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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 155  
(2018, chapter 8)

**An Act to amend various legislative  
provisions concerning municipal affairs  
and the Société d'habitation du Québec**

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**Introduced 15 November 2017  
Passed in principle 8 February 2018  
Passed 18 April 2018  
Assented to 19 April 2018**

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## EXPLANATORY NOTES

*This Act makes various amendments mainly concerning municipal affairs and the Société d'habitation du Québec.*

*As regards contracts, the Act introduces various amendments mainly to make Québec's laws consistent with trade agreements, and provides that, on certain conditions, a municipality may enter into a contract by mutual agreement with a solidarity cooperative for the supply of services.*

*The Act amends provisions concerning municipal by-law adoption procedures and provides that non-compliance with those procedures entails the nullity of the by-laws concerned.*

*As regards urban planning, the Act provides that by-law amendments aimed at allowing a cemetery to be established do not require approval by way of referendum, and broadens the power of municipalities to intervene with regard to vacant, decrepit or dilapidated immovables.*

*The Act makes several amendments regarding disclosure of wrongdoings, compliance with municipal codes of ethics, and auditing of municipalities and other municipal bodies, and entrusts new responsibilities in that regard to the Commission municipale du Québec, the Public Protector and the Minister of Municipal Affairs and Land Occupancy. Under the Act, the codes of ethics and conduct applicable to municipal employees must include, for the employees identified by the Act and for those the municipal council may determine, post-term rules that are currently applicable to municipal officers.*

*The Act makes the payment of elected municipal officers' severance allowances subject to the transition allowance rules enacted in 2016 that apply, in particular, to elected officers whose term ends because they resign or are absent for a prolonged period, because they are disqualified or ousted from office, or because of the nullity of their election. The Act also provides that payment of severance and transition allowances must be suspended until the outcome of judicial proceedings is known and all rights of appeal have expired, in cases where the person whose term ends is the subject of an application for his or her disqualification or of proceedings which could bring about his or her disqualification.*

*The Act makes amendments to the Act respecting the Autorité régionale de transport métropolitain and the Act respecting the Réseau de transport métropolitain that concern the financial administration of those bodies and aim to ensure better consistency with municipal legislation.*

*The Act amends certain rules concerning the management of the Capitale-Nationale Region Fund.*

*The Act also amends the rules on the composition of the boards of directors of housing bureaus, in particular by requiring such a board to be composed of 15 persons, including at least two lessees and two representatives of socioeconomic groups representative of the region. It allows the Société d'habitation du Québec to set up programs aimed at improving the accessibility of various establishments for handicapped persons. In addition, it allows the Société to grant subsidies for studies and research pertaining to housing and for experimental projects, and to obtain the information it requires to manage the programs it implements.*

*The Act amends the Civil Protection Act to allow the minister responsible for the administration of a financial assistance program to authorize, in a delegation instrument, the subdelegation of the functions he or she specifies. It further amends that Act to allow personal information to be released in certain circumstances without the consent of the person concerned.*

*Lastly, the Act makes certain technical amendments.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Act respecting land use planning and development (chapter A-19.1);
- Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);
- Charter of Ville de Gatineau (chapter C-11.1);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);

- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Commission municipale (chapter C-35);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);
- Act respecting the Ministère du Conseil exécutif (chapter M-30);
- Act respecting labour standards (chapter N-1.1);
- Act respecting the Réseau de transport métropolitain (chapter R-25.01);
- Civil Protection Act (chapter S-2.3);
- Act respecting the Société d'habitation du Québec (chapter S-8);
- Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting the remuneration of elected municipal officers (chapter T-11.001);

- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);
- Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting the awarding of contracts for certain professional services (chapter C-19, r. 2).



## Bill 155

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS AND THE SOCIÉTÉ D'HABITATION DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**1.** Section 123.1 of the Act respecting land use planning and development (chapter A-19.1) is amended by adding the following subparagraph at the end of the first paragraph:

“(3) a cemetery.”

**2.** Section 145.41.5 of the Act is replaced by the following section:

“**145.41.5.** A municipality may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 40 of the Expropriation Act (chapter E-24), been vacant for the period set by the council by by-law, which period may not be less than one year; or

(2) the immovable’s decrepit or dilapidated state entails a risk for the health or safety of persons.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).”

#### ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

**3.** Section 85 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is amended by replacing the second paragraph by the following paragraph:

“However, the Authority may contract temporary loans without the authorizations required under the first paragraph.”

**4.** Section 89 of the Act is repealed.

**5.** Section 91 of the Act is replaced by the following section:

**“91.** The Authority may adopt by-laws relating to the administration of its finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed.”

**6.** The Act is amended by inserting the following section after section 91:

**“91.1.** A decision of the Authority authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 91, funds are available for the purposes for which the expenditure is proposed.”

**7.** Section 99 of the Act is amended by replacing the second sentence of the first paragraph by the following sentence: “The auditor must send his or her report to the treasurer.”

**8.** Section 100 of the Act is replaced by the following section:

**“100.** The treasurer must, at a board meeting of the Authority, table the financial report, the auditor’s report sent under section 99 and any other document whose tabling is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy.”

**9.** The Act is amended by inserting the following sections after section 100:

**“100.1.** After the tabling referred to in section 100 and not later than 15 April, the Authority must send the financial report and the auditor’s report to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The Authority must also send the documents and information referred to in the second paragraph of section 98 to the Minister of Municipal Affairs, Regions and Land Occupancy within the time prescribed by the latter.



**“100.2.** If, after the sending referred to in section 100.1, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Authority’s board of directors and the Authority must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 98.”

**10.** Section 101 of the Act is amended by striking out subparagraph 5 of the second paragraph.

**11.** Section 101.1 of the Act, enacted by section 20 of chapter 13 of the statutes of 2017, is repealed.

#### CHARTER OF VILLE DE GATINEAU

**12.** Section 12 of the Charter of Ville de Gatineau (chapter C-11.1) is amended

(1) by replacing “committee. The mayor” in the first paragraph by “committee and”;

(2) by adding the following sentence at the end of the first paragraph: “The mayor may also appoint a member of the executive committee to act as chair.”

#### CHARTER OF VILLE DE LONGUEUIL

**13.** Section 58.3.2 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by replacing “no instrument of the city adopted by the council under that Act is subject to approval by way of referendum” in the second paragraph by “the instruments of the city that would otherwise be subject to approval by way of referendum are not so subject, whether adopted under the Act respecting land use planning and development or under this Charter”.

#### CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

**14.** Section 43 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing “city” by “borough”, and by adding the following sentence at the end: “It may also fix additional remuneration relating to any special position held by a city councillor on that council or on any committee of the council.”

**15.** Section 89.1.2 of the Charter is amended by replacing “no instrument of the city adopted by the council under that Act is subject to approval by way of referendum” in the second paragraph by “the instruments of the city that would otherwise be subject to approval by way of referendum are not so subject, whether adopted under the Act respecting land use planning and development or under this Charter”.

**16.** Section 50.6 of Schedule C to the Charter is replaced by the following section:

**“50.6.** The city may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 40 of the Expropriation Act (chapter E-24), been vacant for the period set by the council by by-law, which period may not be less than one year; or

(2) the immovable’s decrepit or dilapidated state entails a risk for the health or safety of persons.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).”

**17.** Section 151.5 of Schedule C to the Charter, enacted by section 19 of chapter 16 of the statutes of 2017, is amended by replacing “comes into effect” in the fourth paragraph by “occurs”.

**18.** Section 201 of Schedule C to the Charter is amended

(1) by replacing “a joint application for public” in the first paragraph by “a joint public call for”;

(2) by replacing “award of an insurance contract or a contract for the supply of material, materials or” in the first paragraph by “awarding of an insurance contract, supply contract or contract for the supply of”;

(3) by replacing “contract for the supply of material” in the second paragraph by “supply contract”;

(4) by replacing “application for public” in the third paragraph by “public call for”, “joint call for public” in the fourth paragraph by “joint public call for”, and “call for public” in the sixth paragraph by “public call for”.

## CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

**19.** Section 74.5.2 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by replacing “no instrument of the city adopted by the council under that Act is subject to approval by way of referendum” in the second paragraph by “the instruments of the city that would otherwise be subject to approval by way of referendum are not so subject, whether adopted under the Act respecting land use planning and development or under this Charter”.

**20.** Section 41 of Schedule C to the Charter is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

**21.** Section 43 of Schedule C to the Charter is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

**22.** Section 63 of Schedule C to the Charter is repealed.

**23.** Section 84.3 of Schedule C to the Charter is amended by inserting “, which may be increased to take into account any reasonable incidental expenditures incurred by the city and made necessary because of an intervention carried out under the first paragraph,” after “The expense” in the second paragraph.

**24.** Section 105.1 of Schedule C to the Charter is amended by replacing “If a building’s dilapidated state is likely to endanger the health or safety of persons” in the first paragraph by “If a building is decrepit or dilapidated”.

**25.** Section 105.6 of Schedule C to the Charter is replaced by the following section:

**“105.6.** The city may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 40 of the Expropriation Act (chapter E-24), been vacant for the period set by the council by by-law, which period may not be less than one year; or

(2) the immovable’s decrepit or dilapidated state entails a risk for the health or safety of persons.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).”

## CITIES AND TOWNS ACT

**26.** Section 28 of the Cities and Towns Act (chapter C-19) is amended by inserting “, despite the Municipal Aid Prohibition Act (chapter I-15),” after “A municipality may also” in the first paragraph of subsection 3.

**27.** Section 29.5 of the Act is amended by replacing “equipment, materials” in subparagraph 1 of the first paragraph by “movable property”.

**28.** Section 29.9.1 of the Act is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

**29.** Section 52 of the Act is amended

(1) by inserting “except the chief auditor,” after “employees of the municipality,” in the first paragraph;

(2) by inserting “except the chief auditor,” after “employee of the municipality,” in the second paragraph.

**30.** Section 105.1 of the Act is amended by striking out “, the chief auditor’s report transmitted under section 107.14 and the external auditor’s report transmitted under section 108.3” in the first paragraph.

**31.** Section 105.2 of the Act is amended by replacing the first paragraph by the following paragraph:

“Not later than 15 May, the clerk shall transmit to the Minister the financial report and any report of a chief auditor or external auditor under section 108.2 or 108.2.1 that were filed at a sitting of the municipal council.”

**32.** Section 105.2.2 of the Act, enacted by section 48 of chapter 13 of the statutes of 2017, is amended by replacing “in” in the first paragraph by “not later than”.

**33.** The Act is amended by inserting the following heading before section 107.1:

“(a) *Appointment*”.

**34.** Section 107.1 of the Act is amended by inserting “who is a member of the Ordre des comptables professionnels agréés du Québec” at the end.

**35.** Section 107.2 of the Act is amended by replacing “term of seven years. The term may not be renewed” by “single term of seven years”.

**36.** The Act is amended by inserting the following section after section 107.2:

**“107.2.1.** The chief auditor shall perform his duties of office exclusively and on a full-time basis. However, he may participate in educational activities, in particular as an instructor, or professional activities within associations of auditors, educational or research institutions, committees within his professional order, or the Association des vérificateurs généraux municipaux du Québec.”

**37.** Section 107.3 of the Act is amended

(1) by replacing “or a legal person referred to in paragraph 2 of section 107.7” in subparagraph 3 of the first paragraph by “, a legal person referred to in subparagraph 2 of the first paragraph of section 107.7 or a body referred to in subparagraph 3 of that paragraph”;

(2) by adding the following subparagraph at the end of the first paragraph:

“(4) a person who, in the four years preceding his appointment, was a member of a council, or an employee or officer, of the municipality, unless the person was an employee under the direction of the chief auditor during all or part of those years.”

**38.** The Act is amended by inserting the following heading after section 107.4:

*“(b) Operating expenses”.*

**39.** Section 107.5 of the Act is amended by replacing the second paragraph by the following paragraph:

“Subject to the third paragraph, the appropriation must be equal to or greater than the sum of A + B + C where

(1) A is \$500,000;

(2) B is the product obtained by multiplying 0.13% by the portion of the appropriations provided for in the budget for operating expenses that is equal to or greater than \$345,000,000 but less than \$510,000,000; and

(3) C is the product obtained by multiplying 0.11% by the portion of the appropriations provided for in the budget for operating expenses that is equal to or greater than \$510,000,000.”

**40.** The Act is amended by inserting the following heading after section 107.5:

*“(c) Mandate”.*

**41.** The Act is amended by inserting the following section after section 107.6:

**“107.6.1.** Despite section 8 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the chief auditor shall perform the duties conferred by that Act on the person in charge of access to documents or the protection of personal information with regard to the documents the chief auditor prepares in performing his duties or with regard to the documents he keeps for the purposes of his mandate, provided the latter documents are not also kept by a body subject to that Act.

The chief auditor shall transmit without delay to the person in charge of access to documents or the protection of personal information within a concerned body any application he receives concerning documents that are also kept by the body.”

