

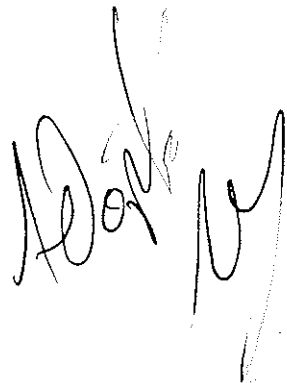
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 5

AMENDMENT:

Add “, unless the person has obtained a pardon” at the end of paragraph 2.

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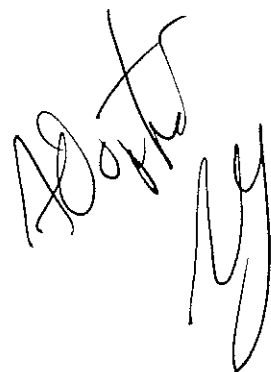
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 6

AMENDMENT:

Replace "of a fixed duration of five years" in the first paragraph by "seven years".

A handwritten signature in black ink, appearing to be "D. J. Smith" or similar, written diagonally.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 8

AMENDMENT:

Insert "he or she is" after "when" in the second paragraph.

W. J. J.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 19

AMENDMENT:

Replace by:

19. For the purposes of this Act,

(1) "public contract" means

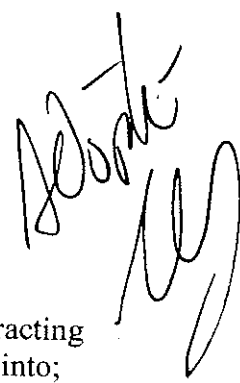
(a) a contract described in section 3 of the Act respecting contracting by public bodies that a public body, other than a municipal body, may enter into;

(b) a contract for the performance of work or the supply of insurance, equipment, materials or services that a municipal body may enter into;

(2) "public body" means a body referred to in section 4 or section 7 of the Act respecting contracting by public bodies, or a municipal body;

(3) "municipal body" means a municipality, a metropolitan community, an intermunicipal board, a public transit authority, a Northern village, the Kativik Regional Government, a mixed enterprise company and any other person or body subject to any of sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19), articles 934 to 938.4 of the Municipal Code of Québec (chapter C-27.1), sections 106 to 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01);

(4) "mixed enterprise company" means a company established under the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or any similar body constituted under a private Act, in particular those constituted under chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004; and



1/2

(5) "electronic tendering system" means the electronic tendering system referred to in section 11 of the Act respecting contracting by public bodies.

Despite subparagraph 1 of the first paragraph, for the purposes of Chapter IV, "public contract" means

(1) in the case of a contract described in the first or third paragraph of section 3 of the Act respecting contracting by public bodies, a contract involving an expenditure equal to or above the applicable lowest public tender threshold;

(2) in the case of a contract for the performance of work or the supply of insurance, equipment, materials or services that a municipal body other than a mixed enterprise company may enter into, a contract involving an expenditure equal to or above the applicable lowest public tender threshold; and

(3) a contract for the performance of work or the supply of insurance, equipment, materials or services that a mixed enterprise company may enter into after a public call for tenders.

This Act does not apply to a Cree or Naskapi village.

SAM 1
AM e
s. 20

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 20

AMENDMENT:

SAM 1 has been withdrawn and renamed SAM a.

Adopté
[Signature]

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 20

AMENDMENT:

1. Replace paragraphs 1 and 2 by:

(1) to examine the tendering or awarding process for a public contract, following a complaint under Division I or II of Chapter IV, for the purposes of an intervention under Chapter V or following a communication of information under Chapter VI;

(1.1) to examine the performance of a public contract following an intervention or a communication of information under subparagraph 1 of the first paragraph;

(1.2) to ensure coherence is maintained in the examination of tendering and awarding processes for public contracts and in the examination of the performance of such contracts;

(2) to examine the contract management of a public body the Authority designates or of a public body designated by the Government, in particular the definition of procurement requirements, contract awarding processes, contract performance and accountability reporting;

2. Add at the end:

For the purposes of subparagraph 2 of the first paragraph, the Authority may designate a public body only if the exercise of the functions set out in subparagraphs 1 and 1.1 of the first paragraph has revealed repeated failures to comply with the normative framework, pointing to significant deficiencies in contract management matters.

The Government or the Authority, as the case may be, determines the conditions under which and the manner in which an examination of a public body's contract management under subparagraph 2 of the first paragraph is to be conducted. The conditions and manner are published on the Authority's website.

Bill 108

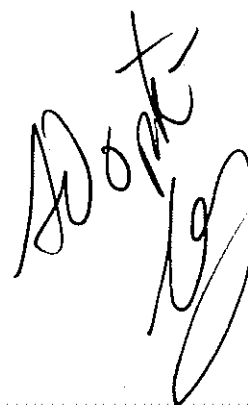
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 21

AMENDMENT:

Replace by:

21. The Authority may conduct an audit to verify compliance with this Act. The Authority may also conduct an audit to determine whether the tendering or awarding process for a public contract, the performance of a public contract or the contract management of a public body designated by the Government under subparagraph 2 of the first paragraph of section 20 is carried out in compliance with the normative framework to which the public body concerned is subject.

A handwritten signature in black ink, appearing to be 'D. St. Leger', is located on the right side of the page.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 25

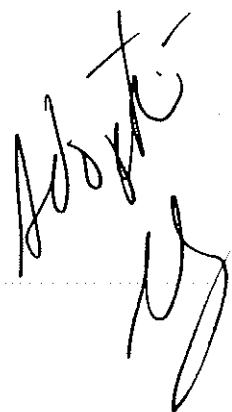
AMENDMENT:

1. Replace "referred to in paragraph 2 of section 20" in the first paragraph by "designated under subparagraph 2 of the first paragraph of section 20".

2. Insert after the first paragraph:

The Authority may also conduct an investigation into the commission of an offence under section 26.1 or 57.1.

3. Replace "The Authority is then vested" in the second paragraph by "For the purposes of the first paragraph, the Authority is vested".

A handwritten signature in black ink, appearing to be "Booth" followed by a stylized flourish.

Bill 108


**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 26

AMENDMENT:

Replace the second sentence of the second paragraph by:

In the case of an investigation under the first paragraph of section 25, the person is then vested with the powers and immunity referred to in the third paragraph of that section.

Handwritten signature and initials in the bottom right corner of the page.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 26.1

AMENDMENT:

Add after section 26:

26.1. Any person who

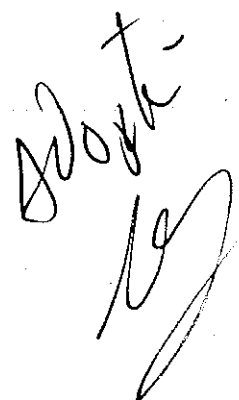
(1) hinders or attempts to hinder a person conducting an audit or investigation, refuses to provide any information or document that he or she must send or make available, or conceals or destroys any document relevant to an audit or investigation,

(2) by an act or omission, helps another person to commit an offence under subparagraph 1, or

(3) by encouragement, advice, consent, authorization or command, induces another person to commit an offence under subparagraph 1,

is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.

The fines are doubled for a subsequent offence.

A handwritten signature in black ink, appearing to be 'Doré', is located in the bottom right corner of the page.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 27

AMENDMENT:

Replace everything that follows subparagraph 4 of the first paragraph by:

(5) despite any prohibition against the disclosure of information relating to a selection committee member's identity or allowing a selection committee member to be identified as such, order the public body to send the Authority, for approval, the composition of the selection committees for the tendering processes the Authority indicates; and

(6) when the Authority exercises the functions assigned to it under subparagraph 2 of the first paragraph of section 20, suspend the performance of any public contract for the time it specifies or cancel such a contract if it is of the opinion that the seriousness of the breaches observed as regards contract management justifies suspending or cancelling the contract.

The decisions made by the Authority are public and must be made available by the Authority on its website. However, in the case of a decision made under subparagraph 4 of the first paragraph, the identity of the person designated to act as a member of a selection committee must not be disclosed.

In addition, following a decision made under subparagraph 1 or 2 of the first paragraph, the Authority requires the operator of the electronic tendering system to enter a brief description of the decision on the system without delay.

Despite the first paragraph, if the audit or investigation concerns a municipal body, a decision of the Authority takes the form of a recommendation to the body's council or board.

A handwritten signature in dark ink, appearing to be 'H. Gauthier', is located in the bottom right corner of the page.

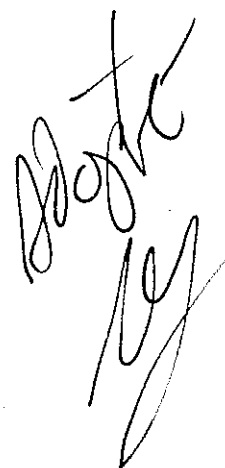
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 28

AMENDMENT:

Replace "A decision" in the second paragraph by "If it concerns a public body other than a municipal body, a decision".

A handwritten signature in black ink, appearing to be "Boyle" followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 29

AMENDMENT:

Replace by:

29. The Authority may also

(1) make recommendations to the Chair of the Conseil du trésor or the Minister responsible for municipal affairs on the tendering or awarding processes for public contracts and give its opinion on any question submitted to it by the Chair or the Minister concerning matters under the Authority's jurisdiction;

(2) make recommendations to the chief executive officer of a public body on the tendering or awarding processes for a contract, on the performance of a contract or, when the Authority exercises the functions assigned to it under subparagraph 2 of the first paragraph of section 20, on the body's contract management, which may propose corrective measures, appropriate follow-up and any other measures, such as oversight and monitoring measures;

(3) recommend to the Conseil du trésor that it require, on the conditions it determines, that a public body, other than a municipal body,

(a) associate itself with another public body designated by the Conseil du trésor for the tendering or awarding processes the Conseil indicates, or

(b) entrust to another public body designated by the Conseil du trésor the responsibility of conducting the tendering or awarding processes the Conseil indicates;

(4) recommend to the Chair of the Conseil du trésor or the minister responsible for municipal affairs that the Chair or minister recommend to the Government that the Government require determine, in accordance with section 21.17.1 of the Act respecting contracting by public bodies, other public contracts, categories of public contracts or groups of public contracts, including public subcontracts, for which an authorization to contract is required;

(5) recommend to the Chair of the Conseil du trésor or the minister responsible for municipal affairs that the Chair or minister recommend to the Government that the Government require, in accordance with section 21.17.2 of the Act respecting contracting by public bodies, an enterprise party to a public contract or subcontract that is in process to obtain an authorization to contract;

(6) recommend to the minister responsible for municipal affairs

(a) that the minister intervene under section 7 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), or

(b) that the minister give, under section 14 of that Act, any instructions the Minister considers appropriate to the council or board of a municipal body, in which case the prior verification or investigation referred to in that section is not required; and

(7) as part of its monitoring of public contracts, collect, compile and analyze information on such contracts and disseminate the resulting findings among the public bodies.

Subparagraph 3 of the first paragraph does not apply to bodies of the administrative branch established to exercise adjudicative functions and does not apply to bodies described in section 7 of the Act respecting contracting by public bodies to the extent that it concerns a tendering process.

For the purposes of subparagraphs 3 to 6 of the first paragraph, the Authority must send a copy of the record it has established to the Conseil du trésor, the Chair of the Conseil du trésor or the minister responsible for municipal affairs.

Recommendations made by the Authority under subparagraph 2 of the first paragraph are public and must be made available by the Authority on its website."

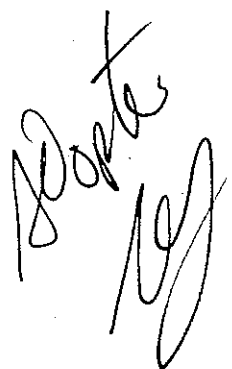
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 30

AMENDMENT:

1. Replace "a public body's chief executive officer" in the first paragraph by "the chief executive officer of a public body, other than a municipal body,";
2. Replace "staff of the senior management" in the third paragraph by "senior administrative personnel".

A handwritten signature in black ink, appearing to be "D. D. D." or similar, written diagonally.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

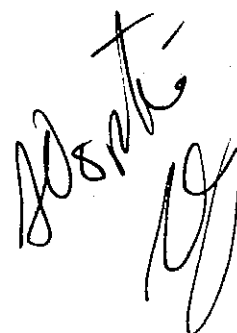
Section 30.1

AMENDMENT:

Insert after section 30:

30.1. For the purposes of this Act, the chief executive officer of a municipal body is the council or board of directors of the body. The council or board may delegate all or part of the functions assigned to it under this Act to the executive committee or the director general or, failing that, to the employee holding the highest office within the body.

The delegation of functions by a municipal council, the council of a metropolitan community, a Northern village or the Kativik Regional Government or by the board of directors of an intermunicipal board or transit authority must be made by by-law.

A handwritten signature in black ink, appearing to be 'D. St. Pierre' or similar, with a large, stylized flourish at the end.

Bill 108

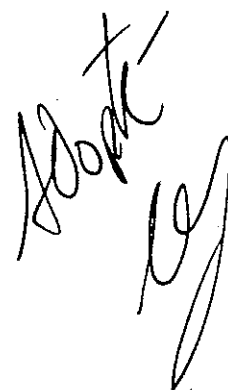
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 30.2

AMENDMENT:

Insert after the heading of subdivision 3 of Division II of Chapter III:

30.2. On the Authority's request, a public body must send or otherwise make available to the Authority within the time it specifies all documents and information the Authority considers necessary to exercise its monitoring functions under subparagraph 3 of the first paragraph of section 20.

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AM 16
s. 82 (13.2)

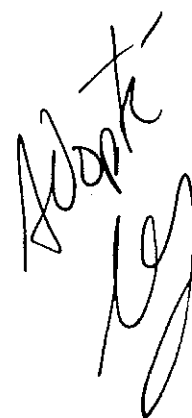
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 82

AMENDMENT:

Replace the first sentence of the first paragraph of proposed section 13.2 by: "If an enterprise has expressed interest in accordance with subparagraph 5 of the first paragraph of section 13.1, the public body must, at least seven days before the projected contract date, electronically send the enterprise its decision as to whether or not it still intends to enter into a contract by mutual agreement."

A handwritten signature in black ink, appearing to be "Mark" followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 144.1

AMENDMENT:

Insert after the heading "CITIES AND TOWNS ACT":

144.1. The Cities and Towns Act (chapter C-19) is amended by inserting the following sections after section 573.3:

"573.3.0.0.1. To enter into a contract that, but for section 573.3, would have been subject to section 573 with a supplier that is the only one in a position to provide the equipment, materials or services under subparagraph 2 of the first paragraph of section 573.3, a municipality must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

- (1) the name of the person with whom the municipality intends to enter into the contract in accordance with section 573.3;
- (2) a detailed description of the municipality's procurement requirements and the contract obligations;
- (3) the projected contract date;
- (4) the reasons invoked allowing the municipality to enter into the contract in accordance with section 573.3; and
- (5) the address at which and deadline by which a person may express interest electronically and demonstrate that it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

"573.3.0.0.2. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 573.3.0.0.1, the municipality

shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The municipality must also inform the person of the person's right to file a complaint under section 34 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 573.3.0.0.1, the contract may be entered into before the projected contract date specified in the notice of intention."

