

Regulations and other Acts

Gouvernement du Québec

O.C. 206-2013, 20 March 2013

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

Certain contracts of Ville de Montréal

Certain contracts of Ville de Montréal

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 20 March 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

	BID	TITLE OF PROJECT	BOROUGH
1	795-AE	Landfill – Layout of cell No. 3	MONTRÉAL-EST
2	13-12754	Professional services for the repair and development program for sewer, water, roadway, sidewalk, bicycle path, outdoor lighting, traffic signals and geometric redevelopment infrastructures in the territory of the agglomeration of Montréal	SEVERAL
3	10083	DesBaillets – Installation of a high pressure pumping motor unit	LASALLE
4	251801	Reconstruction of a combined sewer and a secondary water main in boulevard Pie-IX, from boulevard Crémazie (south) to rue Jarry	VILLERAY-SAINT-MICHEL-PARC-EXTENSION
5	223101	Reconstruction of a combined sewer, a water main, the roadway, sidewalks, median and lighting system in boulevard Saint-Joseph, from rue Saint-Denis to rue Saint-Hubert, reconstruction of a water main in rue Saint-Urbain, from rue Marie-Anne to rue Rachel, reconstruction of a water main in rue Resther, from rue Bibaud to rue Boucher and construction of a water main in rue Bibaud, from rue Berri to rue Resther	PLATEAU-MONT-ROYAL
6	226201	Mont-Royal belt road, Université de Montréal sector: Construction and reconstruction of a flexible roadway, sidewalks, curbs, fences, sewer mains, traffic lights, a lighting system, landscaping and a pedestrian path	CÔTE-DES-NEIGES-NOTRE-DAME-DE-GRÂCE
7	10076	SRB PIE-IX Consolidation of assets of main water pipes	MONTRÉAL-NORD/VILLERAY-SAINT-MICHEL-PARC-EXTENSION/ROSEMONT-LA PETITE PATRIE/MERCIER-HOCHELAGA-MAISONNEUVE
8	10071	McTavish – Waterproofing of reservoir	VILLE-MARIE
9	10078	Structure and architecture Pierrefonds – Architecture Atwater	PIERREFONDS-ROXBORO/SUD-OUEST
10	10085	Modernization of automation systems of drinking water reservoirs	VILLE-MARIE/OUTREMONT/CÔTE-DES-NEIGES-NOTRE-DAME-DE-GRÂCE
11	5005-EC-143-02-06A	Rehabilitation work on the land of the future Rockfield basin	LACHINE
12	S-11307	Reconstruction of water main and combined sewer – 23 ^e and 48 ^e Avenue	LACHINE
13	294420	Reconstruction of water main and combined sewer – 5 ^e Avenue	LASALLE
14	13-006	Reconstruction of water main, sanitary and storm sewer – Decelles and Saint-Aubin	SAINT-LAURENT
15	211101	Reconstruction of the flexible mixed roadway, sidewalks, water and sewer mains, levelling and asphalt coating, geometric redevelopment, and bringing up to standards of traffic lights, where required, in rue Berri and boulevard René-Lévesque (2012 road repair program – Downtown)	VILLE-MARIE
16	10081	McTavish and Atwater – Installation of backup generators	SUD-OUEST/VILLE-MARIE

	BID	TITLE OF PROJECT	BOROUGH
17	256501	Reconstruction of the flexible roadway, sidewalks and curbs where required in montée de l'Église, from boulevard Chèvremont to rue Cherrier (Road repair program — Collectors)	ÎLE-BIZARD-SAINTE-GENEVIÈVE
18	226101	Reconstruction of sidewalks, projections, a bicycle path and pedestrian path, construction of a drainage and lighting system where required for the development of the railroad right of way Antenne-Longue-Pointe between rue Bennett and rue Viau in the east-west axis and between rue Rouen and rue Ontario in the north-south axis — (Traffic calming measures program around Notre-Dame)	MERCIER-HOCHELAGA-MAISONNEUVE
19	257704	Reconstruction of sidewalks, curbs, lighting and traffic light systems, levelling/coating, where required, in boulevard Henri-Bourassa from rue Wilfrid-Saint-Louis to boulevard Saint-Vital (2012 road repair program — Arterial system)	MONTRÉAL-NORD
20	VMP-13005	Road repair contract (roadway and sidewalks) of the Ville-Marie borough	VILLE-MARIE
21	13-6548	Place du Canada — Redevelopment	VILLE-MARIE
22	S2013-002	Reconstruction of sections of sidewalk and curb, where required	AHUNTSIC-CARTIERVILLE
23	RP-ING-13-04	Place du Village Vieux-Pointe-aux-Trembles — Road access ramp 7 ^e Rue	RIVIÈRE-DES-PRAIRIES-POINTE-AUX-TREMBLES
24	CDN-NDG-13-AOP-BT-007	Reconstruction of sidewalks and curbs related to levelling and bituminous coated roadway, where required	CÔTE-DES-NEIGES-NOTRE-DAME-DE-GRACE
25	211305	2013 road repair program	SUD-OUEST

2590

Gouvernement du Québec

O.C. 219-2013, 20 March 2013Professional Code
(chapter C-26)**Specialist's certificates of professional orders
— Diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders
— Amendment**

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12, and of the order concerned, the Government

may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Professional Code, before advising the Government, the Office must consult, in particular, with the educational institutions and the order concerned, the Conference of Rectors and Principals of Quebec Universities in the case of a university-level diploma, and the Minister of Higher Education, Research, Science and Technology;

WHEREAS the Office carried out the consultations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 28 November 2012 with a notice that it could be made by the Government on the expiry of 45 days following that publication;