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DU Québec

Part

2

No. 8

20 February 2013

Laws and Regulations

Volume 145

Summary

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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;
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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
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PROVINCE OF QUÉBEC

1ST SESSION

40TH LEGISLATURE

QUÉBEC, 6 DECEMBER 2012

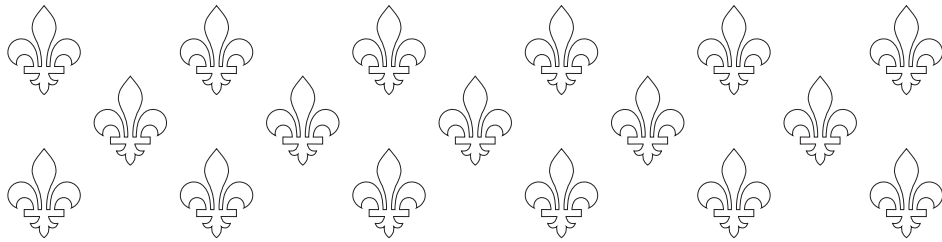
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 6 December 2012

This day, at forty-five minutes past ten o'clock in the morning, the Honourable the Administrator of Québec was pleased to sanction the following bill:

- 11 An Act to amend the Act respecting the National Assembly and the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 11
(2012, chapter 24)

**An Act to amend the Act respecting the
National Assembly and the Act
respecting the conditions of employment
and the pension plan of the Members of
the National Assembly**

**Introduced 15 November 2012
Passed in principle 29 November 2012
Passed 29 November 2012
Assented to 6 December 2012**

EXPLANATORY NOTES

This Act allows independent Members, in the same way as Members of political parties represented in the National Assembly, to transfer moneys they receive for research and support purposes to their budget for the remuneration of personnel. It also allows personnel hired for such purposes to form part of an independent Member's personnel in the same manner as the other members of the personnel of the independent Member.

In addition, it provides that the Whip of a party referred to in subparagraph 6 of the first paragraph of section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly is a House officer.

Lastly, the House Leader of such a party receives an additional indemnity and one of the conditions, set out under the same subparagraph 6, for recognizing a political party for the purpose of granting an indemnity to its leader is removed.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the National Assembly (chapter A-23.1);
- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1).

Bill 11

AN ACT TO AMEND THE ACT RESPECTING THE NATIONAL ASSEMBLY AND THE ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 108 of the Act respecting the National Assembly (chapter A-23.1) is amended by adding the following paragraph at the end:

“Independent Members may transfer the moneys required for the remuneration of regular personnel hired to assist them for research and support purposes to the budget granted to them under subparagraph 3 of the first paragraph of section 104. The personnel hired to assist independent Members for such purposes forms part of their personnel in the same manner as the other members of their personnel.”

2. Section 124.1 of the Act is amended by replacing “and the Chief Official Opposition Whip in the National Assembly” in the first paragraph by “, the Chief Official Opposition Whip and the Whip of a party contemplated in subparagraph 6 of the first paragraph of section 7 of the said Act”.

3. Section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1) is amended by replacing subparagraph 6 of the first paragraph by the following subparagraphs:

“(6) any Member, other than the Member contemplated in subparagraph 4, who leads an opposition party in the Assembly shall receive on an annual basis an indemnity equal to 35% of the annual indemnity if that party

(a) had at least 12 Members elected at the last general election; or

(b) obtained 20% of the valid votes cast, according to the official addition of the votes cast throughout Québec at the last general election;

“(6.1) the Member occupying the position of House Leader of a party contemplated in subparagraph 6 shall receive on an annual basis an indemnity equal to 25% of the annual indemnity;”.

4. This Act has effect from the beginning of the 40th Legislature.

- 5.** This Act comes into force on 6 December 2012.

Regulations and other Acts

Gouvernement du Québec

O.C. 82-2013, 6 February 2013

Professional Code
(chapter C-26)

Roll of professional orders — Amendment

Regulation to amend the Regulation respecting the roll of professional orders

WHEREAS, under subparagraph *a* of subparagraph 6 of the third paragraph of section 12 of the Professional Code (chapter C-26), the Office des professions du Québec must determine, by regulation and after consultation with the Québec Interprofessional Council, the information other than the information provided for in section 46.1 of the Code that must be included in the roll of a professional order, as well as the standards governing the preparation, updating and publication of the roll;

WHEREAS the Office made the Regulation to amend the Regulation respecting the roll of professional orders after having consulted the Interprofessional Council;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the roll of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 13 June 2012 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation made by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the roll of professional orders, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the roll of professional orders

Professional Code
(chapter C-26, s. 12, 3rd par., subpar. 6, subpar. *a*)

1. The Regulation respecting the roll of professional orders (chapter C-26, r. 9) is amended by inserting “already” in subparagraph 1 of the first paragraph of section 2 after “has”.

