

## Treasury Board

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Gouvernement du Québec

### **T.B. 212027**, 11 December 2012

An Act respecting contracting by public bodies  
(chapter C-65.1)

Integrity in Public Contracts Act  
(2012, chapter 25)

#### **Autorité des marchés financiers** — Contracting by public bodies

Regulation of the Autorité des marchés financiers under  
an Act respecting contracting by public bodies

WHEREAS the first and second paragraphs of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), as enacted by section 10 of chapter 25 of the Statutes of 2012 provide that an enterprise that wishes to enter into a contract with a public body whose value is equal to or exceeds the amount determined by the Government must obtain an authorization for that purpose from the Autorité des marchés financiers, that the amount may vary according to the category of contract and that an enterprise that wishes to enter into a subcontract whose value is equal to or exceeds that amount and which is related directly or indirectly to a contract described in the first paragraph must also obtain such an authorization;

WHEREAS the second paragraph of section 21.23 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that the application must be in the form prescribed by the Autorité des marchés financiers and be filed together with the information and documents prescribed by regulation of the Authority and the fee determined by a decision of the Conseil du trésor and that the information, documents and fee may vary according to the type of enterprise and the place where it mainly carries on its activities;

WHEREAS section 21.40 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that an enterprise holding an authorization must notify the Autorité des marchés financiers, within the time specified by regulation of the Authority, of any change to any information previously provided;

WHEREAS section 21.45 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that the Autorité des marchés financiers keeps a register of enterprises holding an authorization to enter into a contract or a subcontract under Chapter V.2 and that the content of the register is determined by regulation of the Authority;

WHEREAS the first paragraph of section 21.43 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012 provides that a regulation of the Autorité des marchés financiers must be submitted for approval to the Conseil du trésor, which may approve it with or without amendment;

WHEREAS section 100 of chapter 25 of the Statutes of 2012 provides that the first regulation made by the Authority under sections 21.23, 21.40 and 21.45 comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation and that sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to such a regulation;

WHEREAS, on 10 December 2012, the Autorité des marchés financiers made the Regulation of the Autorité des marchés financiers under an Act respecting contracting by public bodies by Decision 2012-PDG-0220;

WHEREAS it is expedient to approve the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation of the Autorité des marchés financiers under an Act respecting contracting by public bodies, attached hereto, be approved.

MARIE-CLAUDE RIOUX,  
*La greffière du Conseil du trésor*

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## Regulation of the *autorité des marchés financiers* under an act respecting contracting by public bodies

An Act respecting contracting by public bodies (chapter C-65.1, ss. 21.23, par. 2, 21.40 and 21.45; 2012, chapter 25, s. 10)

Integrity in Public Contracts Act (2012, chapter 25, s. 100)

### DIVISION I SCOPE

**1.** This Regulation applies to all enterprises that wish to obtain the authorization referred to under section 21.17 of An Act respecting contracting by public bodies (R.S.Q., c. C-65.1).

### DIVISION II APPLICATION FOR AUTHORIZATION

**2.** The respondent of the enterprise must file an application for authorization using the form provided by the *Autorité des marchés financiers*.

This application must contain the following information:

(1) the name of the enterprise, its Québec enterprise number assigned by the registrar, as the case may be, and all the names under which the enterprise carries on or has carried on activities in the past five years;

(2) the address and telephone number of the head office of the enterprise and of each of its establishments in the past five years;

(3) the name and mailing address of the respondent and his functions at the enterprise;

(4) the name, date of birth, if applicable, domiciliary address and telephone number of the natural person who operates a sole proprietorship, as the case may be, of the officers of the enterprise, its directors or partners, its shareholders, along with the percentage of the voting rights attached to the shares held by them, as well as of any person or enterprise that has direct or indirect legal or de facto control over the enterprise;

(5) a declaration by the enterprise and the persons referred to in sections 21.26 and 21.28 of the Act as to whether or not they are in any of the situations set out in sections 21.26 to 21.28 of the Act;

(6) the nature of the activities of the enterprise.

