

Gouvernement du Québec

**O.C. 1746-2023, 6 December 2023**

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

**Tarif d'honoraires pour services professionnels  
fournis au gouvernement par des arpenteurs-  
géomètres  
— Revocation**

Regulation to revoke the Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres

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 Regulation to revoke the Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres was published in Part 2 of the *Gazette officielle du Québec* of 4 October 2023 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 recommendation of the Conseil du trésor has been obtained;

WHEREAS it is expedient to make 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 revoke the Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

**Regulation to revoke the Tarif  
d'honoraires pour services professionnels  
fournis au gouvernement par des  
arpenteurs-géomètres**

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

**1.** The Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres (chapter C-65.1, r. 10) is revoked.

The Tarif continues to apply to contract award procedures begun before the date of coming into force of this section and to contracts resulting from those procedures. The same applies to contracts that are in progress on that date.

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

106609

Gouvernement du Québec

**O.C. 1747-2023, 6 December 2023**

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

**Certain service contracts of public bodies  
— Amendment**

Regulation to amend the Regulation respecting certain service contracts of public bodies

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 of the Act 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, under paragraph 3 of section 23 of the Act, the Government may, by regulation and on the recommendation of the Conseil du trésor, determine bid solicitation procedures and the rules for awarding contracts to public bodies that are applicable to them;

WHEREAS, under paragraph 6 of section 23 of the Act, the Government may, by regulation and on the recommendation of the Conseil du trésor, determine the cases, conditions and manner in or on which a public body must publish information on the contracts it has entered into which involve an expenditure equal to or greater than \$25,000;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certain service contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 4 October 2023 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 recommendation of the Conseil du trésor has been obtained;

WHEREAS it is expedient to make 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 amend the Regulation respecting certain service contracts of public bodies, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting certain service contracts of public bodies

Act respecting contracting by public bodies  
(chapter C-65.1, s. 23, pars. 1, 3 and 6)

**1.** The Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended by inserting the following subdivision after the heading of Division IV of Chapter II:

“§1. *Exceptions relating to scope*

**15.2.** This Division applies to architecture or engineering service contracts relating to construction work only to the extent provided for in Division IV.1 of Chapter IV. ”

**2.** Subdivision 1 of Division IV of Chapter II is renumbered 2.

**3.** Subdivision 2 of Division IV of Chapter II is renumbered 3.

**4.** Section 24 is revoked.

**5.** Section 25 is amended by replacing “24” in the ninth paragraph by “23”.

**6.** Section 28 is amended by replacing subparagraphs 2 and 3 of the third paragraph by the following:

“(2) in the case of an evaluation based only on the measurement of the level of quality of the tenders, their quality score and rank according to the quality score and, as the case may be, the names of the tenderers qualified for the second stage or the name and quality score of the successful tenderer;

(3) in the case of an evaluation based on the measurement of the level of quality of the tenders followed by calculation of the price-quality ratio, their quality score, their adjusted price and their rank according to the adjusted prices and, as the case may be, the names of the tenderers qualified for the second stage or the name, quality score and price of the successful tenderer, and the resulting adjusted price;

(4) in the case of an evaluation based on the measurement of the level of quality of the tenders followed by an appraisal of the submitted price, their quality score, their final score including the evaluation of the price of the tender and their rank according to their final score, and the name, quality score, submitted price and final score of the successful tenderer including the evaluation of the submitted price.”

**7.** Section 30 is amended by adding “In respect of architecture or engineering services relating to construction work, such a contract may be entered into only in accordance with the provisions of subdivision 4 of Division IV.1 of Chapter IV.” at the end.

**8.** Section 34 is amended

(1) by striking out “, except in the cases provided for in section 24,”;

(2) by inserting “, except a contract referred to in section IV.1 of Chapter IV” after “contract”.

