

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 1

AMENDMENT:

1. Replace paragraph 2 by:

(2) by replacing “reflects the Government’s sustainable development and environmental policies” in subparagraph 4 by “furthers the pursuit of sustainable development within the meaning of the Sustainable Development Act (chapter D-8.1.1)”.

2. Add at the end:

(3) by inserting the following subparagraph after subparagraph 4:

“(4.1) the search for the best value in the public interest;”.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 4

AMENDMENT:

In proposed section 14.1:

1. Replace “a premium in the form of a preferential margin not exceeding 10%” in paragraph 2 by “preference”.
2. Insert the following paragraph at the end:

The Conseil du trésor determines, by regulation, the form and maximum percentage of the preference a public body may grant under the first paragraph.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 4

AMENDMENT:

In proposed section 14.4:

1. In the first paragraph:
 - (a) Insert “including social economy enterprises within the meaning of the Social Economy Act (chapter E-1.1.1),” after “Canada,”.
 - (b) Replace “referred to in” by “referred to in the first paragraph of”.
2. Replace “in section 14.1 in accordance with paragraph 2 or 3 of that section” in the second paragraph by “in the first paragraph of section 14.1 in accordance with subparagraph 2 or 3 of that paragraph”.

Adopté
SP

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 5

AMENDMENT:

Insert “and of social economy enterprises within the meaning of the Social Economy Act (chapter E-1.1.1)” after “Indigenous enterprises” in subparagraph 4 of the first paragraph of proposed section 14.8.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 5

AMENDMENT:

Replace “foster the development of” in the introductory clause of proposed section 14.8, as amended, by “improve”.

Adopté
SP

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 5

AMENDMENT:

In proposed section 14.9:

1. Insert after subparagraph 3 of the first paragraph:

(3.1) grant a premium in the form of a preferential margin to social economy enterprises within the meaning of the Social Economy Act (chapter E-1.1.1);

2. Insert the following sentence after the first sentence of the fourth paragraph: "When making an order relating to subparagraph 3.1 of the first paragraph, the procurement the Chair determines must not include any contract subject to an intergovernmental agreement."

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 5

AMENDMENT:

Replace subparagraph 2 of the first paragraph of proposed section 14.9, as amended, by:

(2) before the tendering or awarding process for a contract, use tools or analysis grids that relate to sustainable development or are based on a life cycle approach or a circular economy approach, in particular with respect to climate change mitigation and adaptation;

Adopté
SR

AM 8
s. 5 (14.11)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 5

AMENDMENT:

Replace “Chair of the Conseil du trésor may, by order” in proposed section 14.11 by “Conseil du trésor may, by regulation”.

*Adopté
8/11*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 8

AMENDMENT:

Insert before proposed section 22.1.1:

“22.1.0.1. Every year, the Chair of the Conseil du trésor publishes on the website of the secretariat of the Conseil du trésor a report presenting statistics on the regionalized public calls for tenders and the procurement of Québec goods, services and construction work that were favoured by public bodies under section 14.2. The report must also state the circumstances and reasons considered in the cases where such calls for tenders and such procurement were not favoured.

Adopté
SP

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 10

AMENDMENT:

1. Replace the first paragraph of proposed section 21.2 by the following paragraph:

Any enterprise interested in entering into a public contract must, by means of a written declaration, recognize that it is aware of the standards of integrity and undertake to take all measures necessary to meet those standards throughout the duration of the contract.

2. Strike out “in writing,” in the second paragraph.

Adopté
SP

AM 11
s. 54 (27.36)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 54

AMENDMENT:

Withdraw proposed section 27.36.

*Apple
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 54

AMENDMENT:

Add the following sentence at the end of the last paragraph of proposed section 27.37: "The information is withdrawn three years after being entered in the register."

*Adopté
SPR*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 73

AMENDMENT:

Insert “the process” after “continue” in the third paragraph of proposed section 52.4.

*Adopté
SPN*

AM 14
s. 81 (67.4)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 67.4

AMENDMENT:

Withdraw proposed section 67.4.

Adopté
SPW

AM 15
s. 95 (57.1.17.1)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 95

AMENDMENT:

Withdraw.

