documented analysis by the committee, it is found that the submitted price cannot enable the contractor to carry out the contract on the conditions set in the tender documents without incurring serious financial losses;

(2) the committee is composed of the person responsible for compliance with contractual rules at the public body and of at least 3 members designated by the chief executive officer of the public body who are not, directly or indirectly, involved in the awarding procedure.

18.2. If the contractor fails to submit explanations within the time set in section 18.1 or if, despite the explanations provided, the public body still considers the price to be unusually low, the public body submits the tender to the committee for analysis.

The person responsible for compliance with contractual rules supervises the committee’s work.

18.3. In analyzing the tender, the committee takes the following factors into account, in particular,

(1) the gap between the tendered price and the public body’s estimate of the expenditure, which must have been confirmed by an extensive and documented audit;

(2) the gap between the tendered price and the price tendered by the other contractors that have submitted a compliant tender;

(3) the gap between the tendered price and the price paid by the public body, or by another public body, under a similar contract, taking into account the economic context if need be; and

(4) the representations made by the contractor concerning the existence of particular facts that have an influence on the tendered price, such as

(a) the conditions for the carrying out of the construction work covered by the contract;

(b) the exceptionally favorable circumstances helping the contractor in the performance of the contract;

- (c) the innovative character of the tender;
- (d) the working conditions of the contractor's employees or, if applicable, subcontractors; and
- (e) government financial assistance.

18.4. The committee states in a report the reasons in support of the committee's conclusions.

The person responsible for compliance with contractual rules sends a copy of the report to the chief executive officer of the public body and, if the conclusions are that the tendered price is unusually low, to the contractor.

18.5. The contractor may, within 10 days of receiving the report referred to in section 18.4, send written comments to the public body.

18.6. The chief executive officer of the public body decides, before the expiry of the period of validity of tenders, whether he or she upholds the committee's conclusions or not and, if they are upheld, authorizes the rejection of the tender.

18.7. The public body informs the minister responsible on an annual basis of the tenders rejected pursuant to section 18.6.”

8. Section 19 is amended by inserting “with one supplier or more” after “contract”.

9. The following is inserted after section 20:

“**20.1.** If the task order contract is entered into with more than one contractor, the performance requests are made to the contractor who submitted the lowest price, unless the contractor cannot perform the contract, in which case the other contractors are solicited according to their respective rank.”.

10. Section 22 is amended by replacing the second and third paragraphs by the following:

“The first stage consists in selecting contractors by soliciting only a quality demonstration in accordance with the evaluation conditions provided for in Schedule 4.

The public body must specify in the tender documents the rules to be used to evaluate the quality of tenders, including the evaluation criteria.

The public body opens the tenders only in the presence of the secretary of the selection committee at the designated place and on the date and time fixed in the tender documents.

The secretary evaluates the tenders received, ensuring that the contractors are eligible and their tenders are compliant.

If the secretary rejects a tender because the contractor is ineligible or the tender is non-compliant, the secretary so informs the contractor and gives the reason for the rejection at the time of sending selected contractors their invitation to take part in the second stage.

The public body discloses on the electronic tendering system the names of the contractors who took part in the first stage within 4 business days following the opening of the tenders filed during the second stage.

The second stage consists in inviting selected contractors to submit a tender including only a price.”.

11. Section 26 is amended

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

“The public body opens the tenders only in the presence of the secretary of the selection committee or its representative at the designated place and on the date and time fixed in the tender documents.

The secretary evaluates the tenders received by ensuring the contractors are eligible and their tenders are compliant.”;

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

“If the secretary rejects a tender because the contractor is ineligible or the tender is non-compliant, the secretary so informs the contractor and gives the reason for the rejection at the time of sending selected contractors their invitation to take part in the second stage.

The public body discloses on the electronic tendering system the names of the contractors who took part in the first stage within 4 business days following the opening of the tenders filed during the second stage.”.

12. Section 30 is amended by adding the following paragraph at the end:

“Where a public body makes a call for tenders in 2 stages in order to award a contract, the first paragraph does not apply with respect to tenders submitted during the second stage.”.

13. Section 36 is amended

(1) by adding “indicating, with the necessary modifications, the information provided for in subparagraphs 1, 2 and 4 to 6 of the second paragraph of section 4, except the period for receiving qualification applications that may not be under 25 days following the date of publication of the notice of qualification” at the end of paragraph 1;

(2) by replacing paragraph 3 by the following:

“(3) a public notice of qualification is published again at least once a year so as to allow the qualification of other contractors during the period of validity of the list, which may not exceed 3 years;

(4) a public notice of qualification must remain accessible on the electronic tendering system for the entire period during which a contract may be entered into on the basis of qualification resulting from it.”.

14. Section 38 is amended by adding “open only to those providers” at the end.

15. Section 40 is amended by replacing “the ISO 9001: 2000 standard” in the first paragraph by “an ISO standard”.

16. Sections 41 to 43 are replaced by the following:

**“DIVISION 1
CONTRACTS ENTERED INTO BY PUBLIC CALL
FOR TENDERS**

41. Following a public call for tenders, the public body publishes on the electronic tendering system, within 15 days of the awarding of the contract, an initial description of the contract containing at least

(1) the name of the contractor or, in the case of a task order contract involving more than one contractor, the name of the selected contractors;

(2) the nature of the construction work covered by the contract;

(3) the date of the awarding of the contract and its amount or, in the case of a task order contract, the estimated amount of the expenditure or, in the case of a task order contract involving more than one contractor, their respective tendered price; and

(4) in the case of a contract that involves options, a description of the options and the total amount of the expenditure that would be incurred if all options were exercised.

41.1. The public body also publishes on the electronic tendering system, within 90 days of the end of a contract referred to in section 41, the final description of the contract. The period is extended to 120 days for a contract entered into following a joint call for tenders referred to in section 15 of the Act.

The final description of the contract contains at least

(1) the name of the contractor, the date of the end of the contract and the total amount paid;

(2) in the case of a contract that involves options, the type and number of options exercised and the total amount paid by reason of the exercised options; and

(3) in the case of a task order contract involving more than one contractor, the name of the contractors and the total amount paid to each.

41.2. If a task order contract involves price lists whose scope or layout does not make it possible to publish the results in accordance with sections 41 and 41.1, the public body indicates on the electronic tendering system how to obtain the information related to the results.

