

Regulations and other acts

Gouvernement du Québec

O.C. 233-96, 28 February 1996

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

Conditions of contracts of government departments and public bodies — Amendments

Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, by a public body whose operating budget is voted wholly or in part by the National Assembly or by any other public body;

WHEREAS by Order in Council 1166-93 dated 18 August 1993, the Government made the General Regulation respecting conditions of contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994 and 492-95 dated 12 April 1995;

WHEREAS it is expedient to amend the General Regulation respecting conditions of contracts of government departments and public bodies in order in particular to introduce therein requirements to comply with the standards in the ISO international system for quality management for suppliers in certain specialties and to ensure conformity with the Civil Code of Québec and consistency with all the regulations respecting contracts;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the General Regulation respecting conditions of contracts of government

departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The General Regulation respecting conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994 and 492-95 dated 12 April 1995, is further amended in section 2

(1) by striking out the definition of “insurance contract”;

(2) by inserting, after the semi-colon at the end of the definition of “construction contract”, the words “this definition includes a contract for the erection of a building intended to be used mainly by a government department or body or intended to become, at the end of a lease, the property of the client department or body;”;

(3) by substituting the following for the definition of “services contract”:

““services contract” means a contract for services within the meaning of the Civil Code of Québec, a contract of enterprise other than a construction contract, a contract of affreightment, a damage insurance contract

and a cartage contract; notwithstanding the foregoing, this definition does not include a contract for financial services, a contract for banking or legal services, a contract for the hiring of a mediator designated by the Service de médiation familiale of the Superior Court or a contract for creation referred to in the Règlement sur l'intégration des arts à l'architecture et à l'environnement des édifices du gouvernement du Québec (R.R.Q., 1981, c. M-20, r. 3); (*contrat de services*)”;

(4) by substituting the following for the definition of “supplier”:

““supplier” means a legal person, a partnership, a cooperative or a natural person who operates an individual business, except a public body within the meaning of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), a department or body of another government or a non-profit corporation other than an adapted work centre; (*fournisseur*)”;

(5) by inserting the following definition after the definition of “insurance contract”:

““Minister” means the minister responsible for the administration of the Act respecting government services to departments and public bodies (R.S.Q., c. S-6.1); (*Ministre*)”;

(6) by inserting the following definition after the definition of “education or health and social services network”:

““estimated amount of the contract” means the estimated total expenditure of the contract, except in the case of a one-year contract that is renewable annually, in which case it means the estimated expenditure for the first year; notwithstanding the foregoing, in the case of an advertising contract, the estimated amount of the contract shall not include media placement costs; (*montant estimé du contrat*)”;

(7) by substituting the following for the definition of “professional”:

““professional” means a person entered on the roll of an order within the meaning of the Professional Code (R.S.Q., c. C-26) or whose training has been certified by an undergraduate university degree recognized by the Ministère de l'Éducation, or the equivalent; (*professionnel*)”;

(8) by striking out the definitions of “spontaneous proposal” and “education or health and social services network”.

2. Sections 5 and 6 are amended by striking out the words “of Supply and Services” everywhere they occur.

3. The Regulation is amended by inserting the following after section 7:

“**7.1** No contract pertaining mainly to any of the specialties listed in Schedule 1 may, from the date indicated in that Schedule, be awarded to a supplier unless he holds a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the field concerned by the specialty in question, complying with the ISO standard required in Schedule 1.

The definitions of the specialties listed in Schedule 1 correspond to the definitions set out in the Répertoire des spécialités established by the Conseil du trésor for the specialties included therein.

Where the awarding of a contract is made following a call for tenders, the amount of the contract specified in Schedule 1 shall be construed as the estimated amount of the contract.

7.2 Any construction contract of the Ministère des Transports that includes the supplying of bituminous compound shall contain a clause that, from 1 April 1997, such product will have to have been manufactured by a compounding plant holding a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the plant has a quality system complying with standard ISO 9002.”.

4. Section 8 is amended

(1) by striking out paragraph 5; and

(2) by inserting the words “, its estimated amount is less than \$100 000” after the words “for travel services” in paragraph 8.

5. Section 11 is amended by substituting the words “complying offer” for the words “proposal or candidacy” after the words “supplier whose”.

6. Section 12 is amended by substituting the words “whose complying offer obtained” for the words “who obtained”.

7. Section 14 is amended by substituting the following for the second paragraph:

“The awarding procedures shall be approved by the Conseil du trésor before the call for tenders is held, unless the awarding procedures stipulate that a contract must be awarded to the supplier who submitted, in accordance with this Regulation, either the lowest price or the best quality/price ratio, taking into account the cost of administration and assumption of the contract and, where applicable, the availability of the goods or services sought.”.

8. Section 15 is amended by substituting the following for paragraph 6:

“(6) in the case of a damage insurance contract, except where the contract is for less than \$200 000 and pertains to a movable or an immovable belonging to a Québec office or delegation abroad and for which the Ministère des Relations internationales is required under local laws and practices to enter into an insurance contract.”.