**42.** Section 107.7 of the Act is amended by adding the following at the end:

“(3) of any body referred to in the first paragraph of section 573.3.5, provided

(a) in the case of a body referred to in subparagraph 1 of the first paragraph of that section, it is the mandatary or agent of the municipality;

(b) under subparagraph 2 of the first paragraph of that section, the majority of the members of its board of directors are members of the council of, or are appointed by, the municipality;

(c) its budget is adopted or approved by the municipality;

(d) in the case of a body referred to in subparagraph 4 of the first paragraph of that section, it receives part or all of its financing from the municipality; or

(e) in the case of a body designated under subparagraph 5 of the first paragraph of that section, it has its principal place of business in the territory of the municipality.

If, under this section, section 108.2.0.1, article 966.2.1 of the Municipal Code of Québec (chapter C-27.1) or section 86 of the Act respecting the Commission municipale (chapter C-35), a mandate to audit certain aspects of the accounts and affairs of a body referred to in section 573.3.5 is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

(1) the chief auditor of the municipality with the largest population;

(2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or

(3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.”

**43.** Section 107.8 of the Act is amended

(1) by replacing “and of any legal person referred to in paragraph 2 of section 107.7 comprises” in the first paragraph by “and of any legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7 includes”;

(2) by replacing “or legal persons referred to in paragraph 2 of section 107.7” in the second paragraph by “or legal persons or bodies referred to in subparagraph 2 or 3 of the first paragraph of section 107.7”;

(3) by replacing “or any legal person referred to in paragraph 2 of section 107.7” in subparagraph 2 of the third paragraph by “or any legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7”.

**44.** Section 107.10 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The chief auditor may conduct an audit of the accounts or documents of any person or body having received financial assistance from the municipality or from a legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7 to verify the use made of such assistance.”;

(2) by inserting “or body” after “person” in the second paragraph;

(3) by inserting “or body” after “person” in the third paragraph.

**45.** The Act is amended by inserting the following heading after section 107.12:

“(d) *Reporting*”.

**46.** Section 107.13 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“**107.13.** Not later than 31 August each year, the chief auditor shall transmit a report presenting the results of the audit for the fiscal year ended on 31 December to the mayor of the municipality, or to the legal person or body, that was audited.

A report on the audit of a legal person or body shall also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of section 107.7, subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35), or subparagraph 2 or 3 of the first paragraph of article 966.2 of the Municipal Code of Québec (chapter C-27.1).

Where applicable, the report must also indicate any fact or irregularity concerning, in particular,”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The chief auditor may also, at any time, transmit to the mayor of a municipality or to a legal person or body a report presenting his findings and recommendations. Such a report concerning a person or body must also be transmitted to the mayor of a municipality related to the person or body under the provisions mentioned in the second paragraph.

The mayor of a municipality shall file any report he receives under this section at the first regular sitting of the council following receipt of the report.”

**47.** Sections 107.14 and 107.15 of the Act are repealed.

**48.** The Act is amended by inserting the following heading after section 107.15:

“(e) *Immunity*”.

**49.** Section 108 of the Act is amended

(1) by replacing the first sentence by the following sentence: “The council shall appoint an external auditor for not less than three nor more than five fiscal years.”;

(2) by adding the following paragraphs at the end:

“In the case of a municipality with a population of at least 10,000 but less than 100,000 inhabitants, the council may appoint two external auditors. In such a case, the council shall entrust one auditor with the audit mandates under section 108.2 and the other with the audit mandate under section 108.2.0.1.

Every external auditor must be a member of the Ordre des comptables professionnels agréés du Québec.

When carrying out their value-for-money audit mandate and despite any general law or special Act, neither an external auditor nor the employees under the external auditor’s direction or the professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information. A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to this paragraph.

Neither an external auditor nor the employees under the external auditor’s direction may be prosecuted for any act they have done or failed to do in good faith in the performance of the duties related to their value-for-money audit mandate.



No civil action may be instituted for the publication of a report of an external auditor prepared under this Act in connection with a value-for-money audit mandate or the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against an external auditor, the employees under the external auditor's direction or the professionals under contract when the external auditor, employees or professionals are acting in their official capacity in connection with their value-for-money audit mandate."

**50.** Section 108.2 of the Act is replaced by the following section:

**"108.2.** The external auditor of a municipality having less than 100,000 inhabitants, or the external auditor designated by the council where two external auditors have been appointed, shall audit, for the fiscal year for which he was appointed,

(1) the financial statements of the municipality and of any legal person referred to in subparagraph 4 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35) that is related to the municipality in the manner provided for in that subparagraph;

(2) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(3) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*."

**51.** The Act is amended by inserting the following sections after section 108.2:

**"108.2.0.1.** In addition to his mandate under section 108.2, the external auditor of a municipality having at least 10,000 but less than 100,000 inhabitants, or the designated auditor, as applicable, shall conduct, to the extent he considers appropriate, a value-for-money audit of the municipality and of any legal person or any body referred to in subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35) that is related to the municipality in the manner provided for in that subparagraph.

Such an audit must be completed once every two years.

The auditor shall report to the council on his audit.

If, under this section, section 107.7, article 966.2.1 of the Municipal Code of Québec (chapter C-27.1) or section 86 of the Act respecting the Commission municipale, a mandate to audit certain aspects of the accounts and affairs of a body referred to in the first paragraph of section 573.3.5 is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

- (1) the chief auditor of the municipality with the largest population;
- (2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or
- (3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

**“108.2.0.2.** A municipality referred to in section 108.2.0.1 may, by by-law, entrust to the Commission municipale du Québec the audit mandate provided for in that section. An authenticated copy of the by-law must be transmitted to the Commission without delay.

A by-law made under the first paragraph applies from the fiscal year following that of its coming into force, provided it comes into force before 1 September; if it does not, the by-law applies from the second fiscal year following that of its coming into force. Section 108.2.0.1 ceases to apply to the municipality's external auditor as of that fiscal year.

Despite the third paragraph of section 86 of the Act respecting the Commission municipale (chapter C-35), the audit mandate entrusted to the Commission by a by-law adopted under this section must be carried out once every two years.

The by-law may not be repealed.”

**52.** Section 108.2.1 of the Act is replaced by the following section:

**“108.2.1.** The external auditor of a municipality having 100,000 inhabitants or more shall audit, for the fiscal year for which he was appointed,

- (1) the accounts and affairs of the chief auditor;
- (2) the financial statements of the municipality and of any legal person referred to in subparagraph 2 of the first paragraph of section 107.7;
- (3) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(4) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*.”

**53.** The Act is amended by inserting the following section after section 108.2.1:

**“108.2.2.** An audit conducted by an external auditor must not call into question the merits of the policies and objectives of the municipality or of a person or body whose accounts and affairs are being audited.”

**54.** Section 108.3 of the Act is replaced by the following section:

**“108.3.** Each year, not later than on the date determined by the municipal council, the external auditor shall transmit any report for the preceding fiscal year that was made under section 108.2, 108.2.0.1 or 108.2.1 to the treasurer of the municipality concerned or to the legal person or body concerned.

Any report on the audit of a legal person or a body must also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of section 107.7 or under subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35).

Any report made under section 108.2.0.1 on the value-for-money audit of a municipality having at least 10,000 but less than 100,000 inhabitants must also be transmitted to the Commission municipale du Québec not later than 30 September following the last fiscal year to which the report pertains. The Commission shall publish the report on its website.

The treasurer of a municipality shall file any report he receives under this section at the first regular sitting of the council following receipt of the report.”

**55.** Section 108.4 of the Act is amended by adding the following paragraph at the end:

“However, a council may not ask the external auditor for audits that fall under the mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

**56.** Section 109 of the Act is amended by inserting “or that such an audit does not fall under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35)” at the end of the first paragraph.

**57.** Section 116.1 of the Act is replaced by the following section:

**“116.1.** If an appointment or personal designation provided for in this Act is not made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this section is deemed to have been made or fixed by the person or council otherwise competent to make or fix it under this Act.”

**58.** Section 345.1 of the Act is amended by replacing “second” in the first paragraph by “third”.

**59.** Section 356 of the Act is replaced by the following section:

**“356.** The passing of every by-law must be preceded by a notice of motion given at a sitting by a council member.

The passing of a by-law must also, subject to the provisions of a special Act governing the filing, passing or tabling of a draft by-law, be preceded by the filing of a draft by-law by a council member at the same sitting as the one at which the notice of motion was given or at a different sitting.

As soon as possible after the draft by-law is filed, copies of it must be made available to the public.

The council must pass the by-law, with or without changes, at a different sitting than the one at which the notice of motion was given and the one at which the draft by-law was filed, and not earlier than the second day following the date on which the latter of those sittings was held.

At the beginning of the sitting at which the passing of the by-law will be considered, copies of the draft by-law must be made available to the public.

The clerk or a council member must, before the by-law is passed, mention its object and any differences between the draft by-law that was filed and the by-law being submitted for passing.

In addition, if the by-law involves an expenditure, the clerk or a council member must mention that fact as well as any mode of financing, payment or repayment of the expenditure.

Changes made to the by-law submitted for passing must not be such as to change the object of the by-law as specified in the draft by-law that was filed.

Any contravention of the first, second, fourth or eighth paragraph entails the nullity of the by-law.”

**60.** Section 477.4 of the Act is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

**61.** Section 573 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph of subsection 1 by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph of subsection 1 by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph of subsection 1 by the following subparagraph:

“(a) covered by a regulation adopted under section 573.3.0.1 or 573.3.0.2, where the contract is made in accordance with that regulation; and”;

(4) by replacing the second paragraph of subsection 1 by the following paragraph:

“For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(5) by replacing “of \$100,000 or more” in the introductory clause of the third paragraph of subsection 1 by “equal to or above the threshold ordered by the Minister”;

(6) by striking out subparagraph 2 of the fourth paragraph of subsection 1;

(7) by replacing “shall not be less than eight days” in the first paragraph of subsection 2 by “must be in accordance with the time ordered by the Minister”;

(8) by striking out the second paragraph of subsection 2;

(9) by replacing subsection 2.1 by the following subsection:

“(2.1) A public call for tenders for a contract referred to in the third paragraph of subsection 1 may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of contracts for the supply of services other than services listed in subparagraph 2.3 of the first paragraph of section 573.3 and involving an expenditure equal to or above the ceiling ordered by the Minister;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2.3 of the first paragraph of section 573.3 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(10) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

**62.** Section 573.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“A contract referred to in any of the subparagraphs of the first paragraph of subsection 1 of section 573 may be awarded only after a call for tenders by written invitation to at least two contractors or, as applicable, two suppliers if it involves an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573.

The time for the receipt of tenders must not be less than eight days.”;

(2) by striking out “The first paragraph of subsection 2 and” in the last paragraph.

**63.** The Act is amended by inserting the following section after section 573.1:

**“573.1.0.0.1.** Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

Any municipality that agrees to receive tenders electronically must mention that fact in its calls for tenders or in the documents to which they refer.

However, a municipality may not require that tenders be submitted only electronically.”

**64.** Section 573.1.0.1.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite subsections 4 and 6 of section 573;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the council accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

**65.** Section 573.1.0.4 of the Act is replaced by the following section:

**“573.1.0.4.** Unless otherwise permitted under section 573 or under the regulations made under any of sections 573.3.0.1, 573.3.0.2 and 573.3.1.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

**66.** The Act is amended by inserting the following section after section 573.1.0.13:

**“573.1.0.14.** If, in any of the situations mentioned in the second paragraph, a municipality requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the municipality must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 573 or under a regulation made under section 573.3.0.1 or 573.3.0.2, or in any document referred to in such a call for tenders, a municipality requires technical specifications with regard to goods, services or work;

(2) where, under section 573.1.0.1 or 573.1.0.1.1, a municipality evaluates tenders submitted after a call for tenders under section 573 or under a regulation made under section 573.3.0.1 or 573.3.0.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 573.1.0.2 and 573.1.0.3, a municipality establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

**67.** Section 573.3 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

**“573.3.** Sections 573 and 573.1 and any regulation made under section 573.3.0.1 or 573.3.0.2 do not apply to a contract”;

(2) by replacing subparagraphs 1, 2 and 2.1 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;



“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities;

“(2.1) that is entered into with a non-profit body and that is an insurance contract or a contract for the supply of services other than services listed in subparagraph 2.3 and other than services involving the collection, transport, transfer, recycling or recovery of residual materials;

“(2.2) whose object is the supply of services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM), and that is designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5;

“(2.3) that is a contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of contracts for the supply of services under subsection 2.1 of section 573, and whose object is any of the following:

- (a) courier or mail services, including email;
- (b) fax services;
- (c) real estate services;
- (d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (e) maintenance or repair services for office equipment;
- (f) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (g) architectural or engineering services, except those related to transportation infrastructure construction;
- (h) architectural landscaping services;
- (i) land use and planning services;
- (j) test, analysis or inspection services for quality control;

- (k) exterior and interior building cleaning services; and
- (l) machinery or equipment repair services;

“(2.4) that is a supply contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of supply contracts under subsection 2.1 of section 573;”;

(3) by replacing “, subscriptions or computer software for educational purposes” in subparagraph 4 of the first paragraph by “or the supply of subscriptions”;

(4) by replacing “sections 573.1 and 573.3.0.2” in the introductory clause of the second paragraph by “section 573.1 and any regulation made under section 573.3.0.1”;

(5) by inserting “or 573.3.0.2” at the end of subparagraph 1 of the third paragraph;

(6) by replacing “whose object is the supply of insurance, equipment, materials or” in subparagraph 2 of the third paragraph by “that is an insurance contract, supply contract or contract for the supply of”.

