

## Regulations and other acts

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Gouvernement du Québec

### **O.C. 332-96, 21 March 1996**

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

#### **Construction contracts of government departments and public bodies — Amendments**

Regulation to amend the Regulation respecting construction 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, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS by Order in Council 1168-93 dated 18 August 1993, the Government made the Regulation respecting construction contracts of government departments and public bodies, which was amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994, 1106-94 dated 20 July 1994 and 235-96 dated 28 February 1996;

WHEREAS the present rule governing construction contracts pertaining both to the manufacturing and laying of bituminous compound, awarded without a call for tenders where the estimated amount of the work is less than \$500 000, will come to an end on 31 March 1996;

WHEREAS it is expedient to amend the Regulation respecting construction contracts of government departments and public bodies so that new rules governing that sector of activity will be in force as soon as possible;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement set out in section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

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

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication:

— the present rule governing construction contracts pertaining both to the manufacturing and laying of bituminous compound, awarded without a call for tenders where the estimated amount of the work is less than \$500 000, will come to an end on 31 March 1996;

— the new rules governing that sector of activity must be in force as soon as possible, because on that date the Ministère des Transports must undertake the process to select contractors who operate mixing plants, in order to award the contracts required for the summer of 1996;

WHEREAS consultations have been held with the Ministère des Transports and the Association des constructeurs de routes et grands travaux du Québec;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies;

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

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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

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

**1.** The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994, 1106-94 dated 20 July 1994 and 235-96 dated 28 February 1996, is further amended, in section 4, by substituting the following for paragraph 4:

“(4) where the work is construction work intended for both the manufacturing and laying of bituminous compound, in the following cases:

(a) the estimated amount of the work is less than \$250 000; or

(b) the estimated amount of the work is equal to or greater than \$250 000 but less than \$500 000 and any of the following situations arises:

i. there are only 2 competing contractors who operate mixing plants located less than 50 kilometres from where the work is to be performed and the difference between the estimated amounts of the work determined for those 2 contractors is 5 % or more, calculated on the basis of the lowest of the 2 amounts;

ii. there is only one competing contractor who operates a mixing plant located less than 50 kilometres from where the work is to be performed and the difference between the estimated amounts of the work determined for that contractor and the second contractor with the lowest estimated amount from among the other competing contractors who operate mixing plants located 50 kilometres or more from where the work is to be performed is 5 % or more, calculated on the basis of the lowest of the 2 amounts; or

iii. there is no competing contractor who operates a mixing plant located less than 50 kilometres from where the work is to be performed and the difference between the estimated amounts of the work determined for the 2 competing contractors who operate mixing plants located 50 kilometres or more from where the work is to be performed and whose estimated amounts are the lowest is 5 % or more, calculated on the basis of the lowest of the 2 amounts.

The estimated amount of the work is determined according to the calculation method described in the document of the Ministère des Transports entitled “Étude des coûts - mélange bitumineux - granulats concassés”. The performance of the work shall be entrusted to the contractor who obtains the lowest estimated amount and the contract shall be awarded for that amount;”.

**2.** The following is substituted for section 7:

“7. Subject to section 4 and to paragraph 3 of section 28, a public call for tenders shall be issued in respect of a construction contract where the estimated amount of the work is equal to or greater than \$100 000.”.

**3.** Section 28 is amended

(1) by substituting the following for that part preceding paragraph 1:

“Subject to section 4, an invitation to tender shall be extended where”; and

(2) by inserting the following after paragraph 2:

“(3) the estimated amount of the construction work, intended for both the manufacturing and laying of bituminous compound, is equal to or greater than \$250 000 but less than \$500 000 and any of the following situations arises:

(a) there are at least 3 competing contractors who operate mixing plants located less than 50 kilometres from where the work is to be performed, in which case the owner shall invite all the contractors concerned to tender;

(b) there are only 2 competing contractors who operate mixing plants located less than 50 kilometres from where the work is to be performed and the difference between the estimated amounts of the work determined for those contractors is less than 5 %, calculated on the basis of the lowest of the 2 amounts, in which case the owner shall invite the contractors concerned to tender; or

(c) there is only one competing contractor who operates a mixing plant located less than 50 kilometres from where the work is to be performed and the difference between the estimated amounts of the work determined for that contractor and the second contractor with the lowest estimated amount from among the other competing contractors who operate mixing plants located 50 kilometres or more from where the work is to be performed is less than 5 %, calculated on the basis of the lowest of the 2 amounts, in which case the owner shall invite the contractors concerned to tender.”.

**4.** The following words are substituted for the word “Where” in section 29:

“Subject to subparagraph *a* of paragraph 4 of section 4, where”.

**5.** Section 104 is revoked.

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

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Gouvernement du Québec

### O.C. 343-96, 21 March 1996

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

#### Duties and costs payable

Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec

WHEREAS under paragraph 9 of section 37 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), the Government, upon the recommendation of the Minister of Industry, Trade, Science and Technology and the Minister of Public Security, may make regulations determining the amount of the costs and duties that are payable under the Act respecting the Société des alcools du Québec or standards permitting to establish such amount and prescribing the terms and conditions of payment;

WHEREAS the Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec was made by Order in Council 1204-86 dated 6 August 1986 and amended by Order in Council 1470-87 dated 23 September 1987;

WHEREAS it is expedient to replace the Regulation in order to determine new costs and duties payable under the Act respecting the Société des alcools du Québec and to establish and prescribe their terms and conditions of payment;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 December 1995 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation, with amendments, as it appears attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Industry, Trade, Science and Technology and the Minister of Public Security:

THAT the Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 30 and s. 37, pars. 9 and 10)

**1.** The duties payable for the issue of a permit and the duties payable annually thereafter for a permit are

- (1) for a distiller's permit: \$5 000;
- (2) for a wine maker's permit: \$1 000;
- (3) for a cider maker's permit: \$1 000;
- (4) for a warehouse permit: \$200;
- (5) for a home production permit: \$250;

(6) for a brewer's permit, \$2 500 for a first application for a permit or for the transfer of a permit and, subsequently, for the determination of the annual duties:

(a) \$2 500 where the holder's annual volume of world-wide sales is equal to or less than 200 000 hectolitres;

(b) \$5 000 where the holder's annual volume of world-wide sales is greater than 200 000 hectolitres; and

(7) for a beer distributor's permit, \$2 500 for a first application for a permit or for the transfer of a permit and, subsequently, for the determination of the annual duties:

(a) \$2 500 where the holder's annual volume of world-wide sales is equal to or less than 200 000 hectolitres;

(b) \$5 000 where the holder's annual volume of world-wide sales is greater than 200 000 hectolitres.