

Regulations and other Acts

Gouvernement du Québec

O.C. 128-2024, 7 February 2024

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

Contracting by public bodies in the field of information technologies — Amendment

Regulation to amend the Regulation respecting contracting by public bodies in the field of information technologies

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 of the Act 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, under paragraph 5 of section 23 of the Act, the Government may, by regulation and on the recommendation of the Conseil du trésor, determine cases in which a contract involving an expenditure equal to or above the public tender threshold may be entered into by mutual agreement other than those set out in subparagraphs 1 to 4 of the first paragraph of section 13 of the Act;

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 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, under paragraph 7 of section 23 of the Act, the Government may, by regulation and on the recommendation of the Conseil du trésor, determine cases in which contracts are subject to authorization by the Government, the Conseil du trésor, the chief executive officer of a public body or a person designated by regulation other than those set out in the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting contracting by public bodies in the field of information technologies was published in Part 2 of the *Gazette officielle du Québec* of 18 October 2023 with a notice that it could be made by the Government, with or without amendment, 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 recommends that it be made;

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 Regulation respecting contracting by public bodies in the field of information technologies, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting contracting by public bodies in the field of information technologies

Act respecting contracting by public bodies
(chapter C-65.1, s. 23, pars. 1 and 5 to 7)

1. The Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended by inserting the following after section 48:

“DIVISION 1.1 DELIVERY ORDER CONTRACTS RELATING TO CERTAIN SOFTWARE

48.1. A delivery order contract relating to software may be entered into by mutual agreement with a supplier, through the Centre d’acquisitions gouvernementales, where the contract

(1) is for the benefit of joint public bodies or public bodies using common support system services provided by the Minister of Cybersecurity and Digital Technology;

(2) relates to software already held by the public body and whose object is, as the case may be,

(a) the update or upgrade of the software;

(b) the delivery of additional copies of the software for a maximum quantity equal to that held by the public body before entering into the contract except for software used for common support system services provided by the Minister of Cybersecurity and Digital Technology; or

(c) the procurement of software in addition to the software held by the public body where no other interoperable software offering the functionalities and requirements sought exists; and

(3) concerns software that, in the opinion of the chief information officer or a staff member designated by the chief information officer for that purpose, further to a global assessment, is likely essential to the operation of a system used to support the carrying out of the State's mission.

In addition, the software referred to in the first paragraph must be necessary for the public body to avoid

(1) being unable to fulfil its mission;

(2) adversely affecting the services offered to citizens, enterprises or other public bodies;

(3) contravening laws and regulations; or

(4) substantially duplicating the costs for the common support system services provided by the Minister of Cybersecurity and Digital Technology.

48.2. An authorization from the chief executive officer of the public body is required before entering into the contract provided for in section 48.1. The authorization must indicate the object or objects applicable to the situation and the prejudicial effect or effects to be avoided, among those stated respectively in the first and second paragraphs of that section.

The chief executive officer of the public body or the staff member authorized for that purpose must, before the delivery of the software, approve each order placed under the contract. The first paragraph applies to the approval.”.

2. The following is added after section 75:

“**75.1.** At least once a year and at the end of the contract, the Centre d’acquisitions gouvernementales publishes in the electronic tendering system, on behalf of each public body for the benefit of which a contract referred to in section 48.1 has been entered into,

(1) the name of the software;

(2) the name of the supplier;

(3) the number of copies of the software ordered; and

(4) the total amount paid.”.

TRANSITIONAL AND FINAL

3. The second paragraph of section 48.2 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1), as made by section 1 of this Regulation, applies to orders placed under a contract entered into under Décret 1118-2017 dated 22 November 2017, Décret 1195-2019 dated 4 December 2019 or Décret 529-2021 dated 7 April 2021.

4. Section 75.1 of the Regulation respecting contracting by public bodies in the field of information technologies, as made by section 2 of this Regulation, applies to contracts referred to in section 3 provided they are ongoing. Despite the foregoing, the Centre d’acquisitions gouvernementales must not publish the information referred to in paragraph 1 of section 75.1.

5. 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. 240-2024, 7 February 2024

Designation of the authority to exercise the powers or perform the duties and functions set out in sections 18.1 to 19.1 of the Divorce Act

WHEREAS, under section 18 of the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)), designated authority means a person or entity that is designated by a province to exercise the powers or perform the duties and functions set out in sections 18.1 to 19.1 of the Act within the province;