**9.** Division IV of Chapter IV, including section 40, is revoked.

**10.** The following Division is added after section 40:

**“DIVISION IV.1  
ARCHITECTURE AND ENGINEERING SERVICE  
CONTRACTS RELATING TO CONSTRUCTION  
WORK**

*§1. Contracts awarded following an evaluation based on measurement of the level of quality of tenders followed by a negotiation of the price of the contract*

**40.1.** A public body may, to award an architecture or engineering contract relating to construction work, request a quality demonstration based on predetermined evaluation criteria in order to negotiate the price of the contract.

The public body opens the tenders only in the presence of the secretary of the selection committee or its representative at the designated place and on the date and time fixed in the tender documents and applies the provisions of section 10.1.

The public body evaluates the quality of a tender in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2. If several service providers obtain identical final scores, the public body determines the ranking of the service providers concerned by a drawing of lots.

Within 15 days of the date of informing service providers of the result of the tender quality evaluation, the public body must begin negotiations on the price of the contract with the service provider whose acceptable tender obtained the highest final score, or who won the draw, where applicable.

The negotiation period to enter into a written agreement is 90 days. Not later than the 60th day of this period, if no agreement has been reached, the public body must inform the tenderer of the state of negotiations.

If the parties terminate negotiations or upon the expiry of the 90-day period, the public body negotiates the price of the contract, in accordance with the conditions in the fifth paragraph, with the subsequent service provider whose acceptable tender obtained the highest final score or who won the draw, where applicable. The public body proceeds in this manner until an agreement is entered into or until there are no more service providers whose tenders are acceptable.

The contract is awarded to the service provider with which the public body enters into a written agreement.

The public body publishes in the electronic tendering system the names of the service providers who filed tenders within 4 working days following the awarding of the contract.

**40.2.** Sections 15.1, 18, 26 and 28 apply to the contract awarding process performed under this subdivision.

In the case of an invitation to tender, the composition of the selection committee may differ from that provided for in the second paragraph of section 26. In addition, the communication to the tenderer provided for in subparagraph 2 of the third paragraph of section 28 of the tenderer’s quality score and rank must take place within 15 days of the evaluation of the quality of tenders.

*§2. Contract awarded following an evaluation based on measurement of the level of quality of tenders followed by an evaluation of the price submitted*

**40.3.** A public body may, to award an architecture or engineering service contract relating to construction work, request a price and a quality demonstration.

Tenders are given a score out of a total of 100 points, including not less than 40 points and not more than 70 points for quality and not less than 30 points and not more than 60 points for the price.

The quality of a tender is evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2.

The tendered price is evaluated on the basis of the gap between that price and

(1) the median market price (MMP), which is calculated on the basis of the prices of acceptable tenders submitted and the contract price estimated by the public body at the time of the call for tenders;

(2) the upper limit (UL) and lower limit (LL) of a price range determined on the basis of the median market price, which are calculated according to the following formulas:

$$LL = MMP \times (1 - X)$$

$$UL = MMP \times (1 + X)$$

where  $X$  is the proportion, expressed as a percentage, of the contract price estimated at the time of the call for tenders that the public body is prepared to pay in excess of that price, the proportion being not less than 40% and not more than 60%.

The maximum points relating to the price are attributed to the tender whose price is within the optimal market price range whose upper and lower limits are established by subtracting or adding, as the case may be, to the median market price an amount equivalent to 5% of the value of that median.

No points are attributed to a tender whose price is outside the price range determined in accordance with subparagraph 2 of the fourth paragraph.

In addition, the number of points attributed to a tender that is covered neither by the fifth nor the sixth paragraphs is calculated according to the following formula:

$$\frac{(Y - |MMP - P|)}{(Y - (MMP \times 5\%))} \times Z$$

where

$P$  is the price submitted;

$Y$  is the amount resulting from the difference between the upper limit of the price range and the median market price;

$Z$  is the maximum points relating to price that can be attributed to a tender.

**40.4.** The tender documents must indicate the proportion, expressed as a percentage, of the contract price estimated at the time of the call for tenders that the public body is prepared to pay in excess of that price.

