

and, if that subcontractor intends to act as an employer governed by the Act respecting labour relations, vocational training and manpower management in the construction industry, who is 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; and

(2) to require from his subcontractors that they also grant any subcontract only to subcontractors who meet the conditions provided for in paragraph 1.

**13.2** Every construction contract of \$10 000 or more shall contain a clause whereby the supplier undertakes

(1) to ask the department or the body offering the work, prior to awarding any construction subcontract of \$10 000 or more, for confirmation that the subcontractor identified by the supplier meets the conditions provided for in section 7.4;

(2) to grant any subcontract of \$10 000 or more only to a subcontractor who meets the obligation provided for in paragraph 1; and

(3) to require from his subcontractors that they also grant any subcontract of \$10 000 or more only to subcontractors who declare to them in writing that they meet the conditions provided for in section 7.4.”

**3.** This Regulation comes into force on 1 January 1997.

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Gouvernement du Québec

**O.C. 1242-96, 2 October 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 it is expedient to amend the Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993, in order to introduce complementary requirements to the amendments proposed to the General Regulation respecting the conditions of contracts of government departments and public bodies, which are intended to fight undeclared labour in the construction industry in Québec;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation to amend the Regulation respecting construction contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 14 February 1996 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 it is expedient to make the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies with amendments, the Regulation having been recommended by the Conseil du trésor;

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 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*

**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, 235-96 dated 28 February 1996 and 332-96 dated 21 March 1996, is further amended, in section 10,

(1) by substituting the following for paragraph 7:

“(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.

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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;