

Payment is due upon mere application for payment sent to the financial institution by the recipient.

\_\_\_\_\_  
 (Name and address of the financial institution)

Per: \_\_\_\_\_

(Authorized signatory)

\_\_\_\_\_  
 (Authorized signatory)”.  
 \_\_\_\_\_

**40.** Schedule 7 is amended by striking out section 5.

**41.** Schedule 8 is amended

(1) by substituting the following words for the words “made up of the municipalities of Blanc-Sablon, Bonne-Espérance and Côte-Nord-du-Golfe-Saint-Laurent” in the first paragraph of section 6:

“bounded on the east by the boundary of Québec, on the north and west by the “Minganie” subregion and on the south by the Gulf of St. Lawrence”; and

(2) by inserting the following after section 11:

“12. Professional services related to the advertising campaign specialty:

The application for suppliers’ names shall be processed, as the department or body may choose, from a regional list or from the list comprising all the suppliers in Québec.”.

**42.** Schedule 9 is revoked.

**43.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 17, 18, 19, 20 and 42, which come into force on 1 April 1996.

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Gouvernement du Québec

**O.C. 237-96, 28 February 1996**

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

**Snow removal services contracts of government departments and public bodies**  
 — Amendments

Regulation to amend the Regulation respecting snow removal services 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 1170-93 dated 18 August 1993, the Government made the Regulation respecting snow removal services contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 448-94 dated 30 March 1994, 222-95 dated 22 February 1995 and 784-95 dated 14 June 1995;

WHEREAS it is expedient to amend the Regulation respecting snow removal services contracts of government departments and public bodies in order in particular to specify certain provisions, including that concerning the information contained in the instructions to tenderers and those pertaining to guarantees, and to ensure 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 Regulation respecting snow removal services 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 snow removal services 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 without 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 snow removal services 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 snow removal services contracts of government departments and public bodies**

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

**1.** The Regulation respecting snow removal services contracts of government departments and public bodies, made by Order in Council 1170-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 448-94 dated 30 March 1994, 222-95 dated 22 February 1995 and 784-95 dated 14 June 1995, is further amended in section 2 by striking out the definitions of the terms “Estimated amount of the contract” and “Minister”.

**2.** The following is substituted for section 14:

“**14.** Instructions to tenderers shall

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

(2) state non-compliance clauses; and

(3) inform the contractors that the call for bids and any contract that may be entered into are subject to the regulatory requirements in respect of the validity of contracts prescribed in Chapter II of the General Regulation respecting the conditions of contracts of government departments and public bodies.”

**3.** Section 57 is amended in the French text by substituting the words “du renouvellement” for the words “de la reconduction”.

**4.** The following are substituted for Schedules 1 to 3:

## **“SCHEDULE 1 TENDER BOND (s. 24., par. 1)**

1. ...., having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Surety”, having taken cognizance of the tender to be submitted on the ..... day of ..... 19 ... to the (..... identification of the department or public body ....., hereinafter called (the “Minister” or the “Body”), by .....(name of the contractor) having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the “Contractor”, in respect of .....(description of the work and location) .....stands surety for the Contractor, to the benefit of (the Minister or the Body), under the following conditions:

If the Contractor fails to sign a contract in keeping with the tender submitted or fails to provide the required guarantees within 15 days following the date of acceptance, the Surety binds itself to pay (the Gouvernement du Québec or the Body) a sum of money corresponding to the difference between the tendered price that had been accepted and the tendered price subsequently accepted by (the Minister or the Body), it being provided that the Surety shall not be required to pay more than ..... dollars (\$.....).

2. The Contractor whose tender has been accepted shall be notified of such acceptance within 45 days following the time limit for the receipt of tenders; failing that, this obligation shall be null and of no effect.

3. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction.

4. Any legal proceedings for the enforcement of this bond shall be instituted within 12 months following the date of these presents.

5. The Surety waives the benefit of discussion.

6. The Contractor intervenes in these presents to consent thereto; should the Contractor fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Contractor, by their duly authorized representatives, have signed these presents in ..... this ..... day of the month of ..... 19.....

