

Decisions

Decision 2162-2, 10 June 2021

Election Act
(chapter E-3.3)

CONCERNING the Regulation to amend the Regulation respecting contracts of the Chief Electoral Officer

WHEREAS, pursuant to section 488.1 of the Election Act (chapter E-3.3), the Chief Electoral Officer may, by regulation, determine the terms of the contracts the Chief Electoral Officer may enter into;

WHEREAS, on 11 November 2010, the Chief Electoral Officer adopted the Regulation respecting contracts of the Chief Electoral Officer;

WHEREAS the Office of the National Assembly approved, in decision number 1553-2 of 24 February 2011, the Regulation respecting contracts of the Chief Electoral Officer;

WHEREAS, on 1 September 2020, the Act respecting Infrastructures technologiques Québec (chapter I-8.4) came into force;

WHEREAS Infrastructures technologiques Québec acts as a cloud broker and makes cloud offerings available by type of good or service;

WHEREAS the Regulation respecting contracts of the Chief Electoral Officer includes no provisions allowing the Chief Electoral Officer to use the cloud brokerage services of Infrastructures technologiques Québec when entering into contracts by mutual agreement for the acquisition of cloud goods or services;

WHEREAS, on 12 May 2021, the Chief Electoral Officer adopted the Regulation to amend the Regulation respecting contracts of the Chief Electoral Officer in order to authorize the Chief Electoral Officer to enter into contracts by mutual agreement for cloud goods or services using the cloud brokerage services of Infrastructure technologiques Québec, and to provide a framework for entering into such contracts;

WHEREAS, pursuant to section 488.1 of the Election Act, that regulation comes into force on the date on which it is approved by the Office of the National Assembly and published in the *Gazette officielle du Québec*;

WHEREAS it is appropriate for the Office of the National Assembly to approve that regulation;

THE OFFICE HAS DECIDED:

THAT the Regulation to amend the Regulation respecting contracts of the Chief Electoral Officer, attached hereto, is approved;

THAT this decision and the Regulation to amend the Regulation respecting contracts of the Chief Electoral Officer, attached hereto, shall be published in the *Gazette officielle du Québec*.

FRANÇOIS PARADIS
President of the National Assembly

Regulation to amend the Regulation respecting contracts of the Chief Electoral Officer

Election Act
(chapter E-3.3, section 488.1)

1. The Regulation respecting contracts of the Chief Electoral Officer (chapter E-3.3, r. 6.1) is amended by inserting the following division after section 58:

“DIVISION III “CONTRACTS FOR THE ACQUISITION OF CLOUD GOODS OR SERVICES

“**58.1.** A contract for the acquisition of cloud goods or services may be entered into by mutual agreement with a supplier or a service provider, following an interest call issued by Infrastructures technologiques Québec, to the extent that a framework agreement has been entered into with the supplier or service provider and provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract does not exceed three years, including any renewal;

(3) the supplier or service provider retained by the Chief Electoral Officer is the one who offers the most advantageous goods or services; and

(4) the goods or services referred to in the framework agreement take into account the applicable criteria related to security, levels of services and compliance.

The most advantageous good or service is determined

(1) based on the price only; or

(2) after authorization from the Chief Electoral Officer himself, based on one or more than one criteria related to the object of the contract, such as technological compatibility, accessibility of the goods or services, performance and technical assistance.”

2. This regulation comes into force on 10 June 2021.

Adopted in Québec, 12 May 2021.

The Chief Electoral Officer

PIERRE REID

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