

Regulations and other Acts

Gouvernement du Québec

O.C. 694-2009, 18 June 2009

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

Supply contracts of public bodies — Amendment

Regulation to amend the Regulation respecting supply contracts of public bodies

WHEREAS, under subparagraphs 1, 5 and 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the the Regulation respecting supply contracts of public bodies by Order in Council 531-2008 dated 28 May 2008;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting supply contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting supply contracts of public bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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.

The delivery order contract may be entered into with public bodies that made a joint call for tenders referred to in section 15 of the Act. In that case, the provisions provided for in section 5 relating to a joint call for tenders, and section 46 apply with the necessary modifications and considering the obligation provided for in the third paragraph of this section.

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

* 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.

The authorization of the minister responsible is required where the approximate monetary value of 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*.

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Gouvernement du Québec

O.C. 695-2009, 18 June 2009

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

Construction contracts of public bodies — Amendments

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

WHEREAS, under subparagraphs 1 and 3 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction by Order in Council 532-2008 dated 28 May 2008;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS no comments have been submitted in respect of the draft Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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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* 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).