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Laws and Regulations

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Summary

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (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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Coming into force of Acts

Gouvernement du Québec

O.C. 945-2015, 28 October 2015

An Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58)

— Coming into force of section 92 of the Act

COMING INTO FORCE of section 92 of the Act to amend various legislative provision principally to tighten the regulation of the financial sector

WHEREAS the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58) was assented to on 4 December 2009;

WHEREAS, under section 187 of that Act, the Act comes into force on 4 December 2009, except sections 28 to 31, which came into force on 1 January 2010, and paragraph 1 of section 5, section 13, section 18 to the extent that it enacts the second paragraph of section 40.2. of the Deposit Insurance Act (R.S.Q., c. A-26), sections 75, 91, 92, 100, 111, paragraph 2 of section 138 and sections 139 to 153, 158, 159 and 177, which come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 294-2010 dated 31 March 2010, sections 139 to 153 of the Act came into force on 1 May 2010;

WHEREAS, by Order in Council 632-2010 dated 7 July 2010, the provisions of section 13 of the Act came into force on 15 July 2010;

WHEREAS, by Order in Council 153-2012 dated 29 February 2012, sections 158, 159 and 177 of the Act came into force on 13 April 2012;

WHEREAS, by Order in Council 338-2012 dated 4 April 2012, section 91, amended by section 79 of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund (2011, c. 18), sections 100, 111, and paragraph 2 of section 138 of the Act to amend various legislative provisions principally to tighten

the regulation of the financial sector (2009, c. 58), amended by paragraph 1 of section 83 of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund (2011, c. 18), of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector, came into force on 20 April 2012;

WHEREAS it is expedient to set the date of coming into force of section 92 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector;

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

THAT 28 October 2015 be fixed as the date of coming into force of section 92 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58).

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

102349

Regulations and other Acts

Gouvernement du Québec

O.C. 935-2015, 28 October 2015

Environment Quality Act
(chapter Q-2)

Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Environment Quality Act

WHEREAS, under subparagraph *f* of the first paragraph of section 31 of the Environment Quality Act (chapter Q-2), the Government may make regulations to determine the terms and conditions whereunder an application for a certificate of authorization of plans and specifications or projects must be made to the Minister under sections 22 and 24 of the Act, classify for that purpose the structures and industrial processes, industries, works, activities and projects and, as the case may be, withdraw certain classes of them from all or part of the Act;

WHEREAS the Government made the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

WHEREAS, under section 11 of the Regulations Act (chapter R-18.1), a proposed regulation may not be made before the expiry of the period indicated, in particular, in the Act under which the proposed regulation may be made;

WHEREAS, under the first paragraph of section 124 of the Environment Quality Act, any draft regulation prepared under the Act may not be adopted before the expiry of a 60-day period following its publication in the *Gazette officielle du Québec*;

WHEREAS, under section 12 of the Regulations Act, a proposed regulation may be made without having been published, in particular if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made;

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

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

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication of the Regulation to amend the Regulation respecting the application of the Environment Quality Act and its coming into force on the date of its publication:

— Projects to construct or relocate a 735-kV power transmission line over a distance of more than 2 km and of any switching or transformer substation associated with it that were already authorized by the Government, but that require the Minister's authorization, must be able to move forward, such as Hydro-Québec's 735-kV Chamouchouane-Bout-de-l'Île strategic project, authorized by Décret 355-2015 dated 22 April 2015;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Environment Quality Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting the application of the Environment Quality Act, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Environment Quality Act

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpar. f)

1. The Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3) is amended in section 8 by replacing the fourth paragraph by the following:

“The first and second paragraphs do not apply where the application for a certificate of authorization concerns either of the following activities, insofar as they are authorized under section 31.5 or 31.6 of the Environment Quality Act (chapter Q-2):

(1) the reconstruction of an interchange in an urban area, consisting of a set of lanes to connect an autoroute to another autoroute or a road, including all the components of the project, in particular the associated infrastructures as well as the works and installations needed for their development and management;

(2) the construction or relocation of a 735-kV power transmission and distribution line over a distance of more than 2 km and of any switching or transformer substation associated with it, including the associated infrastructures as well as the works and installations needed for their development and management.”

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

102348

Gouvernement du Québec

O.C. 965-2015, 28 October 2015

An Act respecting collective agreement decrees
(chapter D-2)

Non-structural metalwork industry – Montréal — Amendment

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government made the Decree respecting the non-structural metalwork industry in the Montréal region (chapter D-2, r. 14);

WHEREAS, under sections 4 and 6.1 of the Act, the contracting parties designated in the Decree have applied to the Minister for amendments to be made to the Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region was published in Part 2 of the *Gazette officielle du Québec* of 1 October 2014 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with sections 5 and 8 of the Act respecting collective agreement decrees, a notice was also published in a French language newspaper and in an English language newspaper on the same date;

WHEREAS an erratum concerning the draft Decree was published in Part 2 of the *Gazette officielle du Québec* of 15 October 2014;

WHEREAS, under section 7 of the Act and despite section 17 of the Regulations Act, a decree comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region

An Act respecting collective agreement decrees
(chapter D-2, ss. 4 and 6.1)

1. The Decree respecting the non-structural metalwork industry in the Montréal region (chapter D-2, r. 14) is amended in section 5.01 by replacing paragraph 1 by the following:

“(1) zone 1:

Trades	As of 11 November 2015
(a) specialized brake press operator and mechanic	\$24.33
(b) fitter and blacksmith	\$22.20
(c) brake press operator, blade shear operator, buffer	\$21.83
(d) trailer-truck driver	\$21.14
(e) production worker A	\$20.81
(f) truck driver	\$20.81
(g) production worker B and painter	\$15.36
(h) labourer	\$14.33”.

2. Section 6.02 is amended by inserting the following at the end of the first paragraph:

“Holiday pay for general holidays between 23 December and 2 January is equal to 8 times the hourly rate for a maximum of 40 hours per week.”.

3. Section 13.04 is amended by replacing the second paragraph by the following:

“In addition, the employer reimburses

(a) a maximum amount of \$400 every 2 years for the purchase of glasses with a safety frame prescribed to the employee who is required to wear such glasses for work. The amount is paid only on presentation of vouchers;

(b) an amount of \$160 yearly for the purchase of safety boots that comply with standard CAN/CSA-Z195-02 to an employee having 1 year of continuous service. The amount is to be paid on 1 September of each year.”.

4. Section 17.01 is amended by replacing “30 May 2012” and “year 2012” by “30 May 2016” and “year 2016” respectively.

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

102350

Gouvernement du Québec

O.C. 966-2015, 28 October 2015

An Act respecting occupational health and safety (chapter S-2.1)

Occupational health and safety in mines — Amendment

Regulation to amend the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 7 and 19 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety in mines was published in Part 2 of the *Gazette officielle du Québec* of 15 April 2015 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission adopted, without amendment, the Regulation to amend the Regulation respecting occupational health and safety in mines at its sitting of 17 September 2015;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting occupational health and safety in mines, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety in mines

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par, subpars. 7 and 19)

1. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended in section 27 by inserting “283, 283.1,” after “214,”.

2. Section 71 is amended in subparagraph 4 of the third paragraph by striking out “with full face piece”.

3. The following is inserted after section 232.1:

“**232.2.** An electrical hoisting plant, Blair multi-rope type, must be equipped with

(1) a rope tension balancing system installed at the headsheaves;

(2) a failure detection device for the tension balancing system;

(3) at least 2 fastening points independently linked to the conveyance;

(4) a continuous monitoring device for the load conveyed.”.

4. The following is inserted after 253.1:

“**253.2.** An automated hoist installed as of 26 November 2015 must be equipped with a monitoring system for the load conveyed.

The load monitoring system must open the safety circuit when the load on the rope reaches, over all the distance of the travel, the following values in either situation:

(1) slack rope situation:

the load is less than 60% of the weight of the empty conveyance;

(2) tensed rope situation:

the load exceeds the maximum static load on the rope plus a load corresponding to 10% of the rope’s initial breaking strength.

The opening of the safety circuit must immobilize the hoist by cutting off the power supply to the motor and by automatically applying the brakes.”.

5. Sections 283 and 283.1 are amended by adding the following paragraph at the end:

“Each telephone connection jack must be inspected every 6 months. The inspections’ result must be recorded in a register.”.

6. Section 538 is amended by replacing “amended or replaced by” by “inconsistent with”.

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

102351

Gouvernement du Québec

O.C. 967-2015, 28 October 2015

An Act respecting workforce vocational training and qualification (chapter F-5)

Certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels —Amendment

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

WHEREAS, under subparagraph *h* of the first paragraph of section 30 of the Act respecting workforce vocational training and qualification (chapter F-5), the Government may make regulations to ensure the efficient carrying out of the Act and, in particular, fix the duties exigible for the taking of examinations and the issue or renewal of the certificate of qualification;

WHEREAS the Government made the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels was published in Part 2 of the *Gazette officielle du Québec* of 6 May 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with-out amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

An Act respecting workforce vocational training and qualification
(chapter F-5, s. 30, 1st par., subpar. *h*)

1. The Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2) is amended in section 27 by adding the following paragraph at the end:

“The holder of more than one of the apprenticeship cards referred to in this Regulation or in the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) is required to pay the duties exigible for a single annual renewal. The holder may also be issued a duplicate of a card on written application to the Minister and payment of the duties exigible.”

2. Section 28 is amended by striking out “, without paying duties.”

3. Section 30 is replaced by the following:

“**30.** A certificate of qualification is renewed, on written application, where the holder has taken the training required, if applicable, under section 31 and pays the duties exigible. In the case of an application for renewal of more than one of the certificates referred to in this Regulation or in the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1), the holder is required to pay the duties exigible for a single renewal.”

4. Section 32 is amended by inserting the following after the first sentence:

“The person must pay the duties exigible for qualification readmission.”

5. Section 33 is replaced by the following:

“**33.** A person whose certificate of qualification has lapsed for 6 consecutive years or less must, for a certificate to be issued, comply with the requirements provided for in section 31, if applicable, and pay the duties exigible for the renewal of a certificate of qualification. The person must also pay the duties for qualification readmission if the certificate has been expired for more than 1 year.”

6. Section 34 is replaced by the following:

“**34.** The duties exigible are as follows:

(1) registration for apprenticeship and issue of apprenticeship card: \$111;

(2) annual renewal of one or more apprenticeship cards: \$55.50;

(3) registration for a qualification examination: \$111;

(4) registration for a make-up examination: \$111;

(5) issue of a certificate of qualification following an exemption from a qualification examination under section 9 or 9.1: \$55.50;

(6) issue of a certificate of qualification following an exemption from a qualification examination under section 10 or 10.1: \$111;

(7) renewal of a certificate of qualification or of a restricted certificate of qualification: \$70;

(8) issue of a duplicate of a certificate of qualification or of an apprenticeship card: \$33.50;

(9) qualification readmission: \$111.”

7. Sections 41 and 42 are amended by striking out “, without paying duties,” and “In case of failure at that examination, the duties exigible apply for a make-up examination.”

8. The provisions of this Regulation, as they read on 25 November 2015 continue to apply to the applications submitted under the Regulation before 26 November 2015.

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

102352

Gouvernement du Québec

O.C. 968-2015, 28 October 2015

An Act respecting workforce vocational training and qualification
(chapter F-5)

Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry — Amendment

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry

WHEREAS, under the first paragraph of section 30 of the Act respecting workforce vocational training and qualification (chapter F-5), the Government may make regulations to ensure the efficient carrying out of the Act;

WHEREAS the Government made the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 6 May 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry

An Act respecting workforce vocational training and qualification
(chapter F-5, s. 30)

1. The Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) is amended in section 3

(1) by replacing “refrigeration systems (SF) “ and “combustion and heating apparatus when such apparatus is an integral part of an air conditioning or refrigeration system” in paragraph 7 by “Class 1 refrigeration systems (SF-1)” and “apparatus allowing both heating and air conditioning”, respectively;

(2) by inserting the following after paragraph 7:

“(7.1) Class 2 certificate in refrigeration systems (SF-2) for the installation, maintenance, repair, renewal or alteration of refrigeration systems for air conditioning purposes of a capacity between 200 W and 20 kW that use refrigerants classified in group A1 or A2 according to the classification provided for in Clause 4.4 of the Mechanical Refrigeration Code (CAN/CSA B52), 2005 edition, published by the Canadian Standards Association, taking into account the amendments that may be made to it, including the piping, apparatus, accessories and other devices necessary for the production of cold by the systems and for the distribution of the fluids and refrigerating mediums, as well as work on apparatus allowing both heating and air conditioning the capacity of which does not exceed 40 kW;”.

2. Section 21 is amended by adding the following at the end:

“The holder of more than one of the apprenticeship cards referred to in this Regulation or in the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2) is required to pay the duties exigible for a single annual renewal. The holder may also be issued a duplicate of a card on written application to the Minister and payment of the duties exigible.”

3. Section 22 is amended by striking out “, without paying duties.”

4. Section 24 is replaced by the following:

“**24.** A certificate of qualification is renewed, on written application, where the holder has taken the training required, if applicable, under section 25 and pays the duties exigible. In the case of an application for renewal of more than one of the certificates referred to in this Regulation or in the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2), the holder is required to pay the duties exigible for a single renewal.”

5. Section 26 is amended by inserting the following after the first sentence:

“The person must pay the duties exigible for qualification readmission.”

6. Section 27 is replaced by the following:

“**27.** A person whose certificate of qualification has lapsed for 6 consecutive years or less must, for a certificate to be issued, comply with the requirements provided for in section 25, if applicable, and pay the duties exigible for the renewal of a certificate of qualification. The person must also pay the duties for qualification readmission if the certificate has been expired for more than 1 year.”

7. Section 28 is replaced by the following:

“**28.** The duties exigible are as follows:

(1) registration for apprenticeship and issue of apprenticeship card: \$111;

(2) annual renewal of one or more apprenticeship cards: \$55.50;

(3) registration for a qualification examination: \$111;

(4) registration for a make-up examination: \$111;

(5) issue of a certificate of qualification following an exemption from a qualification examination under the second paragraph of section 5 or section 7 or 7.1: \$111;

(6) renewal of a certificate of qualification or of a restricted certificate of qualification: \$70;

(7) issue of a duplicate of a certificate of qualification or of an apprenticeship card: \$33.50;

(8) qualification readmission: \$111.”

8. The following is inserted after section 36.1:

“**36.2.** A certificate of qualification in refrigeration systems (SF) in force on 1 January 2016 is held to be a Class 1 certificate of qualification in refrigeration systems (SF-1) and remains valid until its expiry date.”

9. The provisions of this Regulation, as they read on 25 November 2015 continue to apply to the applications submitted under the Regulation before 26 November 2015.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 1, which comes into force on 1 January 2016.

102353

Gouvernement du Québec

O.C. 980-2015, 4 November 2015

An Act respecting the lands in the domain of the State (chapter T-8.1)

Sale, lease and granting of immovable rights on lands in the domain of the State
— **Amendment**

Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State

WHEREAS, under subparagraph 3 of the first paragraph of section 71 of the Act respecting the lands in the domain of the State (chapter T-8.1), the Government may, by regulation, determine the general conditions and the rules for computing the prices, rentals, fees or other costs regarding sales, leases, exchanges, gratuitous transfers, occupation licences and the granting of any other right;

WHEREAS, under the second paragraph of section 71 of the Act, regulations made under subparagraph 3 of the first paragraph of section 71 may prescribe different conditions, prices and fees according to the categories of users and the zones or territories indicated by the Government;

WHEREAS, under subparagraph 7 of the first paragraph of section 71 of the Act, the Government may, by regulation, establish the rules and conditions under which persons may have access to and stay on any land, and specify the circumstances under which access to or staying on the land may be prohibited;

WHEREAS the Government made the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State was published in Part 2 of the *Gazette officielle du Québec* of 15 July 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State

An Act respecting the lands in the domain of the State (chapter T-8.1, s. 71, 1st par., subpars. 3 and 7, and 2nd par.)

1. The Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) is amended in section 2

(1) by replacing “techniques” in the first paragraph by “approaches”;

(2) by replacing the second paragraph by the following:

“Despite the foregoing, land may also be sold or leased at the substitution price fixed by this Regulation if the land is not located in the territory of a local municipality or if the land is located in the territory of the Municipalité régionale de comté du Golfe-du-Saint-Laurent or in the territory of the Kativic Regional Government.”;

(3) by striking out the third paragraph.

2. Section 5 is amended in the first paragraph

(1) by inserting “the assessment of the market value of land, registration for a drawing of lots, a quitance, a release,” after “a right in land,”;

(2) by replacing “3” by “2”.

3. Section 21 is amended by inserting “Unless otherwise provided for,” at the beginning of the first paragraph.

4. Section 28.1 is amended in subparagraph 3 of the second paragraph by replacing “6” by “5”.

5. Section 35.2 is amended

(1) by striking out “telecommunication towers,”;

(2) by replacing “techniques” by “approaches”.

6. The following is inserted after section 35.2:

“§7. *Lease for the implementation of telecommunication equipment*

35.3. Telecommunication equipment referred to in this subdivision is the apparatus, facilities and other works allowing the transmission of electronic communication signals, including a telecommunication tower.

35.4. The rent for land in the domain of the State leased for the implementation of telecommunication equipment is determined on the basis of the administrative region where the land is located, the proximity of the land to inhabited zones and its area.

The annual rent is calculated as follows:

(1) determine the reference rent of the zone according to the grid established in section 18 of Schedule I;

(2) multiply the reference rent of the zone by one of the following percentages:

(a) 100% if the area of the land is less than 5,000 square metres;

(b) 120% if the area of the land is from 5,000 to 14,999 square metres;

(c) 140% if the area of the land is from 15,000 to 24,999 square metres;

(d) 160% if the area of the land is more than 24,999 square metres;

(3) add, if applicable, an amount equal to 30% of the reference rent of the zone for each third person or for each corporation affiliated with the lessee that has installed additional telecommunication equipment on the land or on the lessee's equipment;

(4) round up the annual rent obtained to the nearest dollar if the fraction of a dollar is \$0.50 or more, and round down to the nearest dollar if otherwise.

Where all the telecommunication equipment is exclusively intended to provide public security services, the annual rent corresponds to 1% of the market value of the leased land.

35.5. If, during the lease, another third person or corporation affiliated with the lessee installs additional telecommunication equipment on the land or on the lessee's equipment, the lessee must first notify the Minister and enter into a new lease with the Minister. The annual rent is adjusted in accordance with the provisions of the second paragraph of section 35.4.

35.6. Upon the renewal of a lease signed before 1 January 2016, any increase in rent is spread evenly over a 3-year period.

As of the year following the increase and until the end of the period over which the increase is spread, the rent is adjusted according to the indexing procedure provided for in section 3.

7. Section 36.1 is amended by inserting “, subject to subparagraph 1 of the first paragraph of section 36.2” after “campsite”.

8. The following is inserted after section 36.1:

“**36.1.1.** Camping is allowed on the lands in the domain of the State, except on the lands located on Île au Boeuf, Île au Cochon, Île aux Crapauds, Île aux Hérons, Île Sainte-Thérèse, Île aux Vaches and Île au Veau which form part of the territory Varennes.”

9. Section 36.2 is replaced by the following:

“**36.2.** Every person who camps on the lands in the domain of the State must

(1) use mobile and temporary camping equipment not attached to the ground;

(2) leave the occupied site at the end of a stay that may not exceed 7 months during a single year;

(3) remove, at the end of the stay, the camping equipment from the occupied site, clean the site, restore it to its original condition and take away his or her garbage.

For the purposes of this section, the expression “occupied site” includes the space within a 1 km radius of that site.”

10. Section 36.4 is revoked.

11. Section 39 is amended in the first paragraph

(1) by inserting “for the examination of the application” after “payable”;

(2) by replacing “paragraph 1 of section 3” by “paragraph 8 of the first paragraph of section 2”.

12. Sections 46.1 and 46.2 are amended by replacing “paragraph 1 of section 3” by “paragraph 9 of the first paragraph of section 2”.

13. Section 48 is amended by replacing “36.2 to 36.4” by “36.1.1 to 36.3”.

14. Section 1 of Schedule I is amended by replacing “25” by “108”.

15. Section 2 of Schedule I is replaced by the following:

“**2.** In addition to the administration fees provided for in section 1 of Schedule I, the following fees are also payable:

(1) \$1,000 for the sale and exchange of a parcel of land;

(2) \$328 for the lease of a parcel of land, including for the issue of a lease, its transfer, its amendment at the lessee's request and for its renewal;

(3) \$1,000 to establish a servitude;

(4) \$1,000 for the assessment of the market value of a parcel of land with a view to selling or exchanging it or issuing a servitude on it;

- (5) \$27 for registration in a drawing of lots;
- (6) \$328 for a quittance or release;
- (7) \$328 for a waiver of a restrictive clause appearing in letters patent or in a deed of sale or for an amendment thereto;
- (8) \$328 for the examination of an application for the purchase or lease of land for commercial or industrial purposes submitted pursuant to section 39;
- (9) \$1,000 for an authorization granted pursuant to section 46.1 or 46.2.

Additional fees of \$761 are payable when a parcel of land is sold or leased as part of a cottage development project carried out by the Minister.”.

- 16.** Section 3 of Schedule I is revoked.
- 17.** Sections 5, 7, 8 and 11 of Schedule I are amended by replacing “260” by “283”.
- 18.** Section 5 of Schedule I is amended by replacing “0.75” by “0.8159”.
- 19.** Section 6 of Schedule I is amended by replacing “400” by “435”.

20. Section 7 of Schedule I is amended by inserting “, 35.1” after “28.4”.

21. Sections 7, 9 and 10 of Schedule I are amended by replacing “100” by “108”.

22. Section 8 of Schedule I is amended

- (1) by replacing “0.06” by “0.0652”;
- (2) by replacing “80” by “87”.

23. Section 10 of Schedule I is amended by replacing “150” by “163”.

24. Section 12 of Schedule I is amended by replacing “0.009” by “0.0098”.

25. Section 13 of Schedule I is amended by replacing “50” by “55”.

26. Section 16 of Schedule I is amended

- (1) by replacing “0.03” by “0.0328”;
- (2) by replacing “300” by “328”.

27. Section 17 of Schedule I is replaced by the following:

“17. For the purposes of section 28.1, the urban poles and reference values of land rated 100 according to the corresponding years are as follows:

Urban poles	100-rated reference value on 1 January 2016	100-rated reference value on 1 January 2017	100-rated reference value on 1 January 2018	100-rated reference value on 1 January 2019	100-rated reference value on 1 January 2020
Municipalité de Chénéville	\$24,200	\$28,100	\$31,900	\$35,800	\$39,600
Municipalité de La Pêche	\$25,000	\$25,900	\$26,900	\$27,800	\$28,800
Municipalité Les Escoumins	\$4,900	\$5,000	\$5,100	\$5,200	\$5,300
Municipalité Les Îles-de-la-Madeleine	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Municipalité de Saint-Donat	\$25,200	\$28,900	\$32,500	\$36,200	\$39,800
Municipalité de Sainte-Thècle	\$31,300	\$38,600	\$45,900	\$53,200	\$60,500
Municipalité de Saint-Michel-des-Saints	\$13,700	\$16,600	\$19,500	\$22,400	\$25,300
Municipalité de Val-des-Monts	\$51,300	\$64,200	\$77,100	\$90,000	\$102,900
Paroisse de Saint-Alexis-des-Monts	\$25,800	\$25,800	\$25,800	\$25,800	\$25,800
Paroisse de Saint-Côme	\$16,200	\$18,000	\$19,900	\$21,700	\$23,500

Urban poles	100-rated reference value on 1 January 2016	100-rated reference value on 1 January 2017	100-rated reference value on 1 January 2018	100-rated reference value on 1 January 2019	100-rated reference value on 1 January 2020
Village de Fort-Coulonge	\$20,800	\$24,900	\$28,900	\$33,000	\$37,000
Ville d'Alma	\$10,600	\$12,500	\$14,400	\$16,300	\$18,200
Ville d'Amos	\$14,300	\$16,700	\$19,000	\$21,400	\$23,700
Ville d'Amqui	\$8,600	\$9,600	\$10,500	\$11,500	\$12,400
Ville de Baie-Comeau	\$5,800	\$5,800	\$5,800	\$5,800	\$5,800
Ville de Carleton-sur-Mer	\$4,800	\$5,500	\$6,300	\$7,000	\$7,700
Ville de Chandler	\$6,500	\$6,900	\$7,400	\$7,800	\$8,300
Ville de Chibougamau	\$11,400	\$14,400	\$17,500	\$20,500	\$23,500
Ville de Forestville	\$5,400	\$6,000	\$6,700	\$7,300	\$7,900
Ville de Gaspé	\$6,400	\$6,800	\$7,100	\$7,500	\$7,900
Ville de La Malbaie	\$15,200	\$19,700	\$24,100	\$28,600	\$33,000
Ville de La Pocatière	\$13,800	\$17,500	\$21,300	\$25,000	\$28,700
Ville de La Sarre	\$4,800	\$4,800	\$4,800	\$4,800	\$4,800
Ville de La Tuque	\$15,700	\$15,700	\$15,700	\$15,700	\$15,700
Ville de Maniwaki	\$28,700	\$32,500	\$36,300	\$40,100	\$43,900
Ville de Matagami	\$5,300	\$5,800	\$6,200	\$6,700	\$7,200
Ville de Matane	\$10,700	\$11,800	\$13,000	\$14,100	\$15,200
Ville de Mont-Laurier	\$16,500	\$17,800	\$19,100	\$20,500	\$21,800
Ville de Montmagny	\$19,100	\$21,400	\$23,700	\$26,000	\$28,300
Ville de Mont-Tremblant	\$25,900	\$30,100	\$34,400	\$38,600	\$42,900
Ville de Paspébiac	\$2,600	\$2,800	\$2,900	\$3,100	\$3,300
Ville de Port-Cartier	\$3,000	\$3,100	\$3,200	\$3,300	\$3,400
Ville de Rimouski	\$10,600	\$11,700	\$12,700	\$13,800	\$14,800
Ville de Rivière-du-Loup	\$16,300	\$16,400	\$16,400	\$16,400	\$16,400
Ville de Rivière-Rouge	\$21,800	\$26,800	\$31,900	\$36,900	\$41,900
Ville de Roberval	\$9,100	\$9,600	\$10,100	\$10,500	\$11,000
Ville de Rouyn-Noranda	\$11,300	\$11,800	\$12,200	\$12,700	\$13,200
Ville de Saguenay (borough of Chicoutimi)	\$13,400	\$17,200	\$21,000	\$24,800	\$28,600
Ville de Saguenay (borough of La Baie)	\$11,900	\$14,200	\$16,500	\$18,800	\$21,100
Ville de Saint-Félicien	\$9,400	\$10,100	\$10,800	\$11,500	\$12,200
Ville de Saint-Georges	\$15,400	\$20,000	\$24,500	\$29,000	\$33,600
Ville de Saint-Raymond	\$20,300	\$26,100	\$32,000	\$37,800	\$43,700
Ville de Senneterre	\$13,600	\$15,600	\$17,700	\$19,700	\$21,800

Urban poles	100-rated reference value on 1 January 2016	100-rated reference value on 1 January 2017	100-rated reference value on 1 January 2018	100-rated reference value on 1 January 2019	100-rated reference value on 1 January 2020
Ville de Sept-Îles	\$3,000	\$3,100	\$3,200	\$3,300	\$3,400
Ville de Sainte-Anne-des-Monts	\$4,500	\$5,400	\$6,300	\$7,200	\$8,100
Ville de Témiscaming	\$11,900	\$14,300	\$16,600	\$19,000	\$21,300
Ville de Témiscouata-sur-le-Lac	\$17,000	\$17,400	\$17,800	\$18,200	\$18,600
Ville de Val-d'Or	\$18,700	\$22,900	\$27,200	\$31,400	\$35,700
Ville de Ville-Marie	\$4,800	\$4,800	\$4,800	\$4,800	\$4,800

”.

28. The following is inserted after section 17 of Schedule I:

“**18.** For the purposes of section 35.4, the reference rent for a zone is determined according to the following grid:

Reference rents per zone	Zone 1	Zone 2	Zone 3
Nearby Zone	\$7,000	\$5,000	\$3,000
Remote Zone	\$3,500	\$2,500	\$1,500

The following regions and sectors are considered as forming part of the zones:

(1) Zone 1: the administrative regions of the Capitale-Nationale, Lanaudière, Laurentides, Laval, Montérégie and Montréal;

(2) Zone 2: the administrative regions of Abitibi-Témiscamingue, Centre-du-Québec, Chaudière-Appalaches, Estrie, Mauricie, Outaouais and Saguenay-Lac-Saint-Jean;

(3) Zone 3: the administrative regions of Bas-Saint-Laurent, Côte-Nord, Gaspésie-Îles-de-la-Madeleine and Nord-du-Québec;

(4) Nearby Zone: the sector located inside the population ecumene, as defined by Statistics Canada for the 2011 census year;

(5) Remote Zone: the sector located outside the population ecumene, as defined by Statistics Canada for the 2011 census year.

The administrative regions are delimited with reference to the description and map of the boundaries in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (chapter D-1, r. 1).”.

29. This Regulation comes into force on 1 January 2016.

102354

M.O., 2015

Order number 3697 of the Minister of Justice dated 29 October 2015

An Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts (chapter R-2.2.0.0.3)

Voluntary Reimbursement Program

THE MINISTER OF JUSTICE,

CONSIDERING section 3 of the Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts, which provides for the publication by the Minister of Justice in the *Gazette officielle du Québec* of a voluntary, fixed-term reimbursement program to make it possible for an enterprise or a natural person mentioned in the Act to reimburse certain amounts improperly paid in the course of the tendering, awarding or management of a public contract in relation to which there may have been fraud or fraudulent tactics;

CONSIDERING the publication of a draft voluntary reimbursement program in Part 2 of the *Gazette officielle du Québec* dated 23 September 2015 in accordance with section 4 of the Act, together with a notice stating that the program may be established by the Minister of Justice on the expiry of 30 days following the publication;

CONSIDERING that the 30-day period has expired;

CONSIDERING the comments received;

ORDERS AS FOLLOWS:

The amended Voluntary Reimbursement Program, as appended to this order, is hereby established.

