

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

3041

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

(chapter S-30.01), 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 contract of a municipality, a metropolitan community, a mixed enterprise company or a public transit authority, as the case may be, that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act and pertains to the performance of work or the supply of insurance, equipment, materials or services and, for the purposes of the sections of the Act respecting contracting by public bodies, 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 that Act and is directly or indirectly related to such a contract is deemed to be a public subcontract and every municipality, metropolitan community, mixed enterprise company or public transit authority is deemed to be a public body;

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 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 service contracts and subcontracts and the amount of construction contracts and subcontracts;

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 and the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT, for the purposes of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), the contracts and subcontracts covered be, as of the date of coming into force of this Order in Council, service contracts and subcontracts and construction contracts and subcontracts 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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M.O., 2013

Order of the Minister of Sustainable Development, Environment, Wildlife and Parks dated 23 October 2013

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of proposed biodiversity reserve status to
land of the former Dunn property

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
ENVIRONMENT, WILDLIFE AND PARKS,

CONSIDERING the first paragraph of section 27 of the Natural Heritage Conservation Act (chapter C-61.01), which provides that, for the purpose of protecting land to be established as a new protected area, the Minister, with the approval of the Government, prepares the plan of that area, establishes a conservation plan and assigns temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

CONSIDERING section 28 of the Act under which the setting aside of land under the first paragraph of section 27 is valid for a period of not more than four years, subject to renewals or extensions, which may not be such that the term of the setting aside exceeds six years, unless so authorized by the Government;

CONSIDERING Order in Council 470-2013 dated 8 May 2013 by which the Government authorized the Minister of Sustainable Development, Environment, Wildlife and Parks to assign the status of proposed