

(1) by striking out clause iii in subparagraph *e* of the paragraph 1;

(2) by adding the following at the end:

“(4) A worker in a boatswain’s chair must wear a safety harness complying with section 2.10.12.”.

17. Section 3.10.4 is amended by adding the words “and no worker shall stand under a load or under a part of a hoisting apparatus that could fall on him” at the end of paragraph 4.

18. Section 3.10.7 is amended by substituting the word “harness” for the word “belt” in subparagraph *c* of paragraph 2.

19. Section 3.10.8 is amended by substituting the following for paragraph 3:

“(3) A worker in an aerial device must wear a safety harness complying with CAN/CSA Standard Z259.10-M90 “Full Body Harnesses” and equipped with a lanyard attached to a point of anchorage independent of the aerial device.”.

20. Section 3.10.9 is amended by substituting the following for paragraph 3:

“(3) In order to protect workers from falling when they work to pull loads onto a floor at platform level, one or several measures provided for in subparagraphs 1 to 4 of the second paragraph of section 2.9.1 must be taken.”.

21. Section 3.15.7 is amended by striking out subparagraph *c* of paragraph 1.

22. Section 5.2.1 is amended by inserting the word “, scaffolding” after the word “load” .

23. Section 5.2.2 is amended by inserting the word “, scaffolding” after the word “load” in the part preceding subparagraph *a* of the first paragraph.

24. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, with the exception of section 15 which comes into force on 1 January 2002.

3544

## Draft Regulation

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

An Act respecting the Service des achats du gouvernement  
(R.S.Q., c. S-4; 1999, c. 40; 1999, c. 59)

### Supply contracts, construction contracts and services contracts of government departments and public bodies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting supply contracts, construction contracts and services contracts of government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation combines in a single regulation the current regulations on supply contracts, construction contracts and services contracts, that is the Government Services Contracts Regulation, made by Order in Council 1500-88 dated 4 October 1988 and its amendments, the General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and its amendments, the Regulation respecting supply contracts of government departments and public bodies, made by Order in Council 1167-93 dated 18 August 1993 and its amendments, the Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 and its amendments, the Regulation respecting services contracts of government departments and public bodies, made by Order in Council 1169-93 dated 18 August 1993 and its amendments and 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 its amendments.

The main purpose of the draft Regulation is to streamline and simplify government contract rules. It contains only the rules that are essential for all departments and bodies to ensure that suppliers are treated openly and equally. It will also increase the responsibility and accountability of government departments and public bodies and maximize the use of new technologies for greater efficiency of the purchasing procedure.

Further information may be obtained by contacting Mr. Lucien Turcotte, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8, telephone: (418) 644-3421, fax: (418) 643-2987.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8.

JACQUES LÉONARD,  
Minister for Administration and the Public Service  
Chairman of the Conseil du trésor

## Regulation respecting supply contracts, construction contracts and services 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, s. 4; 1999, c. 40, s. 267;  
1999, c. 59, s. 41)

### CHAPTER I GENERAL

#### DIVISION I SCOPE

1. This Regulation applies to the following contracts entered into by the government departments and public bodies referred to in the second paragraph of section 49 of the Financial Administration Act (R.S.Q., c. A-6):

(1) supply contracts, contracts for the purchase or lease of movable property that may include the cost of installing, operating or maintaining that property;

(2) construction contracts, contracts for ground and foundation work and for the erection, renovation, repair, maintenance, alteration or demolition of a building or civil engineering work that requires the supplier, under the Building Act (R.S.Q., c. B-1.1), to hold the appropriate licence for construction work; and

(3) services contracts including a contract of undertaking or a contract for services within the meaning of the Civil Code, a contract of affreightment, a damage insurance contract or a cartage contract except a con-

struction contract, a contract for the hiring of a mediator designated by the Service de médiation familiale of the Superior Court or a contract referred to in the Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux et publics made by Décret 955-96 dated 7 August 1996.

2. Any contract entered into by a government department or body acting outside Québec for the purchase of goods or services or for work outside Québec is governed by this Regulation with any adaptation required by the practices and conditions prevailing in the country or territory concerned.

3. This Regulation does not apply to the following contracts:

(1) contracts under a cooperation agreement financed in whole or in part by an international cooperation organization if the agreement contains contract rules;

(2) emergency contracts where the safety of persons or property is in jeopardy, except for paragraph 8 of section 16, section 87 and subparagraph 1 of section 175; and

(3) contracts entered into as a mandatary of a third party who is not subject to this Regulation, except for such contracts with the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., c. S-4).

### DIVISION II DEFINITIONS

4. In this Regulation,

“amount of the contract” means the total financial commitment under a contract, taking into account the renewals it contains or, in the case of an open contract, the estimated amount of the expenditure that may result therefrom; (*montant du contrat*)

“auxiliary services contract” means a service contract other than a professional services contract; (*contrat de services auxiliaires*)

“bid” means a tender submitted by a supplier which consists in submitting solely a price for carrying out a contract; (*soumission*)

“central register” means the central register of Government suppliers; (*fichier*)

“estimated amount of the contract” means the total estimated expenditure of the contract except for a con-

tract with a term of at least one year, renewable for a determined period, where it means the estimated expenditure of the initial contract excluding the estimated amount of renewal; however, in the case of a service contract for an advertising campaign, the estimated amount of the contract shall not include media placement costs and, in the case of a contract for snow removal from roads, the estimated amount of the contract shall not include the costs for the ice removal materials; (*montant estimé du contrat*)

“intergovernmental agreement” means an agreement on access to public procurement between the Gouvernement du Québec and another government; (*accord intergouvernemental*)

“minister” means the Minister for Administration and the Public Service; (*ministre*)

“open contract” means a contract whose purpose is to meet the future needs of a group of users, in which a department or body undertakes to purchase or have purchased certain goods or services or to carry out construction work at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for specific periods, as required; (*contrat ouvert*)

“place of business” means the place where the supplier conducts activities on a permanent basis and which clearly shows the supplier’s name and is open during regular business hours; (*établissement*)

“price” means a fixed price, a unit price, a rate, a percentage or a combination thereof; (*prix*)

“professional services contract” means a service contract that must be carried out by professionals or under their responsibility, considering that professionals have a certified undergraduate degree recognized by the Ministère de l’Éducation or its equivalent and, in the case of exclusive practice, are members of a professional order governed by the Professional Code (R.S.Q., c. C-26); (*contrat de services professionnels*)

“rate” means the remuneration established on an hourly, daily, weekly or monthly basis for a person assigned to the carrying out of a contract; (*taux*)

“region” means an administrative region of Québec established under Order in Council 2000-87 dated 22 December 1987; (*région*)

“snow removal from roads” means snow and ice removal from roads under the management of the Minister of Transport and from wharves, airports or other trans-

port facilities whose maintenance is entrusted to the Minister of Transport; (*déneigement des routes*)

“standing offer” means a bid or a tender for services submitted by a supplier with a view to obtaining specific supply or services contracts at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for specific periods and as required, comprising either an obligation to deliver the goods or services required whenever a user so requests, or an obligation to deliver them insofar as they are available; (*offre permanente*)

“supplier” means a legal or natural person or partnership, 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, a band council, a fund for the benefit of confined persons established under section 22.0.1 of the Act respecting correctional services (R.S.Q., c. S-4.01) or a non-profit legal person that is not an adapted work centre; (*fournisseur*)

“tender for services” means a proposal or an application submitted by a supplier with a view to obtaining a contract. (*offre de services*)

## CHAPTER II CONTRACT CONDITIONS

### DIVISION I SUPPLIER’S OBLIGATIONS

#### §1. Equal opportunity program

5. Where the amount of a supply or services contract is \$100 000 or more, or where the amount of a supply or services subcontract to a supply or services contract is \$100 000 or more, that contract or subcontract may not be entered into with a Québec supplier or subcontractor whose business has more than 100 employees, unless the supplier or subcontractor has made a commitment to implement an equal opportunity program that complies with the Charter of human rights and freedoms (R.S.Q., c. C-12) and holds an attestation to that effect issued by the Minister.

If such a contract or subcontract must be entered into with a supplier or subcontractor located outside Québec but in Canada and whose business has more than 100 employees, that subcontractor shall provide in advance an attestation to which he has already committed himself to implement an equal opportunity program of his province or territory, where applicable or, failing that, to implement a federal equal opportunity program.

6. If a Québec supplier fails to implement the equal opportunity program agreed to, the attestation issued by the Minister shall be cancelled and he may not enter into any supply or services contract or subcontract until he holds a new attestation.

Any supplier located outside Québec but in Canada whose attestation referred to in the second paragraph of section 5 has been revoked shall not enter into a supply or services contract or subcontract until he holds a new attestation.

7. This subdivision does not apply to public bodies whose operating budget is voted neither in whole nor in part by the National Assembly.

## §2. *Quality control*

8. A contract, except those referred to in paragraphs 5, 7 and 13 of section 12, may not be entered into with a supplier or group of businesses acting as a supplier unless that group or a business in that group carrying out the contract holds a registration certificate, issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, according to which it has a quality control system that covers the supply of goods and services or construction work in question and complies with the ISO standard listed in Schedule I, in the following cases:

(1) the main object of the contract is the supply of goods or services pertaining to a specialty and for an estimated amount listed in section 1 of that Schedule;

(2) it is a construction contract that, in whole or in part, pertains to a specialty listed in section 3 of that Schedule and the estimated amount for the part of the contract pertaining to that specialty is listed in that section.

A contract whose main object is the supply of services that pertain to a specialty listed in section 2 of Schedule I, if it is of an estimated amount listed in that section, may not be entered into with a supplier or a group of businesses acting as a supplier unless that group or a business in that group providing the services holds an accreditation based on the ISO/IEC 25 Guide, issued by the Minister of the Environment under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2), for each of the fields of accreditation covered by the services.

The definitions of the specialties in Schedule I correspond to those used for the registration of suppliers in the central register, in accordance with section 101 of this Regulation, for the specialties where such registration is possible.

9. Notwithstanding section 8, in the case of an auxiliary services contract in maintenance where the estimated amount is \$50 000 or more and where there are fewer than three suppliers holding an ISO 9003 registration certificate in the region where the contract is to be carried out, the call for tenders may be extended to all the suppliers in the field. In such a case, where a tender is submitted by a supplier holding an ISO 9003 registration certificate, the lowest qualifying tender is determined after subtracting 10 % from such supplier's tender.

## DIVISION II CALL FOR TENDERS

10. In this Regulation, "call for tenders" means a procedure for competitive tendering by several suppliers who submit bids or tenders for services with a view to obtaining a contract.