**40.5.** At the tender opening, the public body must disclose its estimate of the contract price at the time of the call for tenders. It must also publish that estimate in the electronic tendering system within 4 business days following the tender opening.

**40.6.** The contract is awarded to the service provider whose tender obtained the highest final score.

**40.7.** The second paragraph of section 16 and sections 17, 18 and 26 to 28 apply to the contract awarding process performed under this subdivision.

If several service providers obtain identical results, the contract is awarded to the service provider which submits the lowest price or, if the price is identical, by a drawing of lots. In the case of an invitation to tender, the composition of the selection committee may differ from that provided for in the second paragraph of section 26.

### **§3.** *Contract awarded following a design competition*

**40.8.** A public body may, to award an architecture or engineering service contract relating to construction work or a contract for both architecture services and engineering relating to such work, hold a competition where a jury selects a design.

For the purpose of this Regulation, the candidates and finalists of a competition under this subdivision are, depending on the context, service providers or tenderer, submissions and proposals are tenders, and the winner of such a competition is the successful tenderer of a public call for tenders.

**40.9.** The public body constitutes a jury in charge of selecting one of the proposals submitted for the competition. The jury is made up of a selection committee established in accordance with section 26 and one or more persons of public renown. Those persons must be fewer than the members of the selection committee.

At least one of the jury members must be an architect for architecture service contracts and at least one of the jury members must be an engineer for engineering service contracts. For contracts involving both architecture and engineering services, the jury must include at least one architect and one engineer.

The public body may also invite any person with expertise to act as advisor to the jury at any stage of the competition.

**40.10.** The public body determines the situations in which a conflict of interest is deemed to arise between candidates and the person or persons of public notoriety who are members of the jury. Candidates who are in one of those situations become ineligible.

**40.11.** The public body conducts the competition by means of a two-stage public call for tenders.

At the first stage, the public body selects candidates by soliciting only a quality demonstration.

The public body opens the applications only in the presence of the secretary of the selection committee or its representative at the designated place and on the date and time fixed in the tender documents and applies the provisions of section 10.1.

The public body evaluates the submissions received, ensuring that candidates are eligible and their tenders are compliant.

The jury evaluates the quality of submissions in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2. All submissions having the acceptable level of performance are retained. If only a limited number of candidates are invited to take part in the second stage, those having obtained the highest final scores are retained.

If the public body rejects a submission because the candidate is ineligible or the submission is non-compliant, the public body so informs the candidate, specifying the

reason for the rejection, at the same time as the public body sends the selected candidates their invitation to take part, as finalists, in the second stage. At the same time, the public body publishes in the electronic tendering system the names of the candidates having taken part in the first stage as well as the names of the finalists among them.

At the second stage, the public body invites the finalists to submit a proposal that includes a quality demonstration. Despite section 9.2, the public body may allow finalists to submit a proposal that is not compatible with the electronic tendering system by a means that the public body indicates in that system. The public body ascertains the integrity of the proposal transmitted through that means.

To evaluate the quality of the proposal, the jury must take into account the extent to which the design that is the subject of the proposal is feasible and keeps to the estimated cost of the work. Proposals that do not reach an acceptable level of performance in regard to either of those two criteria are rejected.

The jury may invite the finalists to present the proposal and to interact with them. The mode of communication chosen must ensure that the members of the selection committee sitting on the jury remain anonymous.

The contract is awarded to the winner of the competition, that is the finalist whose proposal best meets all the criteria. The jury may also award prizes and honourable mentions to the other finalists.

The public body must pay, to each of the finalists, the compensation provided for in the tender documents. The compensation received by the winner of the competition represents an advance on the fees owed to the winner for carrying out the contract.

Sections 18 and 28 apply to a contract awarding process conducted according to the provisions of this subdivision. Where the quality of the proposals is not evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2, the information that the public body must send to finalists pursuant to section 28 includes, where applicable, their quality score and corresponding rank, the name of the winner and, where applicable, the quality score of the winner.

**40.12.** The public body must indicate in the tender documents

(1) the name of the person or persons of public notoriety referred to in the first paragraph of section 40.9 as well as the rules aimed at preventing conflicts of interest between that person or persons on the one hand and the candidates and finalists on the other hand;

(2) whether the number of candidates invited to participate in the second stage is limited;

(3) the compensation payable to the finalists having completed the second stage and the compensation payable to finalists if the call for tenders is cancelled;

(4) any prizes or honourable mentions awarded to the finalists, other than the winner of the competition, having completed the second stage;

(5) fees payable to the winner of the competition for the performance of the contract.

**§4.** *Task order contract awarded following an evaluation based on the measurement of the level of quality of tenders*

**40.13.** A public body may, when the procurement requirements are recurrent and the number of requests, the rate or frequency at which they are to be performed is uncertain, enter into a task order contract with a service provider for architecture or engineering services relating to construction work.

The public body must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract.

The public body must apply the provisions of subdivision I of this Division.

**40.14.** The Ministère des Transports and the Société québécoise des infrastructures may, when the procurement requirements are recurrent and the number of requests, the rate or frequency at which they are to be performed is uncertain, enter into a task order contract with one or more service providers for architecture or engineering services relating to construction work. The Ministère and the Société may only request a quality demonstration, which is evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2, and all tenders that obtain the acceptable level of performance are retained.

The public body concerned must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract, the criteria for distributing performance requests among service providers, as well as the applicable fees. Performance requests are distributed to the service providers retained in a fair manner that takes into account the objectives set out in subparagraphs 2 and 6 of the first paragraph of section 2 of the Act.



Where the Ministère des Transports or the Société québécoise des infrastructures enters into a contract under this section, it must publish, once a year, a notice in the electronic tendering system in order to enable the selection of one or more additional service providers for the purpose of carrying out the performance requests resulting from the contract. The notice must indicate, in addition to the estimated amount of the expenditure for the remaining period of the contract, the information provided for in the second paragraph of section 4, with the necessary modifications. The third paragraph of section 4 applies. In addition, the tender documents are adapted and used again for selecting one or more additional service providers.

Sections 15.1, 17, 18, 26 and 28 apply to a contract awarding process conducted according to the provisions of this section. However, pursuant to section 28, the public body does not send the tenderer its rank according to its quality score.

*§5. Contracts awarded to more than one service provider following an evaluation based on the measurement of the level of quality of tenders*

**40.15.** The Ministère des Transports and the Société québécoise des infrastructures may make a public call for tenders by soliciting a quality demonstration in order to award architecture or engineering service contracts relating to construction work to one or more service providers. To that end, the quality of the tenders is evaluated in accordance with the evaluation conditions provided for in sections 1 to 7 of Schedule 2.

The tender documents must indicate the applicable fees.

Contracts are awarded to the service providers whose acceptable tenders obtained the highest final scores. If the monetary values of the contracts differ, the contract with the highest value is awarded to the service provider whose acceptable tender obtained the highest final score, and so on. In the case of identical final scores, the public body will determine the rank of the service providers concerned by a drawing of lots.

Sections 15.1, 17, 18, 26 and 28 apply to a contract awarding process conducted according to the provisions of this subdivision.”

**11.** Section 51 is amended by adding the following paragraph at the end:

“(6) in the case of a contract awarded following an evaluation based on measurement of the level of quality of tenders followed by an appraisal of the price submitted, the median market price;”

**12.** The following Division is added after section 51.3:

**“DIVISION 1.1  
TASK ORDER CONTRACTS ENTERED INTO  
WITH MORE THAN ONE SERVICE PROVIDER  
FOR ARCHITECTURE OR ENGINEERING  
SERVICES RELATING TO CONSTRUCTION  
WORK**

**51.4.** Each year, after task order contracts are entered into with more than one service provider for architecture or engineering services relating to construction work, the Ministère des Transports or the Société québécoise des infrastructures must make public at least the following information:

- (1) the name of the service provider or providers;
- (2) the date of conclusion of the contract with the service provider or providers;
- (3) the number of task orders completed by the service provider or providers and the nature of the services requested;
- (4) the amount paid for each task order completed;
- (5) the estimated amount of the expenditure corresponding to the remaining period of the contract.”

