

## Draft Regulations

### Draft Regulation

An Act respecting contracting by public bodies  
(2006, c. 29)

#### Supply contracts of public bodies — Amendment

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 Regulation respecting supply contracts of public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation allows certain bodies to enter into a delivery order contract by mutual agreement for the acquisition of software, provided that the contract is authorized by the minister responsible for the public body where the estimated amount of the expenditure is above the public tender threshold. It also requires that an extensive and documented search be conducted by every body wanting to avail itself of the delivery order contract.

The draft Regulation has no impact on the public and should have no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Lucien Turcotte, Director, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.339, Québec (Québec) G1R 5R8; telephone: 418 644-3421; fax: 418 528-6877; e-mail: lucien.turcotte@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MONIQUE GAGNON-TREMBLAY,  
*Minister responsible for Government  
Administration and Chair of the Conseil du trésor*

### Regulation to amend the Regulation respecting supply contracts of public bodies\*

An Act respecting contracting by public bodies  
(2006, c. 29, s. 23, 1st par., subpars. 1, 5 and 7)

**1.** The Regulation respecting supply contracts of public bodies is amended by inserting the following after section 29:

#### “DIVISION IV CONTRACT FOR THE ACQUISITION OF SOFTWARE

**29.1.** Despite the provisions of Division I of Chapter III, a public body referred to in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act may enter into a delivery order contract by mutual agreement for the acquisition of software for cases other than those referred to in subparagraphs 1 to 4 of the first paragraph of section 13 of the Act.

To avail itself of a delivery order contract, the public body benefiting from the acquisition must have conducted an extensive and documented search showing that only the supplier identified in the contract may meet its requirements.

The authorization of the minister responsible is required if the estimated amount of the expenditure resulting from the delivery order contract is above the public tender threshold. The minister may set the conditions applicable to the contract.”

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9249

\* The Regulation respecting supply contracts of public bodies, made by Order in Council 531-2008 dated 28 May 2008 (2008, G.O. 2, 2079), has not been amended since it was made.