

Gouvernement du Québec

**O.C. 696-2009, 18 June 2009**

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

**Service contracts of public bodies  
— Amendments**

Regulation to amend the Regulation respecting service contracts of public bodies and amending other regulatory provisions

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 Regulation respecting service contracts of public bodies and amending other regulatory provisions by Order in Council 533-2008 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 service contracts of public bodies and amending other regulatory provisions 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 service contracts of public bodies and amending other regulatory provisions, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**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;

\* 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).

(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*.

9306

Gouvernement du Québec

**O.C. 773-2009, 23 June 2009**

An Act respecting municipal taxation  
(R.S.Q., c. F-2.1)

**Municipal tax for 9-1-1**

Regulation governing the municipal tax for 9-1-1

WHEREAS Division III.6 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1) comprising sections 244.68 to 244.74, enacted by section 82 of chapter 18 of the Statutes of 2008, provides the imposition of a municipal tax for the purpose of financing 9-1-1 emergency centres;

WHEREAS, under subparagraphs 13 to 15 of the first paragraph of section 262 of the Act respecting municipal taxation, enacted by section 86 of chapter 18 of the Statutes of 2008 and, concerning subparagraph 14, amended by section 70 of chapter 26 of the Statutes of 2009, the Government may by regulation

— define, for the purposes of section 244.68 of the Act, “telephone service” and “client”, determine, for each telephone service, the amount of the tax referred to in that section or the rules to establish the tax and determine the date from which the tax is imposed;

— determine the terms and conditions for the collection and the remittance by the telephone service provider provided for in section 244.71 of the Act, in particular

the sum the telephone service provider keeps for administrative costs, determine the provisions of the regulation the contravention of which constitutes an offence and fix the amounts of the resulting fines;

— determine the terms and conditions for the remittance by the Minister of Revenue provided for in section 244.72 of the Act, in particular the sum the Minister of Revenue keeps for administrative costs;

WHEREAS, under the second paragraph of section 262 of the Act, enacted by section 86 of chapter 18 of the Statutes of 2008, the making of a regulation under subparagraph 14 or 15 of the first paragraph of section 262 must be recommended jointly by the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Revenue;

WHEREAS, under the third paragraph of section 262 of the Act, enacted by section 86 of chapter 18 of the Statutes of 2008, a regulation concerning a matter referred to in subparagraph 13 of the first paragraph of section 262 or determining the sum the telephone service provider keeps for administrative costs may only be adopted by the Government after consultation by the Minister of Municipal Affairs, Regions and Land Occupancy with the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM), Ville de Montréal and various persons or bodies the Minister considers representative of telephone service providers and 9-1-1 emergency centre operators;

WHEREAS the consultation has taken place;

WHEREAS section 131 of chapter 18 of the Statutes of 2008, amended by section 105 of chapter 26 of the Statutes of 2009, provides that the first regulations made under paragraphs 13 to 15 of section 262 of the Act respecting municipal taxation are not subject to Division III of the Regulations Act (R.S.Q., c. R-18.1) and come into force, despite section 17 of that Act, on the day of their publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation governing the municipal tax for 9-1-1;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Revenue:

THAT the Regulation governing the municipal tax for 9-1-1, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*