

Gazette
officielle
DU Québec

Part
2

No. 51A

19 December 2012

Laws and Regulations

Volume 144

Summary

Table of Contents
Treasury Board
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2012

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1). Partie 1, entitled “Avis juridiques”, is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 will be available on the Internet at noon each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

The *Gazette officielle du Québec* published on the website is available to all free of charge.

Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers' orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

French edition

In addition to the documents referred to in paragraphs 1 to 7 above, the French version of the *Gazette officielle du Québec* contains the orders in council of the Government.

Rates*

1. Annual subscription:

	Printed version
Partie 1 “Avis juridiques”:	\$469
Partie 2 “Lois et règlements”:	\$641
Part 2 “Laws and Regulations”:	\$641

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$10.03 per copy.

3. Publication of a notice in Partie 1: \$1.61 per agate line.

4. Publication of a notice in Part 2: \$1.07 per agate line. A minimum rate of \$236 is applied, however, in the case of a publication of fewer than 220 agate lines.

* **Taxes not included.**

General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: gazette.officielle@cspq.gouv.qc.ca

For information concerning the publication of notices, please call:

Gazette officielle du Québec
1000, route de l'Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 644-7794
Fax: 418 644-7813
Internet: gazette.officielle@cspq.gouv.qc.ca

Subscriptions

For a subscription to the *Gazette officielle du Québec* in paper form, contact the customer service.

Les Publications du Québec
Customer service – Subscriptions
1000, route de l'Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 643-5150
Toll free: 1 800 463-2100
Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents**Page**

Treasury Board

212027	Autorité des marchés financiers under an Act respecting contracting by public bodies.	3481A
212028	Autorité des marchés financiers — Fee related to an application for authorization filed by an enterprise for public contracts and subcontracts	3483A

Treasury Board

Gouvernement du Québec

T.B. 212027, 11 December 2012

An Act respecting contracting by public bodies
(chapter C-65.1)

Integrity in Public Contracts Act
(2012, chapter 25)

Autorité des marchés financiers — Contracting by public bodies

Regulation of the Autorité des marchés financiers under
an Act respecting contracting by public bodies

WHEREAS the first and second paragraphs of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), as enacted by section 10 of chapter 25 of the Statutes of 2012 provide that an enterprise that wishes to enter into a contract with a public body whose value is equal to or exceeds the amount determined by the Government must obtain an authorization for that purpose from the Autorité des marchés financiers, that the amount may vary according to the category of contract and that an enterprise that wishes to enter into a subcontract whose value is equal to or exceeds that amount and which is related directly or indirectly to a contract described in the first paragraph must also obtain such an authorization;

WHEREAS the second paragraph of section 21.23 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that the application must be in the form prescribed by the Autorité des marchés financiers and be filed together with the information and documents prescribed by regulation of the Authority and the fee determined by a decision of the Conseil du trésor and that the information, documents and fee may vary according to the type of enterprise and the place where it mainly carries on its activities;

WHEREAS section 21.40 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that an enterprise holding an authorization must notify the Autorité des marchés financiers, within the time specified by regulation of the Authority, of any change to any information previously provided;

WHEREAS section 21.45 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that the Autorité des marchés financiers keeps a register of enterprises holding an authorization to enter into a contract or a subcontract under Chapter V.2 and that the content of the register is determined by regulation of the Authority;

WHEREAS the first paragraph of section 21.43 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that a regulation of the Autorité des marchés financiers must be submitted for approval to the Conseil du trésor, which may approve it with or without amendment;

WHEREAS section 100 of chapter 25 of the Statutes of 2012 provides that the first regulation made by the Authority under sections 21.23, 21.40 and 21.45 comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation and that sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to such a regulation;

WHEREAS, on 10 December 2012, the Autorité des marchés financiers made the Regulation of the Autorité des marchés financiers under an Act respecting contracting by public bodies by Decision 2012-PDG-0220;

WHEREAS it is expedient to approve the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation of the Autorité des marchés financiers under an Act respecting contracting by public bodies, attached hereto, be approved.