11. Subject to section 12, a contract may not be entered into unless a call for tenders was put out, except where the amount of the contract is less than

(1) \$5 000 for a supply contract;

(2) \$10 000 for an auxiliary services contract; and

(3) \$25 000 for a construction contract or a professional services contract.

12. A call for tenders is not required in any of the following cases:

(1) a contract is awarded to one of the suppliers on the list of suppliers whose standing offers have been accepted;

(2) a contract is awarded to a contracting party other than a supplier within the meaning of section 4;

(3) only one supplier is requested or obtained from the central register pursuant to subdivisions 2 to 4 of Division III of Chapter VIII;

(4) there is only one supplier with a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement who was found, after an extensive and comprehensive search, to meet the requirements and had the qualifications necessary to carry out the contract, or there is no qualified supplier in the territory in question;

(5) entering into a contract with a supplier other than the supplier having provided movable property, a service or construction work could void existing guarantees on the movable property, service or work;

(6) because of the cost of transportation or because a supplier holds a copyright or right of ownership giving him a significant advantage over other potential suppliers, there can be no competition since only one supplier is able to submit a tender at a low price;

(7) a contract is awarded to the only possible supplier considering that a person's right or the artistic or museological value of the goods or service must be complied with;

(8) a contract is awarded under a co-production agreement in a cultural field with a body whose budget is not voted by the National Assembly, and such agreement provides for specific contract conditions and financial participation by a co-producer who is not subject to this Regulation;

(9) the contract is for less than \$25 000 for the furnishings of a private office of a minister, a deputy minister, a chief executive officer of a body or a judge in the performance of their duties;

(10) the contract is for the purchase of movable property intended for resale to the public;

(11) the contract is for the purchase of books or the acquisition of a document deposited in accordance with Division VI of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.1);

(12) a construction contract for less than \$500 000 regards both the making and laying of bituminous compound;

(13) a construction contract or auxiliary services contract is given to a public utility firm referred to in section 98 of the Charter of the French language (R.S.Q., c. C-11) within the scope of its activities;

(14) the services contract must be paid for out of the total payroll available to a Minister for his office staff, and the total amount of such contracts paid during a fiscal year does not exceed 10 % of the total payroll;

(15) the contract is for legal, financial or banking services;

(16) a services contract for the hiring of a labour relations investigator, conciliator, negotiator or arbitrator, or of an expert court witness;

(17) a professional services contract is given to the designer of the plans and specifications for their adaptation, alteration or supervision and the original construction plans and specifications are used;

(18) a professional services contract is given to the designer of the plans and specifications for the supervision of the work;

(19) a professional services contract is given to the designer of the plans and specifications or to the person who supervised the work to defend a department's or body's interests with respect to a claim submitted to ordinary courts of law or to an arbitration procedure;

(20) a services contract related to training activities or consulting services is awarded to a private educational institution dispensing the educational services referred to in paragraphs 4, 6 and 8 of section 1 of the Act respecting private education (R.S.Q., c. E-9.1) or a supplier chosen by an employer to meet his specific requirements in accordance with a program administered by a department or body;

(21) a professional services contract related to study or research activities is awarded to an educational institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

(22) the contract is related to a formal event for accommodation services, restaurant services, rental of halls or cruises, except where an intergovernmental agreement applies;

(23) the auxiliary services contract is subject to a rate made under an Act or a rate approved by the Government or by the Conseil du trésor, except where an intergovernmental agreement applies;

(24) the travel services contract, for an amount less than \$100 000, is referred to in section 27;

(25) the contract is for repairing an aircraft and the assessment of the work may only be made once the repair work has begun or the contract is for repairing a motor vehicle or heavy equipment; and

(26) the department or body makes the media placement directly.

### **DIVISION III** **AUTHORIZATION REQUIRED**

**13.** A call for tenders shall be authorized by the Conseil du trésor in the following cases:

(1) the call for tenders provides that a supplier shall hold a registration certificate that complies with the ISO standard attesting that he has a quality control system the scope of which is other than that provided for in sections 8 and 9;

(2) tenders for services shall be invited with a view to awarding a supply or construction contract or an auxiliary services contract;

(3) the call for tenders for services provides for a remuneration established on the basis of a rate and that remuneration is estimated at \$100 000 or more, except in the case of a contract subject to a rate set under an Act or approved by the Government or by the Conseil du trésor, if the estimated amount of the contract is less than \$500 000;

(4) standing offers are invited and the awarding procedure of specific contracts does not stipulate that they must be awarded, from among the suppliers selected, to the person who, given the cost of transportation related to the delivery of goods or services and, where applicable, their availability, submitted the lowest price or the best quality/price ratio, except if the awarding procedure has already been authorized by the Conseil du trésor.

**14.** Unless a call for tenders subject to an authorization under section 13 has been issued, a contract must be authorized by the Conseil du trésor in the following cases:

(1) the amount of a professional services contract awarded in the cases referred to in paragraph 4 or 6 of section 12 is \$100 000 or more, or \$25 000 or more if the contract is with a natural person;

(2) a damage insurance contract that does not pertain to movable or immovable property belonging to a Québec office or delegation abroad and for which the Government is required under local laws or practice to enter into an insurance contract;

(3) a personnel supply contract, except for a Québec office or delegation outside Québec, by calling upon local suppliers and if the total number of person-days during the same fiscal year is less than 100;

(4) a contract awarded to a non-profit legal person other than an adapted work centre that does not include a clause under which a maximum of 10 % of the amount of the contract may be used to remunerate activities subcontracted out;

(5) the amount of a contract awarded to a non-profit legal person other than an adapted work centre is \$100 000 or more, or the amount of a contract with such a legal person for training services or consulting services in training for the sole benefit of a group eligible for employment assistance measures, is \$500 000 or more.

Subparagraph 2 of the first paragraph does not apply to public bodies whose operating budget is not voted by the National Assembly, subparagraph 3 of that paragraph does not apply to public bodies whose staff is not appointed under the Public Service Act (R.S.Q., c. F-3.1.1) and subparagraphs 4 and 5 of that paragraph do not apply if the department or body extended a call for tenders to non-profit legal persons other than adapted work centres.

**15.** A contract must be authorized by the deputy minister or by the chief executive officer of the body in the following cases:

(1) the term of the contract or of the solicited standing offers is more than three years;

(2) only one eligible offer is deemed acceptable by the selection committee following the review of the tenders for services received;

(3) the amount of the contract is \$25 000 or more and only one eligible offer was received;

(4) a contract awarded to a non-profit legal person, other than an adapted work centre, for \$25 000 or more but less than \$100 000, or for \$100 000 or more but less than \$500 000, in respect of training services or consulting services in training for the sole benefit of a group eligible for employment assistance measures.

Notwithstanding subparagraph 4 of the first paragraph, no authorization is required if the department or body holds a call for tenders with non-profit legal persons other than adapted work centres.

### **CHAPTER III** SPECIFIC RULES FOR CERTAIN CONTRACTS

#### **DIVISION I** SUPPLY CONTRACTS

**16.** Any supply contract intended to meet the needs of a department or body designated by the Government under section 6 of the Act respecting the Service des achats du gouvernement must be entered into by the General Purchasing Director.

Notwithstanding the first paragraph, a department or body may enter into a contract in the following cases:

(1) the estimated amount of the contract is less than \$25 000, except if it concerns the purchase or rental for a 12-month period or more of a motor vehicle or of goods for which the Director entered into a contract with a view to supplying several departments or bodies;

(2) the contract is awarded in accordance with the provisions of the tender documents to one of the suppliers on the suppliers' list from whom the Director has accepted standing offers;

(3) the contract is entered into by a department referred to in Schedule II in respect of goods included in that Schedule;

(4) the part of the mixed contract referred to in Division IV of this Chapter related to supply is less than 50 % of the estimated amount of the contract;

(5) the contract concerns the purchase of books or works of art;

(6) the contract concerns a subscription;

(7) the contract is awarded to a fund for the benefit of imprisoned persons or to 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; and

(8) the contract is entered into in an emergency situation, where the safety of persons or property is in jeopardy.

17. The departments and bodies referred to in section 16 must enter into supply contracts with one of the suppliers selected by the General Purchasing Director where there is a list of suppliers from whom offers have been accepted for the goods required. In that case, the contracts must be entered into in accordance with the provisions of the tender documents.

18. Where the General Purchasing Director enters into a contract or draws up a list of suppliers from whom standing offers have been accepted with a view to meeting the needs of several departments or bodies, he shall be responsible for the development of the specifications in respect of the goods required and, where applicable, for their classification particularly regarding motor vehicles eligible for purchase or rental of twelve months or more.

## **DIVISION II CONSTRUCTION CONTRACTS**

19. Receipt of the work by the department or body shall be made by means of a notice of receipt with or without reservations.

20. Once the supplier's contract has been partially completed, the department or body may receive, in accordance with sections 21 and 22, any completed por-

tion of the work provided that the supplier consents thereto and guarantees free and safe access to the portions put into service.

21. The notice of receipt with reservation is a document signed by the representative authorized for that purpose by the department or body, certifying that most of the work has been completed, that the remaining work cannot be completed owing to contingencies beyond the supplier's control and that the value of work to be corrected other than work to be completed, is equal to or less than 0.5 % of the amount of the contract.

The notice shall be sent with a list of the work to be completed or corrected, where applicable.

22. The notice of receipt without reservation is a document signed by the representative authorized for that purpose by the department or body certifying that the work is ready for its intended use, and that, where applicable, all the work on the list attached to the notice of receipt without reservation has been completed or corrected.

## **DIVISION III SERVICES CONTRACTS**

### *§1. Contracts for the rental of heavy machinery with operator*

23. The departments and bodies referred to in section 16 must enter into contracts for the rental of heavy machinery with operator with one of the suppliers selected by the General Purchasing Director where there is a list of suppliers whose standing offers have been accepted for the services required. In such cases, the contracts must be entered into in accordance with the provisions of the tender documents.

### *§2. Legal, financial or banking services contracts*

24. A legal services contract shall be entered into by the Minister of Justice or with his consent.

25. A financial or banking services contract shall be entered into by the Minister of Finance or with his consent.

26. The provisions of this subdivision do not apply to public bodies whose operating budget is not voted by the National Assembly.

### *§3. Travel services contracts*

27. In this Regulation, "travel services" means services connected with the issue of airline passenger tick-

ets and may include, in particular, advice on the organization of a trip, hotel reservations, car rental, and the reservation, issue or delivery of ground transportation tickets.

**28.** Every travel services contract of an amount less than \$100 000 shall be given to a supplier located in a region from which the traveller originates and selected by the department or body from the suppliers in the central register for the region and specialty concerned.

