# NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 79

## An Act to enact the Act respecting contracting by municipal bodies and to amend various provisions mainly for the purpose of reducing the administrative burden of municipal bodies

**Introduction**

**Introduced by**
**Madam Andrée Laforest**
**Minister of Municipal Affairs**

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## EXPLANATORY NOTES

*This bill enacts the Act respecting contracting by municipal bodies whose object is to define a framework for the awarding and management of contracts by municipal bodies.*

*More specifically, the Act requires municipal bodies to adopt a by-law on contract management and provides that the enterprise integrity regime provided for in the Act respecting contracting by public bodies is to apply to municipal bodies. It determines the conditions under which supply, construction, services or partnership contracts may be awarded. It prescribes new contract awarding procedures, a first one being by means of a request for a quotation addressed to qualified enterprises, and a second one which, when awarding a partnership contract, uses a system adapted to the infrastructure project.*

*The Act creates the obligation for municipal bodies to evaluate their procurement requirements before awarding a contract and to estimate the contract's price. In addition, it makes it possible to award a contract by written invitation or by mutual agreement in certain circumstances, such as when an emergency threatens human safety or property. It also contains rules governing the rejection of tenders whose price is abnormally low, the performance assessment of enterprises and the publication of the information related to the contracts awarded.*

*In matters of land use planning and development, the bill abolishes the recourses whereby qualified voters may apply to the Commission municipale du Québec for the examination of a planning by-law's compliance with a planning program. The bill shortens a number of deadlines provided for in the Act respecting land use planning and development, including those granted to the Minister of Municipal Affairs and to other bodies in the course of a process to amend a land use planning and development plan or a metropolitan land use and development plan. It grants local municipalities the power to authorize real estate projects whose use is mainly residential and that depart from planning by-laws.*

*The bill provides that a legal person receiving an annual subsidy of $250,000 or more from a municipality governed by the Cities and Towns Act must have its financial statements audited.*

*The bill allows a municipality governed by the Municipal Code of Québec to appoint a clerk and a treasurer, instead of only a clerk-treasurer. Intermunicipal boards are also allowed to establish their head office at any place in Québec.*

*With regard to municipal territorial organization, the bill provides that the actions taken by a regional county municipality remain in force transitionally when an amalgamation or annexation entails changes to the territory of a regional county municipality. It establishes that the government financial assistance granted to a municipality that results from an amalgamation or whose territory was modified by the annexation of the territory of another municipality must, for a period of 10 years, be at least equal to the amounts that would have been granted to the municipalities concerned had the amalgamation not taken place.*

*The bill allows a local municipality or regional county municipality, a public transit authority or an intermunicipal board to own, on certain conditions, an immovable in divided co-ownership. It raises the threshold of the annual maximum value of municipal loan by-laws described in general terms and abolishes the obligation to send a copy, to the Minister of Municipal Affairs, of the resolutions setting the deadline for the deposit of the roll and of those setting the deadline for sending the notice of assessment and the tax account.*

*Lastly, the bill contains miscellaneous, transitional and final provisions.*

**LEGISLATION ENACTED BY THIS BILL:**

– Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*).

**LEGISLATION AMENDED BY THIS BILL:**

– Act respecting land use planning and development (chapter A-19.1);

– Act respecting the Autorité des marchés publics (chapter A-33.2.1);

– Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);

– Charter of Ville de Gatineau (chapter C-11.1);

– Charter of Ville de Lévis (chapter C-11.2);

– Charter of Ville de Longueuil (chapter C-11.3);

– Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

– Charter of Ville de Québec, national capital of Québec (chapter C-11.5);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Act respecting the Commission municipale (chapter C-35);

– Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

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

– Municipal Powers Act (chapter C-47.1);

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

– Act respecting duties on transfers of immovables (chapter D-15.1);

– Act respecting elections and referendums in municipalities (chapter E-2.2);

– Act respecting Municipal Taxation (chapter F-2.1);

– Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);

– Act respecting municipal territorial organization (chapter O-9);

– Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);

– Act respecting the Réseau de transport métropolitain (chapter R-25.01);

– Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03);

– Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102);

– Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);

– Act respecting public transit authorities (chapter S-30.01);

– Municipal Works Act (chapter T-14);

– Act respecting Ville de Laval (1994, chapter 56);

– Act respecting Ville de Saint-Romuald (1994, chapter 61);

– Act respecting the Municipalité régionale de comté du Haut-Richelieu (1994, chapter 69);

– Act respecting the village and the parish of Saint-Anselme (1995, chapter 84);

– Act to amend the charter of the City of Laval (1999, chapter 91);

– Act respecting Municipalité régionale de comté d'Arthabaska (2004, chapter 47);

– Act respecting the insurer activities of the Fédération québécoise des municipalités locales et régionales (FQM) and its amalgamation with, by absorption of, La Mutuelle des municipalités du Québec (2021, chapter 46);

– Act respecting Ville de Victoriaville (2022, chapter 35);

– Act to amend various legislative provisions with respect to housing (2024, chapter 2).

**LEGISLATION REPEALED BY THIS BILL:**

– Act respecting Municipalité régionale de comté des Appalaches (2010, chapter 56);

– Act respecting Ville de Windsor (2013, chapter 40);

– Act respecting Municipalité de Notre-Dame-des-Pins (2017, chapter 39);

– Act respecting Municipalité de Saint-Damien-de-Buckland (2022, chapter 38).

**REGULATION REPEALED BY THIS BILL:**

– Regulation respecting the awarding of contracts for certain professional services (chapter C-19. r. 2).

**ORDERS IN COUNCIL AMENDED BY THIS BILL:**

– Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu;

– Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne;

– Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay;

– Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke;

– Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières;

– Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan;

– Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme;

– Order in Council 1478-2001 dated 12 December 2001, respecting Ville de Rouyn-Noranda;

– Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny.

# Bill 79

## AN ACT TO ENACT THE ACT RESPECTING CONTRACTING BY MUNICIPAL BODIES AND TO AMEND VARIOUS PROVISIONS MAINLY FOR THE PURPOSE OF REDUCING THE ADMINISTRATIVE BURDEN OF MUNICIPAL BODIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

ENACTMENT OF THE ACT RESPECTING CONTRACTING BY MUNICIPAL BODIES

**1.** The Act respecting contracting by municipal bodies, the text of which appears in this chapter, is enacted.

"ACT RESPECTING CONTRACTING BY MUNICIPAL BODIES

"**TITLE I**

"PURPOSE, SCOPE AND DEFINITIONS

"**1.** The purpose of this Act is to define a framework for the awarding and management of contracts by municipal bodies. A further object of the Act is to determine certain conditions applicable to subcontracts directly or indirectly related to those contracts.