MARIE-CLAUDE RIOUX,
La greffière du Conseil du trésor

Regulation of the *autorité des marchés financiers* under an act respecting contracting by public bodies

An Act respecting contracting by public bodies (chapter C-65.1, ss. 21.23, par. 2, 21.40 and 21.45; 2012, chapter 25, s. 10)

Integrity in Public Contracts Act (2012, chapter 25, s. 100)

DIVISION I SCOPE

1. This Regulation applies to all enterprises that wish to obtain the authorization referred to under section 21.17 of An Act respecting contracting by public bodies (R.S.Q., c. C-65.1).

DIVISION II APPLICATION FOR AUTHORIZATION

2. The respondent of the enterprise must file an application for authorization using the form provided by the *Autorité des marchés financiers*.

This application must contain the following information:

(1) the name of the enterprise, its Québec enterprise number assigned by the registrar, as the case may be, and all the names under which the enterprise carries on or has carried on activities in the past five years;

(2) the address and telephone number of the head office of the enterprise and of each of its establishments in the past five years;

(3) the name and mailing address of the respondent and his functions at the enterprise;

(4) the name, date of birth, if applicable, domiciliary address and telephone number of the natural person who operates a sole proprietorship, as the case may be, of the officers of the enterprise, its directors or partners, its shareholders, along with the percentage of the voting rights attached to the shares held by them, as well as of any person or enterprise that has direct or indirect legal or de facto control over the enterprise;

(5) a declaration by the enterprise and the persons referred to in sections 21.26 and 21.28 of the Act as to whether or not they are in any of the situations set out in sections 21.26 to 21.28 of the Act;

(6) the nature of the activities of the enterprise.

3. An application for authorization must also indicate, as the case may be, the following information related to the call for tenders for which the enterprise wishes to obtain a public contract or subcontract:

(1) the number of the call for tenders;

(2) the deadline for submitting bids or, whichever is latest, the date set out in the call for tender concerning the required authorization, as the case may be;

(3) the estimated value of the contract or subcontract.

4. The application for authorization must be filed together with the following documents:

(1) an official document from the enterprise confirming the appointment of the respondent acting in such capacity;

(2) an organization chart outlining the structure of the enterprise and including the names of its subsidiaries and parent company and any subsidiaries there of;

(3) in the case of an enterprise that has an establishment in Québec, the attestation from Revenu Québec referred to in subparagraph 1 of section 21.24 of the Act;

(4) the audited financial statements for the latest fiscal year of the enterprise;

(5) a list indicating the financial institutions with which the enterprise conducts business;

(6) a list containing the name, date of birth, if applicable, domiciliary address and telephone number of each of its lenders, other than those referred to in paragraph 5.

5. In the case of an enterprise that is not constituted under the laws of Québec and does not have its head office or an establishment in Québec where it primarily conducts its activities, the application for authorization filed by the enterprise must also contain the following information and documents:

(1) written consent to communicate with any police force or local source of information;

(2) written consent to communicate with the local fiscal authorities;

(3) a good conduct certificate, or an equivalent, in respect of the enterprise and each person referred to in sections 21.26 and 21.28 of the Act, issued by the local authorities, including a government or a government department or agency.

For the purposes of this section, the location of the enterprise referred to in the first paragraph and the persons referred to in subparagraph 3 is the Canadian province or territory or other jurisdiction where the enterprise primarily conducts its activities or, in the case of a natural person, where he is domiciled.

6. The application must also be filed, for every natural person referred to in sections 21.26 and 21.28 of the Act, together with a copy of identification issued by a government or a government department or agency and showing the person's name and date of birth.

DIVISION III UPDATING OF INFORMATION

7. An authorized enterprise must notify the Authority of any change in the information that it has filed with the Authority no later than 15 days following the end of the month in which such change took place.

These notices must be sent using the forms provided by the Authority and, if applicable, together with the information and documents requested for the purposes of chapter V.2 of the Act.

