

Draft Regulations

“Please disregard the text with the same title published by mistake in Part 2 of the *Gazette officielle du Québec* of 29 December 2010 Number 52.”.

Draft Regulations

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

Supply, service and construction contracts of public bodies — Amendment

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 provide that tender documents and addenda amending the documents may only be obtained through the electronic tendering system approved by the Government.

The draft Regulations also limit the disclosure, by the operator of the electronic tendering system and the public body that makes the call for tenders, of information making it possible to know the number or identity of the enterprises that requested the tender documents or submitted a tender, thereby limiting the risk of collusion between tenderers and the risk of threats to or intimidation of tenderers that do not wish to have their interest in tendering known by ill-intentioned competitors.

The draft Regulations have no impact on the public. In addition, they should have no negative consequences on enterprises, including small and medium-sized businesses.

Further information on the draft Regulations may be obtained by contacting Robert Villeneuve, Acting Director, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.379, Québec (Québec) G1R 5R8; telephone: 418 644-3421; fax: 418 528-6877; e-mail: robert.villeneuve@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Chair of the Conseil du trésor and Minister responsible for Government Administration, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MICHELLE COURCHESNE,
*Chair of the Conseil du trésor
and Minister responsible for
Government Administration*

Regulation to amend the Regulation respecting supply contracts of public bodies

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 1)

1. The Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2) is amended in section 4 by replacing subparagraph 5 of the second paragraph by the following:

“(5) the place where information may be obtained;

(5.1) a mention that the tender documents may only be obtained through the electronic tendering system;”.

2. Section 9 is amended by replacing “by sending an addendum” in the first paragraph by “by means of an addendum sent”.

3. The following is inserted after section 9:

“**9.1.** Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.

DIVISION III IDENTITY OF THE SUPPLIERS

9.2. The operator of the electronic tendering system may disclose only to the public body that makes a call for tenders, the information making it possible to know the number or identity of the suppliers that requested the tender documents.

9.3. Until the tender opening, a public body that makes a call for tenders may not disclose information making it possible to know the number or identity of the suppliers that requested the tender documents or submitted a tender.”

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

Regulation to amend the Regulation respecting service contracts of public bodies

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 1)

1. The Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4) is amended in section 4 by replacing subparagraph 5 of the second paragraph by the following:

“(5) the place where information may be obtained;

(5.1) a mention that the tender documents may only be obtained through the electronic tendering system;”.

2. Section 9 is amended by replacing “by sending an addendum” in the first paragraph by “by means of an addendum sent”.

3. The following is inserted after section 9:

“**9.1.** Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.

DIVISION II.I

IDENTITY OF THE SERVICE PROVIDERS

9.2. The operator of the electronic tendering system may disclose only to the public body that makes a call for tenders, the information making it possible to know the number or identity of the service providers that requested the tender documents.

9.3. Until the tender opening, a public body that makes a call for tenders may not disclose information making it possible to know the number or identity of the service providers that requested the tender documents or submitted a tender.”

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

Regulation to amend the Regulation respecting construction contracts of public bodies

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 1)

1. The Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5) is amended in section 4 by replacing subparagraph 5 of the second paragraph by the following:

“(5) the place where information may be obtained;

(5.1) a mention that the tender documents may only be obtained through the electronic tendering system;”.

2. Section 9 is amended by replacing “by sending an addendum” in the first paragraph by “by means of an addendum sent”.

3. The following is inserted after section 9:

“**9.1.** Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.

DIVISION II.I

IDENTITY OF THE CONTRACTORS

9.2. The operator of the electronic tendering system may disclose only to the public body that makes a call for tenders, the information making it possible to know the number or identity of the contractors that requested the tender documents.

Despite the foregoing, in the case of a call for tenders concerning construction work related to work relating to a building, the operator must disclose the identity of a contractor that requested the tender documents if the contractor has authorized the disclosure of that information in the electronic tendering system.

9.3. Until the tender opening, a public body that makes a call for tenders may not disclose information making it possible to know the number or identity of the contractors that requested the tender documents or submitted a tender.”

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