

“(7) a statement that the only tenders that will be considered will be those submitted by contractors who meet the following requirements:

(a) have a place of business in Québec or, where an intergovernmental agreement is applicable, a place of business in Québec or in a province or territory covered by that agreement;

(b) hold the licence required under the Building Act (R.S.Q., c. B-1.1); and

(c) if they intend to act as an employer governed by the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20; 1995, c. 8), be registered with the Commission de la construction du Québec in accordance with the Regulation respecting the keeping of a register and the sending of a monthly report, approved by Order in Council 875-93 dated 16 June 1993;”;

(2) by inserting the following after paragraph 7:

“7.01 a statement that the only tenders that will be considered will be those accompanied by an affidavit certifying that the contractor meets the conditions set out in section 7.4 of the General Regulation respecting the conditions of contracts of government departments and public bodies.”.

2. This Regulation comes into force on 1 January 1997.

1011

Gouvernement du Québec

O.C. 1243-96, 2 October 1996

Financial Administration Act
(R.S.Q., c. A-6)

Exemption of the public bodies described in paragraph 1 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.4 of the Financial Administration Act (R.S.Q., c. A-6), the Government, on the conditions it determines, may exempt a public body described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1164-93 dated 18 August 1993, the Government exempted from the application of all regulations made under section 49 of the Financial Administration Act the public bodies described in paragraph 1 of section 5 of the Auditor General Act, with the exception of those instituted after 16 September 1993, provided that they have filed a policy on the conditions of their contracts and that they report on the application of that policy in their annual report;

WHEREAS it is expedient to extend the same exemption, under the same conditions, to the public bodies described in paragraph 1 of section 5 of the Auditor General Act, instituted after 16 September 1993;

WHEREAS it is expedient that those bodies, in their policy, provide for certain measures to fight undeclared labour in the construction industry in Québec;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the bodies described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted from the application of all the regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6) under the following conditions:

(1) that they file, with the Chairman of the Conseil du trésor, the policy prescribed in section 49.4 of the Financial Administration Act as well as all amendments that will have been made thereto within 30 days following the making of the latter;

(2) that in that policy they provide for measures to fight undeclared labour in the construction industry in Québec, inspired by the provisions of sections 7.3, 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies;

(3) in the case of the bodies that already have such a policy, that they amend it in order to provide for the measures indicated in paragraph 2, that those amendments take effect on 1 January 1997 and that they be filed not later than on that date;

(4) that they report on the application of that policy in their annual report;

THAT a policy filed with the Minister of Supply and Services, in accordance with Order in Council 1164-93 dated 18 August 1993, be equivalent to a policy filed with the Chairman of the Conseil du trésor, in accordance with paragraph 1 of the first paragraph of the operative part of this Order in Council;

THAT this Order in Council replace Order in Council 1164-93, made on 18 August 1993.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

1008

Gouvernement du Québec

O.C. 1244-96, 2 October 1996

Financial Administration Act
(R.S.Q., c. A-6)

Exemption of the public bodies described in paragraph 2 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.3.1 of the Financial Administration Act (R.S.Q., c. A-6), the Government, upon the recommendation of the Conseil du trésor and with or without conditions, may exempt a public body described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1165-93 dated 18 August 1993, the Government exempted, without conditions, from the application of all regulations made under section 49 of the Financial Administration Act, “the public bodies described in paragraph 2 of section 5 of the Auditor General Act, with the exception of those instituted after 16 September 1993 by a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act”;

WHEREAS it is expedient to extend the same exemption, without conditions, to any public body described in paragraph 2 of section 5 of the Auditor General Act, instituted after 16 September 1993 by a body described in section 3 or 4 or in paragraph 1 of section 5 of that Act;

WHEREAS it is expedient, for the bodies thus exempted that are responsible for carrying out construc-

tion work for a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act, to adopt measures to fight undeclared labour in the construction industry in Québec;

WHEREAS the Conseil du trésor recommended that this Order in Council be made;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the bodies described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted, without conditions, from the application of all the regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6);

THAT, however, the bodies exempted hereinabove that are responsible for carrying out construction work for a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act be exempted under the following conditions:

(1) that they adopt measures to fight undeclared labour in the construction industry in Québec inspired by the provisions of sections 7.3, 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies and that they file the text of those measures and the text of any amendments that will have been made thereto with the Chairman of the Conseil du trésor, within 30 days following the making of the latter;

(2) in the case of the bodies existing at the time of the making of this Order in Council, that those measures take effect on 1 January 1997 and that they file the text of those measures with the Chairman of the Conseil du trésor, not later than on that date;

THAT this Order in Council replace Order in Council 1165-93, made on 18 August 1993.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

1009