

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 contractor'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 neither have been issued more than 90 days before the tender closing time nor after 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. Section 40.1 does not apply to a contractor that does not have an establishment in Québec where activities are carried on on a permanent basis, clearly identified under the contractor's name and accessible during regular business hours.

It does not apply either where a construction contract must be entered into by reason of an emergency that threatens human safety or property.”.

2. Despite the third and fourth paragraphs of section 40.1 of that Regulation, a contractor remains eligible to submit a tender for a call for tenders whose tender closing time is prior to 1 October 2010 even if the contractor's attestation is issued after tender closing time.

3. The Chair of the Conseil du trésor is to report to the Government about the first year of application of section 40.1 of that Regulation.

4. This Regulation comes into force on 1 June 2010 and applies only to call for tenders issued and contracts entered into by mutual agreement as of that date.

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Gouvernement du Québec

O.C. 355-2010, 21 April 2010

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1)

**Service contracts of public bodies
— Amendments**

Regulation to amend the Regulation respecting service contracts of public bodies

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1), the Government may, by regulation, determine bid solicitation procedures and the contract award rules applicable to them;

WHEREAS, by Order in Council 533-2008 dated 28 May 2008, the Government made the Regulation respecting service contracts of public bodies and amending other regulatory provisions;

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 was published in Part 2 of the *Gazette officielle du Québec* of 4 November 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 service 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 service contracts of public bodies*

(R.S.Q., c. C-65.1, 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 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 neither have been issued more than 90 days before the tender closing time nor after 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.

50.2. Section 50.1 does not apply to a service provider that does not have an establishment in Québec where activities are carried on on a permanent basis, clearly identified under the service provider’s name and accessible during regular business hours.

It does not apply either where a service contract must be entered into by reason of an emergency that threatens human safety or property.”.

* 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).

2. Despite the third and fourth paragraphs of section 50.1 of that Regulation, a service provider remains eligible to submit a tender for a call for tenders whose tender closing time is prior to 1 October 2010 even if the provider’s attestation is issued after tender closing time.

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

4. This Regulation comes into force on 1 June 2010 and applies only to call for tenders issued and contracts entered into by mutual agreement as of that date.

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Gouvernement du Québec

O.C. 366-2010, 21 April 2010

Automobile Insurance Act
(R.S.Q., c. A-25)

Reimbursement of certain expenses — Amendments

Regulation to amend the Regulation respecting the reimbursement of certain expenses

WHEREAS, under paragraph 16 of section 195 of the Automobile Insurance Act (R.S.Q., c. A-25), the Société de l’assurance automobile du Québec may make a regulation to determine what expenses may be reimbursed to an automobile accident victim under the second paragraph of section 83.2 of the Act;

WHEREAS, under the second paragraph of section 83.2 of the Act, a victim is entitled, in the cases and on the conditions prescribed by regulation, to the reimbursement of expenses determined by regulation of the Société;

WHEREAS the Regulation respecting the reimbursement of certain expenses was approved by Order in Council 1925-89 dated 13 December 1989;

WHEREAS, at the meeting of its board of directors on 9 September 2009, the Société made the Regulation to amend the Regulation respecting the reimbursement of certain expenses;

WHEREAS, under section 197 of the Act, a regulation of the Société must be approved by the Government, except those made under sections 151 to 151.3 and 195.1;