It aims to foster competition and promote the integrity and transparency of public procurement so as to ensure the sound management of public funds and the fair treatment of enterprises.

"**2.** The provisions of this Act apply in compliance with any intergovernmental agreement applicable to contracts by municipal bodies.

For the purposes of this Act, "intergovernmental agreement" means a public procurement liberalization agreement between Québec and another jurisdiction, or an agreement to which Québec has, in accordance with the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), declared itself bound.

"**3.** For the purposes of this Act, the following are municipal bodies:

(1) municipalities, except for Northern, Cree or Naskapi villages;

(2) metropolitan communities;

(3) intermunicipal boards;

(4) public transit authorities;

(5) the Autorité régionale de transport métropolitain;

(6) the Réseau de transport métropolitain;

(7) the James Bay Regional Administration; and

(8) the bodies constituted under section 465.1 of the Cities and Towns Act (chapter C-19) or article 711.2 of the Municipal Code of Québec (chapter C-27.1).

"**4.** For the purposes of this Act, a body that meets one of the following conditions is considered to be a municipal body:

(1) it is declared by law to be the mandatary or agent of a municipal body referred to in section 3;

(2) the majority of the members of its board of directors must, under an Act or regulation, be members of a council of a municipality or be appointed by a municipality;

(3) its budget is adopted or approved by a municipality;

(4) it operates on a non-profit basis and, on 1 January of the current year, meets the following conditions:

(*a*) the amount of its revenues during one of the past two years is equal to or greater than $1,000,000; and

(*b*) it received, during one of the years referred to in subparagraph *a*, financial assistance from a municipality in an amount equal to or greater than half of its revenues for that year; or

(5) it has been designated as a municipal body by the Minister.

Despite the first paragraph, a mixed enterprise company is considered to be a municipal body only to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides that this Act applies.

"**5.** In this Act,

"electronic tendering system" means the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1);

"enterprise" means a legal person established for a private interest, a general, limited or undeclared partnership or a natural person who operates a sole proprietorship.

"**6.** Where a municipality must make a publication on its website under this Act but does not have a website, it must make the publication on the website of a regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality gives public notice of the address at least once a year. Any other municipal body that does not have a website must make the publication on a website of which it gives public notice of the address at least once a year.

## "TITLE II

## "BY-LAW ON CONTRACT MANAGEMENT

"**7.** Every municipal body must adopt a by-law on contract management that contains standards applicable to the awarding and carrying out of all of its contracts.

"**8.** To promote integrity and transparency in contractual matters, a by-law on contract management must include measures to

(1) ensure compliance with any applicable anti-bid-rigging legislation;

(2) ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the code of conduct adopted under that Act;

(3) prevent intimidation, influence-peddling and corruption;

(4) prevent conflict of interest situations;

(5) prevent any other situation that could compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract; and

(6) govern the making of decisions authorizing the amendment of a contract.

Such a by-law must also include measures to

(1) promote responsible procurement that takes into account the principles set out in section 6 of the Sustainable Development Act (chapter D-8.1.1);

(2) promote Québec or otherwise Canadian goods and services and enterprises that have an establishment in Québec or elsewhere in Canada for the purposes of the awarding of any contract awarded according to a procedure by written invitation or by mutual agreement; and

(3) promote rotation among prospective contracting parties for contracts, to the extent that those contracts may be awarded by mutual agreement under rules adopted under section 9.

A regulation of the Minister defines what constitutes Québec or otherwise Canadian goods and services and which enterprises constitute enterprises that have an establishment in Québec or elsewhere in Canada.

“**9.** A by-law on contract management may provide rules applicable to the awarding of the contracts covered in Chapter V of Title III, which may depart from the provisions of this chapter, as well as any other standard applicable to the awarding or management of contracts.

“**10.** A municipal body must publish its by-law on contract management on its website.

A report on the application of the by-law must be filed once a year with the body’s council or board.

“**TITLE III**

“AWARDING OF CERTAIN CONTRACTS OF MUNICIPAL BODIES

“**CHAPTER I**

“GENERAL PROVISIONS

“**DIVISION I**

“SCOPE

“**11.** This Title applies to the following contracts:

(1) a supply contract, that is, a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase;

(2) a construction contract, that is, a contract regarding the construction, reconstruction, demolition, installation, repair or renovation of equipment or of an infrastructure, including site preparation, excavation, drilling, seismic investigation and, if included in and incidental to a construction contract, the supply of products, materials and machinery;

(3) a services contract, that is, a contract for supplying services that may include the supply of parts or materials required to supply the services; and

(4) a partnership contract, that is, a contract entered into for the purposes of an infrastructure project for which a municipal body brings in an enterprise to participate in designing and building the infrastructure and to exercise other

responsibilities related to the infrastructure such as its financing, maintenance or operation, and that involves a collaborative approach during or after the awarding procedure.

It also applies to

(1) a leasing contract, which is considered to be a supply contract;

(2) an insurance contract, which is considered to be a services contract; and

(3) a mixed contract for construction work and professional services under which a municipal body brings in an enterprise to participate in designing and building an infrastructure, using a collaborative approach during or after the awarding procedure as well as any contract determined by a regulation of the Minister under which a municipal body brings in an enterprise to participate in designing or building an infrastructure where the contract involves a collaborative approach specified by the regulation, which are considered to be partnership contracts.

“**12.** For the purposes of this Title,

(1) an expenditure includes the value of any renewal and of any option provided for by the contract; and

(2) a collaborative approach may, in particular, include holding bilateral workshops in the presence of a process auditor, pooling resources and information related to the infrastructure project as well as consensually sharing risks and, as applicable, savings generated or gains made and losses sustained during the term of the contract, while achieving the quality required.

“**DIVISION II**

“INTEGRITY OF ENTERPRISES

“**13.** The provisions of Chapter V.1 and sections 25.0.2 to 25.0.5 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, to the contracts of municipal bodies and to the subcontracts directly or indirectly related to those contracts.

For the purposes of those provisions, except those of section 21.48.17, the Minister exercises the responsibilities conferred on the Conseil du trésor or its Chair.

“**DIVISION III**

“MANDATES FOR THE PURPOSES OF AWARDING CONTRACTS

“**14.** A municipal body may entrust the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM) with a mandate to award a contract.

Where the object of the mandate is the improvement of the energy efficiency of equipment or infrastructure, the contract may include the financing, by the enterprise or a third person, of the required goods, work or services, provided that the total amount that the municipal body undertakes to pay for the improvement does not exceed the amount of savings that the municipal body achieves through the improvement.

For the purposes of this Title, the total amount of the expenditures of all the parties to the contract constitutes the expenditure under the contract and the applicable by-law on contract management is the by-law of the mandatary.

“**15.** The carrying out of a mandate referred to in section 14 may be delegated, by agreement, to the Centre d’acquisitions gouvernementales or, as applicable, to the Minister of Cybersecurity and Digital Technology or to another minister who is not required to call on the Centre’s services or on those of the Minister of Cybersecurity and Digital Technology.

The provisions of this Title do not apply to the awarding of a contract that an agreement referred to in the first paragraph concerns where that contract involves acquisitions made or conditions of acquisition negotiated by the Centre d’acquisitions gouvernementales or by a minister in accordance with the Act respecting contracting by public bodies (chapter C-65.1).

“**16.** The carrying out of a mandate referred to in section 14 may be delegated, by agreement, to a non-profit organization whose principal activity consists in managing the joint procurement of property or of services for public bodies within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or for non-profit organizations.

The Minister may, on the conditions the Minister determines, exempt the awarding of a contract that an agreement referred to in the first paragraph concerns from the application of all or part of this Title.

“**17.** A municipal body may award a contract jointly with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a municipal body that is not a public body within the meaning of that Act, a public utility, a non-profit organization or the owner of a mobile home park. In such a case, one of the parties must be entrusted, by the other parties, with the mandate to award the contract.

For the purposes of this Title, the total amount of the expenditures of all the parties to the contract constitutes the expenditure under the contract and the applicable by-law on contract management is the by-law determined by the municipal body from among the by-laws of the parties.

The provisions of this Title do not apply if the contract is awarded jointly in accordance with the Act respecting contracting by public bodies (chapter C-65.1).

The Municipal Aid Prohibition Act (chapter I-15) does not apply if the contract is awarded jointly with the owner of a mobile home park.

"**CHAPTER II**

"STEPS PRIOR TO A CONTRACT AWARDING PROCEDURE

"**DIVISION I**

"EVALUATION OF PROCUREMENT REQUIREMENTS AND OBJECT OF CONTRACT

"**18.** Before initiating a procedure to award a contract, a municipal body must conduct a serious evaluation of its procurement requirements.

That evaluation may, in particular, be geared toward the pursuit of sustainable development within the meaning of the Sustainable Development Act (chapter D-8.1.1).

"**19.** The object of a contract may not be divided so as to allow the awarding of several contracts having similar subject matter, unless the division is warranted on grounds of sound administration or the contract is for professional services necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions.

"**DIVISION II**

"ESTIMATE

"**20.** The price of any contract involving an expenditure of $100,000 or more must be the subject of an estimate established by the municipal body prior to the publication or transmission of the tender documents or prior to the awarding of the contract, whichever occurs first.

"**DIVISION III**

"CALL FOR EXPRESSIONS OF INTEREST

"**21.** A municipal body may issue a call for expressions of interest by publishing, on the electronic tendering system, a document that specifies the information the body seeks to collect in connection with a public procurement contract.

"**DIVISION IV**

"PROCESS FOR CERTIFICATION OR QUALIFICATION

"**22.** A municipal body may establish a process for the certification of goods or the qualification of enterprises by publishing, on the electronic tendering system, a document that includes

(1) the name of the municipal body;

(2) the criteria and terms applicable to the granting of the certification or qualification;

(3) the period of validity of the list of certified goods or qualified enterprises and the means used to renew or cancel the list or, if no period of validity is specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used; and

(4) a mention indicating that an intergovernmental agreement applies to the contract, if applicable.

A regulation of the Minister prescribes the cases in which and the conditions on which such a process may discriminate on the basis of territory.

Sections 40 and 41 apply, with the necessary modifications, to the definition of the criteria applicable to the granting of the certification or qualification.

"**23.** The document referred to in the first paragraph of section 22 is to remain published on the electronic tendering system throughout the period of validity of the certifications list or qualifications list.

Once a year, the municipal body publishes a notice inviting other enterprises to apply for the certification of goods or the qualification of their enterprise.

"**24.** An enterprise may, at any time, apply for the certification of goods or for its qualification, in which case the municipal body evaluates the application within a reasonable time.

"**25.** Where an enterprise qualification process is established, the evaluation of the applications for qualification is entrusted to a selection committee. Sections 54 and 55 apply, with the necessary modifications, to the forming of the committee and to the evaluation of applications.

"**26.** Where an enterprise qualification process is established for awarding a single contract using an overall criteria evaluation system involving discussions and negotiations, it may provide that qualification will be granted to a maximum number of enterprises, which may not be less than three.

## “CHAPTER III

## “CONTRACT AWARDING PROCEDURES

“**27.** A contract may be awarded

(1) on the basis of the tender with the lowest proposed price;

(2) by means of a request for a quotation addressed to qualified enterprises;

(3) using an overall criteria evaluation system;

(4) using a system in which knowledge of the price is deferred;

(5) in the case of a partnership contract, using a system adapted to the infrastructure project;

(6) in the case of an engineering, architecture or design services contract, following a competition;

(7) by written invitation; or

(8) by mutual agreement.

For the purposes of this Act, an open procedure is a contract awarding procedure referred to in any of subparagraphs 1 to 6 of the first paragraph.

“**28.** Every contract must be awarded for a fixed or unit price, except in the case of a contract awarded using an overall criteria evaluation system involving discussions and negotiations or a system adapted to the infrastructure project.

“**29.** Any contract involving an expenditure equal to or above the threshold determined by a regulation of the Minister must be awarded according to an open procedure.

“**30.** Any contract involving an expenditure equal to or greater than $25,000 but below the threshold determined for the purposes of section 29 is awarded according to a procedure by written invitation.

“**31.** A contract for professional services that must be awarded according to an open procedure or a procedure by written invitation, in accordance with section 29 or 30, must so be awarded by means of a request for a quotation addressed to qualified enterprises or using an overall criteria evaluation system or a system in which knowledge of the price is deferred.

“**32.** A partnership contract that must be awarded according to an open procedure or a procedure by written invitation, in accordance with section 29 or 30, must so be awarded using an overall criteria evaluation system involving discussions and negotiations or a system adapted to the infrastructure project.

“**33.** Despite sections 29 and 30, a contract may be awarded by written invitation or by mutual agreement in any of the following cases:

(1) if there is an emergency that threatens human safety or property;

(2) if the contract can only be awarded to a single enterprise because of the existence of a guarantee, an ownership right or an exclusive right such as a copyright or a right based on an exclusive licence or patent, or because of the artistic, heritage or museological value of the required property or service;

(3) if the contract involves confidential or protected information and it is reasonable to believe that disclosure of the information, in the context of an open procedure, could compromise its confidential nature or otherwise hinder the public interest;

(4) if a municipal body considers that it will be able to prove, in accordance with the principles set out in the second paragraph of section 1 and in section 2, that an open procedure would not serve the public interest given the object of the contract concerned; or

(5) in any other case, to any enterprise or to any category of enterprises and on the conditions determined by government regulation.

In the cases described in subparagraph 1 of the first paragraph, the contract may be awarded by the mayor, by the warden or by the chair of the municipal body. In the case of a metropolitan community or a public transit authority, the director general of the body may also award such a contract if the chair of the body is absent or unable to act. The person who awards the contract must table a substantiated report at the first sitting of the body’s council or meeting of the body’s board that follows the awarding of the contract.

In the cases described in subparagraphs 2 to 4 of the first paragraph, the contract must, if not awarded by the council or board of the municipal body, be authorized by the council or board.

“**34.** The municipal body must, at least 15 days before awarding a contract by mutual agreement under subparagraph 4 of the first paragraph of section 33, publish on the electronic tendering system a notice of intention allowing any enterprise to express its interest in carrying out the contract. The notice of intention must, among other things, specify or include

(1) the name of the enterprise to which the municipal body intends to award the contract by mutual agreement;

(2) a detailed description of the municipal body's procurement requirements and of the obligations provided for by the contract;

(3) the projected contract date;

(4) the reasons invoked by the municipal body for awarding the contract by mutual agreement under subparagraph 4 of the first paragraph of section 33; and

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

"**35.** If an enterprise has expressed interest in accordance with subparagraph 5 of the first paragraph of section 34, the municipal 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 award the contract by mutual agreement. If that seven-day period cannot be complied with, the projected contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The municipal body must also inform the enterprise of its right to, as applicable, file a complaint under section 38 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) or make an application under section 52.1 of that Act within three days after receiving the decision.

If no enterprise has expressed interest by the deadline under subparagraph 5 of the first paragraph of section 34, the municipal body may enter into the contract before the projected contract date specified in the notice of intention.

"**36.** A contract may, provided it is awarded in accordance with the Act respecting contracting by public bodies (chapter C-65.1), be exempted from the application of all or part of this Title in the cases and on the conditions determined by government regulation.

"**37.** Despite sections 29 and 30, the Minister may, on the conditions the Minister determines, allow a municipal body to award, according to a procedure by written invitation or by mutual agreement, a contract that would otherwise be subject to an open procedure or to a procedure by written invitation.

“**CHAPTER IV**

“OPEN PROCEDURES

“**DIVISION I**

“TENDER DOCUMENTS

“**38.** The awarding of a contract according to an open procedure is preceded by the publication of a notice on the electronic tendering system. That notice forms part of the tender documents, which must also be published on the system.

The notice must include

(1) the name of the municipal body;

(2) the object of the contract to be awarded, its term or the timetable for delivery of the goods, services or work and, as applicable, any contemplated renewal or option;

(3) the procedure for awarding the contract;

(4) the tender evaluation criteria and methods for evaluating tenders, unless they are indicated in the tender documents;

(5) the closing date and time and the place for receiving tenders;

(6) the date, time and place at which tenders will be opened;

(7) the rules applicable in case of a tie between tenders;

(8) an indication that the municipal body does not undertake to accept any of the tenders received; and

(9) an indication that an intergovernmental agreement applies to the contract, if applicable.

A notice of publication must also be published in a newspaper circulated in the municipal body’s territory or in a publication specializing in the field, circulated in Québec. The notice must include the name of the municipal body, a summary description of the contract’s object, the closing date and time and the place for receiving tenders, and specify that the tender documents and the amendments to those documents may be obtained only on the electronic tendering system.

“**39.** The tender documents may, in particular, provide

(1) that tenders may be submitted on the electronic tendering system;

(2) in the cases and on the conditions determined by a regulation of the Minister,

(*a*) evaluation criteria that discriminate on the basis of territory; and

(*b*) limits to the territory from which the tenders originate;

(3) that the goods or tenderers that the open procedure concerns must first be certified or qualified in accordance with Division IV of Chapter II;

(4) that a tenderer must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada;

(5) that a premium in the form of a preferential margin not exceeding 10% of the proposed price will be granted;

(6) that a price adjustment clause setting out the reference price and the method to be used for calculating the adjustments, in particular the intervals at which the adjustments are to be made, will be included in the contract; and

(7) the possibility of rejecting any tender from an enterprise that, in the two years prior to the tender closing date and in accordance with Division IV of Chapter VII, has been the subject of an unsatisfactory performance assessment in connection with a contract awarded by the municipal body.

A criterion mentioned in subparagraph 3 of the first paragraph cannot be applied if only one enterprise offers the certified goods or has been qualified.

"**40.** Any evaluation criterion, requirement or preferential margin provided for in the tender documents must be related to the object of the contract to be awarded.

In particular, the evaluation criteria, requirements and preferential margins that pertain 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 related to the object of the contract, even where such evaluation criteria, requirements or preferential margins do not pertain to one of their inherent characteristics.

"**41.** Any technical specification required by the municipal body must, subject to the second paragraph, be described in the tender documents in terms of performance and functional requirements rather than in terms of design or descriptive characteristics and be based, if applicable, on international standards or, in the absence of such standards, on other recognized standards.

If a technical specification cannot be described in terms of performance and functional requirements, the documents must provide that any equivalency to the design or descriptive characteristics described in the documents will be considered compliant and the documents may define how equivalency to such characteristics will be evaluated.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.

“**42.** Where the tender documents provide that the contract is to be awarded using an overall criteria evaluation system, they must describe the methods for the weighting of the evaluation criteria. The price must be an evaluation criterion, unless the object of the contract to be awarded is the improvement of the energy efficiency of equipment or infrastructure, in which case a criterion related to the projected energy savings may replace the price criterion.

In addition, the tender documents may provide that the awarding of the contract is to be preceded by discussions and negotiations. In such a case, they must include

(1) the terms and conditions for holding the discussions following the evaluation of the preliminary tenders, and those applicable to the time period allotted for holding them;

(2) the identity of the person responsible for the discussions and negotiations for the municipal body, who cannot be a member of the council or board or of the selection committee, or the secretary of the latter;

(3) provisions allowing the municipal body to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information; and

(4) if applicable, a statement indicating that the municipal body has been authorized by the Minister, under section 60, to pay financial compensation to each tenderer, other than the tenderer to whom the contract is awarded.

Subparagraphs 5 and 6 of the second paragraph of section 38 apply only to the receipt and opening of preliminary tenders.

“**43.** Where the tender documents provide that the contract is to be awarded using a system in which knowledge of the price is deferred, they must include

(1) in respect of each criterion used to evaluate tenders, the maximum score that may be assigned, which may not exceed 30 points out of a maximum of 100 points;

(2) the methods for the weighting and evaluation of tenders based on those criteria; and

(3) the requirement that tenders be submitted in two separate sendings, the first containing all the tender documents, except the proposed price, and the second containing that price.

The tender documents may provide a minimum score that must be assigned with respect to any of the criteria, failing which the tender is rejected.

“**44.** Where the tender documents provide that a partnership contract is to be awarded using a system adapted to the infrastructure project, they must include

(1) the terms applicable to the awarding procedure, including the various stages and the selected collaborative approach;

(2) provisions allowing the municipal body to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information, and to meet the accountability requirements;

(3) rules pertaining to situations of conflict of interest;

(4) if the selected collaborative approach includes sharing risks, savings generated or gains made and losses sustained, a statement indicating that the terms and conditions of the sharing will be agreed upon by the parties and specified in the partnership contract; and

(5) if applicable, a statement indicating that the municipal body has been authorized by the Minister, under section 75, to pay financial compensation to each tenderer, other than the tenderer to whom the contract is awarded.

“**45.** A regulation of the Minister sets the minimum time periods for the receipt of tenders by a municipal body.

“**46.** Any amendment to the tender documents must be published on the electronic tendering system and may be obtained only on that system.

Any person having requested a copy of a tender document is informed of that publication by way of the system. The amendment must indicate whether it derives from a recommendation of the Autorité des marchés publics and must present the manner in which a complaint under Title IV of this Act or section 40 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is to be filed.

If an amendment that could affect the tendered prices is published less than seven days before the closing date for the receipt of tenders indicated in the tender documents, the closing date for the receipt of tenders is extended by the number of days needed to ensure a seven-day period between the publication of the amendment and the receipt of tenders.

“**DIVISION II**

“RECEIPT AND OPENING OF TENDERS

“**47.** Tenders may be submitted in paper form or, if the tender documents so provide, on the electronic tendering system.

“**48.** The municipal body and the enterprise operating the electronic tendering system may not, before the opening of tenders, disclose any information that may be used to determine the number or the identity of the tenderers or of persons who have requested a copy of a document related to the open procedure.

Despite the first paragraph,

(1) the enterprise operating the electronic tendering system may communicate information that may be used to determine the identity of a person who has requested a copy of such a document if that person expressly authorizes the enterprise to disclose that information; and

(2) the municipal body may, in the context of an open procedure for the awarding of a partnership contract, communicate before the opening of tenders information that may be used to identify an enterprise that is participating in the procedure if that enterprise has expressly authorized the municipal body to disclose that information.

The first paragraph applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

"**49.** Tenders are opened publicly in the presence of at least two witnesses. The names of the tenderers, the price proposed in each tender and the result of the opening of tenders must be disclosed aloud at that time.

If the integrity of a tender submitted on the electronic tendering system could not be ascertained by the municipal body at the time of its opening,

(1) a notice of default is sent to the tenderer and the latter must, on pain of rejection of the tender, remedy the default by submitting within two working days a tender whose integrity is ascertained by the body; and

(2) the disclosure of the proposed prices and of the result of the opening of tenders under the first paragraph is replaced by a publication on the electronic tendering system within four working days after the opening of tenders.

"**DIVISION III**

"AWARDING OF A CONTRACT ON THE BASIS OF THE TENDER WITH THE LOWEST PROPOSED PRICE

"**50.** Where the tender documents provide that the contract is to be awarded to the tenderer having submitted the compliant tender with the lowest proposed price, the contract is awarded to the latter or, with the Minister's authorization, to another tenderer having submitted a compliant tender.

### “DIVISION IV

### “AWARDING OF A CONTRACT BY MEANS OF A REQUEST FOR A QUOTATION ADDRESSED TO QUALIFIED ENTERPRISES

“**51.** A municipal body may provide, in a process for the qualification of enterprises, that a contract may be awarded by means of a request for a quotation addressed to qualified enterprises.

In such a case, and despite section 38, the awarding of the contract is preceded by the transmission to the qualified enterprises, on the electronic tendering system, of a notice containing the information provided for in subparagraphs 2, 3 and 5 to 7 of the second paragraph of that section.

“**52.** Despite the first paragraph of section 49, the tenders are opened only in the presence of a witness and the result of the opening of tenders is published on the electronic tendering system.

The contract is to be awarded to the tenderer having submitted the compliant tender with the lowest proposed price.

### “DIVISION V

### “AWARDING OF A CONTRACT USING AN OVERALL CRITERIA EVALUATION SYSTEM

“§1.—*General provisions*

“**53.** Where the tender documents provide that the contract is to be awarded using an overall criteria evaluation system, the contract is awarded to the tenderer having submitted the compliant tender that has obtained the highest score in the single evaluation carried out either in accordance with section 55 or, if the tender documents provide that the awarding of the contract is to be preceded by individual discussions with each of the tenderers, in accordance with section 59.

“**54.** A selection committee composed of at least three members who are not members of the municipal body’s council or board is formed to evaluate the tenders. The committee is assisted by a secretary who coordinates the committee’s work.

The selection committee’s members and secretary are designated by any public officer or employee empowered to do so by a by-law of the body. That by-law may prescribe any condition applicable to those designations and to the exercise of the designated persons’ functions.

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 body may not disclose information that may be used to identify a person as being a member of a selection committee or its secretary.

"§2.—*Single evaluation*

"**55.** An evaluation of each tender is carried out individually by each of the committee members, after which the committee meets to successively evaluate each tender and assign it a score. The assigned score corresponds to the sum of the points assigned by the committee for each of the evaluation criteria.

"§3.—*Evaluation involving discussions and negotiations*

"**56.** Where the tender documents provide that the awarding of a contract is to be preceded by discussions and negotiations, preliminary tenders and final tenders are presented.

"**57.** Despite the first paragraph of section 49, the preliminary tenders are opened only in the presence of the selection committee's secretary and the result of the opening of tenders is not disclosed. The person responsible for the discussions and negotiations holds individual discussions with each of the tenderers to further define the technical or financial aspects of the project.

"**58.** After the discussions have been held, a call for final tenders which includes the information set out in subparagraphs 5 and 6 of the second paragraph of section 38 is sent to the tenderers and published on the electronic tendering system.

"**59.** Section 55 and the first sentence of section 57 apply, with the necessary modifications, to the opening and evaluation of the final tenders. Negotiations may then be started by the person responsible for discussions and negotiations with the tenderer who obtained the highest score during the evaluation of the final tenders.

"**60.** The Minister may, on the conditions the Minister determines, authorize the municipal body to pay a financial compensation to each tenderer having submitted a compliant final tender, other than the one to whom the contract is awarded.

"**61.** Any provision required in order to bring the parties to enter into a contract may, provided it conserves the basic elements of the tender documents, of the call for final tenders and of the tender, be negotiated between the person responsible for the discussions and negotiations and the tenderer who obtained the highest score in the evaluation of the final tenders.

"**62.** Once the negotiations have been held, a report on the discussions and negotiations is produced by the person responsible for them and a tender evaluation report is produced by the secretary of the selection committee.

The report on the discussions and negotiations specifies the dates and topics of the discussions and negotiations, and certifies that they were carried out in compliance with the applicable provisions and that all tenderers were treated equally.

The tender evaluation report indicates the name of each tenderer, the price proposed in their tender and the number of points assigned to the tender for each of the evaluation criteria. It also certifies that the other stages related to the awarding procedure were carried out in compliance with the applicable provisions and that all tenderers were treated equally.

"**63.** The contract may not be awarded until the reports referred to in section 62 have been tabled before the council or board of the municipal body.

The disclosure prohibition provided for in the first paragraph of section 48 applies until the date on which the reports are tabled.

"**64.** The Municipal Works Act (chapter T-14) does not apply to works carried out under a partnership contract awarded in accordance with this division.

"**DIVISION VI**

"AWARDING OF A CONTRACT USING A SYSTEM IN WHICH KNOWLEDGE OF THE PRICE IS DEFERRED

"**65.** Where the tender documents provide that the contract is awarded using a system in which knowledge of the price is deferred, tenders are evaluated on the basis of a minimum of four criteria. The interim score thus obtained is then weighted on the basis of the proposed price. The contract is awarded to the tenderer having submitted the tender that obtained, in accordance with section 71, the highest final score.

"**66.** The municipal body must, before publishing the tender documents, determine a factor, varying between 0 and 50, to be used to weight the interim score in light of the price of the tenders. That factor is disclosed by the body only after the opening of tenders.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to that factor before the opening of tenders.

"**67.** Despite the first paragraph of section 49, the proposed price and the result of the opening of tenders are not disclosed at the opening of tenders.

"**68.** A selection committee is formed in accordance with section 54.

"**69.** A preliminary evaluation of each tender is carried out individually by each of the committee members, after which the committee meets to successively evaluate each tender and assign it an interim score out of a maximum number of 100 points. The assigned interim score corresponds to the sum of the points assigned by the committee for each of the evaluation criteria.

No committee member may, while the evaluations are being carried out, know the price proposed in the tenders.

“**70.** Any tender that failed to obtain a minimum interim score of 70 points or for which one of the evaluation criteria did not obtain the minimum score indicated in the tender documents is rejected.

Sendings that contain the price proposed in rejected tenders and that were received on the electronic tendering system are destroyed without being consulted and those received in paper form are returned to the enterprise unopened. Sendings containing the price proposed in accepted tenders are opened by the selection committee.

“**71.** The selection committee determines the final score of a selected tender by dividing, by the tender’s proposed price, the product obtained by multiplying by 10,000 the interim score increased by the factor varying between 0 and 50.

“**DIVISION VII**

“AWARDING OF A CONTRACT USING A SYSTEM ADAPTED TO THE INFRASTRUCTURE PROJECT

“**72.** A partnership contract may, with the Minister’s authorization and on the conditions the Minister determines, be awarded in accordance with this division.

“**73.** The open procedure may involve various stages established according to the complexity of the project, the selected collaborative approach and the number of potentially interested enterprises. The stages of the call for tenders must be defined in the tender documents but may be adapted with the consent of the majority of the enterprises having a stake in the subsequent stages.

“**74.** Subject to the conditions of the open procedure and in accordance with its express provisions concerning how it may be amended, a municipal body may,

(1) after the first stage of the selection process and at any subsequent stage, undertake discussions with the selected enterprise or each of the selected enterprises to further define the technical, financial or contractual aspects of the project and, if applicable, give each of them the opportunity to submit a tender for that stage and provide for a procedure for opening the tenders which differs from that provided for in section 49; and

(2) during and at the end of the selection process, negotiate, with the selected enterprise or enterprises, as applicable, the provisions needed to finalize the contract while preserving the basic elements of the tender documents and the tender.

In the context of the discussions referred to in subparagraph 1 of the first paragraph, a selected enterprise may involve another enterprise with which it intends to enter into, or has already entered into, a contract that will be linked to the partnership contract covered by the awarding procedure, if it deems that the expertise and knowledge of that other enterprise would help achieve the project's objectives.

"**75.** The Minister may, on the conditions the Minister determines, authorize the municipal body to pay financial compensation to each selected enterprise, other than the one to whom the contract is awarded.

"**76.** A contract awarded in accordance with this division must set out a procedure for the settlement of disputes arising from the contract as well as an obligation for the enterprise to send the municipal body any information or document it requests in connection with the contract.

"**77.** The Municipal Works Act (chapter T-14) does not apply to works carried out under a contract awarded in accordance with this division.

Section 29.3 of the Cities and Towns Act (chapter C-19) and article 14.1 of the Municipal Code of Québec (chapter C-27.1) do not apply to the by-laws and resolutions authorizing a municipality or an intermunicipal board to enter into such a contract.

"**DIVISION VIII**

"AWARDING OF AN ENGINEERING, ARCHITECTURE OR DESIGN SERVICES CONTRACT FOLLOWING A COMPETITION

"**78.** A contract for engineering, architecture or design services may be awarded to the winner of a competition held in accordance with a government regulation. The regulation may prescribe the rules for holding the competition, including rules for forming the jury, and for the awarding and management of the contract. The regulation may also prescribe rules for publishing the competition results.

For the purposes of this Act, "design" includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.