*Adopté
SPR*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 97

AMENDMENT:

In subparagraph *b* of paragraph 2:

1. Insert “contracts” before “, the responsibility conferred on the Conseil du trésor by sections 25.0.2 and 25.0.3”.
2. Replace “and public subcontracts” by “public contracts and subcontracts”.

Adopté
SP

AM 17
s. 98 (573.3.3.3)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 98

AMENDMENT:

Insert "27.10.0.1," before "27.11 and 27.13" in paragraph 1.

*Accepté
SPR*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 99

AMENDMENT:

In subparagraph *b* of paragraph 2:

1. Insert “contracts” before “, the responsibility conferred on the Conseil du trésor by sections 25.0.2 and 25.0.3”.
2. Replace “and public subcontracts” by “public contracts and subcontracts”.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 100

AMENDMENT:

Insert “27.10.0.1,” before “27.11 and 27.13” in paragraph 1.

Adopté
SP

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 101

AMENDMENT:

In subparagraph *b* of paragraph 2:

1. Insert “contracts” before “, the responsibility conferred on the Conseil du trésor by sections 25.0.2 and 25.0.3”.
2. Replace “and public subcontracts” by “public contracts and subcontracts”.

Adopté
SPW

AM 21
s. 102 (118.1.2)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 102

AMENDMENT:

Insert “27.10.0.1,” before “27.11 and 27.13” in paragraph 1.

*Adopté
SPR*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 103

AMENDMENT:

In subparagraph *b* of paragraph 2:

1. Insert “contracts” before “, the responsibility conferred on the Conseil du trésor by sections 25.0.2 and 25.0.3”.
2. Replace “and public subcontracts” by “public contracts and subcontracts”.

Adopté
SP

AM 23
s. 104 (111.1.2)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 104

AMENDMENT:

Insert “27.10.0.1,” before “27.11 and 27.13” in paragraph 1.

Adopté
SPR

AM 24
s. 116 (35.1)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 122

AMENDMENT:

Withdraw.

Adopté
SP

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 4

AMENDMENT:

Insert after proposed section 14.6:

“14.6.1. With a view to continual improvement, a public body must give priority to including in the tender documents or the contract, as applicable, at least one condition relating to the responsible nature of procurement, from an environmental, social or economic perspective.

Such a condition may, among other things, take the form of an eligibility requirement, technical requirement, criterion for quality assessment or preferential margin.

A public body must record the circumstances or reasons considered if it does not include such a condition in the tender documents or the contract, as applicable.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 4

AMENDMENT:

Add at the end of proposed section 14.7:

For the purposes of the first paragraph, conditions that relate to goods, services or construction work in any way and at any stage in their life cycle, including the research, development, production, commercialization, delivery, distribution, use, maintenance and end-of-life stages, are deemed to be related to the object of the contract, even where such conditions do not pertain to one of their inherent characteristics.

The second paragraph applies, with the necessary modifications, to any category of contracts.”

Adopté
SPR

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 4

AMENDMENT:

Insert after proposed section 14.7:

“14.7.1. The Conseil du trésor may, by directive and in the cases it determines, require public bodies to include in the tender documents or the contract, as applicable, one or more conditions relating to the responsible nature of procurement, from an environmental, social or economic perspective.

The Conseil du trésor may, by directive, authorize public bodies to not record the circumstances or reasons considered if the bodies do not include a condition relating to the responsible nature of procurement, from an environmental, social or economic perspective, in the tender documents or the contract, as applicable.

A directive may concern all public bodies or a particular group of public bodies and it may apply only with regard to a category of contracts or to a group of contracts, whether or not the latter are of the same category. Furthermore, such a directive is binding on the public bodies concerned.

Adopté
SPK

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 8

AMENDMENT:

Insert after section proposed section 22.1.0.1, proposed by amendment:

“22.1.0.2. Every year, the Chair of the Conseil du trésor publishes on the website of the secretariat of the Conseil du trésor a report presenting statistics on the inclusion of conditions relating to the responsible nature of procurement, from an environmental, social or economic perspective, in the tender documents or the contracts of public bodies under Division V of Chapter II. The report must also set out the circumstances and reasons considered that were recorded by public bodies under the third paragraph of section 14.6.1.

The report must, however, pertain only to procurement involving an expenditure equal to or greater than the amount set out in the first paragraph of section 22.

*Adopté
SP*

AM 29
s. 122 (36.8)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 122

AMENDMENT:

Withdraw.

