

74.7. The Board may request any document or proof required for the analysis of the request and to determine compliance with the conditions of section 74.1.

After analysis of the claim, the Board renders a decision on the amount that the guarantee fund must pay to the manager.

The Board may, to that end, require all necessary information and make all the verifications required to render an informed decision. The Board gives the manager the opportunity to be heard.

Payment is made to the reserve account of the manager. It may be made in whole or progressively and be the subject of additional conditions, including a rendering of accounts from the guarantee manager or the provisional manager on the use of the sums received as compensation and the efforts made for recovery from contractors or suppliers responsible for the exceptional or unforeseeable major claims. The Board may require reimbursement of the amounts paid to the manager.

74.8. Guarantee managers who have obtained compensation from the guarantee fund must attempt to recover the amounts from the contractors, suppliers or any other person having responsibility in relation to the major and exceptional claims.

The Board is subrogated by operation of law in the rights of the managers and beneficiaries for the amounts paid by the fund.

74.9. The guarantee fund is financed by the sums mentioned in section 74.2 until the guarantee fund reaches 100 million dollars.

Where the guarantee fund reaches the amount referred to in the previous paragraph, the Board informs the guarantee managers and the managers suspend the collection of the amount of \$300 per certificate provided for in section 50.”

4. This Regulation comes into force on 1 January 2014.

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Gouvernement du Québec

O.C. 1103-2013, 30 October 2013

Public Contracts Act
(2012, chapter 25)

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

Public-private partnership contracts involving an expenditure equal to or greater than \$10,000,000

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

WHEREAS the Act amends the Act respecting contracting by public bodies (chapter C-65.1) to introduce Chapter V.2 concerning prior authorization for public contracts or public subcontracts;

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies, an enterprise that wishes to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government or that wishes to enter into a subcontract that involves an expenditure equal to or greater than that amount and that is directly or indirectly related to the contract must obtain an authorization from the Autorité des marchés financiers and the amount may vary according to the category of contract;

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 89 of the Integrity in Public Contracts Act, Chapter V.2 of the Act respecting contracting by public bodies applies to a body referred to in sections 7 and 7.1 of that Act as they read before being repealed by section 4 of the Integrity in Public Contracts Act as of 7 December 2012;

WHEREAS, under subparagraph 1 of the second paragraph of section 3 of the Act respecting contracting by public bodies, public-private partnership contracts are subject to the Act respecting contracting by public bodies whether or not they involve public expenditure;

WHEREAS the Government determined, under Order in Council 97-2013 dated 13 February 2013, that Chapter V.2 of the Act respecting contracting by public bodies applies to public-private partnership contracts entered into by a public body covered by that Act or by a body referred to in sections 7 and 7.1 of that Act, for the purposes of a public infrastructure project carried out under a public-private partnership within the meaning of the Act respecting Infrastructure Québec (chapter I-8.2), involving an expenditure equal to or greater than \$40,000,000;

WHEREAS the Autorité des marchés financiers has, since 15 January 2013, issued authorizations to enter into contracts to a number of enterprises and the Act provides the flexibility required to progressively reduce the amounts of the contracts and subcontracts for which an authorization issued under Chapter V.2 of the Act respecting contracting by public bodies must be obtained;

WHEREAS it is expedient to reduce the amount of public-private partnership contracts;

WHEREAS section 21.44 of the Act respecting contracting by public bodies provides that a decision of the Government under the first paragraph of section 21.17 of the Act comes into force on the 30th day after its publication in the *Gazette officielle du Québec* or on any later date specified therein 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:

THAT, for the purposes of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), the public-private partnership contracts covered be, as of the date of coming into force of this Order in Council, contracts involving an expenditure equal to or greater than \$10,000,000 and for which the award process begins as of that date;

THAT this Order in Council come into force on 6 December 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1105-2013, 30 October 2013

Public Contracts Act
(2012, chapter 25)

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

Service contracts and subcontracts and construction contracts and subcontracts involving an expenditure equal to or greater than \$10,000,000

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

WHEREAS the Act amends the Act respecting contracting by public bodies (chapter C-65.1), to introduce Chapter V.2 concerning prior authorization for public contracts or public subcontracts, and amends other Acts respecting the municipal sector;

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies, an enterprise that wishes to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government or that wishes to enter into a subcontract that involves an expenditure equal to or greater than that amount and that is directly or indirectly related to the contract must obtain an authorization from the Autorité des marchés financiers and the amount may vary according to the category of contract;

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 573.3.3 of the Cities and Towns Act (chapter C-19), section 938.3.3 of the Municipal Code of Québec (chapter C-27.1), section 118.1.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 111.1.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), section 41.1 of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) and section 108.1.2 of the Act respecting public transit authorities