9. Section 16 is amended by striking out paragraph 2.

10. The Regulation is amended by inserting the following Schedule at the end:

**“SCHEDULE 1
LIST OF THE SPECIALTIES FOR WHICH A
SUPPLIER MUST HOLD AN ISO REGISTRATION
CERTIFICATE
(s. 7.1)**

Specialty	Amount of contract	Date of coming into force	Standard required
Supplying:			
— Bituminous compound for the Ministère des Transports	≥ \$1	97 04 01	ISO 9002
Professional services:			
Group — Construction and physical sciences :			
Category — Civil engineering :			
11130 — Complex dam engineering	≥ \$10 000	96 04 01	ISO 9001
11121 — Bridge engineering	≥ \$10 000	96 04 01	ISO 9001
Category — Soil and materials engineering:			
— Metal quality control (1)	≥ \$10 000	96 04 01	ISO 9002
11262 — Bituminous concrete quality control	≥ \$10 000	96 04 01	ISO 9002
11245 — Cement concrete quality control	≥ \$10 000	96 04 01	ISO 9002
11246 — Soil quality control	≥ \$10 000	96 04 01	ISO 9002
11247 — Characterization testing of granulates	≥ \$10 000	96 04 01	ISO 9002
11248 — Performance testing of granulates	≥ \$10 000	96 04 01	ISO 9002

Specialty	Amount of contract	Date of coming into force	Standard required
11249 — Soil recognition (pedological studies)	≥ \$10 000	96 04 01	ISO 9002
11250 — Soil mechanics	≥ \$10 000	96 04 01	ISO 9002
11251 — Soil mechanics and soil and cement concrete quality control	≥ \$10 000	96 04 01	ISO 9002
— Complex soil mechanics (2)	≥ \$10 000	96 04 01	ISO 9002
11268 — Structural inventory of roads	≥ \$10 000	96 04 01	ISO 9002
11269 — Road mechanics	≥ \$10 000	96 04 01	ISO 9002

Supplying:

Group — Information technologies:

Category — Computers:

13061 — Management and planning of information technologies	≥ \$200 000	96 04 01	ISO 9001
13068 — Systems development	≥ \$100 000	96 04 01	ISO 9001
13062 — Management of processing centres	≥ \$200 000	96 04 01	ISO 9002
13063 — Computer security	≥ \$200 000	96 04 01	ISO 9001
13064 — Hardware and software counseling	≥ \$200 000	96 04 01	ISO 9001
13069 — Systems development	≥ \$200 000	96 04 01	ISO 9001
13070 — Systems maintenance	≥ \$200 000	96 04 01	ISO 9001

(1) Metal quality control: Quality control, by means of destructive or non-destructive tests, of the properties of metals, their protection, their processing and their assembly in factories or on construction sites.

(2) Complex soil mechanics: Determination of the physical, mechanical and hydraulic characteristics of soils by means of drilling, on-site or laboratory testing and calculations where stability, compaction or landslip problems are anticipated so as to assess the scope of those problems or to optimize the design and/or the “sizing” of works.

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

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Gouvernement du Québec

O.C. 234-96, 28 February 1996

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

An Act respecting the Service des achats
du gouvernement
(R.S.Q., c. S-4)

Supply contracts of government departments and public bodies — Amendments

Regulation to amend the Regulation respecting supply contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, by a public body whose operating budget is voted wholly or in part by the National Assembly or by any other public body;

WHEREAS by Order in Council 1167-93 dated 18 August 1993, the Government made the Regulation respecting supply contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 1809-93 dated 15 December 1993, 1105-94 dated 20 July 1994 and 1569-95 dated 6 December 1995;

WHEREAS it is expedient to amend the Regulation respecting supply contracts of government departments and public bodies in order in particular to ensure adequate application of the intergovernmental agreements entered into by the Government and consistency with all the regulations respecting contracts and to relax certain rules including those concerning recourse to the central register for contracts of less than \$25 000 and the information contained in the instructions to tenderers;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft Regulation to amend the Regulation respecting supply contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of

13 December 1995 with a notice that it could be made by the Government, with or without amendments, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the Regulation respecting supply contracts of government departments and public bodies has been the subject of a recommendation of the Conseil du trésor;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting supply contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supply contracts of government departments and public bodies

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

An Act respecting the Service des
achats du gouvernement
(R.S.Q., c. S-4)

1. The Regulation respecting supply contracts of government departments and public bodies, made by Order in Council 1167-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1809-93 dated 15 December 1993 and 1105-94 dated 20 July 1994, is further amended by striking out the words “concrete pipes,” in paragraph 1 of section 7.

2. The following is substituted for section 13:

“**13.** Instructions to tenderers shall

(1) describe the tendering procedure and specify the required supporting documents;

(2) determine the period of validity of the tender;

(3) state non-compliance clauses;