2. The following is inserted after the heading of Division II:

“**2.1.** The roll of the Ordre professionnel des agronomes du Québec contains for each member the member’s number.”.

3. Section 4 is replaced by the following:

“**4.** The roll of the Ordre professionnel des comptables professionnels agréés du Québec contains for each member

(1) the name of the assignee of the member’s records;

(2) the number of the member’s public accountancy permit;

(3) a note to the effect that the member’s public accountancy permit is or has already been suspended or has already been revoked; and

(4) an indication of the limitation related to the member’s public accountancy permit issued in accordance with section 65 of the Chartered Professional Accountants Act (2012, chapter 11).”.

4. The following is inserted after section 4:

“**4.1.** The roll of the Ordre professionnel des dentistes du Québec contains for each member

(1) the name of the assignee of the member’s records; and

(2) the member’s number.”.

5. The following is inserted after section 7:

“**7.1.** The roll of the Ordre professionnel des notaires du Québec contains for each member

(1) the member's email address and fax number at work;

(2) the name of the assignee, provisional custodian and depositary of records; and

(3) the name of the person authorized to issue a copy of or extract from the member's deeds.”

6. The following is inserted after section 9:

“**9.1.** The roll of the professional orders referred to in the first paragraph of section 187 of the Professional Code contains for each of their members holding a radiology permit a note to the effect that that permit is or has already been suspended or has already been revoked.”

9.2. The roll of the professional orders referred to in the first paragraph of section 187.1 of the Professional Code contains for each of their members holding a psychotherapist's permit

(1) the date of issue of the permit;

(2) a note to the effect that the member's permit is or has already been suspended or has already been revoked; and

(3) a note to the effect that the permit holder's right to practise psychotherapy is or has already been restricted or suspended.

9.3. The roll of the Ordre professionnel des denturologistes du Québec and the Ordre professionnel des techniciens et techniciennes dentaires du Québec contains for each of their members holding a dental prosthesis laboratory management permit a note to the effect that that permit is or has already been suspended or has already been revoked.

9.4. The roll of the Ordre professionnel des optométristes du Québec contains for each member

(1) the member's number;

(2) a note to the effect that the member's permit referred to in the first or second paragraph of section 19.2 of the Optometry Act (chapter O-7) is or has already been suspended or has already been revoked.”

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

Gouvernement du Québec

O.C. 83-2013, 6 February 2013

Professional Code
(chapter C-26)

**Specialist's certificates of professional orders
—Diplomas issued by designated educational
institutions which give access to permits or
specialist's certificates of professional orders
—Amendment**

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Professional Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Higher Education, Research, Science and Technology;

WHEREAS the Office carried out that consultation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 7 March 2012 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government obtained the advice of the Office and that of the Ordre professionnel de la physiothérapie du Québec;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in section 2.12

(1) by inserting “de” in the French text after “général et professionnel”;

(2) by replacing “and Sherbrooke” by “, Sherbrooke and Matane general and vocational colleges, Dawson College and Collège Ellis Trois-Rivières campus.”

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

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Gouvernement du Québec

O.C. 96-2013, 13 February 2013

Public Contracts Act
(2012, chapter 25)

Certain contracts of Ville de Montréal

Certain contracts of Ville de Montréal

WHEREAS the Integrity in Public Contracts Act (2012, chapter 25) was assented to on 7 December 2012;

WHEREAS the Act amends in particular the Act respecting contracting by public bodies (chapter C-65.1) and other Acts respecting the municipal sector;

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies, an enterprise that wishes to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government or that wishes to enter into a subcontract that involves an expenditure equal to or greater than that amount and that is directly or indirectly related to the contract must obtain an authorization from the Autorité des marchés financiers;

WHEREAS, under section 573.3.3.3 of the Cities and Towns Act (chapter C-19), sections 21.17 to 21.20, 21.25, 21.34, 21.38, 21.39, 21.41, 27.6 to 27.9, 27.11, 27.13 and 27.14 of the Act respecting contracting by public bodies apply, with the necessary modifications, in respect of any municipal contract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act and pertains to the performance of work or the supply of insurance, equipment, materials or services and, for the purposes of those sections, any such contract is deemed to be a public contract, any subcontract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act and is directly or indirectly related to such a contract is deemed to be a public subcontract and every municipality is deemed to be a public body;

WHEREAS, under section 85 of the Integrity in Public Contracts Act, from 15 January 2013, for the purposes of section 21.17 of the Act respecting contracting by public bodies, the contracts and subcontracts to which that section applies are construction contracts and subcontracts and service contracts and subcontracts that involve an expenditure equal to or greater than \$40,000,000 and for which the award process is underway on or begins after that date;