Québec, 29 October 2015

STÉPHANIE VALLÉE,
Minister of Justice

Voluntary reimbursement program

An Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts (chapter R-2.20.0.3, a. 3 and 4)

DIVISION I PROGRAM PURPOSE AND MANAGEMENT

1. The Voluntary Reimbursement Program makes it possible for every natural person and every enterprise to reimburse certain amounts improperly paid by a public body in the course of the tendering, awarding or management of a public contract entered into after 1 October 1996 in relation to which there may have been fraud or fraudulent tactics.

2. The Program is under the management of the person designated by the Government to act as the “Program Director” (hereafter the “Director”) pursuant to section 6 of the Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts (chapter R-2.2.0.0.3) (hereafter the “Act”).

3. The functions of the Director are to receive and analyse reimbursement proposals from natural persons and enterprises wishing to avail themselves of the Program, make recommendations to the Minister and attempt to bring the public bodies for which a settlement proposal has been made to an agreement with the natural person or enterprise. For that purpose, the Director helps the parties communicate, negotiate, identify their interests, assess their positions and reach a mutually satisfactory settlement.

4. Anything said or written within the framework of the Program is confidential and cannot be admitted in evidence unless the Minister and the natural person or enterprise participating in the Program agree otherwise.

The Director, Minister, public body, enterprise or natural person participating in the Program, or any person representing them, cannot be compelled to disclose anything they hear or learn within the framework of the Program. Nor can they be compelled to produce a document prepared or obtained within that framework before a court of justice, before a person or body of the administrative branch exercising adjudicative functions or before any other person or body having the power to summon witnesses, gather evidence and require the production of documents.

5. The Director may be assisted by any person in the performance of duties. In that case, the person has the same protections and obligations as the Director.

DIVISION II PROGRAM PARTICIPATION CONDITIONS

6. Every natural person or enterprise wishing to participate in the Program must undertake in writing to abide by its rules.

7. The fact that a natural person or an enterprise participates in the Program does not constitute an admission of liability or of a fault committed by the natural person or enterprise.

8. Every natural person or enterprise participating in the Program acknowledges that revealing information or sending documents within the Program framework does not restrict in any manner whatever a public body’s capacity to bring civil proceedings against the natural person or enterprise in relation to public contracts for which a settlement has not been reached under the Program or to which the Act does not apply.

Every natural person or enterprise acknowledges that participation in the Program and the conclusion of an agreement under it in no manner protects the natural person or enterprise, or its officers, against any penal or criminal proceedings that have been or may be brought in connection with public contracts entered into by the natural person or enterprise.

DIVISION III GENERAL RULES

9. The Director determines the rules governing analysis and negotiation of each settlement proposal, sets the timeframes and informs the parties of them.

10. The Director may extend for not more than 30 days the time periods set out in paragraphs 20 and 28 of the Program if the extension is considered by the Director to be conducive to an agreement being reached and does not operate to prevent other time periods under the Program from being varied.

11. The Minister may extend any time period under the Program if the extension is considered by the Minister to be conducive to an agreement being reached.

12. The entire process of analysing and negotiating a settlement proposal is confidential and limited to the parties.

The Director may, however, authorise a person to participate in a meeting if attendance by the person is considered necessary by the Director.

DIVISION IV PROGRAM OPERATION

13. Every natural person or enterprise wishing to participate in the Program must send the notice of intent form required by the Program to the Director not later than 1 November 2016, at the following address:

Bureau de l'Administrateur du programme de
remboursement volontaire
500, boulevard René-Lévesque Ouest, bureau 7.300
C. P.23
Montréal (Québec) H2Z 1W7

On receiving the notice, the Director makes it available to the Minister.

14. The notice of intent must indicate

(a) the name of the natural person or the enterprise wishing to participate and where applicable, the name of its representative;

(b) for an enterprise, a list of every natural or legal person for which a discharge is required;

(c) the contact information of the natural person or of the principal place of business of the enterprise and where applicable, of its representative;

(d) a list of the public bodies for which the natural person or the enterprise intends to submit a reimbursement proposal and for each public body, the year or years covered by the proposal; and

(e) the natural person's or the enterprise's willingness to have his, her or its participation in the Program made public.

The notice of intent must be sent with a letter signed by the natural person, or by a duly authorised person in the case of an enterprise, confirming that the natural person or the enterprise undertakes, unconditionally, to abide by the Program rules.

15. In the event that a natural person or an enterprise wishes to be sure that the list of bodies contracted with since 1 October 1996 is complete, the natural person or enterprise may request that the Director publish within 30 days, on the Director's website, a notice addressed to all public bodies to the effect that the natural person or enterprise will be making a proposal to the public bodies specified in the notice of intent. The Director informs the Minister before publishing such a notice.

The notice must also state that if public bodies not appearing on the list consider they have improperly paid amounts to the natural person or enterprise, they must so inform the Director and the Minister within 90 days after the notice is published. On receiving such information, the Minister makes it available to the Director.

Public bodies availing themselves of this section must also comply with sections 17 to 19.

The Director informs the natural person or enterprise that a public body not appearing in the notice has availed itself of this section and invite the natural person or enterprise to take that fact into account in the settlement proposal.

16. The Minister must, within 30 days, inform, in writing, each public body named in the notice that a natural person or enterprise intends to make a settlement proposal to the public body within the framework of the Program for contracts awarded in the years specified in the notice of intent.

17. A public body informed of a notice of intent must take the necessary steps to

(a) prepare a list of all the contracts awarded to the natural person or enterprise in the years covered by the notice;

(b) ascertain the amounts it may have improperly paid to the natural person or enterprise that sent the notice of intent for the years specified in the notice; and

(c) establish the main facts on the basis of which it is able to ascertain the amounts that may have been improperly paid by it.

The public body must compile as soon as possible all documents enabling it to establish amounts owing to it.

18. Not later than 60 days after being informed of a notice of intent, a public body must send to the Minister the name and contact information of its representative, if that has not already been done.

19. The information and documents compiled by the public body must be made available to the Minister on request.

20. Within 30 days after filing a notice of intent, a natural person or enterprise must file a settlement proposal with the Director, providing for each public body named in the notice

(a) a list of all contracts awarded for each year specified in the notice, regardless of whether they are covered by a settlement proposal;

(b) a list of all the contracts covered by a settlement proposal, the year of signature, all the addenda and the total amount paid by the public body for each contract;

(c) the settlement proposal and the method used to set the proposal amount; and

(d) the terms of payment.

21. In addition to the information required under section 20, and within the same time period, a natural person or enterprise must send to the Director

(a) the guarantees proposed to secure payment of the settlement proposal;

(b) the terms of the discharge sought; and

(c) if applicable, the terms of the public statement it intends to make if the settlement proposal is accepted.

22. A cheque for an amount equal to 2% of the amount offered must be sent to the Minister when the settlement proposal is sent to the Director. The amount will be used to pay the costs incurred in analyzing the settlement proposal and for participation in the Program. The amount is non refundable.

If the settlement proposal of a natural person or enterprise is accepted, a lump-sum amount equal to 10% of the accepted proposed must be added to cover Program costs. The amount of the deposit initially submitted is deducted from this amount.

23. Once filed, a settlement proposal cannot be withdrawn.

24. A natural person or enterprise must undertake to make known to the Director all the facts and information relevant to an assessment of the settlement proposal. The proposal must also be verifiable, meaning that the natural person or enterprise must make all the documents and information showing that its proposal is reasonable available to the Director.

25. Any omission or refusal on the part of a natural person or an enterprise to disclose material facts, information or documents regarding the notice of intent or settlement proposal may entail the Minister withdrawing the natural person or enterprise from the Program after a recommendation by the Director to that effect.

26. The Director assesses the settlement proposal using any analysis considered relevant by the Director for the purpose of making a recommendation to the Minister concerning the settlement proposal. The Director may request additional explanations from the natural person or enterprise and in such circumstances a reply to the Director is mandatory.

27. If a positive recommendation to the Minister cannot be made, the Director must so inform the natural person or enterprise making the settlement proposal to allow the natural person or enterprise to make the necessary modifications so that the Director may make a positive recommendation.

28. A settlement proposal must be sent by the Director to the Minister not later than 150 days after the filing of a notice of intent. In addition to the information required by section 20, the settlement proposal must be sent with the Director's preliminary recommendation.

29. The Director must also send the information required by section 21 to the Minister.

30. Within 30 days after receiving a settlement proposal, the Minister must send to the public body the issues in the proposal that concern the body, along with the total amount proposed by the natural person or enterprise.

31. Every public body for which a settlement proposal is made must, within 60 days after receiving it, inform the Minister in writing of its agreement or disagreement with the portion of the proposal that concerns it. In the event of disagreement, the notice of refusal must state the issues in the settlement proposal with which the public body is not in agreement, set out the main facts in support of the disagreement and contain a counter proposal.

On receiving a notice of refusal, the Minister makes it available to the Director.

A public body failing to send the notice of refusal within the required time is deemed to have accepted the settlement proposal.

32. The Director may, after informing the Minister, communicate with a public body that has sent a notice of refusal to obtain additional information, including the information compiled by the public body under section 17 of the Program.

33. Within 30 days after receiving one or more notices of refusal, the Director may convene the interested parties to a conciliation meeting. The Director invites the Minister to attend any conciliation meeting.

34. Conciliation must take place within a maximum of 150 days following receipt of a settlement proposal by the Minister.

35. Not later than 30 days before the deadline for a vote to be held under section 37, the Director must inform the Minister of his intention to maintain or modify his preliminary recommendation on the settlement proposals.

If the Director modifies his preliminary recommendation, the Minister must inform the public bodies concerned.

36. If the Director cannot make a favourable recommendation on a settlement proposal in its entirety, the Minister after informing the Director may have the public bodies vote only on the portions of the proposal that have received a favourable recommendation from the Director, or on the proposal in its entirety.

37. The public bodies for which a settlement proposal has been made must vote on the proposal within 210 days after it is received by the Minister.

38. A vote on the settlement proposal is not required if the proposal concerns only government departments, if no notice of refusal has been sent to the Director, or if no notice of refusal is still outstanding when the Director makes his final recommendation.

39. Each public body has one voting right for each dollar that concerns it in the amount covered by a settlement proposal submitted for a vote by the Minister.

40. To be accepted, a settlement proposal must be approved by public bodies holding at least 2/3 of the voting rights.

41. The Minister must determine the appropriate voting procedure in each case.

42. The Minister must inform the Director and the natural person or enterprise of the vote results.

43. Once accepted, the settlement proposal constitutes a transaction.

44. If a settlement proposal is accepted, the Minister must sign a discharge on behalf of the public bodies involved and send it to the natural person or enterprise after full payment has been made, or at any other previous time if the Minister is satisfied with the guarantees proposed.

If a natural person or enterprise obtains a discharge on the basis of false statements or a disclosure that is clearly incomplete, the discharge is without effect as regards the contracts for which false statements were made or for which there was clearly incomplete disclosure.

The Minister keeps the amounts paid by the natural person or enterprise, after deducting any amounts that may become payable as damages by the natural person or enterprise.

DIVISION V

FINAL

45. This Program comes into force on 2 November 2015 and ends on 1 November 2017.

46. At the termination of the Program, the Director must destroy all documents and information conveyed to him by the parties. All documents prepared by the Director and the Director's team within the framework of the Program must likewise be destroyed, except documents of an administrative nature that detail the use of the resources necessary to carry out the Director's mandate.

47. Within 6 months after the end of the Program, the Minister must report to the Government on its implementation. The report must state the names of the natural persons or enterprises having participated in the Program, the names of the public bodies involved and the aggregate amount reimbursed.

The report is to be tabled within the following 30 days in the National Assembly or, if the Assembly is not sitting, within 30 days of resumption.

48. This Program may be amended at any time by the Minister. It must be published on the websites of both the Ministère de la Justice and the Director.

102356

Draft Regulations

Draft Regulation

An Act to establish the new Code of Civil Procedure (2014, chapter 1)

Family mediation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting family mediation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is consequential to assent on 21 February 2014 to the Act to establish the new Code of Civil Procedure (2014, chapter 1), and reflects the amendments made to the family mediation rules by that Act. More specifically, reference is no longer made to an information session on the mediation process, but rather to a parenting and mediation information session, which is conducted only in a group setting. The draft Regulation strikes out the current provisions in the Regulation dealing with the tariff of fees that apply to an information session other than group sessions and to the mediator's report stating the absence of the parties or one of them at the information session, or mentioning a statement from a party that the party cannot attend an information session for a valid reason. It also sets out the maximum number of hours for which the Family Mediation Service will pay fees for services provided by one or two mediators, doing away with any reference to a number of sessions. The draft Regulation sets the time limit and procedure for claiming mediators' fees payable by the Service and the applicable terms of payment. In that respect, mediators are required to file their report with the Service within 12 months after the last mediation session, whether that session suspends or ends the mediation. Mediators who give a group parenting and mediation information session also have 12 months after the session to file a bill with the Service. Where, however, mediation is ordered by the court and the parties do not enter into mediation within the allotted time or the mediation has been entered into but is ended before the dispute is resolved, the mediator must send his or her report not later than 10 days following the expiry of that allotted time or after the date on which the mediation is ended. Lastly, the draft Regulation contains transitional provisions dealing with, among other things, the time limits within which mediators must claim fees.

Study of the file has shown no significant impact on citizens or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Annie Gauthier, Direction des orientations et politiques, Ministère de la Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 646-5580, extension 20172; fax: 418 646-4894; email: annie.gauthier@justice.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 of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting family mediation

An Act to establish the new Code of Civil Procedure (2014, chapter 1, a. 619)

1. The Regulation respecting family mediation (chapter C-25, r. 9) is amended by replacing the heading of Division II by the following:

**“DIVISION II
STANDARDS WITH WHICH A PERSON, BODY
OR ASSOCIATION ACTING AS CERTIFIER MUST
COMPLY”.**

2. The heading of Division III of the French text is replaced by the following:

**“SECTION III
TARIF DES HONORAIRES”.**

3. Section 10 is replaced by the following:

“10. Where the interests of the parties and their children are at stake, the fees payable by the Family Mediation Service for the services provided by one or two mediators pursuant to articles 417 to 423 and 605 to 618 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), are set on the basis of an hourly rate of \$110 for a mediation session and for any work performed outside

the sessions in connection with the mediation, such as the drawing up outside the sessions of the summary of the agreements.

The fees are set at \$225 per mediator for a group parenting and mediation information session of a duration of more or less 2½ hours.”.

4. Section 10.1 is replaced by the following:

“**10.1.** The Service pays the fees provided for in the first paragraph of section 10 up to a maximum, as the case may be, of 5 hours or 2½ hours of mediation including, where applicable, time spent on work performed outside the sessions in connection with the mediation.