Adopté
SPW

AM 30
s. 126 (35.0.1)

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 126

AMENDMENT:

Withdraw.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 131

AMENDMENT:

Replace paragraph 1 by:

(1) by replacing “sections 21.3.1, 21.17 to 21.17.2, 21.18, 21.25, 21.34, 21.35, 21.38, 21.39, 21.41, 21.41.1, 25.0.2 to 25.0.5, 27.6 à 27.9, 27.11, 27.13, 27.14 and 27.14.1” in the first paragraph by “the provisions of Divisions I and II of Chapter V.1, sections 21.17 to 21.17.2, 21.18, 21.39 to 21.41.1, Divisions IV to VI of Chapter V.1, sections 25.0.2 to 25.0.5, 27.6 to 27.9, 27.10.0.1, 27.11 and 27.13 to 27.14.1 and Division II of Chapter VIII.2”;

*Adopté
SPW*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 132

AMENDMENT:

In subparagraph *b* of paragraph 2:

1. Insert “contracts” before “, the responsibility conferred on the Conseil du trésor by sections 25.0.2 and 25.0.3”.
2. Replace “and public subcontracts” by “public contracts and subcontracts”.

Adopté
SPW

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 133

AMENDMENT:

Insert “27.10.0.1,” before “27.11 and 27.13” in paragraph 1.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 110.1

AMENDMENT:

Insert after section 110:

110.1. The Act is amended by inserting the following chapter after section 21.48.18:

“CHAPTER V.2

“PAYMENTS AND DISPUTE SETTLEMENT WITH REGARD TO CONSTRUCTION WORK

“DIVISION I

“PRELIMINARY PROVISIONS

“21.48.19. The purpose of this chapter is to ensure prompt payment of sums of money claimed by enterprises that take part in carrying out construction work on behalf of public bodies.

A further purpose of this chapter is to allow prompt settlement of disputes that may arise between such enterprises, or between such enterprises and such bodies.

“21.48.20. Any clause that has the effect of excluding the application of one or more of the provisions of this chapter is absolutely null.

The same applies to a clause that has the effect of excluding the application of one or more of the provisions of a regulation made under this chapter, unless otherwise provided by that regulation.

“DIVISION II

“PAYMENTS

"21.48.21. Any request for payment of a sum of money an enterprise considers is owed to it in connection with a public construction work contract referred to in subparagraph 2 of the first paragraph of section 3 or a related subcontract must be made in compliance with the terms and conditions determined by government regulation, such as the requirement to include in the request the contractor's name and address, a description of the work, the period during which the work was carried out and the sum of money to be paid.

A request for payment so made is hereinafter called a "valid request for payment".

"21.48.22. A debtor is deemed not to have defaulted on payment of a sum of money claimed from the debtor if no valid request for payment of the sum has been made.

That presumption lapses once such a request for payment is received.

"21.48.23. If a debtor considers that the debtor is not required to pay all or part of a sum of money claimed by means of a valid request for payment, the debtor must express refusal to pay within the time determined by government regulation and in compliance with any other terms and conditions determined by such a regulation, such as a requirement to include a description of the work covered by the refusal as well as the grounds justifying and the sum of money corresponding to the refusal.

"21.48.24. A debtor is required to pay, within the time determined by government regulation, any sum of money payment of which has been claimed by means of a valid request for payment and which the debtor has not refused to pay in accordance with section 21.48.23. Such a payment obligation is binding on the debtor even if the debtor has not claimed payment of the sum from the debtor's own debtor.

Despite the first paragraph, a debtor may, in the cases and on the terms and conditions determined by government regulation, make a withholding or deduction from a sum of money payable.

The mere lapse of the time determined under the first paragraph has the effect of causing the debtor concerned to be in default of payment.

"21.48.25. A sum of money for which a debtor is in default of payment under section 21.48.24 bears interest at the rate determined by government regulation.

"DIVISION III

"DISPUTE SETTLEMENT

“21.48.26. Any party to a dispute determined by government regulation, such as a dispute that could affect the payment of a sum of money that a party owes to another party, may, on the conditions prescribed by that regulation, require that the dispute be decided by a third-person decider.

In such a case, the other party to the dispute is required to participate in the selection of a third-person decider and in the dispute settlement process before that third person; failing such participation, that selection or process may, in accordance with the rules determined by government regulation, be made or take place without the participation of that other party.

