

Draft Regulations

Draft Regulation

Cities and Towns Act
(chapter C-19)

Municipal Code of Québec
(chapter C-27.1)

Act respecting the Communauté métropolitaine
de Montréal
(chapter C-37.01)

Act respecting the Communauté métropolitaine
de Québec
(chapter C-37.02)

Act respecting public transit authorities
(chapter S-30.01)

Expenditure threshold for a contract that may be awarded only after a public call for tenders, minimum time for the receipt of tenders and expenditure ceiling allowing the territory from which tenders originate to be limited — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited, appearing below, may be made by the Minister of Municipal Affairs on the expiry of 45 days following this publication.

The draft Regulation amends the expenditure threshold for a contract that may be awarded only after a public call for tenders, the expenditure threshold applicable to certain minimum time periods for the receipt of tenders, the expenditure ceiling allowing the territory from which tenders originate to be limited, and the expenditure ceilings and threshold that allow discrimination based on territory. The amendments harmonize the thresholds and ceilings with those of intergovernmental agreements on the opening of public procurement, which are updated every two years. The draft Regulation also amends the title of the Regulation.

Further information on the draft Regulation may be obtained by contacting Geneviève Hamel, 10, rue Pierre-Olivier-Chauveau, Aile Chauveau, 3^e étage, Québec (Québec) G1R 4J3, telephone: 418 691-2015, extension 83049; email: genevieve.hamel@mamh.gouv.qc.ca.

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

ANDRÉE LAFOREST
Minister of Municipal Affairs

Regulation to amend the Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited

Cities and Towns Act
(chapter C-19, s. 573.3.3.1.1).

Municipal Code of Québec
(chapter C-27.1, s. 938.3.1.1).

Act respecting the Communauté métropolitaine
de Montréal
(chapter C-37.01, s. 118.1.0.1).

Act respecting the Communauté métropolitaine
de Québec
(chapter C-37.02, s. 111.1.0.1).

Act respecting public transit authorities
(chapter S-30.01, s. 108.1.0.1).

1. The Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited (chapter C-19, r. 5) is amended by replacing the title by the following:

“Regulation ordering the applicable thresholds, ceilings and time periods when awarding certain municipal contracts”.

2. Section 1 is amended by replacing “\$121,200” by “the minimum threshold provided for in any intergovernmental agreement on the opening of public procurement for the municipal body”.

3. Section 2 is amended

(1) by replacing “\$366,800” in paragraph 2 by “the minimum threshold as of which the municipal body must open such contracts to contractors or suppliers that have an establishment in Canada or in a territory covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, hereinafter referred to as the “Agreement between Canada and the European Union”, pursuant to that agreement”;

(2) by replacing “\$366,800” in the portion before subparagraph *a* of paragraph 3 by “the minimum threshold set under paragraph 2”;

(3) by replacing “\$366,800” in paragraph 4 by “the minimum threshold set under paragraph 2”;

(4) by replacing “\$9,100,000” in paragraph 5 by “the minimum threshold as of which the municipal body must open such a contract to contractors or suppliers that have an establishment in Canada or in a territory covered by the Agreement between Canada and the European Union pursuant to that agreement”;

(5) by replacing “\$9,100,000” in paragraph 6 by “the minimum threshold set under paragraph 5”.

4. Section 3 is amended by replacing “\$366,800 in the case of a supply contract or a contract for the supply of services” by “, in the case of a supply contract or a contract for the supply of services, the minimum threshold as of which the municipal body must open such contracts to contractors or suppliers that have an establishment in Canada or in a territory covered by the Agreement between Canada and the European Union pursuant to that agreement”.

5. Section 4 is amended

(1) by replacing “\$302,900” in paragraph 1 by “the minimum threshold as of which the municipal body must open such a contract to contractors or suppliers that have an establishment in Canada covered by the Canadian Free Trade Agreement”;

(2) by replacing “\$302,900 but less than \$9,100,000” in paragraph 2 by “the minimum threshold set under paragraph 1 but less than the minimum threshold as of which the municipal body must open such contracts to contractors or suppliers that have an establishment in Canada or in a territory covered by the Agreement between Canada and the European Union pursuant to that agreement”;

(3) in paragraph 3

(a) by replacing “\$9,100,000” by “the minimum threshold set under paragraph 2”;

(b) by replacing “Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States” by “Agreement between Canada and the European Union”.

6. Section 4.1 is amended by replacing “\$366,800 in the case of a supply contract or a contract for services and \$9,100,000 in the case of a construction contract” by “the minimum threshold as of which the municipal body must open each of the contracts referred to in any of those subparagraphs to contractors or suppliers that have an establishment in Canada or in a territory covered by the Agreement between Canada and the European Union pursuant to that agreement”.

7. Section 4.2 is amended by replacing “\$366,800” by “the minimum threshold as of which the municipal body must open each of the contracts referred to in any of those paragraphs to contractors or suppliers that have an establishment in Canada or in a territory covered by the Agreement between Canada and the European Union pursuant to that agreement”.

8. The following is added after section 4.2:

“4.3. For the purposes of this Regulation, where a body is not subject to an intergovernmental agreement on the opening of public procurement, the thresholds, ceilings and time limits applicable to the body are those applicable to a local municipality.”.

9. This Regulation comes into force on 1 January 2024.

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