**TRANSITIONAL AND FINAL**

**13.** Contract award procedures begun before the coming into force of the provisions of this Regulation that apply to them are continued in accordance with the provisions in force on the date of the beginning of the procedures.

In addition, any contract in progress on the date of coming into force of the provisions of this Regulation that apply to it is continued in accordance with the provisions that are in force on the day before that coming into force.

**14.** Until section 9 of this Regulation comes into force, the first paragraph of section 40 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) must read as follows:

“**40.** In the case of engineering service contracts relating to transport infrastructure for which only a quality demonstration is solicited in accordance with section 23, the special awarding rules below may be applied with the authorization of the Minister of Transport:

- (1) following a single public call for tenders, contracts are awarded to more than one service provider, despite section 22;

(2) a task order contract is awarded to more than one service provider, despite section 32.”

**15.** Until the coming into force of subdivision 1 of Division IV.1 of Chapter IV of the Regulation respecting certain service contracts of public bodies, enacted by section 10 of this Regulation, the third paragraph of section 40.13 of the Regulation respecting certain service contracts of public bodies, enacted by section 10 of this Regulation, should read as follows:

“The public body applies, as the case may be, the Architects’ Fees (Services to Government) Regulation (chapter C-65.1, r. 9) or the Engineers’ Fees (Services to Government) Regulation (chapter C-65.1, r. 12).”

**16.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 9, section 10, insofar as it enacts subdivision 1, subdivision 4, insofar as it concerns task order contracts with more than one service provider, and subdivision 5 of Division IV.1 of Chapter IV of the Regulation respecting certain service contracts of public bodies, and section 12, which come into force on (*insert the date occurring 18 months and 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*).

106610

Gouvernement du Québec

## O.C. 1748-2023, 6 December 2023

Act respecting municipal territorial organization  
(chapter O-9)

Amalgamation of Ville de Plessisville and Municipalité de la paroisse de Plessisville

WHEREAS, in accordance with the first paragraph of sections 84 and 85 of the Act respecting municipal territorial organization (chapter O-9), each of the municipal councils of Ville de Plessisville and Municipalité de la paroisse de Plessisville has adopted a by-law authorizing the filing of a joint application with the Government to constitute a local municipality by the amalgamation of the two municipalities;

WHEREAS the joint application has been submitted to the Minister of Municipal Affairs;

WHEREAS, in accordance with section 109 of the Act, the plan prepared by a land surveyor and referred to in section 87 must be approved by the Minister of Natural

Resources and Forests before the order constituting the local municipality resulting from the amalgamation is made by the Government;

WHEREAS the plan has been approved by the Minister of Natural Resources and Forests;

WHEREAS, pursuant to the first paragraph of section 107 of the Act, the Minister may recommend that the application be granted by the Government with or without amendment;

WHEREAS it is expedient to grant, without amendment, the joint application for the amalgamation of Ville de Plessisville and Municipalité de la paroisse de Plessisville and to constitute the local municipality resulting from the amalgamation of the two municipalities;

WHEREAS, pursuant to the first paragraph of section 108 of the Act, the order constituting the local municipality resulting from the amalgamation must contain the information listed in that paragraph;

WHEREAS pursuant to section 110 of the Act, the order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS it is expedient for this order in council to come into force on 1 January 2024;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the joint application for the amalgamation of Ville de Plessisville and Municipalité de la paroisse de Plessisville be granted without amendment and that the local municipality resulting from the amalgamation of the two municipalities be constituted, in accordance with the following provisions:

1. The name of the new municipality shall be “Ville de Plessisville”.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources and Forests on 12 September 2023; the description is appended as Schedule “A” to this order in council.

3. The new municipality shall be governed by the Cities and Towns Act (chapter C-19).

4. The territory of the new municipality is comprised within the territory of the regional county municipality of L’Érable.