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Laws and Regulations

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Summary

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Regulations and other Acts

Gouvernement du Québec

O.C. 435-2015, 27 May 2015

Integrity in Public Contracts Act
(2012, chapter 25)

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

Service contracts and subcontracts involving an expenditure equal to or greater than \$1,000,000

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

WHEREAS the Act amends the Act respecting contracting by public bodies (chapter C-65.1), to introduce Chapter V.2 concerning prior authorization for public contracts or public subcontracts, and amends 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 and the amount may vary according to the category of contract;

WHEREAS, under section 573.3.3.3 of the Cities and Towns Act (chapter C-19), section 938.3.3 of the Municipal Code of Québec (chapter C-27.1), section 118.1.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 111.1.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), section 41.1 of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) and section 108.1.2 of the Act respecting public transit authorities (chapter S-30.01), 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 contract of a municipality, a metropolitan community, a mixed enterprise company or a public transit authority, as the case may be, 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 the sections of the Act respecting contracting by public bodies, 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, metropolitan community, mixed enterprise company or public transit authority is deemed to be a public body;

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 Order in Council 796-2014 dated 10 September 2014, the contracts and subcontracts referred to in section 21.17 of the Act respecting contracting by public bodies are, since 24 October 2014, service contracts and subcontracts and construction contracts and subcontracts involving an expenditure equal to or greater than \$5,000,000 and for which the award process has begun since that date;

WHEREAS that Act provides the flexibility required to progressively reduce the amounts of the contracts and subcontracts for which an authorization issued under Chapter V.2 of the Act respecting contracting by public bodies must be obtained;

WHEREAS it is expedient to reduce again the amount of service contracts and subcontracts for which such authorization is required;

WHEREAS section 21.44 of the Act respecting contracting by public bodies provides that a decision of the Government under the first paragraph of section 21.17 of the Act comes into force on the 30th day after its publication in the *Gazette officielle du Québec* or on any later date specified therein and sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to that decision;

WHEREAS, therefore, on the recommendation of the Minister responsible for Government Administration and Ongoing Program Review and the Minister of Municipal Affairs and Land Occupancy:

THAT, for the purposes of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), the service contracts and subcontracts covered be, as of the date of coming into force of this Order in Council, service contracts and subcontracts involving an expenditure equal to or greater than \$1,000,000, including, if applicable, the amount of the expenditure that would be incurred if all renewal options were exercised, and for which the award process begins as of that date;

THAT this Order in Council come into force on 2 November 2015.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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

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