**29.** Notwithstanding section 28, a travel services contract may be awarded to a supplier located in a region other than that of the traveller in the following cases:

(1) the trips take place north of the 55th parallel or from “Jamésie”, or the travellers are posted outside Québec;

(2) the department or body groups together travellers going to the same destination but originating from different regions;

(3) the Attorney General of Québec summons persons to appear;

(4) each supplier on the central register in a given region and under a given specialty was the subject of an unsatisfactory performance report from the department or body in the two years preceding the awarding of the contract;

(5) there is no supplier on the central register in the region for the specialty concerned.

In the cases provided for in subparagraph 1, the contract may also be awarded to an air carrier.

#### **DIVISION IV MIXED CONTRACTS**

**30.** In this Regulation, “mixed contract” means a contract that comprises supply, services or construction work.

**31.** Subject to sections 32 to 41, a mixed contract must be entered into in accordance with the rules applicable to the object representing the greatest part of the estimated amount of the contract.

If the contract includes the cost of installing, operating or maintaining property, those costs shall be considered as elements included in the part related to supply.

#### **§1. Mixed construction and services contracts**

**32.** Paragraph 2 of section 13, sections 35 to 41, 62 and 63 do not apply to a mixed construction and services contract.

**33.** A contract that includes purchases of services and the carrying out of construction work must be entered into at a fixed price. It may however include, if need be, a unit price, rate or percentage.

**34.** Where a call for tenders is required with a view to awarding a mixed construction and services contract, the tenders invited shall be a call for tenders for services.

#### **§2. Mixed contracts related to energy performance**

**35.** This subdivision applies to any contract to devise savings from the improvement of energy efficiency that includes the hiring of professional services and the carrying out of construction work where the cost is covered by the savings. The contract may also provide for the purchase of goods and auxiliary services.

**36.** Paragraphs 2 and 3 of section 13 and sections 31 to 34, 62, 63, 69, 70, 73, 75 and 80 do not apply to a mixed contract related to energy performance.

**37.** Where a call for tenders is required, tenders invited shall be a call for tenders for services. The tenders for services must include the list of energy savings measures proposed by the supplier, and an evaluation of the savings and costs generated by the project.

**38.** The evaluation grid must include a minimum of four criteria for the evaluation of tenders for services of which at least one must be the evaluation of the proposed prices. Each criterion must be weighted according to its importance for the carrying out of the contract without, however, being greater than 30 % of the total weighting of the criteria.

**39.** The selection committee shall establish the financial, monetary value of each tender for services it has deemed acceptable pursuant to section 74.

The financial, monetary value of a tender for services shall be the net discounted savings resulting from the project, that is, the current savings less the current costs incurred by the project.

**40.** The selection committee shall weigh the financial, monetary value it has established for each tender for services by multiplying that value by the percentage obtained for each offer respectively in respect of the quality criterion.



41. The contract shall be awarded to the supplier whose eligible and acceptable offer has obtained the highest weighted financial value. In the case of identical results, the contract shall be awarded to the supplier whose offer has the best financial value. In case of a tie between the weighted financial value and the financial value, the contract shall be awarded by drawing lots between those suppliers.

#### **DIVISION V STANDING OFFERS**

42. A department or body may only invite standing offers for the purpose of drawing up a list of several suppliers to meet the needs of a group of users.

43. A department or body may not draw up a list of suppliers where, following a call for public tenders, there is only one eligible standing offer. However, it may give that supplier an open contract, if the supplier accepts it.

#### **DIVISION VI UNSOLICITED OFFERS**

44. In this Regulation, “unsolicited offer” means an unsolicited offer of professional services submitted by a supplier, of his own initiative, in order to meet or to try to meet a government need.

45. A department or body that receives an unsolicited offer must

(1) ensure that it does not correspond to a project it has already initiated or that has already been initiated by another department or body referred to in section 1, that it falls within the scope of its mission and that it directly contributes to reaching one of its objectives; and

(2) evaluate its quality by considering in particular its feasibility, profitability and timeliness.

46. Following the evaluation of an unsolicited offer, the deputy minister or the chief executive officer of the body shall notify the supplier of the eligibility of the offer and, if not, the reasons for its refusal.

47. The department or body must, to ensure the carrying out of an unsolicited offer that was subject to a favourable notice from the deputy minister or the chief executive officer of the body, proceed as follows:

(1) where the unsolicited offer is not precise enough to enable potential suppliers to propose its carrying out at a fixed price, the department or body shall award, without a call for tenders, to the supplier who submitted

the offer a contract for the purpose of allowing him to clarify the offer, provided that the contract is less than \$100 000 and that the supplier guarantees that his offer will be precise enough to be carried out at a fixed price; and

(2) where the offer is or becomes clear enough to enable potential suppliers to propose its carrying out at a fixed price, the department or body shall hold a call for tenders for services.

Notwithstanding section 63, the call for tenders referred to in subparagraph 2 of the first paragraph must require that suppliers submit a fixed price with a view to obtaining the contract. In addition, the lowest eligible offer shall be determined after subtracting 7 % from the price submitted by the supplier having first submitted the offer who received a favourable notice, provided that that supplier did not have to clarify the offer pursuant to subparagraph 1 of the first paragraph.

48. An offer that received a favourable notice may not be submitted again by a supplier to another department or body under this Division, unless the department or body having given the favourable notice notifies the supplier that the offer will not be carried out.

### **CHAPTER IV TYPES OF CALLS FOR TENDERS**

#### **DIVISION I PRINCIPLE**

49. Where a call for tenders is required, it must be either a public call for tenders or an invitation to tender.

#### **DIVISION II APPLICATION**

##### *§1. Public call for tenders*

50. A public call for tenders shall be held where the estimated amount of the contract is \$25 000 or more for drawing up a list of suppliers whose standing offers will be accepted, subject to paragraphs 2 to 4 of section 52.

In the case of an engineering contract related to a specialty not provided for in the central register, the public call for tenders shall be restricted to the suppliers who have a place of business in the region where the work is carried out, except:

(1) if the work is performed in Nouveau-Québec or it concerns a prestigious building, in which case the department or body shall extend its call for tenders to all the regions of Québec;

(2) if the region in question has less than five potential suppliers, in which case the department or body shall extend its call for tenders to the bordering and peripheral regions, where applicable, to obtain a pool of at least five potential suppliers.

51. A public call for tenders may be held in the following cases:

(1) the estimated amount of the supply or auxiliary services contract is less than \$25 000;

(2) no eligible bid or eligible and acceptable tender for services has been received following an invitation to tender;

(3) the negotiation allowed by section 82 does not lead to the signing of a contract.

## §2. *Invitation to tender*

52. Subject to section 51, an invitation to tender shall be held in the following cases:

(1) the estimated amount of the supply or auxiliary services contract is less than \$25 000;

(2) notwithstanding paragraph 1, in the case of a contract for the purchase of sand, stone, gravel or bituminous compounds and where the estimated amount is less than \$200 000;

(3) a contract related to a specialty in the central register, except in the cases listed in paragraph 3 of section 12;

(4) notwithstanding paragraph 3, in the case of a contract for snow removal from roads where the estimated amount is less than \$100 000.

53. Subject to the second paragraph, the department or body that holds an invitation to tender shall invite a minimum of three suppliers who have a place of business in Québec or, failing that, the only two suppliers who have a place of business in Québec.

Where an invitation to tender is held and the specialty and level corresponding to the estimated amount of the contract are provided for in the central register, the invited suppliers shall be those found on the central register in accordance with Chapter VIII.

54. Notwithstanding sections 55 and 56, where a call for bids is held for a contract whose estimated amount is less than \$25 000, the invitations and tenders may be made verbally, in which case a written report of all transactions shall be kept.

## DIVISION III ELIGIBILITY AND CONFORMITY OF TENDERS

55. The department or body shall indicate, in the call for tender documents, the conditions of eligibility for tenders and of awarding contracts, the rules of reception, opening, of compliance and of evaluation of tenders including the evaluation criteria accepted and the weighting applicable in accordance with section 69 and, where applicable, the use of the preferential margin fixed in section 9 or in the second paragraph of section 47.

If the purpose of the call for tenders is to draw up a list of suppliers from whom a standing offer will be accepted, the tender documents shall also specify the procedures by which a supplier is registered on that list and the awarding procedures for those contracts.

In addition, the department or body shall include therein a statement that it does not undertake to accept any of the tenders received.

56. Rules relating to the conformity of tenders shall state the cases that will be automatically rejected, in particular where

(1) a required document is missing;

(2) a required signature by an authorized person on a document is missing;

(3) an erasure of or correction to the tendered or proposed price is not initialed by the authorized person, where applicable;

(4) the tender is conditional or restrictive; and

(5) the place and time limit for receiving tenders has not been respected.

57. Only the tenders submitted by suppliers having the required qualifications, authorizations, permits, licences and registrations and having a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement shall be considered.

58. If the purpose of the call for tenders is to award a services contract for snow removal from roads, it is restricted to suppliers registered at the appropriate level of the central register who have, according to their statement of registration produced pursuant to section 161, at least the number of trucks required to carry out the contract.

59. The department or body may refuse to consider the tender of a supplier for which it produced, in the two

years preceding the date of opening of tenders, an unsatisfactory performance report where such evaluation has been maintained pursuant to section 97 if the nature of the contract in question is the same.

In addition, the department or body may refuse to consider the tender of a supplier who previously omitted to follow up a bid submitted to that department or body or a contract entered into in the two years preceding the date of opening of tenders, except if that department or body has enforced owing to that omission a guarantee it had required.

#### **DIVISION IV** ADVERTISING FOR PUBLIC CALL FOR TENDERS

**60.** The public call for tenders is made by means of a notice circulated in an electronic bulletin board system.

**61.** The notice shall include information concerning goods, services or construction work required and it shall state the conditions applicable to the receiving of tenders and to the conditions applicable under section 57.

The notice must, where applicable, specify that the department or body may refuse to consider a tender pursuant to section 59 and mention that the contract covered by the call for tenders constitutes an exception provided for in an intergovernmental agreement.

#### **CHAPTER V** SOLICITATION OF TENDERS, EVALUATION OF TENDERS AND AWARDING OF CONTRACTS

##### **DIVISION I** SOLICITATION OF TENDERS

**62.** Tenders shall be solicited by call for bids or by call for tenders for services in the following cases:

(1) a call for tenders is required with a view to awarding a contract;

(2) in the case of drawing up a list of suppliers whose standing offers will be accepted with a view to awarding contracts.

**63.** A price must be solicited where a call for tenders for services is held.

Notwithstanding the first paragraph, a price might not be solicited in the following cases:

(1) in the case of a services contract for the carrying out of an advertising campaign;

(2) where there is a tariff made under a law or approved by the Government or by the Conseil du trésor and where the contract in question is not subject to an intergovernmental agreement.

