

Regulations and other Acts

Gouvernement du Québec

O.C. 793-2014, 10 September 2014

Integrity in 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 \$5,000,000

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 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contracting by public bodies applies to a body referred to in sections 7 and 7.1 of that Act as they read before being repealed by section 4 of the Integrity in Public Contracts Act as of 7 December 2012;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, under Order in Council 1103-2013 dated 30 October 2013, public-private partnership contracts referred to in section 21.17 of the Act are, since 6 December 2013, those involving an expenditure equal to or greater than \$10,000,000 and for which the award process has begun since that date;

WHEREAS that 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 again the amount of public-private partnership contracts for which such authorization is required;

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 Ongoing Program Review:

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, those involving an expenditure equal to or greater than \$5,000,000 and for which the award process begins as of that date;

THAT this Order in Council come into force on 24 October 2014.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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