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## Draft Regulations

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### Draft Regulation

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

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics  
(2022, chapter 18)

Act respecting the Autorité des marchés publics  
(chapter A-33.2.1)

#### **Fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics, appearing below may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation follows the assent of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18) on 2 June 2022.

The draft Regulation determines the fees payable by an enterprise for obtaining or renewing the authorization to contract required under section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1). It also sets the fees payable by an enterprise for an application for an examination of integrity filed under section 21.5.1 of the Act by an unauthorized enterprise that has become ineligible.

The draft Regulation introduces a division for the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics on an enterprise responsible for any of the failures to comply described in section 27.15 of the Act.

In addition, the draft Regulation identifies the amount of the recovery charge that may be claimed from an enterprise to which the Autorité des marchés publics has issued a recovery certificate in accordance with section 27.31 of the Act.

The draft Regulation has no impact on the public. It should have no negative impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Mtre. Chantal Hamel, Director, Direction des affaires juridiques et du contentieux, Autorité des marchés publics, 525, boulevard René-Lévesque Est, bureau 1.25, Québec (Québec), G1R 5S9; telephone: 418 646-1560; fax: 1 800 885-0223; email: chantal.hamel@amp.quebec.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mtre. Chantal Hamel at the above contact information.

SONIA LEBEL

*Minister Responsible for Government Administration  
and Chair of the Conseil du trésor*

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**Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics**

Act respecting contracting by public bodies (chapter C-65.1, s. 21.23, 2nd par.)

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18, ss. 10, 36 and 54)

Act respecting the Autorité des marchés publics (chapter A-33.2.1, s. 84)

**CHAPTER I  
FEES PAYABLE**

**1.** The fee payable by an enterprise applying to the Autorité des marchés publics for authorization under section 21.23 of the Act respecting contracting by public bodies (chapter C-65.1), hereinafter referred to as the Act, is \$499.

The fee payable by an enterprise applying for renewal of the authorization under section 21.41 of the Act is \$250.

An amount of \$250 is also payable by the enterprise for each person or entity that is being audited under Chapter V.1 of the Act.

**2.** The fee payable by an enterprise filing an application for examination of its integrity under section 21.5.1 of the Act is \$115.

**3.** The fees are not refundable.

**4.** The fees are adjusted, on 1 January each year, according to the rate of increase in the Consumer Price Index for Canada for the period ending on 30 September of the preceding year, as established by Statistics Canada. The adjusted fees and charges are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The result of the annual adjustment is published every year in the *Gazette officielle du Québec*.

**CHAPTER II  
MONETARY ADMINISTRATIVE PENALTIES**

**DIVISION I  
AMOUNTS OF PENALTIES**

**5.** A monetary administrative penalty of \$5,000 in the case of a sole proprietorship and \$10,000 in any other case may be imposed on an enterprise

(1) that submits a bid for a public contract or subcontract or enters into such a contract or subcontract although it is ineligible, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act;

(2) that, in the course of the performance of a public contract with a public body or a body referred to in section 7 of the Act, enters into a public subcontract with an enterprise that is ineligible, unless permission is given to enter into that subcontract under section 25.0.3 of the Act.

**6.** A monetary administrative penalty of \$3,500 in the case of a sole proprietorship and \$7,000 in any other case may be imposed on an enterprise

(1) that submits a bid for a public contract or subcontract or enters into such a contract or subcontract, although it does not hold the required authorization to contract, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act;

(2) that, in the course of the performance of a public contract with a public body or a body referred to in section 7 of the Act, enters into a public subcontract with an enterprise that does not hold the required authorization to contract, unless permission is given to enter into that subcontract under section 25.0.3 of the Act.

**7.** A monetary administrative penalty of \$1,000 in the case of a sole proprietorship and \$2,500 in any other case may be imposed on an enterprise whose authorization to contract expires while it is in the process of performing a public contract or subcontract for which such an authorization is required.

**8.** A monetary administrative penalty of \$1,000 in the case of a sole proprietorship and \$2,000 in any other case may be imposed on an enterprise that, while a party to a public contract or subcontract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required in accordance with the second paragraph of section 21.12, the first paragraph of section 21.41.1 or section 21.48.8 of the Act.

**9.** A monetary administrative penalty of \$1,500 in the case of a sole proprietorship and \$4,000 in any other case may be imposed on an enterprise

(1) that, while a party to a public contract or subcontract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required as part of an update made under a regulation governing the terms relating to the updates made under section 21.40 of the Act, in accordance with that regulation and section 21.40 of the Act, as the case may be;

(2) that, while a party to a public contract or subcontract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required in accordance with section 21.48.9 of the Act;

(3) that fails to submit to an oversight or monitoring measure imposed on it by the Authority under Chapter V.1 of the Act or, where the measure was applied by the Authority, fails to pay to it the costs of such a measure.

**10.** A monetary administrative penalty of \$500 in the case of a sole proprietorship and \$1,000 in any other case may be imposed on an enterprise that fails or refuses to confirm the authenticity of documents or the veracity of information communicated to the Authority in accordance with the third paragraph of section 21.48.9 of the Act.

## DIVISION II RECOVERY CHARGE PAYABLE

**11.** The debtor of a recoverable amount is required to pay a recovery charge of

(1) \$50 for the recovery certificate filed at the office of the competent court under section 27.33 of the Act;

(2) \$175 for each measure for securing a claim taken under Title Three of Book Six of the Civil Code and for each execution measure taken under Book VIII of the Code of Civil Procedure (chapter C-25.01).

The charges are part of the recoverable amount.

## CHAPTER III FINAL PROVISIONS

**12.** This Regulation replaces the Fee related to an application for authorization filed by an enterprise with the Autorité des marchés publics for public contracts and subcontracts (chapter C-65.1, r. 7.2).

**13.** This Regulation comes into force on 2 June 2023.

## Draft Regulation

Highway Safety Code  
(chapter C-24.2)

### Towing and impounding charges for seized road vehicles and threshold for the value of unclaimed seized road vehicles

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the towing charges for road vehicles seized under the Highway Safety Code (chapter C-24.2) in order to better reflect the cost of towing operations. It also determines the daily charges payable for the impounding of such vehicles. Lastly, it determines the threshold for the value of unclaimed seized road vehicles used to determine the method and procedure for the disposal of those vehicles.

The draft Regulation has an impact on offenders since the increase of the towing charges will be charged directly to them. As for the impact on enterprises, including small and medium-sized businesses, the increase of the towing charges will result in an increase of revenue for enterprises in the towing industry.

Further information on the draft Regulation may be obtained by contacting Isabelle Lombardo, Acting Director, Direction du conseil et des orientations en accès sécuritaire, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-3-10, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-3333, extension 81669; email: [isabelle.lombardo@saaq.gouv.qc.ca](mailto:isabelle.lombardo@saaq.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; email: [nadia.fournier@saaq.gouv.qc.ca](mailto:nadia.fournier@saaq.gouv.qc.ca). The comments will be sent by the Société de l'assurance automobile du Québec to the Minister of Transport and Sustainable Mobility.

GENEVIÈVE GUILBAULT  
*Minister of Transport and Sustainable Mobility*