"**CHAPTER V**

"PROCEDURES BY WRITTEN INVITATION

"**79.** The awarding of a contract according to a procedure by written invitation is preceded by the transmission, to at least two enterprises, of an invitation to tender that contains the tender documents.

“**80.** Tenders are submitted on a medium specified in the tender documents.

“**81.** No information that may be used to determine the number or identity of the tenderers may be disclosed by the municipal body before the opening of tenders.

The first paragraph applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“**82.** The provisions of Chapter IV, except for those of sections 38, 47 and 48, apply, with the necessary modifications, to the awarding of a contract by written invitation. Furthermore, the content required under the second paragraph of section 38 must be included in the tender documents.

## “CHAPTER VI

## “PROVISIONS REGARDING CERTAIN CATEGORIES OF CONTRACTS

“**83.** Tender documents published with a view to awarding a delivery order contract must indicate

(1) an estimate of the goods, services or work that could be acquired or provided or, failing that, the approximate value of the contract; and

(2) in the case of a contract that allows any selected enterprise to replace goods offered by equivalent goods or to reduce their price, the procedure applicable to make such amendments as well as the mechanism to be used to inform the other selected enterprises of the amendments, if applicable.

For the purposes of this Act, a delivery order contract is a construction, supply or services contract entered into with one enterprise or more, whose object is to fulfil recurrent procurement requirements when the quantity of goods, services or work, or the rate or frequency at which they are acquired or provided are uncertain.

“**84.** A delivery order contract may be entered into with several enterprises only if that option is disclosed in the tender documents. The term of a delivery order contract for construction may not exceed three years.

When such a contract is entered into, the orders are awarded to the enterprise that proposed the lowest price or obtained the highest score, as applicable, unless the enterprise cannot fill the orders, in which case the other enterprises are solicited according to their respective rank.

Where an enterprise has refused to fill multiple orders awarded to it, the municipal body may change the enterprise’s rank or cease to solicit it for subsequent orders. The tender documents must provide for such a possibility and prescribe its duration as well as indicate the number of refusals giving rise to that possibility.

“**85.** A leasing contract may be entered into with a lessor who is not the selected tenderer if that option is disclosed in the tender documents published with a view to awarding a supply contract. In such a case, the selected tenderer must enter into a contract with the lessor in respect of the property according to the awarding conditions mentioned in the written notice the municipal body sends to the selected tenderer to inform the latter of that choice.

“**86.** A contract may provide conditions, in particular as regards tariffs, according to which the transport of bulk material must, in whole or in part, be carried out by small bulk trucking enterprises subscribing to the brokerage service of an association holding a brokerage permit issued under the Transport Act (chapter T-12).

“**87.** The premium for a damage insurance contract awarded according to an open procedure or a procedure by written invitation and containing a renewal option may be modified at the time of renewal if the tender documents establish the terms and conditions for determining the premium.

“**88.** The Government may authorize a municipal body to award a contract related to a public transit infrastructure using an overall criteria evaluation system that provides for any of the following adaptations:

(1) the knowledge and evaluation of the price are deferred;

(2) only the prices of the tenders with a minimum score for the other criteria are evaluated;

(3) discussions with the enterprises that have previously been qualified are held after the publication of the tender documents;

(4) the submission of preliminary tenders is not required;

(5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the municipal body, the body may negotiate with each of the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the tender documents, the call for final tenders and the tender; or

(6) the payment, on the conditions the Government establishes, of a financial compensation to any enterprise that is qualified and, if the contract is awarded, that is not the selected tenderer, where the process is established solely to award a single contract.

The Government may establish the conditions under which the Minister may authorize a municipal body to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a municipal body to pay that compensation.

This section applies despite any inconsistent provision in Division V of Chapter IV.

“**CHAPTER VII**

“MISCELLANEOUS PROVISIONS

“**DIVISION I**

“TENDERS WHOSE PRICE IS ABNORMALLY LOW

“**89.** The price of a tender is abnormally low if a serious and documented analysis made by the municipal body shows that the price submitted would not allow the enterprise to carry out the contract according to the conditions in the tender documents without jeopardizing the performance of the contract.

“**90.** Where a municipal body notes that a tender’s price seems abnormally low, it requests that the enterprise explain in writing, within five days after the request is sent, the reasons justifying that price.

If the enterprise does not provide explanations within the time prescribed in the first paragraph or if, despite the explanations provided, the municipal body still considers the price to be abnormally low, the municipal body analyses the price of the enterprise’s tender taking into account the following elements:

(1) the difference between the price submitted and the municipal body’s estimate;

(2) the difference between the price submitted and that submitted by the other enterprises having submitted a compliant tender;

(3) the difference between the price submitted and the price that the municipal body or another municipal body has paid for a similar contract, taking into account the economic context; and

(4) the representations made by the enterprise concerning the presence of particular elements having an influence on the price submitted.

“**91.** An analysis report is produced by the municipal body.

If the municipal body concludes that the price submitted is abnormally low, a copy of the analysis report is transmitted to the enterprise. The latter is to be given at least 10 days from that transmission to submit its comments in writing.

“**92.** After examining the comments, if applicable, the municipal body decides whether or not to maintain the conclusions of its report.

If the municipal body maintains the conclusions of its report, it must reject the tender not later than before the expiry of the tenders’ period of validity.

“**DIVISION II**

“NEGOTIATION OF THE PRICE

“**93.** A municipal body may, if it receives only one tender by the end of an open procedure or procedure by written invitation, agree with the tenderer to enter into the contract for a price that is less than the price proposed in the tender without, however, changing the other obligations.

“**DIVISION III**

“AMENDMENT TO AN AWARDED CONTRACT

“**94.** A contract may be amended only if the amendment is an accessory to the contract and does not change its nature.

“**DIVISION IV**

“PERFORMANCE ASSESSMENT

“**95.** A municipal body may assess an enterprise whose performance is deemed unsatisfactory. The assessment must be carried out by an officer or employee of the municipal body.

“**96.** The municipal body must transmit the assessment to the enterprise concerned within 60 days after the end of the contract and grant it at least 30 days from that transmission to submit its comments in writing.

“**97.** Within 60 days after receiving the enterprise’s comments, or after the expiry of the period granted to the enterprise to submit comments, whichever occurs first, the municipal body must decide whether to maintain the assessment or not and must inform the enterprise of the decision.

If the municipal body fails to do so within the prescribed time, the enterprise’s performance is considered satisfactory.

