

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;

(4) inform the suppliers of the rules to be followed in evaluating the tenders;

(5) inform the suppliers 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; and

(6) where the purpose of the call for bids is to draw up a list of suppliers from whom a standing offer will be accepted, specify the procedures for selecting the suppliers to be registered on that list and the awarding procedures prescribed for those contracts.”.

3. Section 19 is amended

(1) by substituting the word “for” for the words “where the documents include” in paragraph 1;

(2) by substituting the words “for printed or photocopied documents other than copies of plans” for the words “where the tender documents comprise only printed or photocopied documents” in paragraph 2; and

(3) by substituting “1 to 200” for “less than 200” in paragraph 2.

4. Section 22 is amended by substituting the following for paragraph 2:

“(2) the estimated amount of the contract is \$25 000 or more and the goods concerned are included in a specialty in the central register of suppliers of goods and services to the Government, in which case section 47 applies; or”;

5. Sections 34 to 36 are revoked.

6. Sections 43, 44 and 52 are amended by striking out the words “of Supply and Services” everywhere they occur.

7. Section 45 is amended by substituting the words “Conseil du trésor” for the words “Minister of Supply and Services”.

8. Sections 46, 56, 57 and 58 are revoked.

9. Section 48 is amended by substituting the word “Section 47 also applies” for the words “Sections 46 and 47 also apply”.

10. Section 54 is amended by striking out the figures “56, 57,”.

11. Section 61 is amended by substituting the figure “15” for the figure “30”.

12. Sections 62 and 63 are amended

(1) by substituting the figure “15” for the figure “30” everywhere it occurs; and

(2) by striking out the words “of Supply and Services” everywhere they occur.

13. Section 64 is amended by inserting the words “or renewing” after the words “entering into”.

14. Section 68 is amended

(1) by substituting the words “and in sections 23 and 47” for the words “, in section 23 and in sections 46 and 47” in the first paragraph; and

(2) by substituting the words “for Administration and the Public Service” for the words “of Supply and Services” in the second paragraph.

15. The following are substituted for Schedules 1 to 3:

“SCHEDULE 1

LIST OF GOODS THAT MAY BE ACQUIRED BY THE DEPARTMENT IDENTIFIED INSTEAD OF THE GENERAL PURCHASING DIRECTOR (s. 4, par. 2, and s. 5)

Name of department	Goods in question
Agriculture, Pêcheries et Alimentation	Contracts relating to the following goods: — purebred animals; — provisions for regions other than those of Québec and Montréal; — crushed gravel; — crushed stone; — live fish and molluscs; — hay, straw, milled feed, food supplements and bedding for farm animals.
Conseil exécutif	Contracts relating to historic movable property.

Name of department	Goods in question	Name of department	Goods in question
Environnement et Faune	Contracts relating to the following goods: — sod; — loam; — crushed gravel; — crushed stone; — sand; — any granular material; — purebred animals; — live fish; — fish roe; — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables; — raw aggregate.	Transports	Contracts relating to the following goods: — raw aggregate; — sod; — posts; — fence posts; — loam; — crushed gravel; — crushed stone; — reinforced concrete pipes; — pre-mixed concrete; — manufactured concrete products; — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables; — bituminous compound and its constituents, excluding bitumen used for the preparation of hot bituminous coating, when covered by a standing offer entered into by the General Purchasing Director.
Industrie, Commerce, Science et Technologie	Contracts for the purchase of existing printed material, such as brochures, tourism maps, slides, etc., available from a single supplier.		
Relations internationales	Contracts relating to historic movable property.		
Ressources naturelles	Contracts relating to the following goods: — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables; — raw aggregate; — sod; — posts; — fence posts; — loam; — crushed gravel; — crushed stone; — cones and seeds of deciduous trees for purposes of reforestation.		
Sécurité publique	Contracts relating to the following goods: — provisions for regions other than those of Québec and Montréal; — fruit; — vegetables.		

SCHEDULE 2
TENDER BOND
(s. 28., 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 supplier) having its principal place of business in, herein represented by, duly authorized, hereinafter called the "Supplier", in respect of (description of the goods in question) stands surety for the Supplier, to the benefit of (the Minister or the Body), under the following conditions:

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

IN WITNESS WHEREOF, the Surety and the Supplier, 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 SUPPLIER

(signature)

(Witness)

(Name of signatory in block letters)

(Title of signatory in block letters)

SCHEDULE 3
IRREVOCABLE LETTER OF GUARANTEE
(s. 28, par. 2)

Recipient:

Name of department or public body
Address

Object:

Supplier'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 purchase order 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 an order 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.

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)''.

16. 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. 235-96, 28 February 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 and 1106-94 dated 20 July 1994;

WHEREAS it is expedient to amend the Regulation respecting construction contracts of government departments and public bodies in order in particular to relax or clarify certain rules including those respecting the information contained in the instructions to suppliers, the conditions for registration in the central register and guarantees, and to ensure concordance with every regulation respecting contracts;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft of the 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 13 December 1995 with a notice that it could be made by the Government, with or without amendment, upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation to amend the Regulation respecting construction 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, 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 and 1106-94 dated 20 July 1994, is further amended by striking out the definition “Estimated amount of the contract” in section 2.

2. The Regulation is amended by substituting the following words for the words “formed by the municipalities of Blanc-Sablon, Bonne-Espérance and Côte-Nord-du-Golfe-Saint-Laurent” everywhere they occur in the definition of “Subregion” in section 2 and in paragraph 5 of section 4:

“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”.

3. The following is substituted for section 11:

“**11.** Instructions to tenderers shall

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