**68.** Section 573.3.0.0.1 of the Act, enacted by section 163 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

**69.** Section 573.3.0.1 of the Act is amended

- (1) by replacing the first paragraph by the following paragraph:

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

- (2) by striking out the second paragraph.

**70.** Section 573.3.0.2 of the Act is replaced by the following section:

**“573.3.0.2.** The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

**71.** Section 573.3.0.3 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

**72.** Section 573.3.1.2 of the Act, replaced by section 74 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573”.

**73.** The Act is amended by inserting the following section after section 573.3.3.1:

**“573.3.3.1.1.** The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under subsection 1 of section 573;

(2) the minimum time for the receipt of tenders after a public call for tenders under that subsection; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under subsection 2.1 of section 573.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

**74.** Section 573.3.3.2 of the Act, amended by section 165 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

**75.** Section 573.3.3.3 of the Act, amended by section 166 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

**76.** Section 573.3.4 of the Act is amended by inserting “, 573.3.0.2” after “573.3.0.1” in the first paragraph.

**77.** Section 573.3.5 of the Act, enacted by section 75 of chapter 13 of the statutes of 2017, is amended by inserting “, 573.3.0.2” after “573.3.0.1” in the second paragraph.

#### MUNICIPAL CODE OF QUÉBEC

**78.** Article 9 of the Municipal Code of Québec (chapter C-27.1) is amended by inserting “, despite the Municipal Aid Prohibition Act (chapter I-15),” after “A municipality may also” in the first paragraph.

**79.** Article 14.3 of the Code is amended by replacing “equipment, materials” in subparagraph 1 of the first paragraph by “movable property”.

**80.** Section 14.7.1 of the Code is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

**81.** Article 169 of the Code is repealed.

**82.** Article 176.2.2 of the Code, enacted by section 89 of chapter 13 of the statutes of 2017, is amended by replacing “in” in the first paragraph by “not later than”.

**83.** Article 410 of the Code is replaced by the following article:

**“410.** If an appointment or personal designation provided for in this Code has not been made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this article is deemed to have been made or fixed by the person or council otherwise competent to make or fix it under this Code.”

**84.** Article 433.1 of the Code is amended by replacing “second” in the first paragraph by “third”.

**85.** Article 445 of the Code is replaced by the following article:

“**445.** The passing of every by-law must be preceded by a notice of motion given at a sitting by a council member.

The passing of a by-law must also, subject to the provisions of a special Act governing the filing, passing or tabling of a draft by-law, be preceded by the filing of a draft by-law by a council member at the same sitting as the one at which the notice of motion was given or at a different sitting.

As soon as possible after the draft by-law is filed, copies of it must be made available to the public.

The council must pass the by-law, with or without changes, at a different sitting than the one at which the notice of motion was given and the one at which the draft by-law was filed, and not earlier than the second day following the date on which the latter of those sittings was held.

At the beginning of the sitting at which the passing of the by-law will be considered, copies of the draft by-law must be made available to the public.

The secretary-treasurer or a council member must, before the by-law is passed, mention its object and any differences between the draft by-law that was filed and the by-law being submitted for passing.

In addition, if the by-law involves an expenditure, the secretary-treasurer or a council member must mention that fact as well as any mode of financing, payment or repayment of the expenditure.

Changes made to the by-law submitted for passing must not be such as to change the object of the by-law as specified in the draft by-law that was filed.

Subject to the tenth and eleventh paragraphs, any contravention of the first, second, fourth or eighth paragraph entails the nullity of the by-law.

In the case of a by-law passed by the council of a regional county municipality, the notice of motion and draft by-law may be replaced by a notice given by registered mail to the members of that council. The secretary-treasurer of the regional county municipality must send the notice to the council members at least 10 days before the date of the sitting at which the passing of the by-law mentioned in the notice will be considered, and must post the notice, within the same time, at the office of the regional county municipality. In such a case, the third paragraph does not apply.

The preceding paragraph applies, with the necessary modifications, to by-laws passed by a board of delegates.”

**86.** Article 935 of the Code is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph of subarticle 1 by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph of subarticle 1 by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph of subarticle 1 by the following subparagraph:

“(a) covered by a regulation adopted under article 938.0.1 or 938.0.2, where the contract is made in accordance with that regulation; and”;

(4) by replacing the second paragraph of subarticle 1 by the following paragraph:

“For the purposes of this article, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(5) by replacing “of \$100,000 or more” in the introductory clause of the third paragraph of subarticle 1 by “equal to or above the threshold ordered by the Minister”;

(6) by striking out subparagraph 2 of the fourth paragraph of subarticle 1;

(7) by replacing “shall not be less than eight days” in the first paragraph of subarticle 2 by “must be in accordance with the time ordered by the Minister”;

(8) by striking out the second paragraph of subarticle 2;

(9) by replacing subarticle 2.1 by the following subarticle:

“2.1. A public call for tenders for a contract referred to in the third paragraph of subarticle 1 may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of contracts for the supply of services other than services listed in subparagraph 2.3 of the first paragraph of article 938, and involving an expenditure equal to or above the ceiling ordered by the Minister; or

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2.3 of the first paragraph of article 938 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure above or below the ceiling ordered by the Minister.”;

(10) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

**87.** Article 936 of the Code is amended

(1) by replacing the first paragraph by the following paragraphs:

“A contract referred to in any of the subparagraphs of the first paragraph of subarticle 1 of article 935 may be awarded only after a call for tenders by written invitation to at least two contractors or, as applicable, two suppliers if it involves an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935.

The time for the receipt of tenders must not be less than eight days.”;

(2) by striking out “The first paragraph of subarticle 2 and” in the last paragraph.

**88.** The Code is amended by inserting the following article after article 936:

**“936.0.0.1.** Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

Any municipality that agrees to receive tenders electronically must mention that fact in its calls for tenders or in the documents to which they refer.

However, a municipality may not require that tenders be submitted only electronically.”

**89.** Article 936.0.1.1 of the Code is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite subarticles 4 and 6 of article 935;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the council accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

**90.** Article 936.0.4 of the Code is replaced by the following article:

**“936.0.4.** Unless otherwise permitted under article 935 or under the regulations made under any of articles 938.0.1, 938.0.2 and 938.1.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

**91.** The Code is amended by inserting the following article after article 936.0.13:

**“936.0.14.** If, in any of the situations mentioned in the second paragraph, a municipality requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the municipality must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.



The situations concerned are those

(1) where, in a call for tenders under article 935 or under a regulation made under article 938.0.1 or 938.0.2, or in any document referred to in such a call for tenders, a municipality requires technical specifications with regard to goods, services or work;

(2) where, under article 936.0.1 or 936.0.1.1, a municipality evaluates tenders submitted after a call for tenders under article 935 or under a regulation made under article 938.0.1 or 938.0.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under articles 936.0.2 and 936.0.3, a municipality establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

**92.** Article 938 of the Code is amended

(1) by replacing the introductory clause of the first paragraph by:

“**938.** Articles 935 and 936 and any regulation made under article 938.0.1 or 938.0.2 do not apply to a contract”;

(2) by replacing subparagraphs 1, 2 and 2.1 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities;

“(2.1) that is entered into with a non-profit body and that is an insurance contract or a contract for the supply of services other than services listed in subparagraph 2.3 and other than services involving the collection, transport, transfer, recycling or recovery of residual materials;

“(2.2) whose object is the supply of services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM), and that is designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19);

“(2.3) that is a contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of contracts for the supply of services under subarticle 2.1 of article 935, and whose object is any of the following:

- (a) courier or mail services, including email;
- (b) fax services;
- (c) real estate services;
- (d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (e) maintenance or repair services for office equipment;
- (f) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (g) architectural or engineering services, except those related to transportation infrastructure construction;
- (h) architectural landscaping services;
- (i) land use and planning services;
- (j) test, analysis or inspection services for quality control;
- (k) exterior and interior building cleaning services; and
- (l) machinery or equipment repair services;

“(2.4) that is a supply contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of supply contracts under subarticle 2.1 of article 935;”;

(3) by replacing “, subscriptions or computer software for educational purposes” in subparagraph 4 of the first paragraph by “or the supply of subscriptions”;

(4) by replacing “articles 936 and 938.0.2” in the introductory clause of the second paragraph by “article 936 and any regulation made under article 938.0.1”;

(5) by inserting “or 938.0.2” at the end of subparagraph 1 of the third paragraph;

(6) by replacing “whose object is the supply of insurance, equipment, materials or” in subparagraph 2 of the third paragraph by “that is an insurance contract, supply contract or contract for the supply of”.

**93.** Article 938.0.0.1 of the Code, enacted by section 169 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

**94.** Article 938.0.1 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

**95.** Article 938.0.2 of the Code is replaced by the following article:

**“938.0.2.** The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this article, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

**96.** Article 938.0.3 of the Code is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

**97.** Article 938.1.2 of the Code, replaced by section 100 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935”.

**98.** The Code is amended by inserting the following article after article 938.3.1:

**“938.3.1.1.** The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under subarticle 1 of article 935;

(2) the minimum time for the receipt of tenders after a public call for tenders under that subarticle; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under subarticle 2.1 of article 935.

The threshold, ceiling and time ordered under this article may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

**99.** Article 938.3.2 of the Code, amended by section 171 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

**100.** Article 938.3.3 of the Code, amended by section 172 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

**101.** Article 938.4 of the Code is amended by inserting “, 938.0.2” after “938.0.1” in the first paragraph.

**102.** Article 961.2 of the Code is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

**103.** Article 966 of the Code is replaced by the following article:

“**966.** The council shall appoint an external auditor for not more than five fiscal years. At the end of the term, the external auditor shall remain in office until replaced or reappointed.

In the case of a municipality having a population of at least 10,000 inhabitants, the council may appoint two external auditors. In such a case, the council entrusts one auditor with the audit mandates under article 966.2 and the other with the audit mandate under article 966.2.1.

Every external auditor must be a member of the Ordre des comptables professionnels agréés du Québec.

When carrying out their value-for-money audit mandate and despite any general law or special Act, neither an external auditor nor the employees under the external auditor’s direction or the professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information. A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to this paragraph.

Neither an external auditor nor the employees under the external auditor’s direction may be prosecuted for any act they have done or failed to do in good faith in the performance of the duties related to their value-for-money audit mandate.

No civil action may be instituted for the publication of a report of an external auditor prepared under this Act in connection with a value-for-money audit mandate or the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against an external auditor, the employees under the external auditor’s direction or the professionals under contract when the external auditor, employees or professionals are acting in their official capacity in connection with their value-for-money audit mandate.”

**104.** Article 966.2 of the Code is replaced by the following article:

**“966.2.** The external auditor or the external auditor designated by the council, where two external auditors have been appointed, shall audit, for the fiscal year for which he was appointed,

(1) the financial statements of the municipality and of any legal person referred to in subparagraph 2 of the first paragraph of article 966.2.1 that is related to the municipality in the manner provided for in that subparagraph;

(2) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(3) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*.”

**105.** The Code is amended by inserting the following articles after article 966.2:

**“966.2.1.** In addition to his mandate under article 966.2, the external auditor of a municipality having at least 10,000 inhabitants shall conduct, to the extent he considers appropriate, a value-for-money audit

(1) of the municipality;

(2) of any legal person

(a) that is part of the reporting entity defined in the municipality’s financial statements;

(b) of which the municipality or a mandatary of the municipality appoints more than 50% of the members of the board of directors; or

(c) of which the municipality or a mandatary of the municipality holds more than 50% of the outstanding voting shares or units;

(3) of any body referred to in the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19), provided

(a) in the case of a body referred to in subparagraph 1 of the first paragraph of that section, it is the mandatary or agent of the municipality;

(b) under subparagraph 2 of the first paragraph of that section, the majority of the members of its board of directors are members of the council of, or are appointed by, the municipality;

(c) its budget is adopted or approved by the municipality;

(d) in the case of a body referred to in subparagraph 4 of the first paragraph of that section, it receives part or all of its financing from the municipality; or

(e) in the case of a body designated under subparagraph 5 of the first paragraph of that section, it has its principal place of business in the territory of the municipality.

If, under this section, section 107.7 or 108.2.0.1 of the Cities and Towns Act or section 86 of the Act respecting the Commission municipale (chapter C-35), a mandate to audit certain aspects of the accounts and affairs of a body referred to in the first paragraph of section 573.3.5 of the Cities and Towns Act is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

(1) the chief auditor of the municipality with the largest population;

(2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or

(3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

An audit under the first paragraph must be completed once every two years.

The auditor shall report to the council on his audit.

**“966.2.2.** A municipality referred to in article 966.2.1 may, by by-law, entrust to the Commission municipale du Québec the audit mandate provided for in that article. An authenticated copy of the by-law must be transmitted to the Commission without delay.