2/2

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 146.3

AMENDMENT:

Insert after the heading "MUNICIPAL CODE OF QUÉBEC":

146.3. The Municipal Code of Québec (chapter C-27.1) is amended by inserting the following articles after article 938:

"938.0.0.1. To enter into a contract that, but for article 938, would have been subject to article 935 with a supplier that is the only one in a position to provide the equipment, materials or services under subparagraph 2 of the first paragraph of article 938, a municipality must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the municipality intends to enter into the contract in accordance with article 938;

(2) a detailed description of the municipality's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the municipality to enter into the contract in accordance with article 938; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

"938.0.0.2. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 938.0.0.1, the municipality

shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The municipality must also inform the person of the person's right to file a complaint under section 34 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of article 938.0.0.1, the contract may be entered into before the projected contract date specified in the notice of intention."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 148.3

AMENDMENT:

Insert after the heading "ACT RESPECTING THE COMMUNAUTÉ
MÉTROPOLITAINE DE MONTRÉAL":

148.3. The Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by inserting the following sections after section 112.4:

"**112.5.** To enter into a contract that, but for section 112.4, would have been subject to sections 106 and 108 with a supplier that is the only one in a position to provide the equipment, materials or services under subparagraph 2 of the first paragraph of section 112.4, the Community must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the Community intends to enter into the contract in accordance with article 112.4;

(2) a detailed description of the Community's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the Community to enter into the contract in accordance with article 112.4; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

Adopté
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“112.6. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 112.5, the Community shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The Community must also inform the person of the person's right to file a complaint under section 34 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 112.5, the contract may be entered into before the projected contract date specified in the notice of intention.”

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 150.3

AMENDMENT:

Insert the following section after the heading "ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC":

150.3. The Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by inserting the following sections after section 105.4:

"**105.5.** To enter into a contract that, but for section 105.4, would have been subject to sections 99 and 101 with a supplier that is the only one in a position to provide the equipment, materials or services under subparagraph 2 of the first paragraph of section 105.4, the Community must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the Community intends to enter into the contract in accordance with article 105.4;

(2) a detailed description of the Community's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the Community to enter into the contract in accordance with article 105.4; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

*Adèle
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“105.6. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 105.5, the Community shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The Community must also inform the person of the person's right to file a complaint under section 34 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 105.5, the contract may be entered into before the projected contract date specified in the notice of intention.”

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 165.2

AMENDMENT:

Insert after the heading "ACT RESPECTING PUBLIC TRANSIT
AUTHORITIES":

165.2. The Act respecting public transit authorities (chapter S-30.01) is amended
by inserting the following sections after section 101.1:

"101.2. To enter into a contract that, but for section 101.1, would have
been subject to sections 93 and 95 with a supplier that is the only one in a position
to provide the equipment, materials or services under subparagraph 2 of the first
paragraph of section 101.1, a transit authority must, at least 15 days before
entering into the contract, publish on the electronic tendering system approved by
the Government a notice of intention allowing any person to express interest in
entering into it. The notice of intention must, among other things, specify or
include

- (1) the name of the person with whom the transit authority intends to
enter into the contract in accordance with section 101.1;
- (2) a detailed description of the transit authority's procurement
requirements and the contract obligations;
- (3) the projected contract date;
- (4) the reasons invoked allowing the transit authority to enter into the
contract in accordance with section 101.1; and
- (5) the address at which and deadline by which a person may express
interest electronically and demonstrate that it is capable of carrying out the
contract on the basis of the procurement requirements and obligations stated in the
notice, that deadline being five days before the projected contract date.

"101.3. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 101.2, the transit authority shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The transit authority must also inform the person of the person's right to file a complaint under section 34 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 101.2, the contract may be entered into before the projected contract date specified in the notice of intention."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 167.3

AMENDMENT:

Insert after section 167.2:

**ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK
REGIONAL GOVERNMENT**

167.3. The Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended by inserting the following sections after section 204.3:

“204.3.1. To enter into a contract that, but for section 204.3, would have been subject to section 204 with a supplier that is the only one in a position to provide the equipment, materials or services under paragraph 2 of section 204.3, a municipality must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the municipality intends to enter into the contract in accordance with section 204.3;

(2) a detailed description of the municipality's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the municipality to enter into the contract in accordance with section 204.3; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

“204.3.2. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 204.3.1, the municipality shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The municipality must also inform the person of the person’s right to file a complaint under section 34 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 204.3.1, the contract may be entered into before the projected contract date specified in the notice of intention.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 167.5

AMENDMENT:

Insert after section 167.4:

167.5. The Act is amended by inserting the following sections after section 358.3:

“358.3.1. To enter into a contract that, but for section 358.3, would have been subject to section 358 with a supplier that is the only one in a position to provide the equipment, materials or services under paragraph 2 of section 358.3, the Regional Government must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the Regional Government intends to enter into the contract in accordance with section 358.3;

(2) a detailed description of the Regional Government's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the Regional Government to enter into the contract in accordance with section 358.3; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

“358.3.2. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 358.3.1, the Regional Government shall electronically send the person its decision as to the contract, at

least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The Regional Government must also inform the person of the person's right to file a complaint under section 34 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 358.3.1, the contract may be entered into before the projected contract date specified in the notice of intention."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 83

AMENDMENT:

1. Replace "tendering or awarding process for" in the first paragraph of proposed section 21.0.3 by "awarding of".
2. Replace Divisions II and III of proposed Chapter V.0.1.1. by:

"DIVISION II

"COMPLAINT ABOUT CERTAIN CONTRACTING PROCESSES

"21.0.4. In the case of an ongoing public call for tenders, only an enterprise or a group of enterprises interested in participating in the awarding process or its representative may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the normative framework.

The first paragraph also applies to a process for the certification of goods or the qualification of enterprises, with the necessary modifications.

In the case of a body referred to in section 7, this section applies only to the contracting processes preceding the entering into of a contract governed by an intergovernmental agreement."

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 173

AMENDMENT:

Replace by:

173. The Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1) is amended by inserting the following after section 1:

“1.1. For the purposes of this Regulation, the electronic tendering system is the one approved by the Government under section 11 of the Act.

“CHAPTER I.1

“PUBLIC CALL FOR TENDERS

“1.2. Every public call for tenders for a contract governed by an intergovernmental agreement is made by publishing a notice on the electronic tendering system.

The notice forms part of the tender documents and must specify and contain

- (1) the name of the body;
- (2) a brief description of the goods, services or construction work and the place where the goods are to be delivered or the construction work performed, as the case may be;
- (3) the nature and amount of any required tender security;
- (4) the intergovernmental agreement, within the meaning of section 2 of the Act, that applies;

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(5) the place where the tender documents and information may be obtained;

(6) the place and the closing date and time for the receipt and opening of tenders; the time for receiving tenders may not be less than the time prescribed in the intergovernmental agreement that applies;

(7) the deadline for filing complaints under section 21.0.4 of the Act; that deadline is determined, subject to the third paragraph, by adding to the date of the notice of the call for tenders a period corresponding to half the time for receiving tenders but which may not be less than 10 days; and

(8) the fact that the body is not bound to accept any of the tenders received.

The body must ensure that there is a period of at least 4 working days between the closing date and the deadline referred to in subparagraphs 6 and 7 of the second paragraph. For the purposes of this Regulation, Saturday is considered a holiday, as are 2 January and 26 December.

“1.3. A body may amend its tender documents by means of an addendum sent to the suppliers, service providers or contractors concerned, as the case may be. An addendum must contain the information relating to the deadline for filing a complaint under section 21.0.4 of the Act or under section 36 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*), or specify whether the amendments to the tender documents result from a decision of the Autorité des marchés publics.

If the amendment is likely to affect the prices, the addendum must be sent at least 7 days before the tender closing date; if that 7-day period cannot be complied with, the closing date must be deferred by the number of days needed to ensure compliance with the minimum period.

An amendment made before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the time by which the tender submission period is extended.

Subject to the second paragraph, an amendment made 3 days or less before the tender closing date results in a minimum 3-day deferral of that date. However, the deferral must be such as to ensure that the date preceding the new tender closing date is a working day.

In addition, provided that it is specified in the tender documents, the body may reserve the right to not consider a request for details made, as the case may

be, by a supplier, service provider or contractor if the request is sent to the body less than 3 working days before the tender closing date and time.

“CHAPTER 1.2

“PROCESSING OF COMPLAINTS ABOUT A PUBLIC CALL FOR TENDERS

“1.4. A complaint under section 21.0.4. of the Act about a public call for tenders must be filed with the body not later than the complaint filing deadline indicated on the electronic tendering system. Such a complaint may pertain only to the content of the tender documents available not later than 2 days before that deadline.

The complainant must, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

“1.5. On receiving a first complaint, the body must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant’s interest.

“1.6. The body must send the complainant its decision electronically after the complaint filing deadline but not later than 3 days before the tender closing date it has determined. If necessary, the body must defer the tender closing date.

The body must also, if applicable, inform the complainant of the complainant’s right to file a complaint under section 33 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within 3 days after receiving the decision.

“1.7. If the body has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

“1.8. The body must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

“1.9. The body must defer the tender closing date by the number of days needed to allow a minimum period of 7 days to remain from the date its decision is sent.

“1.10. If, 2 days before the tender closing date, the body has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by 4 days.

If the deferred date falls on a holiday, it must again be deferred to the second next working day. If the day preceding the deferred date is not a working day, that date must be deferred to the next working day.

"CHAPTER I.3

"QUALIFICATION OF ENTERPRISES

"1.11. When a body uses a qualification process to qualify enterprises before issuing a call for tenders for a supply, service or construction contract governed by an intergovernmental agreement, the following requirements must be met:

(1) the qualification process must be preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, the information required under subparagraphs 1, 2 and 4 to 7 of the second paragraph of section 1.2 and the period of validity of the list of qualified enterprises or the method used to inform all interested persons of the time as of which that list will no longer be used;

(2) the list of qualified enterprises must be published on the electronic tendering system and every enterprise must be informed of its acceptance for entry on the list or of the reason for refusal if entry was denied;

(3) a public notice of qualification must be published again at least once a year so as to allow the qualification of other enterprises during the period of validity of the list;

(4) the public notice of qualification must remain accessible on the electronic tendering system for the entire period of validity of the list.

The third paragraph of section 1.2, the first, third and fourth paragraphs of section 1.3 and Chapter I.2 apply, with the necessary modifications, to the qualification of enterprises.

"1.12. Every supply, service or construction contract subsequent to the qualification of enterprises under section 1.11 that involves an expenditure equal to or above the public tender threshold must be awarded through a public call for tenders open only to qualified enterprises."

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 174

AMENDMENT:

Insert “for a contract governed by an intergovernmental agreement” after “public call for tenders” in the introductory clause of proposed section 9.1.

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 175

AMENDMENT:

Replace by:

175. Section 4 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) is amended

(1) by inserting the following subparagraph after subparagraph 6 of the second paragraph:

“(6.1) the deadline for filing complaints under section 21.0.4 of the Act; that deadline is determined, subject to the third paragraph, by adding to the date of the notice of the call for tenders a period corresponding to half the time for receiving tenders but which may not be less than 10 days;”;

(2) by inserting the following paragraph after the second paragraph:

“The public body must ensure that there is a period of at least 4 business days between the closing date and the deadline referred to in subparagraphs 6 and 6.1, respectively, of the second paragraph. For the purposes of this Regulation, Saturday is considered a holiday, as are 2 January and 26 December.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 176

AMENDMENT:

1. Replace the introductory clause by:

176. Section 9 of the Regulation is amended

2. Replace the second paragraph proposed by paragraph 2 by:

Subject to the second paragraph, any amendment made 3 days or less before the tender closing date results in a minimum 3-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a business day."

3. Add at the end:

(3) by replacing "2 business days" in the third paragraph by "3 business days".

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 176.1

AMENDMENT:

Insert after section 176:

176.1. The Regulation is amended by adding the following division after section 9.2:

“DIVISION II.1

**“PROCESSING OF COMPLAINTS ABOUT A PUBLIC CALL FOR
TENDERS**

“9.3. A complaint under section 21.0.4 of the Act about a public call for tenders must be filed with the public body not later than the complaint filing deadline indicated on the electronic tendering system. Such a complaint may pertain only to the content of the tender documents available not later than 2 days before that deadline.

The complainant must, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

“9.4. On receiving a first complaint, the public body must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

“9.5. The public body must send the complainant its decision electronically after the complaint filing deadline but not later than 3 days before the tender closing date it has determined. If necessary, the public body must defer the tender closing date.

The public body must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within 3 days after receiving the decision.

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“9.6. If the public body has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

“9.7. The public body must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

“9.8. The public body must defer the tender closing date by the number of days needed to allow a minimum period of 7 days to remain from the date its decision is sent.

“9.9. If, 2 days before the tender closing date, the public body has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by 4 days.

If the deferred date falls on a holiday, it must again be deferred to the second next business day. If the day preceding the deferred date is not a business day, that date must be deferred to the next business day.”

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 177

AMENDMENT:

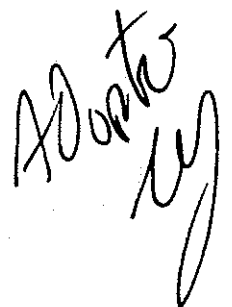
1. Replace "section 21.0.6 of the Act, which is determined" in paragraph 1 by "section 21.0.4 of the Act; that deadline is determined, subject to the second paragraph,".

2. Replace paragraph 2 by:

(2) by adding the following paragraphs at the end:

"The public body must ensure that there is a period of at least 4 business days between the certification application filing deadline and the complaint filing deadline.

The first, third and fourth paragraphs of section 9 and Division II.1 of Chapter II apply, with the necessary modifications, to the certification of goods."

