

Gouvernement du Québec

O.C. 1231-2018, 15 August 2018

An Act respecting the Ministère des Transports
(chapter M-28)

Ministère des Transports
— **Signing of certain deeds, documents or writings**

Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports

WHEREAS, under the first paragraph of section 7 of the Act respecting the Ministère des Transports (chapter M-28), no deed, document or writing is to bind the department or be attributed to the Minister unless signed by the Minister, the Deputy Minister or a functionary but, in the case of such functionary, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS, under the second paragraph of section 7 of the Act, the Government may, however, on the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines;

WHEREAS, under the third paragraph of section 7 of the Act, the Government may also allow a facsimile of the required signature to be engraved, lithographed or printed on such documents as it determines and, in such case, the facsimile is to have the same force as the signature itself if the document is countersigned by a person authorized by the Minister;

WHEREAS, under section 12.9 of the Act, every regulation made under the Act comes into force ten days after its publication in the *Gazette officielle du Québec* or on any later date determined therein;

WHEREAS the Government made the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5);

WHEREAS it is expedient to replace the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT the Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports

An Act respecting the Ministère des Transports
(chapter M-28, s.7)

DIVISION I
GENERAL

1. Subject to other conditions that may be prescribed by law, members of the personnel of the department who hold the positions listed hereafter are authorized to sign alone and with the same authority as the Minister the deeds, documents or writings listed after their respective positions.

The same applies when those deeds, documents or writings are signed by a person authorized in writing to perform the duties on an interim or temporary basis or as a temporary replacement.

2. Hierarchical superiors of the persons referred to in this Regulation are also authorized to sign the deeds, documents or writings that those persons are authorized to sign.

3. The Québec sales tax (QST) and the goods and services tax (GST) or, where applicable, the harmonized sales tax (HST) are not included in the amounts provided for in this Regulation.

4. For the purposes of sections 5 to 11, a rider to a contract is considered as a contract itself and the capacity to sign it is determined according to its amount.

DIVISION II
POWERS OF AN ASSOCIATE DEPUTY MINISTER, AN ASSISTANT DEPUTY MINISTER, A SENIOR DIRECTOR GENERAL, A DIRECTOR GENERAL AND AN ASSISTANT DIRECTOR GENERAL

5. An associate deputy minister or an assistant deputy minister is authorized to sign, for his or her sector of activities, any deed, document or writing regardless of the amount involved, except the following documents:

(1) a contract for services, other than legal services, the amount of which exceeds \$15 million;

(2) a supply contract the amount of which exceeds \$25 million;

(3) a construction contract the amount of which exceeds \$25 million.

6. A senior director general, a director general or an assistant director general is authorized to sign, for his or her sector of activities, the following documents:

(1) a services contract the amount of which does not exceed \$3 million, except a legal service contract that may be signed regardless of the amount involved;

(2) a supply contract the amount of which does not exceed \$2 million;

(3) a construction contract the amount of which does not exceed \$15 million;

(4) a contract for the alienation of movable property the amount of which does not exceed \$2 million;

(5) a contract granting a concession to operate a property or service the amount of which does not exceed \$2 million;

(6) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$2 million;

(7) an agreement or a contract pertaining to the granting of subsidies the amount of which does not exceed \$5 million;

(8) a document related to the issue, revocation or renewal of a permit, an authorization or an approval;

(9) a loan by-law of less than 12 months;

(10) any other deed, document or writing not involving a financial commitment or the amount of which does not exceed \$1 million;

(11) a transfer, to the Government of Canada, of the administration or other rights of immovable property and acceptance of a management and control transfer or of other rights.

DIVISION III

POWERS OF A DIRECTOR, AN ASSISTANT DIRECTOR, A SERVICE HEAD AND A DIVISION HEAD

7. A director is authorized to sign, for his or her sector of activities, the following documents:

(1) a services contract the amount of which does not exceed \$1 million, except a legal service contract that may be signed regardless of the amount involved;

(2) a supply contract the amount of which does not exceed \$1 million;

(3) a construction contract the amount of which does not exceed \$10 million;

(4) a contract for the alienation of movable property the amount of which does not exceed \$1 million;

(5) a contract granting a concession to operate a property or service the amount of which does not exceed \$1 million;

(6) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$1 million;

(7) a lease or a loan for use;

(8) an agreement the amount of which does not exceed \$500,000;

(9) an agreement or a contract pertaining to the granting of subsidies the amount of which does not exceed \$1 million;

(10) an occupancy agreement with the Société québécoise des infrastructures;

(11) an approval document of a municipal by-law under section 627 of the Highway Safety Code (chapter C-24.2) related to the means or systems of vehicular transport under the jurisdiction of the Commission des transports du Québec, vehicle construction, heavy vehicle traffic, the traffic of vehicles carrying dangerous substances or the use of vehicles elsewhere than on public highways;

(12) a notarized deed of acquisition or alienation of property, including the preliminary contract, and any transfer document made under section 11.5.1 of the Act respecting the Ministère des Transports (chapter M-28);

(13) a transfer of authority or administration of immovable property to a Minister of the Gouvernement du Québec;

(14) a document required in the case of a claim or dispute;

(15) a document required under sections 149 to 165 of the Act respecting land use planning and development (chapter A-19.1);

(16) a document relating to the changing of a speed limit or the installation of a traffic sign changing the speed limit in accordance with section 303.1 or 329 of the Highway Safety Code.

