

Draft Regulations

Draft Regulation

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

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

The draft regulations impose on enterprises interested in entering into a supply, service or construction contract with a public body the obligation to send an attestation from the Minister of Revenue indicating in particular that they have filed the returns and reports required under fiscal laws.

They also provide that the Chair of the Conseil du trésor will report to the Government about the first year of application of those measures.

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

Further information on the draft regulations 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 regulations is requested to submit written requests 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., subpar. 3)

1. The Regulation respecting supply contracts of public bodies is amended by inserting the following after section 37:

“DIVISION IV ATTESTATION FROM THE MINISTER OF REVENUE

37.1. Every supply contract involving an expenditure equal to or greater than \$25,000 must, in a case other than the case set out in subparagraph 1 of the first paragraph of section 13 of the Act, be entered into with a supplier who has obtained an attestation from the Minister of Revenue of Québec.

The attestation is issued to every supplier who, on the date indicated in the attestation, has filed the returns and reports that the supplier had to file under fiscal laws and who has no overdue account payable to the Minister of Revenue of Québec, in particular when its recovery has been legally suspended or arrangements have been made with the supplier to ensure payment and the supplier has not defaulted.

The supplier must send the attestation to the public body with the supplier's tender if the contract is awarded following a call for tenders, or before the contract is entered into if it is awarded by mutual agreement. The attestation must not have been issued more than 90 days before the tender closing time or, in the case of a contract by mutual agreement, more than 90 days before the contract award date.

An attestation held by the supplier is considered as an eligibility requirement within the meaning of section 6.

37.2. The Chair of the Conseil du trésor is to report to the Government about the first year of application of section 37.1.”.

2. This Regulation comes into force on 1 June 2010.

* The Regulation respecting supply contracts of public bodies, made by Order in Council 531-2008 dated 28 May 2008 (2008, G.O. 2, 2079), was amended once, by Order in Council 694-2009 dated 18 June 2009 (2009, G.O. 2, 1861A).

Regulation to amend the Regulation respecting service contracts of public bodies*

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

1. The Regulation respecting service contracts of public bodies is amended by inserting the following after section 50:

“DIVISION IV ATTESTATION FROM THE MINISTER OF REVENUE

50.1. Every service contract involving an expenditure equal to or greater than \$25,000 must, in a case other than the case set out in subparagraph 1 of the first paragraph of section 13 of the Act, be entered into with a service provider who has obtained an attestation from the Minister of Revenue of Québec.

The attestation is issued to every service provider who, on the date indicated in the attestation, has filed the returns and reports that the provider had to file under fiscal laws and who has no overdue account payable to the Minister of Revenue of Québec, in particular when its recovery has been legally suspended or arrangements have been made with the provider to ensure payment and the provider has not defaulted.

The service provider must send the attestation to the public body with the service provider’s tender if the contract is awarded following a call for tenders, or before the contract is entered into if it is awarded by mutual agreement. The attestation must not have been issued more than 90 days before the tender closing time or, in the case of a contract by mutual agreement, more than 90 days before the contract award date.

An attestation held by the service provider is considered as an eligibility requirement within the meaning of section 6.

The Chair of the Conseil du trésor is to report to the Government about the first year of application of section 50.1.”.

2. This Regulation comes into force on 1 June 2010.

Regulation to amend the Regulation respecting construction contracts of public bodies*

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

1. The Regulation respecting construction contracts of public bodies is amended by inserting the following after section 40:

“DIVISION III ATTESTATION FROM THE MINISTER OF REVENUE

40.1. Every construction contract involving an expenditure equal to or greater than \$25,000 must, in a case other than the case set out in subparagraph 1 of the first paragraph of section 13 of the Act, be entered into with a contractor who has obtained an attestation from the Minister of Revenue of Québec.

The attestation is issued to every contractor who, on the date indicated in the attestation, has filed the returns and reports that the contractor had to file under fiscal laws and who has no overdue account payable to the Minister of Revenue of Québec, in particular when its recovery has been legally suspended or arrangements have been made with the contractor to ensure payment and the constructor has not defaulted.

The contractor must send the attestation to the public body with the constructor’s tender if the contract is awarded following a call for tenders, or before the contract is entered into if it is awarded by mutual agreement. The attestation must not have been issued more than 90 days before the tender closing time or, in the case of a contract by mutual agreement, more than 90 days before the contract award date.

An attestation held by the contractor is considered as an eligibility requirement within the meaning of section 6.

40.2. The Chair of the Conseil du trésor is to report to the Government about the first year of application of section 40.1.”.

2. This Regulation comes into force on 1 June 2010.

9500

* The Regulation respecting service contracts of public bodies, made by Order in Council 533-2008 dated 28 May 2008 (2008, G.O. 2, 2099), was last amended by Order in Council 696-2009 dated 18 June 2009 (2009, G.O. 2, 1863A).

* The Regulation respecting construction contracts of public bodies, made by Order in Council 532-2008 dated 28 May 2008 (2008, G.O. 2, 2086), was last amended by the regulation made by Order in Council 695-2009 dated 18 June 2009 (2009, G.O. 2, 1862A).