The Service pays those fees up to a maximum of 2½ hours of mediation where the parties were already entitled to payment by the Service of 5 hours or 2½ hours of mediation and again seek mediation to settle another dispute, or the parties have obtained a judgment of separation from bed and board unless, in either case, mediation has been ordered by the court pursuant to articles 420 to 423 of the Act to establish the new Code of Civil Procedure (2014, chapter 1). The Service also pays the fees up to a maximum of 2½ hours of mediation where the parties resort to the mediation to modify an agreement or have a judgment rendered on the principal application reviewed.”.

5. Section 10.2 is replaced by the following:

“**10.2.** Where the interests of the parties and their children are at stake, the fees payable by the Service are set at \$50, where the mediator’s report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of the Act to establish the new Code of Civil Procedure (2014, chapter 1).”.

6. Section 10.3 is replaced by the following:

“**10.3.** Where the interests of the parties and their children are at stake, the fees payable by the parties are set on the basis of

(1) \$110 per hour for a mediation session and for any work performed outside the sessions in connection with the mediation for which the fees are not paid by the Service pursuant to section 10.1; and

(2) \$110 per hour for each session during which the services of an additional mediator are required by the parties, and for any work performed by the mediator outside the sessions in connection with the mediation.

Where the interests of only the parties are at stake, the fees payable by the parties are set on the basis of the hourly rate of \$110 for a mediation session conducted by a mediator designated by the Service pursuant to article 422 of the Act to establish the new Code of Civil Procedure (2014, chapter 1) and for any work performed by the mediator outside the sessions in connection with the mediation. Those fees are set at \$50 where the mediator’s report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of that Act.”.

7. Section 12 is replaced by the following:

“**12.** For the purposes of this tariff, where the Act to establish the new Code of Civil Procedure (2014, chapter 1) provides that the mediator is to file a report with or send a report to the Service, the report must be accompanied by a bill signed by the parties attesting to the number of hours and mediation services they received, where applicable. Where the parties already received 5 hours or 2½ hours of mediation payable by the Service and they again resort to mediation within 9 months after the last service payable by the Service, the report must also be accompanied by an attestation from the mediator stating that the parties resorted to that mediation to settle another dispute.

The mediator must file the report referred to in article 617 of the Act to establish the new Code of Civil Procedure with the Service not later than 12 months after the last mediation session, whether that session suspends or ends the mediation. Where, however, the mediation is ordered by the court and the parties do not enter into mediation within the allotted time, or the mediation has been entered into but is ended before the dispute is resolved, the mediator must send the report referred to in article 423 of the Act to establish the new Code of Civil Procedure to the Service not later than 10 days after the allotted time for entering into the mediation or after the date on which the mediation is ended.

The Service will pay the fees to the mediator only if the documents are filed or sent within the prescribed time.”.

8. The Regulation is amended by inserting the following after section 12:

“**12.1.** For the purposes of this tariff, a mediator who gives a group parenting and mediation information session must file a bill with the Service attesting to the session not later than 12 months after the session. The Service will pay the fees to the mediator only if the bill is filed within that time.”.

9. Where the mediation ends or is suspended before (*insert the date of coming into force of this Regulation*), or is ordered by the court and the time allotted for entering

into the mediation expires before that date, or the mediation is ended before the dispute is resolved before that date, the time period set out in section 12, as replaced by section 7 of this Regulation, begins to run as of (*insert the date of coming into force of this Regulation*).

In addition, where the group parenting and mediation information session is given before (*insert the date of coming into force of this Regulation*), the time period set out in section 12.1, as inserted by section 8 of this Regulation, begins to run as of that date.

10. Fees that are payable by the Service before (*insert the date of coming into force of this Regulation*) for an information session on the mediation process other than a group session, and for a mediator's report stating the absence of the parties, or one of the parties, at such an information session, or mentioning a statement from a party that the party cannot attend an information session for a valid reason, continue to be payable by the Service in accordance with the provisions of the Regulation as it read on (*insert the date that is one day before the date of coming into force of this Regulation*).

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

102342

Draft Regulation

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

Contracts in the field of information technologies and supply, service and construction contracts of public bodies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting contracting by public bodies in the field of information technologies, 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 Regulation respecting contracting by public bodies in the field of information technologies determines the specific conditions applicable to contracts entered into by a public body subject to the Act respecting contracting

by public bodies (chapter C-65.1) where they are mainly intended for the acquisition of goods or the provision of services in the field of information technologies.

In compliance with any applicable intergovernmental agreement, the draft Regulation promotes the principles stated in section 2 of the Act, in particular transparency in contracting processes, the honest and fair treatment of tenderers and accountability reporting by the chief executive officers of public bodies to verify the proper use of public funds.

Since contracts likely to be entered into in the field of information technologies are supply or service contracts, the draft Regulation retains for the most part the structure and substance of the regulations already in force that apply to those categories of contracts, while adding certain particularities specific to information technologies.

The draft Regulation proposes, among other things, a special competitive tendering procedure involving a competitive dialogue and introduces in certain circumstances and on certain conditions the possibility of entering into a contract by mutual agreement for the acquisition of cloud goods and services.

The draft Regulation to amend the Regulation respecting supply contracts of public bodies, 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 each make consequential adjustments to the rules proposed by the draft Regulation respecting contracting by public bodies in the field of information technologies. Those adjustments concern mainly the content of the notice and tender documents, compliance of tenders and a requirement for the public body, following the awarding of a contract and on the written request of a tenderer, to provide the tenderer with the results of the tender evaluation.

Also, the draft Regulation to amend the Regulation respecting supply contracts of public bodies integrates the provisions of the draft Regulation respecting contracting by public bodies in the field of information technologies regarding the conduct of compliance tests on the proposed goods, the taking into account of the total acquisition cost to award the contract, as well as the replacement of goods during the term of a delivery order contract.

Lastly, the draft Regulations described in this notice introduce measures respecting the transmission of tenders by electronic means.

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

Further information may be obtained by contacting Robert Villeneuve, Director of public contract regulations, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.379, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4901; fax: 418 646-4613; email: robert.villeneuve@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 Ongoing Program Review and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MARTIN COITEUX,
*Minister responsible for Government
Administration and Ongoing Program Review
and Chair of the Conseil du trésor*

Regulation respecting contracting by public bodies in the field of information technologies

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1, 3, 5 to 7, 14 and 15, and s. 24.2)

CHAPTER I SCOPE

1. This Regulation applies to supply contracts and service contracts referred to in subparagraphs 1 and 3, respectively, of the first paragraph of section 3 of the Act respecting contracting by public bodies (chapter C-65.1) and to contracts of enterprise that are considered as service contracts under the third paragraph of that section where they are principally intended, with regard to the estimated expenditure of the contract, for the acquisition of goods or the provision of services in the field of information technologies.

For the purposes of this Regulation, a contract is for the acquisition of goods or the provision of services in the field of information technologies when it seeks to ensure or enable functions of information processing and communication by electronic means, including the collection, transmission, display and storage of information.

2. For the purposes of this Regulation, the electronic tendering system is the system approved by the Government under section 11 of the Act.

CHAPTER II PUBLIC CALL FOR TENDERS PROCESS

DIVISION I GENERAL

3. A public call for tenders must be made in accordance with the provisions of this Chapter and those of Chapter III.

If a public body makes a public call for tenders to award a contract involving an expenditure below the public tender threshold referred to in subparagraph 1 of the first paragraph of section 10 of the Act, the tender closing date set out in subparagraph 10 of the second paragraph of section 4, the requirement as to the place of the establishment set out in subparagraph 2 of the first paragraph of section 6, the time for sending an addendum set out in the second paragraph of section 12 and the composition of the selection committee provided for in the second paragraph of section 28 may differ.

In the case of a delivery order contract or a task order contract referred to in Chapter IV, the public call for tenders must, if applicable, comply with the special provisions of that chapter.

DIVISION II PUBLIC CALL FOR TENDERS

§1. Tender documents

4. Every public call for tenders is made by publishing a notice on the electronic tendering system.

The notice forms part of the tender documents and must specify and contain

- (1) the name of the public body;
- (2) a brief description of the procurement requirements and the place where the goods are to be delivered or the services rendered, as the case may be;
- (3) a brief description of the options, if applicable;
- (4) an indication that a competitive dialogue will be held, if applicable;
- (5) the nature and amount of any required tender security;
- (6) whether or not an intergovernmental agreement within the meaning of section 2 of the Act applies;

- (7) the place where information may be obtained;
- (8) an indication that the tender documents may only be obtained through the electronic tendering system;
- (9) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;
- (10) the place and the closing date and time for the reception and opening of tenders other than tenders filed following a competitive dialogue; the time for receiving tenders may not be less than 15 days after the date on which the notice is published; and
- (11) the fact that the public body is not bound to accept any tender.

For the purposes of this Regulation, “option” means an option to renew or an option concerning, as the case may be, the acquisition of additional goods identical to the goods initially acquired, taking into account any technological changes or additional services of the same nature as those initially required, offered at the same price and intended to fulfil the needs referred to in subparagraph 2 of the second paragraph.

5. In its tender documents, a public body must provide

- (1) a description of the procurement requirements and conditions on which the goods or services are to be delivered or provided, as the case may be;
- (2) if applicable, the description of the options;
- (3) the eligibility requirements for suppliers or service providers and the compliance requirements for tenders;
- (4) a list of the documents or other items required from suppliers or service providers;
- (5) the tender opening procedure;
- (6) where a quality evaluation of tenders is to be made, the evaluation rules, including the criteria selected and, for the purposes of Schedule 2, their respective weighting;
- (7) the contract award rule, including any element used as a basis by the public body for the purpose of adjusting the price so as to calculate the total acquisition cost referred to in section 16, the calculation to be applied before awarding the contract and the conditions governing the competitive dialogue;
- (8) in the case of a service contract, the contract to be signed; and

- (9) any other particular required under this Regulation.

§2. Eligibility requirements

6. In order to submit a tender, a supplier or a service provider must meet the following eligibility requirements:

- (1) have all the necessary qualifications, authorizations, permits, licences, registrations, certificates, accreditations and attestations;
- (2) have in Québec or in a territory covered by an applicable intergovernmental agreement an establishment where activities are carried on on a permanent basis, clearly identified under the tenderer’s name and accessible during regular business hours;
- (3) meet any other eligibility requirement specified in the tender documents.

Despite subparagraph 2 of the first paragraph, if competition is insufficient, the public body may make eligible any supplier or service provider, as the case may be, that has an establishment in a territory not covered by an applicable intergovernmental agreement, provided that the public body so specifies in the tender documents.

A tenderer who fails to comply with any of those requirements is ineligible.

7. Provided that it is specified in the tender documents, a public body may refuse to consider any tenderer who, in the 2 years preceding the tender opening date, has been given an unsatisfactory performance report by the public body, has failed to follow up on a tender or contract, or has had a contract cancelled because of failure to comply with the contract conditions.

§3. Compliance requirements

8. Compliance requirements must specify the cases that will entail the automatic rejection of a tender, namely

- (1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, the place designated for its reception has not been complied with;
- (2) in the case of a tender sent in paper form, the required signature of an authorized person is missing on the document evidencing the tenderer’s undertaking or the document concerning the tendered price;
- (3) the tender is conditional or restrictive;

(4) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established;

(5) the fact that the price submitted and the quality demonstration are not presented separately as required by the second paragraph of section 15; and

(6) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with.

Compliance requirements must also specify that the filing by a tenderer of several tenders for the same call for tenders entails the automatic rejection of all his or her tenders. For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.

9. Compliance requirements must also indicate the cases that will entail the rejection of the tender if the tenderer fails to remedy an irregularity indicated by the public body within the period set by the public body or, in the case provided for in subparagraph 4 of this paragraph, within the 2 following business days. Such cases are

(1) the absence of a required document, other than a document whose absence entails the automatic rejection of a tender;

(2) in the case of a tender sent in paper form, the absence of a signature required from an authorized person on a document other than those in respect of which such an absence entails the automatic rejection of a tender;

(3) an erasure or correction to the tendered price that is not initialed;

(4) the fact that the integrity of a tender transmitted electronically could not be established; and

(5) any other case stated in the tender documents.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is established. That tender is then deemed to have been transmitted before the tender closing date and time.”

10. 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 of Chapter III.

11. Where the call for tenders is for the acquisition of goods, compliance requirements must also specify that a tender is not compliant and must be rejected in the following cases:

(1) all the proposed goods do not satisfy the technical specifications required in the tender documents;

(2) if applicable, all the proposed goods fail to pass the compliance tests provided for in the tender documents.

§4. Amendment to and obtention of tender documents

12. A public body may amend the tender documents by means of an addendum sent to the suppliers or service providers concerned by the call for tenders.

If the amendment is likely to affect the prices, the addendum must be sent at least 7 days before the tender closing time; if that 7-day period cannot be complied with, the closing date must be extended by the number of days needed to ensure compliance with the minimum period.

Provided that it is specified in the tender documents, the public body may reserve the right to not consider a request for details made by a supplier or a service provider, as the case may be, if the request is sent to the public body less than 24 hours before the tender closing date and time.

13. Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.

§5. Electronic transmission of tender

14. A tender may be transmitted electronically only through the electronic tendering system.

CHAPTER III

AWARDING MODES AND TENDER PROCESSING

DIVISION I

AWARDING MODES

§1. General

15. To award a contract in the field of information technologies, the public body solicits only a price or evaluates the quality of a tender and solicits a price then selects the most economically favorable tender.

Where, for a same stage, a price is solicited and a quality evaluation is to be made, the price and the quality demonstration must be submitted separately to allow for the application of the first paragraph of section 28.

16. To determine the lowest price or the lowest adjusted price for the purposes of awarding a contract under section 17, 18, 19, 23 or 44, as the case may be, that includes the acquisition of goods, a public body may consider additional costs related to that acquisition. Those additional costs are added to the tendered or adjusted prices, as applicable, in accordance with section 8 of Schedule 2, so as to establish the total acquisition cost for the public body.

Price adjustment made in accordance with the first paragraph must be based on quantifiable and measurable elements identified in the tender documents. Price adjustment must also be carried out after the filing of tenders according to the information contained in each tender.

For the purposes of this Regulation, the additional costs are the costs that would be borne by the public body during the useful life of the goods acquired. They may include, in particular, installation, maintenance, support, configuration, licence, progress, interoperability and training costs that are not included in the tendered price.

§2. Contract awarded to the lowest price

17. Where only a price is solicited by a public body for the purposes of awarding a contract, the public body awards the contract to the tenderer who submitted the lowest price.

§3. Contract awarded following quality evaluation

18. Where, for the purposes of awarding a contract, a public body evaluates the quality of tenders based on the attainment of the minimum quality level, the public body must apply the terms and conditions for evaluation provided for in Schedule 1 and award the contract to the tenderer who submitted the lowest price.

Where, for the same purposes, the public body evaluates the quality of tenders based on the measurement of the quality level followed by the calculation of the quality-price ratio, the public body must apply the terms and conditions for evaluation provided for in Schedule 2 and award the contract to the tenderer who submitted the lowest adjusted price.

§4. Service contract awarded following a call for tenders involving 2 stages

19. A public body may issue a call for tenders in 2 stages in order to award a service contract.

The public body first selects service providers by soliciting only a quality demonstration in accordance with Schedule 1 or with sections 1 to 7 of Schedule 2. In the

latter case, the tender documents must indicate the number of selected tenderers who will be invited to take part in the second stage.