A by-law made under the first paragraph applies from the fiscal year following that of its coming into force, provided it comes into force before 1 September; if it does not, the by-law applies from the second fiscal year following that of its coming into force. Article 966.2.1 ceases to apply to the municipality’s external auditor as of that fiscal year.

Despite the third paragraph of section 86 of the Act respecting the Commission municipale (chapter C-35), the audit mandate entrusted to the Commission by a by-law adopted under this article must be carried out once every two years.

The by-law may not be repealed.

**“966.2.3.** An audit conducted by an external auditor must not call into question the merits of the policies and objectives of the municipality or of a person or body whose accounts and affairs are being audited.

**“966.3.** Each year, not later than on the date determined by the municipal council, the external auditor shall transmit any report for the preceding fiscal year that was made under articles 966.2 and 966.2.1 to the treasurer of the municipality concerned or to the legal person or body concerned.

Any report on the audit of a legal person or a body must also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of article 966.2.1.

Any report made under article 966.2.1 on the value-for-money audit of a municipality having at least 10,000 inhabitants must also be transmitted to the Commission municipale du Québec not later than 30 September following the last fiscal year to which the report pertains. The Commission shall publish the report on its website.

The treasurer of a municipality shall file any report he receives under this article at the first regular sitting of the council following receipt of the report.”

**106.** Article 966.5 of the Code is amended by inserting “or provided such an audit does not fall under the mandate of the Commission municipale du Québec to audit municipalities and municipal bodies under the Act respecting the Commission municipale (chapter C-35)” at the end of the first and second paragraphs.

#### ACT RESPECTING THE COMMISSION MUNICIPALE

**107.** Section 3 of the Act respecting the Commission municipale (chapter C-35) is amended by adding the following paragraph at the end:

“One of the vice-presidents designated by the Government shall be assigned to matters relating to audits of municipalities and municipal bodies. In addition, despite section 8 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), that vice-president shall, with regard to matters relating to audits of municipalities and municipal bodies, perform the duties conferred by that Act on the person in charge of access to documents or protection of personal information. Persons who are, or were in the past four years, council members or employees of a local municipality having less than 100,000 inhabitants, a regional county municipality or a metropolitan community are disqualified from performing those duties.”



**108.** Section 5 of the Act is amended by adding the following paragraphs at the end:

“Despite the first sentence of the first paragraph, the vice-president assigned to matters relating to audits of municipalities and municipal bodies is appointed for a period of seven years. A person may not be so appointed more than once. At the end of the seven-year period, such a vice-president remains in office and continues the assignment until he is reappointed as a member of the Commission or replaced.

If the vice-president assigned to matters relating to audits is absent or unable to act, the Government shall designate a member of the Commission to act in that capacity on an interim basis.”

**109.** Section 8 of the Act is amended by adding the following paragraph at the end:

“The first paragraph does not apply when the Commission exercises, under Division X, its audit functions with regard to municipalities and municipal bodies.”

**110.** Section 14 of the Act is amended

(1) by replacing “The Government may, whenever it” by “Whenever it”;

(2) by replacing “attach to the Commission experts or technical men” by “the Commission may retain the services of experts or technicians”.

**111.** Section 17 of the Act is amended by inserting “, nor any experts or technicians referred to in section 14” after “or employees”.

**112.** Section 20 of the Act is amended

(1) by replacing “encourues” and “encourus” in the first paragraph in the French text by “engagées” and “engagés”, respectively;

(2) by inserting “and out of those received by the Commission in accordance with the second paragraph” at the end of the first paragraph;

(3) by replacing the second and third paragraphs by the following paragraphs:

“However, the Commission may

(1) order that the expenses, except those relating to the salaries of its commissioners and regular employees, that it incurs in the exercise of its functions other than its audit functions with regard to municipalities and municipal bodies, be paid in whole or in part by the municipality it designates; and

(2) order that the expenses it incurs in the exercise of its audit functions with regard to the accounts and affairs of a chief auditor of a municipality having 100,000 inhabitants or more be paid by that municipality.

The amount of the expenses referred to in the second paragraph shall then be established by a certificate signed by a member of the Commission or by its secretary; the certificate is final and may not be contested.”

**113.** Section 22 of the Act is amended by inserting “Except when exercising its audit functions with regard to municipalities and municipal bodies under Division X,” at the beginning of the first paragraph of subsection 1.

**114.** The Act is amended by inserting the following division after section 84:

**“DIVISION X**

**“AUDITS OF MUNICIPALITIES AND MUNICIPAL BODIES**

**“85.** The Commission is the auditor of the accounts and affairs of the following municipalities and municipal bodies:

(1) the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec;

(2) every regional county municipality;

(3) every local municipality having less than 100,000 inhabitants;

(4) every legal person

(a) that is part of the reporting entity defined in the financial statements of a local municipality having less than 100,000 inhabitants or of a regional county municipality;

(b) of which a local municipality having less than 100,000 inhabitants, a regional county municipality or a mandatary of either appoints more than 50% of the members of the board of directors; or

(c) of which a local municipality having less than 100,000 inhabitants, a regional county municipality or a mandatary of either holds more than 50% of the outstanding voting shares or units; and

(5) any body referred to in the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19) that is not a legal person referred to in subparagraph 4 or in the first paragraph of section 107.7 of that Act, provided

(a) in the case of a body referred to in subparagraph 1 of the first paragraph of section 107.7 of the Cities and Towns Act, it is the mandatary or agent of at least one local municipality having less than 100,000 inhabitants or one regional county municipality;

(b) under subparagraph 2 of the first paragraph of that section, its board of directors includes at least one member who is a member of the council of, or was appointed by, a local municipality having less than 100,000 inhabitants or a regional county municipality;

(c) its budget is adopted or approved by at least one local municipality having less than 100,000 inhabitants or one regional county municipality;

(d) in the case of a body referred to in subparagraph 4 of the first paragraph of that section, part of the funds it receives from municipalities comes from a local municipality having less than 100,000 inhabitants or a regional county municipality; or

(e) in the case of a body designated under subparagraph 5 of the first paragraph of that section, it has its principal place of business in the territory of a local municipality having less than 100,000 inhabitants or of a regional county municipality.

On an application by the council of a municipality, the Commission may also act as auditor of the chief auditor appointed under section 107.2 of the Cities and Towns Act; such an audit includes, to the extent considered useful by the Commission, auditing of operations to verify their compliance with the Acts, regulations, policies and directives applicable to the chief auditor, and value-for-money auditing.

**“86.** Audits of the accounts and affairs of metropolitan communities and regional county municipalities, of municipalities having less than 10,000 inhabitants, and of the municipal bodies referred to in subparagraphs 4 and 5 of the first paragraph of section 85 that are related to those municipalities in the manner provided for in those subparagraphs include, to the extent considered appropriate by the Commission, auditing their operations to verify the latter’s compliance with the Acts, regulations, policies and directives applicable to them, and value-for-money auditing.

Audits of the accounts and affairs of municipalities having at least 10,000 but less than 100,000 inhabitants and of the municipal bodies referred to in subparagraphs 4 and 5 of the first paragraph of section 85 that are related to those municipalities in the manner provided for in those subparagraphs include, to the extent considered appropriate by the Commission, auditing their operations to verify the latter’s compliance with the Acts, regulations, policies and directives applicable to them. Such audits also include, in the case of a municipality where a by-law adopted under section 108.2.0.2 of the Cities and

Towns Act (chapter C-19) or article 966.2.2 of the Municipal Code of Québec (chapter C-27.1) is in force, value-for-money auditing of both the municipality and the bodies referred to in subparagraphs 4 and 5 of the first paragraph of section 85 that are related to it in the manner provided for in those subparagraphs.

Such audits are to be conducted at the times and intervals and in the manner determined by the Commission.

If, under this section, section 107.7 or 108.2.0.1 of the Cities and Towns Act or article 966.2.1 of the Municipal Code of Québec, a mandate to audit certain aspects of the accounts and affairs of a body referred to in section 573.3.5 of the Cities and Towns Act is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

- (1) the chief auditor of the municipality with the largest population;
- (2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or
- (3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

**“86.1.** An audit conducted in accordance with sections 85 and 86 must not call into question the merits of the policies and objectives of the municipalities, chief auditors or bodies whose accounts and affairs are being audited.

**“86.2.** Any municipality or municipal body subject to audit under section 85, as well as its officers and employees, is required to provide the Commission, on request, with the records, reports, documents or data, in whatever form, that the Commission considers necessary for the purposes of its mandate. They must also provide it with any relevant information or explanation.

The Commission may make copies of the records, reports, documents or data obtained in accordance with the first paragraph.

**“86.3.** For the purposes of its audit mandate, the Commission may assign its employees, experts and technicians to a municipality or municipal body referred to in section 85. The municipality or municipal body must provide them with the premises the Commission considers necessary.

**“86.4.** The Commission may also audit the records, files, documents and accounts of a person, establishment, institution, body, association or enterprise as regards the use made of any assistance granted by a municipality or municipal body referred to in section 85.

The recipient of assistance and its employees are required to provide the Commission, on request, with any document or data, in whatever form, that the Commission considers necessary for the purposes of the mandate provided for in the first paragraph. They must also provide it with any relevant information or explanation.

The Commission may make copies of the documents or data obtained in accordance with the second paragraph.

**“86.5.** The auditor of the accounts and affairs of a recipient of assistance referred to in section 86.4 must, at the Commission’s request, promptly transmit to the Commission a copy of

(1) the recipient’s annual financial statements;

(2) the auditor’s report on those statements; and

(3) any other report made to the recipient’s board of directors, executive or chief executive officer, as the case may be, on the auditor’s findings and recommendations.

**“86.6.** Not later than 30 September each year, the Commission must report on the results of the audit of each municipality or body referred to in section 85 that the Commission conducted for the fiscal year ended on the preceding 31 December.

The report must indicate any fact, irregularity or deficiency the Commission considers advisable to bring up with the municipality or body.

The Commission may also, at any other time, transmit to a municipality or body referred to in section 85 a report presenting any findings or recommendations that, in its opinion, warrant being brought to the attention of the municipality or body.

In any report it produces, the Commission must disclose any situation that could cause a conflict between the interest of any of its commissioners or employees and his duties of office.

**“86.7.** The Commission must transmit any report made under section 86.6 to the municipality or body that was audited or that is the subject of the report’s findings or recommendations.

If a report concerns a municipal body referred to in subparagraph 4 or 5 of the first paragraph of section 85 or the audit of such a body, it must also be transmitted to the municipality related to the body under that subparagraph.

If a report concerns a chief auditor of a municipality having 100,000 inhabitants or more, it must also be transmitted to that municipality.

If a report concerns a recipient of assistance subject to section 86.4, it must be transmitted to the recipient and to the municipality or municipal body that granted the assistance.

Any report transmitted under this section must be simultaneously transmitted to the Minister and published on the Commission's website.

**“86.8.** Any Commission report received by a metropolitan community or a municipality under section 86.7 must be tabled at the first meeting of its council following receipt of the report.

**“86.9.** Despite any other general law or special Act, the Commission's members, secretary and employees, experts and technicians may not be compelled to give testimony relating to information obtained in the exercise of their audit functions or to produce any document containing such information. A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to this paragraph.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised, nor any injunction granted, against the Commission, the employees under its direction or the experts or technicians whose services it retains when the Commission, employees, experts or technicians are acting in their official capacity in the exercise of its or their audit functions.

**“86.10.** The Commission may not audit the accounts or affairs of a municipality for which it performs the functions of officer or director, makes managerial decisions or performs managerial functions, or of a body related to such a municipality, nor for a period during which it performed such functions.”

**115.** Section 91 of the Act is amended by adding the following paragraph at the end:

“This section does not apply when the Commission exercises, under Division X, its audit functions with regard to municipalities and municipal bodies.”

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**116.** Section 105.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

**117.** Section 106 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph by the following subparagraph:

“(a) covered by a regulation adopted under section 112.1 or 112.2, where the contract is made in accordance with that regulation; and”;

(4) by replacing the second paragraph by the following paragraphs:

“Contracts referred to in any of the subparagraphs of the first paragraph may be awarded only in accordance with section 107 if they involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph.

For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”

**118.** Section 107 of the Act is amended

(1) by replacing “of \$100,000 or less, from among the contracts referred to in the second paragraph of section 106,” in the first paragraph by “below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 106, from among the contracts referred to in the second paragraph of that section,”;

(2) by inserting the following paragraph after the first paragraph:

“The time for the receipt of tenders must not be less than eight days.”;

(3) by striking out “The first sentence of the fourth paragraph and” in the last paragraph.

**119.** Section 108 of the Act is amended

(1) by replacing “of \$100,000 or more” in the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by striking out subparagraph 2 of the third paragraph;

(3) by replacing “must not be less than eight days” in the fourth paragraph by “must be in accordance with the time ordered by the Minister”;

(4) by striking out the following sentence in the fourth paragraph: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.”;

(5) by replacing the seventh paragraph by the following paragraph:

“A public call for tenders for a contract referred to in the second paragraph may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada for a contract involving an expenditure equal to or above the ceiling ordered by the Minister and whose object is the supply of services other than

(a) courier or mail services, including email;

(b) fax services;

(c) real estate services;

(d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(e) maintenance or repair services for office equipment;

(f) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(g) architectural or engineering services, except those related to transportation infrastructure construction;

(h) architectural landscaping services;

(i) land use and planning services;

(j) test, analysis or inspection services for quality control;



(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(6) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

**120.** The Act is amended by inserting the following section after section 108.1:

**“108.1.1.** Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

If the Community agrees to receive tenders electronically, it must mention that fact in its calls for tenders or in the documents to which they refer.