DIVISION IV REGISTER OF AUTHORIZED ENTERPRISES

8. The register of authorized enterprises kept in accordance with section 21.45 of the Act must contain the following information:

(1) the name of the authorized enterprise, the names under which it carries on activities, and its Québec enterprise number assigned by the registrar;

(2) the contact information for the head office of the enterprise;

(3) the identification number assigned by the Authority.

9. This Regulation comes into force on 19 December 2012.

2407

Gouvernement du Québec

T.B. 212028, 11 December 2012

An Act respecting contracting by public bodies
(chapter C-65.1)

Autorité des marchés financiers — **Fee related to an application for authorization filed by an enterprise for public contracts and subcontracts**

Fee related to an application for authorization filed by an enterprise with the Autorité des marchés financiers for public contracts and subcontracts

WHEREAS the first and second paragraphs of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), as enacted by section 10 of chapter 25 of the Statutes of 2012, provide that an enterprise that wishes to enter into a contract with a public body whose value is equal to or exceeds the amount determined by the Government must obtain an authorization for that purpose from the Autorité des marchés financiers, that the amount may vary according to the category of contract and that an enterprise that wishes to enter into a subcontract whose value is equal to or exceeds that amount and which is related directly or indirectly to a contract described in the first paragraph must also obtain such an authorization;

WHEREAS the second paragraph of section 21.23 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012, provides that the application for authorization filed with the Autorité des marchés financiers must be accompanied by the fee determined by a decision of the Conseil du trésor and the fee may vary according to the type of enterprise and the location where the enterprise principally conducts its activities;

WHEREAS section 100 of chapter 25 of the Statutes of 2012 provides that the first decision of the Conseil du trésor made under section 21.23 comes into force on the day of its publication in the Gazette officielle du Québec or on any later date specified in the decision and that sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to such a regulation;

WHEREAS it is expedient to determine the fee;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Fee related to an application for authorization filed by an enterprise with the Autorité des marchés financiers for public contracts and subcontracts, attached hereto, is made.

MARIE-CLAUDE RIOUX,
La greffière du Conseil du trésor

Fee related to an application for authorization filed by an enterprise with the Autorité des marchés financiers for public contracts and subcontracts

An Act respecting contracting by public bodies (chapter C-65.1, s. 21.23, 2nd par.; chapter 25, ss. 10 and 100)

1. The fee required from an enterprise applying to the Autorité des marchés financiers for authorization under section 21.23 of the Act respecting contracting by public bodies (chapter C-65.1) is \$400.

An amount of \$200 is also required from the enterprise for each person or entity that is being audited pursuant to Chapter V.2 of the Act.

2. The fee determined in section 1 also applies to an application for the renewal of the authorization.

3. The fee is not refundable.

4. The fee is adjusted on 1 January of each year based on the percentage change in the Consumer Price Index for Canada, as published by Statistics Canada, for the period ending on 30 September of the preceding year. The adjusted fee is reduced to the nearest dollar if it contains a fraction of a dollar less than \$0.50; it is increased to the nearest dollar if it contains a fraction of a dollar equal to or greater than \$0.50.

The result of the annual adjustment is published every year in the *Gazette officielle du Québec*.

5. Sections 1 to 5 come into force on the day of their publication in the *Gazette officielle du Québec*.

Index

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

	Page	Comments
Autorité des marchés financiers — Fee related to an application for authorization filed by an enterprise for public contracts and subcontracts (An Act respecting contracting by public bodies, chapter C-65.1)	3483A	N
Autorité des marchés financiers under an Act respecting contracting by public bodies (Integrity in Public Contracts Act, 2012, chapter 25)	3481A	N
Autorité des marchés financiers under an Act (An Act respecting contracting by public bodies, chapter C-65.1)	3481A	N
Contracting by public bodies, An Act respecting... — Autorité des marchés financiers — Fee related to an application for authorization filed by an enterprise for public contracts and subcontracts. (chapter C-65.1)	3483A	N
Contracting by public bodies, An Act respecting... — Autorité des marchés financiers under an Act. (chapter C-65.1)	3481A	N
Integrity in Public Contracts Act — Autorité des marchés financiers under an Act respecting contracting by public bodies (2012, chapter 25)	3481A	N

