

(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*.

103679

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

respecting certain service contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 9 May 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS, in accordance with sections 23 and 23.1 of the Act respecting contracting by public bodies, the recommendation of the Conseil du trésor was obtained;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor:

THAT the 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, attached to this Order in Council, be made.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

## **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**

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1 and 7, ss. 23.1 and 24)

### **CHAPTER I SCOPE AND INTERPRETATION**

**1.** Subject to the second paragraph, this Regulation applies to any contract for legal services provided by an advocate or notary to a public body subject to the Act respecting contracting by public bodies (chapter C-65.1), or to a body described in section 7 of the Act, except the bodies listed in Schedule I, regardless of the contract's amount.

This Regulation does not apply to a contract that was the subject of a call for tenders soliciting a price.

**2.** In this Regulation,

(1) “advocate” means a member of the Barreau du Québec;

(2) “notary” means a member of the Chambre des notaires du Québec;

(3) “body” means a public body subject to the Act respecting contracting by public bodies or a body described in section 7 of the Act, except the bodies listed in Schedule I.

### **CHAPTER II ESTABLISHMENT OF FEES**

#### **DIVISION I GENERAL**

**3.** The fees of the advocate or notary are established, as the body may choose, on the basis of one of the following methods or a combination thereof:

- (1) the hourly rate method;
- (2) the percentage method;
- (3) the lump-sum method.

#### **DIVISION II HOURLY RATE METHOD**

**4.** The hourly rate method consists in computing the advocate's or notary's fees in relation to the time devoted to performing the contract by the advocate or notary and, if applicable, the persons who are requested by the advocate or notary to collaborate in the contract by reason of their position.

The hourly rates applicable to determine the fees vary according to the position, class and experience of each person working to perform the contract and may not exceed those provided for in Schedule II.

#### **DIVISION III PERCENTAGE METHOD**

**5.** The percentage method consists in computing the advocate's or notary's fees for the performance of a contract for the recovery of an amount, according to a percentage of the amount obtained.

The percentage is agreed upon between the parties to the contract or set by the body. In the latter case, in the case of a public body, the percentage must be set before the public body solicits the services of an advocate or notary pursuant to section 23 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4).

#### **DIVISION IV LUMP-SUM METHOD**

**6.** The lump-sum method consists in determining the advocate's or notary's fees according to a lump sum, which is computed from an estimate of the number of hours required to perform the contract, on the basis of the hourly rates provided for in Schedule II.

The lump sum is agreed upon between the parties to the contract or set by the body. In the latter case, in the case of a public body, the lump sum must be set before the public body solicits the services of an advocate or notary pursuant to section 23 of the Regulation respecting certain service contracts of public bodies.

The lump sum may include all or part of the expenses provided for in Chapter III which would be otherwise reimbursed in addition to the fees.

**7.** Where the lump-sum method is used, the contract must specify the services to be rendered, the expected results and the planned timetable.

#### **CHAPTER III REIMBURSEMENT OF EXPENSES**

**8.** Only the expenses, including travelling expenses, that are required to perform the contract and are authorized by the body may be reimbursed to the advocate or notary.

**9.** Expenses, including travelling expenses, are reimbursed on the terms and conditions stipulated in the contract, subject to the following and, where applicable, to what is provided for in section 10:

(1) the reimbursement must exclude the amount of taxes eligible for a refund or a credit to which the advocate or notary is entitled under a fiscal law;

(2) the reimbursement of expenses incurred by the advocate or notary to hire an external expert to assist in the performance of the contract is conditional on the prior written acceptance of the body;

(3) the body determines the supporting documents to be provided by the advocate or notary.

**10.** In the case of a contract of a public body referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act respecting contracting by public bodies, travelling expenses incurred for the performance of the contract by the advocate or notary and, if applicable, the persons who are requested by the advocate or notary to collaborate in the contract by reason of their position are reimbursed in accordance with the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics made by the Conseil du trésor (C.T. 212379, 2013-03-26 and its amendments).

**11.** The body may elect to reimburse all or part of the expenses, including travelling expenses, according to a lump sum determined from an estimate of the expenses that would be reimbursed pursuant to the rules of this Chapter. If applicable, sections 8 to 10 apply to any expense that is not included in the lump sum.

#### **CHAPTER IV PAYMENT**

**12.** An advocate or notary is paid according to the progress of the work covered by the contract following the presentation of his or her bill of fees and expenses on a monthly basis or at another frequency stipulated in the contract.

A public body referred to in subparagraph 1 of the first paragraph of section 4 of the Act respecting contracting by public bodies may not pay the fees indicated in the bill before they are approved by the Minister of Justice.