THE SURETY

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

THE CONTRACTOR

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

**SCHEDULE 2  
IRREVOCABLE LETTER OF GUARANTEE  
(s. 24, par. 2)**

Recipient:

Name of department or public body  
Address

Object:

Contractor's name  
Address  
Summary identification of the call for tenders

..... (name of financial institution and branch), herein represented by ....., duly authorized, guarantees irrevocably the payment of the sums that will be owed to you by the abovementioned client in the event that the client fails to accept a contract conforming to the client's tender or to provide the required guarantees within ..... days of the date of the notice of acceptance of the tender.

This letter of guarantee may be realized only if the tenderer fails to accept a contract conforming to the tender, or if he fails to furnish the required guarantees.

After receipt of a written application for payment, in which the date of the opening of the tenders shall be stated, ..... (name of financial institution) undertakes to pay those sums; notwithstanding the foregoing, ..... (name of financial institution) shall in no case be required to pay more than ..... dollars (\$.....) under this letter of guarantee.

This letter of guarantee shall remain valid for a period of ..... days from the date of the opening of the tenders and any application for payment under this letter of guarantee shall be received by ..... (name of financial institution) no later than ..... days from the date of the opening of the tenders.

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(Name and address of the financial institution)

Per:

(Authorized signatory)

(Authorized signatory)".

**SCHEDULE 3  
PERFORMANCE BOND FOR SNOW  
REMOVAL CONTRACTS  
(s. 25, par. 1)**

1. ...., having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the "Surety", after having taken cognizance of the tender duly accepted by ..... (identification of government department or public body), on ..... in respect of ..... (description of work and location) with a view to a contract for 19.... and the renewal years, if any, with (identification of government department or public body), hereinafter called (the "Minister" or the "Body") and ..... (name of the contractor) having its principal place of business in ....., herein represented by ....., duly authorized, hereinafter called the "Contractor", binds itself jointly and severally with the Contractor, to the benefit of (the Minister or the Body) to perform the work described above in conformity with the contract, it being provided that the Surety shall in no case be required to pay more than ..... dollars (\$.....).

2. The Surety agrees that (the Minister or the Body) and the Contractor may amend the contract at any time, subject to the right of the Surety to be informed thereof, upon request, and also consents to (the Minister's or the Body's) granting any time period required to complete the work.

3. If the Contractor fails to perform the contract, including work covered by the guarantees, (the Minister or the Body) may, in an emergency and without notice, have the required work performed to correct the situation. Beyond the period of emergency and in all other cases of non-performance, the Surety shall undertake and continue the work required within 48 hours after receiving notice to that effect from (the Minister or the Body) or the representative of (the Minister or the Body) via the fastest means of communication, failing which (the Minister or the Body) may have the work completed and the Surety shall pay (the Minister or the Body) for any excess over the price agreed upon with the Contractor for performance of the contract.

4. This bond shall be governed by the law applicable in Québec and, should it be contested, the courts of Québec shall have sole jurisdiction. All proceedings shall be instituted before the expiry of the year following the date of the final estimate of the work done in performance of the contract or the date of completion of the work covered by the guarantees.

5. The Contractor intervenes in these presents to consent thereto; should the Contractor fail to do so, this obligation shall be null and of no effect.

IN WITNESS WHEREOF, the Surety and the Contractor, by their duly authorized representatives, have signed these presents in ..... this ..... day of the month of ..... 19.....

THE SURETY

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

THE CONTRACTOR

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)”.

5. 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. 238-96, 28 February 1996**

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

**Travel services contracts of government departments and public bodies — Amendments**

Regulation to amend the Regulation respecting travel services 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 1171-93 dated 18 August 1993, the Government made the Regulation respecting travel services contracts of government departments and public bodies;

WHEREAS it is expedient to amend the Regulation respecting travel services contracts of government departments and public bodies in order mainly to ensure adequate application of the intergovernmental agreements entered into by the Government by limiting the scope of that Regulation to contracts of less than \$100 000 and to ensure consistency with all the regulations respecting contracts;