However, the Community may not require that tenders be submitted only electronically.”

**121.** Section 109.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite the ninth paragraph of section 108;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the Community accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

**122.** Section 112 of the Act is replaced by the following section:

“**112.** Unless otherwise permitted under section 108 or under the regulations made under any of sections 112.1, 112.2 and 113.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

**123.** The Act is amended by inserting the following section after section 112.0.1:

“**112.0.2.** If, in any of the situations mentioned in the second paragraph, the Community requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the Community must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 108 or under a regulation made under section 112.1 or 112.2, or in any document referred to in such a call for tenders, the Community requires technical specifications with regard to goods, services or work;

(2) where, under section 109 or 109.1, the Community evaluates tenders submitted after a call for tenders under section 108 or under a regulation made under section 112.1 or 112.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 110 and 111, the Community establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

**124.** Section 112.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

**125.** Section 112.2 of the Act is replaced by the following section:

“**112.2.** The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

**126.** Section 112.3 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

**127.** Section 112.4 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

“**112.4.** Section 106 and any regulation made under section 112.1 or 112.2 do not apply to a contract”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities and to municipal bodies such as the Community;”;

(3) by striking out “or computer software for educational purposes” in subparagraph 7 of the first paragraph;

(4) by replacing “section 112.2” in the second paragraph by “a regulation made under section 112.1”;

(5) by replacing the last paragraph by the following paragraph:

“Section 106 does not apply to a contract covered by a regulation made under section 112.1 or 112.2 where the contract is made in accordance with that regulation.”

**128.** Section 112.5 of the Act, enacted by section 175 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

**129.** Section 113.2 of the Act, replaced by section 121 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 108.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold of a contract that may be awarded only after a public call for tenders under section 108”.

**130.** Section 118 of the Act is amended

(1) by replacing “joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing” in the first paragraph by “joint public call for tenders for the purpose of awarding an insurance contract, supply contract or contract for the supply”;

(2) by replacing “contract for the supply of equipment” in the second paragraph by “supply contract”;

(3) by replacing “call for public tenders” in the third, fourth and sixth paragraphs by “public call for tenders”.

**131.** The Act is amended by inserting the following section after section 118.1:

**“118.1.0.1.** The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph of section 106 and the first paragraph of section 108;

(2) the minimum time for the receipt of tenders after a public call for tenders under the fourth paragraph of section 108; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under the seventh paragraph of section 108.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

**132.** Section 118.1.1 of the Act, amended by section 177 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

**133.** Section 118.1.2 of the Act, amended by section 178 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

**134.** Section 118.2 of the Act is amended by inserting “, 112.2” after “112.1” in the first paragraph.

**135.** Section 210.1 of the Act, enacted by section 128 of chapter 13 of the statutes of 2017, is amended, in the first paragraph,

(1) by replacing “in” by “not later than”;

(2) by inserting “highlights of the” after “on the”.

**136.** Section 212 of the Act is replaced by the following section:

“**212.** During the period from 1 December to 1 May, the Community shall appoint an auditor for the fiscal year beginning during that period. The Community shall fix the auditor’s term of office at not more than five fiscal years.”

**137.** Section 216 of the Act is amended by adding the following sentence at the end: “However, it may not require any of the audits that fall under the mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

**138.** Section 234 of the Act is replaced by the following section:

“**234.** If an appointment or personal designation provided for in this Act is not made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council of the Community, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this section is deemed to have been made or fixed by the person or council of the Community otherwise competent to make or fix it under this Act.”

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**139.** Section 98.1 of the Act respecting the Communauté métropolitaine du Québec (chapter C-37.02) is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

**140.** Section 99 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph by the following subparagraph:

“(a) covered by a regulation adopted under section 105.1 or 105.2, where the contract is made in accordance with that regulation; and”;

(4) by replacing the second paragraph by the following paragraphs:

“Contracts referred to in any of the subparagraphs of the first paragraph may be awarded only in accordance with section 100 if they involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph.

For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”

**141.** Section 100 of the Act is amended

(1) by replacing “of less than \$100,000, from among the contracts referred to in the second paragraph of section 99,” in the first paragraph by “below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 99, from among the contracts referred to in the second paragraph of that section,”;

(2) by inserting the following paragraph after the first paragraph:

“The time for the receipt of tenders must not be less than eight days.”;

(3) by striking out “The first sentence of the fourth paragraph and” in the last paragraph.

**142.** Section 101 of the Act is amended

(1) by replacing “of \$100,000 or more” in the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by striking out subparagraph 2 of the third paragraph;

(3) by replacing “must not be less than eight days” in the fourth paragraph by “must be in accordance with the time ordered by the Minister”;

(4) by striking out the following sentence in the fourth paragraph: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.”;

(5) by replacing the seventh paragraph by the following paragraph:

“A public call for tenders for a contract referred to in the second paragraph may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada for a contract involving an expenditure equal to or above the ceiling ordered by the Minister and whose object is the supply of services other than

(a) courier or mail services, including email;

(b) fax services;

(c) real estate services;

(d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(e) maintenance or repair services for office equipment;

(f) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(g) architectural or engineering services, except those related to transportation infrastructure construction;

(h) architectural landscaping services;

(i) land use and planning services;

(j) test, analysis or inspection services for quality control;

(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;



(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(6) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

**143.** The Act is amended by inserting the following section after section 101.1:

**“101.1.1.** Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

If the Community agrees to receive tenders electronically, it must mention that fact in its calls for tenders or in the documents to which they refer.

However, the Community may not require that tenders be submitted only electronically.”

**144.** Section 102.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite the ninth paragraph of section 101;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the Community accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

**145.** Section 105 of the Act is replaced by the following section:

**“105.** Unless otherwise permitted under section 101 or under the regulations made under any of sections 105.1, 105.2 and 106.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

**146.** The Act is amended by inserting the following section after section 105.0.1:

**“105.0.2.** If, in any of the situations mentioned in the second paragraph, the Community requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the Community must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 101 or under a regulation made under section 105.1 or 105.2, or in any document referred to in such a call for tenders, the Community requires technical specifications with regard to goods, services or work;

(2) where, under section 102 or 102.1, the Community evaluates tenders submitted after a call for tenders under section 101 or under a regulation made under section 105.1 or 105.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 103 and 104, the Community establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

**147.** Section 105.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

**148.** Section 105.2 of the Act is replaced by the following section:

**“105.2.** The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

**149.** Section 105.3 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

**150.** Section 105.4 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

**“105.4.** Section 99 and any regulation made under section 105.1 or 105.2 do not apply to a contract”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities and to municipal bodies such as the Community;”;

(3) by striking out “or computer software for educational purposes” in subparagraph 7 of the first paragraph;

(4) by replacing “section 105.2” in the second paragraph by “a regulation made under section 105.1”;

(5) by replacing the last paragraph by the following paragraph:

“Section 99 does not apply to a contract covered by a regulation made under section 105.1 or 105.2 where the contract is made in accordance with that regulation.”

**151.** Section 105.5 of the Act, enacted by section 181 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

**152.** Section 106.2 of the Act, replaced by section 135 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 101.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 101”.

**153.** Section 111 of the Act is amended

(1) by replacing “joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing” in the first paragraph by “joint public call for tenders for the purpose of awarding an insurance contract, supply contract or contract for the supply”;

(2) by replacing “contract for the supply of equipment” in the second paragraph by “supply contract”;

(3) by replacing “call for public tenders” in the third, fourth and sixth paragraphs by “public call for tenders”.

**154.** The Act is amended by inserting the following section after section 111.1:

**“111.1.0.1.** The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph of section 99 and the first paragraph of section 101;

(2) the minimum time for the receipt of tenders after a public call for tenders under the fourth paragraph of section 101; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under the seventh paragraph of section 101.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

**155.** Section 111.1.1 of the Act, amended by section 183 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

**156.** Section 111.1.2 of the Act, amended by section 184 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

**157.** Section 111.2 of the Act is amended by inserting “, 105.2” after “105.1” in the first paragraph.

**158.** Section 197.1 of the Act, enacted by section 141 of chapter 13 of the statutes of 2017, is amended, in the first paragraph,

(1) by replacing “in” by “not later than”;

(2) by inserting “highlights of the” after “on the”.

**159.** Section 199 of the Act is replaced by the following section:

**“199.** During the period from 1 December to 1 May, the Community shall appoint an auditor for the fiscal year beginning during that period. The Community shall fix the auditor’s term of office at not more than five fiscal years.”

**160.** Section 203 of the Act is amended by adding the following sentence at the end: “However, it may not require any of the audits that fall under the mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

**161.** Section 221 of the Act is replaced by the following section:

**“221.** If an appointment or personal designation provided for in this Act is not made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council of the Community, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this section is deemed to have been made or fixed by the person or council of the Community otherwise competent to make or fix it under this Act.”

#### ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS RELATING TO PUBLIC BODIES

**162.** Section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) is amended by inserting the following paragraph after paragraph 9:

“(9.1) municipal bodies within the meaning of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and legal persons referred to in subparagraph 2 of the first paragraph of section 107.7 of the Cities and Towns Act (chapter C-19);”.

**163.** Section 5 of the Act, amended by section 187 of chapter 27 of the statutes of 2017, is again amended by replacing the second paragraph by the following paragraph:

“Moreover, this Act does not apply

(1) to a disclosure of a contravention of an Act or regulation regarding the tendering or awarding process for, or the performance of, a public contract described in the first paragraph of section 20 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (2017, chapter 27);

(2) to a disclosure falling within the inspector general's oversight mandate provided for in section 57.1.8 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4); or

(3) to a disclosure regarding an ethics- or conduct-related violation covered by Division I of Chapter III of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1).”

**164.** Section 6 of the Act, amended by section 188 of chapter 27 of the statutes of 2017, is again amended by adding the following paragraph at the end:

“If a person wishes to make a disclosure concerning a public body referred to in paragraph 9.1 of section 2, the person may contact the minister responsible for municipal affairs to make the disclosure.”

**165.** Section 10 of the Act is amended by replacing “section 14” in subparagraph 4 of the first paragraph by “sections 12.1 and 14”.

**166.** Section 12 of the Act, amended by section 189 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 4.1 of the second paragraph by the following subparagraphs:

“(4.1) that the disclosure concerns a contravention of an Act or regulation regarding the tendering or awarding process for, or the performance of, a public contract described in the first paragraph of section 20 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27);

“(4.2) that the disclosure falls within the inspector general's oversight mandate provided for in section 57.1.8 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

“(4.3) that the disclosure concerns an ethics- or conduct-related violation covered by Division I of Chapter III of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1); or”.

**167.** The Act is amended by inserting the following section after section 12:

“**12.1.** The Public Protector must put an end to the processing of a disclosure if the alleged wrongdoing exclusively concerns a public body referred to in paragraph 9.1 of section 2 and must forward the information concerning the disclosure to the minister responsible for municipal affairs.

However, if a disclosure concerns both a body referred to in paragraph 9.1 of section 2 and a body referred to in another paragraph of that section, the Public Protector and the minister must agree on the terms for processing the disclosure, unless the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire is involved in the disclosure, in which case the Public Protector processes it alone.

The sending of information between the minister and the Public Protector that is required for the purposes of the first and second paragraphs must be carried out in accordance with the terms and conditions determined in an agreement.”

**168.** Section 13 of the Act is amended by adding the following sentence at the end of the second paragraph: “The Public Protector may also, in the case of a public body, other than a local municipality, referred to in paragraph 9.1 of section 2, inform any local municipality having ties with that body if the Public Protector deems it appropriate.”

**169.** Section 14 of the Act, amended by section 190 of chapter 27 of the statutes of 2017, is again amended by replacing the second paragraph by the following paragraph:

“Likewise, if the Public Protector considers that information disclosed to the Public Protector may be communicated under section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), section 20 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) or section 56 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (2017, chapter 27), the Public Protector forwards the information as soon as possible to the inspector general of Ville de Montréal, the Commission municipale du Québec or the Autorité des marchés publics, as applicable.”

**170.** Section 15 of the Act is amended by inserting the following paragraph after the second paragraph:

“In the case of a public body referred to in paragraph 9.1 of section 2, the Public Protector may, in addition to the communication provided for in the first paragraph and if warranted by the circumstances, report the findings and send the recommendations to the board of directors of the public body and to any local municipality having ties with that body if the latter is not a local municipality.”

**171.** The Act is amended by inserting the following chapter after section 17:

### “CHAPTER III.1

#### “DISCLOSURES TO THE MINISTER RESPONSIBLE FOR MUNICIPAL AFFAIRS

“**17.1.** Disclosures concerning public bodies referred to in paragraph 9.1 of section 2 are processed by the minister responsible for municipal affairs in compliance with the rules set out in sections 10 to 15, with the necessary modifications.



