

Replacement Regulations

Gouvernement du Québec

O.C. 195-2023, 8 March 2023

Replacement of certain Orders in Council

WHEREAS, under the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapter J-1.1), in the case of a regulation or other instrument of a legislative nature which was required to be published in French and in English and was not, the authority empowered to adopt, issue or publish the instrument, as the case may be, may replace the instrument with a text which reproduces it, without amendment, this time in French and in English, and once the text is published in the *Gazette officielle du Québec*, each provision of the text may have effect on the same date as that provided for the corresponding provision of the replaced instrument;

WHEREAS the Government made the Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs by Order in Council 1235-87 dated 12 August 1987, and the Regulation came into force on 26 August 1987;

WHEREAS the Government made the Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs by Order in Council 1448-93 dated 20 October 1993, and the Regulation came into force on 18 November 1993;

WHEREAS the Government made the Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs by Order in Council 194-2023 dated 8 March 2023, and the Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to replace those Orders in Council by texts that reproduce them;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT Order in Council 1235-87 dated 12 August 1987, enacting the Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs, be replaced by the text of Schedule I to this Order in Council and have effect from 26 August 1987;

THAT Order in Council 1448-93 dated 20 October 1993, enacting the Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs, be replaced by the text of Schedule II to this Order in Council and have effect from 18 November 1993;

THAT Order in Council 194-2023 dated 8 March 2023, enacting the Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs, be replaced by the text of Schedule III to this Order in Council and have effect from the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

YVES OUELLET

Clerk of the Conseil exécutif

SCHEDULE I

Engineers' Fees (Services to Government) Regulation

WHEREAS, under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may make regulations respecting the conditions of contracts made in the name of Her Majesty, and may determine in what cases such contracts are subject to approval either by the Government, or by the Conseil du trésor;

WHEREAS the Government made the Tariff of fees for professional services supplied to the Government (R.R.Q., 1981, c. A-6, r. 30);

WHEREAS Division III of the Tariff no longer meets present needs and it is expedient to replace it by a new regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister delegated to Administration and Chairman of the Conseil du trésor and the Minister of Finance:

THAT the Engineers' Fees (Services to Government) Regulation, attached to this Order in Council, be made.

Engineers' Fees (Services to Government) Regulation

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

DIVISION I SCOPE AND INTERPRETATION

1. Unless otherwise provided by a law or a regulation, this Regulation applies to Government departments and bodies whose budget is voted by the National Assembly.

2. In this Regulation, unless otherwise indicated by the context:

“auxiliary staff” means the staff of the firm other than the professional and technical staff; it includes typists, technical assistants, chainmen, rodmen and polemen (*personnel auxiliaire*);

“client” means the department or body to which a firm supplies professional services (*propriétaire*);

“engineer” means a member of the Ordre des ingénieurs du Québec or a holder of a temporary permit issued by the Order practising as an engineer in the private sector (*ingénieur*);

“firm” means an engineer who carries on business individually under the engineer’s own name or under a firm name, as well as a partnership and a corporation (*firme*);

“lead engineer” means the engineer designated by the firm to manage, coordinate and supervise the engagement, a role which may be carried out by different engineers during the engagement (*patron*);

“support staff” means the staff employed by the firm on a daily basis, other than the professional, technical or auxiliary staff; it includes weighmen, tallymen, clerks and lumberjacks (*personnel de soutien*).

DIVISION II GENERAL

3. For purposes of this Regulation, professional services supplied by a firm are classified as provided for in this Division.

§1. Advisory services

4. Advisory services include consultations, advice, reports, estimates, evaluations, inspections, tests and other services related to the compilation, analysis, evaluation and interpretation of data and information, for the purpose of drawing conclusions and making specialized recommendations.

§2. Preparatory studies

5. Preparatory studies are used as the basis for a design and for conclusions or recommendations related to the carrying out of the project when, in the client’s opinion, the project requires such studies.

They consist of research, exploration, surveys, detailed programs, measurement of the area of land involved in a program, analysis of conditions of possible solutions, economic studies and studies of development costs and surveys of existing works.

