

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

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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.

When calculating fees in accordance with Schedule I, a client exempted from certain taxes must, notwithstanding subsection 1 of section 21, add an amount equivalent to those taxes to the cost of the works.”

2. The Regulation is amended by inserting the following after section 38:

“**38.1** The client and the firm may agree to apply section 23.1 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 II

Regulation to amend the Architects’ 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 that 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 architectes 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 Architects’ Fees (Services to Government) Regulation, attached to this Order in Council, be made.

## Regulation to amend the Architects’ Fees (Services to Government) Regulation

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

1. The Architects’ Fees (Services to Government) Regulation (chapter C-65.1, r. 9) is amended in section 13 by striking out “, set by the Conseil du trésor in accordance with the classification prescribed by Schedule II, and” in paragraph 2.

2. Schedule II is replaced by the following:

**“SCHEDULE II**

(section 13)

**FIXED HOURLY RATE**

<b>CLASSIFICATION EXPERIENCE</b>		<b>FROM (insert the date of coming into force of this Regulation) TO (insert the date that precedes the date that is 9 months after the date of coming into force of this Regulation)</b>		<b>AS OF (insert the date that is 9 months after the date of coming into force of this Regulation)</b>	
		<b>FIXED HOURLY RATE (\$)</b>	<b>FIXED HOURLY RATE OF SUPERIOR (\$)</b>	<b>FIXED HOURLY RATE (\$)</b>	<b>FIXED HOURLY RATE OF SUPERIOR (\$)</b>
<b>ARCHITECTS</b>					
–Senior principal	15 years or more	148.08	192.48	116.05	150.85
–Senior	10 years or more	117.52	152.74	92.10	119.70
–Intermediate	5 to 10 years	98.25	140.49	77.00	110.10
–Junior	0 to 5 years	80.90	105.14	63.40	82.40
–In training	n/a	70.37		55.15	
<b>TECHNICIANS, DRAFTSPERSONS</b>					
–Principal	15 years or more	110.82		86.85	
–Senior	10 to 15 years	83.13		65.15	
–Intermediate	5 to 10 years	71.14		55.75	
–Junior	0 to 5 years	61.12		47.90	
–Auxiliary staff	n/a	35.98		28.20	

Note 1: Junior, intermediate, senior and senior principal architects are credited 3 years of experience for their training.

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.”.

**TRANSITIONAL AND FINAL**

**3.** For a contract entered into after 22 November 2022, the fixed 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 Architects’ Fees (Services to Government) Regulation (chapter C-65.1, r. 9) 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 II of the Architects’ Fees (Services to Government) Regulation (chapter C-65.1, r. 9), as replaced by section 2 of this Regulation.

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

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