The public body then invites the selected service providers to submit a tender including either a price only, or a quality demonstration and a price. In the former case, the public body awards the contract to the tenderer who submitted the lowest price; in the latter case, it applies the terms and conditions for evaluation provided for in Schedule 2 and awards the contract to the tenderer who submitted the lowest adjusted price.

§5. Service contract awarded following a call for tenders involving a competitive dialogue

20. Where the public body's needs involve a high level of complexity, the public body may, for awarding a service contract after the chief executive officer's authorization, issue a call for tenders involving a competitive dialogue.

21. The public body first invites service providers to file an initial tender so as to evaluate its quality in accordance with sections 1 to 7 of Schedule 2. The evaluation pertains, in particular, to the capacity of each tenderer and each proposed solution to fulfil the public body's needs.

The tender documents must indicate the number of tenderers who will be invited to take part in the competitive dialogue, which number may not be less than 3.

Despite the foregoing, if only 2 tenderers meet the selection criteria, the public body may, after the chief executive officer's authorization, continue the procedure with those tenderers.

22. The public body then holds a dialogue with each selected tenderer. The dialogue must take place in the presence of an independent process auditor designated by the public body. The auditor's main duty is to ensure that the dialogue is held in a manner that is fair to all tenderers and ensures the transparency of the contracting process under way.

The competitive dialogue is essentially aimed at defining or developing with each selected tenderer a solution likely to fulfil the public body's needs, which solution will be the basis on which each tenderer will be invited to submit a final tender. In particular, the dialogue pertains to the technological means capable of fulfilling the public body's needs, the timetable for providing the services, as well as various contractual terms and conditions.

23. If the public body is of the opinion, after having had a dialogue with each of the selected tenderers, that there is a number of solutions likely to fulfil its needs, the

public body invites them to submit, within the period it sets, a final tender including a price as well as a quality demonstration with regard to the solution discussed and defined during the dialogue.

The public body applies the terms and conditions provided for in Schedule 2, and then awards the contract to the service provider who submitted the lowest adjusted price.

DIVISION II **TENDER PROCESSING**

24. If a tender is transmitted electronically, the public body must ensure, at the opening of tenders, the integrity of the tender.

25. When awarding a contract in accordance with section 17 or 18, the public body opens the tenders publicly in the presence of a witness at the designated place and on the date and at the time set in the tender documents, unless the tenders are in the form of a price list whose scope or layout does not make it possible to specify a total price.

At the public opening, the public body discloses the names of the tenderers who submitted a tender in paper form or a tender by electronic means whose integrity has been established. If the call for tenders is for awarding a contract without quality evaluation, the respective total price of those tenders is also disclosed, subject to subsequent verifications.

Within 4 business days, the public body must make the results of the public opening of tenders available on the electronic tendering system and add, if applicable, the information referred to in the second paragraph with regard to the tenders whose integrity has been established since the opening.

26. Where a public body issues a call for tenders involving more than one stage under section 19 or section 20, tenders submitted at the first stage are opened only in the presence of the secretary of the selection committee or his or her representative at the designated place and on the date and at the time set in the tender documents.

The public body publishes on the electronic tendering system the names of the tenderers who have participated in the first stage within 4 business days of the public opening of the tenders submitted at the last stage and adds, if applicable, the names of the tenderers who filed at the first stage a tender whose integrity has been established since the opening of the tenders referred to in the first paragraph.

In the case of a call for tenders involving 2 stages, the provisions of section 25 apply, with the necessary modifications, in respect of the tenders submitted at the second stage.

In the case of a call for tenders involving a competitive dialogue, the public body publicly opens the tenders submitted at the last stage in the presence of a witness at the designated place, on the date and at the time set when the selected tenderers are invited to submit a final tender. The provisions of the second and third paragraphs of section 25 apply, with the necessary modifications.

27. The public body evaluates the tenders received, ensuring that the tenderers are eligible and their tenders are compliant.

Despite the foregoing, where the tender documents provide for compliance tests, the tests are first carried out in respect of the goods proposed by the tenderer who, in the absence of those tests, would be the successful tenderer. The tests are then carried out in respect of the goods proposed by the next tenderer only if the goods proposed by the preceding tenderer fail the compliance tests and so forth until the tests are successful. However, in the case of a delivery order contract entered into with a number of suppliers, the compliance tests are carried out in respect of the goods proposed by all the selected tenderers.

If the public body rejects a tender because it is not compliant or because the tenderer is ineligible, the public body so informs the tenderer by indicating the reason for rejection not later than 15 days after the contract is awarded. However, if rejection takes place at the first stage of a call for tenders involving more than one stage, the public body so informs the tenderer at the time an invitation to take part in the next stage is sent to the selected providers.

28. Tenders submitted for a call for tenders involving a demonstration of quality are evaluated by a selection committee set up for that purpose by the public body. The committee is to evaluate quality without knowing the price submitted.

The selection committee must be composed of a secretary in charge of coordinating activities and of at least 3 members.

29. The public body awards the contract in accordance with the provisions of Division I of this Chapter.

The public body may, however, negotiate the price submitted and the price stipulated in the contract may be less than the price submitted if

(1) only 1 tenderer submitted a compliant tender or, if the contract is awarded following a quality evaluation, only one tenderer submitted an acceptable tender;

(2) the tenderer agreed to a new price; and

(3) it is the only change made to the conditions set in the tender documents or to the tender in the course of the negotiation.

30. If several tenderers obtain identical results following a call for tenders, the successful tenderer is determined by a drawing of lots.

31. The contract is awarded when the successful tenderer is chosen by the public body or, as the case may be, when the drawing of lots takes place.

32. Where, for the purpose of awarding the contract, the public body has considered additional costs in accordance with section 16, the public body sends to each tenderer the value of the additional costs concerning the tenderer within 15 days of the awarding of the contract.

33. Where the awarding process includes quality evaluation, the public body informs each tenderer of the results of the tender quality evaluation for each of the stages including such evaluation in which the tenderer has participated. Such communication takes place within 15 days of awarding the contract or, in the case of sections 19 and 21, at the time an invitation to participate in the next stage is sent to the selected tenderers.

If Schedule 1 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not; and

(2) as the case may be, the names of the tenderers qualified for the next stage or the successful tenderer's name and tendered price.

If Schedule 2 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not;

(2) their quality score, adjusted price and rank according to the adjusted prices; and

(3) as the case may be, the names of the tenderers qualified for the next stage or the successful tenderer's name, quality score, tendered price and the resulting adjusted price.

In addition, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within 30 days after the date of receipt of the tenderer's request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.

DIVISION III

TENDERS WITH AN UNUSUALLY LOW PRICE

34. The price of a tender is unusually low if an extensive and documented analysis by the committee referred to in section 36 shows that the submitted price cannot enable the tenderer to carry out the contract on the conditions set in the tender documents without jeopardizing the performance of the contract.

35. Where a public body observes that the price of a tender seems unusually low, the public body requests that the tenderer expose in writing, within 5 days of receiving such request, the reasons warranting such price.

36. If the tenderer fails to submit explanations within the period set in section 35 or if, despite the explanations provided, the public body still considers the price to seem unusually low, the public body forwards the tender for analysis to a committee set up for that purpose.

The committee is composed of the contract rules compliance monitor of the public body and at least 3 members designated by the chief executive officer of the public body who are not involved in the awarding process.

The contract rules compliance monitor supervises the committee's work.

37. In analyzing the tender, the committee takes the following factors into account:

(1) the gap between the tendered price and the public body's estimate of the expenditure, which is confirmed by an adequate and rigorous audit;

(2) the gap between the tendered price and the price tendered by the other tenderers 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;

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

(a) the method of manufacturing the goods covered by the call for tenders, and the components forming the goods, or the method of providing the services covered by the call for tenders, as the case may be;

(b) the exceptionally favorable circumstances that would help the tenderer in the performance of the contract;

(c) the innovative character of the tender;

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

(e) the government financial assistance received by the tenderer.

38. The committee states in a report its conclusions and the reasons in support of the committee's conclusions.

If the conclusions are that the tendered price is not unusually low, the contract rules compliance monitor sends a copy of the report to the chief executive officer of the public body.

If the conclusions are that the tendered price is unusually low, the contract rules compliance monitor sends a copy of the report to the tenderer.

39. The tenderer may, within 10 days of receiving the report referred to in section 38, send written comments to the contract rules compliance monitor of the public body.

40. Having taken cognizance of the comments, if any, the committee decides whether it upholds the conclusions of its report or not.

If the committee does not uphold the conclusions of its report, the contract rules compliance monitor sends a copy of the updated report to the chief executive officer of the public body.

If the committee upholds the conclusions of its report, the contract rules compliance monitor sends a copy of the updated report, if applicable, to the chief executive officer of the public body, who authorizes the rejection of the tender not later than before the expiry of the period of validity of tenders.

41. The public body informs the Conseil du trésor of the tenders rejected pursuant to this Division.

CHAPTER IV SPECIAL RULES FOR AWARDING CONTRACTS

DIVISION I DELIVERY ORDER CONTRACTS

42. A public body may, for a maximum period of 5 years including any renewal, enter into a delivery order contract in the field of information technologies with one or more suppliers when the procurement requirements are recurrent and the quantity of goods and the rate or frequency at which they are acquired are uncertain.

43. The public body must indicate in the tender documents the approximate quantities of goods likely to be acquired or, failing that, the approximate monetary value of the contract and, where applicable, the places of delivery.

44. If the delivery order contract is entered into with more than one supplier, the orders are directed to the supplier who, in respect of the goods to be acquired, submitted the lowest price, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank for the same goods.

Such orders may, however, be awarded to any of the selected suppliers whose price submitted in respect of the goods to be acquired does not exceed the lowest price by more than 10%, so long as the awarding rule is authorized by the chief executive officer of the public body before the notice of a call for tenders is published.

45. A delivery order contract may allow the selected supplier to replace goods covered by the contract by new goods provided that they comply with the technical specifications required and provided that their price does not exceed the price of the replaced goods.

Where the delivery order contract is entered into with more than one supplier, each of them may reduce the price of the goods covered by the contract or replace them in accordance with the first paragraph.

The public body must specify in the tender documents the conditions to be met to make such changes as well as the mechanism to inform the other selected suppliers of the changes made by a competing supplier.

For the purposes of section 44, the price of goods reduced by a supplier under the second paragraph becomes the price submitted by the supplier for the goods concerned.

DIVISION II

TASK ORDER CONTRACTS

46. A public body may, for a maximum period of 5 years including any renewal, enter into a task order contract in the field of information technologies with one or more service providers when the procurement requirements are recurrent and the number of requests and the rate or frequency at which they are to be performed are uncertain.

47. The public body must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract.

48. If the task order contract is entered into with more than one service provider, the performance requests are made to the service provider who submitted the lowest price, unless the provider cannot perform the service, in which case the other providers are solicited according to their respective rank.

CHAPTER V

SPECIAL CONTRACTS

DIVISION I

CONTRACTS FOR THE ACQUISITION OF CLOUD GOODS OR SERVICES

49. A contract for the acquisition of cloud goods or services may be entered into by mutual agreement with a supplier or a service provider who has concluded a framework agreement with the Centre de services partagés du Québec under Order in Council (insert the number and date of the Order in Council) made pursuant to the second paragraph of section 5 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1), provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract does not exceed 3 years including any renewal; and

(3) the supplier or service provider chosen by the public body is the more advantageous choice for the public body.

To determine the more advantageous choice, the public body must base itself

(1) on the price exclusively; or

(2) after authorization from its chief executive officer, on one or more other criteria related to the object of the contract, such as technological compatibility, the accessibility of the goods or services, performance and technical assistance.

DIVISION II

CONTRACTS RELATING TO RESEARCH AND DEVELOPMENT OR TEACHING

50. A supply contract in the field of information technologies relating to research and development or teaching activities may be entered into by mutual agreement where, due to technical or scientific reasons, only one supplier is able to carry it out and there is no other alternate solution or substitute goods.

DIVISION III

CONTRACTS FOR ACTIVITIES ON FOREIGN SOIL

51. A contract in the field of information technologies for the activities on foreign soil of a delegation general, a delegation or another form of representation of Québec abroad, established pursuant to section 28 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), may be entered into by mutual agreement even if it involves an expenditure equal to or above the public tender threshold provided for in section 10 of the Act. The contract is awarded in a manner consistent with the principles stated in section 2 of the Act.

CHAPTER VI

CERTIFICATION OF GOODS

52. A public body must certify the goods if it is expedient to ascertain before proceeding with a call for tenders that the goods meet a recognized standard or an established technical specification.

53. A public body may use a certification process for goods if

(1) the certification of goods is preceded by a public notice to that effect on the electronic tendering system;

(2) a list of the certified goods is published on the electronic tendering system and every supplier is informed of the goods that are entered on the list or the reason for refusal if entry is denied; and

(3) a public notice of certification is published again at least once a year, even though the public body may certify goods at intervals varying from 1 to 3 years.

54. Except in the cases described in section 13 of the Act, every contract in the field of information technologies subsequent to the certification of goods is limited to the certified goods only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders open only to the suppliers of the certified goods.

CHAPTER VII QUALIFICATION OF SERVICE PROVIDERS

55. A public body may qualify service providers prior to the acquisition process if

(1) the qualification of service providers is preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, the information provided for in subparagraphs 1, 2 and 6 to 10 of the second paragraph of section 4, except the period for receiving applications for qualification that may not be under 25 days following the date of publication of the public notice of qualification;

(2) a list of the qualified service providers is published on the electronic tendering system and every provider is informed of entry on the list or the reason for refusal if entry is denied;

(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; and

(4) the public notice of qualification must remain accessible in the electronic tendering system for the entire period of validity of the list.

56. Where the public body evaluates the quality of applications for qualification, it sets up a selection committee in accordance with the second paragraph of section 28 and applies the evaluation conditions in Schedule 1 or in sections 1 to 7 of Schedule 2.

57. Except in the cases described in section 13 of the Act, every contract in the field of information technologies subsequent to the qualification of service providers is limited to qualified providers only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders only open to those providers.

CHAPTER VIII CONDITIONS TO BE MET PRIOR TO ENTERING INTO CONTRACTS

DIVISION I REQUIRED AUTHORIZATION

58. Where the expected term of a supply contract or a service contract of a repetitive nature in the field of information technologies, including any renewal, is greater than 3 years, the authorization of the chief executive officer of the public body is required.

That authorization is also required before entering into a contract involving an expenditure equal to or above the public tender threshold if

(1) only one tenderer submitted a compliant tender; or

(2) only one tenderer submitted an acceptable tender following a quality evaluation.

In the case provided for in subparagraph 2 of the second paragraph, the selection committee must not know the price and the chief executive officer of the public body is to determine whether or not the awarding process should be continued.

