

Gouvernement du Québec

O.C. 482-2013, 15 May 2013

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

Integrity in Public Contracts Act
(2012, chapter 25)

Certain contracts of Ville de Montréal

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WHEREAS the Integrity in Public Contracts Act (2012, chapter 25) was assented to on 7 December 2012;

WHEREAS the Act amends in particular the Act respecting contracting by public bodies (chapter C-65.1) and other Acts respecting the municipal sector;

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies, an enterprise that wishes to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government or that wishes to enter into a subcontract that involves an expenditure equal to or greater than that amount and that is directly or indirectly related to the contract must obtain an authorization from the Autorité des marchés financiers;

WHEREAS, under section 573.3.3.3 of the Cities and Towns Act (chapter C-19), sections 21.17 to 21.20, 21.25, 21.34, 21.38, 21.39, 21.41, 27.6 to 27.9, 27.11, 27.13 and 27.14 of the Act respecting contracting by public bodies apply, with the necessary modifications, in respect of any municipal contract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act and pertains to the performance of work or the supply of insurance, equipment, materials or services and, for the purposes of those sections, any such contract is deemed to be a public contract, any subcontract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act and is directly or indirectly related to such a contract is deemed to be a public subcontract and every municipality is deemed to be a public body;

WHEREAS, under section 85 of the Integrity in Public Contracts Act, from 15 January 2013, for the purposes of section 21.17 of the Act respecting contracting by public bodies, the contracts and subcontracts to which that section applies are construction contracts and subcontracts and service contracts and subcontracts that involve an

expenditure equal to or greater than \$40,000,000 and for which the award process is underway on or begins after that date;

WHEREAS, under section 86 of the Integrity in Public Contracts Act, despite the expenditure amount specified in section 85 of the Act or determined by the Government under section 21.17 of the Act respecting contracting by public bodies, the Government may, before 31 March 2016, determine that Chapter V.2 of that Act applies to groups of public contracts or subcontracts or to groups of contracts or subcontracts deemed to be public contracts or subcontracts under that Act, whether or not they are of the same category, even if they involve a lower expenditure amount and the Government may also determine special terms for the applications for authorization that enterprises must file with the Autorité des marchés financiers in respect of such contracts or subcontracts;

WHEREAS Ville de Montréal has cancelled, extended or postponed a number of calls for tenders since the fall of 2012 and it wishes, in addition, to initiate new calls for tenders;

WHEREAS Ville de Montréal applies to the Government to have the contracts concerning calls for tenders it wishes to pursue or initiate that involve an expenditure amount lower than \$40,000,000 governed by the new authorization regime introduced by Chapter V.2 of the Act respecting contracting by public bodies;

WHEREAS section 100 of the Integrity in Public Contracts Act provides that a decision of the Government made under section 86 of the Act comes into force on the date of its adoption or on any later date specified in it, must be published in the *Gazette officielle du Québec* as soon as possible and sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to that decision;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor and the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, to the group of contracts listed in the Schedule to this Order in Council;

THAT a preliminary application for authorization with respect to a contract be submitted by each tenderer to the Autorité des marchés financiers not later than the deadline for submitting bids;

THAT the preliminary application for authorization be considered completed for each of the two tenderers that are the highest ranked following the analysis of bids, by the transmission by Ville de Montréal of the ranking of the tenderers;

THAT, where the contract cannot be awarded to either tenderer, the other preliminary applications be considered completed for the subsequent tenderers on the basis of their ranking, until the contract can be awarded;

THAT the preliminary applications for authorization of tenderers that were not processed be returned to the tenderers free of charge;

THAT this Order in Council come into force on 15 May 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