**DIVISION II
CONTRACTS ENTERED INTO BY MUTUAL
AGREEMENT OR BY INVITATION TO TENDER**

42. The public body publishes, on the electronic tendering system, within 30 days of entering into a contract involving an expenditure greater than \$25,000 and entered into by mutual agreement or following an invitation to tender, an initial description of the contract containing at least

(1) the method for awarding the contract;

(2) the name of the contractor;

(3) the nature of the construction work covered by the contract;

(4) the date of the contract and its amount or, in the case of a task order contract, the estimated amount of the expenditure;

(5) in the case of a contract that involves options, a description of the options and the total amount of the expenditure that would be incurred if all options were exercised; and

(6) in the case of a contract entered into by mutual agreement and involving an expenditure above the public tender threshold, the provision of the Act or of this Regulation under which the contract was awarded and, in the case of a contract awarded pursuant to subpara-

graph 4 of the first paragraph of section 13 of the Act, a statement of the reasons invoked in support of not using a public call for tenders.

43. The public body also publishes, on the electronic tendering system, within 90 days of the end of a contract referred to in section 42, a final description of the contract.

The body also publishes, within the same time, the final description of any contract entered into by mutual agreement or following an invitation to tender that involved an expenditure equal to or lower than \$25,000 when it was entered into, but for which the total amount paid is greater than \$25,000.

The final description of a contract must contain at least

(1) the name of the contractor, the date of the end of the contract and the total amount paid;

(2) in the case of a contract that involves options, the type and number of options exercised and the total amount paid by reason of the exercised options; and

(3) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 to 5 of section 42.

43.1. Despite sections 42 and 43, no publication is required in the case of a contract involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act.”

17. The following is inserted after section 54:

**“DIVISION II.1
REQUEST FOR PAYMENT WITHOUT
ENTITLEMENT**

54.1. A contractor may not knowingly submit to the public body a request for payment that includes an amount to which the contractor is not entitled under the contract.”.

18. Section 58.1 is replaced by the following:

“58.1. A violation of the following provisions constitutes an offence:

(1) section 7.2 or section 54.1;

(2) the second paragraph of section 40.1 or any of sections 40.4 to 40.7.”.

19. Section 61.1 is amended by inserting “paragraph 2 of” after “subcontractor and”.

FINAL

20. Sections 1 to 5, 7 and 10 to 12 apply only to calls for tenders issued as of (*insert the date of coming into force of this Regulation*), section 13 applies only to qualification proceedings started as of that date and section 16 applies to contracts in progress on that date and to contracts entered into as of that date.

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

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

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpars. 1, 3, 5 to 7 and 15)

1. The Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4) is amended in section 4

(1) by inserting the following after subparagraph 2 of the second paragraph:

“(2.1) if applicable, a brief description of the options;”;

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

“For the purposes of this Regulation, “option” means an option to renew or an option concerning additional services referred to in subparagraph 2 of the second paragraph.”.

2. Section 5 is amended

(1) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) if applicable, a description of the options;”;

(2) by adding “or that have expressed in writing their intent to be parties to it and the prior identification of their procurement requirements” at the end of subparagraph 2 of the first paragraph;

(3) by adding “Any public body and any legal person established in the public interest that have expressed their intent to be parties to the joint call for tenders must also deal with the selected service providers, from the time they become parties to the joint call for tender and on the same conditions.” at the end of the second paragraph.

3. Section 7 is amended by adding the following paragraph at the end:

“Compliance requirements must also specify that the filing by the tenderer of several tenders for the same call for tenders entails automatic rejection of all the tenderer’s tenders.”.

4. The following is inserted after section 7:

7.1. Compliance requirements must also specify that a tender with an unusually low price is non-compliant and must be rejected, after authorization from the chief executive officer of the public body pursuant to Division III.1.

7.2. A service provider may not submit a tender that contains information that the service provider knows to be false or inaccurate, or a document that contains such information or is otherwise falsified.”.

5. The following is inserted after section 9.1:

“DIVISION II.1 IDENTITY OF SERVICE PROVIDERS

9.2. The operator of the electronic tendering system may not disclose information that may be used to determine the number of service providers or the identity of the service providers that have requested the tender documents, except to the public body that makes the call for tenders.

9.3. The public body that makes a call for tenders may not, until the opening of tenders, disclose information on the number of service providers or the identity of the service providers that have requested the tender documents or submitted a tender.

Despite the foregoing, where the public body makes a call for tenders in 2 stages, the prohibition in the first paragraph applies until the opening of the tenders submitted at the second stage.”.

6. Section 12 is amended by adding the following paragraph at the end:

“For the purposes of this Regulation, the contract is awarded at the time the identity of the selected tenderer is determined by the public body.”.

7. The following is inserted after section 15:

“DIVISION III.1 TENDERS WITH AN UNUSUALLY LOW PRICE

15.1. Where a public body deems that the price of a tender seems unusually low, the public body requests the service provider to explain in writing, within 5 days of receiving the request, the reasons warranting such price.

For the purposes of this Division,

(1) the price of a tender is unusually low if, upon completion of an extensive and documented analysis by the committee, it is found that the submitted price cannot enable the service provider to carry out the contract on the conditions set in the tender documents without incurring serious financial losses;

(2) the committee is composed of the person responsible for compliance with contractual rules at the public body and of at least 3 members designated by the chief executive officer of the public body who are not, directly or indirectly, involved in the awarding procedure.

15.2. If the service provider fails to submit explanations within the time set in section 15.1 or if, despite the explanations provided, the public body still considers the price to be unusually low, the public body submits the tender to the committee for analysis.

The person responsible for compliance with contractual rules supervises the committee’s work.

15.3. In analyzing the tender, the committee takes the following factors into account, in particular,

(1) the gap between the tendered price and the public body’s estimate of the expenditure, which must have been confirmed by an extensive and documented audit;

(2) the gap between the tendered price and the price tendered by the other service providers that have submitted a compliant tender;

(3) the gap between the tendered price and the price paid by the public body, or by another public body, under a similar contract, taking into account the economic context if need be; and

(4) the representations made by the service provider concerning the existence of particular facts that have an influence on the tendered price, such as

(a) the conditions for the carrying out of the services covered by the contract;

(b) the exceptionally favorable circumstances helping the service provider in the performance of the contract;

(c) the innovative character of the tender;

(d) the working conditions of the service provider's employees or, if applicable, subcontractors; and

(e) government financial assistance.