DIVISION II AFFIRMATIVE ACTION PROGRAM

59. This Division applies only to public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

60. Where the amount of a contract in the field of information technologies is \$100,000 or more, or where the amount of a subcontract related to such a contract is \$100,000 or more, the contract or subcontract may not be entered into with a Québec supplier, service provider or subcontractor whose business employs more than 100 persons unless the supplier, service provider or subcontractor has made a commitment to implement an affirmative action program that complies with the Charter of human rights and freedoms (chapter C-12) and holds an attestation to that effect issued by the Chair of the Conseil du trésor.

If such a contract or subcontract is to be entered into with a supplier, service provider or subcontractor of another province or territory of Canada in respect of which an employment equity program is applicable, and that supplier, service provider or subcontractor employs more than 100 persons, the supplier, service provider or

subcontractor must provide an attestation to the effect that the supplier, service provider or subcontractor has made a commitment to implement an employment equity program complying with the program of its province or territory.

If such a contract or subcontract must be entered into with a supplier, service provider or subcontractor of Québec or of another province or territory of Canada, that is governed by the federal legislation, that employs more than 100 persons and in respect of which a federal employment equity program is applicable, the supplier, service provider or subcontractor must provide an attestation to the effect that the supplier, service provider or subcontractor has made a commitment to implement an employment equity program complying with the federal program.

61. The Chair of the Conseil du trésor cancels the attestation issued to a supplier or a service provider referred to in the first paragraph of section 60 who does not fulfil a commitment to implement an affirmative action program.

Any supplier and any service provider whose attestation referred to in section 60 has been cancelled may not enter into a contract with a public body referred to in section 59 or a subcontract related to such a contract as long as a new attestation has not been issued.

DIVISION III QUALITY ASSURANCE, SUSTAINABLE DEVELOPMENT AND ENVIRONMENT

62. A public body may require a quality assurance system, including an ISO standard, or a specification relating to sustainable development and the environment for the carrying out of a contract in the field of information technologies. The public body must specify the requirement in the tender documents.

If such a requirement unduly reduces competition, the public body must allow any supplier or any service provider to submit a tender and grant to the one that fulfils the requirement referred to in the first paragraph a preferential margin not exceeding 10%. In the latter case, the price submitted by such a supplier or such a service provider is, for the sole purpose of determining the successful tenderer, reduced by the preferential margin, without any effect on the price for contract awarding purposes.

The percentage of the preferential margin to be applied must be indicated in the tender documents.

DIVISION IV ATTESTATION FROM REVENU QUÉBEC

63. Every supplier and service provider interested in entering into a contract in the field of information technologies with a public body involving an expenditure equal to or greater than \$25,000 must hold an attestation from Revenu Québec.

64. The attestation from Revenu Québec is issued to every supplier and service provider who, on the date indicated in the attestation, have filed the returns and reports that they had to file under fiscal laws and who have no overdue account payable to the Minister of Revenue, in particular when their recovery has been legally suspended or arrangements have been made with them to ensure payment and they have not defaulted on the payment arrangement.

65. The attestation of the supplier or the service provider is valid until the end of the 3-month period following the month in which it was issued.

The attestation must not have been issued after the tender closing date and time or, in the case of a contract by mutual agreement, after the contract award date.

The fact that the supplier or service provider holds a valid certificate issued in accordance with the second paragraph is considered to be an eligibility requirement within the meaning of section 6.

66. A supplier or service provider may not submit an attestation from Revenu Québec that contains false or inaccurate information, produce on their own behalf the attestation of a third person, or falsely declare that the supplier or service provider does not hold the required attestation.

67. No person may help another person, by an act or omission, to contravene section 66, or encourage, advise, allow, authorize or order the person to contravene that section.

68. Section 63 does not apply to a supplier or a service provider that does not have in Québec an establishment where activities are carried on on a permanent basis, clearly identified under their name and accessible during regular business hours.

It does not apply either where a contract in the field of information technologies must be entered into by reason of an emergency that threatens human safety or property.

CHAPTER IX INFORMATION TO BE PUBLISHED

DIVISION I CONTRACTS ENTERED INTO FOLLOWING A PUBLIC CALL FOR TENDERS

69. Following a public call for tenders, the public body publishes on the electronic tendering system, within 15 days of the conclusion of the contract in the field of information technologies, the initial description of the contract. That description contains at least

(1) the name of the supplier or service provider or, in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the names of those selected;

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

(3) the date of conclusion of the contract;

(4) one of the following amounts, as applicable:

(a) the amount of the contract;

(b) in the case of a delivery order contract or a task order contract, the estimated amount of the expenditure;

(c) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the price submitted by each; and

(5) in the case of a contract that involves options, their description and the total amount of the expenditure that will be incurred if all options are exercised.

70. Where a contract was entered into following a competitive dialogue, the public body makes the report of the process auditor accessible on its website within 15 days of the day the contract is entered into.

71. The public body publishes on the electronic tendering system any additional expenditure resulting from an amendment to the contract, within 60 days of the amendment, if the initial amount of the contract referred to in section 69 is increased by more than 10%.

The public body then publishes the amount of the additional expenditure, including the expenditures accumulated prior to the expenditure exceeding 10% of the initial amount of the contract and publishes thereafter each additional expenditure.

72. The public body also publishes on the electronic tendering system, within 90 days of the end of a contract referred to in section 69, 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 or service provider, the date of the end of the contract and the total amount paid;

(2) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, their respective names and the total amount paid to each of them;

(3) in the case of a contract that involves options, the type and number of options exercised and the total amount paid following their exercise.

73. If a delivery order contract or a task order contract involving several suppliers or service providers involves a price list whose scope or layout does not make it possible to publish the results in accordance with sections 69 to 72, 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 FOLLOWING AN INVITATION TO TENDER

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

(1) the method for awarding the contract;

(2) the name of the supplier or service provider or, in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the names of those that were retained;

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

(4) the date of conclusion of the contract;

(5) one of the following amounts, as applicable:

(a) the amount of the contract;

(b) in the case of a delivery order contract or a task order contract, the estimated amount of the expenditure;

(c) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the price submitted by each;

(6) in the case of a contract that involves options, their description and the total amount of the expenditure that will be incurred if all options are exercised; and

(7) in the case of a contract entered into by mutual agreement and involving an expenditure equal to or 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 excluding the contract from the public call for tenders.

75. The public body publishes on the electronic tendering system any additional expenditure resulting from an amendment to the contract, within 60 days of the amendment, if the initial amount of the contract referred to in section 74 is increased by more than 10%.

The public body then publishes the amount of the additional expenditure, including the expenditures accumulated prior to the expenditure exceeding 10% of the initial amount of the contract and publishes thereafter each additional expenditure.

76. The public body also publishes on the electronic tendering system, within 90 days of the end of a contract referred to in section 74, a final description of the contract. That period is increased to 120 days for a contract entered into for the benefit of joint public bodies referred to in section 15 of the Act.

The public body also publishes, within the same period, the final description of any contract that, at the time of its conclusion, was to involve an expenditure lower than \$25,000, but for which the total amount paid is equal to or greater than \$25,000.

The final description of a contract must contain at least

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

(2) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, their respective names and the total amount paid to each of them;

(3) in the case of a contract that involves options, the type and number of options exercised and the total amount paid following their exercise; and

(4) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 and 3 to 5 of section 74.

77. If a delivery order contract or a task order contract involving several suppliers or service providers involves a price list whose scope or layout does not make it possible to publish the results in accordance with sections 74 to 76, the public body indicates on the electronic tendering system how to obtain the information related to the results.

78. Despite sections 74 to 77, 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.

CHAPTER X CONTRACT MANAGEMENT CONDITIONS

DIVISION I SETTLEMENT OF DISPUTES

79. The public body and, as the case may be, the supplier or service provider must attempt to amicably settle any difficulty that may arise out of a contract in the field of information technologies by resorting to the dispute resolution clauses in the contract, if any.

If the difficulty cannot be settled in that manner, it may be referred to a court of justice or an adjudicative body, as the case may be, or to an arbitrator. In the latter case, general or special authorization from the Minister of Justice is required for public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

DIVISION II PERFORMANCE EVALUATION

80. Where the total amount paid for a contract in the field of information technologies is equal to or greater than \$100,000, a public body must record in a report the evaluation of the supplier or service provider. The public body must do the same where the amount is less than \$100,000 insofar as the performance is considered to be unsatisfactory.

81. The public body must complete its evaluation not later than 60 days after the end of the contract and send a copy of the evaluation to the supplier or service provider.

82. A supplier or a service provider may forward comments in writing on the evaluation report to the public body within 30 days after receiving of the report.

83. Within 30 days after the expiry of the period in section 82 or following receipt of the supplier's or service provider's comments, as the case may be, the chief executive officer of the public body is to uphold or cancel the evaluation and inform the supplier or service provider of the decision. If the chief executive officer fails to act within the prescribed period, the supplier's or service provider's performance is considered to be modified in accordance with the comments received.

In the case of a contract for the acquisition of cloud goods or services entered into under section 49, the chief executive officer of the public body is to send a copy of the evaluation to the Centre de services partagés du Québec.

CHAPTER XI OFFENCES

84. A violation of section 66 or 67 constitutes an offence.

CHAPTER XII TRANSITIONAL AND FINAL

85. Before 1 March 2016, section 65 of this Regulation must be read as follows:

“**65.** The attestation must neither have been issued more than 90 days before the tender closing date and time nor after that date and time or, in the case of a contract by mutual agreement, more than 90 days before the contract award date. The fact that the supplier or service provider holds an attestation is considered to be an eligibility requirement within the meaning of section 6.”.

86. Despite the first paragraph of section 65, a supplier's or service provider's first attestation issued after 31 January 2016 and before 1 February 2017 is valid until the end of the period determined in accordance with section 137 of the Act mainly to implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016 (2015, chapter 8).

87. The Minister of Revenue is responsible for the administration and enforcement of sections 64, 66, 67 and 84.

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

SCHEDULE 1 (ss. 18, 19, 33 and 56)

QUALITY EVALUATION CONDITIONS FOR A CONTRACT AWARD BASED ON THE LOWEST PRICE

(1) At least 3 criteria are required for quality evaluation.

(2) The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an “acceptable level of performance”, which corresponds to the public body's minimum expectations for the criterion.

(3) An acceptable tender in terms of quality is a tender that, for each criterion, meets the “acceptable level of performance”. A tender that does not reach that level of performance in respect of any criterion is rejected.

SCHEDULE 2 (ss. 16, 18, 19, 21, 23, 33 and 56)

QUALITY EVALUATION CONDITIONS FOR A CONTRACT AWARD BASED ON THE LOWEST ADJUSTED PRICE OR BASED ON THE FINAL SCORE FOR THE HIGHEST QUALITY

(1) The evaluation grid must have at least 3 quality evaluation criteria.

(2) The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an “acceptable level of performance”, which corresponds to the public body's minimum expectations for the criterion.

(3) Each criterion in the evaluation grid is weighted on the basis of its importance for the carrying out of the contract. The total weight of the criteria is 100%.

(4) Each criterion is evaluated on a scale of 0 to 100 points, the “acceptable level of performance” corresponding to 70 points.

(5) At least 70 points may be required in respect of any criterion described in the evaluation grid. A tender that does not reach that minimum is rejected.

(6) The final score for the quality of a tender is the total of the weighted scores obtained in respect of each criterion; the weighted scores are determined by multiplying the score obtained for a criterion by the weight of that criterion.

(7) An acceptable tender in terms of quality is a tender whose final score is at least 70 points.

(8) The price of each acceptable tender is adjusted according to the following formula:

$$\text{Adjusted price} = \left(\frac{\text{Price submitted}}{\text{Quality adjustment factor}} \right)$$

The quality adjustment factor is equal to:

$$1 + K \left(\frac{\text{Final score for quality} - 70}{30} \right)$$

where

“K” is the additional percentage that the public body is willing to pay to move from a 70-point tender to a 100-point tender, for all criteria.

(9) The public body determines in the tender documents the value of K, which must range from 15% to 30%.

Regulation to amend the Regulation respecting supply contracts of public bodies

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1, 3 and 6)

1. The Regulation respecting supply contracts of public bodies (chapter C-65.1, r. 2) is amended by inserting “certain” after “respecting” in the title.

2. Section 1 is amended by adding “except supply contracts referred to in the Regulation respecting contracting by public bodies in the field of information technologies, made by Order in Council (insert the number and date of the Order in Council)” at the end.

3. Section 4 is amended

(1) by inserting the following after subparagraph 5.1 of the second paragraph:

“(5.2) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;”;

(2) by inserting “offered” after “acquired,” in the third paragraph.

4. Section 5 is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by replacing “any calculation to be applied before awarding the contract” in subparagraph 6 of the first paragraph by “any element used as a basis by the public body for the purpose of adjusting the price so as to calculate the total acquisition cost referred to in section 15.1.1, and the calculation to be applied”;

(3) by striking out the second paragraph.

5. Section 7 is amended

(1) by replacing the first paragraph by the following:

“7. Compliance requirements must set out the cases that will entail the automatic rejection of the tender, namely

(1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, non-compliance with the place designated for its reception;

(2) in the case of a tender sent in paper form, the required signature of an authorized person is missing on the document evidencing the tenderer’s undertaking or the document concerning the tendered price;

(3) the tender is conditional or restrictive;

(4) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established;

(5) all the proposed goods do not satisfy the technical specifications required in the tender documents;

(6) if applicable, all the proposed goods fail to pass the compliance tests provided for in the tender documents; and

(7) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with.”;

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

“For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.”.

6. The following is inserted after section 7:

“7.0.1. Compliance requirements must also set out the cases that will entail the rejection of the tender if the tenderer fails to remedy an irregularity indicated by the public body within the period set by the public body or, in the case provided for in subparagraph 4 of this paragraph, within the 2 following business days. Such cases are

(1) the absence of a required document, other than a document whose absence entails the automatic rejection of a tender;

(2) in the case of a tender sent in paper form, the absence of a signature required from an authorized person on a document other than those in respect of which such an absence entails the automatic rejection of a tender;

(3) an erasure or correction to the tendered price that is not initialed;

(4) the fact that the integrity of a tender transmitted electronically could not be established; and

(5) any other case stated in the tender documents.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is established. That tender is then deemed to have been transmitted before the tender closing date and time.”.

7. Section 9 is amended by adding the following paragraph at the end:

“Provided that it is specified in the tender documents, a public body may reserve the right to not consider a request for details made by a supplier if the request is sent to the public body less than 24 hours before the tender closing date and time.”.

8. The following is inserted after section 9.1:

“9.2. A tender may be transmitted electronically only through the electronic tendering system.”.

9. The following is inserted after section 10:

“10.1. If a tender transmitted electronically, the public body must ensure, at the opening of tenders, the integrity of the tender.”.

10. Section 11 is amended

(1) by replacing “à l’endroit prévu, à la date” in the first paragraph of the French text by “à l’endroit prévu ainsi qu’à la date”;

(2) by replacing the second paragraph by the following:

“At the public opening, the public body discloses the names of the suppliers who submitted a tender in paper form or a tender by electronic means whose integrity has been established. The respective total price of those tenders is also disclosed, subject to subsequent verifications.”;

(3) by adding “and add, if applicable, the information referred to in the second paragraph with regard to the tenders whose integrity has been established since the opening” at the end of the third paragraph.

