

Regulations and other acts

Gouvernement du Québec

O.C. 1157-2002, 2 October 2002

Cities and Towns Act

(R.S.Q., c. C-19; 2001, c. 25; 2001, c. 68; 2002, c. 37)

Municipal Code of Québec

(R.S.Q., c. C-27.1; 2001, c. 25; 2001, c. 68; 2002, c. 37)

An Act respecting the Communauté métropolitaine de Montréal

(R.S.Q., c. C-37.01; 2001, c. 25; 2001, c. 68; 2002, c. 37)

An Act respecting the Communauté métropolitaine de Québec

(R.S.Q., c. C-37.02; 2001, c. 25; 2001, c. 68; 2002, c. 37)

An Act respecting public transit authorities

(2001, c. 23; 2002, c. 37)

Certain professional services

— Awarding of contracts

Regulation to amend the Regulation respecting the awarding of contracts for certain professional services

WHEREAS, under section 100 of the Act respecting public transit authorities (2001, c. 23) amended by section 269 of the Act to amend various legislative provisions concerning municipal affairs (2002, c. 37) and section 573.3.0.1 of the Cities and Towns Act (R.S.Q., c. C-19), article 938.0.1 of the Municipal Code of Québec (R.S.Q., c. C-27.1), section 112.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) and section 105.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02), enacted respectively by sections 37, 57, 207 and 488 of the Act to amend various legislative provisions concerning municipal affairs (2001, c. 25) and amended respectively by sections 25, 40, 100 and 210 of the Act to amend various legislative provisions concerning municipal affairs (2001, c. 68) and by sections 89, 111, 125 and 139 of the Act to amend various legislative provisions concerning municipal affairs (2002, c. 37), the Government shall, by regulation, establish the rules that the metropolitan communities, the municipalities,

the intermunicipal boards and the public transit authorities must comply with when awarding a contract involving an expenditure of \$100 000 or more for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions;

WHEREAS the Government made the Regulation respecting the awarding of contracts for certain professional services by Order in Council 646-2002 dated 5 June 2002;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the first paragraph of section 293 of the Act to amend various legislative provisions concerning municipal affairs (2002, c. 37), the first regulatory amendment made under section 573.3.0.1 of the Cities and Towns Act, article 938.0.1 of the Municipal Code of Québec, section 112.1 of the Act respecting the Communauté métropolitaine de Montréal and section 105.1 of the Act respecting the Communauté métropolitaine de Québec, as amended respectively by sections 89, 111, 125 and 139, is not subject to the provisions of Division III of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, under the second paragraph of section 293, the first regulation made under section 100 of the Act respecting public transit authorities, as amended by section 269, is not subject to the provisions of Division III of the Regulations Act;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

That the Regulation to amend the Regulation respecting the awarding of contracts for certain professional services, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the awarding of contracts for certain professional services*

Cities and Towns Act

(R.S.Q., c. C-19, s. 573.3.0.1; 2001, c. 25, s. 37; 2001, c. 68, s. 25; 2002, c. 37, s. 89)

Municipal Code of Québec

(R.S.Q., c. C-27.1, s. 938.0.1; 2001, c. 25, s. 57; 2001, c. 68, s. 40; 2002, c. 37, s. 111)

An Act respecting the Communauté métropolitaine de Montréal

(R.S.Q., c. C-37.0.1, s. 112.1; 2001, c. 25, s. 207; 2001, c. 68, s. 100; 2002, c. 37, s. 125)

An Act respecting the Communauté métropolitaine de Québec

(R.S.Q., c. C-37.02, s. 105.1; 2001, c. 25, s. 488; 2001, c. 68, s. 210; 2002, c. 37, s. 139)

An Act respecting public transit authorities

(2001, c. 23, s. 100; 2002, c. 37, s. 269)

1. The following is substituted for section 2 of the Regulation respecting the awarding of contracts for certain professional services:

“**2.** For the purposes of this Regulation, “municipal body” means a metropolitan community, a municipality, an intermunicipal board or a public transit authority.”

2. The following is substituted for section 6:

“**6.** Paragraphs 3 to 6 and 8 of section 573 and sections 573.1.0.2 and 573.1.0.3 of the Cities and Towns Act (R.S.Q., c. C-19) apply to the awarding of contracts referred to in section 3, adapted as required in particular

(1) the municipal body council may adopt a qualification process that discriminates as permitted under section 4; and

(2) where a qualification process is established in order to award a single contract, the municipal body council may provide that it will declare eligible a maximum number of suppliers or services, in which case the maximum may not be less than five.”

3. Section 8 is amended by adding the following paragraph after the second paragraph:

“The municipal body may provide that, not only should the territory in question as defined in its case be taken into account but also the territory defined in the case of one or more other municipal bodies.”

4. Section 13 is amended by adding the following sentence at the end of the second paragraph: “The third paragraph of section 8 applies.”

5. Section 14 is amended by adding the following sentence at the end of the second paragraph: “The third paragraph of section 8 applies.”

6. The following Division is inserted after section 23:

“DIVISION III SPECIFIC RULES APPLICABLE TO THE AWARDING OF CONTRACTS FOR THE SERVICES OF AN ARCHITECT

23.1. Despite sections 3 to 23, the municipal body shall hold an architectural competition in accordance with the rules established by the Minister of Culture and Communications for the purposes of awarding any contract for the services of an architect relating to a construction project evaluated at \$2 million and more and in respect of a facility eligible under the support program for cultural facilities of the Ministère de la Culture et des Communications.

The municipal body shall, if so required by the Minister of Culture and Communications, hold such a competition for the purposes of awarding any contract for the services of an architect relating to any construction project evaluated at less than \$2 million and in respect of such a facility.”

7. The following is substituted for section 26:

“**26.** Paragraphs 3 to 6 and 8 of section 573 and sections 573.1.0.2 and 573.1.0.3 of the Cities and Towns Act apply to the awarding of contracts referred to in section 24, adapted as required.”

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 1, 2 and 7 which come into force on 1 November 2002.

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* The Regulation respecting the awarding of contracts for certain professional services was made by Order in Council 646-2002 dated 5 June 2002 (2002, *G.O.* 2, 2676).