Notwithstanding the first and second paragraphs, a price may not be solicited in the case of a professional services contract related to architecture, engineering, soil and materials engineering or forest engineering.

##### **DIVISION II** EVALUATION OF TENDERS FOR SERVICES

###### *§1. Selection committee*

**64.** The evaluation of tenders for services shall be made by a selection committee composed of a secretary and of at least three members, where at least one member shall come from outside the department or body for which the call for tenders is issued.

**65.** The secretary of a selection committee shall hold an attestation issued by the Minister according to which he has undergone the required training allowing him to perform those duties.

**66.** The deputy minister or the chief executive officer of the body shall identify to the Minister the persons apt receiving the training required to act as secretary of the selection committee.

**67.** The deputy minister or the chief executive officer of the body or their designated representative shall appoint the secretary and the members of a selection committee; in addition, he shall ensure the rotation of the persons he designates to act as members of those committees.

###### *§2. Selection procedure*

**68.** Members of the selection committee shall evaluate the quality of eligible tenders for services by means of a chart developed by the department or body.

**69.** The chart shall comprise a minimum of four criteria allowing the evaluation of tenders for services.

Each criterion must be weighted on the basis of its importance for carrying out a contract. The total weighting of the criteria must be equal to 20 and no criterion may have a weighting greater than six.

**70.** The evaluation of tenders according to the criteria established shall be made without the tendered price, where required, being known from the members of the selection committee. The tendered price shall be submitted under separate cover.

71. Each tender for services shall be evaluated individually and each criterion shall receive a mark between zero and five; a three shall be granted where the evaluation is deemed satisfactory.

72. The final mark granted to a tender for services shall be the summation of the marks obtained in respect of each of the criteria, which shall be determined by the product resulting from the multiplication of the mark given by the selection committee by the weighting established.

A minimum of 60 % of the marks may be required in respect of any of the criteria or group of criteria identified in the tender documents. Where applicable, a tender for services that does not reach that minimum is deemed unacceptable.

73. Where the call for tenders for services does not solicit a price, the selection committee shall determine the supplier who has obtained the highest score.

74. Where the call for tenders for services solicits a price, the selection committee shall only retain the tenders for services deemed acceptable. An acceptable tender for services shall be that which obtains at least 70 points out of 100 in the evaluation of quality criterion; the committee restricting its evaluation to the five tenders having obtained the highest scores.

Notwithstanding the foregoing, where the number of tenders for services retained pursuant to the first paragraph is less than three, tenders for services that obtain at least 60 points out of 100 are also deemed acceptable, if any; the committee restricting its evaluation to those having obtained the highest scores in order to select five tenders in all.

75. The supplier whose tender for services is acceptable for the quality criterion pursuant to section 74 and who has submitted the lowest tendered price or deemed the lowest under the second paragraph of section 47, by taking into account, where applicable, the approximate total price shall be awarded 100 points for the price criterion. Other suppliers whose tenders for services are acceptable shall have subtracted from the 100 mark, the number of points corresponding to the percentage representing the difference between their price and the lowest tendered price, up to a maximum of 10 points; a supplier whose tendered price exceeds the lowest tendered price by more than 10 points shall be eliminated.

For each of the acceptable tenders for services, the points obtained in respect of quality and price shall be added. The selection committee shall determine the supplier who has obtained the highest score.

The price tendered for an unacceptable tender for services shall not be considered and the envelope containing that price shall be returned unopened to the supplier.

76. Where the call for tenders for services provides that the evaluation shall be made in two stages, the first stage shall consist of a call for tenders for services without prices by which the selection committee retains a certain number of suppliers who will be invited to enter into the second stage. The number of suppliers selected must be determined in the tender documents and the suppliers invited to submit new tenders for services must be those having obtained the highest scores.

77. The result of the evaluation of the file of a supplier having submitted a tender for services shall be sent to him within 15 days following the signing of the contract. The information forwarded shall include:

(1) the rank and mark obtained by the supplier or the reasons why his tender is not acceptable and, in respect of a contract referred to in section 35, the weighted economic value of his tender for services;

(2) the number of acceptable and unacceptable suppliers; and

(3) the name of the successful tenderer, the mark he obtained and, where applicable, the price or in the case of a contract referred to in section 35, the weighted economic value of his tender for services.

The name of the members of the selection committee shall also be forwarded to the supplier who so requests.

### **DIVISION III AWARDING OF CONTRACTS**

78. In the case of a call for bids, the contract shall be awarded to the supplier who submitted the acceptable tender comprising the lowest fixed price or approximate total price, where applicable, as calculated in accordance with the method provided for in the tender documents or to the supplier who is deemed to have submitted the lowest price pursuant to section 9. If identical bids are submitted, the contract shall be awarded by a drawing of lots among those suppliers. The amount of the contract shall not exceed the price tendered.

79. In the case of a call for tenders for services where a price is not solicited, the contract shall be awarded to a supplier whose acceptable tender obtained the highest score. In the case of identical results, the contract shall be awarded by a drawing of lots among the suppliers.

**80.** In the case of a call for tenders for services where a price was solicited, the contract shall be awarded to a supplier whose acceptable tender obtained the highest score pursuant to section 75. In the case of identical results, the contract shall be awarded to the supplier who has submitted the lowest fixed price or approximate total price, where applicable, or to the supplier who is deemed to have submitted the lowest price pursuant to the second paragraph of section 47. If identical tenders for services and prices are submitted, the contract shall be awarded by a drawing of lots among the suppliers. The amount of the contract shall not exceed the price tendered.

**81.** The department or body may, following a public call for tenders, negotiate the price with the sole supplier having submitted an acceptable tender or an acceptable tender for services, where that price varies considerably from the initial estimate.

**82.** The department or body may, following an invitation to tender, negotiate the price with the supplier having submitted the lowest acceptable tender or having obtained the highest score in respect of the acceptable tender for services submitted where that price varies considerably from the initial estimate.

**83.** Where a department or body has drawn up a list of suppliers whose standing offers have been accepted, it shall award, in accordance with the terms and conditions of the tender documents, to any supplier appearing on that list any supply or services contract covered by that list of suppliers.

## **CHAPTER VI** CONDITIONS FOR ADMINISTRATION OF CONTRACTS

### **DIVISION I** SUPPLEMENTS

**84.** Subject to sections 85 and 86, a department or body may grant a supplement to the amount payable for carrying out a contract in any of the following cases:

(1) an amendment is required to the contract to ensure the carrying out of the project;

(2) there is a variation in the amount to which a percentage already established shall apply or a variation in quantity for which a unit price or rate was agreed upon;

(3) salaries payable shall be amended because of the application of an act or an order in council.

**85.** A supplement to a supply, construction or auxiliary services contract, other than to a banking services contract, shall be authorized by the deputy minister or the chief executive officer of the body in the case of a supplement referred to in paragraph 1 of section 84 or of a supplement attributable to a variation in a period determined in a contract where the remuneration is established on the basis of a rate, in the following cases:

(1) the initial amount of the contract is less than \$100 000 and the supplement or the total of the supplements exceeds 25 % of the amount of the contract;

(2) the initial amount of the contract is \$100 000 or more and the supplement or the total of the supplements exceeds \$25 000 or 10 % of the amount of the contract, whichever is greater.

**86.** A supplement to a professional services contract, except in the case of a legal or financial services contract, shall be authorized by the Conseil du trésor in the cases referred to in section 85.

### **DIVISION II** PAYMENT

**87.** No payment for the performance of a contract entered into in an emergency situation, where the safety of persons or goods is in jeopardy, may be made without the authorization of the deputy minister or the chief executive officer of the body.

**88.** Unless an authorization is obtained from the Conseil du trésor, no payment shall be made in respect of a contract that was entered into in contravention of the provisions of this Regulation or of a regulation approved under section 49.1 of the Financial Administration Act or entered into according to standards that are different from those authorized under section 49.2 of that Act.

### **DIVISION III** SETTLEMENT OF DISPUTES

**89.** Any dispute arising from or during a contract may be settled by legal recourse or by arbitration.

**90.** A department or body, except in the case of a public body whose operating budget is not voted by the National Assembly, may be a party to an arbitration agreement only after having been generally or specifically authorized to do so by the Minister of Justice.

The department or body is required to seek such authorization where a contracting partner requests that it does so.

For the purposes of the first paragraph, “arbitration agreement” means a contract under which a department or body undertakes with another contracting party to submit an actual or potential dispute to one or more arbitrators, with the exception of courts.

91. A dispute submitted to arbitration shall be settled according to the provisions of the contract and to the rules of law applicable to the case submitted.

92. Every arbitration decision is final and not subject to appeal.

#### **CHAPTER VII EVALUATION OF THE PERFORMANCE OF THE SUPPLIERS**

93. Any department or body shall evaluate the performance of a supplier in respect of a contract whose amount is \$100 000 or more.

94. An evaluation shall be recorded in a performance report within 60 days following the end of a contract, except in the case of a construction contract for which the period must be calculated following the expiry date of the performance security or, failing such security, the date of the completion of the work. Notwithstanding the foregoing, for a contract of a repetitive nature or involving several successive deliveries, the performance report may be made before the end of the contract.

95. The department or body shall forward a copy of any unsatisfactory performance report to the supplier concerned.

96. A supplier may, within 30 days following receipt of an unsatisfactory performance report, forward in writing to the department or body any comments on that report.

97. Within 30 days following the period provided for in section 96 or within 30 days following receipt of the supplier’s written comments, where applicable, the deputy minister or the chief executive officer of the body shall either revoke or uphold the evaluation and shall inform the supplier of that decision. In the event that the time limit is not respected, the report shall be deemed to be satisfactory.

98. The deputy minister or the chief executive officer of the body shall forward a copy of any unsatisfactory performance report to the Minister where the name of the supplier was referred from the central register.

