

Regulations and other Acts

Gouvernement du Québec

O.C. 800-2013, 10 July 2013

Integrity in Public Contracts Act
(2012, chapter 25)

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

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 that Act or determined by the Government under section 21.17 of Chapter V.2 of the Act respecting contracting by public bodies, the Government may, before 31 March 2016, determine that Chapter V.2 applies to public contracts or subcontracts or to contracts or subcontracts deemed to be public contracts or subcontracts under the Act even if they involve a lower expenditure amount, determine that Chapter V.2 applies to a category of public contracts or subcontracts or of such deemed public contracts or subcontracts other than the categories determined under those sections or determine that Chapter V.2 applies to groups of public contracts or subcontracts or of such deemed public contracts or subcontracts, whether or not they are of the same category;

WHEREAS, under section 86 of the Integrity in Public Contracts Act, 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 each 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 to the Autorité des marchés financiers;

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 10 July 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

	NO. OF CALL FOR TENDERS	TITLE OF PROJECT	BOROUGH
1	13-029	Construction of the road link on lot 12 (Montréal Airport)	SAINT-LAURENT
2	2313-21	Road reconstruction on a part of rue Léon-Brisebois	ÎLE-BIZARD– SAINTE-GENEVIÈVE
3	1265-AE	Installation of 52 gates and 38 actuators on the north and south interceptors	SEVERAL
4	1528-AE	Electrical connection and installation of cameras at the Jean-R.-Marcotte waste water treatment plant	RIVIÈRE-DES-PRAIRIES– POINTE-AUX-TREMBLES
5	1829-AE	Electric and mechanical upgrade of the distribution line of the press	RIVIÈRE-DES-PRAIRIES– POINTE-AUX-TREMBLES
6	1905-AE	Sampling system upgrade at the effluent of the Jean-R.-Marcotte waste water treatment plant	RIVIÈRE-DES-PRAIRIES– POINTE-AUX-TREMBLES
7	10099	Installation of temporary electric equipments to execute electrical power works at the Atwater plant and ensure the risks for the drinking water system are reduced	LE SUD-OUEST
8	10100	Rehabilitation of mechanical and building electric equipments at the Charles-J.-Des Bailleurs plant within the project for the rehabilitation of the drinking water treatment plants equipments	LASALLE
9	211308	Reconstruction of combined sewer, water lateral, flexible roadway and sidewalks on rue Allard, between rue Briand and rue Irwin	LE SUD-OUEST

	NO. OF CALL FOR TENDERS	TITLE OF PROJECT	BOROUGH
10	S-1324	Rehabilitation of the sewer, water and highway infrastructures on 48 ^e Avenue, between rue Acadia and rue Victoria, and on rue Sir-George-Simpson, between 38 ^e Avenue and 46 ^e Avenue in the Lachine borough	LACHINE
11	S-1325	Installation of a main by directional drilling on the extension of 48 ^e Avenue in the Lachine borough	LACHINE
12	ST-13-07	Rehabilitation of the Belvédère pumping station	PIERREFONDS-ROXBORO
13	RPPV13-05067-OP	Reconstruction of water lateral, roadway and sidewalks on rue Fullum, between rue Dandurand and rue Masson	ROSEMONT- LA PETITE-PATRIE
14	214002	Reconstruction of roadways, sidewalks, medians, curbs, islands, lighting and traffic lights system, where required, at the intersection of avenue Papineau and avenue Lecocq (Geometric redevelopment of arterial network – 2013)	AHUNTSIC- CARTIERVILLE / VILLERAY- SAINT-MICHEL- PARC-EXTENSION
15	228002	Construction and reconstruction of projections, sidewalks and curbs, and bringing traffic lights up to standards, where required, on boulevard Pie-IX and rue Hochelaga (Bicycle network development – 2013)	MERCIER-HOCHELAGA- MAISONNEUVE
16	07-13091	13-09 Replacement of asphalt on Jacques-Bizard bridge (3302)	ÎLE-BIZARD- SAINTEGENEVIÈVE
17	257401	Spraying and stabilization of roadway with bituminous concrete, reconstruction of sidewalks and median, and traffic light and lighting works, where required, on boulevard Henri-Bourassa, from rue Dutrisac to boulevard Jules-Poitras (2013 road repair program – Arterial system)	SAINT-LAURENT
18	263802	Construction of monolithic sidewalks, concrete pavement, median, granite paving block, leveling, refection of the rigid pavement, lighting and traffic signals in chemin de la Côte-Sainte-Catherine at the intersection of avenue Vincent-D'Indy – (Bicycle network development – 2012)	OUTREMONT
19	264002	Leveling, bituminous coating and reconstruction of sidewalks, where required, at bus stops in various streets of Ville de Montréal – (Bus stops)– (2012 road repair program – Arterial system)	SEVERAL

	NO. OF CALL FOR TENDERS	TITLE OF PROJECT	BOROUGH
20	278301	Geometric redevelopment including construction and reconstruction works of sidewalks, curbs, median, base, subsurface ducts for moving a lighting system, where required, at the intersection of avenue Van Horne and rue Saint-Urbain (Security of the arterial system)	PLATEAU-MONT-ROYAL
21	282401	Reconstruction of a composite roadway to a flexible roadway, sidewalks, curbs, islands, lighting and traffic signals works, where required, in boulevard Henri-Bourassa (north side), between the ramp of Autoroute 40 and 40 ^e Avenue (2013 road repair program – Arterial system)	RIVIÈRE-DES-PRAIRIES– POINTE-AUX-TREMBLES
22	287801	Reconstruction of the rigid pavement, where required, in various streets of Ville de Montréal. FA-01 (2013 road repair program – Arterial system – Active crack)	SEVERAL
23	288001	Leveling of roadway and bituminous coating, where required, in various streets of Ville de Montréal (2013 road repair program – Arterial system)	SEVERAL
24	279401	Reconstruction of a combined sewer and water lateral, composite roadway to a flexible roadway, sidewalks and lighting works, where required, in rue Saint-Jacques, rue Delinelle, rue Sainte-Marguerite and rue Sainte-Émilie, within the limits described in the bid form (2013 road repair program – Arterial system)	LE SUD-OUEST
25	256902	Geometric redevelopment including the reconstruction of the roadway, sidewalks, curbs, the median, the lighting and traffic signal in rue Ontario, from rue D'Iberville to rue Lespérance – (Pôle Frontenac development project, phase 1)	VILLE-MARIE