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 179

AMENDMENT:

Replace by:

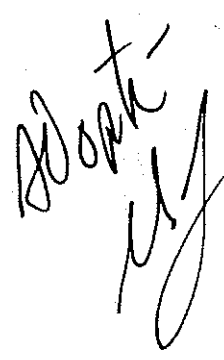
179. Section 4 of the Regulation respecting service contracts of public bodies (chapter C-65.1, r. 4) is amended

(1) by inserting the following subparagraph after subparagraph 6 of the second paragraph:

“(6.1) the deadline for filing complaints under section 21.0.4 of the Act; that deadline is determined, subject to the third paragraph, by adding to the date of the notice of the call for tenders a period corresponding to half the time for receiving tenders but which may not be less than 10 days;”;

(2) by inserting the following paragraph after the second paragraph:

“The public body must ensure that there is a period of at least 4 business days between the closing date and the deadline referred to in subparagraphs 6 and 6.1, respectively, of the second paragraph. For the purposes of this Regulation, Saturday is considered a holiday, as are 2 January and 26 December.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 180

AMENDMENT:

1. Replace the introductory clause by:

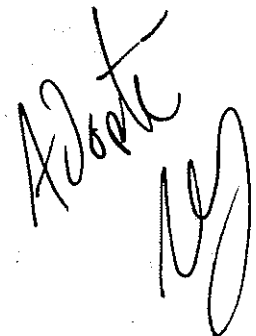
180. Section 9 of the Regulation is amended

2. Replace the second paragraph proposed by paragraph 2 by:

Subject to the second paragraph, any amendment made 3 days or less before the tender closing date results in a minimum 3-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a business day."

3. Add at the end:

(3) by replacing "2 business days" in the third paragraph by "3 business days".

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 180.1

AMENDMENT:

Insert after section 180:

180.1. The Regulation is amended by adding the following division after section 9.2:

"DIVISION II.1

**"PROCESSING OF COMPLAINTS ABOUT A PUBLIC CALL FOR
TENDERS**

"9.3. A complaint under section 21.0.4 of the Act about a public call for tenders must be filed with the public body not later than the complaint filing deadline indicated on the electronic tendering system. Such a complaint may pertain only to the content of the tender documents available not later than 2 days before that deadline.

The complainant must, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

"9.4. On receiving a first complaint, the public body must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

"9.5. The public body must send the complainant its decision electronically after the complaint filing deadline but not later than 3 days before the tender closing date it has determined. If necessary, the public body must defer the tender closing date.

The public body must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within 3 days after receiving the decision.

“9.6. If the public body has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

“9.7. The public body must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

“9.8. The public body must defer the tender closing date by the number of days needed to allow a minimum period of 7 days to remain from the date its decision is sent.

“9.9. If, 2 days before the tender closing date, the public body has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by 4 days.

If the deferred date falls on a holiday, it must again be deferred to the second next business day. If the day preceding the deferred date is not a business day, that date must be deferred to the next business day.”

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 181

AMENDMENT:

Replace paragraph 2 by:

(2) by adding the following paragraph at the end:

“The third paragraph of section 4, the first, third and fourth paragraphs of section 9 and Division II.1 of Chapter II apply, with the necessary modifications, to the qualification of service providers.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 183

AMENDMENT:

Replace by:

183. Section 4 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5) is amended

(1) by inserting the following subparagraph after subparagraph 6 of the second paragraph:

“(6.1) the deadline for filing complaints under section 21.0.4 of the Act; that deadline is determined, subject to the third paragraph, by adding to the date of the notice of the call for tenders a period corresponding to half the time for receiving tenders but which may not be less than 10 days;”;

(2) by inserting the following paragraph after the second paragraph:

“The public body must ensure that there is a period of at least 4 business days between the closing date and the deadline referred to in subparagraphs 6 and 6.1, respectively, of the second paragraph. For the purposes of this Regulation, Saturday is considered a holiday, as are 2 January and 26 December.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 184

AMENDMENT:

1. Replace the introductory clause by:

184. Section 9 of the Regulation is amended

2. Replace the second paragraph proposed by paragraph 2 by:

Subject to the second paragraph, any amendment made 3 days or less before the tender closing date results in a minimum 3-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a business day."

3. Add at the end:

(3) by replacing "2 business days" in the third paragraph by "3 business days".

*Adopté
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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 184.1

AMENDMENT:

Insert after section 184:

184.1. The Regulation is amended by adding the following division after section 9.2:

“DIVISION II.1

**“PROCESSING OF COMPLAINTS ABOUT A PUBLIC CALL FOR
TENDERS**

“12.1. A complaint under section 21.0.4 of the Act about a public call for tenders must be filed with the public body not later than the complaint filing deadline indicated on the electronic tendering system. Such a complaint may pertain only to the content of the tender documents available not later than 2 days before that deadline.

The complainant must, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

“12.2. On receiving a first complaint, the public body must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

“12.3. The public body must send the complainant its decision electronically after the complaint filing deadline but not later than 3 days before the tender closing date it has determined. If necessary, the public body must defer the tender closing date.

The public body must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

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"12.4. If the public body has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

"12.5. The public body must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

"12.6. The public body must defer the tender closing date by the number of days needed to allow a minimum period of 7 days to remain from the date its decision is sent.

"12.7. If, 2 days before the tender closing date, the public body has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by 4 days.

If the deferred date falls on a holiday, it must again be deferred to the second next business day. If the day preceding the deferred date is not a business day, that date must be deferred to the next business day."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 185

AMENDMENT:

Replace paragraph 2 by:

(2) by adding the following paragraph at the end:

“The third paragraph of section 4, the first, third and fourth paragraphs of section 9 and Division II.1 of Chapter II apply, with the necessary modifications, to the qualification of contractors.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 187

AMENDMENT:

Replace by:

187. Section 4 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended

(1) by inserting the following subparagraph after subparagraph 10 of the second paragraph:

“(10.1) the deadline for filing complaints under section 21.0.4 of the Act; that deadline is determined, subject to the third paragraph, by adding to the date of the notice of the call for tenders a period corresponding to half the time for receiving tenders but which may not be less than 10 days;”

(2) by inserting the following paragraph after the second paragraph:

“The body must ensure that there is a period of at least 4 business days between the closing date and the deadline referred to in subparagraphs 10 and 10.1, respectively, of the second paragraph. For the purposes of this Regulation, Saturday is considered a holiday, as are 2 January and 26 December.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 188

AMENDMENT:

1. Replace the second paragraph proposed by paragraph 3 by:

“Subject to the second paragraph, any amendment made 3 days or less before the tender closing date results in a minimum 3-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a business day.”

2. Add at the end:

(4) by replacing “2 business days” in the third paragraph by “3 business days”.

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 188.1

AMENDMENT:

Insert after section 188:

188.1. The Regulation is amended by adding the following division after section 13:

"DIVISION III

**"PROCESSING OF COMPLAINTS ABOUT A PUBLIC CALL FOR
TENDERS**

"13.1. A complaint under section 21.0.4. of the Act about a public call for tenders must be filed with the public body not later than the complaint filing deadline indicated on the electronic tendering system. Such a complaint may pertain only to the content of the tender documents available not later than 2 days before that deadline.

The complainant must, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

"13.2. On receiving a first complaint, the public body must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

"13.3. The public body must send the complainant its decision electronically after the complaint filing deadline but not later than 3 days before the tender closing date it has determined. If necessary, the public body must defer the tender closing date.

The public body must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

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“13.4. If the public body has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

“13.5. The public body must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

“13.6. The public body must defer the tender closing date by the number of days needed to allow a minimum period of 7 days to remain from the date its decision is sent.

“13.7. If, 2 days before the tender closing date, the public body has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by 4 days.

If the deferred date falls on a holiday, it must again be deferred to the second next business day. If the day preceding the deferred date is not a business day, that date must be deferred to the next business day.”

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 189

AMENDMENT:

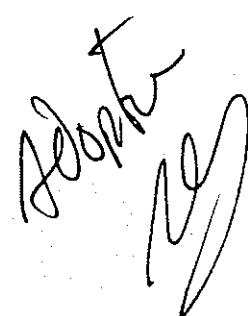
1. Replace "section 21.0.6 of the Act, which is determined" in paragraph 1 by "section 21.0.4 of the Act; that deadline is determined, subject to the second paragraph,".

2. Replace paragraph 2 by:

(2) by adding the following paragraphs at the end:

"The public body must ensure that there is a period of at least four business days between the certification application filing deadline and the complaint filing deadline.

The first, third and fourth paragraphs of section 11 and Division III of Chapter II apply, with the necessary modifications, to the certification of goods."

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 190

AMENDMENT:

Replace paragraph 2 by:

(2) by adding the following paragraph at the end:

“The third paragraph of section 4, the first, third and fourth paragraphs of section 11 and Division III of Chapter II apply, with the necessary modifications, to the qualification of service providers.”

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 144.2

AMENDMENT:

Insert after section 144.1:

144.2. The Act is amended by inserting the following sections after section 573.3.1.2:

“573.3.1.3. A municipality must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The municipality shall make the procedure available at all times by publishing it on its website. If the municipality does not have a website, it shall publish the procedure on the website of the regional county municipality whose territory contains the municipality's territory or, if the regional county municipality does not have a website, on another website whose address it shall give public notice of at least once a year.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 573.3.1.4 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

For the purposes of applying this section and sections 573.3.1.4 to 573.3.1.7 to Ville de Montréal, the functions provided for in those sections may not be assumed by the inspector general appointed under section 57.1.1 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4).

“573.3.1.4. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the

process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the municipality's normative framework.

The complaint must be filed with the municipality not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The municipality must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the municipality must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"573.3.1.5. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 573.3.1.4 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité de marchés publics.

"573.3.1.6. In the case of a complaint under section 573.3.1.4, the municipality must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the municipality must defer the tender closing date.

If the municipality has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The municipality must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The municipality must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The municipality must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the municipality has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"573.3.1.7. Sections 573.3.1.3 to 573.3.1.6 apply to certification or qualification processes, with the necessary modifications."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 146.2

AMENDMENT:

Insert after section 146.3:

146.4. The Code is amended by inserting the following articles after article 938.1.2:

"938.1.2.1. A municipality must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The municipality shall make the procedure available at all times by publishing it on its website. If the municipality does not have a website, it shall publish the procedure on the website of the regional county municipality whose territory contains the municipality's territory or, if the regional county municipality does not have a website, on another website whose address it shall give public notice of at least once a year.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under article 938.1.2.2 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

"938.1.2.2. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the municipality's normative framework.

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The complaint must be filed with the municipality not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The municipality must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the municipality must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this article, Saturday is considered a holiday, as are 2 January and 26 December.

"938.1.2.3. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under article 938.1.2.2 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité de marchés publics.

"938.1.2.4. In the case of a complaint under article 938.1.2.2, the municipality must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing

date it has determined. If necessary, the municipality must defer the tender closing date.

If the municipality has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The municipality must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The municipality must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The municipality must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the municipality has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"938.1.2.5. Articles 938.1.2.1 to 938.1.2.4 apply to certification or qualification processes, with the necessary modifications."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 148.4

AMENDMENT:

Insert after section 148.3:

148.4. The Act is amended by inserting the following sections after section 113.2:

"113.3. The Community must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The Community shall make the procedure available at all times by publishing it on its website.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 113.4 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

"113.4. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the Community's normative framework.

The complaint must be filed with the Community not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period

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corresponding to half the time for receiving tenders but which may not be less than 10 days.

The Community must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the Community must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"113.5. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 113.4 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité de marchés publics.

"113.6. In the case of a complaint under section 113.4, the Community must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the Community must defer the tender closing date.

If the Community has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The Community must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The Community must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The Community must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the Community has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"113.7. Sections 113.3 to 113.6 apply to certification or qualification processes, with the necessary modifications."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 150.4

AMENDMENT:

Insert after section 150.3:

150.4. The Act is amended by inserting the following section after section 106.2:

"106.3. The Community must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The Community shall make the procedure available at all times by publishing it on its website.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 106.4 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

"106.4. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the Community's normative framework.

The complaint must be filed with the Community not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

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The Community must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the Community must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"106.5. Any amendment made to the tender documents must contain the information relating to deadline for filing a complaint under section 106.4 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité de marchés publics.

"106.6. In the case of a complaint under section 106.4, the Community must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the Community must defer the tender closing date.

If the Community has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

Once the Community has made a decision on a complaint filed with it, it must make an entry to that effect on the electronic tendering system without delay.

The Community must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The Community must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the Community has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"106.7. Sections 106.3 to 106.6 apply to certification or qualification processes, with the necessary modifications."

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 165.1

AMENDMENT:

Insert after section 165:

165.1. The Act is amended by inserting the following sections after section 41.1:

“41.2. A mixed enterprise company must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The mixed enterprise company shall make the procedure available at all times by publishing it on its website or, if it does not have a website, on the website of the municipal entities that founded it whose address it shall give public notice of at least once a year.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 41.3 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

“41.3. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the normative framework.

The complaint must be filed with the mixed enterprise company not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government, if applicable. That deadline is determined, subject to third paragraph, by adding to the date of the notice of the public call for tenders

a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The mixed enterprise company must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the mixed enterprise company must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"41.4. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 41.3 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it change results from a recommendation of the Autorité de marchés publics.

"41.5. In the case of a complaint under section 41.3, the mixed enterprise company must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the mixed enterprise company must defer the tender closing date.

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If the mixed enterprise company has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The mixed enterprise company must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The mixed enterprise company must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The mixed enterprise company must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the mixed enterprise company has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"41.6. Section 41.2 to 41.5 apply to certification or qualification processes, with the necessary modifications."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 165.3

AMENDMENT:

Insert after section 165.2:

165.3. The Act is amended by inserting the following sections after section 103.2:

"103.2.1. A transit authority must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The transit authority shall make the procedure available at all times by publishing it on its website.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 103.2.2 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

"103.2.2. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the transit authority's normative framework.

The complaint must be filed with the transit authority not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period

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corresponding to half the time for receiving tenders but which may not be less than 10 days.

The transit authority must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the transit authority must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"103.2.3. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 103.2.2 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité de marchés publics.

"103.2.4. In the case of a complaint under section 103.2.2, the transit authority must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the transit authority must defer the tender closing date.

If the transit authority has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The transit authority must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The transit authority must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The transit authority must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the transit authority has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"103.2.5. Sections 103.2.1 to 103.2.4 apply to certification or qualification processes, with the necessary modifications."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 167.4

AMENDMENT:

Insert after section 167.3:

167.4. The Act is amended by inserting the following sections after section 207:

"207.0.1. A municipality must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The municipality shall make the procedure available at all times by publishing it on its website. If the municipality does not have a website, it shall publish the procedure on another website whose address it shall give public notice of at least once a year.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 207.0.2 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

"207.0.2. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the municipality's normative framework.

The complaint must be filed with the municipality not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period

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corresponding to half the time for receiving tenders but which may not be less than 10 days.

The municipality must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the municipality must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"207.0.3. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 207.0.2 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité des marchés publics.

"207.0.4. In the case of a complaint under section 207.0.2, the municipality must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the municipality must defer the tender closing date.

If the municipality has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The municipality must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The municipality must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The municipality must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the municipality has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"207.0.5. Sections 207.0.1 to 207.0.4 apply to certification or qualification processes, with the necessary modifications."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 167.6

AMENDMENT:

Insert after section 167.5:

167.6. The Act is amended by inserting the following sections after section 358.4:

“358.4.1. The Regional Government must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The Regional Government shall make the procedure available at all times by publishing it on its website.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 358.4.2 must be filed on the form determined by the Autorité des marchés publics under section 40 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*).

