

Draft Regulations

Draft Regulation

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

Register of enterprises ineligible for public contracts and oversight and monitoring measures — 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 the register of enterprises ineligible for public contracts and oversight and monitoring measures, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation updates the provisions relating to accreditation of persons who will be responsible for applying oversight and monitoring measures, to take into account the fact that the members of the three professional orders of accountants referred to in the regulation currently in force are brought together within a single professional order, under the Chartered Professional Accountants Act (2012, chapter 11).

The draft Regulation also adds new offences in respect of which the conviction of a contractor or of an associate of a contractor is considered for the purposes of ineligibility for public contracts and specifies the period of such ineligibility for each offence. The new offences were introduced in the statutory instruments concerned.

The draft Regulation has no impact on the public. As for enterprises, the proposed measures are likely to affect only enterprises that enter into contracts with the State and that have been convicted of any of the new offences determined in the draft Regulation. The enterprises that will be entered in the register of enterprises ineligible for public contracts will indeed be banned from public contracts for the period indicated, unless they are granted authorization. They will not be allowed either to continue the performance of contracts in progress starting from their entry in the register. They will, however, be allowed to keep operating in the private sector.

Further information on the draft Regulation may be obtained by contacting Christine Michaud, Team Leader, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bur. 2.339, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4935; fax: 418 528-6877; email: christine.michaud@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments 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.

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

Regulation to amend the Regulation respecting the register of enterprises ineligible for public contracts and oversight and monitoring measures

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1, s. 23, 1st par., subpars. 8, 8.1, 9 and 13)

1. The Regulation respecting the register of enterprises ineligible for public contracts and oversight and monitoring measures (R.R.Q., c. C-65.1, r. 8.1) is amended by replacing “to which the person belongs” in subparagraph 1 of the first paragraph of section 21 by “referred to in paragraph 1 of section 16”.

2. Section 22 is amended by striking out “to which the person belongs” in paragraph 1.

3. Schedule 1 is amended by inserting the following offences and periods of ineligibility in Division I, in numerical order:

Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (R.R.Q., c. C-65.1, r. 1.1)	1.1 with 10	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	9.1 with 10	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	
Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2)	7.2 with 45.1	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	41.1 with 45.1	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	
Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4)	7.2 with 58.1	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	54.1 with 58.1	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	
Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5)	7.2 with 58.1	Submitting a tender that contains information that the person knows to be false or inaccurate, or a document that contains such information or has been otherwise falsified.	5 years
	54.1 with 58.1	Knowingly submitting an application for payment that contains an amount to which the person is not entitled under the contract.	

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

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Draft Regulation

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

Supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act — 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, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes it an offence for a contractor to submit a tender that contains false or inaccurate information or a falsified document, or to knowingly submit an application for payment that contains an amount to which the contractor is not entitled under the contract.

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

Further information on the draft Regulation may be obtained by contacting Christine Michaud, Team Leader, 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: 418 643-0875, extension 4935; fax: 418 528-6877; email: christine.michaud@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments 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.

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

Regulation to amend the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23.1)

1. The Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (R.R.Q., c. C-65.1, r. 1.1) is amended by inserting the following after the heading of Chapter II:

“DIVISION I TENDER DOCUMENTS

1.1. A contractor interested in entering into a contract with a body may not submit a tender that contains information the contractor knows to be false or inaccurate, or a document that contains such information or is otherwise falsified.

DIVISION II ATTESTATION FROM REVENU QUÉBEC”.

2. The following is inserted after section 9:

“CHAPTER II.1 CONTRACT MANAGEMENT CONDITIONS

9.1. A contractor may not knowingly send a body an application for payment that contains an amount to which the contractor is not entitled under the supply, service or construction contract”.

3. Section 10 is replaced by the following:

“**10.** A violation of the following provisions constitutes an offence:

(1) section 1.1 or section 9.1;

(2) the second paragraph of section 2 or any of sections 5 to 8.”.

4. Section 11 is amended by inserting “paragraph 2 of” after “subcontractor and”.

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

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