**“17.2.** If the minister considers that the disclosure does not fall within the responsibilities assigned to the minister under section 7 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1), or if it involves the minister’s department, the minister transfers the information relating to the disclosure to the Public Protector for processing.

If a disclosure concerns both a body referred to in paragraph 9.1 of section 2 and a body referred to in another paragraph of that section, the minister and the Public Protector must agree on the terms for processing the disclosure.

The sending of information between the minister and the Public Protector that is required for the purposes of the first and second paragraphs must be carried out in accordance with the terms and conditions determined by agreement.”

**172.** Section 18 of the Act is amended by inserting “or 9.1” after “9”.

**173.** Section 29 of the Act is amended by adding the following paragraph at the end:

“Sections 24, 25, 30 to 33, 34 and 35 of that Act apply, with the necessary modifications, to the minister responsible for municipal affairs with regard to investigations the minister conducts and other acts the minister carries out under this Act.”

**174.** Section 32 of the Act is amended

(1) by inserting “Subject to the second paragraph,” at the beginning of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“Any complaint regarding a reprisal that concerns a public body referred to in paragraph 9.1 of section 2 may be addressed, at the complainant’s choice, either to the Public Protector or to the minister responsible for municipal affairs. However, the minister responsible for municipal affairs may not examine a complaint that concerns a disclosure involving the minister and must transfer it to the Public Protector for examination. Once the examination is completed, the Public Protector or the minister must submit his or her recommendations, if any, to the highest ranking administrative official within the public body concerned and, if the Public Protector or the minister considers it appropriate, to the body’s board of directors and to any local municipality having ties with the body if the body is not a local municipality.”;

(3) by inserting “or the minister responsible for municipal affairs, as applicable,” after “Public Protector” in the third paragraph.

**175.** Section 34 of the Act is amended by inserting “, the minister responsible for municipal affairs” after “Public Protector” in the first paragraph.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**176.** Section 312.6 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by striking out the second sentence of the first paragraph.

**177.** Section 580.1 of the Act is amended by inserting “, with regard to the returning officer, clerk or secretary-treasurer or treasurer,” after “580”.

#### MUNICIPAL ETHICS AND GOOD CONDUCT ACT

**178.** Section 16.1 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by adding the following paragraph at the end:

“It must also include the prohibition set out in subparagraph 7 of the first paragraph of section 6 and provide that the prohibition applies, with the necessary modifications, to the following employees of the municipality:

- (1) the director general and the assistant director general;
- (2) the secretary-treasurer and the assistant secretary-treasurer;
- (3) the treasurer and the assistant treasurer;
- (4) the clerk and the assistant clerk; and
- (5) any other employee designated by the council of the municipality.”

**179.** Division I of Chapter III of the Act and the heading of Division II of that chapter are replaced by the following, and Divisions III and IV of that chapter become Divisions II and III:

#### “DIVISION I

#### “COMMUNICATION OF INFORMATION AND INQUIRIES

“**20.** Any person may communicate information to the Commission municipale du Québec concerning a violation of a code of ethics and conduct applicable to a member of a council of a municipality.

The first paragraph applies despite the provisions of the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) that concern the release or communication of information, except section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on a person, including toward an employer or, if applicable, a client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

The Commission must take all necessary measures to protect the identity of persons who have communicated information to it confidentially under the first paragraph.

**“21.** The Commission may, on its own initiative or after information is communicated under section 20, obtain from any person information it considers necessary concerning a violation referred to in that section. The first two paragraphs of section 91 of the Act respecting the Commission municipale (chapter C-35) apply to the obtaining of such information by the Commission.

**“22.** The Commission may, if of the opinion that the information in its possession is likely to show that a member of the council of a municipality has violated a rule of the code of ethics and conduct applicable to the member, conduct an inquiry to determine whether such a violation has been committed.

The inquiry must be opened within three years after the end of the member’s term.

The Commission must inform the council member that he or she is under inquiry.

**“22.1.** The inquiry is conducted by a member, lawyer or notary designated by the president of the Commission.

For the purposes of the inquiry, the member has the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.”

**180.** Section 23 of the Act is repealed.

**181.** Section 24 of the Act is amended by replacing “whose conduct is under examination” in the first paragraph by “under inquiry”.

**182.** Section 27 of the Act is replaced by the following section:

**“27.** The Commission must, not later than 90 days after the day on which the council member was informed of the inquiry in accordance with section 22, send its decision to the member and the municipality or, if the inquiry is still under way, inform the council member of the progress of the inquiry and the date on which the Commission will send its decision.”

**183.** Section 36 of the Act is replaced by the following section:

**“36.** An inquiry by the Commission under Division I of this chapter and, if applicable, the imposition of a sanction under section 31 do not prevent the bringing of an action for a declaration of disqualification against the council member under inquiry regarding the same facts.”

**184.** The Act is amended by inserting the following sections after section 36:

**“36.1.** Any person who, in good faith, communicates information referred to in section 20 to the Commission or cooperates in a search for information or an inquiry conducted by the Commission under Division I of this chapter incurs no civil liability for doing so.

**“36.2.** It is forbidden to take a reprisal against a person who has, in good faith, communicated information referred to in section 20 to the Commission or cooperated in a search for information or an inquiry conducted by the Commission under Division I of this chapter.

It is also forbidden to threaten to take a reprisal against a person to dissuade him or her from performing an act described in the first paragraph.

The demotion, suspension, termination of employment or transfer of a person referred to in the first paragraph or any disciplinary or other measure that adversely affects the employment or working conditions of such a person is presumed to be a reprisal.

**“36.3.** Any person who believes a reprisal has been taken against him or her may file a complaint with the Commission in order to have the Commission examine whether the complaint is well-founded and submit any recommendations the Commission considers appropriate to the clerk or the secretary-treasurer of the municipality concerned, who must submit them to the council at the first regular sitting held after their receipt.

The Commission may, for the purpose of examining the merits of the complaint, obtain information in accordance with section 21.

If the reprisal a person believes has been taken against him or her seems, in the opinion of the Commission, to constitute a prohibited practice within the meaning of subparagraph 15 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1), the Commission refers that person to the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

On completing its examination, the Commission informs the complainant of its findings and of any recommendations it may have.

**“36.4.** Any person who communicates or wishes to communicate information under section 20, who cooperates in a search for information or an inquiry conducted by the Commission under Division I of this chapter or who believes a reprisal has been taken against him or her may contact the Public Protector to obtain the legal advice provided for in section 26 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), in which case the third and fourth paragraphs of that section apply, with the necessary modifications.

**“36.5.** As soon as possible, the Commission sends the public body concerned the information obtained under Division I of this chapter that it considers may be

(1) communicated to the inspector general of Ville de Montréal under section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

(2) disclosed to the Public Protector or the minister responsible for municipal affairs, as applicable, under section 6 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);

(3) communicated to the Autorité des marchés publics under section 56 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27); or

(4) disclosed to the Anti-Corruption Commissioner under section 26 of the Anti-Corruption Act (chapter L-6.1).

The communication of information by the Commission in accordance with this section must comply with the terms and conditions determined in an agreement.

**“36.6.** Whoever

(1) communicates information under section 20 that he or she knows to be false or misleading;

(2) contravenes section 36.2;

(3) by an act or omission, helps a person to commit an offence under subparagraph 1 or 2; or

(4) by encouragement, advice or consent or by an authorization or order, induces another person to commit an offence under subparagraph 1 or 2

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases.

For any subsequent offence, the amounts are doubled.

**“36.7.** Whoever

(1) hinders or attempts to hinder the Commission, refuses to provide information or a document that he or she must send or refuses to make it available, or conceals or destroys a document likely to be useful for an inquiry;

(2) by an act or omission, helps a person to commit an offence under subparagraph 1; or

(3) by encouragement, advice or consent or by an authorization or order, induces another person to commit an offence under subparagraph 1

is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.

For any subsequent offence, the amounts are doubled.”

#### ACT RESPECTING MUNICIPAL TAXATION

**185.** Section 244.64.7 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing the third and fourth paragraphs by the following paragraphs:

“However, for the purposes of sections 244.50 to 244.58, if a unit of assessment belongs to two or more subcategories, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the subcategory corresponding to the predominant portion of the value of the unit or part of the unit associated with those subcategories.

Despite the third paragraph, if the value of the unit or part of the unit associated with those subcategories is equal to or greater than 25 million dollars, and each of at least two subcategories represents 30% or more of that value, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate obtained by combining part of the rate specific to each subcategory representing 30% or more of that value, such part being determined on the basis of the proportion that the value of the subcategory concerned is of the total value of the subcategories so retained.”

**186.** Section 253.54 of the Act is amended by replacing “244.64.4, 244.64.8” in the third paragraph by “244.64.1, 244.64.9”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,  
DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

**187.** Section 14 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by replacing “under section 15 or an investigation under section 16 or under subsection 1 of section 22 of the Act respecting the Commission municipale (chapter C-35),” in the first paragraph by “or an investigation conducted, as the case may be, under section 15 or 16, subsection 1 of section 22 of the Act respecting the Commission municipale (chapter C-35) or section 11 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)”.

**188.** Section 17.0.1 of the Act is amended by replacing “described in” by “referred to in subparagraph 2 of the first paragraph of”.

**189.** Section 17.8 of the Act is amended by replacing the third paragraph by the following paragraph:

“The report must also include the following information about the disclosures and complaints received by the Minister under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1):

- (1) the number of disclosures received;
- (2) the number of disclosures transferred to the Public Protector in accordance with the first paragraph of section 17.2 of that Act;
- (3) the number of disclosures whose processing or examination was ended under section 12 of that Act;
- (4) the number of undertaken, ongoing or concluded investigations;
- (5) the number of well-founded disclosures;
- (6) the number of disclosures broken down according to the categories of wrongdoings set out in section 4 of that Act;
- (7) the number of complaints received regarding reprisals;
- (8) the number of well-founded complaints regarding reprisals;
- (9) the number of times information was forwarded under the first three paragraphs of section 14 of that Act; and
- (10) whether the time limits for processing disclosures were complied with.”

## ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**190.** Section 3.41.5 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by replacing the first two paragraphs by the following paragraphs:

“The Minister may, as the person responsible for the Fund and in order to support the development of the Capitale-Nationale region and help further its influence, grant any financial assistance.

The Minister may, to the extent provided by the Minister, allow the recipient of such assistance to use it despite the Municipal Aid Prohibition Act (chapter I-15). In the case of Ville de Québec, the Minister may also allow it to use the assistance not only in its territory, but in all the territory of the Capitale-Nationale region.”

**191.** The Act is amended by inserting the following section after section 3.41.5:

**3.41.5.1.** The Minister may, by means of an agreement setting out the role and responsibilities of each of the parties, delegate the administration of all or part of the Fund to the Communauté métropolitaine de Québec, a municipality, any municipal or supramunicipal body under a municipality, or the band council of a Native community. The delegatee shall administer the sums entrusted to it under, and has all the powers necessary to carry out, the agreement. The delegatee may, if applicable and with the necessary modifications, entrust that administration to its executive committee or a member of that committee or to its director general or general manager.

Such an agreement may, to the extent it stipulates, allow a departure from the Municipal Aid Prohibition Act (chapter I-15).”

**192.** Section 3.41.6 of the Act is amended by replacing “recipient bodies” in the first paragraph by “recipients”.

## ACT RESPECTING LABOUR STANDARDS

**193.** Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 201 of chapter 27 of the statutes of 2017, is again amended by replacing “14” in the second paragraph by “15”.

**194.** Section 122 of the Act, amended by section 202 of chapter 27 of the statutes of 2017, is again amended by adding the following subparagraph after subparagraph 14 of the first paragraph:

“(15) on the ground of a communication of information in good faith by the employee under section 20 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) or the employee’s cooperation in a search for information or an inquiry conducted by the Commission municipale du Québec under Division I of Chapter III of that Act.”



**195.** Section 140 of the Act, amended by section 203 of chapter 27 of the statutes of 2017, is again amended by replacing “, 13 and 14” in paragraph 6 by “and 13 to 15”.

#### ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

**196.** Section 53 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is amended by replacing the second paragraph by the following paragraph:

“The Network may, however, contract temporary loans without the authorizations required under the first paragraph.”

**197.** Section 57 of the Act is repealed.

**198.** Section 59 of the Act is replaced by the following section:

“**59.** The Network may adopt by-laws relating to the administration of its finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed.”

**199.** The Act is amended by inserting the following section after section 59:

“**59.1.** A decision of the Network authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 59, funds are available for the purposes for which the expenditure is proposed.”

**200.** Section 66 of the Act is amended by replacing the second sentence by the following sentence: “The auditor must send his or her report to the treasurer.”

**201.** Section 67 of the Act is replaced by the following section:

“**67.** The treasurer must, at a board meeting of the Network, table the financial report, the auditor’s report sent under section 66 and any other document whose tabling is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy.”

**202.** The Act is amended by inserting the following sections after section 67:

**“67.1.** After the tabling referred to in section 67 and not later than 15 April, the Network must send the financial report and the auditor’s report to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The Network must also send the documents and information referred to in the second paragraph of section 65 to the Minister of Municipal Affairs, Regions and Land Occupancy within the time prescribed by the latter.