**3.** An application for authorization must also indicate, as the case may be, the following information related to the call for tenders for which the enterprise wishes to obtain a public contract or subcontract:

(1) the number of the call for tenders;

(2) the deadline for submitting bids or, whichever is latest, the date set out in the call for tender concerning the required authorization, as the case may be;

(3) the estimated value of the contract or subcontract.

**4.** The application for authorization must be filed together with the following documents:

(1) an official document from the enterprise confirming the appointment of the respondent acting in such capacity;

(2) an organization chart outlining the structure of the enterprise and including the names of its subsidiaries and parent company and any subsidiaries there of;

(3) in the case of an enterprise that has an establishment in Québec, the attestation from Revenu Québec referred to in subparagraph 1 of section 21.24 of the Act;

(4) the audited financial statements for the latest fiscal year of the enterprise;

(5) a list indicating the financial institutions with which the enterprise conducts business;

(6) a list containing the name, date of birth, if applicable, domiciliary address and telephone number of each of its lenders, other than those referred to in paragraph 5.

**5.** In the case of an enterprise that is not constituted under the laws of Québec and does not have its head office or an establishment in Québec where it primarily conducts its activities, the application for authorization filed by the enterprise must also contain the following information and documents:

(1) written consent to communicate with any police force or local source of information;

(2) written consent to communicate with the local fiscal authorities;

(3) a good conduct certificate, or an equivalent, in respect of the enterprise and each person referred to in sections 21.26 and 21.28 of the Act, issued by the local authorities, including a government or a government department or agency.

For the purposes of this section, the location of the enterprise referred to in the first paragraph and the persons referred to in subparagraph 3 is the Canadian province or territory or other jurisdiction where the enterprise primarily conducts its activities or, in the case of a natural person, where he is domiciled.

**6.** The application must also be filed, for every natural person referred to in sections 21.26 and 21.28 of the Act, together with a copy of identification issued by a government or a government department or agency and showing the person's name and date of birth.

### **DIVISION III** UPDATING OF INFORMATION

**7.** An authorized enterprise must notify the Authority of any change in the information that it has filed with the Authority no later than 15 days following the end of the month in which such change took place.

These notices must be sent using the forms provided by the Authority and, if applicable, together with the information and documents requested for the purposes of chapter V.2 of the Act.

### **DIVISION IV** REGISTER OF AUTHORIZED ENTERPRISES

**8.** The register of authorized enterprises kept in accordance with section 21.45 of the Act must contain the following information:

(1) the name of the authorized enterprise, the names under which it carries on activities, and its Québec enterprise number assigned by the registrar;

(2) the contact information for the head office of the enterprise;

(3) the identification number assigned by the Authority.

**9.** This Regulation comes into force on 19 December 2012.

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Gouvernement du Québec

## **T.B. 212028, 11 December 2012**

An Act respecting contracting by public bodies  
(chapter C-65.1)

### **Autorité des marchés financiers** — **Fee related to an application for authorization filed by an enterprise for public contracts and subcontracts**

Fee related to an application for authorization filed by an enterprise with the Autorité des marchés financiers for public contracts and subcontracts

WHEREAS the first and second paragraphs of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), as enacted by section 10 of chapter 25 of the Statutes of 2012, provide that an enterprise that wishes to enter into a contract with a public body whose value is equal to or exceeds the amount determined by the Government must obtain an authorization for that purpose from the Autorité des marchés financiers, that the amount may vary according to the category of contract and that an enterprise that wishes to enter into a subcontract whose value is equal to or exceeds that amount and which is related directly or indirectly to a contract described in the first paragraph must also obtain such an authorization;

WHEREAS the second paragraph of section 21.23 of the Act, as enacted by section 10 of chapter 25 of the Statutes of 2012, provides that the application for authorization filed with the Autorité des marchés financiers must be accompanied by the fee determined by a decision of the Conseil du trésor and the fee may vary according to the type of enterprise and the location where the enterprise principally conducts its activities;

WHEREAS section 100 of chapter 25 of the Statutes of 2012 provides that the first decision of the Conseil du trésor made under section 21.23 comes into force on the day of its publication in the Gazette officielle du Québec or on any later date specified in the decision and that sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to such a regulation;

WHEREAS it is expedient to determine the fee;

THE CONSEIL DU TRÉSOR DECIDES: