

AMENDMENT

Bill 62

**AN ACT MAINLY TO DIVERSIFY THE ACQUISITION
STRATEGIES OF PUBLIC BODIES AND INCREASE THEIR
AGILITY IN CARRYING OUT INFRASTRUCTURE PROJECTS**

**SECTION 1 (section 3 of the Act respecting contracting by public
bodies)**

In paragraph 2, add “, without compromising quality” after “during the term of the contract” at the end of the proposed last paragraph.

SAm 1

*Adopté
amendé
PB*

SUBAMENDMENT

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SECTION 1 (section 3 of the Act respecting contracting by public
bodies)

In the proposed last paragraph in paragraph 2, amended by amendment:

- (1) Replace “, without compromising” by “while complying with the”.
- (2) Add “requirements” after “quality”.

*Adopté
RB*

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SECTION 1 (section 3 of the Act respecting contracting by public
bodies)

In paragraph 2, insert "in the presence of a process auditor" after "holding bilateral workshops" in the proposed last paragraph.

*Adopté
TBB*

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**SECTION 4 (section 18 of the Act respecting contracting by public
bodies)**

In paragraph 3, replace "does not" in the proposed last paragraph by "may be subject to conditions. Moreover, it does not".

*Adopte
RB*

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**SECTION 7 (section 21 of the Act respecting contracting by public
bodies)**

Add the following at the end:

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

“As part of the discussions referred to in subparagraph 1 of the first paragraph, a tenderer may involve an enterprise with which it plans to enter or has entered into a contract to be attached to the partnership contract that is the subject of the tendering process if it considers that the enterprise’s expertise and knowledge would help achieve the objectives of the project.”

*Adopté
PB*

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SECTION 8 (section 21.0.0.1 of the Act respecting contracting by
public bodies)

Insert "and an obligation for the successful tenderer to send the public body any information or document the public body requests in connection with the contract" at the end of proposed section 21.0.0.1.

*Adopte
DB*

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SECTION 9 **(section 21.18 of the Act respecting contracting by public
bodies)**

In paragraph 2, strike out "or subcontract" in the proposed second paragraph.

*Adopté
MB*

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SECTION 13 (section 21.48.28.1 of the Act respecting contracting by
public bodies)

In proposed section 21.48.28.1:

(1) Replace subparagraph 5 of the first paragraph by:

(5) the rules applicable to the selection of the third-person decider were not complied with; or

(6) the rules applicable to the dispute settlement process before the third-person decider were not complied with and that non-compliance compromised the fairness of the process.

(2) Insert "in whole or in part" after "decider's decision" in the last paragraph.

*Adopte
PB*

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**SECTION 15 (section 22.0.1 of the Act respecting contracting by public
bodies)**

Insert after the first paragraph of proposed section 22.0.1:

The public body must also publish on the electronic tendering system, within 120 days of an amendment to the contract, every additional expenditure resulting from the amendment that exceeds the initial amount of the contract by more than 10%.

*Adopté
PB*

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SECTION 33 (section 80.1 of the Public Infrastructure Act)

Replace “and architects comprising the employees who are members of the Ordre des ingénieurs du Québec or of the Ordre des architectes du Québec” in paragraph 1 of proposed section 80.1 by “, architects and chartered appraisers comprising the employees who are members of the Ordre des ingénieurs du Québec, of the Ordre des architectes du Québec or of the Ordre des évaluateurs agréés du Québec”.

*Adopté
BB*

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SECTION 16 (section 24.1 of the Act respecting contracting by public
bodies)

Replace by:

16. The Act is amended by inserting the following section after section 24:

“**24.1.** The Conseil du trésor defines, by regulation, the terms “amount” and “expenditure” or clarifies their scope for the purposes of the sections of this Act specified in the regulation.”

*Adopté
PB*

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**SECTION 34 (section 36.1 of the Act respecting the Autorité des
marchés publics)**

Add at the end of proposed section 36.1:

Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), only a person generally or specially authorized by the Authority may have access to such information or such a document.”

*Adopté
PB*

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SECTION 20 (section 16 of the Public Infrastructure Act)

Replace by:

20. Section 16 of the Act is amended, in the first paragraph,

(1) by replacing “A public infrastructure project considered major cannot be included in the Québec infrastructure plan before being authorized by the Government” by “The initial inclusion of a public infrastructure project considered major in the Québec infrastructure plan must be preceded by an authorization from the Government issued”;

(2) by adding the following sentence at the end: “Any subsequent inclusion of the project in the plan must be preceded by an authorization from the Government or the Conseil du trésor issued within the framework of the implementation of those measures.”

*Adopté
PB*

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SECTION 45 (section 39 of the Regulation respecting certain supply
contracts of public bodies)

Replace by:

45. Section 39 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) is amended

(1) by inserting "following the publication of a notice of intention" after "section 13 of the Act" in paragraph 7;

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

"The public body also publishes in the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published in the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the supplier that was awarded the contract."

*Adopté
PB*

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**SECTION 46 (section 52 of the Regulation respecting certain service
contracts of public bodies)**

Replace by:

46. Section 52 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended

(1) by inserting "following the publication of a notice of intention" after "section 13 of the Act" in paragraph 7;

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

"The public body also publishes in the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published in the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the service provider that was awarded the contract."

*Adopté
RR*

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**SECTION 47 (section 42 of the Regulation respecting construction
contracts of public bodies)**

Replace by:

47. Section 42 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5) is amended

(1) by inserting “following the publication of a notice of intention” after “section 13 of the Act” in paragraph 7;

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

“The public body also publishes in the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published in the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the contractor that was awarded the contract.”

*Adopted
RB*

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SECTION 48 (section 73 of the Regulation respecting contracting by
public bodies in the field of information technologies)

Replace by:

48. Section 73 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 “following the publication of a notice of intention” after “section 13 of the Act” in paragraph 7;

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

“The public body also publishes on the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published on the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the supplier or service provider that was awarded the contract.”

*Adopté
PB*

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SECTION 51

Replace by:

51. The provisions of sections 1.2 and 1.3 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) that pertain to the complaints referred to in section 21.0.4 of the Act respecting contracting by public bodies (chapter C-65.1) or in section 40 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) as well as the provisions of Chapters I.2, II, III and IV of that Regulation apply, with the necessary modifications, in respect of any partnership contract-tendering process until the coming into force of the provisions of the first regulation made under paragraphs 13.1 and 14 of section 23 of the Act respecting contracting by public bodies that apply to partnership contracts.

For the purposes of this section, where the tendering process involves making use of an electronic documentation room, the provisions of sections 1.2 and 1.3 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, the provisions of Chapter I.2 of that Regulation and the provisions of section 40 of the Act respecting the Autorité des marchés publics that refer to the electronic tendering system approved by the Government under section 11 of the Act respecting contracting by public bodies must, where the tender documents so provide, be read as referring to the electronic documentation room for the purpose of processing complaints. To that end, the public body must allow the Autorité des marchés publics to have access to the information and documents contained in the electronic documentation room.

*Adopté
DB*

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SECTION 55

Replace by:

55. The provisions of this Act come into force on *(insert the date of assent to this Act)*, except

(1) the provisions of sections 12 and 13, which come into force on the date or dates to be set by the Government; and

(2) the provisions of section 16, which come into force on the date of coming into force of the first regulation made under section 24.1 of the Act respecting contracting by public bodies (chapter C-65.1).

*Adopté
PB*