#### **CHAPTER VIII CENTRAL REGISTER**

##### **DIVISION I DEFINITIONS**

99. In this Regulation,

“basic processing” means an operation that consists in referring, from the central register, names of suppliers in the subregion or the region where the work is to be carried out or for all of Québec or, where an intergovernmental agreement applies, for all of Québec and the province or territory set out in the agreement; (*traitement de base*)

“border region” means a region adjacent to the region where the work is carried out that may be accessed by the numbered highway system; (*région limitrophe*)

“border subregion” means a subregion that is adjacent to the subregion where the work is carried out, that may be accessed by the numbered highway system and, where the region where the work is carried out includes at least two subregions, situated in the region where the work is carried out; (*sous-région limitrophe*)

“peripheral region” means a region, other than a border region, that may be accessed from the region where the work is carried out by the numbered highway system; (*région périphérique*)

“peripheral subregion” means a subregion, other than a border subregion, that may be accessed from the subregion where the work is carried out by the numbered highway system; (*sous-région périphérique*)

“permanent resource” means a natural person who, on an annual basis, devotes to the supplier a minimum of 75 % of his working time and a minimum of 1 100 hours; (*ressource permanente*)

“processing of suppliers registered in border subregions or regions” means an operation that consists in referring, from the central register, names of suppliers registered in border subregions or regions; (*traitement limitrophe*)

“processing of suppliers registered in peripheral subregions or regions” means an operation that consists in referring, from the central register, names of suppliers registered in peripheral subregions or regions; (*traitement périphérique*)

“subregion” means a territory corresponding to that of a regional county municipality or of an urban community, or to any of the following territories: Jamésie and Kativik, each divided into two subregions situated on either side of the 76<sup>th</sup> meridian, and the territory bounded to the east by the boundary of Québec, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence; an Indian reserve is included in the subregion in which it is geographically located; the territory of the municipality of Notre-Dame-des-Anges is included in the territory of the Communauté urbaine de Québec. (*sous-région*)

Notwithstanding the first paragraph, the “Sept-Rivières” subregion is deemed to be a region bordering on the “Caniapiscau” subregion, the “Pabok” and “La Côte-de-Gaspé” subregions are deemed to be subregions bordering on the “Les Îles-de-la-Madeleine” subregion, the “Minganie” subregion is deemed to be a subregion bordering on the subregion corresponding to the territory bounded to the east by the boundary of Québec, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence, the “Kativik-est” and “Kativik-ouest” subregions are deemed to be border subregions and vice versa, the “Abitibi” and “Abitibi-ouest” subregions are deemed to be subregions bordering on the “Jamésie-ouest” subregion and vice versa, the “Le Domaine-du-Roy” and “Jamésie-est” subregions are deemed to be border subregions and vice versa, the “Pontiac” and “La Vallée-de-la-Gatineau” subregions are deemed to be subregions bordering on the “communauté urbaine de l’Outaouais” subregion and vice versa and the “Les Collines-de-l’Outaouais” and “Papineau” subregions are deemed to be border subregions and vice versa.

Notwithstanding the first and second paragraphs, in the case of a contract related to the snow removal from roads specialty, “subregion” means each territory corresponding to the service centres defined by the map illustrating the territorial organization of the Ministère des Transports in force on 1 March of each year and “border subregion” means any subregion adjacent and linked by a road to the subregion where the work is performed; subregions separated by the St. Lawrence River are not border subregions.

## **DIVISION II**

### **STRUCTURE FOR THE REGISTRATION OF SUPPLIERS IN THE CENTRAL REGISTER**

**100.** Suppliers shall be registered in the central register according to specialty, the level corresponding to the estimated amount of the contracts and the geographical location of their place of business.

#### *§1. Specialties in the central register*

**101.** The specialties in which suppliers may be registered are those provided for in the list of specialties established by the Conseil du trésor under section 49.5.1 of the Financial Administration Act.

#### *§2. Levels corresponding to the estimated amount of the contracts*

**102.** Subject to sections 103 to 105, contract levels according to which suppliers may be registered in the various specialties are the following:

(1) level 1, where the estimated amount of the contract is \$25 000 or more but less than \$50 000;

(2) level 2, where the estimated amount of the contract is \$50 000 or more but less than \$100 000;

(3) level 3, where the estimated amount of the contract is \$100 000 or more.

**103.** Contract levels according to which suppliers may be registered in the advertising campaign specialty are the following:

(1) level 1, where the estimated amount of the contract is \$25 000 or more but less than \$75 000;

(2) level 2, where the estimated amount of the contract is \$75 000 or more but less than \$200 000;

(3) level 3, where the estimated amount of the contract is \$200 000 or more.

**104.** Contract levels according to which suppliers may be registered in the snow removal from roads specialty are the following:

(1) level 1, where the estimated amount of the contract is \$10 000 or more but less than \$100 000;

(2) level 2, where the estimated amount of the contract is \$100 000 or more.

**105.** A single contract level shall apply in respect of specialties related to travel services where the estimated amount of the contract is less than \$100 000.

#### *§3. Registration territory*

**106.** According to the geographic location of their place of business, suppliers shall be registered in the central register on lists established for each subregion, except in the cases provided for in sections 107 to 110.

**107.** According to the geographic location of their place of business, suppliers shall be registered in the central register on lists established for each subregion for the following specialties:

- (1) the bridge engineering specialty and the specialties for the travel services group;
- (2) the advertising campaign specialty in the case of a level-1 or level-2 contract;
- (3) the specialties of the architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering categories where the estimated amount of the contract is \$200 000 or more.

**108.** Suppliers shall be registered in the central register on lists grouping all the suppliers in Québec in the following cases:

- (1) for the medium-scale cartography specialty and those of the forest engineering category;
- (2) for the advertising campaign specialty in the case of a level-1 or level-2 contract;
- (3) subject to paragraph 1, for the specialties of the surveying category where the estimated amount of the contract is \$200 000 or more.

**109.** In addition to the cases provided for in section 108, suppliers shall be registered in the central register on a list grouping all the suppliers in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement, in the following cases:

- (1) for the snow removal from roads specialty in the case of a level-2 contract;
- (2) for the evaluation and advertising campaign specialties in the case of a level-3 contract.

**110.** A supplier may not declare more than one place of business per specialty and per level in each region or subregion, as the case may be, and may be registered only once for each specialty and level on a list grouping all the suppliers in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement.

The provisions of the first paragraph do not apply to level 2 of the snow removal from roads specialty and to the specialties of the travel services group.

### **DIVISION III OPERATION**

#### *§1. Drawing-up of lists*

**111.** For each specialty and contract level whose registration is subregional or regional, the central register shall contain:

- (1) for the purposes of basic processing, a list drawn up from the names of all suppliers in the subregion or region where the work is to be carried out, where applicable;
- (2) where required, for the purposes of the processing of suppliers registered in border subregions or regions, a list drawn up from the names of all suppliers in the border subregions or regions where the work is to be carried out; and
- (3) where required, for the purposes of the processing of suppliers registered in peripheral subregions or regions, a list drawn up from a copy of the basic list of each of the peripheral subregions or regions.

**112.** The central register shall contain a single list of names for each specialty and contract level for which registration considers all the suppliers in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement.

**113.** A duplicate of the basic list shall be used where a department or body requests that a name from the central register be sent to it.

**114.** Suppliers shall be selected at random where a restrictive number of suppliers is required and a selected supplier may not be selected again until the list has been exhausted.

**115.** A new list shall be drawn up when the last name on a list has been referred.

**116.** Any new registration shall be added at the end of the list.

#### *§2. Referral of names for the purposes of basic processing*

**117.** The provisions of this subdivision shall apply subject to those provided for in subdivision 4 of this Division.



**118.** All the names of suppliers registered in the specialty and territory at the level concerned shall be forwarded from the central register in the following cases:

(1) in the case of a professional services contract related to the cadastral revision and renovation specialty for which a price is solicited;

(2) in the case of a contract related to the evaluation specialty whose estimated amount is \$100 000 or more and in respect of any other contract referred to in section 102 whose estimated amount is \$200 000 or more or of a contract referred to in paragraph 3 of section 103.

**119.** The provisions of section 118 shall also apply in the case of a level-1 auxiliary services contract related to the snow removal from roads specialty insofar as the suppliers have the number of trucks required for carrying out a given contract. The number of trucks shall be determined by the department or body and specified in the document soliciting tenders.

**120.** In the cases referred to in sections 118 and 119, the suppliers whose names have been referred from the central register may be grouped together to submit a tender.

In addition, in the case of a contract where the estimated amount is \$200 000 or more, related to any of the specialties of the architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering categories and where the region concerned for carrying out the work is other than Nouveau-Québec, a supplier invited to submit an offer may join with a supplier of another region provided that the project manager is a permanent resource of the supplier of the region concerned.

**121.** In cases other than those referred to in sections 118 and 119, the number of names of suppliers requested by the department or body, selected and referred from the central register shall be the following:

(1) in the case of a level-1 or level-2 professional services contract in the advertising campaign specialty, the number of names shall be ten;

(2) in the case of a professional services contract related to any of the specialties of the architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering, surveying, forest engineering and evaluation categories:

(a) for level 1: one or five names;

(b) for level 2: five names, except for the specialties of the civil engineering, mechanical and electrical engineering categories in the subregions of the urban communities of Québec or Montréal where the number of names shall be ten;

(c) for level 3: five names, except for the specialties of the architecture, civil engineering, mechanical and electrical engineering categories, in the subregions of the urban communities of Québec or Montréal where the number of names shall be ten.

Notwithstanding subparagraphs *b* and *c* of the first paragraph, for a level-2 or level-3 contract related to the bridge engineering specialty, the number of names shall be five or ten.

**§3.** *Referring names for the purposes of the processing of suppliers in border or peripheral subregions or regions*

**122.** The provisions of this subdivision shall apply subject to those provided for in subdivision 4 of this Division.

**123.** Notwithstanding sections 118 and 121, the processing of suppliers registered in border subregions or regions shall be made in the following cases:

(1) less than three names are obtained for a level-1 contract after having made the basic processing in the subregion or region, where applicable;

(2) less than five names are obtained for a level-2 or level-3 contract after having made the basic processing in the subregion or region, where applicable.

**124.** The processing of suppliers in peripheral subregions or regions shall be made where less than three names are obtained after having made the basic processing and the processing of suppliers in border subregions or regions, where applicable.

**125.** The provisions provided for in sections 123 and 124 regarding the minimum number of names required do not apply in the cases referred to in paragraph 2 of section 121 where a department or body requires only one name.

**126.** The processing of suppliers in peripheral subregions or regions shall be carried out in several stages, if necessary, and shall take into account the subregions or regions, where applicable, according to their proximity to the subregion or region where the work is to be performed.

127. The processing of suppliers in border or peripheral subregions or regions shall be made, in respect of a contract related to the cadastral revision and renovation specialty, in accordance with this subdivision by considering that a maximum of ten names of suppliers has been forwarded.

#### §4. *Special processing*

128. Processing of requests for names is limited to the municipality concerned in the case of a professional services contract related to construction and to physical sciences for municipal housing bureaus acting as mandataries for the Société d'habitation du Québec.

129. Processing of requests for names shall be made as follows in the case of a level-1, level-2 or level-3 professional services contract related to construction and to physical sciences in the subregions of Kativik:

(1) for the purposes of basic processing, both subregions constitute the basic subregion; and

(2) for the purposes of that basic processing, all other subregions in Québec shall be considered where fewer than three names are obtained in basic processing for a level-1 contract or fewer than five names are obtained for a level-2 or level-3 contract.