15.4. The committee states in a report the reasons in support of the committee's conclusions.

The person responsible for compliance with contractual rules sends a copy of the report to the chief executive officer of the public body and, if the conclusions are that the tendered price is unusually low, to the service provider.

15.5. The service provider may, within 10 days of receiving the report referred to in section 15.4, send written comments to the public body.

15.6. The chief executive officer of the public body decides, before the expiry of the period of validity of tenders, whether he or she upholds the committee's conclusions or not and, if they are upheld, authorizes the rejection of the tender.

15.7. The public body informs the minister responsible on an annual basis of the tenders rejected pursuant to section 15.6."

8. Section 17 is amended by adding the following paragraph at the end.

"Where the public body makes a call for tenders in 2 stages, the first paragraph does not apply with respect to tenders submitted during the second stage."

9. Section 18 is amended by replacing "section 12" by "sections 7.2 and 12 and those of Division III.1".

10. Section 25 is amended

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

"The public body opens the tenders only in the presence of the secretary of the selection committee or its representative at the designated place and on the date and time fixed in the tender documents.

The secretary evaluates the tenders received, ensuring that the service providers are eligible and their tenders are compliant.";

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

"If the secretary rejects a tender because the service provider is ineligible or the tender is non-compliant, the secretary so informs the service provider and gives the reason for the rejection at the time of sending selected service providers their invitation to take part in the second stage.

The public body discloses on the electronic tendering system the names of the service providers who took part in the first stage within 4 business days following the opening of the tenders filed during the second stage.";

(3) by replacing "If only a price is required, sections 10 to 15" in the fifth paragraph by "In that stage, if only a price is required, sections 10 to 15.7".

11. Section 32.1 is struck out.

12. The following is inserted after section 42:

"DIVISION VI.1
CONTRACT RESPECTING THE PRODUCTION
OF FOREST PLANTS

42.0.1. A contract respecting the production of forest plants may be entered into by mutual agreement with a forest plant producer covered by a joint plan established in accordance with the Act respecting the marketing of agricultural, food and fish products (R.S.Q., c. M-35.1).

DIVISION VI.2
DAMAGE INSURANCE CONTRACT

42.0.2. The premium of a damage insurance contract that involves an option to renew may be amended at the time of renewal if the tender documents set the terms and conditions allowing to determine the premium.

DIVISION VI.3
CONTRACT FOR THE REPAIR OF AN AIRCRAFT

42.0.3. A contract for the repair of an aircraft including the rental of spare components required during the repair may be entered into by mutual agreement where the evaluation of the work to be performed cannot be carried out before the beginning of the repair services."

13. Section 43 is amended

(1) by adding “indicating, with the necessary modifications, the information provided for in subparagraphs 1, 2 and 4 to 6 of the second paragraph of section 4, except the period for receiving qualification applications that may not be under 25 days following the date of publication of the notice of qualification” at the end of paragraph 1;

(2) by replacing paragraph 3 by the following:

“(3) a public notice of qualification is published again at least once a year so as to allow the qualification of other service providers during the period of validity of the list, which may not exceed 3 years;

(4) a public notice of qualification must remain accessible on the electronic tendering system for the entire period during which a contract may be entered into on the basis of qualification resulting from it.”.

14. Section 45 is amended by adding “only open to those providers” at the end.

15. Section 46 is amended by replacing “a contract” in the English version of the first paragraph by “a task order contract”.

16. Section 48 is amended by replacing the second paragraph by the following:

“If such a contract or subcontract is to be entered into with a service provider or subcontractor outside Québec but within Canada whose business employs more than 100 persons, the service provider or subcontractor must provide an attestation to the effect that the service provider or subcontractor has already made a commitment to implement an employment equity program of the province or territory concerned, as applicable, complying with the provisions of the program.

If such a contract or subcontract must be entered into with a service provider or a subcontractor in Québec or outside Québec but within Canada whose business employs more than 100 persons under federal regulations and subject to the Employment Equity Act (S.C., 1995, c. 44), the service provider or subcontractor must provide an attestation to the effect that the service provider or subcontractor has already made a commitment to implement a federal employment equity program complying with the provisions of the program.”.

17. Section 49 is replaced by the following:

“**49.** The Chair of the Conseil du trésor cancels the attestation issued to a service provider referred to in the first paragraph of section 48 who does not fulfil a commitment to implement an employment equity program.

Any service provider whose attestation referred to in section 48 has been cancelled for not fulfilling a commitment may not enter into a service contract with a body referred to in section 47 or a service subcontract related to such contract as long as a new attestation has not been issued.”.

18. Section 50 is amended by replacing “the ISO 9001: 2000 standard” in the first paragraph by “an ISO standard”.

19. Sections 51 to 53 are replaced by the following:

**“DIVISION I
CONTRACTS ENTERED INTO BY PUBLIC CALL
FOR TENDERS**

51. Following a public call for tenders, the public body publishes on the electronic tendering system, within 15 days of the awarding of the contract, an initial description of the contract containing at least

(1) the name of the service provider or, in the case of a task order contract involving more than one service provider, the name of the selected service providers;

(2) the nature of the goods covered by the contract;

(3) the date of the awarding of the contract and its amount or, where the amount is not determined and a tariff is applicable, the lump sum negotiated, the amount estimated according to the percentage of the cost of the work or the hourly rate, according to the payment method selected, or, in the case of a task order contract, the estimated amount of the expenditure or, in the case of a task order contract involving more than one service provider, their respective tendered price or the estimated amount of the expenditure where a tariff is applicable; and

(4) in the case of a contract that involves options, a description of the options and the total amount of the expenditure that would be incurred if all options were exercised.

51.1. The public body also publishes on the electronic tendering system, within 90 days of the end of a contract referred to in section 51, the final description of the contract. That period is extended to 120 days for a contract entered into following a joint call for tenders referred to in section 15 of the Act.

The final description of the contract contains at least

- (1) the name of the service provider, the date of the end of the contract and the total amount paid;
- (2) in the case of a contract that involves options, the type and number of options exercised and the total amount paid by reason of the exercised options; and
- (3) in the case of a task order contract involving more than one service provider, the name of the providers and the total amount paid to each.

51.2. If a task order contract involves price lists whose scope or layout does not make it possible to publish the results in accordance with sections 51 and 51.1, the public body indicates on the electronic tendering system how to obtain the information related to the results.

DIVISION II

CONTRACTS ENTERED INTO BY MUTUAL AGREEMENT OR BY INVITATION TO TENDER

52. The public body publishes, on the electronic tendering system, within 30 days of entering into a contract involving an expenditure greater than \$25,000 and entered into by mutual agreement or following an invitation to tender, an initial description of the contract containing at least

- (1) the method for awarding the contract;
- (2) the name of the service provider;
- (3) the nature of the goods covered by the contract;
- (4) the date of the contract and its amount or, where the amount is not determined and a tariff is applicable, the lump sum negotiated, the amount estimated according to the percentage of the cost of the work or the hourly rate, according to the payment method selected, or, in the case of a task order contract, the estimated amount of the expenditure;
- (5) in the case of a contract that involves options, a description of the options and the total amount of the expenditure that would be incurred if all options were exercised; and
- (6) in the case of a contract entered into by mutual agreement and involving an expenditure above the public tender threshold, the provision of the Act or of this Regulation under which the contract was awarded and, in the case of a contract awarded pursuant to subparagraph 4 of the first paragraph of section 13 of the Act, a statement of the reasons invoked in support of not using a public call for tenders.

53. The public body also publishes, on the electronic tendering system, within 90 days of the end of a contract referred to in section 52, a final description of the contract.

The body also publishes, within the same time, the final description of any contract entered into by mutual agreement or following an invitation to tender that involved an expenditure equal to or lower than \$25,000 when it was entered into, but for which the total amount paid is greater than \$25,000.

The final description of a contract must contain at least

- (1) the name of the service provider, the date of the end of the contract and the total amount paid;
- (2) in the case of a contract that involves options, the type and number of options exercised and the total amount paid by reason of the exercised options; and
- (3) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 to 5 of section 52.

53.1. Despite sections 52 and 53, no publication is required in the case of a contract involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act or a contract for which no waiver of professional secrecy has been obtained.”

20. The following is inserted after section 54:

“DIVISION I.1

REQUEST FOR PAYMENT WITHOUT ENTITLEMENT

54.1. A service provider may not knowingly submit to the public body a request for payment that includes an amount to which the service provider is not entitled under the contract.”

21. Section 58.1 is replaced by the following:

“58.1. A violation of the following provisions constitutes an offence:

- (1) section 7.2 or section 54.1;
- (2) section 50.4 or section 50.5.”

22. Section 62.1 is amended by inserting “paragraph 2 of section” after “50.5 and”.

TRANSITIONAL AND FINAL

23. Despite any inconsistent provision of the Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4), the following rules apply to calls for tenders concerning a task order contract with more than one service provider whose object is the rental of heavy machinery with operator and to the resulting contract:

(1) tender documents and, if applicable, any addendum amending them, may be obtained free of charge from the public body making the call for tenders and the documents must contain clauses relating to the management of the contract to be entered into;

(2) the registered machines are attached to an establishment of the service provider situated in Québec in one of the administrative subdivisions determined in the tender documents or, if there is no such establishment in Québec, in the administrative subdivision situated the nearest to their establishment outside Québec;

(3) a service provider that has not taken part in the call for tenders may, on the conditions provided in the tender documents, register his or her machinery after the date on which the contract is entered into;

(4) a service provider that has registered his or her machinery may, on the conditions provided for in the tender documents, register a new machine after the date on which the contract is entered into;

(5) a service provider may, on the conditions provided for in the tender documents, replace registered machinery by a machine of another class or subclass;

(6) a service provider may, on the conditions provided for in the tender documents, replace a registered machine without changing its class or subclass but by indicating lease conditions different from the conditions applicable to the machine replaced;

(7) the registration of a machine may be transferred to the name of another service provider where the transferor has replaced it by a new machine;

(8) a registered machine may be attached to another establishment of the service provider situated in another administrative subdivision;

(9) where any of the situations described in subparagraphs 3 to 8 of this paragraph occurs, the machinery involved is registered with a “late” notation;

(10) the public body may, to determine the lowest tenderer, 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 travelling and boarding expenses and thus the performance requests are made on the basis of the weighted coefficient determined for each machine;

(11) the performance requests are made to the service provider that has a registered machine attached to an establishment situated in the administrative subdivision where the service is required and whose machine has obtained the lowest weighted coefficient, unless the provider cannot perform the service, in which case the other providers that have a similar registered machine attached to an establishment situated in that same administrative subdivision are solicited according to their respective rank;

(12) if no machine referred to in subparagraph 11 is available, the machines registered with a “late” notation for an establishment situated in that same administrative subdivision may be considered. The public body then makes the performance request to the service provider whose machine has obtained the lowest weighted coefficient, unless the provider is unable to perform the service, in which case the other providers that have a similar registered machine with a “late” notation 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 rental rate in effect or if the machine is registered with a “late” notation, the maximum total hourly rate.

24. Sections 1 to 5, 7 to 10 and 12, to the extent that that section concerns section 42.0.2 of the Regulation respecting service contracts of public bodies, apply only to calls for tenders issued as of (*insert the date of coming into force of this Regulation*).

Section 12, to the extent that that section concerns sections 42.0.1 and 42.0.3 of the Regulation respecting the service contracts of public bodies, applies only to contracts entered into as of that date.

Section 13 applies only to qualification proceedings issued as of that date.

Section 19 applies to contracts in progress on that date and to those entered into as of that date.

Section 23 only applies to calls for tenders issued in the 3 years following that date and to contracts entered into following those calls for tenders.

25. Section 32.1 of the Regulation respecting service contracts of public bodies, as it reads on (*insert the date preceding the date of coming into force of this Regulation*), continues to apply to task order contracts entered into with more than one service provider whose object is the rental of heavy machinery with operator in effect on that date.

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

2212

Draft Regulation

Cultural Heritage Act
(R.S.Q., c. P-9.002)

Definition of construction in a protection area of a classified heritage immovable

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 definition of construction in a protection area of a classified heritage immovable, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation mainly defines “construction” in a protection area within the meaning of section 49 of the Cultural Heritage Act.