“358.4.2. In the case of an ongoing public call for tenders, only a person or a group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the Regional Government's normative framework.

The complaint must be filed with the Regional Government not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph by adding to the date on which the call for tenders is advertised a

period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The Regional Government must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the Regional Government must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"358.4.3. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 358.4.2 or under section 36 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité de marchés publics.

"358.4.4. In the case of a complaint under section 358.4.2, the Regional Government must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the Regional Government must defer the tender closing date.

If the Regional Government has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The Regional Government must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The Regional Government must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The Regional Government must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 33 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) within three days after receiving the decision.

If, two days before the tender closing date, the Regional Government has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

"358.4.5. Sections 358.4.1 to 358.4.4 apply to certification or qualification processes, with the necessary modifications."

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 33

AMENDMENT:

Add at the end of the second paragraph: "If that deadline expires on a holiday, it is extended to the next working day. For the purposes of this paragraph, Saturday is considered a holiday, as are 2 January and 26 December."

Docteur
Rey

AM 53
s. 34

Bill 108
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 34

AMENDMENT:

Add at the end of the second paragraph: "If that deadline expires on a holiday, it is extended to the next working day. For the purposes of this paragraph, Saturday is considered a holiday, as are 2 January and 26 December."

Adopté

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 35

AMENDMENT:

1. Replace "two days before the tender closing date" in the first paragraph by "three days before the tender closing date determined by the public body".

2. Replace the second paragraph by:

The complaint must be filed with the Authority not later than that date.

*Doorki
Ney*

AM 55
s. 37

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 37

AMENDMENT:

Replace “two days” in the first paragraph by “three days”.

Adopté
12/11

AM 56
Chap. IV, Div. III, heading, and s. 38.1

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

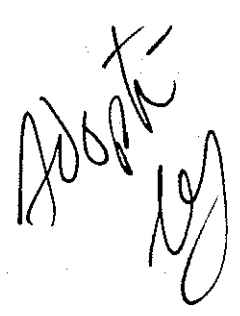
Division III heading and section 38.1

AMENDMENT:

Replace the heading of Division III of Chapter IV by:

SPECIAL PROVISIONS

38.1. For the purposes of sections 33, 35 and 36, a group of interested persons or interested partnerships or its representative may, on the same conditions, file a complaint with the Authority.

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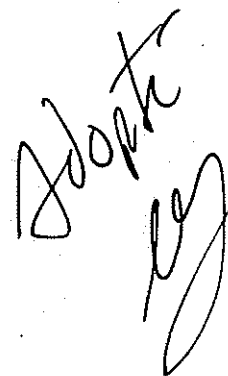
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 39

AMENDMENT:

1. Insert "or recommendation" after "order".
2. Strike out "or concerning tender documents for a contract whose object is such that it must be performed entirely outside Québec".

A handwritten signature in black ink, appearing to read "Adopté" followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 41

AMENDMENT:

Replace by:

41. The Authority dismisses a complaint if

- (1) it considers the complaint to be abusive, frivolous or clearly unfounded;
- (2) the complaint has not been sent in accordance with section 40 or has been filed late;
- (3) the complainant does not have the required interest;
- (4) the complaint concerns an amendment made to the tender documents in accordance with an order or recommendation of the Authority;
- (5) the complainant should have first filed a complaint with or expressed its interest to the public body;
- (6) the complainant refuses or neglects to provide, within the time specified by the Authority, the information or documents that the Authority requires; or
- (7) the complainant is pursuing or has pursued a judicial remedy based on the same facts as those set out in the complaint.

In all cases, the Authority must inform the complainant and give the reasons for its decision in writing. It must also send its decision to the public body concerned if the complaint was dismissed after the body's observations were obtained.

*Don't
y*

1/2

If the Authority dismisses a complaint under subparagraph 2, 3 or 5 of the first paragraph, the information sent by the complainant is deemed to have been communicated to the Authority under section 53.

Despite the preceding paragraphs, the Authority may, in exceptional circumstances, consider a complaint that has not been filed in accordance with section 40 or that has been filed late to be admissible if the Authority considers it relevant to examine the complaint. For the purposes of this paragraph, the examination of a complaint is relevant in such cases as when the complaint concerns a tendering process and is filed before the tender closing date.

AM 59
s. 45

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 45

AMENDMENT:

Withdraw.

Adopted
leg

AM 60
s. 46

Bill 108

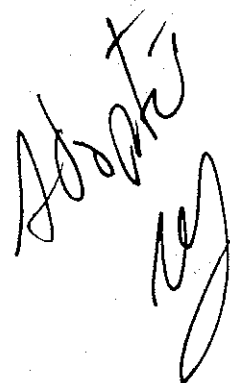
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 46

AMENDMENT:

Add at the end:

The second paragraph does not apply to a tendering process of a municipal
body.

A handwritten signature in black ink, appearing to be 'Abdullah' followed by a stylized flourish.

AM 61
s. 47

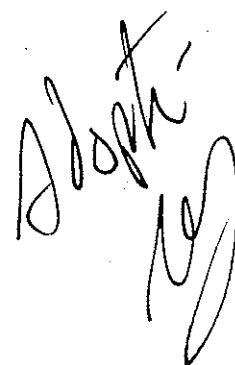
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 47

AMENDMENT:

Replace "Sections 41 and 45 apply" in the second paragraph by "Section 41 applies".

A handwritten signature in black ink, appearing to read "D. St-Onge" or similar, with a stylized flourish below it.

AM 62
s. 49

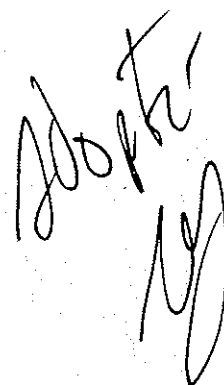
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 49

AMENDMENT:

Withdraw.

A handwritten signature in black ink, appearing to be 'Stephen' followed by a stylized flourish.

AM 63
s. 36

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 36

AMENDMENT:

Add at the end:

The first paragraph applies regardless of whether the person or partnership had first communicated with the public body that amended the tender documents.

*Adopted
17*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 50

AMENDMENT:

Replace by:

50. The Authority may, on its own initiative or on the request of the Chair of the Conseil du trésor or the minister responsible for municipal affairs, examine a tendering or awarding process for a public contract or examine the performance of such a contract if the public body concerned does not appear to be acting, in respect of the process or contract, in compliance with the normative framework.

When the Authority's intervention concerns an ongoing tendering or awarding process, sections 43 and 44 and the second paragraph of section 46 apply, as the case may be, with the necessary modifications.

*Adopté
ref*

AM 65
s. 51


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 51

AMENDMENT:

Withdraw.

Wooters


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 52.1

AMENDMENT:

Add after section 52:

52.1. When the examination is concluded, the Authority sends its decision with reasons in writing to the public body concerned, the minister responsible for the body and, if applicable, the Chair of the Conseil du trésor or the minister responsible for municipal affairs who required the intervention.

Wopti
197

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 53

AMENDMENT:

Replace by:

53. A person may communicate information to the Authority about the tendering or awarding process for a public contract or the performance of such a contract if the public body concerned does not appear to be acting or to have acted, in respect of the process or contract, in compliance with the normative framework.

The first paragraph applies despite the provisions on the communication of information in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those in section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on a person, including toward an employer or, if applicable, a client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

*Adopté
1999*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 53.1

AMENDMENT:

Insert after section 53:

53.1. The Authority must establish a procedure for the communication of information under section 53 and publish it on its website.

Adopter
MS

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 53.2

AMENDMENT:

Insert after section 53.1:

53.2. A person who communicates or wishes to communicate information under section 53, who cooperates in an audit conducted on the grounds of such a communication or who believes himself or herself to be a victim of a reprisal forbidden under section 55 may apply to the Public Protector for access to legal advice under section 26 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), in which case the third and fourth paragraphs of that section apply, with the necessary modifications.

Walter
ry

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 53.3

AMENDMENT:

Insert after section 53.2:

53.3. If the Authority considers it relevant to examine the process or performance of the contract referred to in the communication of information, it informs the public body's chief executive officer of the reasons for the examination and invites him or her to submit observations.

A handwritten signature in black ink, appearing to be 'G. Gauthier', is located in the lower right quadrant of the page.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

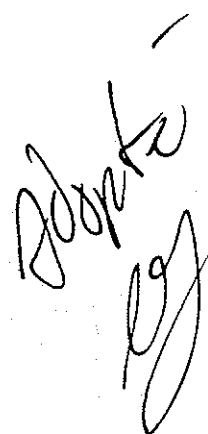
Section 53.4

AMENDMENT:

Insert after section 53.4:

53.4. When the examination is concluded, the Authority sends its decision with reasons in writing to the public body concerned. The decision may not take the form of an order described in subparagraph 1 or 2 of the first paragraph of section 27.

In addition, the Authority may, if it considers it relevant, inform the person who made the communication of any follow-up given to it.

A handwritten signature in black ink, appearing to be 'Dante' followed by a stylized flourish.

SAM 1
AM 71
s. 53.4

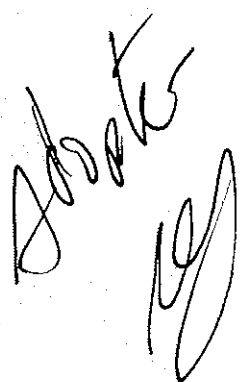
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 53.4

AMENDMENT:

Replace “may, if it considers it relevant, inform” by “informs”.

A handwritten signature in black ink, appearing to be 'D. St-Onge', is written diagonally in the lower right quadrant of the page.

SAM 2
AM 71
s. 53.4

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 53.4

AMENDMENT:

Add a third paragraph to proposed section 53.4 introduced by amendment:

The Authority may also, if it considers it relevant, send a copy of its decision to the minister responsible for the public body.

Adopté
leg

AM 72
s. 54

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 54

AMENDMENT:

Add “, the inspector general of Ville de Montréal or the Public Protector, as the case may be” at the end.

Adopted
[Signature]

AM 73
s. 54.1


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 54.1

AMENDMENT:

54.1. A person who, in good faith, communicates information or cooperates in an audit conducted on the grounds of such a communication incurs no civil liability for doing so.

Handwritten signature and initials in the bottom right corner of the page.

AM 74
s. 55

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 55

AMENDMENT:

Replace "or investigation conducted" in the first and second paragraphs by
"conducted".

Adopté
[Signature]

Bill 108

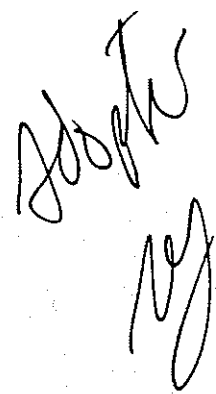
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 57

AMENDMENT:

1. Replace "Sections 41 and 45 apply" in the first paragraph by "Section 41 applies";
2. Insert after the first paragraph:

"If the reprisal of which the person believes himself or herself to be a victim seems, in the Authority's opinion, to constitute a prohibited practice within the meaning of subparagraph 14 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1), the Authority refers the person to the Commission des normes, de l'équité, de la santé et de la sécurité du travail."

A handwritten signature in black ink, appearing to be "Stéphane" followed by a stylized "ry".

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 57.1

AMENDMENT:

Insert after section 57:

57.1. Any person who

(1) communicates information under section 53 that the person knows to be false or misleading,

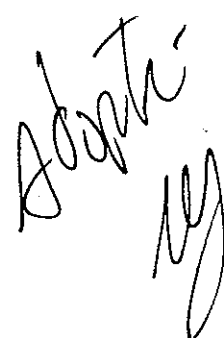
(2) contravenes section 55,

(3) by an act or omission, helps another person to commit an offence under subparagraph 1 or 2,

(4) by encouragement, advice, consent, authorization or command, induces another person to commit an offence under subparagraph 1 or 2,

is guilty of an offence and liable to a fine of \$2,000 to \$20,000 in the case of a natural person or \$10,000 to \$250,000 in any other case.

The fines are doubled for a subsequent offence.

A handwritten signature in black ink, appearing to be 'Adair' followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 44

AMENDMENT:

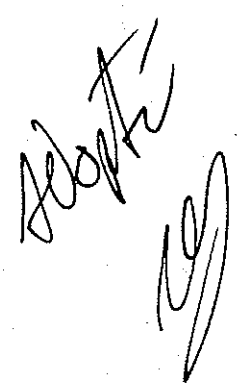
Replace by:

44. The Authority has 10 days from the time it receives the public body's observations to make its decision.

If the complaint cannot be processed within the time period specified in the first paragraph because of the complexity of the elements raised, the Authority determines such an additional time period as is sufficient to allow it to finish processing the complaint.

However, if the public body demonstrates to the Authority's satisfaction that the additional time period determined under the second paragraph would prevent the body from properly fulfilling its mission, adversely affect the services offered to citizens, enterprises or other public bodies, result in a contravention of laws and regulations or raise any other public interest issue, the Authority then has only an additional period of five days to make its decision unless it agrees with the body on a longer time period.

If the Authority fails to make a decision before the expiry of the additional time period determined under this section, it is deemed to have decided that, with regard to the elements raised in the complaint, the tendering or awarding process for the contract complies with the normative framework.

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 58

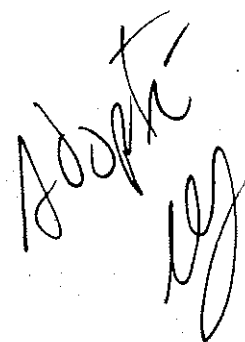
AMENDMENT:

1. Replace the first paragraph by:

58. Any public contract entered into following a tendering or awarding process continued by a public body before the Authority has made a decision on a complaint filed under Division I or II of Chapter IV, or, subject to section 25.0.1 of the Act respecting contracting by public bodies, in contravention of an order made by the Authority under subparagraph 1 or 2 of the first paragraph of section 27, is cancelled by operation of law from the time the body and its contractor receive notification from the Authority to that effect.

2. Add at the end:

This section does not apply to a contract entered into by a municipal body.

A handwritten signature in black ink, appearing to be 'Joseph' followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 58.1

AMENDMENT:

Insert after the heading of Chapter VIII:

58.1. The functions and powers devolved to the Authority in respect of a municipal body, except those that concern the examination of the contract management of a public body referred to in subparagraph 2 of the first paragraph of section 20, are exercised, in respect of Ville de Montréal or of a person or body referred to in the second paragraph, by the inspector general of Ville de Montréal. In such a case, the inspector general is substituted for the Authority for the purposes of this Act, with the necessary modifications. The inspector general is bound by the same obligations that would apply to the Authority in the exercise of those functions and powers.