§3. Preliminary plans and specifications

6. The preliminary plans and specifications consist of a graphical presentation of the complete program provided by the client. The services include the following in particular:

- (1) the preparation and presentation of preliminary plans and summary specifications;
- (2) the preparation of cost estimates for the work based on the divisions of the specifications;
- (3) a report explaining the design and the proposed technical solution.

§4. Final plans and specifications

7. The final plans and specifications are prepared after the firm has determined under the preceding section the basis for the final technical solution and the client has received it and formally approved it in writing within the prescribed time.

The services include

- (1) the preparation of construction drawings, detailed drawings, the statement of work and descriptive specifications connected to the firm’s area of specialization and needed for the tender and construction;
- (2) the preparation of the general statement of work when the project falls entirely within the firm’s area of specialization;

(3) the preparation of the other documents needed to issue a call for tenders;

(4) the preparation of the schedule of requirements with estimated unit prices for the work where it is customary to apply unit prices;

(5) the review of the cost estimates for the work prepared at the preliminary phase, based on the divisions of the specifications; and

(6) the issuing of addenda, the analysis of the tenders and the formulation of appropriate suggestions.

§5. Services during construction

8. Services during construction include those rendered in the office and on the worksite. They include

(1) the preparation of large-scale drawings of details that could not be foreseen during the preparation of the final plans and specifications, but that are required for construction purposes;

(2) the preparation of notices of changes and negotiations concerning them;

(3) advice to the client on technical problems arising during the construction;

(4) the verification of workshop drawings and manufacturer's drawings to see that they are in compliance with the plans and specifications, in order to make recommendations to the client;

(5) correspondence regarding construction work;

(6) the verification of substitute materials, in order to make recommendations to the client;

(7) depending on the frequency demanded by progress on the worksite, periodic visits to the worksite in order to make sure that the general progress of the work, its execution, and the quality of the materials and workmanship are in compliance with the requirements of the contractual documents, these visits not necessarily implying qualitative, quantitative, thorough and continuous checking;

(8) on the basis of observations made during periodic visits to the worksite, information to the client about the progress of the work and defects or deficiencies noted in the work of the contractor, and orders for the redoing of work considered not to be in compliance with the contractual documents;

(9) notices to the contractor about the interpretation of plans and specifications;

(10) the drawing up of minutes of meetings at the worksite and meetings with the client;

(11) for a construction contract with a lump sum price, the checking of requests for payment and the issuance of certificates for recommendation of partial and final payments;

(12) the supervision oversight of operating tests on the machinery and apparatus installed to determine whether they meet the warranties for capacity and performance, for the elements in the firm's area of specialization; and

(13) written recommendations to the client regarding the issuance of provisional and final notices of acceptance of the work.

§6. Special services

9. Special services consist of any additional work related to the project requested in writing by the client. In particular they include

(1) the preparation of a heat budget;

(2) the preparation of manuals for maintenance and operation of the facility;

(3) assistance for the commissioning of the facility when the firm does not provide worksite services;

(4) training for the technical staff members assigned to operation;

(5) the assignment of permanent staff on the worksite;

(6) designs, in the form of sketches or plans, and the specifications used to prepare the notices of change required by the client;

(7) for general engineering engagements, final inspection and oversight of operating tests for the machinery and apparatus installed to determine whether they meet the warranties for capacity and performance;

(8) services relating to the handing over to the client, at the end of the work, of a copy of the original drawings, on sensitized film, revised to show the works as constructed; and

(9) any other services not provided for in sections 4 to 8.

DIVISION III

METHODS OF PAYMENT OF FEES

10. For the purposes of this Regulation, fees may be paid using

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

§1. Hourly method

11. The hourly method involves payment for the time worked by staff members of the firm on the engagement, excluding the services provided by secretarial staff.

Despite the first paragraph, the time spent on typing final specifications and technical reports directly related to the engagement is not considered as a secretarial service; in such case, the staff assigned to that work is remunerated on the basis of the hourly rate for auxiliary staff.

12. Subject to section 11, the hourly method may be used for any of the services provided by the firm. Use of this method must however be limited, and the government department or body must, before awarding a contract, evaluate the qualifications required for the staff and estimate, based on the classification of the staff, the number of hours required to complete the engagement.