Further information may be obtained by contacting André Chouinard, Planning and Heritage Consultant, or Chantal Grisé, Heritage Architect Consultant, Direction du patrimoine et de la muséologie, Ministère de la Culture, des Communications et de la Condition féminine, 480, boul. Saint-Laurent, 3^e étage, Montréal (Québec) H2Y 3Y7; telephone: 514 864-8130.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Culture, Communications and the Status of Women, 225, Grande Allée Est, Bloc A, 1^{er} étage, Québec (Québec) G1R 5G5.

*Minister of Culture, Communications
and the Status of Women,*
CHRISTINE ST-PIERRE

Regulation respecting the definition of construction in a protection area of a classified heritage immovable

Cultural Heritage Act
(R.S.Q., c. P-9.002, s. 81, par. 1)

1. “Construction” in a protection area within the meaning of section 49 of the Cultural Heritage Act means

- (1) the building or erection of an immovable, regardless of its function;
- (2) the moving of an existing immovable;
- (3) the expansion of an existing immovable, in particular by the raising in whole or in part of such an immovable, the addition of a balcony or sunroom;
- (4) landscaping, which includes tree planting;
- (5) all foundation work;
- (6) all work related to the installation of inground pools.

2. This Regulation comes into force on 19 October 2012.

2216

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Vehicle Load and Size Limits — 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 Vehicle Load and Size Limits Regulation, appearing below, may be made by the Minister of Transport on the expiry of 45 days following this publication.

The draft Regulation provides for the integration of measures so that the issue of certain special permits will no longer be required, in particular the special permits authorizing the use of single wide-tread tires and the use of single wheel self-steering axles.

In addition to amending certain provisions respecting the load and size limits for vehicles and combination of road vehicles, the draft Regulation simplifies the schedules to the Regulation pertaining to the classes of vehicles and combinations of road vehicles and to the classes of axles and groups of axles.

Lastly, the draft Regulation includes transitional provisions to favour the operation of vehicles built before the making of the proposed rules or to extend the period of application of transitional provisions already existing in the Regulation.

Further information may be obtained by contacting François Janelle, Service de la normalisation technique, Direction du transport routier des marchandises, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1; telephone: 418 644-5593, extension 2371; email: francois.janelle@mtq.gouv.qc.ca

Any person having comments to make on the matter is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

Québec, 27 June 2012

PIERRE MOREAU,
Minister of Transport

Regulation to amend the Vehicle Load and Size Limits Regulation

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, 1st par., subpars. 15, 16, 17, 18 and 27)

1. The Vehicle Load and Size Limits Regulation (R.R.Q., c. C-24.2, r. 31) is amended in section 3

(1) by replacing the definition of “self-steering axle” in the first paragraph by the following:

““self-steering axle” means an axle equipped at its ends with a part that can pivot around a vertical axis allowing the wheels to turn automatically in accordance with the vehicle-path or equipped with any other system that allows both wheels, the tires of which have a tread of a maximum width of 385 mm, to turn automatically according to the direction and path of the vehicle; (*essieu autovireur*)”;

(2) by striking out subparagraph 3 in the first paragraph in the definition of “donkey type axle”;

(3) by inserting the following definition in the first paragraph after the definition of “vehicle manufacturer”:

““wide-tread tire” means a tire having a tread at least 445 mm wide and a tire wall height representing not more than 55% of the width of the tread; (*pneu à bande large*)”;

(4) by inserting “set on top of its chassis frame” in the definition of “trailer” in the first paragraph after “fifth wheel”;

(5) by inserting “set on top of its chassis frame” in the definition of “semi-trailer” in the first paragraph after “fifth wheel”;

(6) by replacing the definition of “tractor” in the first paragraph by the following:

““tractor” means a motor vehicle equipped with a fifth wheel set on top of its chassis frame to which a semi-trailer is coupled. (*tracteur*)”.

2. Section 4 is amended

(1) by replacing “18.5” in subparagraph 3 of the first paragraph by “19”;

(2) by replacing subparagraph 5 of the first paragraph by the following:

“(5) 23 m for any combination of road vehicles consisting of not more than 4 motorized road vehicles or chassis of motor vehicles coupled according to the saddle-back method;”;

(3) by replacing “where the rear overhang of the trailer is 4 m or less” in subparagraph 6 of the first paragraph by “having a rear overhang of 4 m or less, where the distance between the front of the load bearing section of the towing vehicle and the rear end of the trailer is 20 m or less”;

(4) by inserting the following in the first paragraph after subparagraph 7:

“(7.1) 25 m for any combination of road vehicles consisting of a tractor and a single semi-trailer to which is coupled only one dolly, that has the specifications referred to in subparagraph 7;”;

(5) by replacing “18.5” in subparagraph *d* of subparagraph 9 of the first paragraph by “20”;

(6) by inserting “, 7.1” in the second paragraph after “7”;

(7) by inserting the following after the third paragraph:

“For the purposes of subparagraph 1, the size of the rear overhang does not include the impact attenuator when the vehicle is used as a protection vehicle.

For the purposes of subparagraph 6, the distance between the front end of the load bearing section of the towing vehicle and the rear end of the trailer does not include auxiliary equipment located in front of the load bearing section of the towing vehicle or behind the rear end of the trailer, provided they do not increase the load volume of the road vehicle.”;

(8) by replacing “, provided” in the fourth paragraph by “or at the rear of the second semi-trailer, provided”.

3. The following is inserted after section 4:

“**4.1.** The lengths referred to in section 4 do not include the safari bumper that does not exceed by 30 cm the front of a motor vehicle or the bike-rack that does not exceed by 1 m the front of an articulated bus.

The same applies to the aerodynamic system located at the rear of a road vehicle, provided

(1) any part of the system located at 1.9 m or less from the ground does not exceed by more than 30.5 cm the rear end of the vehicle;

(2) any part of the system located at more than 1.9 m from the ground does not exceed by 61 cm the rear end of the vehicle.”.

4. Section 6 is amended

(1) by replacing subparagraph *a* of subparagraph 1 of the first paragraph by the following:

“(a) they are equipped with a single axle, a tandem axle or a triple axle with spacing between the axles that is not more than 1.85 m, or a combination of axles of class B.44 or B.45;”;

(2) by striking out subparagraph 1.1 of the first paragraph.

5. Section 7 is replaced by the following:

“**7.** The lengths prescribed in sections 5 and 6 do not include auxiliary equipment located in front and at the rear of the semi-trailer or trailer, provided they do not increase the load volume of the road vehicle.

