

9. Section 2 does not apply to a contractor who does not have in Québec an establishment 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 supply contract, service contract or construction contract, or a construction subcontract referred to in the second paragraph of section 2, must be entered into by reason of an emergency that threatens human safety or property.

CHAPTER III OFFENCES

10. A violation of the second paragraph of section 2 or of any of sections 5 to 8 constitutes an offence.

CHAPTER IV APPLICATION BY THE MINISTER OF REVENUE

11. The Minister of Revenue is charged with the application and enforcement of the second paragraph of section 2, section 3, the second paragraph of section 4, sections 5 to 8, section 9 in the case of a subcontractor and section 10.

CHAPTER V TRANSITIONAL AND FINAL

12. Despite the first paragraph of section 4, a contractor remains eligible to submit a tender for a call for tenders whose tender closing time is prior to 1 December 2011 even if the contractor's attestation is issued after tender closing time.

13. A violation of the second paragraph of section 2 or of any of sections 5 to 8 committed between 15 September 2011 and 15 March 2012 inclusively will result in the issue of a warning to the offender rather than a statement of offence.

14. This Regulation applies only to calls for tenders issued and contracts entered into by mutual agreement by a body as of 15 September 2011.

15. The provisions of this Regulation come into force on 15 September 2011, except the provisions of the first paragraph of section 4 which, insofar as they concern the time fixed for receiving tenders, will come into force on 1 December 2011.

1622

Gouvernement du Québec

O.C. 847-2011, 17 August 2011

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

Supply contracts of public bodies — Amendment

Regulation to amend the Regulation respecting supply contracts of public bodies

WHEREAS, under subparagraph 14 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 the documents relating to compliance with certain Acts and regulations that a contractor referred to in the first paragraph of section 1 of the Act who is interested in entering into a contract with a public body or into a subcontract related to such a contract must hold, and the cases, conditions and manner in or on which they are to be obtained, held and filed;

WHEREAS, under subparagraph 15 of the first paragraph of section 23 of the Act, the Government may, by regulation, determine the regulatory provisions made under that section 23 the violation of which constitutes an offence;

WHEREAS section 24.2 of the Act provides that the Minister of Revenue is responsible for the administration and carrying out of the regulatory provisions made under subparagraphs 14 and 15 of the first paragraph of section 23 and of section 23.1 of the Act if so provided in the regulation;

WHEREAS the Government made the Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2) which already provides certain measures relating to the attestation from Revenu Québec;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 318 of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund (2011, c. 18), 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 25 June 2011 with a notice that it could be made by the Government on the expiry of 15 days following its publication;

WHEREAS the 15-day period has expired;

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 were consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

GILLES PAQUIN,
Clerk of the Conseil exécutif

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., subpars. 14 and 15, and s. 24.2)

1. The Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2) is amended by replacing Division IV of Chapter VI by the following:

“DIVISION IV ATTESTATION FROM REVENU QUÉBEC

37.1. Every supplier interested in entering into a supply contract with a public body involving an expenditure equal to or greater than \$25,000 must hold an attestation from Revenu Québec.

37.2. The attestation from Revenu Québec 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, 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.

37.3. The attestation must not have been issued more than 90 days before the date and time fixed for receiving tenders, or after that date and time, or, in the case of a contract entered into by mutual agreement, more than 90 days before the contract award date. The fact that the supplier holds an attestation is considered to be an eligibility requirement within the meaning of section 6.

37.4. A supplier may not submit an attestation from Revenu Québec that contains false or inaccurate information, produce on the supplier’s own behalf the attestation of a third party, or falsely declare that the supplier does not hold the required attestation.

37.5. No person may help another person, by an act or omission, to contravene section 37.4, or encourage, advise, allow, authorize or order the person to contravene that section.

37.6. Section 37.1 does not apply to a supplier that does not have in Québec an establishment where activities are carried on on a permanent basis, clearly identified under the supplier’s name and accessible during regular business hours.

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

2. The following is inserted after section 45:

“CHAPTER VIII.1 OFFENCES

45.1. A violation of section 37.4 or 37.5 constitutes an offence.”.

3. The following is inserted after section 46:

46.1. The Minister of Revenue is charged with the application and enforcement of sections 37.2, 37.4, 37.5 and 45.1.”.

4. A violation of section 37.4 or 37.5 of that Regulation, made by section 1 of this Regulation, committed between 15 September 2011 and 15 March 2012 inclusively will result in the issue of a warning to the offender rather than a statement of offence.

5. This Regulation applies only to calls for tenders issued and contracts entered into by mutual agreement by a public body as of 15 September 2011.

6. The provisions of this Regulation come into force on 15 September 2011, except the provisions of section 37.3 of the Regulation respecting supply contracts of public bodies, made by section 1 of this Regulation, which, insofar as they concern the time fixed for receiving tenders, will come into force on 1 December 2011.

1623

Gouvernement du Québec

O.C. 848-2011, 17 August 2011

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

Service contracts of public bodies — Amendment

Regulation to amend the Regulation respecting service contracts of public bodies

WHEREAS, under subparagraph 14 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 the documents relating to compliance with certain Acts and regulations that a contractor referred to in the first paragraph of section 1 of the Act who is interested in entering into a contract with a public body or into a subcontract related to such a contract must hold, and the cases, conditions and manner in or on which they are to be obtained, held and filed;

WHEREAS, under subparagraph 15 of the first paragraph of section 23 of the Act, the Government may, by regulation, determine the regulatory provisions made under that section 23 the violation of which constitutes an offence;

WHEREAS section 24.2 of the Act provides that the Minister of Revenue is responsible for the administration and carrying out of the regulatory provisions made under subparagraphs 14 and 15 of the first paragraph of section 23 and of section 23.1 of the Act if so provided in the regulation;

WHEREAS the Government made the Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4) which already provides certain measures relating to the attestation from Revenu Québec;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 318 of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund (2011, c. 18), 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 25 June 2011 with a notice that it could be made by the Government on the expiry of 15 days following its publication;

WHEREAS the 15-day period has expired;

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 were consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

GILLES PAQUIN,
Clerk of the Conseil exécutif

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., subpars. 14 and 15,
and s. 24.2)

1. The Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4) is amended by replacing Division IV of Chapter VI by the following:

“DIVISION IV ATTESTATION FROM REVENU QUÉBEC

50.1. Every service provider interested in entering into a service contract with a public body involving an expenditure equal to or greater than \$25,000 must hold an attestation from Revenu Québec.