13. The procedures for the hourly method are as follows:

- (1) the staff assigned to the engagement and their qualifications for purposes of remuneration must have been accepted in writing by the client before the beginning of work on the task;
- (2) the basic hourly rate for each member of the firm's staff other than the lead engineer must be based on the annual basic salary paid to the staff member, divided by 1,730; the rate may not exceed the maximum hourly rates set by the Conseil du trésor in accordance with the classification to which the staff member belongs;

The basic hourly rate is multiplied by a percentage of 150% to take direct and indirect costs and profit into account.

Despite the preceding paragraph, the percentage applied to the basic hourly rate is 120% for staff members assigned permanently to the worksite and 75% for support staff;

(3) the hourly rate for the lead engineer is a fixed hourly rate set by the Conseil du trésor in accordance with the classification to which the lead engineer belongs;

(4) if the firm assigns staff of a higher classification to duties that normally are performed by staff of a lower classification, the hourly rate applicable in such case is the rate corresponding to the classification for the duty;

(5) any professional, other than an engineer, who is a member of the staff of the firm, and whose participation in the project is approved by the client, receives the same hourly rate as an engineer.

14. Firms must record daily the number of hours, to the nearest half hour, worked on each task and the use that the staff made of the time.

15. Overtime is not reimbursed, except on written authorization from the client. In such case, where a member of the staff of the firm works more than 44 hours in a week on a single engagement, the payment of overtime exceeding the normal workweek of 44 hours is calculated at the hourly rate paid for the normal working hours, increased by the applicable percentage, and again increased by 25%.

§2. Lump sum method

16. The lump sum method involves the payment of a lump sum negotiated between the client and the firm engaged. The sum is estimated on the basis of the number of hours considered necessary for carrying out the engagement, on the basis of the rates provided for the hourly method, or on the basis of a percentage of the cost of the work or the budget forecast.

17. The lump sum method may be used for any services provided by the firm.

18. Where the lump sum method is used, the engagement must be explicit and precise in terms of the services to be provided, the results expected and the proposed timetable.

§3. Percentage method

19. The percentage method involves paying the firm fees as a percentage of the estimated cost of the work, as determined in the contract, for the preparation of the preliminary plans and specifications, of any revised estimated cost for the final plans and specifications, and of the actual cost of the work for services provided during construction.

20. For the purposes of the percentage method, engineering work must be classified using the groups and classes in the Schedule.

The purpose of the works as a whole, rather than of one of its components, must be taken into consideration for the classification.

Types of works not listed in the Schedule must be placed in the class to which they are most similar, and the choice of the class must be made by agreement between the client and the firm.

21. For the purposes of this subdivision, “estimated cost of the work” and “actual cost of the work” means the total expenditure by the client for the completion of the work for which the firm provides professional services and for which it is responsible, including the cost of the fixed accessories required for occupation, overheads, administrative expenses, profits of the contractor and all applicable taxes.

Despite the preceding paragraph, if the client supplies labour or materials at prices lower than current prices, or if used materials are employed, the estimated or actual cost is that of all the materials and labour required to complete the work, as it would have been if all the materials employed had been new and the labour had been paid at the market price at the time when the work was ordered.

22. The following are excluded from the “estimated cost of the work” or the “actual cost of the work”:

- (1) the fees or expenditures of the firms engaged for the project;
- (2) the cost of other work for which the preparation of the plans and specifications and the supervision of construction work were entrusted to other firms or to the client’s staff;
- (3) the cost of acquiring immovables;
- (4) the cost of demolishing buildings, except if included in the construction contract;
- (5) the cost of borings, tests, analyses, checking and supervision of materials;
- (6) the cost of moving public utilities carried out by their respective owners;
- (7) expenses resulting from errors or omissions by the firm;
- (8) the cost of works of art.

23. The estimated cost of the work may be revised at the time of approval of the preliminary and final plans and specifications, but may not exceed the estimated cost provided by the contract, unless it involves changes to the program specifically required by the client.

24. Where, following the opening of tenders, the lowest acceptable tender exceeds the revised estimated cost, the client may require that the firm revise wholly or partly, at its own expense, the plans and specifications, on condition that such requirement be specifically specified in the contract.