11. Section 12 is amended by inserting the following after the first paragraph:

“Despite the foregoing, where the tender documents provide for compliance tests, the tests are first carried out in respect of the goods proposed by the tenderer who, in the absence of those tests, would be the successful tenderer. The tests are then carried out in respect of the goods proposed by the next tenderer only if the goods proposed by the preceding tenderer fail to pass the compliance tests and so forth until the tests are successful. However, in the case of a delivery order contract entered into with a number of suppliers, the compliance tests are carried out in respect of the goods proposed by all the selected tenderers.”.

12. Section 13 is amended by striking out the second paragraph.

13. The following is inserted after section 15.1:

“DIVISION IV.0.1
TOTAL ACQUISITION COST

15.1.1. To determine the lowest price or the lowest adjusted price for the purpose of awarding a contract under section 13, 18, 22 or 23, as the case may be, a public body may consider additional costs related to the acquisition of goods. Those additional costs are added to the tendered or adjusted prices, as applicable, in accordance with section 8 of Schedule 2, so as to establish the total acquisition cost for the public body.

Price adjustment made in accordance with the first paragraph must be based on quantifiable and measurable elements identified in the tender documents. Price adjustment must also be carried out after the filing of tenders according to the information contained in each tender.

For the purposes of this Regulation, the additional costs are the costs that would be borne by the public body during the useful life of the goods acquired. They may include, in particular, installation, maintenance, support and training costs that are not included in the tendered price.

15.1.2. Where the public body has considered additional costs in accordance with section 15.1.1 for the purpose of awarding the contract, the public body sends to each tenderer the value of the additional costs concerning the tenderer within 15 days of the contract awarding.”

14. Section 18 is amended

(1) by inserting “, in respect of the goods to be acquired,” after “who” in the first paragraph;

(2) by inserting “for the same goods” at the end of the first paragraph;

(3) by inserting “in respect of the goods to be acquired” after “submitted price” in the second paragraph.

15. The following is inserted after section 18:

“**18.1.** A delivery order contract may allow the selected supplier to replace goods referred to in the contract by new goods provided that the new goods comply with the technical specifications required and provided that their price does not exceed the price of the replaced goods.

Where the delivery order contract is entered into with more than one supplier, each of them may reduce the price of the goods referred to in the contract or replace them in accordance with the first paragraph.

The public body must specify in the tender documents the conditions to be met to make such changes as well as the mechanism to inform the other selected suppliers of the changes made by a competing supplier.

For the purposes of section 18, the price of goods reduced by a supplier under the second paragraph becomes the price submitted by the supplier for the goods concerned.”

16. Section 26 is amended by adding the following paragraph at the end:

“Moreover, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within

30 days after the date of receipt of the tenderer’s request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.”

17. Division IV of Chapter IV, comprising section 29.1, is revoked.

18. Section 32 is amended by adding “open only to the suppliers of certified goods” at the end.

19. Section 39.2 is amended by replacing subparagraph 4 of the third paragraph by the following:

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

20. The heading of Chapter VIII is amended by replacing “CONDITIONS” by “TERMS”.

FINAL

21. Sections 2 to 16 and 18 apply only to calls for tenders that were the subject of a notice published as of (*insert the date of coming into force of this Regulation*) and to contracts entered into by mutual agreement since that date.

22. 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 (chapter C-65.1, s. 23, pars. 1, 3 and 6)

1. The Regulation respecting service contracts of public bodies (chapter C-65.1, r. 4) is amended by inserting “certain” after “respecting” in the title.

2. Section 1 is amended by adding “except those referred to in the Regulation respecting contracting by public bodies in the field of information technologies, made by Order in Council (*insert the number and date of the Order in Council*)” at the end.

3. Section 4 is amended

(1) by inserting the following after subparagraph 5.1 of the second paragraph:

“(5.2) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;”;

(2) by inserting “offered” after “required,” in the third paragraph.

4. Section 5 is amended by striking out subparagraph 2 of the first paragraph, as well as the second paragraph.

5. Section 7 is amended

(1) by replacing the first paragraph by the following:

“**7.** Compliance requirements must specify the cases that will entail the automatic rejection of a tender, namely

(1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, non-compliance with the place designated for its reception;

(2) in the case of a tender sent in paper form, the required signature of an authorized person is missing on the document evidencing the tenderer’s undertaking or the document concerning the tendered price;

(3) the tender is conditional or restrictive;

(4) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established;

(5) the fact that the price submitted and the quality demonstration are not presented separately as required by section 16, where applicable; and

(6) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with.”;

(2) by inserting the following at the end of the second paragraph:

“For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.”.

6. The following is inserted after section 7:

“**7.0.1.** Compliance requirements must also set out the cases that will entail the rejection of the tender if the tenderer fails to remedy an irregularity indicated by the

public body within the period set by the public body or, in the case provided for in subparagraph 4 of this paragraph, within the 2 following business days. Such cases are

(1) the absence of a required document, other than a document whose absence entails the automatic rejection of a tender;

(2) in the case of a tender sent in paper form, the absence of a signature required from an authorized person on a document other than those in respect of which such an absence entails the automatic rejection of a tender;

(3) an erasure or correction to the tendered price that is not initialed;

(4) the fact that the integrity of a tender transmitted electronically could not be established; and

(5) any other case stated in the tender documents.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is established. That tender is then deemed to have been transmitted before the tender closing date and time.”.

7. Section 9 is amended by adding the following paragraph at the end:

“Provided that it is specified in the tender documents, the public body may reserve the right to not consider a request for details made by a service provider if the request is sent to the public body less than 24 hours before the tender closing date and time.”.

8. The following is inserted after section 9.1:

“**9.2.** A tender may be transmitted electronically only through the electronic tendering system.”.

9. The following is inserted after section 10:

“**10.1.** If a tender transmitted electronically, the public body must ensure, at the opening of tenders, the integrity of the tender.”.

10. Section 11 is amended

(1) by replacing “à l’endroit prévu, à la date” in the first paragraph of the French text by “à l’endroit prévu ainsi qu’à la date”;

(2) by replacing the second paragraph by the following:

“At the public opening, the public body discloses the names of the service providers who submitted a tender in paper form or a tender by electronic means whose integrity has been established. The respective total price of those tenders is also disclosed, subject to subsequent verifications.”;

(3) by adding “and add, if applicable, the information referred to in the second paragraph with regard to the tenders whose integrity has been established since the opening” at the end of the third paragraph.

11. Section 17 is amended

(1) by replacing the first paragraph by the following:

“17. The provisions of section 10.1 and those of the first paragraph of section 11 apply to a professional service contract.

At the public opening of tenders, only the names of the service providers who submitted a tender in paper form or a tender by electronic means whose integrity has been established are disclosed and the results of the opening are made available in accordance with the third paragraph of section 11.”;

(2) by replacing “first” in the second paragraph by “second”.

12. Section 25 is amended

(1) by adding “and applies the provisions of section 10.1” at the end of the third paragraph;

(2) by adding “and adds, if applicable, the names of the tenderers of the tenders whose integrity has been established since the opening of the tenders filed during the first stage” at the end of the seventh paragraph.

13. Section 28 is amended by adding the following paragraph at the end:

“Moreover, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate the quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within 30 days after the date of receipt of the tenderer’s request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.”.

14. Section 31 is replaced by the following:

“31. The public body must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract.”.

15. Section 52.2 is amended by replacing subparagraph 4 of the second paragraph by the following:

“(4) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 and 3 to 5 of section 52.”.

16. The heading of Chapter VIII is amended by replacing “CONDITIONS” by “TERMS”.

FINAL

17. Sections 2 to 14 apply only to calls for tenders that were the subject of a notice published as of (*insert the date of coming into force of this Regulation*) and to contracts entered into by mutual agreement since that date.

18. 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 (chapter C-65.1, s. 23, pars. 1, 3 and 6)

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

(1) by inserting the following after subparagraph 5.1 of the second paragraph:

“(5.2) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;”;

(2) by inserting “offered” after “required,” in the third paragraph.

2. Section 5 is amended by striking out subparagraph 2 of the first paragraph, as well as the second paragraph.

3. Section 7 is amended

(1) by replacing the first paragraph by the following:

“7. Compliance requirements must specify the cases that will entail the automatic rejection of a tender, namely

(1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, non-compliance with the place designated for its reception;

(2) the security provided does not comply with the form and conditions required;

(3) in the case of a tender sent in paper form, the required signature of an authorized person is missing on the document evidencing the tenderer's undertaking or the document concerning the tendered price;

(4) the tender is conditional or restrictive;

(5) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established; and

(6) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with.”;

(2) by inserting the following at the end of the second paragraph:

“For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.”.

4. The following is inserted after section 7:

“**7.0.1.** Compliance requirements must also set out the cases that will entail the rejection of the tender if the tenderer fails to remedy an irregularity indicated by the public body within the period set by the public body or, in the case provided for in subparagraph 4 of this paragraph, within the 2 following business days. Such cases are

(1) the absence of a required document, other than a document whose absence entails the automatic rejection of a tender;

(2) in the case of a tender sent in paper form, the absence of a signature required from an authorized person on a document other than those in respect of which such an absence entails the automatic rejection of a tender;

(3) an erasure or correction to the tendered price that is not initialed;

(4) the fact that the integrity of a tender transmitted by electronic means could not be established; and

(5) any other case stated in the tender documents.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is established. That tender is then deemed to have been transmitted before the tender closing date and time.”.

5. Section 9 is amended by adding the following paragraph at the end:

“Provided that it is specified in the tender documents, the public body may reserve the right to not consider a request for details made by a contractor if the request is sent to the public body less than 24 hours before the tender closing date and time.”.

6. The following is inserted after section 9.1:

“**9.2.** A tender may be transmitted electronically only through the electronic tendering system.”.

7. The following is inserted after section 13:

“**13.1.** If a tender transmitted electronically, the public body must ensure, at the opening of tenders, the integrity of the tender.”.

8. Section 14 is amended

(1) by replacing “à l’endroit prévu, à la date” in the first paragraph of the French text by “à l’endroit prévu ainsi qu’à la date”;

(2) by replacing the second paragraph by the following:

“At the public opening, the public body discloses the names of the contractors who submitted a tender in paper form or a tender by electronic means whose integrity has been established. The respective total price of those tenders is also disclosed, subject to subsequent verifications.”;

(3) by adding “and add, if applicable, the information referred to in the second paragraph with regard to the tenders whose integrity has been established since the opening” at the end of the third paragraph.

9. Section 22 is amended

(1) by adding “and applies the provisions of section 13.1” at the end of the fourth paragraph;

(2) by adding “and adds, if applicable, the names of the tenderers of the tenders whose integrity has been established since the opening of the tenders filed during the first stage” at the end of the seventh paragraph.

10. Section 26 is amended

(1) by adding “and applies the provisions of section 13.1” at the end of the third paragraph;

(2) by adding “and adds, if applicable, the names of the tenderers of the tenders whose integrity has been established since the opening of the tenders filed during the first stage” at the end of the seventh paragraph.

11. Section 32 is amended by adding the following paragraph at the end:

“Moreover, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate the quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within 30 days after the date of receipt of the tenderer’s request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.”

12. Section 42.2 is amended by replacing subparagraph 4 of the third paragraph by the following:

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

13. The heading of Chapter VII is amended by replacing “CONDITIONS” by “TERMS”.

FINAL

14. Sections 1 to 11 apply only to calls for tenders that were the subject of a notice published as of (*insert the date of coming into force of this Regulation*) and to contracts entered into by mutual agreement since that date.

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

102343

Draft Regulation

An Act respecting end-of-life care
(chapter S-32.0001)

Conditions for accessing and operating the advance medical directives register

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the conditions for accessing and operating the advance medical directives register, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

Pursuant to section 64 of the Act respecting end-of-life care (chapter S-32.0001), the draft Regulation prescribes how the register is to be accessed and operated. It also prescribes who may record advance medical directives in the register and who may consult it.

Further information may be obtained by contacting Régina Lavoie, project manager for palliative care and end-of-life care, Direction générale des services de santé et médecine universitaire, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, Québec (Québec) G1S 2M1; telephone: 418 266-5974; fax: 418 266-8974; email: regina.lavoie@msss.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 of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation respecting the conditions for accessing and operating the advance medical directives register

An Act respecting end-of-life care
(chapter S-32.0001, s. 64)

CHAPTER I GENERAL

1. This Regulation sets out the conditions for accessing and operating the advance medical directives register established by the Minister pursuant to section 63 of the Act.

CHAPTER II MANAGEMENT OF ACCESS TO THE ADVANCE MEDICAL DIRECTIVES REGISTER

DIVISION I ACCESS MANAGER

2. The function of the access authorization manager is to give the necessary access authorizations to intervening parties so that they have access to the advance medical directives register.

Before assigning access authorizations, the access authorization manager must ensure that the intervening party requesting access to the advance medical directives register needs such an access within the scope of the party's functions.

3. The following persons may be access authorization managers:

(1) a person designated by the president and executive director or the executive director of a health and social services institution;

(2) a person designated by the executive director of a palliative care hospice;

(3) a person designated by the register operations manager to ensure the operations management of the register.

4. Not more than 2 persons may act as access authorization manager in a health and social services institution.

Only 1 person may act as access authorization manager in a palliative care hospice.

5. A person requests from the Minister the authorizations required to act as access authorization manager by providing to the Minister the name of the institution or palliative care hospice for which the person wishes to act as access authorization manager and the documents proving that the person has been designated by the president and executive director or the executive director of the institution or palliative care hospice, as the case may be.

DIVISION II ACCESS AUTHORIZATIONS

6. An authorization for access to the advance medical directives register may be assigned to

(1) a physician practising in a centre operated by a health and social services institution or in a private health facility;

(2) a nurse practising in a centre operated by a health and social services institution, a palliative care hospice or a private physician's office;

(3) the holder of a training card issued by the secretary of the Collège des médecins du Québec, practising in a centre operated by a health and social services institution or a private physician's office;

(4) the holder of an authorization issued by the Collège des médecins du Québec under section 42.4 of the Professional Code (chapter C-26), practising in a centre operated by a health and social services institution or a private physician's office;

(5) a person providing technical support services to a physician;

(6) a person employed by the operations manager determined by the Minister, if applicable.

7. Before assigning authorizations for access to the advance medical directives register, the access authorization manager must verify the identity of the intervening party.

CHAPTER III OPERATION OF THE ADVANCE MEDICAL DIRECTIVES REGISTER

DIVISION I GENERAL

8. For the purposes of this Chapter, a reference to the Minister is a reference, if applicable, to the manager to whom the Minister entrusted the operations management of the advance medical directives register pursuant to the second paragraph of section 63 of the Act.

DIVISION II ENTRY OF ADVANCE MEDICAL DIRECTIVES IN THE REGISTER

9. Advance medical directives are sent to the Minister by the author of the advance medical directives using the prescribed form.

At the request of the author, the advance medical directives may also be sent to the Minister by the notary who drew up the notarial act. The notary sends a copy of the directives in computer format indicating the date they were signed.