#### **CHAPTER V MISCELLANEOUS, TRANSITIONAL AND FINAL**

**13.** Section 36 of the Regulation respecting certain service contracts of public bodies is amended

(1) by striking out "or 2";

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

"The consent mentioned in the first paragraph, given prior to entering into the legal service contract pertains to the choice of advocate or notary and to the fees that will be granted to him or her pursuant to the 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 made by Order in Council 1238-2018 dated 17 August 2018."

**14.** The parties to a legal service contract entered into before 13 September 2018 and in respect of which the Conseil du trésor authorized, pursuant to the second paragraph of section 25 of the Act respecting contracting by public bodies, an hourly rate greater than what is provided by the Tariff of fees for professional services provided to the Government by advocates or notaries (chapter C-65.1, r. 11) may, despite the decision by the Conseil du trésor, agree on a new hourly rate applicable to legal services provided under that contract after 12 September 2018 to the extent that the new rate does not exceed the rates provided for in Schedule II to this Regulation.

**15.** This Regulation replaces the Tariff of fees for professional services provided to the Government by advocates or notaries.

**16.** This Regulation comes into force on 13 September 2018.

## SCHEDULE I (ss. 1 and 2)

### Excluded bodies

- Autorité des marchés financiers;
- Caisse de dépôt et placement du Québec;
- Hydro-Québec;
- Investissement Québec;
- Société des alcools du Québec;
- Société des loteries du Québec;
- Société Innovatech du Grand Montréal;
- Société Innovatech du sud du Québec;
- Société Innovatech Québec et Chaudière-Appalaches;
- Société Innovatech Régions ressources.

## SCHEDULE II (ss. 4 and 6)

### Hourly rates according to the position, class and experience of the person working on the performance of a legal service contract

POSITION and CLASS	EXPERIENCE <sup>1</sup>	MAXIMUM HOURLY RATE (\$)
ADVOCATE OR NOTARY		
— Class 4	More than 15 years	300
— Class 3	11 to 15 years	250
— Class 2	6 to 10 years	200
— Class 1	0 to 5 years	135
LIBRARIAN <sup>2</sup>		
— Class 4	More than 15 years	125
— Class 3	11 to 15 years	110
— Class 2	6 to 10 years	100
— Class 1	0 to 5 years	85
PARALEGAL		
— Class 4	More than 15 years	85
— Class 3	11 to 15 years	75
— Class 2	6 to 10 years	70
— Class 1	0 to 5 years	60

POSITION and CLASS	EXPERIENCE <sup>1</sup>	MAXIMUM HOURLY RATE (\$)
ARTICLING LAW STUDENT <sup>3</sup>	55	
LAW STUDENT		
— at the École du Barreau or university (master's degree in notarial law)		50
— university (undergraduate or other master's level)		45

### Notes

1. For an advocate or notary, the number of years of experience to be considered is the number of years on the roll of the Barreau du Québec or the Chambre des notaires du Québec; where applicable, the number of years on either of the rolls is cumulative. For a librarian or paralegal, the number of years of experience to be considered is the number of years worked in that capacity.
2. A librarian must hold a relevant master's degree, or a relevant bachelor's degree obtained before 1971, failing which the hourly rate applicable to his or her services is the rate for a paralegal, depending on the class corresponding to his or her experience.
3. Articling law students are future advocates and notaries who have completed their academic training and who serve an on-the-job training period under the supervision of an articling supervisor or applicants for admission to the profession of notary admitted to the professional training program provided for in Division II of the Règlement sur les conditions et modalités de délivrance des permis de la chambre des notaires du Québec (chapter N-3, r. 6.01).

103688

## M.O., 2018

### Order number 2018 011 of the Minister of Health and Social Service dated 15 August 2018

Funeral Operations Act  
(2016, chapter 1, ss. 17 and 66)

Regulation respecting certain information and documents of the funeral industry

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 17 of the Funeral Operations Act (2016, chapter 1), which provides in particular that a funeral services business licensee may advertise the business to the public as offering funeral services not specified in the licence, provided the services are offered through another funeral services business licensee and that the licensees must, as soon as a contract has been entered into with such a provider, inform the Minister, in the manner determined by the Minister;

CONSIDERING section 66 of the Act, which provides in particular that the Minister may, in addition to the documents required under that section, prescribe any other information necessary to transport a body and that the documents and information required under subparagraphs 2 and 3 of the first paragraph of that section must be given by a person determined by ministerial regulation;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 9 May 2018, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a draft Regulation respecting certain information and documents of the funeral industry with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING section 17 of the Regulations Act, which provides that a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made;

CONSIDERING that it is expedient to make the Regulation with amendment;