The same applies to the aerodynamic system located at the rear of the semi-trailer or trailer, provided it complies with the conditions set out in the second paragraph of section 4.1.”.

6. Section 8 is amended by replacing paragraph 5 by the following:

“(5) one motor vehicle hauling not more than 3 motorized road vehicles or chassis of motor vehicles coupled according to the saddle-back method.”.

7. Section 10 is replaced by the following:

“**10.** The maximum width, load included, of a road vehicle is 2.6 m for a motor vehicle and 2.5 m for a trailer or semi-trailer.

The width of 2.5 m referred to in the first paragraph is increased to 2.6 m where the track width of each axle of the vehicle is 2.5 m or more. The track width is the overall length of an axle, including the wheels, measured from the tire side wall to any point above the lowest point of the rim.

The track width provided for in the second paragraph is reduced to 2.45 m in the case of an axle equipped with 2 wide-tread tires and whose load maximum does not exceed the load indicated on the additional label affixed to the vehicle in accordance with the Motor Vehicle Safety Act (S.C. 1993, c. 16).

Despite the first paragraph, the maximum width of a farm trailer owned by a farmer is 2.6 m and, for a trailer carrying grains and travelling unloaded, 3.75 m.

The first paragraph does not apply to the following road vehicles, owned by a farmer, when they travel elsewhere than on an autoroute and have a width of not more than 7.5 m:

- (1) farm machines transporting products to be sprayed or travelling unloaded;
- (2) seeders; and
- (3) combine harvesters.”.

8. Section 11 is amended by replacing paragraphs 2, 2.1 and 3 by the following:

“(2) a securement or covering system complying with the Cargo Securement Standards Regulation (c. C-24.2, r. 30) or another auxiliary equipment, provided such a system or equipment does not exceed by 10 cm on each side of the vehicle and does not increase its load volume;

(3) equipment for grading, clearing or marking roads, where the vehicle is equipped with the traffic control devices provided for in section 7 of the Regulation respecting special permits (c. C-24.2, r. 35), except where it is used for purposes other than public infrastructure construction or maintenance;”.

9. Section 13 is replaced by the following:

“**13.** The maximum axle load is the lesser of the following loads:

(1) the sum of the maximum load for each tire of an axle or a combination of axles, as indicated on the tire side wall by the manufacturer, except, for the axle or combination of axles belonging to classes B.10 to B57, that the maximum load of a tire, that is not wide-tread and that is mounted on a single wheel, cannot exceed 10 kg per mm of nominal width of its tread;

(2) 5,500 kg for an axle belonging to class B.1, 11,000 kg for a combination of axles belonging to class B.2 or B.3 or a higher load maximum indicated by the manufacturer of the road vehicle or the load capacity indicated by the person who made alterations on or to a vehicle with the approval of the Société de l’assurance automobile du Québec in accordance with paragraph 1 of section 214 of the Highway Safety Code (R.S.Q., c. C-24.2);

(3) the maximum load provided for in section 14 that, as the case may be, is

(a) increased by 20% on a public road belonging to the special class;

(b) decreased by 1,000 kg per axle equipped with only 2 tires that are not wide-tread for axles of classes B.10 to B.57;

(c) decreased by 1,000 kg for classes B.31, B.32 and B.33 where the class of axles is made up of a group of axles equivalent to a triple axle.

For the purposes of subparagraph 1 of the first paragraph, in the case of double wheels, the maximum load of the inner tire is, unless proven otherwise, the same as that of the outer tire.

The provisions of subparagraph 1 of the first paragraph concerning the maximum load of a 10 kg tire per mm of nominal width of the tread and those of subparagraph *b* of subparagraph 3 of the first paragraph do not apply to a self-steering axle belonging to class B.44, where the width of the single wheel tires is at least 365 mm, or to class B.45, where the width of the single wheel tires is at least 385 mm.”.

10. Section 14 is replaced by the following:

“**14.** The load limit of an axle or combination of axles, in a normal period or in a period of thaw or rain, belonging to a class in Schedule B is as follows:

Class	Axle load	
	Normal period	Period of thaw or rain
B.1	9,000 kg	9,000 kg
B.2	16,000 kg	16,000 kg
B.3	15,000 kg	15,000 kg
B.10	10,000 kg	8,000 kg
B.20	10,000 kg	8,000 kg
B.21	18,000 kg	15,500 kg
B.25	13,500 kg	11,000 kg
B.25.1	18,000 kg	15,500 kg
B.26	10,000 kg	8,000 kg
B.30	18,000 kg	15,500 kg
B.31	21,000 kg	18,000 kg
B.32	24,000 kg	21,000 kg

Class	Axle load	
	Normal period	Period of thaw or rain
B.33	26,000 kg	22,000 kg
B.40.1	18,000 kg	15,500 kg
B.40.2	23,000 kg	20,000 kg
B.41	26,000 kg	22,000 kg
B.42	26,000 kg	22,000 kg
B.43	28,000 kg	24,000 kg
B.44	32,000 kg	27,500 kg
B.45	34,000 kg	29,500 kg
B.56	17,000 kg	16,000 kg
B.57	23,000 kg	23,000 kg

The axle load limits during a normal period apply during a period of thaw or rain on a public highway belonging to the special class or to a tow truck hauling a vehicle that has been in an accident or has broken down, been seized or abandoned and, in all cases, without a load.”.

11. Subdivisions 2 to 4 of Division III, comprising sections 15 to 18, are revoked.

12. Section 20 is amended

(1) by striking out lines A.46 to A.57 of the table in the first paragraph;

(2) by replacing “55,500” in line A.68 of the table in the first paragraph by “57,500”;

(3) by replacing “54,500” in line A.69 of the table in the first paragraph by “56,500”;

(4) by replacing lines A.76 to A.85 of the table in the first paragraph by the following:

“A.76.1 53,500 kg;

A.76.2 52,500 kg minus 1,000 kg per 500 mm under the 15.5-m length prescribed for this class”;

(5) by replacing “59,000” in line A.90 of the table in the first paragraph by “62,500”;

(6) by replacing “58,000” in line A.91 of the table in the first paragraph by “61,500”;

(7) by striking out the second paragraph.

13. Sections 21 and 23 are amended by striking out “without any increase other than that prescribed by section 17”.

14. Division V, comprising sections 24 to 26, is revoked.

15. The following is inserted before Division VI:

**“DIVISION V.1
MISCELLANEOUS**

26.1. Where a dimension that is greater or lesser is observed on a road vehicle, a combination of road vehicles, an axle or a group of axles due to a minor defect or an error of less than 5 cm and the dimension contravenes the provisions of Division II or operates to change from one of the classes provided for in Schedule A or B the road vehicle, combination of road vehicles, axle or group of axles, the owner may correct or have corrected, within the period provided for in section 519.17 of the Highway Safety Code, the defect or error to avoid the issuance of a statement of offence.”.

16. Sections 27 to 34 are revoked.

17. Section 35 is amended by replacing “2009” by “2014”.

18. Sections 36 to 37.5 are revoked.

19. Section 37.6 is amended by replacing “2009” by “2014”.

20. Section 37.7 is revoked.

21. Section 37.8 is amended by replacing “2009” by “2014”.

22. Sections 37.9 to 37.15 are revoked.

23. The following is inserted after section 37.15:

“37.16. Until 31 December 2014, the total loaded mass provided for in section 20 for a combination of road vehicles class A.19 consisting of a tractor and semi-trailer assembled before November 1998 is increased to 49,500 kg where the combination of axles of the semi-trailer belong to class B.30, is a triple axle or an equivalent group of axles and the distance between the axes of the leading and rear axles of the combination is 4.8 m or more.

In such a case, the load limit referred to in section 14 for the combination of axles is increased by 8,000 kg during a normal period and by 6,500 kg during the period of thaw.

37.17. Until 31 December 2014, the self-steering axle referred to in Schedule B for classes B.44 and B.45 may be replaced by a single axle for a vehicle assembled before 1 January 2003 and whose length is 15.5 m or less.

The first paragraph applies until 31 December 2019 for a tank semi-trailer assembled before 1 January 2003 and whose length is 15.5 m or less.

37.18. Until 31 December 2019, the distance of more than 2.5 m provided for in Schedule B between the self-steering axle and the first axle of a triple axle of a group of axles belonging to class B.44 or B.45 is decreased to at least 2.4 m for a vehicle assembled before 1 January 2014.

Until 31 December 2019, the maximum distance of 3 m provided for in Schedule B between the self-steering axle and the first axle of a triple axle of a group of axles belonging to class B.44 or B.45 does not apply to a vehicle assembled before 1 January 2014.

37.19. Until 31 December 2014, for a semi-trailer assembled before 1 January 2001, the width of at least 385 mm for the tires of single wheels provided for in section 13 for the self-steering axle belonging to class B.45 is decreased to 365 mm.

A vehicle benefiting from the decrease of the width of the tires of single wheels provided for in the first paragraph has its load limit referred to in section 14 reduced by 2,000 kg in the normal period and the period of thaw.

37.20. Until 31 December 2019, the provisions of Schedule B concerning equalization of the mass that may be measured under the wheels of each axle of class B.44 or B.45 do not apply to a vehicle assembled before 1 October 1998.

37.21. Until 31 December 2019, the track width of 2.50 m provided for in the second paragraph of section 10 for a trailer or semi-trailer assembled before 1 January 2010 is decreased to 2.30 m for an axle equipped with 2 wide-tread tires.”

24. Schedule A is amended

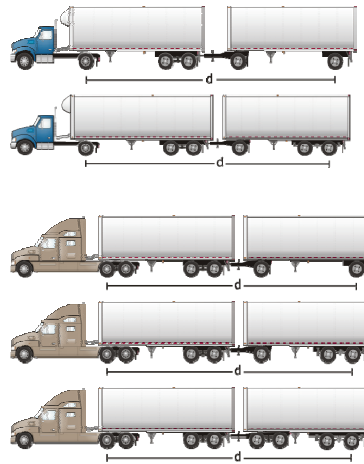
(1) by striking out “or B.33.1” in classes A.44 and A.45 of the first paragraph;

(2) by striking out classes A.46 to A.57 in the first paragraph;

(3) by replacing classes A.76 to A.85 in the first paragraph by the following:

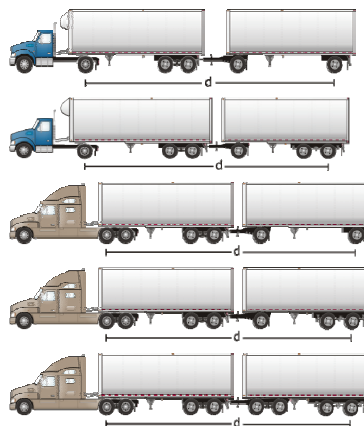
“A.76.1 Any tractor coupled to a semi-trailer and to a trailer with a dolly forming a combination of road vehicles with 6, 7, 8 or 9 axles that does not belong to any of

classes A.72 to A.75, A.86 and A.87, where the distance between the centre of the rear axle of the tractor or the front axle of the tractor tandem and the centre of the rear axle of the combination of vehicles is 15.5 m or more, as shown below, belongs to this class:



d is 15.5 m or more

A.76.2 Any tractor coupled to a semi-trailer and to a trailer with a dolly forming a combination of road vehicles with at least 6, 7, 8 or 9 axles that does not belong to any of classes A.72 to A.75, A.86 and A.87, where the distance between the centre of the rear axle of the tractor or the front axle of the tractor and the centre of the rear axle of the combination of road vehicles is less than 15.5 m, as shown below, belongs to this class:



d is less than 15.5 m

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

“For all road vehicles formed of a tractor and a single semi-trailer, it is possible to couple to the semi-trailer a single dolly in order to move it. The addition of the dolly does not operate to change the class of the combination or to increase its maximum limit of total loaded mass.”.

25. Schedule B is amended

(1) by inserting the following in the first paragraph after class B.25:

“B.25.1 Any combination of 2 singles axles located under a same vehicle not belonging to class B.26 where the distance between the axes is 2.4 m or more belongs to this class.”;

(2) by replacing class B.30 in the first paragraph by the following:

“B.30 Any combination of 3 axles or more where the distance between the leading and rear axles is 1.2 m or more belongs to this class.”;

(3) by replacing classes B.33.1 to B.40 in the first paragraph by the following:

“B.40.1 Any combination of 4 axles or more where the distance between the axes of the leading and rear axles is 1.2 m or more but less than 2.4 m belongs to this class.

B.40.2 Any combination of 4 axles or more where the distance between the axes of the leading and rear axles is 2.4 m or more but less than 3.6 m belongs to this class.”;

(4) by replacing classes B.44 to B.55 in the first paragraph by the following:

“B.44 Any combination of 4 axles, equipped with a suspension designed to balance, without any adjustment possible, to within 1,000 kg, the mass that may be measured under the wheels of each axle, located under a vehicle of a single unit, under a towing vehicle or under a semi-trailer formed of

(1) a self-steering axle located at the front of a combination of axles at a distance of not less than 2.5 m and not more than 3 m from the others;

(2) a triple axle where the distance between the axes of the leading and rear axles is 3 m or more but less than 3.6 m belongs to this class.

B.45 Any combination of 4 axles, equipped with a suspension designed to balance, without any adjustment possible, to within 1,000 kg, the mass that may be measured under the wheels of each axle, located under a vehicle of a single unit, under a towing vehicle or under a semi-trailer formed of

(1) a self-steering axle located at the front of the combination of axles at a distance of not less than 2.5 m and not more than 3 m from the first axle of the triple axle;

(2) a triple axle where the distance between the axes of the leading and rear axles is 3.6 m or more but less than or equal to 3.7 m belongs to this class.”;

(5) by replacing “B.35” in the second paragraph by “B.33”

(6) by striking out the fourth and fifth paragraphs.

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

2208

Draft Regulations

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Arbitration relating to the surplus assets of supplemental pension plans — Amendment

Exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act — Amendment

Exemption of certain pension plans from the application of provisions of the Supplemental Pension Plan Act — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulation Act (R.S.Q., c. R-18.1), that the draft Regulations, appearing below, may be made by the Government on the expiry of 45 days following this publication:

— Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans;

— Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act;

— Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plan Act.

The purpose of the draft Regulations is to harmonize the rules for the funding and administration of pension plans provided for under the various regulations applicable under the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) with the new measures enacted by the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, c. 42).

Further information may be obtained by contacting Mr. Pierre Bégin, Régie des rentes du Québec, Place de la Cité, 2600 boulevard Laurier, Québec (Québec) G1V 4T3 (Tel.: 418 657-8714 extension 3914; fax: 418 659-8983; email: pierre.begin@rrq.gouv.qc.ca).

Any person wishing to comment on the draft Regulations is asked to send their comments in writing before the expiry of the 45-day period mentioned above to Mr. Denys Jean, President and Chief Executive Officer of the Régie des rentes du Québec, Place de la Cité, 2600 boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act.

JULIE BOULET,
*Minister of Employment
and Social Solidarity*

Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 243.7, 3rd para. and s. 243.8, 1st para.)

1. Section 1.1 of the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans (R-15.1, r.1) is amended by striking out, in paragraph 3 of the second paragraph, “and, if any, more recent reports made under section 130 of the Act”.

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

Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2, para. 2 and 3.)

1. Section 8 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (R-15.1, r.7) is amended:

(1) by replacing the item “Review;” with:

“— Proceeding before the Administrative Tribunal of Québec— section 243;”;

(2) by striking out “except subparagraphs 3 to 3.2, 5, 8, 8.5, 12.0.1, and 12.1 of the first paragraph,” in the item “Regulations, functions and powers of the Régie”.

2. Section 45 of the Regulation is replaced by the following:

“**45.** In applying sections 36.1 and 37 of the Regulation respecting supplemental pension plans (c. R-15.1, r.6), the aggregate benefits of a member of a connected pension plan are determined, where his period of continuous membership is in effect at the date of the actuarial valuation, by supposing that it ended on such date.”.

3. The Regulation is amended by inserting, after section 64, the following:

“**64.1.** In this division, the Act as it read on 31 December 2009 applies and any reference to a provision of the Act is deemed to be a reference to a provision of the Act as it read on 31 December 2009.”.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. However, it has effect from 31 December 2010.

**Regulation to amend the Regulation
respecting the exemption of certain
pension plans from the application of
provisions of the Supplemental
Pension Plans Act**

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2, para. 2 and 3.)

1. The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans (R-15.1, r. 8) is amended by striking out Division III.1.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. However, it has effect from 31 December 2011.

2209

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

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Designation of the territory of municipalities as an area where making a right turn on a red light is prohibited (Highway Safety Code, R.S.Q., c. C-24.2)	2376	N
Exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	2402	
Exemption of certain pension plans from the application of provisions of the Supplemental Pension Plan Act (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	2402	
Financial assistance for education expenses (An Act respecting financial assistance for education expenses, R.S.Q., c. A-13.3)	2371	M
Financial assistance for education expenses, An Act respecting... — Financial assistance for education expenses (R.S.Q., c. A-13.3)	2371	M
Highway Safety Code — Designation of the territory of municipalities as an area where making a right turn on a red light is prohibited (R.S.Q., c. C-24.2)	2376	N
Highway Safety Code — Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped (R.S.Q., c. C-24.2)	2376	N
Highway Safety Code — Vehicle Load and Size Limits (R.S.Q., c. C-24.2)	2397	Draft
Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped (Highway Safety Code, R.S.Q., c. C-24.2)	2376	N

Professional Code and other legislative provisions in the field of mental health and human relations, An Act to amend the... — Coming into force of certain provisions of the Act (2009, c. 28)	2369	
Professional recognition of medical electrophysiology technologists, An Act respecting the... — Coming into force of certain provisions of the Act (2012, c. 10)	2369	
Register of enterprises ineligible for public contracts and oversight and monitoring measures (An Act respecting contracting by public bodies, R.S.Q., c. C-65.1)	2379	Draft
Sharing of certain health information, An Act respecting the... — Coming into force of certain provisions of the Act (2012, c. 23)	2369	
Supplemental Pension Plans Act — Arbitration relating to the surplus assets of supplemental pension plans (R.S.Q., c. R-15.1)	2402	
Supplemental Pension Plans Act — Exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1)	2402	
Supplemental Pension Plans Act — Exemption of certain pension plans from the application of provisions of the Supplemental Pension Plan Act (R.S.Q., c. R-15.1)	2402	
Supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act (An Act respecting contracting by public bodies, R.S.Q., c. C-65.1)	2381	Draft
Supply, service and construction contracts of public bodies (An Act respecting contracting by public bodies, R.S.Q., c. C-65.1)	2382	Draft
Vehicle Load and Size Limits (Highway Safety Code, R.S.Q., c. C-24.2)	2397	Draft