The persons and bodies referred to in the first paragraph are the following:

- (1) a legal person referred to in subparagraph 1 of the fifth paragraph of section 57.1.9 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- (2) a person or body related to the city under section 59.1;
- (3) a body referred to in section 573.3.5 of the Cities and Towns Act (chapter C-19) if
 - (a) the body referred to in subparagraph 1 of the first paragraph of that section is the mandatary or agent of Ville de Montréal;
 - (b) in accordance with subparagraph 2 of the first paragraph of that section, the majority of the members of its board of directors are members of the council of Ville de Montréal or appointed by Ville de Montréal;
 - (c) its budget is adopted or approved by Ville de Montréal;

(d) the body referred to in subparagraph 4 of the first paragraph of that section receives the largest share of all the funds it receives from municipalities from Ville de Montréal; or

(e) the body designated under subparagraph 5 of the first paragraph of that section has its principal place of business in the territory of Ville de Montréal.

The city and a body or person referred to in the second paragraph are bound by the same obligations toward the inspector general as those by which a municipal body would be bound toward the Authority, and the Authority does not exercise any function or power in respect of the city or the body or person, unless the city, body or person is designated under subparagraph 2 of the first paragraph of section 20.

Despite the first and third paragraphs, the Authority may make any recommendation to the inspector general, in particular to ensure that coherence is maintained in the decisions and recommendations made in the examination of the tendering or awarding process for public contracts and the examination of the performance of public contracts.

In addition, the city, the inspector general and any person or body referred to in the second paragraph must send the Authority any document or information necessary for the purposes of the fourth paragraph of this section and subparagraph 7 of the first paragraph of section 29.

The exercise of the functions and powers provided for in the first paragraph in respect of a contracting process or a contract does not prevent the inspector general from exercising, in respect of the same process or contract, the same functions and powers devolved to the inspector under Division VI.0.1 of Chapter II of the Charter of Ville de Montréal, metropolis of Québec.

Penal proceedings for an offence under this Act that the inspector general has uncovered may be brought by Ville de Montréal.

The Government may, at any time, order that the first paragraph not apply in respect of Ville de Montréal or of a person or body referred to in that paragraph."

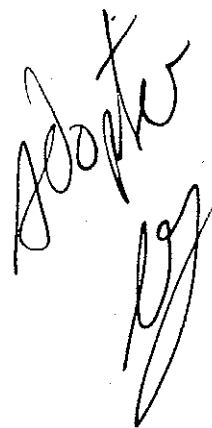
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 59

AMENDMENT:

Replace "Chapters III to V, when they concern a tendering process, apply to a process for the certification of goods or the qualification of" by "The provisions of Chapters IV to VI that concern the examination of a tendering process under subparagraph 1 of the first paragraph of section 20 apply to a process for the certification of goods or the qualification of suppliers,".

A handwritten signature in black ink, appearing to be "D. Poirier", is located in the lower right quadrant of the page. The signature is written in a cursive, stylized font.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 60

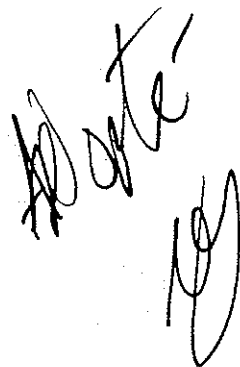
AMENDMENT:

Replace by:

60. If the Authority considers that information brought to its attention may potentially be a communication under section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec, a disclosure under section 6 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) or a disclosure under section 26 of the Anti-Corruption Act (chapter L-6.1), the Authority sends the information to the inspector general of Ville de Montréal, the Public Protector or the Anti-Corruption Commissioner, as the case may be, as soon as possible.

Similarly, the Authority may send the Chair of the Conseil du trésor or the minister responsible for municipal affairs such information regarding public bodies' contract management as is useful for the discharge of their respective mandates.

A communication of information made by the Authority in accordance with this section is made in the manner determined in an agreement.

A handwritten signature in black ink, appearing to be 'Monte' followed by a stylized flourish.

Bill 108

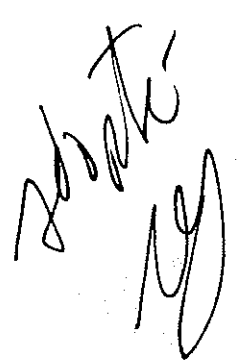
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 61.1

AMENDMENT:

Insert after section 61:

61.1. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Authority may not disclose information that allows a person to be identified as being a member of a selection committee.

A handwritten signature in black ink, appearing to be 'Zoratti' followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 59.1

AMENDMENT:

Insert after section 59:

59.1. If, with respect to a municipal body or a person related to a municipality, the Authority issues recommendations under section 27 or under subparagraph 2 of the first paragraph of section 29, dismisses a complaint under section 41, considers a complaint admissible under section 42, determines an additional time period under section 44, makes a decision under section 46, intervenes under section 50, makes a decision under section 52.1, carries out an examination under section 53.3 or makes a decision under section 53.4, the Authority informs the municipality. However, if the municipal body is a local municipality, the Authority does not inform the regional county municipality related to the local municipality, and if the body is a metropolitan community, the Authority does not inform the municipality related to the metropolitan community.

For the purposes of this section, a municipal body, except in the case of a local municipality, or a person is related to a municipality if

- (1) the body's territory includes that of the local municipality;
- (2) the body's territory corresponds to that of the local municipality;
- (3) the body was constituted by the municipality;
- (4) the body is a mixed enterprise company founded by the municipality; or
- (5) the person exercises the functions assigned to him or her and the person is alone responsible for making the contracts necessary for the exercise of those functions.

SAM 1
AM 83
s. 59.1

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 59.1

AMENDMENT:

Add:

In addition, if the Authority intervenes under a provision referred to in the first paragraph in respect of one of the agglomerations governed by the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), it informs all the municipalities related to the agglomeration.

Adopté

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 62

AMENDMENT:

Replace "compelled to make a deposition in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions concerning any confidential information obtained in the exercise of his or her functions or to produce a document containing such information, except to confirm its confidential nature" by "compelled, in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions, to make a deposition on information obtained in the exercise of his or her functions or to produce a document containing such information".

Adopté
199

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 78

AMENDMENT:

Replace by:

78. Section 4 of the Act, amended by section 77 of the Act to amend certain provisions regarding the clinical organization and management of health and social services institutions (2017, chapter 21), is again amended, in the first paragraph,

(1) by replacing subparagraph 2 by the following subparagraph:

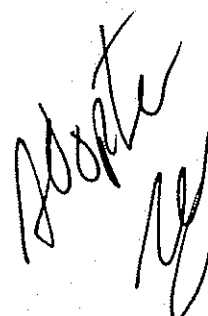
“(2) budget-funded bodies listed in Schedule 1 to the Financial Administration Act (chapter A-6.001), except bodies referred to in section 6;”;

(2) by replacing subparagraph 4 by the following subparagraph:

“(4) bodies other than budget-funded bodies listed in Schedule 2 to the Financial Administration Act, even when exercising fiduciary functions, and the Commission de la construction du Québec, the Cree-Québec Forestry Board, the Office franco-québécois pour la jeunesse and the Office Québec-Monde pour la jeunesse;”;

(3) by adding the following subparagraph after subparagraph 6:

“(7) any other body or category of bodies that the Government determines.”



AM 86
s. 79 (7)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 79

AMENDMENT:

Insert "and the contracts they enter into" after "bodies referred to in the first paragraph" in the paragraph proposed by paragraph 2.

Storti

AM 87
s. 80 (8)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 80

AMENDMENT:

Replace by:

80. Section 8 of the Act is amended by replacing “subparagraphs 2 to 4 and 6 of the first paragraph of section 4” in the first paragraph by “any of subparagraphs 2 to 4, 6 and 7 of the first paragraph of section 4 or of a body referred to in section 7”.

*Adopté
12/12*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 81

AMENDMENT:

Section 81

AMENDMENT:

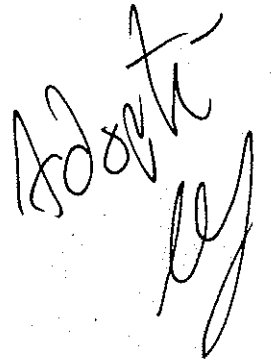
Replace by:

81. Section 13 of the Act is amended

(1) by replacing “subparagraphs 3 and 4” in the second paragraph by
“subparagraphs 2 to 4”;

(2) by adding the following paragraph at the end:

“Despite the preceding paragraphs, a public body may, in the cases
described in subparagraph 5 of the first paragraph, award the contract following
an invitation to tender if there is more than one possible contractor.”

A handwritten signature in black ink, appearing to read 'Adopté' followed by a flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 82.1

AMENDMENT:

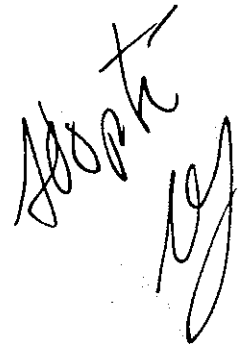
Insert after section 82:

82.1. Section 21.0.2 of the Act is amended

(1) by replacing “responsable de l’observation” in the introductory clause in the French text by “responsable de l’application”;

(2) by replacing “seeing that the contract rules” in paragraph 1 by “seeing that measures are put in place within the public body to comply with the contract rules” and by striking out “are complied with” in that paragraph;

(3) by replacing “à l’observation” in paragraph 5 in the French text by “l’application”.

A handwritten signature in black ink, appearing to be "Scott" followed by a stylized flourish.

AM 90
s. 87 (21.2.0.0.1)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 87

AMENDMENT:

Replace "enterprise is entered" in the first paragraph of proposed section 21.2.0.0.1 by "enterprise's name is registered".

A handwritten signature in black ink, appearing to be "Adopté" followed by a stylized flourish.

AM 91
s. 90 (21.3.1)

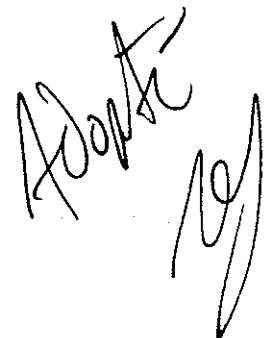
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 90

AMENDMENT:

Insert “, subject to being given permission by the Conseil du trésor under section 25.0.2,” after “a public contract is” in proposed section 21.3.1.

A handwritten signature in black ink, appearing to be 'Adair' followed by a stylized flourish.

Bill 108

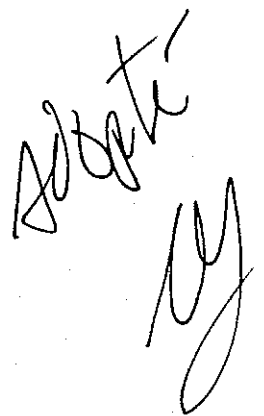
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 95

AMENDMENT:

In paragraph 2:

1. Insert "the name of" after "the associate's name and" in subparagraph *b* of proposed paragraph 3.
2. Insert "for approval" after "is submitted" in the proposed paragraph at the end.

A handwritten signature in black ink, appearing to be "Stéphane" followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 100

AMENDMENT:

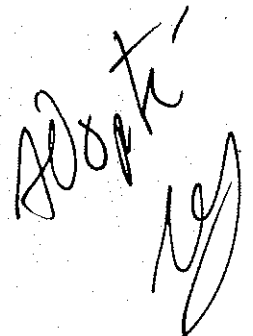
Replace by:

100. Section 21.12 of the Act is replaced by the following section:

“21.12. The Authority informs the enterprise, in writing and without delay, of its registration in the register, of the grounds for the registration and of the enterprise's period of ineligibility for public contracts.

The enterprise must then send the Authority, in writing and within the time determined by the Authority, the name of every public body with which a contract described in section 3 is in process as well as the name and, if applicable, Québec business number of every legal person of which the enterprise holds shares carrying more than 50% of the voting rights attached to the shares of the capital stock of the legal person that may be exercised under any circumstances.

The Authority must inform each public body concerned, as soon as possible, of the information it obtains under the second paragraph.”

A handwritten signature in black ink, appearing to be 'D. Gauthier' or similar, with a stylized flourish below it.

AM 94
s. 110 (21.30)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 110

AMENDMENT:

Replace “within the year after” in the proposed paragraph by “within 12 months after”.

*Monte
[Signature]*

AM 95
s. 111 (21.35)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 111

AMENDMENT:

In paragraph 2, replace “within the year after” in the second proposed paragraph by “within 12 months after”.

Adopted
yes

AM 96
s. 111.1 (21.38)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 111.1

AMENDMENT:

Insert after section 111:

111.1. Section 21.38 of the Act is amended by replacing the second paragraph by the following paragraph:

“An enterprise whose authorization has expired must, within 10 days after its expiry, send in writing to the Authority the name of every public body with which the enterprise has a contract in process, unless it can continue to perform a public contract or subcontract under the fourth paragraph of section 21.41.”

Adopté
yes

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 111.2

AMENDMENT:

Insert after section 111.1:

111.2. The Act is amended by inserting the following section after section 21.41:

“21.41.1. An enterprise whose authorization expires while it is in the process of performing a public contract for which such an authorization is required is, subject to being given permission by the Conseil du trésor under section 25.0.4, deemed to have defaulted on the contract on the expiry of a period of 60 days after the expiry date of the authorization if no application for renewal is submitted to the Authority. However, the enterprise is not deemed to have defaulted as regards honouring the contract guarantees.”

*Adopter
[Signature]*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 115

AMENDMENT:

1. Replace paragraph 2 by:

(2) by inserting the following paragraphs after paragraph 13:

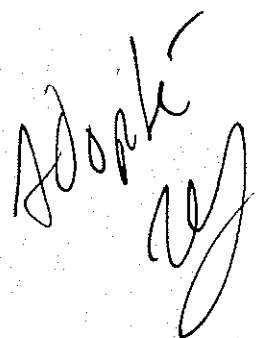
“(13.1) determine the conditions and procedure applicable to complaints referred to in section 21.0.4 and to the processing of such complaints;

“(13.2) determine the cases and conditions in or on which contractor performance evaluations must be sent to the Authority for the purposes of the summaries under section 21.49, and the public bodies that must send such evaluations to the Authority;”.

2. Add at the end:

(3) by adding the following paragraph at the end:

“(16) establish, despite any inconsistent provision of a general or special Act, a mechanism for the settlement of disputes that are likely to have an impact on the payment of a public contract or subcontract and determine the cases and conditions in or on which and the procedure by which such a mechanism applies.”

A handwritten signature in black ink, appearing to be 'Dook' followed by a stylized flourish.

AM 99
s. 115.1 (23.1)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 115.1

AMENDMENT:

Insert after section 115:

115.1. Section 23.1 of the Act is amended by replacing “in subparagraphs 1, 3, 14 and 15 of the first paragraph of section 23” by “in section 23”.

Adopté
yes

AM 100
s. 118 (25.1)


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 118

AMENDMENT:

Replace “responsables de l’observation” in proposed section 25.1 in the French text by “responsables de l’application”.