8. An assistant director, a service head or a division head is authorized to sign, for his or her sector of activities, the following documents:

(1) a contract for services, other than legal services, the amount of which does not exceed \$100,000;

(2) a technical services contract the amount of which does not exceed \$1 million;

(3) a supply contract for granular materials the amount of which does not exceed \$200,000;

(4) any other supply contract the amount of which does not exceed \$100,000;

(5) a construction contract the amount of which does not exceed \$100,000;

(6) a contract for the alienation of movable property the amount of which does not exceed \$100,000;

(7) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$100,000;

(8) a road permit;

(9) a permission for occupancy on immovable property granted by the Minister or in the Minister's favour;

(10) a notarized deed of acquisition or alienation of property, including the preliminary contract, the amount of which does not exceed \$100,000 and any transfer document made under section 11.5.1 of the Act respecting the Ministère des Transports (chapter M-28);

(11) a document required under an extracontractual claim the amount of which does not exceed \$5,000.

DIVISION IV **POWERS OF OTHER MEMBERS** **OF THE PERSONNEL**

9. A head of operations is authorized to sign, for his or her sector of activities, the following documents:

(1) a contract for services, other than legal services, the amount of which does not exceed \$25,000;

(2) a technical services contract the amount of which does not exceed \$1 million;

(3) a supply contract for granular materials the amount of which does not exceed \$200,000;

(4) a supply contract concerning the removal of natural materials the amount of which does not exceed \$100,000;

(5) any other supply contract the amount of which does not exceed \$25,000;

(6) a construction contract the amount of which does not exceed \$100,000;

(7) a contract for the alienation of movable property the amount of which does not exceed \$25,000;

(8) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$25,000;

(9) an authorization granting access to a road;

(10) an authorization for special events;

(11) a management permit;

(12) a document related to the issue or approval of an advertising permit issued under section 7 of the Roadside Advertising Act (chapter P-44);

(13) an authorization for the installation of a signal, a sign, an indication or a device on a public highway maintained by the Minister.

10. A service manager of the Centre de gestion de l'équipement roulant or a regional operations manager of the Centre de gestion de l'équipement roulant is authorized to sign, for his or her sector of activities, the following documents:

(1) a contract for services, other than legal services, the amount of which does not exceed \$25,000;

(2) a supply contract the amount of which does not exceed \$25,000;

(3) a construction contract the amount of which does not exceed \$25,000;

(4) a contract for the alienation of movable property the amount of which does not exceed \$25,000;

(5) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$25,000.

11. A person responsible for supplies, a department manager of the Centre de gestion de l'équipement roulant or an employee of the Centre de gestion de l'équipement roulant assigned to machine shops is authorized to sign, for his or her sector of activities, the following documents:

(1) a technical services contract the amount of which does not exceed \$5,000;

(2) a supply contract the amount of which does not exceed \$5,000.

DIVISION V TERMS AND CONDITIONS OF SIGNING

12. The signature of the Minister of Transport may be affixed by means of an automatic device on the special permits issued under sections 463 and 633 of the Highway Safety Code (chapter C-24.2) or a facsimile of that signature may be engraved, lithographed or printed on those permits.

DIVISION VI FINAL

13. This Regulation replaces the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5).

14. This Regulation comes into force on the tenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1238-2018, 17 August 2018

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

Fees for certain legal services rendered to bodies of the Government

Certain service contracts of public bodies —Amendment

Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies

WHEREAS, under paragraphs 1 and 7 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may, on the recommendation of the Conseil du trésor, make regulations on the matters set forth therein with respect to service contracts of public bodies;

WHEREAS, under section 23.1 of the Act, the Government may, if of the opinion that the public interest requires it and on the recommendation of the Conseil du trésor, enact a regulation relating to any of the objects set out in section 23 of the Act when the objects relate to a contract of a body described in section 7 of the Act;

WHEREAS, under section 24 of the Act, the conditions for contracts and the cases in which contracts are subject to authorization under the first paragraph of section 23 may vary in respect of all contracts, certain categories of contracts or certain contracts entered into by a public body or by a category of public bodies designated by regulation;

WHEREAS the Government made the Tariff of fees for professional services provided to the Government by advocates or notaries (chapter C-65.1, r. 11), which provides in particular the methods of payment of fees, the maximum hourly rate that may be paid to an advocate or a notary based on experience, and the rules applicable to the reimbursement of expenses and expenditures incurred;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation