

Draft Regulation

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

Construction contracts of public bodies — Amendments

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 construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation specifies that, if a contract involves construction work on transport infrastructures and contractors have been qualified for that work, the work must be performed by those contractors.

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 construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction*

An Act respecting contracting by public bodies
(2006, c. 29, s. 23, 1st par., subpars. 1 and 3)

1. The Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction is amended by replacing its title by the following:

“Regulation respecting construction contracts of public bodies”.

2. Section 38 is replaced by the following:

“**38.** Except in the cases described in section 13 of the Act, where a contract involves construction work for which contractors have been qualified, the work must be performed by a qualified contractor and, where such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders.”.

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

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Draft Regulation

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

Service contracts of public bodies — Amendments

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 service contracts of public bodies and amending other regulatory provisions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

* The Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, made by Order in Council 532-2008 dated 28 May 2008 (2008, *G.O.* 2, 2086), has been amended once, by Order in Council 873-2008 dated 10 September 2008 (2008, *G.O.* 2, 4617).

The draft Regulation establishes the items that may be taken into account by a public body to determine the lowest bidder for a task order contract entered into with more than one service provider, when the object of the contract is the rental of heavy machinery with operator.

It allows the conclusion by mutual agreement of service contracts for the hiring of persons who perform certain specific duties.

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 service contracts of public bodies and amending other regulatory provisions*

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

1. The Regulation respecting service contracts of public bodies and amending other regulatory provisions is amended by replacing its title by the following:

“Regulation respecting service contracts of public bodies”.

2. The following is inserted after section 32:

“**32.1.** Despite sections 10 and 32, in the case of a task order contract entered into with more than one service provider and whose object is the rental of heavy machinery with operator, the public body may, to determine the lowest bidder, take into account, in addition to the hourly rate submitted for the machine, the machine’s age and hourly transportation cost and the operator’s hourly travelling and boarding expenses.

In such a case, the performance requests are made to the service provider whose machine has obtained the lowest weighted coefficient, unless the provider cannot perform the service, in which case the other providers are solicited according to their respective rank.

For the purposes of this section,

(1) “weighted coefficient” means the quotient obtained by dividing the sum of the hourly rate submitted for the machine, the machine’s hourly transportation cost, the operator’s hourly travelling expenses and boarding expenses, where applicable, by the maximum total hourly rental rate in effect, as indicated in the booklet *Taux de location de machinerie lourde*, published by the Centre de services partagés du Québec;

(2) “hourly rate submitted for the machine” means the hourly rate indicated by the service provider or, if that rate is higher than the maximum total hourly rate or if the machine is registered after the tender opening date with a “late” notation, the maximum total hourly rate.”.

3. The following is inserted after section 42:

“DIVISION VII OTHER SERVICE CONTRACTS

42.1. A service contract for the hiring of an investigator, conciliator, negotiator, mediator, arbitrator, a physician or a dentist in matters of medical assessment related to their field or a person as an expert court witness may be entered into by mutual agreement.”.

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

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* The Regulation respecting service contracts of public bodies and amending other regulatory provisions, made by Order in Council 533-2008 dated 28 May 2008 (2008, G.O. 2, 2099), has been amended once, by Order in Council 873-2008 dated 10 September 2008 (2008, G.O. 2, 4617).