

Gouvernement du Québec

**O.C. 795-2014, 10 September 2014**

Integrity in Public Contracts Act  
(2012, chapter 25)

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

Certain supply contracts and service contracts of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and various subcontracts involving an expenditure equal to or greater than \$25,000

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

WHEREAS the Act amends in particular the Act respecting contracting by public bodies (chapter C-65.1) and 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 573.3.3.3 of the Cities and Towns Act (chapter C-19), 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 that 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 that 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 Order in Council 1105-2013 dated 30 October 2013, since 6 December 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 \$10,000,000 and for which the award process has begun since that date;

WHEREAS, under section 86 of the Integrity in Public Contracts Act, despite the expenditure amount specified in section 85 of that Act or determined by the Government under section 21.17 of Chapter V.2 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 public contracts or subcontracts or to contracts or subcontracts deemed to be public contracts or subcontracts under that Act even if they involve a lower expenditure amount, determine that Chapter V.2 applies to a category of public contracts or subcontracts or to a category of contracts or subcontracts deemed public contracts or subcontracts under that Act other than the categories determined under those sections or determine that Chapter V.2 applies to groups of public contracts or subcontracts or to a group of contracts or subcontracts deemed public contracts or subcontracts under that Act, whether or not they are of the same category;

WHEREAS the Government, under Order in Council 1049-2013 dated 23 October 2013, had contracts for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewer services of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and subcontracts of the same nature directly or indirectly related to such contracts and involving an expenditure equal to or greater than \$25,000 subjected to the prior authorization regime for a public contract or public subcontract introduced by Chapter V.2 of the Act respecting contracting by public bodies;

WHEREAS it is expedient to apply the regime to other categories of contracts and subcontracts of Ville de Montréal;

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 Ongoing Program Review and the Minister of Municipal Affairs and Land Occupancy:

THAT Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) apply to the following contracts and subcontracts of Ville de Montréal:

(1) every contract for the supply of bituminous compounds involving an expenditure equal to or greater than \$100,000 and for which the award process begins at the date of coming into force of this Order in Council;

(2) every service contract for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewers involving an expenditure equal to or greater than \$100,000 and for which the award process begins at the date of coming into force of this Order in Council;

(3) every subcontract for the supply of bituminous compounds involving an expenditure equal to or greater than \$25,000, directly or indirectly related to a contract referred to in paragraph 1 or 2 and for which the award process begins at the date of coming into force of this Order in Council;

(4) every subcontract for the supply of bituminous compounds involving an expenditure equal to or greater than \$25,000, directly or indirectly related to a contract for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewers involving an expenditure equal to or greater than \$100,000 and for which the award process, for both the subcontract and the related principal contract, begins at the date of coming into force of this Order in Council;

(5) every service subcontract for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewers involving an expenditure equal to or greater than \$25,000, directly or indirectly related to a contract referred to in paragraph 1 or 2 and for which the award process begins at the date of coming into force of this Order in Council;

(6) every service subcontract for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewers involving an expenditure equal to or greater than \$25,000, directly or indirectly related to a contract for the construction, reconstruction, demolition, repair or renovation of roads, waterworks or sewers involving an expenditure equal to or greater than \$100,000 and for which the award process, for both the subcontract and the related principal contract, begins at the date of coming into force of this Order in Council;

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

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## O.C. 796-2014, 10 September 2014

Integrity in 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 \$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, 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 573.3.3.3 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