Adopté


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 119.1

AMENDMENT:

Insert after section 119:

119.1. Section 27 of the Act is amended by replacing “other standard documents to be used by public bodies or by a particular group of public bodies” by “other standard documents and model document clauses to be used by the public bodies it determines”.

Adopted
yes

AM 102
s. 120 (27.1)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 120

AMENDMENT:

Strike out "tendering or" in the proposed paragraph.

Adopté
yy

AM 103
s. 120.1 (27.2)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 120.1

AMENDMENT:

Insert after section 120:

120.1. Section 27.2 of the Act is repealed.

*Adopté
JG*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 126

AMENDMENT:

Replace by:

126. The Act is amended by inserting the following sections after section 27.10:

"27.10.1. Every person who, before a contract is awarded, communicates or attempts to communicate, directly or indirectly, with a member of a selection committee for the purpose of influencing the member in respect of a call for tenders is guilty of an offence and liable to a fine of \$5,000 to \$30,000 in the case of a natural person and \$15,000 to \$100,000 in any other case.

The first paragraph does not apply if the tender documents provide that such a communication is to be made after the tender closing date for tender evaluation purposes.

"27.10.2. A member of a selection committee who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee is guilty of an offence and liable to a fine of \$5,000 to \$30,000."

*A. Dextre
reg*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 105

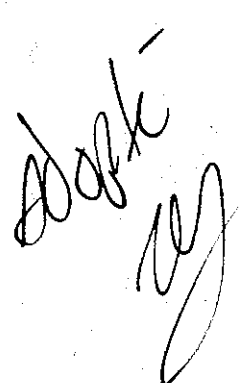
AMENDMENT:

1. Replace "Despite the expenditure amount determined by the Government under section 21.17, the Government may" in the first paragraph of proposed section 21.17.1 by "Despite the expenditure amount set by the Government under section 21.17, the Government may, on the conditions it fixes,".
2. Insert ", on the conditions it fixes," after "may also determine" in the second paragraph of proposed section 21.17.1.
3. Replace proposed section 21.17.2 by:

"21.17.2. The Government may require an enterprise party to a public contract or subcontract in process to obtain, within the time the Government determines, an authorization to contract.

The Government may determine special terms for the application for authorization that the enterprise must file with the Authority.

An enterprise that has not obtained its authorization within the time determined under the first paragraph is deemed to have defaulted on the performance of the public contract or subcontract on the expiry of a period of 30 days after that time has expired."

A handwritten signature in dark ink, appearing to be "Daski" followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 117

AMENDMENT:

Replace by:

117. The Act is amended by inserting the following sections after section 25:

"25.0.1. The Conseil du trésor may, in exceptional circumstances, give a public body permission to enter into a contract by mutual agreement or give such a body or a body described in section 7 permission to continue a public call for tenders despite the fact that the contract or call for tenders is covered by an order of the Authority under subparagraph 1 or 2 of the first paragraph of section 27 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*). The Conseil du trésor may subject the permission to certain conditions.

The Conseil du trésor may also, for a reason in the public interest, give a public body or a body referred to in section 7 permission to continue performing a contract despite the fact that the contract is covered by a decision of the Authority under subparagraph 6 of the first paragraph of section 27 of that Act. The Conseil du trésor may subject the permission to certain conditions.

"25.0.2. Within 30 days after an enterprise is notified by the Authority of its ineligibility for public contracts, a public body or a body described in section 7 may, for a reason in the public interest, apply to the Conseil du trésor for permission to continue performing a public contract. The Conseil du trésor may subject the permission to certain conditions, including that the enterprise agree to the implementation, at the enterprise's expense, of oversight and monitoring measures.

"25.0.3. Despite section 21.4.1, the Conseil du trésor may, in exceptional circumstances, give a public body or a body described in section 7 permission to enter into a contract with an enterprise that is ineligible for public contracts or give an enterprise permission to enter into a subcontract directly related to a public contract with a subcontractor who is ineligible for public

contracts. The Conseil du trésor may subject the permission to certain conditions, including that the ineligible enterprise or subcontractor agree to the implementation, at the enterprise's or subcontractor's expense, of oversight and monitoring measures.

As well, despite section 21.4.1, if a public body or a body described in section 7 finds that urgent action is required and there is a threat to human safety or property, its chief executive officer may allow a contract to be entered into with an enterprise that is ineligible for public contracts or give an enterprise permission to enter into a subcontract directly related to a public contract with a subcontractor who is ineligible for public contracts. The body's chief executive officer must however give the Chair of the Conseil du trésor notice in writing within 15 days.

The first and second paragraphs also apply, with the necessary modifications, in cases where the permission concerned is permission to enter into a public contract or a subcontract directly related to a public contract with an enterprise that does not hold an authorization to contract although such an authorization is required.

"25.0.4. Within 30 days after being notified by the Authority, under the second paragraph of section 21.39, of the expiry of an enterprise's authorization to contract, a public body or a body described in section 7 may, for a reason in the public interest, apply to the Conseil du trésor for permission to continue performing a public contract. The Conseil du trésor may subject the permission to certain conditions, including that the enterprise agree to the implementation, at the enterprise's expense, of oversight and monitoring measures.

"25.0.5. Within 15 days after permission is given by the Conseil du trésor under any of sections 25.0.1 to 25.0.4 or within 15 days after the notice that the Chair of the Conseil du trésor receives from the body's chief executive officer under the second paragraph of section 25.0.3, the Chair of the Conseil du trésor makes public the name of the public body concerned, the name of the enterprise or subcontractor concerned and a summary description of the circumstances or reasons considered by posting them on a website. The Chair also publishes the information in the *Gazette officielle du Québec*."

Bill 108

An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics

Section 131

AMENDMENT:

1. Insert before paragraph 1:

(0.1) by inserting the following in the alphanumerical order of the Acts and regulations concerned:

66

Cities and Towns Act
(chapter C-19)

573.3.3.5

Disclosing or making known, without authorization, confidential information obtained in the course of a selection committee's proceedings

“

Municipal Code of Québec
(chapter C-27.1)

938.3.5

Disclosing or making known,
without authorization,
confidential information
obtained in the course of a
selection committee's
proceedings

44

Act respecting the Communauté métropolitaine

118.1.4

Disclosing or making known,
without authorization,

Stefan

 $\frac{1}{2}$

de Montréal
(chapter C-37.01)

confidential information
obtained in the course of a
selection committee's
proceedings

“

Act respecting the
Communauté métropolitaine
de Québec
(chapter C-37.02)

111.1.4

Disclosing or making known,
without authorization,
confidential information
obtained in the course of a
selection committee's
proceedings

”;

2. Add after the proposed text in paragraph 1:

“27.10.2

Disclosing or making known,
without authorization,
confidential information
obtained in the course of a
selection committee's
proceedings”;

3. Insert after paragraph 1:

(1.1) by inserting “, 27.10.1, 27.10.2” after “27.6” in the portion that gives a summary description of offences under section 27.13 of the Act respecting contracting by public bodies;

4. Insert before the proposed text in paragraph 2:

“

Act respecting public
transit authorities
(chapter s-30.01)

108.1.4

Disclosing or making known,
without authorization,
confidential information
obtained in the course of a
selection committee's
proceedings

2/2

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

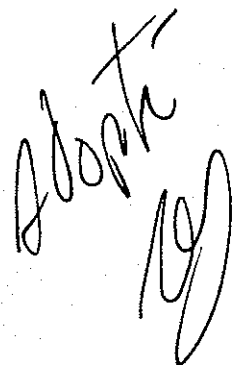
Section 134

AMENDMENT:

Replace by:

134. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by inserting the following subparagraph after subparagraph z.2 of the second paragraph:

“(z.3) the Autorité des marchés publics, in respect of information necessary for the purposes of Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1).”

A handwritten signature in black ink, appearing to read 'Adopté' with a large flourish below it.

AM 109
s. 136 (69.8)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 136

AMENDMENT:

Replace by:

136. Section 69.8 of the Act is amended by replacing “y and z.1” in the first paragraph by “y, z.1 and z.3”.

Adopté
[Signature]

AM 110
s. 144 (65.4)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 144

AMENDMENT:

Withdraw.

Adopté
[Signature]

AM 111
s. 145 (573.3.3.2)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 145

AMENDMENT:

Replace “and that conferred on the Chair of the Conseil du trésor by section 25.0.3” by “and the responsibilities conferred on the Chair of the Conseil du trésor by sections 25.0.3 and 25.0.5”.

A handwritten signature in black ink, appearing to read "Adopté" followed by a stylized flourish.

AM 112
s. 147 (938.3.2)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 147

AMENDMENT:

Replace “and that conferred on the Chair of the Conseil du trésor by section 25.0.3” by “and the responsibilities conferred on the Chair of the Conseil du trésor by sections 25.0.3 and 25.0.5”.

Adopté
199

AM 113
s. 149 (118.1.1)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 149

AMENDMENT:

Replace “and that conferred on the Chair of the Conseil du trésor by section 25.0.3” by “and the responsibilities conferred on the Chair of the Conseil du trésor by sections 25.0.3 and 25.0.5”.

Adopted

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 151

AMENDMENT:

Replace “and that conferred on the Chair of the Conseil du trésor by section 25.0.3” by “and the responsibilities conferred on the Chair of the Conseil du trésor by sections 25.0.3 and 25.0.5”.

Adopted

AM 115
s. 166 (108.1.1)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 166

AMENDMENT:

Replace “and that conferred on the Chair of the Conseil du trésor by section 25.0.3” by “and the responsibilities conferred on the Chair of the Conseil du trésor by sections 25.0.3 and 25.0.5”.

Doyle
ry

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 146

AMENDMENT:

1. Replace "25.0.2, 25.0.3" in paragraph 1 by "21.41.1, 25.0.2 to 25.0.5".
2. Replace "of section 21.17 of that Act" in paragraph 4 by "of the application of Chapter V.2 of that Act to municipalities".

*Do not
199*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 148

AMENDMENT:

1. Replace "25.0.2, 25.0.3" in paragraph 1 by "21.41.1, 25.0.2 to 25.0.5".
2. Replace "of section 21.17 of that Act" in paragraph 4 by "of the application of Chapter V.2 of that Act to municipalities".

*As per
[Signature]*

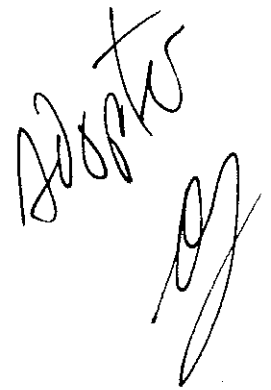
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 150

AMENDMENT:

1. Replace "25.0.2, 25.0.3" in paragraph 1 by "21.41.1, 25.0.2 to 25.0.5".
2. Replace "of section 21.17 of that Act" in paragraph 4 by "of the application of Chapter V.2 of that Act to municipalities".

A handwritten signature in black ink, appearing to be "D. Stetson" or similar, with a stylized flourish below it.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152

AMENDMENT:

1. Replace "25.0.2, 25.0.3" in paragraph 1 by "21.41.1, 25.0.2 to 25.0.5".
2. Replace "of section 21.17 of that Act" in paragraph 4 by "of the application of Chapter V.2 of that Act to municipalities".

Adopté
reg

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 165

AMENDMENT:

1. Replace "25.0.2, 25.0.3" in paragraph 1 by "21.41.1, 25.0.2 to 25.0.5".
2. Replace "of section 21.17 of that Act" in paragraph 4 by "of the application of Chapter V.2 of that Act to municipalities".

*Adopté
17*

AM 121
s. 167 (108.1.2)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 167

AMENDMENT:

1. Replace "25.0.2, 25.0.3" in paragraph 1 by "21.41.1, 25.0.2 to 25.0.5".
2. Replace "of section 21.17 of that Act" in paragraph 4 by "of the application of Chapter V.2 of that Act to municipalities".

*Adopté
par*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

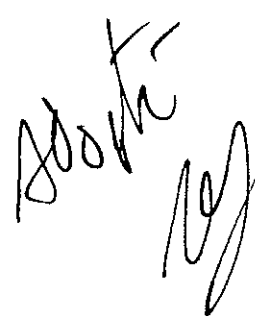
Section 146.1

AMENDMENT:

Insert after section 146:

146.1. Section 573.3.3.4 of the Act is amended by adding the following paragraph:

“This section does not apply in the case of a person presenting a proposal to a selection committee formed to determine the winner of a competition.”

A handwritten signature in black ink, appearing to be 'Booth' followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 146.2

AMENDMENT:

Insert after section 146.1:

146.2. The Act is amended by inserting the following sections after section 573.3.3.4:

"573.3.3.5. A member of a selection committee who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee is guilty of an offence and is liable to a fine of \$5,000 to \$30,000.

In the case of a subsequent offence, the minimum and maximum fines are doubled.

"573.3.3.6. Penal proceedings under section 573.3.1.1.1, 573.3.3.4 or 573.3.3.5 must be instituted within three years after the time the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the offence."

Adopté
reg

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 148.1

AMENDMENT:

Insert after section 148:

148.1. Article 938.3.4 of the Code is amended by adding the following paragraph:

“This article does not apply in the case of a person presenting a proposal to a selection committee formed to determine the winner of a competition.”

Adopté
reg

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 148.2

AMENDMENT:

Insert after section 148.1:

148.2. The Code is amended by inserting the following articles after article 938.3.4:

"938.3.5. A member of a selection committee who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee is guilty of an offence and is liable to a fine of \$5,000 to \$30,000.

In the case of a subsequent offence, the minimum and maximum fines are doubled.

"938.3.6. Penal proceedings under article 938.1.1.1, 938.3.4 or 938.3.5 must be instituted within three years after the time the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the offence."

*Adopter
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AM 126
s. 150.1 (118.1.3)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 150.1

AMENDMENT:

Insert after section 150:

150.1. Section 118.1.3 of the Act is amended by adding the following paragraph:

“This section does not apply in the case of a person presenting a proposal to a selection committee formed to determine the winner of a competition.”

AM 126
150.1

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 150.2

AMENDMENT:

Insert after section 150.1:

150.2. The Act is amended by inserting the following sections after section 118.1.3:

"118.1.4. A member of a selection committee who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee is guilty of an offence and is liable to a fine of \$5,000 to \$30,000.

For a second or subsequent offence, the minimum and maximum fines are doubled.

"118.1.5. Penal proceedings under section 113.1.1, 118.1.3 or 118.1.4 must be instituted within three years after the time the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the offence."

Adopté
le

AM 128
s. 152.1 (111.1.3)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.1

AMENDMENT:

Insert after section 152:

152.1. Section 111.1.3 of the Act is amended by adding the following paragraph:

“This section does not apply in the case of a person presenting a proposal to a selection committee formed to determine the winner of a competition.”