25. The fees payable must be calculated using the appropriate class in the grid of percentages established by the Conseil du trésor and must be allocated as follows: 75% for the services described in sections 6 and 7 and 25% for the services described in section 8.

26. If the client asks the firm to provide, during construction, only the services described in section 8 for work for which the plans and specifications were prepared by a third party, the fees are 35% of the fees calculated using the appropriate class in the grid of percentages established by the Conseil du trésor.

27. When the client proceeds with a new construction using plans and specifications previously used for another project for which the firm provided services, the fees for the first use are 15% of the fees calculated for the appropriate class in the grid of percentages established by the Conseil du trésor on the basis of the cost of the new construction. The fees for subsequent uses must be negotiated and may not exceed 15% of the fees calculated using the appropriate class in the grid of percentages established by the Conseil du trésor.

28. When the services to be provided by the firm concern work consisting solely or mainly of work to recycle, restore, enlarge or renovate a building, and when the client has no defined program, the fees for the preliminary plans and specifications phase may be paid using the hourly or lump sum method.

29. When the percentage method is used, the fees for travel time are reimbursed from the second hour onwards, in accordance with the rates established for the hourly method. In no case may the firm claim in travel time more hours than the hours usually prescribed for the daily work of its employees.

DIVISION IV **ELIGIBLE EXPENSES**

30. The client is required to reimburse only expenses prescribed by this Division, according to the following conditions and procedures.

§1. Expenses for printing plans and specifications

The expenses authorized by the client related to the printing of plans and specifications are reimbursed on the conditions prescribed by the contract.

When the lump sum or percentage method is used, the firm must supply at its expense up to 5 copies of all plans and specifications, printed on opaque paper, for the approval of the preliminary plans and specifications, and of the final plans and specifications. It must also supply, at its expense, a copy of the final plans on sensitized film, and a copy of the final specifications in a form that can be reproduced, for the purposes of calling for tenders.

§2. Communications expenses

The cost of long-distance calls and messenger services are reimbursed if they are incurred at the client's request.

§3. Travel expenses

Expenses authorized by the client related to travel undertaken by staff of the firm under the engagement may be reimbursed in accordance with the directives issued for that purpose by the Conseil du trésor.

§4. Data processing expenses

When the hourly method is used, specialized data processing operations, excluding office automation, required and authorized by the client, are reimbursed as follows:

(1) where the firm uses its own equipment, the method of reimbursement is the method prescribed by the contract;

(2) where the firm leases data processing services outside the firm, the cost of use of the equipment is reimbursed on submission of vouchers.

§5. Onsite expenses

For services provided permanently onsite, the firm is reimbursed for expenses authorized by the client related to the supply and maintenance of office facilities on the site and for the coverage of the special risks incurred, on submission of vouchers.

§6. Expenses related to the hiring of consultants

The client reimburses expenses incurred by the firm related to the hiring of consultants at cost, on submission of vouchers, on condition that the client gives prior authorization for the hiring in writing.

In such a case, the fees and expenses for the hiring of consultants may not exceed those prescribed by this Regulation.

These expenses may also be shared between the parties.

DIVISION V PAYMENT

31. The firm is paid on monthly submission of a statement of its fees and expenditures, once progress on the engagement has been taken into consideration.

32. Despite section 31, where the professional fees of the firm are established using the percentage method, they are paid in accordance with the following procedure:

(1) for the preliminary plans and specifications, the firm is paid, on monthly submission of its statement of fees and according to progress on the engagement, up to 30% of the fees indicated in the grid of percentages established by the Conseil du trésor, calculated using the appropriate class, taking as a base the estimated cost of the work;

(2) the firm is then paid proportionately to the completed part of its work up to 75% of the fees indicated in the grid of percentages established by the Conseil du trésor, calculated using the appropriate class, taking as a base the revised estimated cost of the work;

(3) for services rendered under section 8, the firm is paid proportionately to the completed part of its work up to 25% of the fees indicated in the grid of percentages established by the Conseil du trésor, calculated using the appropriate class, taking as a base the actual cost of the work.

The maximum amount of the fees set for each of the phases is payable only after the written approval of the client has been obtained for each phase, in accordance with the prescribed timetable.

DIVISION VI MISCELLANEOUS

33. Unless the client has specifically requested the firm to provide them as part of the services prescribed under section 5, the client must provide the firm with the following documents and information:

(1) a precise survey of the location indicating the public utilities supplying it and the other installations;

(2) exact plans and other relevant data on existing buildings or works having an effect on the work to be carried out;

(3) information in its possession that could affect the work to be carried out;

(4) a copy of the tenders and the contracts for the work for which the firm is responsible and a copy of all the certificates of payment and any final account related to the work, if the documents are not prepared by the firm;

(5) all correspondence relevant to the project.

34. If the engagement of the firm is abandoned or deferred wholly or in part by the client, the firm is paid proportionately for the services rendered, on submission of vouchers.

35. The engagement of a firm by the client must be recorded in a contract containing, in particular,

(1) a clause to the effect that the firm agrees to respect the procedures for applying the Government's purchasing policy;

(2) a clause forbidding the total or partial transfer of the contract without the written consent of the client;

(3) a clause setting the client's limit of financial liability;

(4) a clause providing for the establishment of a time-frame for the carrying out and approval of the engagement, which must be determined jointly between the parties and form an integral part of the contract; and

(5) a specific clause concerning engagements or work paid using the hourly method, stating that the client may inspect and verify the time registers and the accounts of expenditures of the firm at any time convenient to the parties, and that the firm must facilitate such inspections or verifications.

36. All drawings, study models, specifications and documents prepared by the firm are instruments of service for the carrying out of the work and remain the firm's property, whether the work is carried out or not. The client may not use them for other works, unless the firm has given its consent in writing, and is paid for that purpose in accordance with section 27.

37. During the carrying out of the work, the firm may, following in this respect the procedures stipulated in the contract, order or have carried out for the client's account, any emergency work or any that is necessary or advisable in the client's interest or for the protection of the public.

DIVISION VII

TRANSITIONAL AND FINAL

38. This Regulation applies to contracts for professional services made with a firm after the date of its coming into force.

39. Despite section 38, the client and the firm may agree to apply the provisions of this Regulation, on the date of its coming into force or at any later date, to a contract made before 26 August 1987; in such a case, the contract is governed by the whole of the Regulation and not only by certain parts of it.

40. Despite section 38, when the client and the firm agree to use the percentage method for a contract made before 26 August 1987 to replace the target cost method in the contract, the replacement may in no case result in the payment to the firm of fees for which the allocation to design and implementation exceeds 100%.

41. This Regulation replaces Division III comprising sections 24 to 45 and Schedule 2 to the Tariff of fees for professional services provided to the Government (R.R.Q., 1981, c. A-6, r. 30).

42. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE

CLASSIFICATION OF ENGINEERING WORK

GROUP 1: GENERAL ENGINEERING

Class I: bridges and viaducts, small dams (excluding hydrological studies), catchment basins, embankments and retaining walls, storm sewers and surface drainage systems, culverts and channel tubes, irrigation systems excluding pumping stations, domestic and industrial sewage systems, water distribution systems, highways and controlled-access expressways in rural surroundings, including interchanges and other related works, street and highway lighting, landing fields and small airports with minimum facilities;

Class II: tunnels, bridges and viaducts whose non-repetitive elements, curvature, skew, inclination and simple design are important factors, flood control works, retention basins, interceptor, relief and overflow sewers and separate sewer systems, locks, canals, wharves and harbours, streets, sidewalks, controlled-access expressways in urban surroundings including interchanges and other related works, site layout work for institutional,

industrial, commercial or sports complexes, including grading, landscaping, water and sewage systems, drainage, parking lots, roads, sidewalks and turfing, large airports with extensive facilities, food processing plants, mines, ore processing plants and foundries, diesel-electric generators under 1,000 kW capacity, railways and industrial assembly plants;

Class III: oxidation ponds, pumping stations, water purification plants, wastewater treatment plans, plans to treat industrial and household waste, gas turbine plants and diesel generators over 1,000 kW capacity, and material handling and conveying systems.

GROUP 2: BUILDINGS

SUBGROUP 1 — FOUNDATIONS AND STRUCTURES

Class I: foundations and structures for warehouses and large open structures of multiple bays, educational institutions without gymnasiums or auditoriums, hangars, public garages, machine shops, multi-family dwellings, row housing, duplexes, multiple housing complexes, reception centres, local community service centres and industrial buildings of a typical bay-construction;

Class II: foundations and structures for educational institutions with gymnasiums or auditoriums, hospitals, penitentiaries, office buildings, research laboratories, courthouses and museums.

SUBGROUP 2 — MECHANICAL AND ELECTRICAL WORK

Class I: non existent;

Class II: Conventional plumbing and heating, conventional lighting and power distribution, exhaust ventilation with simple ductwork, on all types of buildings.

Class III: Plumbing heating, lighting, power distribution and air conditioning work without ductwork on the following types of buildings: educational institutions, multiple housing complexes, reception centres, local community service centres, office buildings, penitentiaries and courthouses;

Class IV: Electrical and mechanical work for full ventilation systems, air conditioning with ductwork for induction and all-air systems, refrigeration, for all types of buildings.

Also applies to Class III mechanical and electrical work for the following types of buildings: hospitals, research laboratories and museums.

SCHEDULE II

Regulation to amend the Engineers' Fees (Services to Government) Regulation

WHEREAS, under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, on the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, made by a public body whose operating budget is voted wholly or in part by the National Assembly, or made by any other public body;

WHEREAS the Government made the Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs by Order in Council 1235-87 dated 12 August 1987;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Conseil du trésor has recommended the making of the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the Engineers' Fees (Services to Government) Regulation, attached to this Order in Council, be made.

Regulation to amend the Architects' Fees (Services to Government) Regulation

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The Engineers' Fees (Services to Government) Regulation, made by Order in Council 1235-87 dated 12 August 1987, is amended by inserting the following paragraphs after the first paragraph of section 25:

“The costs of the work in the grid of percentages includes taxes.

When calculating fees in accordance with the grid of percentages, a client exempted from certain taxes must, despite the first paragraph of section 21, add an amount equivalent to those taxes to the cost of the work.”

2. The following is inserted after section 40:

“40.1 The client and the firm may agree to apply the second and third paragraphs of section 25 to a contract in progress on 18 November 1993, but solely for the remuneration of the services referred to in section 8.”

3. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

SCHEDULE III

Regulation to amend the Engineers' Fees (Services to Government) Regulation

WHEREAS, under paragraph 1 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may, by regulation and on the recommendation of the Conseil du trésor, determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 or subparagraph 1 of the second paragraph of that section entered into by public bodies, for subcontracts related to such contracts or for any other contracts related to such contracts or subcontracts, including contract or subcontract management rules or procedures;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs was published in Partie 2 of the *Gazette officielle du Québec* dated 28 December 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 23 of the Act respecting contracting by public bodies, the Conseil du trésor has recommended the making of the Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Engineers' Fees (Services to Government) Regulation, attached to this Order in Council, be made.

Regulation to amend the Engineers' Fees (Services to Government) Regulation

Act respecting contracting by public bodies
(chapter C-65.1, s. 23, par. 1)

1. The Engineers' Fees (Services to Government) Regulation is amended by replacing the words "by the Conseil du trésor" wherever they appear in section 13 by "in Schedule I".

2. Section 20 is amended

(1) by replacing "the Schedule" in the first paragraph by "Schedule II";

(2) by replacing "the Schedule" in the third paragraph by "Schedule II".

3. The following is inserted after section 42:

“SCHEDULE I

(section 13)

MAXIMUM HOURLY RATES

CLASSIFICATION EXPERIENCE		FROM (insert the date of coming into force of this Regulation) TO (insert the date that is 9 months after the date of coming into force of this Regulation)		AS OF (insert the date that is 9 months after the date of coming into force of this Regulation)	
		MAXIMUM HOURLY RATE (\$)	FIXED HOURLY RATE OF LEAD ENGINEER(\$)	MAXIMUM HOURLY RATE (\$)	FIXED HOURLY RATE OF LEAD ENGINEER (\$)
ENGINEERS					
–Senior principal	Note 1	68.14	170.35	53.40	133.50
–Senior	10 years or more	59.46	148.72	46.60	116.55
–Intermediate	5 to 10 years	53.08	132.77	41.60	104.05
–Junior	0 to 5 years	43.64	109.03	34.20	85.45
TECHNICIANS, DRAFTSPERSONS					
–Principal	15 years or more	51.30		40.20	
–Senior	10 to 15 years	40.83		32.00	
–Intermediate	5 to 10 years	34.58		27.10	
–Junior	0 to 5 years	29.73		23.30	
–Auxiliary staff	n/a	23.61		18.50	
–Support staff	n/a	23.61		18.50	