WHEREAS, under section 86 of the Integrity in Public Contracts Act, despite the expenditure amount specified in section 85 of the Act or determined by the Government under section 21.17 of the Act respecting contracting by public bodies, the Government may, before 31 March 2016, determine that Chapter V.2 of that Act applies to groups of public contracts or subcontracts or to groups of contracts or subcontracts deemed to be public contracts or subcontracts under that Act, whether or not they are of the same category, even if they involve a lower expenditure amount and the Government may also determine special terms for the applications for authorization that enterprises must file with the Autorité des marchés financiers in respect of such contracts or subcontracts;

WHEREAS Ville de Montréal has cancelled, extended or postponed a number of calls for tenders since the fall of 2012;

WHEREAS it wishes, in addition, to initiate new calls for tenders;

WHEREAS it applies to the Government to have the contracts concerning calls for tenders it wishes to pursue or initiate that involve an expenditure amount lower than \$40,000,000 governed by the new authorization regime introduced by Chapter V.2 of the Act respecting contracting by public bodies;

WHEREAS section 100 of the Integrity in Public Contracts Act provides that a decision of the Government made under section 86 of the Act comes into force on the date of its adoption or on any later date specified in it, must be published in the *Gazette officielle du Québec* as soon as possible and sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to that decision;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor and the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, to the group of contracts listed in the Schedule to this Order in Council;

THAT a preliminary application for authorization with respect to a contract be submitted by each tenderer to the Autorité des marchés financiers not later than the deadline for submitting bids;

THAT the preliminary application for authorization be considered completed for each of the two tenderers that are the highest ranked following the analysis of bids, by the transmission by Ville de Montréal of the ranking of the tenderers;

THAT, where the contract cannot be awarded to either tenderer, the other preliminary applications be considered completed for the subsequent tenderers on the basis of their ranking, until the contract can be awarded;

THAT the preliminary applications for authorization of tenderers that were not processed be returned to the tenderers free of charge;

THAT this Order in Council come into force on 13 February 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

BID	TITLE OF PROJECT	BOROUGH	
1	10070	Increased flexibility of the Sud-Ouest/Lachine borough - Construction of a new 400-mm water main	SUD-OUEST AND LACHINE
2	265401	Avenue de la Salle, from Hochelaga to Pierre de Coubertin/Replacement of a sewer main and a drinking water main	MERCIER-HOCHELAGA-MAISONNEUVE
3	278101	Boul. De Maisonneuve Ouest from Northcliffe to the limit of the borough. Road works, waterworks and sewer works	CÔTE-DES-NEIGES-NOTRE-DAME-DE-GRÂCE
4	222401	Rue McTavish, from rue Sherbrooke to avenue Dr Penfield/ Replacement of secondary and main drinking water mains and a sewer main	VILLE-MARIE
5	103801	Rue de la Cathédrale and Rue Metcalfe, from Notre-Dame to Sainte-Catherine/Rehabilitation and reconstruction of secondary and main waterworks and sewer works, and road works	VILLE-MARIE
6	256901	Rue Ontario from D'Iberville to Lespérance - Pôle Frontenac project – Secondary sewer and waterworks - Phase I and rue Hogan, from Ontario to Rouen/Replacement of a drinking water main and a sewer main	VILLE-MARIE

