

Gouvernement du Québec

## **O.C. 731-2023, 26 April 2023**

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**

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

WHEREAS, under the second paragraph of section 21.23 of the Act respecting contracting by public bodies (chapter C-65.1) and the third paragraphs of sections 21.5.1 and 21.41 of that Act, enacted respectively by sections 10 and 36 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), the Authority determines the fees that must be filed with an application for an authorization to contract, an application for an examination of integrity and an application for the renewal of an authorization to contract, in accordance with section 84 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1);

WHEREAS, under the first paragraph of section 84 of the Act respecting the Autorité des marchés publics, the Authority determines the tariff of fees as well as the other forms of remuneration payable for the services it provides;

WHEREAS, under the first paragraph of section 27.16 of the Act respecting contracting by public bodies, enacted by section 54 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, a regulation of the Authority determines the amount of the monetary administrative penalty relating to each specific failure to comply provided for in or under section 27.15 of the Act respecting contracting by public bodies;

WHEREAS, under section 27.34 of the Act respecting contracting by public bodies, enacted by section 54 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, the debtor of a monetary administrative penalty is required to pay a recovery charge in the amount determined by regulation of the Authority;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft 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 was published in Part 2 of the *Gazette officielle du Québec* dated 1 February 2023 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under the second paragraph of section 84 of the Act respecting the Autorité des marchés publics, such forms of remuneration require the Government's approval;

WHEREAS, under section 27.17 of the Act respecting contracting by public bodies, enacted by section 54 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, any regulation made by the Authority under Subdivision 1 of Division II of Chapter VIII.2 is submitted for approval to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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 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, attached to this Order in Council, be approved.

YVES OUELLET  
*Clerk of the Conseil exécutif*

**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. 21.5.1, 3rd par., s. 21.23, 2nd par., s. 21.41, 3rd par., s. 27.16, 1st par and s. 27.34.)

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 \$467.

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

An amount of \$234 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 the contract or 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 the contract or 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 sub-contract 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 in accordance with section 7 of 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 or in accordance with section 21.40 of the Act;

(2) that, while a party to a public contract or sub-contract 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**

### **TRANSITIONAL AND FINAL**

**12.** Unless the context indicates otherwise, in any Act and regulation, a reference to 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) is deemed to be a reference to this Regulation.

**13.** 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).

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

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Gouvernement du Québec

## **O.C. 739-2023, 26 April 2023**

Act respecting legal aid and the provision  
of certain other legal services  
(chapter A-14)

### **Legal aid**

#### **—Amendment**

Regulation to amend the Regulation respecting  
legal aid

WHEREAS, under subparagraphs *a*, *a.2* and *s* of the first paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), regulations may be made for the purposes of Chapter II of the Act, unless the context requires a different meaning, in particular to

—determine, for the purpose of determining financial eligibility for legal aid, in what case a family is composed of a person, other than the father or mother or one of the parents, and children, designate that person and prescribe in what cases or circumstances and, where applicable, on what conditions a person ceases to be a member of a family;

—determine, for the purpose of determining financial eligibility for legal aid, in what cases and, if expedient, on what conditions and to what extent the income, liquidities and other assets of the applicant, of the spouse of the applicant and of a child, the only income, liquidities and other assets to be considered are those of a minor child and the income, liquidities and other assets of the spouse of the applicant are not to be considered;

—determine, for the purposes of the recovery of legal aid costs, in what cases and to what extent a person is required to repay such costs and determine the sums, or the portion of any sum, which the debtor is not required to repay;