

Gouvernement du Québec

O.C. 1226-2012, 19 December 2012

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

Certain contracts of Ville de Montréal

Certain contracts of Ville de Montréal

WHEREAS the Integrity in Public Contracts Act (2012, chapter 25) was assented to on 7 December 2012;

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), enacted by section 10 of the Integrity in Public Contracts Act, 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 or that wishes to enter into a subcontract whose value is equal to or exceeds that amount and which is related directly or indirectly to the contract must obtain an authorization from the Autorité des marchés financiers;

WHEREAS, under section 573.3.3.3 of the Cities and Towns Act (chapter C-19), enacted by section 40 of the Integrity in Public Contracts Act, sections 21.17 to 21.20, 21.25, 21.34, 21.38, 21.39, 21.41, 27.6 to 27.9, 27.11, 27.13 and 27.14 of the Act respecting contracting by public bodies apply, with the necessary modifications, in respect of any municipal contract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of the Act and pertains to the performance of work or the supply of insurance, equipment, materials or services and, for the purposes of those sections, any such contract is deemed to be a public contract, any subcontract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of the Act and is directly or indirectly related to such a contract is deemed to be a public subcontract and every municipality is deemed to be a public body;

WHEREAS, under section 85 of the Integrity in Public Contracts Act, from 15 January 2013, for the purposes of section 21.17 of the Act respecting contracting by public bodies, the contracts and subcontracts to which that section applies are construction contracts and subcontracts and service contracts and subcontracts that involve an expenditure equal to or greater than \$40,000,000 and for which the award process is underway on or begins after that date;

WHEREAS, under section 86 of the Integrity in Public Contracts Act, despite the expenditure amount specified in section 85 of the Act or determined by the Government under section 21.17 of the Act respecting contracting by public bodies, the Government may, before 31 March 2016, determine that Chapter V.2 of that Act applies to groups of public contracts or subcontracts or to groups of contracts or subcontracts deemed to be public contracts or subcontracts under that Act even if they involve a lower expenditure amount. The Government may also determine that that chapter applies to a category of public contracts or subcontracts or of such deemed public contracts or subcontracts other than the categories determined under those sections or to groups of public contracts or subcontracts or of such deemed public contracts or subcontracts, whether or not they are of the same category, and the Government may also determine special terms for the applications for authorization that enterprises must file with the Autorité des marchés financiers in respect of such contracts or subcontracts;

WHEREAS Ville de Montréal has cancelled, extended or postponed a number of call for tenders since the fall of 2012 and it applies to the Government to have the contracts concerning calls for tenders it wishes to pursue or initiate that involve an expenditure amount lower than \$40,000,000 governed by the new authorization regime introduced by Chapter V.2 of the Act respecting contracting by public bodies;

WHEREAS section 100 of the Integrity in Public Contracts Act provides that a decision of the Government made under section 86 of the Act comes into force on the date of its adoption or on any later date specified in it, must be published in the *Gazette officielle du Québec* as soon as possible and sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to that decision;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor and the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) applies, with the necessary modifications, to the group of contracts listed in the schedule to this Order in Council;

THAT a preliminary application for authorization with respect to a contract is submitted by each tenderer to the Autorité des marchés financiers not later than the deadline for submitting bids;

THAT the preliminary application for authorization is considered completed for each of the two tenderers that are the highest ranked following the analysis of bids, by the transmission by Ville de Montréal of the ranking of the tenderers;

THAT, where the contract cannot be awarded to either tenderer, the other preliminary applications are considered completed for the subsequent tenderers on the basis of their ranking, until the contract can be awarded;

THAT the preliminary applications for authorization of tenderers that were not processed are returned to the tenderers free of charge;

THAT this Order in Council comes into force on 15 January 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

	Bid
1. Pie IX interchange/Henri-Bourassa - Lot 2	227204
2. Professional services contract for construction estimators	12-12571
3. Ave Northcliffe, from Maisonneuve to Sherbrooke and rue Sherbrooke, from Northcliffe to Grey/Reconstruction of a water main and sewer main	234403
4. Bonaventure project: rue Wellington, from Nazareth to Prince - Reconstruction of sewers and secondary waterworks (lots 1B, 50, 6D, 15, 19 and 21)	214706
5. Namur/Jean-Talon (Le Triangle) - Waterworks/sewers (Mountain Sights, from Paré to Buchan - entrance to the area)	209201
6. Pie-IX, from Bélanger to Beaubien/Replacement of water and sewer mains	225902
7. Chemin Côte-St-Antoine, from boul. Décarie to avenue Northcliffe/Construction of a water main and replacement of a sewer main	220701
8. Extension of boulevard Maurice-Duplessis Paving and electricity - Section 1 from 87 ^e Ave to Saint-Jean-Baptiste	233502
9. Rue Jeanne-Mance, from boul. St-Joseph to avenue Laurier/Replacement of sewer and drinking water mains	223002
10. CUSM – Final layout of boulevard Décarie (lot 6a)	235401
11. Rue Sherbrooke, from Charlemagne to St-Germain/Replacement of secondary sewer and water mains	215202
12. Rue Notre Dame, from Guy to De la Montagne/Replacement of water and sewer mains	226501
13. Work for improving safety in 4 locations: Lighting - Henri-Bourassa/Rolland - Maurice-Duplessis/Pierre-Baillargeon: NA - Maurice-Duplessis/41 ^e Avenue: NA	229502
14. Bicycle path – Maisonneuve axis/Bicycle path, traffic lights and street lights	216802
15. Boul. Roi-René, from Yves-Prévost to Wilfred-Pelletier/PRR - 2012 Levelling of driveways and closing of drinking water mains, lighting, paving, sidewalks	252602
16. Contract for the 2012 Collector Roads Reconstruction Program – Borough of St-Léonard- On boul. Robert between Viau and Lacordaire	256203
17. Contract for PRR2012-Hochelaga. rue Hochelaga: rue Vimont to rue Dickson/Traffic lights, revitalization, paving and sidewalk	257903
18. Contract for boul. Côte-des-Neiges - 7 intersections. (there is a PRR related to ART 2726)	233604
19. Construction of sidewalks, protrusions and median in various locations to make bicycle paths safe	258204
20. Improvement of safety of carrefour Trinitaire/De La Vérendrye	263303
21. CUSM – Infrastructure and two-way traffic of boul. De Maisonneuve to the intersection of boulevard Décarie and new layout of Upper-Lachine section (lot 6C)	235402
22. New layout of boulevard Saint-Laurent from Bellechasse to Bernard (in conjunction with water)	222501
23. Traffic appeasement work for the Hochelaga-Maisonneuve green area. Phase 1	228001
24. Outremont campus – Underground infrastructures and surface layout (access to the new road service yard)	221702
25. Outremont campus – railroad bridge	221703