**“67.2.** If, after the sending referred to in section 67.1, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Network’s board of directors and the Network must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 65.”

**203.** Section 68 of the Act is amended by striking out subparagraph 5 of the second paragraph.

**204.** Section 68.1 of the Act, enacted by section 198 of chapter 13 of the statutes of 2017, is repealed.

#### CIVIL PROTECTION ACT

**205.** Section 108 of the Civil Protection Act (chapter S-2.3) is amended by replacing “subject to specified conditions, to a municipality, an organization or a person for the implementation period or for the period defined in the instrument of delegation” in the second paragraph by “to the extent and subject to the conditions the latter determines, to a minister, a local or regional authority, an organization or any other person for the implementation period or for a period defined in the delegation instrument. The minister may, in the delegation instrument, authorize the subdelegation of the functions the minister specifies”.

**206.** Section 111 of the Act is amended by adding the following paragraph at the end:

“In addition, the authority may release personal information to a local or regional authority, without the consent of the person concerned, if releasing the information is necessary for the authority to exercise its rights and powers.”

**207.** The Act is amended by inserting the following sections after section 111:

**“111.1.** Where a program established under this division is implemented, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) may release personal information, without the consent of the person concerned, to another public body or to a person or body responsible for acting in response to the disaster, provided that releasing the information

(1) is necessary to reach or locate the person concerned; and

(2) is manifestly for the benefit of the person concerned, in particular to maintain or adapt the public services provided to the person.

Only information required for the intended purposes may be released.

**“111.2.** Any release of personal information under the second paragraph of section 111 or under section 111.1 must be recorded in a register in accordance with section 67.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

#### ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

**208.** Section 3 of the Act respecting the Société d’habitation du Québec (chapter S-8) is amended by adding the following subparagraph at the end of the first paragraph:

“(7) to allow or improve the accessibility of an establishment for handicapped persons.”

**209.** Section 3.2 of the Act is replaced by the following section:

**“3.2.** For the pursuit of its objects, the Société may

(1) conduct or commission research, studies, inquiries or surveys on the housing requirements and housing conditions of the population;

(2) grant subsidies for housing studies and research and for experimental projects pertaining to housing; and

(3) obtain from the departments and any public or private body the information it requires to manage the programs it implements.”

**210.** Section 57 of the Act is amended by replacing the second paragraph of subsection 1 by the following paragraph:

“The petition shall mention the name of the bureau, the location of its head office, the powers, rights and privileges it shall enjoy, and the rules governing the exercise of its powers, and shall designate its directors and officers; the name of the bureau shall include the terms “bureau” and “housing”.”

**211.** Section 57.1 of the Act is replaced by the following section:

**“57.1.** The board of directors of a bureau shall consist of a fixed number of directors, varying between five and fifteen, designated in accordance with the provisions of the letters patent of the bureau applicable in that respect. Such letters patent shall provide that at least two of the directors are to be appointed by the Minister from among the socioeconomic groups representative of the region.

The letters patent shall also provide that at least two of the directors are to be elected from among all the lessees of the bureau during a meeting of lessees held for that purpose according to the procedure determined by the lessees. However, if the bureau’s board of directors consists of eleven directors or more, the letters patent shall provide that at least three of them are to be elected in that manner.”

**212.** Section 58.4 of the Act is amended by striking out “two” in the third sentence.

**213.** Section 93 of the Act is amended by striking out paragraph *b*.

#### ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

**214.** Section 41.1 of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) is amended by replacing “equipment, materials” in the first paragraph by “movable property”.

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**215.** Section 92.1 of the Act respecting public transit authorities (chapter S-30.01) is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

**216.** Section 93 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph by the following subparagraph:

“(a) covered by a regulation adopted under section 100 or 101, where the contract is made in accordance with that regulation; and”;

(4) by replacing the second paragraph by the following paragraphs:

“Contracts referred to in any of the subparagraphs of the first paragraph may be awarded only in accordance with section 94 if they involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph.

For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”

**217.** Section 94 of the Act is amended

(1) by replacing “of less than \$100,000, from among the contracts referred to in the second paragraph of section 93,” in the first paragraph by “below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 93, from among the contracts referred to in the second paragraph of that section,”;

(2) by inserting the following paragraph after the first paragraph:

“The time for the receipt of tenders must not be less than eight days.”;

(3) by striking out “The first sentence of the fourth paragraph and” in the last paragraph.

**218.** Section 95 of the Act is amended

(1) by replacing “of \$100,000 or more” in the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by striking out subparagraph 2 of the third paragraph;

(3) by replacing “must not be less than eight days” in the fourth paragraph by “must be in accordance with the time ordered by the Minister”;

(4) by striking out the following sentence in the fourth paragraph: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.”;

(5) by replacing the seventh paragraph by the following paragraph:

“A public call for tenders for a contract referred to in the second paragraph may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada for a contract involving an expenditure equal to or above the ceiling ordered by the Minister and whose object is the supply of services other than

(a) courier or mail services, including email;

(b) fax services;

(c) real estate services;

(d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(e) maintenance or repair services for office equipment;

(f) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(g) architectural or engineering services, except those related to transportation infrastructure construction;

(h) architectural landscaping services;

(i) land use and planning services;

(j) test, analysis or inspection services for quality control;

(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(6) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

**219.** The Act is amended by inserting the following section after section 95.1:

**“95.1.1.** Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

Any transit authority that agrees to receive tenders electronically must mention that fact in its calls for tenders or in the documents to which they refer.

However, a transit authority may not require that tenders be submitted only electronically.”

**220.** Section 96.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite the ninth paragraph of section 95;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the transit authority accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

**221.** Section 99 of the Act is replaced by the following section:

**“99.** Unless otherwise permitted under section 95 or under the regulations made under any of sections 100, 101 and 103.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

**222.** The Act is amended by inserting the following section after section 99.1:

**“99.2.** If, in any of the situations mentioned in the second paragraph, a transit authority requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the transit authority must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 95 or under a regulation made under section 100 or 101, or in any document referred to in such a call for tenders, a transit authority requires technical specifications with regard to goods, services or work;

(2) where, under section 96 or 96.1, a transit authority evaluates tenders submitted after a call for tenders under section 95 or under a regulation made under section 100 or 101 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 97 and 98, a transit authority establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

**223.** Section 100 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.



**224.** Section 101 of the Act is replaced by the following section:

**“101.** The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

**225.** Section 101.1 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

**“101.1.** Section 93 and any regulation made under section 100 or 101 do not apply to a contract”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities and to municipal bodies such as a public transit authority;”;

(3) by striking out “or computer software for educational purposes” in subparagraph 7 of the first paragraph;

(4) by replacing “materials or equipment” in subparagraph 9 of the first paragraph by “movable property”;

(5) by replacing “section 101” in the second paragraph by “a regulation made under section 100”;

(6) by replacing the last paragraph by the following paragraph:

“Section 93 does not apply to a contract covered by a regulation made under section 100 or 101 where the contract is made in accordance with that regulation.”

**226.** Section 101.2 of the Act, enacted by section 214 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

**227.** Section 102 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

**228.** Section 103.2 of the Act, replaced by section 206 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 95.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 95”.

**229.** Section 108 of the Act is amended

(1) by replacing “joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing” in the first paragraph by “joint public call for tenders for the purpose of awarding an insurance contract, supply contract or contract for the supply”;

(2) by replacing “contract for the supply of equipment” in the second paragraph by “supply contract”;

(3) by replacing “call for public tenders” in the third paragraph by “public call for tenders”.

**230.** The Act is amended by inserting the following section after section 108.1:

**“108.1.0.1.** The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph of section 93 and the first paragraph of section 95;

(2) the minimum time for the receipt of tenders after a public call for tenders under the fourth paragraph of section 95; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under the seventh paragraph of section 95.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

**231.** Section 108.1.1 of the Act, amended by section 216 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

**232.** Section 108.1.2 of the Act, amended by section 217 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

**233.** Section 108.2 of the Act is amended by inserting “, 101” after “100” in the first paragraph.

**234.** Section 137 of the Act is amended by adding the following paragraph at the end:

“The transit authority shall fix the auditor’s term at not more than five fiscal years.”

#### ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

**235.** Section 30.1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is amended by replacing “A” in the first paragraph by “Subject to sections 31.0.1 to 31.0.4, 31.1.0.1 and 31.1.1, a”.

**236.** Section 31 of the Act is amended by inserting the following paragraph after the fifth paragraph:

“A by-law provided for in this section may only be adopted if the vote of the mayor or warden is included in the two-thirds majority vote, in favour of the by-law, of the members of the council of the municipality.”

**237.** Section 31.0.1 of the Act is amended

(1) by inserting “to the severance allowance provided for in section 30.1 or” after “entitled” in the first paragraph;

(2) by replacing “lui-même” in the first paragraph in the French text by “elle-même”;

(3) by adding the following paragraphs at the end:

“Despite the fifth paragraph, payment of the allowance is suspended if the resigning person is the subject of an application to have him declared disqualified or of proceedings which, under section 301 or 302 of the Act respecting elections and referendums in municipalities (chapter E-2.2), could bring about his disqualification.

The payment may be made, if applicable, on the first of the following dates:

(1) the date on which the applicant withdraws the application for declaration of disqualification, or on which the prosecutor stays all charges in the proceedings; and

(2) the date on which a judgment acquitting the person or dismissing the application for declaration of disqualification becomes final.

In such a case, section 31.0.2 applies, with the necessary modifications.”

**238.** Section 31.0.2 of the Act is amended

(1) by inserting “reference” before the first occurrence of “period” in the first paragraph;

(2) by striking out “and equal to the period corresponding to the number of months of salary to which he is entitled as a transition allowance” in the first paragraph;

(3) by inserting the following paragraph after the first paragraph:

“For the purposes of the first paragraph, the reference period is the number of months obtained,

(1) in the case of the severance allowance, by dividing the amount of the allowance computed in accordance with section 30.1 by the result obtained by multiplying the bi-weekly value established in accordance with that section by two; or

(2) in the case of the transition allowance, by dividing the amount of the allowance computed in accordance with section 31 by the result obtained by dividing the quarterly value established in accordance with that section by three.”;

(4) by inserting “severance or” after “as a” in the second paragraph;

(5) by inserting “severance or” after “of the” in the third paragraph.

**239.** Section 31.0.3 of the Act is amended by inserting “severance or” after “entitled to a”.

**240.** The Act is amended by inserting the following section after section 31.1:

**“31.1.0.1.** Payment of a severance or transition allowance must be suspended if the person whose term ends is the subject of an application to have him declared disqualified or of proceedings which, under section 301 or 302 of the Act respecting elections and referendums in municipalities (chapter E-2.2), could bring about his disqualification.

The payment may be made, if applicable, on the first of the following dates:

(1) the date on which the applicant withdraws the application for declaration of disqualification or the date on which the prosecutor stays all charges in the proceedings; and

(2) the date on which a judgment acquitting the person or dismissing the application for declaration of disqualification becomes final.

In such a case, section 31.0.2 applies, with the necessary modifications.”

**241.** Section 31.1.1 of the Act is amended by inserting “severance or” before “transition”.

**242.** Section 31.1.2 of the Act is amended by inserting “severance or” before “transition”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK  
REGIONAL GOVERNMENT

**243.** Section 204 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended

(1) by replacing “insurance contract and no contract for the execution of works or the supply of equipment or materials or for” in the first paragraph of subsection 1 by “insurance contract, supply contract or contract for the performance of work or”;

(2) by replacing the second paragraph of subsection 1 by the following paragraph:

“For the purposes of this section, “supply contract” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(3) by striking out subparagraph 2 of the fourth paragraph of subsection 1;

(4) by striking out the fifth paragraph of subsection 1;

(5) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

**244.** Section 204.1 of the Act is amended

(1) by replacing “insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services” in the first paragraph by “insurance contract, supply contract or contract for the performance of work or the supply of services other than professional services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary”;

(2) by replacing “contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase” in the third paragraph by “supply contract is defined in the second paragraph of section 204”.

**245.** Section 204.3 of the Act is amended

(1) by replacing “contract for the supply of equipment, materials or” in paragraph 1 by “supply contract or contract for the supply of”;

(2) by replacing, in paragraph 2,

(a) “contract for the supply of insurance, equipment, materials or” by “supply contract, insurance contract or contract for the supply of”;

(b) “equipment, materials” by “goods”;

(3) by replacing “equipment, materials” in paragraph 3 by “goods”.

**246.** Section 204.3.1 of the Act, enacted by section 220 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” by “goods”.

**247.** Section 228 of the Act is amended

(1) by adding the following sentence at the end of subsection 1: “The council shall fix the auditor’s or auditors’ term at not more than five fiscal years.”;

(2) by adding the following sentence at the end of subsection 5: “However, it may not require any audit that falls under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

**248.** Section 230 of the Act is amended by inserting “or that such an audit does not fall under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35)” at the end of subsection 1.

**249.** Section 358 of the Act is amended

(1) by replacing “insurance contract and no contract for the execution of works or the supply of equipment or materials or for” in the first paragraph of subsection 1 by “insurance contract, supply contract or contract for the performance of work or”;

(2) by replacing the second paragraph of subsection 1 by the following paragraph:

“For the purposes of this section, “supply contract” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(3) by striking out subparagraph 2 of the fourth paragraph of subsection 1;

(4) by striking out the fifth paragraph of subsection 1;

(5) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

**250.** Section 358.1 of the Act is amended

(1) by replacing “insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services” in the first paragraph by “insurance contract, supply contract or contract for the performance of work or the supply of services other than professional services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary”;

(2) by replacing “contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase” in the third paragraph by “supply contract is defined in the second paragraph of section 358”.

**251.** Section 358.3 of the Act is amended

(1) by replacing “contract for the supply of equipment, materials or” in paragraph 1 by “supply contract or a contract for the supply of”;

(2) by replacing, in paragraph 2,

(a) “contract for the supply of insurance, equipment, materials or” by “supply contract, insurance contract or contract for the supply of”;

(b) “equipment, materials” by “goods”;

(3) by replacing “equipment, materials” in paragraph 3 by “goods”.

**252.** Section 358.3.1 of the Act, enacted by section 222 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” by “goods”.

**ACT TO FACILITATE OVERSIGHT OF PUBLIC BODIES’ CONTRACTS  
AND TO ESTABLISH THE AUTORITÉ DES MARCHÉS PUBLICS**

**253.** Section 20 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (2017, chapter 27) is amended by replacing “a contract for the performance of work or the supply of insurance, equipment, materials or” in subparagraph *b* of subparagraph 1 of the first paragraph and subparagraphs 2 and 3 of the second paragraph by “an insurance or supply contract or contract for the performance of work or the supply of”.



**254.** Section 71 of the Act is amended by replacing the first paragraph by the following paragraph:

“As soon as possible, the Authority sends the public body concerned the information brought to the Authority’s attention that it considers may be

(1) communicated to the inspector general of Ville de Montréal under section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

(2) disclosed to the Public Protector or the minister responsible for municipal affairs, as applicable, under section 6 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);

(3) communicated to the Commission municipale du Québec under section 20 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1); or

(4) disclosed to the Anti-Corruption Commissioner under section 26 of the Anti-Corruption Act (chapter L-6.1).”

#### REGULATION RESPECTING THE AWARDING OF CONTRACTS FOR CERTAIN PROFESSIONAL SERVICES

**255.** The heading of Chapter II of the Regulation respecting the awarding of contracts for certain professional services (chapter C-19, r. 2) is replaced by the following heading:

“AWARDING OF CONTRACTS FOR CERTAIN SERVICES OF AN ARCHITECT”.

**256.** Divisions I and II of Chapter II of the Regulation, comprising sections 3 to 23, are repealed.

**257.** The heading of Division III of Chapter II of the Regulation is struck out.

**258.** Section 23.1 of the Regulation is amended by striking out “Despite sections 3 to 23,” in the first paragraph.

**259.** Section 24 of the Regulation is amended by replacing “\$100,000” by “\$101,100”.

**260.** The heading of Chapter IV of the Regulation is amended by striking out “; VETERINARY SURGEON”.

**261.** Section 27 of the Regulation is amended by striking out “; veterinary surgeon”.

**262.** Section 28 of the Regulation is repealed.

## OTHER AMENDING PROVISIONS

**263.** Any reference to the fourth paragraph of article 445 of the Municipal Code of Québec is replaced, in the following provisions, by a reference to the tenth paragraph of that section:

(1) the third paragraph of section 64 and the second paragraph of section 79.19.1 of the Act respecting land use planning and development (chapter A-19.1);

(2) the first paragraph of section 112 of the Municipal Powers Act (chapter C-47.1);

(3) the second paragraph of section 11 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1); and

(4) the fourth paragraph of section 8 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

**264.** All occurrences of “call for public tenders” in the following provisions are replaced by “public call for tenders”:

(1) section 573.1.0.2 of the Cities and Towns Act (chapter C-19);

(2) article 936.0.2 of the Municipal Code of Québec (chapter C-27.1);

(3) sections 109 and 110 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

(4) sections 102 and 103 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

(5) sections 96 and 97 of the Act respecting public transit authorities (chapter S-30.01); and

(6) sections 204.1.2, 204.1.4, 286.1, 358.1.2 and 358.1.4 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

## TRANSITIONAL AND FINAL PROVISIONS

**265.** Sections 185 and 186 have effect from 16 June 2017.

**266.** Section 236 has effect from 13 February 2018.

**267.** Any housing bureau the composition of whose board of directors does not, on 19 April 2018, comply with section 57.1 of the Act respecting the Société d'habitation du Québec (chapter S-8), as enacted by section 211, must make the necessary amendments by supplementary letters patent before 31 December 2019.

**268.** Despite section 282 of the Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers (2017, chapter 13), subparagraph 7 of the third paragraph of section 573.3.1.2 of the Cities and Towns Act (chapter C-19), enacted by section 74 of that Act, subparagraph 7 of the third paragraph of article 938.1.2 of the Municipal Code of Québec (chapter C-27.1), enacted by section 100 of that Act, subparagraph 7 of the third paragraph of section 113.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), enacted by section 121 of that Act, subparagraph 7 of the third paragraph of section 106.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), enacted by section 135 of that Act, and subparagraph 7 of the third paragraph of section 103.2 of the Act respecting public transit authorities (chapter S-30.01), enacted by section 206 of that Act, apply to municipalities, metropolitan communities and public transit authorities as of the earlier of the following dates:

(1) 30 June 2018; and

(2) the date of coming into force of the first rules governing the making of contracts involving an expenditure of at least \$25,000 but less than \$100,000 that a municipality, metropolitan community or public transit authority may specify in its contract management by-law.

The first paragraph has effect from 1 January 2018.

**269.** Sections 107.2 and 107.2.1 and paragraph 4 of section 107.3 of the Cities and Towns Act, as enacted or amended by this Act, do not apply to chief auditors in office on 19 April 2018.

**270.** Sections 72, 97, 129, 152, 228 and 268 have effect from 1 January 2018.

**271.** Despite any inconsistent provision, all the assets and liabilities of the Régime complémentaire de retraite de l'Association des pompiers de LaSalle, registered under number 30506, and all those of the Régime de retraite des pompiers de la Ville de Montréal, registered under number 22503, are amalgamated as of 31 December 2007.

None of the acts performed or decisions made since 31 December 2007 regarding the amalgamation, including Retraite Québec decisions 30506-014 and 22503-038 dated 24 February 2017, may be invalidated on the grounds that the amalgamation was not carried out in accordance with the law.

The first and second paragraphs apply despite any quasi-judicial or judicial decision invalidating the amalgamation.

**272.** Until the coming into force of the first regulation made under, as applicable, section 573.3.3.1.1 of the Cities and Towns Act, enacted by section 73, article 938.3.1.1 of the Municipal Code of Québec, enacted by section 98, section 118.1.0.1 of the Act respecting the Communauté métropolitaine de Montréal, enacted by section 131, section 111.1.0.1 of the Act respecting the Communauté métropolitaine de Québec, enacted by section 154, or section 108.1.0.1 of the Act respecting public transit authorities, enacted by section 230,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under, as applicable, subsection 1 of section 573 of the Cities and Towns Act, subarticle 1 of article 935 of the Municipal Code of Québec, the first paragraph of sections 106 and 108 of the Act respecting the Communauté métropolitaine de Montréal, the first paragraph of sections 99 and 101 of the Act respecting the Communauté métropolitaine de Québec or the first paragraph of sections 93 and 95 of the Act respecting public transit authorities is \$101,100;

(2) the minimum time for the receipt of tenders after a public call for tenders under, as applicable, subsection 1 of section 573 of the Cities and Towns Act, subarticle 1 of article 935 of the Municipal Code of Québec, the fourth paragraph of section 108 of the Act respecting the Communauté métropolitaine de Montréal, the fourth paragraph of section 101 of the Act respecting the Communauté métropolitaine de Québec or the fourth paragraph of section 95 of the Act respecting public transit authorities is

(a) 8 days in the case of an insurance contract or a contract for the performance of work, other than a construction contract;

(b) 15 days in the case of a supply contract or a contract for the supply of services involving an expenditure of less than \$365,700;

(c) 15 days in the case of a contract involving an expenditure equal to or greater than \$365,700 that is a contract for the supply of services other than

i. courier or mail services, including email;

ii. fax services;

iii. real estate services;

iv. computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

v. maintenance or repair services for office equipment;

vi. management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

vii. architectural or engineering services, except those related to transportation infrastructure construction;

viii. architectural landscaping services;

ix. land use and planning services;

x. test, analysis or inspection services for quality control;

xi. exterior and interior building cleaning services; and

xii. machinery or equipment repair services;

(d) 30 days in the case of a supply contract or a contract for the supply of services listed in subparagraph *c* involving an expenditure equal to or greater than \$365,700;

(e) 15 days in the case of a construction contract involving an expenditure of less than \$9,100,000; and

(f) 30 days in the case of a construction contract involving an expenditure equal to or greater than \$9,100,000;

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under, as applicable, subsection 2.1 of section 573 of the Cities and Towns Act, subarticle 2.1 of article 935 of the Municipal Code of Québec, the seventh paragraph of section 108 of the Act respecting the Communauté métropolitaine de Montréal, the seventh paragraph of section 101 of the Act respecting the Communauté métropolitaine de Québec or the seventh paragraph of section 95 of the Act respecting public transit authorities is \$365,700 in the case of a supply contract or a contract for the supply of services; and

(4) for the purposes of the provisions mentioned in paragraph 3,

(a) in the case of a construction contract involving an expenditure of less than \$252,700, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Québec or Ontario will be considered;

(b) in the case of a construction contract involving an expenditure equal to or greater than \$252,700 but less than \$9,100,000, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Canada will be considered; and

(c) in the case of a construction contract involving an expenditure equal to or greater than \$9,100,000, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government will be considered.

**273.** Divisions I and II of Chapter III of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1), as they read on 29 November 2018, continue to apply to requests that are the subject of a preliminary examination or an inquiry by the Commission municipale du Québec on that date.

**274.** Despite section 286 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27), sections 191 and 192 of that Act come into force on 19 October 2018, and sections 193, 194, 210 and 211 of that Act come into force on 19 April 2018.

**275.** This Act comes into force on 19 April 2018, except

(1) the following provisions, which come into force on 1 January 2019: sections 5 to 11, 30, 31, 39, 42 to 44, 46, 47 and 50, section 51 to the extent that it concerns section 108.2.0.2 of the Cities and Towns Act, sections 52, 54 to 56 and 104, section 105 to the extent that it concerns articles 966.2.2 and 966.3 of the Municipal Code of Québec, sections 106, 137, 160 and 198 to 204, paragraph 2 of section 247, and section 248;

(2) sections 179 to 184 and 193 to 195, which come into force on 30 November 2018, subject to paragraphs 3 and 4 of this section;

(3) the following provisions, which come into force on 19 October 2018: section 162, section 163 to the extent that it concerns subparagraphs 2 and 3 of the second paragraph of section 5 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), sections 164 and 165, section 166 to the extent that it concerns subparagraphs 4.2 and 4.3 of the second paragraph of section 12 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, sections 167 and 168, section 169 to the extent that it concerns the communication of information to the inspector general of Ville de Montréal or to the Commission municipale du Québec under the second paragraph of section 14 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, sections 170 to 175, section 178, section 184 to the extent that it concerns subparagraph 2 of the first paragraph of section 36.5 of the Municipal Ethics and Good Conduct Act and sections 187 to 189;

(4) the following provisions, which come into force on the date that is 10 months after the date on which the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics takes office: sections 68, 93, 128 and 151, section 163 to the extent that it concerns subparagraph 1 of the second paragraph of section 5 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 166 to the extent that it concerns subparagraph 4.1 of the second paragraph of section 12 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 169 to the extent that it concerns the communication of information to the Autorité des marchés publics under the second paragraph of section 14 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 184 to the extent that it concerns subparagraph 3 of the first paragraph of section 36.5 of the Municipal Ethics and Good Conduct Act, and sections 226, 246 and 252;

(5) section 254, which comes into force on the date on which the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics takes office;

(6) the following provisions, which come into force on the date on which the vice-president assigned to matters relating to audits of municipalities and municipal bodies is designated under section 3 of the Act respecting the Commission municipale (chapter C-35): sections 109 to 111 and 113, section 114 to the extent that it concerns the first paragraph of section 85, sections 86 to 86.5, the third and fourth paragraphs of section 86.6 and sections 86.7 to 86.10 of the Act respecting the Commission municipale, and section 115;

(7) section 112, and section 114 to the extent that it concerns the second paragraph of section 85 of the Act respecting the Commission municipale, which come into force on 1 April 2019;

(8) section 51 to the extent that it concerns section 108.2.0.1 of the Cities and Towns Act, and section 105 to the extent that it concerns article 966.2.1 of the Municipal Code of Québec, which come into force on 1 January 2020;

(9) section 114 to the extent that it concerns the first and second paragraphs of section 86.6 of the Act respecting the Commission municipale, which comes into force on 1 April 2020.