Note 1: The hourly rate applicable to this class is reserved for engineers who perform duties involving a very high degree of responsibility for the firm, characterized by highly technical content. Such engineers generally coordinate and manage one or more of the specialties offered by the firm. The duties must be entrusted to professionals with at least fifteen years' experience.

Note 2: The maximum hourly rates apply, as of the date indicated in the table, to the fees under a contract in progress. With respect to fees for which payment is made according to the lump-sum method on the basis of the rates set out in the hourly rate method where a contract is in progress, the rates apply as of the date on which an agreement resulting from a negotiation referred to in section 16 and continue to apply until the end of the agreement. This note applies despite any stipulation to the contrary in the contract.”

4. The Schedule is amended by replacing the word “SCHEDULE” by “SCHEDULE II”.

TRANSITIONAL AND FINAL

5. For a contract entered into after 22 November 2022, the maximum hourly rates in force on *(insert the date of coming into force of this Regulation)* apply, as of that date, with respect to fees for which payment is made according to the lump-sum method on the basis of the rates set out in the hourly rate method where a contract and an agreement

resulting from a negotiation referred to in section 16 of the Engineers' Fees (Services to Government) Regulation (chapter C-65.1, r. 12) are in progress on *(insert the date of coming into force of this Regulation)*. The rates continue to apply until the end of the agreement.

The first paragraph applies despite any stipulation to the contrary in a contract and despite Schedule I to the Engineers' Fees (Services to Government) Regulation (chapter C-65.1, r. 12), as made by section 3 of this Regulation.

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

106169

Gouvernement du Québec

O.C. 196-2023, 8 March 2023

Replacement of certain Orders in Council

WHEREAS, under the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapter J-1.1), in the case of a regulation or other instrument of a legislative nature which was required to be published in French and in English and was not, the authority empowered to adopt, issue or publish the instrument, as the case may be, may replace the instrument with a text which reproduces it, without amendment, this time in French and in English, and once the text is published in the *Gazette officielle du Québec*, each provision of the text may have effect on the same date as that provided for the corresponding provision of the replaced instrument;

WHEREAS the Government made the *Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des architectes* by Order in Council 1447-93 dated 20 October 1993, and the Regulation came into force on 18 November 1993;

WHEREAS the Government made the *Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des architectes* by Order in Council 193-2023 dated 8 March 2023, and the Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to replace those Orders in Council by texts that reproduce them;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT Order in Council 1447-93 dated 20 October 1993, enacting the *Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des architectes*, be replaced by the text of Schedule I to this Order in Council and have effect from 18 November 1993;

THAT Order in Council 193-2023 dated 8 March 2023, enacting the *Règlement modifiant le Tarif d'honoraires pour services professionnels fournis au gouvernement par des architectes*, be replaced by the text of Schedule II to this Order in Council and have effect from the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

YVES OUELLET

Clerk of the Conseil exécutif

SCHEDULE I

Regulation to amend the Architects' Fees (Services to Government) Regulation

WHEREAS, under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, made by a public body whose operating budget is voted wholly or in part by the National Assembly, or made by any other public body;

WHEREAS the Government made the Architects' Fees (Services to Government) Regulation by Order in Council 2402-84 dated 31 October 1984;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Conseil du trésor has recommended the making of the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister Responsible for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the Architects' Fees (Services to Government) Regulation, attached to this Order in Council, be made.

Regulation to amend the Architects' Fees (Services to Government) Regulation

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The Architects' Fees (Services to Government) Regulation, made by Order in Council 2402-84 dated 31 October 1984, is amended by inserting the following after section 23:

“23.1 The estimated and actual cost of the works in the tables in Schedule I shall include taxes.