130. Processing of requests for names shall be made as follows in the case of a level-1, level-2 or level-3 professional services contract related to the bridge engineering specialty:

(1) where basic processing does not yield the number of names requested, processing suppliers in border or peripheral subregions or regions, where applicable, shall be made in accordance with section 126 until that number is reached; and

(2) where the work must be carried out in several adjacent regions:

(a) basic processing shall be carried out using regional lists corresponding to the regions covered by the work;

(b) a supplier with more than one place of business shall be selected only once;

(c) where basic processing does not yield the number of names requested, processing suppliers in border or peripheral subregions or regions, where applicable, shall be made in accordance with section 126, taking into

account all the regions in which the work is to be carried out and until at least all the names requested are obtained; and

(d) the regions to be considered for the purposes of basic processing or the processing of suppliers in border or peripheral subregions or regions shall be selected at random.

131. Processing of requests for names shall be made as follows in the case of a level-1, level-2 or level-3 professional services contract related to construction and to physical sciences that must be rendered in several adjacent subregions and that involve the specialties of bituminous concrete quality control, cement concrete quality control, soil quality control, soil mechanics, soil mechanics and soil and cement concrete quality control, structural inventory of roads, road mechanics:

(1) basic processing shall be carried out using subregional lists corresponding to the subregions covered by the work;

(2) a supplier with more than one place of business shall be selected only once;

(3) sections 123 to 126 shall apply by considering all the subregions concerned by the work; and

(4) the subregions to be considered for the purposes of basic processing or the processing of suppliers in border or peripheral subregions or regions shall be selected at random.

132. Processing of requests for names shall be made as follows in the case of a level-1, level-2 or level-3 professional services contract related to the cadastral revision and renovation specialty:

(1) the name of the supplier who usually carries out the work in the territory concerned may be added, upon request of the department or body, if he is registered in the central register in the specialty and at the level concerned;

(2) basic processing shall be carried out using subregional lists corresponding to the subregion or, where applicable, where the work is to be carried out and to the subregions adjacent to the subregion or subregions where the work is to be carried out and that may be accessed by the numbered highway system;

(3) a supplier with more than one place of business shall be selected only once;

(4) where fewer than ten names are obtained after having made the basic processing, processing of suppliers registered in border subregions or regions shall be carried out for the subregions bordering on all the subregions considered at the basic processing stage;

(5) where fewer than five names are obtained after having made the basic processing and the processing of suppliers registered in border subregions or regions, processing of suppliers registered in peripheral subregions or regions shall be carried out in accordance with section 126 for the peripheral subregions of all the subregions considered at the basic processing stage; and

(6) the subregions to be considered for the purposes of the processing of suppliers in border or peripheral subregions or regions shall be selected at random.

**133.** Processing of requests for suppliers' names shall be made, as the department or body may choose, from a regional list or from the list comprising all the suppliers in Québec in the case of a level-1 or level-2 professional services contract related to the advertising campaign specialty.

**134.** Processing of requests for suppliers' names shall be made from the list comprising all the suppliers in Québec in the case of a contract related to any of the architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering categories where the estimated amount is \$200 000 or more performed in Nouveau-Québec or concerns a prestigious building.

**135.** Processing of requests for suppliers' names shall be made as follows in the case of a level-1 auxiliary services contract in the snow removal from roads specialty:

(1) basic processing shall be carried out using subregional lists corresponding to the subregion where the work is to be carried out and to the border subregions;

(2) for the purposes of basic processing, the names of all the suppliers having filed, pursuant to section 161, a statement indicating a number of trucks that is equal to the number required by the department or body shall be sent;

(3) where less than five names are obtained pursuant to paragraph 2, the names of the suppliers having filed, pursuant to section 161, a statement comprising one truck less than the number required shall also be sent; and

(4) if a minimum of five names is not obtained pursuant to paragraph 3, the procedure referred to in that paragraph shall be repeated, subtracting one truck each time, until at least five names are obtained or, where applicable, until all the names of the suppliers registered are sent.

#### **DIVISION IV USE OF NAMES BY THE DEPARTMENT OR BODY**

**136.** Except in the cases provided for in sections 137 and 138, a department or body shall extend an invitation to all the suppliers whose names have been referred to it from the central register.

**137.** The name of a supplier referred from the central register may be refused by the department or body where that supplier has been given an unsatisfactory performance report by the department or body in question in respect of a contract performed in the specialty in question during the two years preceding the date on which the names were referred. The name of the supplier who has been refused is deemed to have been already referred and the department or body may request that the name be replaced, except if all the names of the suppliers registered in the specialty and territory at the level concerned have been sent.

**138.** Notwithstanding section 137, a supplier who is given one unsatisfactory performance report in respect of a snow removal contract in a given subregion or who refuses to carry out such a contract in whole or in part in that subregion shall not be invited to tender in that subregion or in the border subregions before the expiry of a period of time covering one period of entering into contracts that extends from 1 May to 31 December of each year.

**139.** If a contract project is abandoned by a department or body, the names of the suppliers referred from the central register in respect of that project are deemed not to have been sent.

**140.** As soon as a department or body is informed that the registration of a supplier has been cancelled or struck off the central register in the specialty and at the level in question, it shall, in respect of that supplier whose name was previously referred to it from the central register, suspend any procedure undertaken with the supplier with a view to entering into a contract. Notwithstanding the foregoing, if the contract is already entered into and comprises a renewal clause, the department or body shall ascertain that the registration complies with the central register before it is renewed.

**DIVISION V**  
**CONDITIONS FOR REGISTRATION IN THE**  
**CENTRAL REGISTER FOR SUPPLIERS**  
**OF PROFESSIONAL SERVICES**

*§1. General*

**141.** To be registered in the central register, a supplier shall

(1) have a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement; and

(2) hold the permits and registrations required under the laws and regulations in force.

**142.** Where it is specified that a supplier must, in order to register for a given specialty and level, hold a registration certificate complying with an ISO standard, that supplier shall also work in the specialty for which he registers and have in his employ the personnel required for that purpose.

**143.** Where requirements respecting staff are specified, only permanent resources domiciled in Québec and employed by the supplier for at least two months or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement may be used to qualify the supplier.

A supplier may submit all his resources working in the territory of registration concerned.

**144.** Where suppliers have staff or equipment in common, only one registration in the central register for that staff or equipment is allowed.

**145.** Where a group of suppliers is registered in the central register, the constituent members of that group may not be registered in the same specialty and the same territory.

**146.** To remain registered in the central register, a supplier shall at all times meet the conditions prevailing at the time of registration.

*§2. Specific conditions*

**147.** To be registered in the architecture specialty, a supplier shall have in his employ,

(1) at level 1, one architect having a minimum of two and a half years of experience in the specialty;

(2) at level 2, one architect having a minimum of four and a half years of experience in the specialty and another architect or, failing that, a technician having a minimum of five years of experience in the specialty;

(3) at level 3, two architects, where one has a minimum of seven and a half years of experience in the specialty.

**148.** To be registered in any of the specialties listed in the civil engineering category, excluding the bridge engineering specialty, a supplier shall have in his employ,

(1) at level 1, one engineer having a minimum of three years of experience in the specialty;

(2) at level 2, two engineers where one has a minimum of five years of experience in the specialty and the other a minimum of two years of experience in civil engineering, or an engineer and a technician each having a minimum of five years of experience in the specialty;

(3) at level 3, two engineers where one has a minimum of eight years of experience in the specialty and the other a minimum of three years of experience in civil engineering.

In addition, to be registered in the road engineering specialty and at level 2 or 3 of the building civil engineering specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, according to which he has a quality system for the area concerned by the specialty in question, complying with the ISO 9001 standard.

**149.** To be registered in the bridge engineering specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, according to which he has a quality system for the area concerned by the specialty in question, complying with the ISO 9001 standard.

**150.** To be registered in the building mechanical and electrical engineering specialty, a supplier shall have in his employ,

(1) at level 1, one engineer having at least six years of experience in the specialty or two engineers who have jointly accumulated at least six years of experience in the specialty. Furthermore, the experience shall include

at least two years in building mechanical engineering and two years in building electrical engineering; neither of those minimum requirements may be met by combining the years of experience of the two persons;

(2) at level 2, at least two engineers who have jointly accumulated at least ten years of experience in the specialty, one having a minimum of three years of experience in building mechanical engineering, and the other a minimum of three years in building electrical engineering;

(3) at level 3, at least two engineers who have jointly accumulated at least 16 years of experience in the specialty, one having a minimum of five years of experience in building mechanical engineering, and the other a minimum of five years in building electrical engineering.

In addition, to be registered at level 2 or 3, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, according to which he has a quality system for the area concerned by the specialty in question, complying with the ISO 9001 standard.

**151.** To be registered in any of the specialties listed in the soil and materials engineering category, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, according to which he has a quality system for the area concerned by the specialty in question, complying with the ISO 9002 standard.

**152.** To be registered in any of the specialties listed in the surveying category, excluding the location by satellite specialty, a supplier shall have in his employ,

(1) at level 1, at least one land surveyor having a minimum of two years of experience in the specialty;

(2) at level 2, at least one land surveyor having a minimum of four years of experience in the specialty;

(3) at level 3, at least one land surveyor having a minimum of six years of experience in the specialty.

**153.** A supplier meeting the conditions for registration in the land surveying specialty may, at his request, be registered in the cadastral revision and renovation specialty and vice versa.

**154.** To be registered in the location by satellite specialty, a supplier shall have in his employ,

(1) at level 1, at least one land surveyor having a minimum of two years of experience in surveying;

(2) at level 2, at least one land surveyor having a minimum of four years of experience in surveying, including three months of experience in location by satellite;

(3) at level 3, at least one land surveyor having a minimum of six years of experience in surveying, including three months of experience in location by satellite.

**155.** To be registered in the medium-scale cartography specialty, a supplier shall, in addition to meeting the conditions prescribed in section 152:

(1) be the owner or the long-term lessee of a second-order stereoplotter or an electronic image recording device of equivalent precision;

(2) pass the qualification test of the Ministère des Ressources naturelles, which consists in the full production, within a six-week period, of a portion of a medium-scale cartographic plan, that complies with the "Normes de production cartographique numérique à l'échelle 1:20 000" of the Ministère des Ressources naturelles; and

(3) not have failed the above-mentioned test during the 12 months preceding his application for registration.