The disputes that may be submitted to a third-person decider under this section may, among other things, be determined according to their subject matter, or to the category of contracts or subcontracts from which they arise or any characteristic of those contracts or subcontracts, such as the manner in which the contract or subcontract is to be carried out.

“21.48.27. The decision rendered by a third-person decider is binding on the parties until, as applicable, a judgment by a court of general jurisdiction is made or an arbitration award is rendered on the same subject matter.

The parties to the dispute must comply with the decision so rendered on the terms and conditions indicated in the decision. Furthermore, the party that is required, under such a decision, to pay a sum of money, must do so within the time determined by government regulation.

A sum that is unpaid at the expiry of the time limit bears interest at the rate determined by government regulation.

Any payment of a sum of money made in order to comply with a decision rendered by a third-person decider does not constitute an acknowledgement of debt, either as to its existence or as to its amount, nor does it constitute a waiver of the right to claim its total or partial reimbursement in legal proceedings or arbitration.

“21.48.28. In a case of failure by the debtor to comply with a decision rendered by a third-person decider within the time determined under the second paragraph of section 21.48.27, the creditor may file a copy of the decision with the office of the competent court, to obtain its forced execution.

Such forced execution is effected in accordance with the rules set out in the Code of Civil Procedure (chapter C-25.01), subject, as applicable, to the rules determined by government regulation.

"21.48.29. The Minister of Justice designates the persons, bodies or associations responsible for certifying the persons who may act as third-person deciders.

Only persons certified to act as third-person deciders may act as such.

"21.48.30. No legal proceedings may be brought against a third-person decider for acts performed in the exercise of his or her functions, unless he or she acted in bad faith or committed an intentional or gross fault.

Nor may such a third person be 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 the third person's functions or to produce a document containing such information.

"DIVISION IV

"MISCELLANEOUS PROVISIONS

"21.48.31. In addition to the other regulatory powers provided for in this chapter, the Government may, by regulation,

(1) exclude from the application of all or part of the provisions of Division II requests for payment based on certain grounds for claims and any contract or subcontract, including those with certain characteristics, such as a specific manner in which they are to be carried out;

(2) make public bodies and enterprises that are parties to contracts the Government determines subject to the application of all or part of the provisions of Division II, provided those contracts are related to contracts or subcontracts governed by that division;

(3) determine, for the purposes of the provisions of Division III, the rules relating to the dispute settlement process before a third-person decider, including the selection of the third person and the latter's duties, obligations, functions and powers within the scope of such a process, and the rules relating to the decision rendered at the end of such a process and to the payment, by the parties to a dispute submitted to such a third person, of the latter's fees and expenses and those of the witnesses, experts or any other person involved in the process; and

(4) determine any other rule necessary for the application or the purposes of the provisions of this chapter, including, where applicable, rules relating to the effects and the end of the suretyship and to the existence, preservation and extinction of legal hypothecs in favour of persons having participated in the construction or renovation of an immovable.

“21.48.32. The provisions of a regulation made under this chapter may vary according to the categories and characteristics of the contracts or subcontracts concerned, the public bodies concerned and the characteristics of the enterprises that take part in carrying out construction work.”

Adopté
SPC

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 110.2

AMENDMENT:

Insert after section 110.1:

110.2. Section 23 of the Act is amended by striking out paragraph 16.

Adopté
SP ✓

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 110.3

AMENDMENT:

Insert after section 110.2:

110.3. Sections 24.3 to 24.7 are replaced by the following section:

“**24.3.** The Government may, by regulation,

(1) determine the standards with which the persons, bodies, and associations designated by the Minister of Justice under section 21.48.29 must comply;

(2) define the conditions a person must satisfy to be certified to act as a third-person decider for the purposes of Division III of Chapter V.2 and determine the standards with which such a third person must comply in the exercise of his or her functions, as well as the sanctions applicable for non-compliance; and

(3) define the rules relating to fees and other expenses that the parties to a dispute may be required to comply with where the dispute is referred to a third-person decider under Section III of Chapter V.2.”

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 111.1

AMENDMENT:

Insert after section 111:

111.1. Section 59 of the Act is amended by inserting “, except the first paragraph of section 21.48.29 and section 24.3, which are under the administration of the Minister of Justice” at the end.

Adopté
SPM

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 149.1

AMENDMENT:

Insert after section 149:

149.1. Any regulation made under Chapter V.2 of the Act respecting contracting by public bodies, enacted by section 110.1, may, despite section 71 of the Act respecting the acceleration of certain infrastructure projects (chapter A-2.001), provide that all or part of its provisions apply to public bodies and enterprises that are parties to the contracts and subcontracts referred to in that section 71.

*Adopté
SP*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 92.1

AMENDMENT:

Insert after section 92:

ACT RESPECTING THE CENTRE D'ACQUISITIONS
GOUVERNEMENTALES

92.1. Section 4 of the Act respecting the Centre d'acquisitions gouvernementales (chapter C-7.01) is amended by inserting “, including the principles set out in section 2 of the Act respecting contracting by public bodies (chapter C-65.1)” at the end of the first paragraph.

*Adopté
SPM*

Bill 12

An Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics

Section 150

AMENDMENT:

Replace by:

150. This Act comes into force on *(insert the date of assent to this Act)*, except

(1) sections 1 to 3, section 4 insofar as it enacts sections 14.1 to 14.6, the first and second paragraphs of section 14.6.1, section 14.7 and the first and third paragraphs of section 14.7.1 of the Act respecting contracting by public bodies, sections 6 and 7, section 8 insofar as it enacts section 22.1.0.1 and the first sentence of the first paragraph and the second paragraph of section 22.1.0.2 of that Act, and paragraph 2 of section 106, which come into force on the date or dates to be set by the Government or not later than *(insert the date that is six months after the date of assent to this Act)*;

(2) section 4 insofar as it enacts the third paragraph of section 14.6.1 and the second paragraph of section 14.7.1 of the Act respecting contracting by public bodies, section 8 as regards the second sentence of the first paragraph of section 22.1.0.2 of that Act, and sections 110.1 to 110.3 and 111.1, which come into force on the date or dates to be set by the Government;

(3) section 10 insofar as it enacts section 21.2 of the Act respecting contracting by public bodies, which comes into force on the date of coming into force of the first regulation made by the Government for the purposes of that section 21.2;

(4) section 21.5.1 of the Act respecting contracting by public bodies, except the words “except the third paragraph of section 21.48.4 and” in the first paragraph of that section, enacted by section 10, which comes into force on the date

of coming into force of the first regulation made by the Autorité des marchés publics for the purposes of that section 21.5.1;

(5) section 10 insofar as it enacts the words “, unless such ineligibility results from a temporary registration in the register of enterprises ineligible for public contracts under the third paragraph of section 21.48.4” in subparagraph 3 of the first paragraph of section 21.4, the words “except the third paragraph of section 21.48.4 and” in the first paragraph of section 21.5.1, subparagraph 2 of the first paragraph of section 21.5.3 and the second paragraph of section 21.5.4 of the Act respecting contracting by public bodies, subparagraph *b* of paragraph 1 of section 13 insofar as it enacts the words “and, if applicable, a reference to the temporary nature of that registration” in subparagraph *c* of subparagraph 3 of the first paragraph of section 21.7 of the Act respecting contracting by public bodies, subparagraph *c* of paragraph 1 of section 13, subparagraph *c* of paragraph 2 of section 17, section 33 insofar as it enacts the second sentence of section 21.38 of the Act respecting contracting by public bodies, section 43 insofar as it enacts the third sentence of section 21.48.4 and the words “, otherwise than temporarily,” in the third paragraph of section 21.48.5 of that Act, section 88, section 89 insofar as it enacts the words “, otherwise than temporarily,” in subparagraph 1 of the first paragraph of section 65.1.0.1 of the Building Act (chapter B-1.1), and paragraph 1 of section 91, which come into force on *(insert the date that is 6 months after the date of assent to this Act)*;

(6) sections 21.40 and 21.41 of the Act respecting contracting by public bodies, enacted respectively by sections 35 and 36, and paragraph 2 of section 42, which come into force on *(insert the date that is 12 months after the date of assent to this Act)*;

(7) Division II of Chapter VIII.2 of the Act respecting contracting by public bodies, enacted by section 54, which comes into force on the date of coming into force of the first regulation made by the Autorité des marchés publics under section 27.16 of that Act, enacted by section 54.

Adopté
SPM