| | BID | TITLE OF PROJECT | BOROUGH |
|----|------------------------|---|--|
| 1 | 231501 | Construction and reconstruction of sidewalks, medians, roadways, traffic lights and lighting system, where required, in boulevard Lacordaire, between boulevard Couture and a point to the south of the Canadian National overpass. (Realization of east train – 2013). | SAINT-LÉONARD |
| 2 | CDN-NDG-13-AOP-BT- 006 | Reconstruction of sidewalks and curbs, where required, on the various streets of the borough of Côte-des-Neiges –Notre-Dame-de-Grâce (2013 road repair program). | CÔTE-DES-NEIGES – NOTRE-DAME-DE-GRÂCE |
| 3 | 2013-139 | Leveling and surfacing, roadway reconstruction and heat patching on various streets of the Mercier–Hochelaga-Maisonneuve borough under the 2013 road repair program. | MERCIER–HOCHELAGA-MAISONNEUVE |
| 4 | 895 | Spraying and leveling for pavement repair and sidewalk reconstruction on various streets of the Montréal-Nord borough (2013 corporate road repair program). | MONTRÉAL-NORD |
| 5 | 894 | Spraying and leveling for the pavement repair and sidewalk reconstruction in various streets of the Montréal-Nord borough (2013 local road repair program). | MONTRÉAL-NORD |
| 6 | RP-ING13-06 | MACADAM 2013 Work to stabilize roadway by spraying) / 2013 road repair program / Repair of car ramps, sidewalks and curbs / Construction of a sidewalk – Promenades du Cristallin and opening of the median of Cristallin du Golf. | RIVIÈRE-DES-PRAIRIES–POINTE-AUX-TREMBLES |
| 7 | 13-027 | Roadway repair work at various places in the Saint-Laurent borough. | SAINT-LAURENT |
| 8 | 13-028 | Sidewalk and curb repair work at various places in the borough. | SAINT-LAURENT |
| 9 | VMP-13-010 | Reconstruction of a combined sewer and of a secondary water main in rue Saint-Christophe, from rue Ontario to rue Sherbrooke. | VILLE-MARIE |
| 10 | PRR-13-02 | Roadway repair work and reconstruction of sidewalks, where required, on various streets of the Villeray–Saint-Michel–Parc-Extension borough (2013 local road network repair program). | VILLERAY–SAINT-MICHEL–PARC-EXTENSION |

| BID | TITLE OF PROJECT | BOROUGH |
|---------------|--|---|
| 11 2065-AE | Performance of internally controlled work on equipment of the Direction de l'épuration des eaux usées. | RIVIÈRE-DES-PRAIRIES- POINTE-AUX-TREMBLES |
| 12 3276-AE | Upgrade of the Charles-Renard regulation structure. | RIVIÈRE-DES-PRAIRIES- POINTE-AUX-TREMBLES |
| 13 3277-AE | Electricity, control, civil engineering and mechanical work for the construction of 8 environmental follow-up systems. | RIVIÈRE-DES-PRAIRIES- POINTE-AUX-TREMBLES/ MONTRÉAL-NORD AHUNTSIC- CARTIERVILLE |
| 14 10095 | Installation of a ventilation system at the Atwater plant, Interconnection sector 1. | LE SUD-OUEST |
| 15 10065 | Construction of a tunnel water main of 2 100 mm from the intersection Notre-Dame / A.D.-Roy to the Rosemont reservoir. | ROSEMONT- LA PETITE-PATRIE |
| 16 10089 | Closse pumping station: electric and mechanical upgrade and automation (Project R-2012-09). | VILLE-MARIE |
| 17 906 | Reconstruction of a combined sewer and a secondary water main in rue Belleville; from rue Monselet to boulevard Gouin. | MONTRÉAL-NORD |
| 18 S13-001 | Reconstruction of boulevard LaSalle between rue Brault and rue Bannantyne (water system-sewer-roadway). | VERDUN |
| 19 S13-002 | Reconstruction of rue Rielle between boulevard LaSalle and rue de Verdun (water system-sewer-roadway) and partial reconstruction of rue Beatty between rue Bannantyne and rue Beurling (water system-sewer-roadway). | VERDUN |
| 20 VMP-13-009 | Reconstruction of a combined sewer and of a secondary water main in rue Saint-Mathieu, from boulevard De Maisonneuve to rue Sainte-Catherine. | VILLE-MARIE |
| 21 13-6550 | Mont-Royal – Redevelopment of the west sector of the glade. | VILLE-MARIE |
| 22 255801 | Reconstruction of the flexible roadway, sidewalks and the secondary water main, where required, in rue Chénier, from boulevard Louis-H.-La Fontaine to the borough boundary. (Road repair program 2012-Feeders). | ANJOU |
| 23 278501 | Reconstruction of a secondary water main in avenue Bloomfield, from rue Beaumont to rue Jean-Talon. | VILLERAY- SAINT-MICHEL- PARC-EXTENSION |
| 24 265201 | Construction of a bicycle path and a secondary water main in the extension of rue St-Viateur, between avenue De Gaspé and rue Henri-Julien. | PLATEAU-MONT-ROYAL |
| 25 264102 | Supply and installation of guardrails, impact attenuators and curb reconstruction, where required, in rue Saint-Patrick, rue Saint-Rémi and boulevard De La Vérendrye. (Road repair program 2011 – Arterial system). | SEVERAL |