Adopté
RS

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.2

AMENDMENT:

Insert after section 152.1:

152.2. The Act is amended by inserting the following sections after section 111.1.3:

"111.1.4. A member of a selection committee who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee is guilty of an offence and is liable to a fine of \$5,000 to \$30,000.

For a second or subsequent offence, the minimum and maximum fines are doubled.

"111.1.5. Penal proceedings under section 106.1.1, 111.1.3 or 111.1.4 must be instituted within three years after the time the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the offence."

*Adopté
ref*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.3

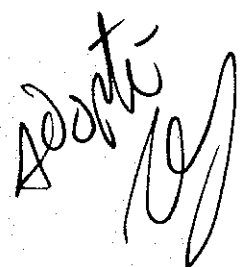
AMENDMENT:

Insert after section 152.2:

**ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS RELATING
TO PUBLIC BODIES**

152.3. Section 5 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) is amended by adding the following paragraph at the end:

“Moreover, this Act does not apply to a disclosure of a contravention of an Act or regulation regarding the tendering or awarding process for, or the performance of, a contract described in section 3 of the Act respecting contracting by public bodies (chapter C-65.1) of a public body referred to in section 4 or 7 of that Act.”

A handwritten signature in black ink, appearing to be 'D. St-Onge' or similar, written diagonally.

Bill 108

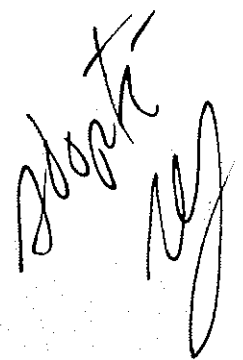
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.4

AMENDMENT:

Insert after section 152.3:

152.4. Section 6 of the Act is amended by replacing “Wrongdoings include, in particular, those committed by a member of the personnel of a public body in the exercise of his or her functions or by any person, partnership, group or other entity in the preparation or performance of a contract, including a grant of financial assistance, that has been entered into or is about to be entered into with the public body.” in the first paragraph by “Wrongdoings include, in particular, those committed by a member of the personnel of a public body in the exercise of his or her functions or by any other person, partnership, group or other entity in the course of the tendering or awarding process for, or the performance of, a contract of a public body, including a grant of financial assistance.

A handwritten signature in black ink, appearing to be 'Stok' followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.5

AMENDMENT:

Insert after section 152.4:

152.5. Section 12 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the second paragraph:

“(4.1) that the disclosure concerns a contravention of an Act or regulation regarding the tendering or awarding process for, or the performance of, a contract described in section 3 of the Act respecting contracting by public bodies (chapter C-65.1) of a public body referred to in section 4 or 7 of that Act;”.

*Adopté
19/11/12*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.6

AMENDMENT:

Insert after section 152.5:

152.6. Section 14 of the Act is amended by inserting the following paragraph after the first paragraph:

“As well, if the Public Protector considers that information disclosed to the Public Protector may be communicated under section 53 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*), the Public Protector forwards the information to the Autorité des marchés publics as soon as possible.”

Adopté
[Signature]

AM 134
s. 152.7 (14.1)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.7

AMENDMENT:

Insert after section 152.6:

152.7. The Act is amended by inserting the following section after section 14:

“**14.1.** The forwarding of information by the Public Protector to a body in accordance with section 14 is carried out according to the terms and conditions determined in an agreement.”

*Book-
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AM 135
s. 152.8 (17)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.8

AMENDMENT:

insert after section 152.7:

152.8. Section 17 of the Act is amended by replacing “the first paragraph” in subparagraph 9 of the first paragraph by “the first and second paragraphs”.

Adopté
by

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.9

AMENDMENT:

Insert after section 152.8:

152.9. The Act is amended by adding the following section after section 32:

“32.1. Any person who, in good faith, makes a disclosure or cooperates in an audit or investigation conducted on the basis of a disclosure incurs no civil liability for doing so.”

*Adapté
Ney*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 152.10

AMENDMENT:

Insert after section 152.9:

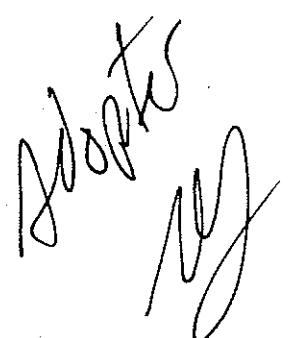
152.10. Section 33 of the Act is amended by replacing the first paragraph by the following paragraph:

“33. Anyone who

(1) discloses information under section 6 that they know to be false or misleading, or

(2) contravenes section 30,

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and to a fine of \$10,000 to \$250,00 in other cases.”

A handwritten signature in black ink, appearing to be 'Booth' followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 115.2

AMENDMENT:

Insert after section 115.1:

115.2. The Act is amended by inserting the following sections after section 24.2:

“24.3. The Chair of the Conseil du trésor may, by order, authorize the implementation of pilot projects aimed at testing various measures to facilitate the payment of enterprises party to the public contracts that the Conseil du trésor determines and to the public subcontracts related to those contracts and defining standards applicable to such payment.

As part of a pilot project, the Chair of the Conseil du trésor may, in particular, despite any inconsistent provision of any general or special Act, prescribe the use of various payment calendars, the use of a dispute settlement mechanism and accountability reporting measures according to terms and conditions the Chair determines, which may differ from those provided for in this Act and the regulations.

The Chair of the Conseil du trésor may modify or terminate a pilot project at any time. The Chair may also determine the terms and conditions of a pilot project whose violation constitutes an offence and set the minimum and maximum amounts for which the offender is liable. Those amounts may not be less than \$2,500 or greater than \$40,000.

The terms and conditions of a pilot project must be published on the website of the secretariat of the Conseil du trésor. Those terms and conditions may vary according to the public bodies and the public contracts and subcontracts concerned.

The Conseil du trésor may, during a period of one year after the coming into force of the terms and conditions referred to in the second paragraph, determine the public contracts that are to be included in a pilot project. That period may be extended by the Conseil du trésor by up to one year.

Despite any inconsistent provision, a pilot project may not continue for more than three years after the coming into force of the terms and conditions referred to in the second paragraph.

“24.4. A public body must, on request, send the Chair of the Conseil du trésor a list of the contracts the body plans to enter into and that meet the conditions the Chair determines.

“24.5. The public bodies and the enterprises that are party to the public contracts and public subcontracts included in a pilot project under section 24.3 must, as part of the prescribed dispute settlement mechanism and if necessary, call on the services of the non-profit legal person established for a private interest that has entered into an agreement with the Chair of the Conseil du trésor to implement that mechanism.

“24.6. The Chair of the Conseil du trésor or any person the Chair designates as an investigator may conduct an investigation into any matter falling within the Chair’s jurisdiction regarding the implementation of a pilot project under section 24.3.

Investigators must, on request, identify themselves and produce a certificate of authority signed by the Chair of the Conseil du trésor.

“24.7. At the end of the pilot project, the Chair of the Conseil du trésor publishes on the website of the Conseil du trésor a report on the implementation of the pilot project in which the Chair evaluates the terms of a regulatory framework aimed at establishing measures to facilitate the payment of enterprises party to public contracts and to public subcontracts related to such contracts.”

2/2

AM 139
s. 158.1 (3.1)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 158.1

AMENDMENT:

Insert after the heading "ACT RESPECTING LABOUR STANDARDS":

158.1. Section 3.1 of the Act respecting labour standards (chapter N-1.1) is amended by replacing "13" in the second paragraph by "14".

*Adopté
ref*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 159

AMENDMENT:

Replace by:

159. Section 122 of the Act is amended by adding the following subparagraph after subparagraph 13 of the first paragraph:

“(14) on the ground of a communication of information made in good faith by an employee under section 53 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (*insert the year and chapter number of that Act*) or of the employee's cooperation in an audit or investigation conducted on the ground of such a communication.”

Adopté

AM 141
s. 159.1 (140)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 159.1

AMENDMENT:

Insert after section 159:

159.1. Section 140 of the Act is amended by replacing “11 and 13” in paragraph 6 by “11, 13 and 14”.

*Adopté
rez*

AM 142
s. 164 (7.5)

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 164

AMENDMENT:

Replace "25.0.2" by "25.0.2 or 25.0.4".

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 164.1

AMENDMENT:

Insert after section 164:

164.1. Section 101.21 of the Educational Childcare Act (chapter S-4.1.1) is amended by replacing the second paragraph by the following paragraph:

“Wrongdoings include, in particular, acts committed or about to be committed by a staff member, director or shareholder of a day care permit holder delivering subsidized childcare or by a home childcare coordinating office in the exercise of his, her or its functions and those committed by any other person, partnership, group or other entity in the course of the tendering or awarding process for, or the performance of, a contract of such a permit holder or coordinating office, including a grant of financial assistance.”

Adopté
yes

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 164.2

AMENDMENT:

Insert after section 164.1:

164.2. The Act is amended by adding the following section after section 101.33:

"101.34. Any person who, in good faith, makes a disclosure or cooperates in an inspection or investigation conducted on the basis of a disclosure, incurs no civil liability for doing so."

Adopté
by

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 164.3

AMENDMENT:

Insert after section 164.2:

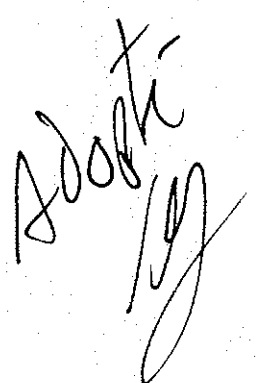
164.3. Section 117.1 of the Act is replaced by the following section:

“**117.1.** A person that

(1) discloses information under section 101.21 that the person knows
to be false or misleading, or

(2) contravenes section 101.31,

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the
case of a natural person and \$10,000 to \$250,00 in other cases.”

A handwritten signature in black ink, appearing to read "Adopté" with a flourish underneath.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 167.1

AMENDMENT:

Insert after section 167:

167.1. Section 108.1.3 of the Act is amended by adding the following paragraph:

“This section does not apply in the case of a person presenting a proposal to a selection committee formed to determine the winner of a competition.”

A handwritten signature in black ink, appearing to be 'A. D. P.' followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 167.2

AMENDMENT:

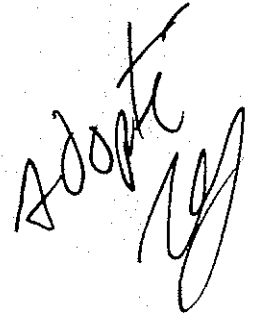
Insert after section 167.1.:

167.2. The Act is amended by inserting the following sections after section 108.1.3:

"108.1.4. A member of a selection committee who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee is guilty of an offence and is liable to a fine of \$5,000 to \$30,000.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.

"108.1.5. Penal proceedings under section 103.1.1, 108.1.3 or 108.1.4 must be instituted within three years after the time the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the offence."

A handwritten signature in black ink, appearing to be "Adopté" followed by a stylized flourish.

AM 148
s. 168

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 168

AMENDMENT:

Replace “sections 31 to 39, 43 to 45, 47, 48, 51, 52, 56, 69, 71 to 74,
81” by “sections 31 to 37, 39, 43, 45, 48, 52, 56, 69, 71 to 74”.

Adopté

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 196.1

AMENDMENT:

Insert after section 196:

OTHER AMENDMENTS

196.1. The expression “responsable de l’observation des règles contractuelles” is replaced by the expression “responsable de l’application des règles contractuelles”, with the necessary grammatical modifications, wherever it appears in the French text of the following provisions:

- (1) the heading of Chapter V.0.1 and section 21.0.1 of the Act respecting contracting by public bodies (chapter C-65.1);
- (2) section 12.21.4 of the Act respecting the Ministère des Transports (chapter M-28);
- (3) sections 15.4 and 15.6 to 15.8 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2);
- (4) sections 29.3 and 29.5 to 29.7 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4);
- (5) sections 18.4 and 18.6 to 18.8 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5); and
- (6) sections 35 and 37 to 39 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1).

AM 150
s. 198

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 198

AMENDMENT:

Replace "1 April 2017" in the first and second paragraphs by "*(insert the date of coming into force of section 197)*".

Adopté
[Signature]

AM 151
s. 199

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 199

AMENDMENT:

Replace "1 April 2017" by "*(insert the date of coming into force of section 197)*".

Donk
199

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 200

AMENDMENT:

Replace “31 March 2017 are continued by the Autorité des marchés publics as of 1 April 2017” by “*(insert the date preceding the date of coming into force of section 197)* are continued by the Autorité des marchés publics as of *(insert the date of coming into force of section 197)*”.

Adopté
[Signature]


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 201

AMENDMENT:

Replace “31 March 2017” and “1 April 2017” in the first paragraph by “*(insert the date preceding the date of coming into force of section 197)*” and “*(insert the date of coming into force of section 197)*”, respectively.

Adopté


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 202

AMENDMENT:

Replace by:

202. Subject to the conditions of employment applicable to them and to compliance with the minimum hiring requirements prescribed by section 5, the following employees become, without further formality, employees of the Autorité des marchés publics on *(insert the date of coming into force of section 197)*:

(1) six employees of the Anti-Corruption Commissioner designated by the Commissioner who, on *(insert the date preceding the date of coming into force of section 197)*, may act as investigators under section 14 of the Anti-Corruption Act (chapter L-6.1);

(2) all the employees of the Ministère des Transports who, on *(insert the date preceding the date of coming into force of section 197)*, hold positions as internal auditors assigned to territorial directorates or as investigators more specifically assigned to contract management-related matters within the Direction des enquêtes et de l'audit interne;

(3) all the employees of the Ministère des Affaires municipales et de l'Occupation du territoire who, on *(insert the date preceding the date of coming into force of section 197)*, hold positions within the Service de la vérification – équipe Montréal; and

(4) three employees of the Secrétariat du Conseil du trésor designated by the Secretary of the Conseil du trésor who, on *(insert the date preceding the date of coming into force of section 197)*, are more specifically assigned to matters relating to the application of chapters V.1 and V.2 of the Act respecting contracting by public bodies (chapter C-65.1).

The employees transferred to the Autorité des marchés publics under the first paragraph retain the same conditions of employment.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209

AMENDMENT:

Insert “, metropolis of Québec” after “Ville de Montréal” in paragraph 1.

Adopté
Y

AM 156
s. 209.3

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.3

AMENDMENT:

Insert after section 209.2:

209.3. For the first application of subparagraph 2 of the first paragraph of section 20, the Government is deemed to have designated the Ministère des Transports du Québec.

Adopté
by

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.4

AMENDMENT:

Insert after section 209.3:

209.4. The Secretary of the Conseil du trésor must prepare and implement the establishment plan of the Autorité des marchés publics, which must in particular take into account the human, financial, material and information resources transferred to the Autorité des marchés publics under this Act.