**156.** To be registered in any of the specialties listed in the forest engineering category, a supplier shall have in his employ,

(1) at level 1, at least one forest engineer having a minimum of two years of experience in the specialty;

(2) at level 2, at least two forest engineers, one having a minimum of four years of experience in the specialty, and the other, a minimum of two years of experience in the category;

(3) at level 3, at least two forest engineers, one having a minimum of six years of experience in the specialty, and the other, a minimum of two years of experience in the specialty.

**157.** For the purposes of sections 147, 148, 150, 152, 154 and 156, the experience required is the experience acquired after the full right to practice is obtained.

**158.** To be registered in the advertising campaign specialty, a supplier shall

(1) at level 1,

(a) hold the accreditations of the Canadian Radio Common Carriers Association (CRCCA) and the Daily Newspaper Publishers Association (DNPA) or deposit a memorandum of understanding signed with a specialized supplier who has a place of business in Québec and who holds those accreditations, whereby he undertakes to make the media placement when required if the registered supplier is awarded a contract; and

(b) have in his employ at least three professionals who have jointly accumulated a minimum of 15 years of experience related to the specialty;

(2) at level 2,

(a) have carried out in Québec, during the 12 months preceding the application for registration, activities in the specialty for which he obtained a minimum gross income of \$600 000 in fees and commissions;

(b) meet the requirements of subparagraph a of paragraph 1; and

(c) have in his employ at least five professionals who have jointly accumulated a minimum of 25 years of experience related to the specialty;

(3) at level 3,

(a) have carried out in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement, during the 12 months preceding the application for registration, activities in the specialty for which he obtained a minimum gross income of \$1 500 000 in fees and commissions;

(b) hold the accreditations of the Canadian Radio Common Carriers Association (CRCCA) and the Daily Newspaper Publishers Association (DNPA) or deposit a memorandum of understanding signed with a specialized supplier who has a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement, and who holds those accreditations, whereby he undertakes to make the media placement when required if the registered supplier is awarded a contract; and

(c) have in his employ at least ten professionals who have jointly accumulated a minimum of 50 years of experience related to the specialty.

**159.** For the purposes of sections 147, 148, 150, 152, 154, 156 and 158, the experience acquired by a professional or a self-employed person or a person working in a partnership may be used.

## **DIVISION VI** **CONDITIONS FOR REGISTRATION IN THE** **CENTRAL REGISTER FOR SUPPLIERS** **WORKING IN THE SNOW REMOVAL FROM** **ROADS SPECIALTY**

**160.** To be registered in the snow removal from roads specialty, a supplier shall

(1) at level 1,

(a) have a place of business located in the subregion covered by the registration;

(b) file a statement prescribed by section 161; and

(c) have carried out, during two of the eight years preceding registration, snow and ice removal work for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government or have in his employ a person having at least four years of experience in snow and ice removal work for any of those organizations;

(2) at level 2:

(a) have a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement;

(b) file a statement prescribed by section 161; and

(c) have carried out, during five of the eight years preceding registration, snow and ice removal work for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government.

**161.** Where a supplier registers in level 1 or 2 of the central register, he shall declare the trucks he owns or leases for a one-year period or more, that are registered in his name with the Société de l'assurance automobile du Québec or, where an intergovernmental agreement applies, with the department or body having jurisdiction in a province or territory set out in the agreement. Those trucks shall have in addition a minimum capacity of 15 400 kg, be in good working order and be less than 20 years old.

**162.** In the case where a group of suppliers is registered in the central register, the constituent members may not be registered in the same specialty and the same territory.

**163.** To remain registered in the central register in the snow removal from roads specialty, a supplier shall

(1) at all times meet the conditions for the level of his registration;

(2) indicate in writing, within 60 days following the notice sent to him yearly by the Minister,

(a) that he meets each of the conditions for registration in the central register, except those concerning years of experience referred to in paragraph 2 of section 160;

(b) that he has carried out, during five of the ten preceding years, where he is registered in level 2 of the central register, snow and ice removal work for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government; and

(c) that the information contained in the statement prescribed by section 161 is still accurate or, if such is not the case, shall indicate any changes to be entered therein.

**164.** For the purposes of section 160, the experience acquired by a self-employed person or a person working in a partnership may be used. For the purposes of that section and of subparagraph *b* of paragraph 2 of section 163, the years during which a penalty provided for in Division VIII of this Chapter applies are not taken into account and, where an intergovernmental agreement applies, the experience acquired for another government or a municipality of another province or territory set out in the agreement shall be recognized.

#### **DIVISION VII** CONDITIONS FOR REGISTRATION IN THE CENTRAL REGISTER FOR SUPPLIERS OF TRAVEL SERVICES

**165.** To be registered in the central register in any of the travel within Canada or travel to other destinations specialties, a supplier shall, for the place of business concerned by the registration, meet the following conditions:

(1) have a place of business located in the region;

(2) have staff available during regular business hours;

(3) for the travel within Canada specialty, have recorded sales of not less than \$500 000 for his last fiscal year;

(4) for the travel to other destinations specialty, have recorded sales of not less than \$3 000 000 for his last fiscal year and have in his employ two travel consultants having a minimum of five years of experience each;

(5) hold a permit issued by the Chairman of the Office de la protection du consommateur; and

(6) be accredited by the International Air Transport Association.

**166.** In a region where no supplier of travel services meets all the conditions for registration in the specialty concerned, temporary registration may be offered to a supplier who applies therefor and who meets the conditions set out in paragraphs 1, 2, 5 and 6 of section 165.

Notwithstanding the foregoing, for temporary registration in the travel to other destinations specialty, a supplier shall also have recorded sales of not less than \$2 000 000 and shall have in his employ one travel consultant having a minimum of five years of experience.

**167.** To remain registered in the central register, a supplier shall at all times meet the conditions prevailing at the time of his registration.

#### **DIVISION VIII** CANCELLATION OF THE REGISTRATION OF A SUPPLIER AND PENALTIES RELATED TO THE CENTRAL REGISTER

##### *§1. Cases of application*

**168.** A supplier's registration shall be cancelled should any of the following situations arise:

(1) the supplier has gone bankrupt;

(2) the supplier cannot be reached at the address and telephone number provided;

(3) the supplier has discontinued activities; or

(4) the supplier no longer meets any of the conditions prevailing at the time of his registration.

**169.** Any supplier who makes a false statement at the time of his registration in the central register or concerning the latter shall be struck off the central register in the specialty concerned. In addition, a supplier shall be struck off the central register in the specialty concerned in the following cases:

(1) he makes a false statement at the time of submitting a tender;

(2) he withdraws or refuses a contract after the opening of tenders; and

(3) he is given two unsatisfactory performance reports in a single specialty within a three-year period.

**170.** A supplier struck off the central register pursuant to section 169 may not be registered again in that specialty for two years from the date of the striking-off.

For the purposes of the first paragraph, the two-year period shall correspond, in the case of the snow removal from roads specialty, to two periods of entering into contracts, each of those periods beginning on 1 May to 31 December of each year.

## §2. Review procedure

**171.** A notice in writing of any penalty shall be sent 15 days in advance to the supplier. The notice shall contain the reasons justifying the imposition of such penalty.

Notwithstanding the foregoing, such notice is not required in the situations referred to in section 168 and in the case referred to in paragraph 3 of section 169 if the supplier has already been notified of the facts justifying the imposition of that penalty.

**172.** During the 15-day period, the supplier may put forward the reasons why the penalty should not be imposed.

**173.** At the end of the 15-day period following the expiry of the term provided for in section 171 or following receipt of the supplier's written comments in accordance with section 172, where applicable, the Minister, after examining the record, shall either cancel or uphold the penalty to be imposed and shall inform the supplier of the decision in writing.

## CHAPTER IX REPORTS

**174.** The department or body shall forward to the Minister, at least once a year, a report on the contracts it has entered into, including the number and total amount of those contracts, their regional distribution and such other information as may be required.

**175.** The department or body shall forward a report to the Conseil du trésor

(1) of the cases where the authorization of the deputy minister or chief executive officer of the body was given

(a) pursuant to section 15 for entering into a contract;

(b) pursuant to section 85 for granting a supplement to a contract; and

(c) pursuant to section 87 for paying an amount for the performance of a contract entered into in an emergency situation; and

(2) of the cases where a notice has been given by the deputy minister or the chief executive officer of the body pursuant to section 46 for the evaluation of an offer.

The report referred to in the first paragraph shall be made in the form prescribed by the Conseil du trésor. It shall cover the activities carried out during a fiscal year and shall be sent within 30 days following the end of such a year.

## CHAPTER X TRANSITIONAL AND FINAL

**176.** Any supplier registered in the central register on the day preceding the date of coming into force of this Regulation, in a given specialty or at a given level, in accordance with the Regulation respecting services contracts of government departments and public bodies made by Order in Council 1169-93 dated 18 August 1993 or with the Regulation respecting snow removal services contracts of government departments and public bodies made by Order in Council 1170-93 dated 18 August 1993, shall be registered in the central register in accordance with this Regulation in the same specialty and at the corresponding level where such a specialty exists. Such supplier shall remain registered in that specialty until he is struck off or until his registration is cancelled under this Regulation.

**177.** Procedures for awarding contracts undertaken before the date of coming into force of this Regulation shall be continued in accordance with the provisions in force on the date on which the awarding procedures were undertaken.

**178.** Any contract under performance on the date of coming into force of this Regulation shall be continued in accordance with the provisions of this Regulation, unless this Regulation is incompatible with a provision of the contract under performance, in which case the latter provision shall prevail.



**179.** This Regulation replaces the Government Services Contracts Regulation, made by Order in Council 1500-88 dated 4 October 1988, the General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993, the Regulation respecting supply contracts of government departments and public bodies, made by Order in Council 1167-93 dated 18 August 1993, the Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993, the Regulation respecting services contracts of government departments and public bodies, made by Order in Council 1169-93 dated 18 August 1993 and the Regulation respecting snow removal services contracts of government departments and public bodies made by Order in Council 1170-93 dated 18 August 1993.

**180.** The provisions of this Regulation will come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except those concerning level 3 of the advertising campaign specialty which will come into force on the one hundred and twentieth day following the date of that publication.