	BID	TITLE OF PROJECT	BOROUGH
7	10046	Parc Saint-Patrick (phase 2). Restoration of main water mains	SUD OUEST
8	5038-EC-4430	Restoration of the structure of the falls - 6 ^e Avenue in parc des Rapides	LASALLE
9	10066	Rehabilitation of sewer eastern and western sectors	SEVERAL
10	10072	Rehabilitation of waterworks eastern and western sectors	SEVERAL
11	101-43	Reconstruction of bassin Garibaldi	SAINT-LÉONARD
12	S-1310	Construction of waterworks - chemin de LaSalle	LACHINE
13	10053	Rehabilitation of sewer - rue Tupper and rue Lambert-Closse	VILLE-MARIE
14	201702	Work for providing and installing fences on medians in several places	SEVERAL
15	DDT54-13-02	Laurier phase 2, between boulevard St-Laurent and rue St-Denis – Improvement of pedestrian user-friendliness, improvement of safety of bicycle paths, greening and widening of sidewalk	PLATEAU-MONT-ROYAL
16	254001	Saint-Laurent. Rue Halpern: from Saint-François to Vanden-Abeele. Road works	SAINT-LAURENT
17	255202	Laurendeau (rue): Église (de l') (avenue) to Galt-Crescent (rue) Sud-Ouest borough. Road works	SUD-OUEST
18	255501	Rosemont-Petite-Patrie. Rue Beaubien between 39 ^e and Chatelain. Road works	ROSEMONT-LA PETITE-PATRIE
19	258002	Saint-Leonard. Lacordaire from Saint-Zotique to Jarry – Sidewalks and paving	SAINT-LEONARD
20	262703	Rue Saint-Antoine from boul. Georges-Vanier to rue Guy – Traffic lights, street lighting and sidewalks	SUD-OUEST
21	264410	Smoothing – Road surface Lachine borough /rue Notre-Dame Ouest to boul. Saint-Joseph to avenue Saint-Pierre/avenue St-Pierre from rue Camille to rue St-Jacques/Service road A20 (westerly) from avenue Gowans to avenue St-Pierre	LACHINE
22	229902	Gouin - Lajeunesse bicycle path/ Bicycle path and traffic lights	AHUNTSIC-CARTIERVILLE
23	257503	Villeray. St-Michel: Jarry E to Crémazie - Lighting, sidewalks	VILLERAY-SAINT-MICHEL-PARC-EXTENSION
24	256601	Plateau Mont-Royal - rue Rachel Est from Boyer to de l'Esplanade. South side/Paving	PLATEAU-MONT-ROYAL
25	265801	O'Brien from boul. de la Côte-Vertu to rue Deguire. Road works	SAINT-LAURENT

Gouvernement du Québec

O.C. 97-2013, 13 February 2013

Public Contracts Act
(2012, chapter 25)

Certain public-private partnership contracts

Certain public-private partnership contracts

WHEREAS the Integrity in Public Contracts Act (2012, chapter 25) was assented to on 7 December 2012;

WHEREAS the Act amends in particular the Act respecting contracting by public bodies (chapter C-65.1);

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies, an enterprise that wishes to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government or that wishes to enter into a subcontract that involves an expenditure equal to or greater than that amount and that is directly or indirectly related to the contract must obtain an authorization from the Autorité des marchés financiers;

WHEREAS, under section 89 of the Integrity in Public Contracts Act, Chapter V.2 of the Act respecting contracting by public bodies applies to a body referred to in sections 7 and 7.1 of that Act as they read before being repealed by section 4 of the Integrity in Public Contracts Act as of 7 December 2012;

WHEREAS, under section 85 of the Integrity in Public Contracts Act, from 15 January 2013, for the purposes of section 21.17 of the Act respecting contracting by public bodies, the contracts and subcontracts to which that section applies are construction contracts and subcontracts and service contracts and subcontracts that involve an expenditure equal to or greater than \$40,000,000 and for which the award process is underway on or begins after that date;

WHEREAS, under section 86 of the Integrity in Public Contracts Act, despite the expenditure amount specified in section 85 of the Act or determined by the Government under section 21.17 of the Act respecting contracting by public bodies, the Government may, before 31 March 2016, determine that Chapter V.2 of that Act applies to a category of public contracts or subcontracts or to contracts or subcontracts deemed to be public contracts or subcontracts under that Act other than the categories determined under those sections or to groups of public contracts or subcontracts or to contracts or subcontracts deemed to be public contracts or subcontracts under that Act, whether

or not they are of the same category, and the Government may also determine special terms for the applications for authorization that enterprises must file with the Autorité des marchés financiers in respect of such contracts or subcontracts;

WHEREAS, under subparagraph 1 of the second paragraph of section 3 of the Act respecting contracting by public bodies, public-private partnership contracts entered into for the purposes of a public infrastructure project carried out under a public-private partnership within the meaning of the Act respecting Infrastructure Québec (chapter I-8.2) are subject to the Act respecting contracting by public bodies, whether or not they involve public expenditure;

WHEREAS it is expedient that public-private partnership contracts entered into for the purposes of a public infrastructure project carried out under a public-private partnership within the meaning of the Act respecting Infrastructure Québec that involve an expenditure amount equal to or greater than \$40,000,000 be governed by the new authorization regime introduced by Chapter V.2 of the Act respecting contracting by public bodies;

WHEREAS section 100 of the Integrity in Public Contracts Act provides that a decision of the Government made under section 86 of the Act comes into force on the date of its adoption or on any later date specified in it, must be published in the *Gazette officielle du Québec* as soon as possible and sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to that decision;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) apply to the public-private partnership contracts entered into by a public body referred to in that Act or by a body referred to in sections 7 and 7.1 of that Act for the purposes of a public infrastructure project carried out under a public-private partnership within the meaning of the Act respecting Infrastructure Québec (chapter I-8.2) that involve an expenditure equal to or greater than \$40,000,000;

THAT this Order in Council come into force on 13 February 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

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