10. The Minister enters the advance medical directives in the register after ascertaining the unique identification of the author of the directives using the following information:

- (1) name;
- (2) date of birth;
- (3) sex;
- (4) address;
- (5) health insurance number.

11. Where the advance medical directives are sent by their author, the Minister refuses to enter them in the register if they are not signed and dated or if the author is under 18 years of age. The Minister returns the directives to the author specifying the reasons why the Minister refused to enter them in the register.

DIVISION III CHANGE TO THE ADVANCE MEDICAL DIRECTIVES

12. Where the Minister receives advance medical directives and such directives have already been recorded in the register for the author of the directives, the Minister removes the previous directives and replaces them by the most recent.

DIVISION IV REVOCATION OF ADVANCE MEDICAL DIRECTIVES FROM THE REGISTER

13. Where the author of the advance medical directives wishes to revoke them, the author must send to the Minister, on paper format, the form for the revocation of advance medical directives prescribed under section 54 of the Act.

On receipt of the revocation form, the Minister removes the advance medical directives from the register. The Minister enters the revocation form in the advance medical directives register.

DIVISION V REMOVAL OF ADVANCE MEDICAL DIRECTIVES FROM THE REGISTER

14. Where the author of advance medical directives wishes to remove them from the register without revoking them, the author must send to the Minister, on paper format, the removal form that has been sent to the author, on the author's request, by the Minister.

On receipt of the removal form, the Minister removes the advance medical directives from the register. All information relating to the existence of the directives is removed from the register.

Where advance medical directives were made on the prescribed form, the Minister returns the advance medical directives to their author.

15. Where the Minister is informed of the death of the author of the advance medical directives, the Minister removes them from the register.

DIVISION VI CONSULTATION OF THE ADVANCE MEDICAL DIRECTIVES REGISTER

16. Where an intervening party requests access to the advance medical directives register, the party's access authorizations are verified.

17. The intervening party who consults the medical directives register to verify the existence of advance medical directives must use the following information relating to the author of the advance medical directives:

- (1) name;
- (2) date of birth;
- (3) sex;
- (4) health insurance number.

18. Where advance medical directives were entered in the advance medical directives register, the intervening party consulting them files them in the person's record.

Where no advance medical directives have been entered in the register or have been removed from the register without being revoked, the register indicates that no advance medical directives exist.

Where advance medical directives have been revoked, the form for the revocation of advance medical directives is sent to the intervening party consulting the register.

CHAPTER IV LOG

19. The Minister logs the access of the authorized intervening parties who access the advance medical directives register, the date and time of access and the results obtained by the intervening parties.

CHAPTER V FINAL

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

102355

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Construction industry — Hiring and mobility of employees — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation creates the new region of Nunavik. It also provides measures favouring the hiring of Native persons domiciled in the territory.

The draft Regulation has no impact on enterprises that are not in the construction industry and will have little administrative impact on employers in that industry. Regarding the public, it basically allows the constitution of a labour pool in Nunavik.

Further information on the draft Regulation may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

SAM HAMAD,
*Minister of Labour, Employment
and Social Solidarity*

Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpar. 13, and 4th and 5th pars.)

1. The Regulation respecting the hiring and mobility of employees in the construction industry (chapter R-20, r. 6.1) is amended by replacing section 36 by the following:

“**36.** Despite section 35, for work carried out at James Bay or Nunavik, the hiring priority is respectively granted to Native persons domiciled therein and who are employees holding a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate, as the case may be, issued by the Commission. The same priority is granted elsewhere to Native persons holding such a certificate for work carried out on the reserve or in the settlement where they are domiciled.”

2. The Regulation is amended by striking out “DESCRIPTION OF REGIONS AND SUBREGIONS FOR PLACEMENT AND HIRING PURPOSES” before “SCHEDULE 1”.

3. The Regulation is amended by inserting “DESCRIPTION OF REGIONS AND SUBREGIONS” after “SCHEDULE 4”.

4. Schedule 4 is amended by replacing the first paragraph by the following:

“Except the “Mingan” subregion, and the “James Bay” and “Nunavik” regions, the regions and subregions were defined under Construction Industry Decree (O.C. 1287-77, 77-04-20), published in the *Gazette officielle du Québec* of 27 April 1977, and do not take into account the mergers or modifications made to the territorial limits of cities, municipalities, villages and electoral districts. The cities, municipalities, villages and electoral districts determined as being included in the “Mingan” subregion and in the “James Bay” region are established under Construction Industry Decree (O.C. 1287-77, 77-04-20), published in the *Gazette officielle du Québec* of 27 April 1977, and do not take into account the mergers or modifications made to them.”

5. Schedule 4 is amended by inserting the following after the first occurrence of “Region: Îles-de-la-Madeleine”:

“Region: Nunavik
Subregion: Nunavik”.

6. Schedule 4 is amended by striking out “DESCRIPTION OF REGIONS AND SUBREGIONS FOR PLACEMENT AND HIRING PURPOSES” before the second occurrence of “REGION — BAS-SAINT-LAURENT — GASPÉSIE”.

7. Schedule 4 is amended by replacing subparagraph “Subregion: Mingan” by the following:

“Subregion: Mingan

It is bordered to the north by the 55th parallel north and includes in addition Category IB-N lands intended for the Naskapi community of Kawawachikamach, as they are so designated in the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

It includes the cities and towns of De Grasse, Gagnon, Port-Cartier, Sept-Îles, Schefferville, the municipalities of Aguanish, Baie-Johan-Beetz, Côte-Nord-du-Golfe-Saint-Laurent, Havre-Saint-Pierre, Île-d’Anticosti, Îlet-Caribou, Letellier, Longue-Pointe, Moisie, Natashquan, Pentecôte, Pointe-aux-Anglais, Rivière-au-Tonnerre, Rivière-Saint-Jean, and the unorganized territory of the county of Saguenay not included in the Saguenay subregion and every territory situated north of the Saguenay—Lac-Saint-Jean region, except the James Bay and Nunavik regions.”.

8. Schedule 4 is amended by replacing subparagraph “Subregion: Baie-James” by the following:

“Subregion: James Bay

The territory of the James Bay region includes the territory bordered to the west by the western boundary of Québec, to the south by the 50th parallel north, to the east by the electoral districts of Roberval, Dubuc and Saguenay as well as by the extension to the north of the western boundary of the electoral district of Saguenay and to the north by the 55th parallel north.

It also includes Category IA and IB lands intended for the Cree community of Whapmagoostui and Category II lands on which only that community has exclusive rights, as the lands are so designated in the Act respecting the land regime in the James Bay and New Québec territories.”.

9. The following is added at the end of Schedule 4:

“REGION — NUNAVIK
Subregion: Nunavik

All the territory situated north of the 55th parallel north, except Category IB-N lands intended for the Naskapi community of Kawawachikamach, Category IA

and IB lands intended for the Cree community of Whapmagoostui and Category II lands on which only that community has exclusive rights, as the lands are so designated in the Act respecting the land regime in the James Bay and New Québec territories.”.

10. Despite sections 35 and 36, for work carried out in the territory described below, the hiring priority is granted to employees holding a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate, as the case may be, issued by the Commission according to the following order:

- i. Native persons domiciled therein;
- ii. other employees domiciled in the locality where the work is carried out;
- iii. other employees domiciled elsewhere in the territory;
- iv. if no employee meeting the preceding criteria is available, employees domiciled outside the territory or a person domiciled therein who becomes the holder of a valid certificate or exemption.

The territory concerned is situated north of the 55th parallel north, except Category IB-N lands intended for the Naskapi community of Kawawachikamach, Category IA and IB lands intended for the Cree community of Whapmagoostui and Category II lands on which only that community has exclusive rights, as the lands are so designated in the Act respecting the land regime in the James Bay and New Québec territories.”.

This section ceases to have effect on 30 June 2017.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 1 to 9 that have effect as of 30 June 2017.

102345

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Issuance of competency certificates — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting

the issuance of competency certificates, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation constitutes a labour pool in Nunavik in particular by implementing a framework for the issuance of competency certificates to persons domiciled in Nunavik.

The draft Regulation has no impact on enterprises. Regarding the public, it basically allows the prioritization of the Nunavik workforce, as is the case in each region of Québec, in keeping with the rules of labour mobility in the construction industry.

Further information on the draft Regulation may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

SAM HAMAD,
*Minister of Labour, Employment
and Social Solidarity*

Regulation to amend the Regulation respecting the issuance of competency certificates

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpars. 5 and 7, and 4th and 5th pars.)

1. The Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended in section 7 by replacing “section 2 or section 3” in the second paragraph by “section 2, 3, 30 or 32” and by adding “, 31 or 33” after “section 4.2” in the third paragraph.

2. The following is added after section 29:

“**30.** On 3 March 2016, the Commission issues automatically, with no fee, an apprentice competency certificate to a person 16 years of age or over who

(1) on that date, is domiciled in the territory situated north of the 55th parallel of north latitude, except Category IB-N lands intended for the Naskapi community of Kawawachikamach, Category IA and IB lands intended for the Cree community of Whapmagoostui and Category II lands on which only that community has exclusive rights, as the lands are so designated in the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);

(2) is exempt from the obligation to hold an apprentice competency certificate issued by the Commission that is valid on that date; and

(3) on that date, has provided an attestation that he or she has successfully completed a health and safety course required under the Safety Code for the construction industry (chapter S-2.1, r. 4).

The apprentice competency certificate thus issued corresponds to the trade covered by the exemption and may be renewed on the conditions set out in this Regulation.

Despite the foregoing, on 3 March 2018, every apprentice competency certificate initially issued under this section is cancelled and may not be renewed despite any provision to the contrary, if the holder does not demonstrate that he or she meets, on that date, the admission requirements prescribed in basic school regulations made under the Education Act (chapter I-13.3), for a program of studies leading to a vocational training diploma pertaining to the trade indicated in the application.

At the same time as the Commission issues an apprentice competency certificate under this section, it cancels the exemption referred to in subparagraph 2 of the first paragraph.

31. On 3 March 2016, the Commission issues automatically, with no fee, an occupation competency certificate to a person 16 years of age or over who

(1) on that date, is domiciled in the territory described in subparagraph 1 of the first paragraph of section 30;

(2) is exempt from the obligation to hold an occupation competency certificate issued by the Commission that is valid on that date; and

(3) on that date, has provided an attestation that he or she has successfully completed a health and safety course required under the Safety Code for the construction industry.

The occupation competency certificate thus issued is renewed on the conditions set out in this Regulation.

At the same time as the Commission issues an occupation competency certificate under this section, it cancels the exemption referred to in subparagraph 2 of the first paragraph.

32. Until 30 June 2017, despite sections 3 and 3.1, the Commission may issue an apprentice competency certificate to a person 16 years of age or over domiciled in the territory described in subparagraph 1 of the first paragraph of section 30

(1) who provides an attestation that he or she has successfully completed a health and safety course required under the Safety Code for the construction industry;

(2) who demonstrates that he or she meets the admission requirements prescribed in basic school regulations made under the Education Act, for programs of studies leading to a vocational training diploma pertaining to the trade indicated in the request; and

(3) in respect of whom an employer registered with the Commission files a workforce request, guarantees that person employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee.

33. Until 30 June 2017, despite sections 4.2 and 4.3, the Commission may issue an occupation competency certificate to a person 16 years of age or over domiciled in the territory described in subparagraph 1 of the first paragraph of section 30

(1) who provides an attestation that he or she has successfully completed a health and safety course required under the Safety Code for the construction industry; and

(2) in respect of whom an employer registered with the Commission files a workforce request, guarantees that person employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee.”

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

102344

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Issuance of competency certificates

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the issuance of competency certificates, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation ensures recognition of the qualification issued by the Minister of Labour, Employment and Social Solidarity for the “elevated platforms” activity that is part of the trade of elevating devices mechanic. The draft Regulation also sets out the conditions of issue and renewal of a journeyman competency certificate corresponding to that specific activity and clarifies which work is authorized by such certificate.

The draft Regulation has no impact on enterprises that are not in the construction industry. For citizens, it facilitates and speeds up recognition, by the Commission de la construction du Québec, of the qualification of persons who are already qualified by the Minister of Labour, Employment and Social Solidarity to exercise the specific activity of “elevated platforms”. The draft Regulation is likely to afford those persons greater flexibility and mobility between the sectors governed and not governed by the Act. Lastly, the draft Regulation has impacts on enterprises in the construction industry whose activities concern elevated platforms to the extent that it increases the qualified workforce and thus facilitates its recruitment.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

SAM HAMAD,
*Minister of Labour, Employment
and Social Solidarity*

Regulation to amend the Regulation respecting the issuance of competency certificates

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par. subpars. 1 and 6, and 4th par.)

1. The Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended in section 1.3 by adding the following paragraph:

“Despite the first paragraph, the Commission issues, on request, a journeyman competency certificate pertaining to the “elevated platforms” activity, described in Schedule D to the Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8), to a person who holds a valid certificate of qualification issued under the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) in recognition of his or her qualification in mechanical conveyor systems mechanics or in elevated platforms mechanics and who successfully completed the safety course required by the Safety Code for the construction industry (chapter S-2.1, r. 4).”

2. Section 7 is amended by adding the following paragraph:

“For the renewal of the journeyman competency certificate issued under the third paragraph of section 1.3, the holder must also demonstrate that at the time of the application for renewal, he or she is the holder of a valid certificate of qualification issued under the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) in recognition of his or her qualification in mechanical conveyor systems mechanics or in elevated platforms mechanics. The same applies to every subsequent renewal of the certificate.”

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

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Construction industry — Vocational training of the workforce — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation creates the “elevated platforms” activity in the trade of elevating devices mechanic, to ensure recognition of the qualification issued by the Minister of Labour, Employment and Social Solidarity for that specific activity. In addition, the draft Regulation provides that the holder of a journeyman competency certificate corresponding to that activity or any other limited activity may not exercise the immediate supervision of an apprentice in the trade of which that activity is a part.

The draft Regulation has no impact on enterprises that are not in the construction industry. For citizens, it facilitates and speeds up recognition, by the Commission de la construction du Québec, of the qualification of persons who are already qualified by the Minister of Labour, Employment and Social Solidarity to exercise the specific activity of “elevated platforms”. The draft Regulation is likely to afford those persons greater flexibility and mobility between the sectors governed and not governed by the Act. Lastly, the draft Regulation has impacts on enterprises in the construction industry whose activities concern elevated platforms to the extent that it increases the qualified workforce and thus facilitates its recruitment.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6751.

SAM HAMAD,
*Minister of Labour, Employment
and Social Solidarity*

Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpars. 2 and 14)

1. The Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8) is amended in section 4 by inserting “or D” after “Schedule C” in the third paragraph.

2. The following paragraph is added after section 18:

“The holder of a journeyman competency certificate corresponding to an activity listed in Schedule C or D may not exercise the immediate supervision of an apprentice in the trade of which that activity is a part.”

3. The following is inserted after Schedule C:

“SCHEDULE D (s. 4)

1. ELEVATING DEVICES MECHANIC

—ELEVATED PLATFORMS

The holder of a journeyman competency certificate corresponding to the “elevated platforms” activity is authorized to execute solely work for which the certificate in elevating platform mechanics is required under the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1).”

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

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

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