*Boite
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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.5

AMENDMENT:

Insert after section 209.4:

209.5. The Secretary of the Conseil du trésor may, on behalf of the Autorité des marchés publics (in this section referred to as “the Authority”) and until the date preceding that on which the president and chief executive officer of the Authority is to take office, enter into any contract the Secretary considers necessary to establish that body and foster the soundness of its activities and operations. For those purposes, the Secretary may make any necessary financial commitment for the amount and the term the Secretary considers appropriate.

However, as regards human resources, the Secretary of the Conseil du trésor may only recruit the members of the Authority’s administrative staff and designate the positions of, and assign the functions to be exercised by, those employees.

Despite section 13, the Authority’s first by-law regarding the adoption of a staffing plan and the procedure for appointing and criteria for selecting the members of the administrative staff is made by the Secretary of the Conseil du trésor.

Adopté
[Signature]

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.6

AMENDMENT:

Insert after section 209.5:

209.6. Until the coming into force of section 9 of the Act to group the Office Québec/Wallonie-Bruxelles pour la jeunesse, the Office Québec-Amériques pour la jeunesse and the Office Québec-Monde pour la jeunesse (2017, chapter 22), subparagraph 4 of the first paragraph of section 4 of the Act respecting contracting by public bodies (chapter C-65.1) must be read as follows:

“(4) bodies other than budget-funded bodies listed in Schedule 2 to the Financial Administration Act, even when exercising fiduciary functions, and the Commission de la construction du Québec, the Cree-Québec Forestry Board, the Office franco-québécois pour la jeunesse and the Office Québec/Wallonie-Bruxelles pour la jeunesse;”.

*Adopté
ref*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 210

AMENDMENT:

Replace the first paragraph by:

210. The Government may, by regulation made before (*insert the date that is 24 months after the date the president and chief executive officer of the Autorité des marchés publics takes office*), enact any other transitional or consequential measure required for the carrying out of this Act.

The Government may also, within that same time, modify, by regulation, the deadlines and time periods applicable to complaints filed with public bodies and those filed with the Autorité des marchés publics if it appears that those provided for in chapter IV or in any of sections 144.2, 146.4, 148.4, 150.4, 165.1, 165.3, 167.4, 167.6, 173, 175, 176, 176.1, 177, 179, 180, 180.1, 183, 184, 184.1, 187, 188, 188.1 and 189 are inadequate.

Despite the time provided for in section 11 of the Regulations Act (chapter R-18.1), a regulation referred to in the first paragraph may not be made before the expiry of 30 days after the publication of the draft regulation.

*Booth
reg*

AM 161
s. 211

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 211

AMENDMENT:

Withdraw.

*Adopté
Ref*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 211.1

AMENDMENT:

Insert after section 211:

211.1. The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to the terms and conditions determined by the Chair of the Conseil du trésor for the first pilot project authorized under section 24.3 of the Act respecting contracting by public bodies (chapter C-65.1).

*Stok
ry*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 213.1

AMENDMENT:

Insert after section 213:

213.1. The Chair of the Conseil du trésor must, not later than four years after this Act is assented to, and subsequently every four years, report to the Government on the implementation of this Act and on the advisability of maintaining or amending it.

The report is tabled in the National Assembly by the Chair of the Conseil du trésor within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

The report must be referred to the competent parliamentary committee for consideration within 15 days after its tabling in the National Assembly.

*Adopté
1997*

SAM 1
AM 163
s. 213.1

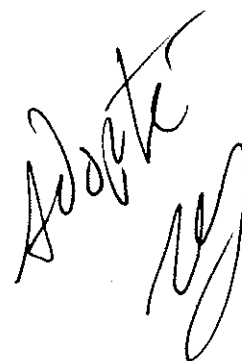
Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 213.1

AMENDMENT:

Replace the second occurrence of “four” in the first paragraph by “three”.

A handwritten signature in black ink, appearing to read "Docteur" followed by a stylized flourish.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 4

AMENDMENT:

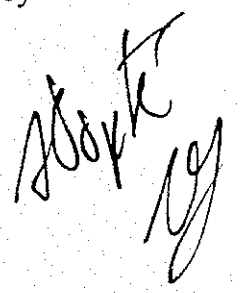
Replace by:

4. On the recommendation of the Chair of the Conseil du trésor, the Government appoints the president and chief executive officer from among the persons declared qualified to hold that office by a selection committee composed of the Secretary of the Conseil du trésor, the Deputy Minister of Municipal Affairs and Land Occupancy, the Deputy Minister of Justice or their representatives, an advocate recommended by the Bâtonnier of the Province of Québec and a chartered professional accountant recommended by the president of the Ordre des comptables professionnels agréés du Québec.

The Chair of the Conseil du trésor publishes a notice inviting interested persons to apply for the office of president and chief executive officer or to propose the name of a person they consider qualified to hold that office in accordance with the procedure the Chair determines.

The selection committee promptly evaluates the candidates on the basis of their knowledge, particularly in public contract matters, their experience and their qualifications, according to the criteria determined by the Government. The committee presents to the Chair of the Conseil du trésor a report in which it lists the candidates it has met whom it considers qualified to hold the office of president and chief executive officer. All information and documents regarding the candidates and the proceedings of the committee are confidential.

The members of the committee receive no remuneration, except in the cases and on the conditions that may be determined by the Government. They are, however, entitled to the reimbursement of expenses to the extent determined by the Government.

A handwritten signature in black ink, appearing to be 'Stéphane G.', is located in the bottom right corner of the page.

SAM 1
AM 164
s. 4

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 4

AMENDMENT:

SAM 1 has been withdrawn and renamed SAM c (Schedule II).

*Adopté
14/11/14*

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 4

AMENDMENT:

1. Replace "On the recommendation of the Chair of the Conseil du trésor, the Government appoints the president and chief executive officer" in the first paragraph by "The president and chief executive officer of the Authority is appointed by the National Assembly, on the recommendation of the Prime Minister and with the approval of at least two-thirds of its Members,".


2. Replace "by the Government" in the third paragraph by "in Schedule I".

3. Insert after the third paragraph:

When the evaluation is concluded, if fewer than three candidates are considered qualified to hold the office of president and chief executive officer, the Chair of the Conseil du Trésor must publish a new invitation for applications.

4. Add at the end:

The Government may amend Schedule I.

Adopté


Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

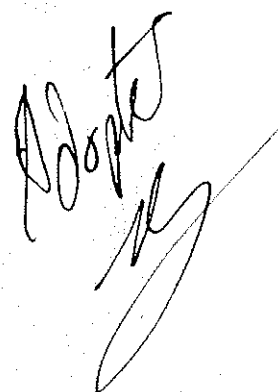
Section 4.1

AMENDMENT:

Insert after section 4:

4.1. On the recommendation of the Chair of the Conseil du trésor, the Government appoints one or more vice-presidents to assist the Authority's president and chief executive officer.

The vice-presidents are chosen from a list of persons declared qualified to hold that office by a selection committee composed of the Secretary of the Conseil du trésor, the Deputy Minister of Municipal Affairs and Land Occupancy or their representatives and the president and chief executive officer of the Authority.

A handwritten signature in black ink, appearing to read "A. Dostier", with a large, stylized flourish underneath.

Bill 108

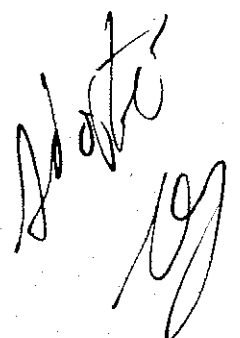
**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 67

AMENDMENT:

1. Replace "upon summary examination, examined" in the third paragraph by ", considered".
2. Replace the fourth paragraph by:

The report must also describe the examinations conducted by the Authority for the purposes of an intervention under Chapter V or a communication of information under Chapter VI and its main conclusions, if any.

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Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Schedule 1

AMENDMENT:

Insert:

Schedule 1

The selection committee formed under section 4 to evaluate candidates for the office of president and chief executive officer of the Authority must consider the following criteria:

(1) with respect to the required experience:

(a) experience as a manager and the relevance of that experience to the functions of the president and chief executive officer of the Authority;

(b) experience in contract management, complaint processing and administrative investigation and audit;

(2) with respect to the required qualifications:

(a) sense of public service, ethics and fairness;

(b) ability to develop a strategic vision;

(c) political sense;

(d) judgment and decisiveness;

(e) ability to adapt to a complex and changing environment;

(f) ability to communicate and mobilize working teams;

(3) with respect to the required knowledge:

(a) knowledge of the normative framework governing public bodies' contract management;

(b) knowledge of the public administration and its workings.

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.2

AMENDMENT:

Insert after section 209.1:

209.2. For the first application of the fourth paragraph of section 4, the Government is deemed to have determined that the members of the selection committee who are not employees of a government department are entitled to

(1) fees in the amount of \$200 per half-day of attendance at meetings;
and

(2) the reimbursement of the expenses incurred in the exercise of their functions in accordance with the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics issued by the Conseil du trésor on 26 March 2013 (French only) and its subsequent amendments.

Adopté
re

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.7

AMENDMENT:

Insert after section 209.6:

209.7. Until (*insert the date that is six months after the date the first president and chief executive officer of the Autorité des marchés publics takes office*), the reference to “the Autorité des marchés publics” in the first paragraph of section 21.2.0.0.1 of the Act respecting contracting by public bodies, enacted by section 87, and the reference to “the Authority” in section 27.5 of that Act, as amended by section 122 , are to be read as references to the Autorité des marchés financiers.

Adopter
yes

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.8

AMENDMENT:

Insert after section 209.7:

209.8. Until (*insert the date that is six months after the date the first president and chief executive officer of the Autorité des marchés publics takes office*), the first paragraph of section 21.44 of the Act respecting contracting by public bodies, enacted by section 113, is to be read as follows:

“21.44. A decision of the Government under the first paragraph of section 21.17 or under section 21.42 comes into force on the 30th day after its publication in the *Gazette officielle du Québec* or on any later date specified in the decision.”

Adopté
[Signature]

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 209.9

AMENDMENT:

Insert after section 209.8:

209.9. Until (*insert the date that is 10 months after the date the first president and chief executive officer of the Autorité des marchés publics takes office*), subparagraph 1 of the first paragraph of section 1.11 of the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1), enacted by section 173, is to be read as follows:

“(1) the qualification process must be preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, such information as that required under subparagraphs 1, 2 and 4 to 6 of the second paragraph of section 1.2 and the period of validity of the list of qualified enterprises or the method used to inform all interested persons of the time as of which that list will no longer be used;”.

Adopté
ry

AM 172
s. 214

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 214

AMENDMENT:

Replace "1 April 2017" by "*(insert the date of coming into force of section 197)*".

Adopté
by

AM 173
s. 214.1

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 214.1

AMENDMENT:

Insert after section 214:

214.1. Sections 146.1, 148.1, 150.1, 152.1 and 167.1 have effect from 10 June 2016.

Adair
rey

Bill 108

**An Act to facilitate oversight of public
bodies' contracts and to establish the
Autorité des marchés publics**

Section 215

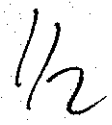
AMENDMENT:

Replace by:

215. This Act comes into force on *(insert the date of assent to this Act)*, except

(1) subparagraph 5 of the first paragraph of section 18, sections 60 and 63 to 65, which come into force on *(insert the date the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 takes office)*;

(2) subparagraphs 1 to 3 of the first paragraph of section 18, subparagraphs 1 and 1.1 of the first paragraph of section 20 to the extent that it concerns an intervention under section 50, subparagraph 2 of the first paragraph of section 20, subparagraph 4 of the first paragraph of that section to the extent that it concerns the exercise of the functions conferred on the Autorité des marchés publics under Chapters V.1 and V.2 of the Act respecting contracting by public bodies (chapter C-65.1), the third paragraph of that section, sections 21 to 26.1, subparagraphs 1 and 3 to 6 of the first paragraph of section 27, the second, third and fourth paragraphs of that section, section 28, subparagraphs 1 to 6 of the first paragraph of section 29, the second, third and fourth paragraphs of that section, section 31, sections 43 to 46, sections 50 to 52.1, 58, 59.1, 61 to 62, 72, and 78, paragraph 1 of section 79, sections 80, 88 and 94, section 95 to the extent that it concerns the portion after subparagraph 4 of section 21.7 of the Act respecting contracting by public bodies that it replaces, sections 96 to 98, 100, 102 and 103, paragraph 2 of section 104, sections 108 and 112, section 117 to the extent that it concerns the enactment of section 25.0.1 of the Act respecting contracting by public bodies, sections 128, 132, 134 to 142, 153 to 155, 158, 170 and 172, section 193 to the extent that it concerns the repeal of section 5 of Chapter III of the Regulation respecting the register of enterprises ineligible for public contracts and oversight and monitoring measures (chapter C-65.1, r. 8.1) and sections 194 to 196, 197 to 209, 209.3, 209.6 and 214, which come into force on *(insert the date that is six months after the date the first president and chief*



executive officer of the Autorité des marchés publics appointed under section 4 takes office);

(3) the second paragraph of section 18, subparagraph 1 of the first paragraph of section 20 to the extent that it concerns the examination of a contracting process following a complaint or a communication of information, subparagraph 1.1 of the first paragraph of that section to the extent that it concerns the examination of the performance of a contract following a communication of information, subparagraphs 1.2, 3 and 5 of the first paragraph of that section and the second paragraph of that section, subparagraph 2 of the first paragraph of section 27, subparagraph 7 of the first paragraph of section 29, sections 30.2, 33 to 42, 47, 48, 53 to 57.1, 58.1 and 59, paragraph 2 of section 79 to the extent that it concerns Chapter V.0.1.1 of the Act respecting contracting by public bodies, section 82 to the extent that it concerns the enactment of the first paragraph of section 13.1 and section 13.2 of the Act respecting contracting by public bodies, section 83, paragraph 2 of section 115 to the extent that it concerns the enactment of paragraph 13.1 of section 23 of the Act respecting contracting by public bodies, sections 120 to 121, 144.1, 144.2, 146.3, 146.4, 148.3, 148.4, 150.3, 150.4, 152.3 to 152.10, 156, 158.1 to 159.1, 164.1 to 164.3, 165.1 to 165.3 and 167.3 to 167.6, section 173 to the extent that it concerns the enactment of subparagraph 7 of the second paragraph of section 1.2 of the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1) and the enactment of the third paragraph of that section 1.2 as well as the enactment of sections 1.3 to 1.10 of the second paragraph of section 1.11 of that Regulation, sections 175 to 191 and the second paragraph of section 210, which come into force on *(insert the date that is 10 months after the date the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 takes office);*

(4) subparagraph 4 of the first paragraph of section 18, subparagraph 4 of the first paragraph of section 20 to the extent that it concerns the exercise of functions conferred on the Autorité des marchés publics under Chapter V.3 of the Act respecting contracting by public bodies, section 144 and paragraph 2 of section 115 to the extent that it concerns the enactment of paragraph 13.2 of section 23 of the Act respecting contracting by public bodies, which come into force on the date or dates to be set by the Government.