## SCHEDULE I

(s. 8)

### QUALITY CONTROL

1. The specialties and conditions of application related to supply or services contracts for which a supplier must hold an ISO registration certificate are the following:

Specialty	Estimated amount	Standard required
<b>SUPPLYING:</b>		
<b>Bitumens and bituminous compound for road construction</b>		
Bitumens designed to make compound	≥ \$25 000	ISO 9002
Cut-back bitumens	≥ \$25 000	ISO 9003
Bitumen emulsions	≥ \$25 000	ISO 9003
Bituminous compound	≥ \$1	ISO 9002
<b>Timber</b>		
Pressure-treated timber	≥ \$25 000	ISO 9002

Specialty	Estimated amount	Standard required
<b>Packaging</b>		
Document boxes complying with specification DGA-S-8115-1	≥ \$25 000	ISO 9003
<b>Metal structures</b>		
Galvanized steel shafts and posts for road lighting	≥ \$25 000	ISO 9003
Aluminium shafts and posts for road lighting	≥ \$25 000	ISO 9003
Galvanized steel guardrails	≥ \$25 000	ISO 9003
Aluminium posts for road signs and aluminium overhead supporting structures for road signs	≥ \$25 000	ISO 9003
Aluminium extrusions for road signs	≥ \$25 000	ISO 9003
Galvanized steel high mast towers and mobile crowns for road lighting	≥ \$25 000	ISO 9003
<b>Office supplies</b>		
Non-suspended file folders complying with specifications DGA-S-7530-3	≥ \$25 000	ISO 9003
<b>Furniture</b>		
Integrated furniture, composed of electrifiable removable partitions and of furniture components hung on the partitions or self-supporting	≥ \$25 000	ISO 9002
Metal cabinets, libraries and display units	≥ \$25 000	ISO 9003
Chairs and armchairs complying with specification DGA-S-7110-5000	≥ \$25 000	ISO 9003
Side filing units	≥ \$25 000	ISO 9003
Standardized office and office automation furniture, made from wood particle boards, with a stratified or melamine finish, complying with specifications DGA-S-7110-series: 0100, 2000 and 3000	≥ \$25 000	ISO 9003

Specialty	Estimated amount	Standard required	Specialty	Estimated amount	Standard required
<b>Roads and road signs</b>			Road mechanics	≥ \$10 000	ISO 9002
Control devices (controllers) for traffic lights	≥ \$25 000	ISO 9003	Soil mechanics	≥ \$10 000	ISO 9002
Alkyd-based paint for road marking	≥ \$25 000	ISO 9002	Soil mechanics and soil and cement concrete quality control	≥ \$10 000	ISO 9002
<b>Pipes</b>			Soil recognition (pedological studies)	≥ \$10 000	ISO 9002
Corrugated metal pipes made of galvanized steel for culvert piping	≥ \$25 000	ISO 9003	Metal quality control	≥ \$10 000	ISO 9002
PROFESSIONAL SERVICES:			Soil quality control	≥ \$10 000	ISO 9002
<b>Services related to building construction:</b>			Bituminous concrete quality control	≥ \$10 000	ISO 9002
Acoustics	≥ \$50 000	ISO 9002	Cement concrete quality control	≥ \$10 000	ISO 9002
Building civil engineering	≥ \$50 000	ISO 9001	<b>Environment</b>		
Building mechanical and electrical engineering	≥ \$50 000	ISO 9001	Characterization of potentially contaminated sites	≥ \$10 000	ISO 9002
Project management	≥ \$50 000	ISO 9002	Environmental impact study	≥ \$10 000	ISO 9001
Preventive maintenance system (Note 1)	≥ \$50 000	ISO 9002	Restoration of contaminated sites	≥ \$10 000	ISO 9001
<b>Civil engineering related to roads, bridges, wharves and dams</b>			<b>Information technologies</b>		
Complex dam engineering	≥ \$10 000	ISO 9001	Computer systems development	≥ \$100 000	ISO 9001
Maritime engineering	≥ \$10 000	ISO 9001	Hardware and software counselling	≥ \$200 000	ISO 9001
Highway engineering	≥ \$10 000	ISO 9001	Computer systems maintenance	≥ \$200 000	ISO 9001
Bridge engineering	≥ \$10 000	ISO 9001	Management of processing centres	≥ \$200 000	ISO 9002
<b>Civil engineering related to airports</b>			Management and planning of information technologies	≥ \$200 000	ISO 9001
Feasibility study	≥ \$10 000	ISO 9001	Computer systems development	≥ \$200 000	ISO 9001
Plans and specifications	≥ \$10 000	ISO 9001	Computer security	≥ \$200 000	ISO 9001
Supervision of work	≥ \$10 000	ISO 9002	AUXILIARY SERVICES:		
<b>Soil and material engineering</b>			<b>Printing</b>		
Characterization testing of granulates	≥ \$10 000	ISO 9002	Cheque form printing	≥ \$1	ISO 9002
Performance testing of granulates	≥ \$10 000	ISO 9002	Document printing and reproduction		
Structural inventory of roads	≥ \$10 000	ISO 9002			

Specialty	Estimated amount	Standard required
Quality level "Information" or "Office"	≥ \$50 000	ISO 9003
Quality level "Fine" or "Prestige"	≥ \$1	ISO 9002
<b>General maintenance services</b>		
General maintenance	≥ \$50 000	ISO 9003

2. The specialties and conditions of application related to services contracts for which a supplier must be accredited by the Minister of the Environment are the following:

Specialty	Estimated amount
PROFESSIONAL SERVICES:	
<b>Environment</b>	
Inorganic chemical analysis	≥ \$10 000
Organic chemical analysis	≥ \$10 000
Inorganic and organic chemical analysis	≥ \$10 000
Microbiological analysis	≥ \$10 000

3. The specialties and conditions of application related to construction contracts for which a supplier must hold an ISO registration certificate are the following:

Specialty	Estimated amount	Standard required
<b>Building construction:</b>		
For commercial, industrial and institutional sectors	≥ \$500 000	ISO 9002
For the residential sector	≥ \$1 000 000	ISO 9002
<b>Construction related to road network safety:</b>		
Construction of restraining devices (Note 2)	≥ \$100 000	ISO 9002
Construction of walls (Note 3)	≥ \$100 000	ISO 9002

Specialty	Estimated amount	Standard required
Construction of bridges, culverts and walkways (Note 4)	≥ \$100 000	ISO 9002
Construction of lighting systems (Note 5)	≥ \$100 000	ISO 9002
Construction of road sign systems (Note 6)	≥ \$100 000	ISO 9002
Construction of tunnels (Note 7)	≥ \$100 000	ISO 9002
Road marking (Note 8)	≥ \$100 000	ISO 9002

(1) **Preventive maintenance systems:** development of planned maintenance programs for mechanical and electrical systems of a building.

(2) **Construction of restraining devices:** construction work on guardrails, bumpers and end barriers, erected in the right-of-way, excluding the construction work of emergency lanes (run-away lane) and maintenance work.

(3) **Construction of walls:** construction work intended for retaining earth or protecting other structures, made of a vertical or inclined wall, that may be joined to different structural components to resist earth pressure, excluding the demolition and painting of infrastructures and maintenance work.

(4) **Construction of bridges, culverts and walkways:** construction of structures allowing a road or railroad to pass over a natural obstacle or a land or water traffic lane, including culverts (small-sized bridges over a stream and usually under embankment) and walkways (bridges used as a pedestrian walkway and sometimes for piping), excluding the construction of culverts the opening of which is smaller than 4.5 metres, the demolition and painting of infrastructures and maintenance work.

(5) **Construction of lighting systems:** construction of highway lighting systems providing an adequate visual environment to prevent accidents, excluding construction work of lighting systems for walkways, pedestrian tunnels, government campgrounds and historical sites and maintenance work.

(6) **Construction of road sign systems:** construction of systems including elevated signs, road sign tabs, road lights, traffic lights, including overhead structures

that can support, above the road, roadsigns or traffic lights, barrier work of structures that can support roadsigns or lights, whether those structures are anchored or not to a foundation or to a structure along the road and the construction of traffic devices such as: flashing lights, lane use lights, pedestrian crossing lights, cyclist crossing lights, work site lights, bus lane lights, bus turn lights, excluding the construction of traffic devices related to regulated parking lights and maintenance work.

(7) **Construction of tunnels:** construction of underground ways drilled in the ground or made up of caissons placed in an excavation, excluding the demolition and painting of infrastructures and maintenance work.

(8) **Road marking:** work consisting in making road marks that comply with the standardized drawings that facilitate the guiding of motorists, improve the flow of traffic and contribute to highway comfort and safety, excluding marking work for parking lots and air surveillance zones.

## SCHEDULE II

(s. 16, 2nd par., par. 3)

### LIST OF GOODS WHOSE ACQUISITION MAY BE MADE BY THE DEPARTMENT OR BODY IDENTIFIED INSTEAD OF THE GENERAL PURCHASING DIRECTOR

1. **Ministère de l'Agriculture, des Pêcheries et de l'Alimentation:** provisions for regions other than the cities of Québec and Montréal, pure-bred animals, live fish and molluscs, crushed gravel, crushed stone, hay, straw, milled feed, food supplements and bedding for farm animals;

2. **Ministère du Conseil exécutif:** historic movable property;

3. **Ministère de l'Environnement et de la Faune:** provisions for regions other than the cities of Québec and Montréal, fruit, vegetables, pure-bred animals, live fish, fish roe, loam, sod, raw aggregate, any granular material, crushed gravel, crushed stone and sand;

4. **Ministère de l'Industrie et du Commerce:** existing printed matter such as brochures, tourists maps, slides, etc., available from only one supplier;

5. **Ministère des Relations internationales:** historic movable property;

6. **Ministère des Ressources naturelles:** provisions for regions other than the cities of Québec and Montréal, fruit, vegetables, loam, raw aggregate, crushed gravel, crushed stone, posts, fence posts, sod, cones and seeds of deciduous trees for purposes of restoration;

7. **Ministère de la Sécurité publique:** provisions for regions other than the cities of Québec and Montréal, fruit, vegetables;

8. **Ministère des Transports:** provisions for regions other than the cities of Québec and Montréal, fruit, vegetables, raw aggregate, crushed gravel, crushed stone, sod, posts, fence posts, reinforced concrete pipes, pre-mixed concrete, manufactured concrete products, bituminous compound and its constituents, heavy machinery including heavy trucks, products and related equipment for heavy machinery, snow removal products and equipment, ice removal products, machine shop parts for heavy machinery and light vehicles, products and equipment for highway lighting, products and equipment for road signs, products and accessories related to structures and wharves, bitumens for road construction, drainage piping and accessories, roadway guardrails, equipment for highway safety and accessories and laboratory equipment specialized in highways;

9. **Société de la faune et des parcs du Québec:** provisions for regions other than the cities of Québec and Montréal, fruit, vegetables, pure-bred animals, live fish, fish roe, loam, sod, raw aggregate, any granular material, crushed gravel, crushed stone and sand.

3550

## Draft Regulation

An Act respecting transportation by taxi (R.S.Q., c. T-11.1)

### Transportation by taxi — Amendments

Regulation to amend the Transportation by Taxi Regulation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Transportation by Taxi Regulation, the text of which appears below, may be made by the Government upon the expiry of 45 days following the date of this publication.