"**DIVISION V**

"PUBLICATION OF INFORMATION

"**98.** Every municipal body must publish on the electronic tendering system a list of the contracts it has entered into and that involve an expenditure equal to or greater than $25,000.

The list must provide the following information in respect of each contract that is not a partnership contract:

(1) its object, the amount of the expenditure, the awarding procedure used, the name of the enterprise with which it was entered into and the date on which the contract was entered into;

(2) if the contract involves an expenditure equal to or greater than $100,000, the price estimated by the municipal body before the publication of the tender documents;

(3) once the contract has been performed, the total amount paid over the entire term of the contract;

(4) if the contract was awarded according to an open procedure or a procedure by written invitation other than a procedure by means of a request for a quotation addressed to qualified enterprises, the name and the price proposed by each tenderer as well as any tender that was deemed non-compliant and whose proposed price was lower or assigned score was higher, as applicable, than that of the selected tender;

(5) if the contract was awarded according to a procedure by written invitation or by mutual agreement, the provision in the Act or the regulation pursuant to which the contract could be awarded according to that procedure and, in the case of a contract awarded under subparagraph 4 of the first paragraph of section 33, the reasons invoked by the body and the date of publication of the notice of intent provided for in section 34; and

(6) in the case of a delivery order contract entered into with more than one enterprise, the name of each enterprise and the price they proposed.

The list must contain, within the time specified, the following information in respect of each partnership contract:

(1) within 72 days after the date on which the contract is entered into, the name of the enterprise with which it is entered into, the contract's object and the initial amount or estimated amount of the expenditure, as applicable, or, if neither of those amounts is known at that time, within 72 days after the date on which such an amount is determined in the course of the contract;

(2) within 120 days after an amendment to the contract involving an additional expenditure in excess of 10% of the initial amount, a description of the amendment and the amount of that expenditure;

(3) within 120 days after taking delivery of the infrastructure built under a contract that confers the operation or maintenance of the infrastructure on the enterprise, the total amount paid for its construction; and

(4) within 120 days after the end of the contract, the total amount paid over the entire term of the contract.

However, a municipal body is not required to publish the information mentioned in the second and third paragraphs for a contract awarded under subparagraph 3 of the first paragraph of section 33.

The information regarding the contracts is updated at least once a month and remains published for a minimum period of three years following the date of publication of the total amount of the expenditure incurred.

The municipal body publishes on its website a hyperlink giving access to the list.

"**99.** Every municipal body must publish on its website, not later than 31 March of each year, a list of the contracts involving an expenditure equal to or greater than $2,000 awarded during the preceding fiscal year to the same enterprise if the aggregate of the contracts involves an expenditure equal to or greater than $25,000. The list must indicate, for each contract, the object of the contract, the amount of the expenditure and the name of the enterprise with which the contract was entered into.

"**TITLE IV**

"COMPLAINTS

"**CHAPTER I**

"GENERAL PROVISIONS

"**100.** Every municipal body must provide equitable resolution of complaints filed with it in the course of the awarding of a contract or of a certification or qualification process. It must, for that purpose, establish a procedure for receiving and examining the complaints and publish it on its website.

To be admissible, a complaint must be sent electronically to the person responsible identified in the procedure.

"**CHAPTER II**

"PROVISIONS SPECIFIC TO OPEN PROCEDURES AND
TO CERTIFICATION AND QUALIFICATION PROCESSES

"**101.** If a complaint concerns an ongoing open procedure or an ongoing certification or qualification process, only an enterprise or a group of enterprises interested in participating in the procedure or process, or their representative, may file a complaint about the procedure or process on the grounds that the tender documents or the document referred to in the first paragraph of section 22 contain conditions that do not ensure the honest and fair treatment of enterprises, are otherwise not compliant with the municipal body's normative framework or do not allow enterprises to compete although they are qualified to meet the stated procurement requirements or offer certified goods.

Any complaint that concerns an open procedure must be filed on the form determined by the Autorité des marchés publics under section 45 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1).

"**102.** A complaint must be filed with the body not later than the complaint filing deadline published on the electronic tendering system. The complaint may pertain only to the content of the documents available on the electronic tendering system not later than two days before that deadline.

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

"**103.** The complaint filing deadline is determined, subject to the second paragraph, by adding to the date on which the documents were published a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

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

Any amendment that is made to the documents before the complaint filing deadline and 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 has been 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.

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

"**105.** The municipal body must send its decision electronically to the complainant after the complaint filing deadline but not later than three days before the tender closing date. If necessary, the municipal body must defer the tender closing date.

The body must, if applicable, inform the complainant of the complainant's right to file a complaint under section 37 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

“**106.** If the body has received two or more complaints about the same open procedure or same process, it must send both or all of its decisions at the same time.

“**107.** The body must, without delay, make an entry on the electronic tendering system in respect of every decision it sends.

“**108.** The body 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.

If, two 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 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.

“**109.** For the purposes of this chapter, Saturday is considered a holiday, as are 2 January and 26 December.

## “TITLE V

## “SANCTIONS

### “CHAPTER I

### “PENAL SANCTIONS

“**110.** Every person who makes a false or misleading statement in the course of a contract awarding procedure or in the course of the performance of such a contract is 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.

“**111.** Every person who, before a contract is awarded, communicates or attempts to communicate, directly or indirectly, with a member of a selection committee or jury for the purpose of influencing the member in respect of an open procedure is 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 where a person is presenting their tender to a jury formed to determine the winner of a competition.

“**112.** A member of a selection committee or jury 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 or jury is liable to a fine of $5,000 to $30,000.

“**113.** An enterprise that makes a false or misleading request for payment to a municipal body for an amount that includes an amount to which the enterprise is not entitled is 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.

“**114.** Every person who contravenes a provision of a regulation whose contravention constitutes an offence under subparagraph 3 of the first paragraph of section 121 is 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.

“**115.** Every person who helps or, by encouragement, advice, consent, authorization or command, induces another person to commit an offence under any of sections 110 to 114 is guilty of the same offence.

“**116.** For a subsequent offence, the minimum and maximum fines prescribed in this chapter are doubled.

“**117.** Penal proceedings must be instituted within three years after the time the prosecutor became 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.

“**118.** The provisions of Division I of Chapter VIII.2 of the Act respecting contracting by public bodies (chapter C-65.1), except sections 27.6, 27.10.1, 27.10.2, 27.11 and 27.12 of that Act, apply, with the necessary modifications, to the contracts of municipal bodies and to the subcontracts directly or indirectly related to those contracts.

“**119.** A municipality or a metropolitan community may institute penal proceedings for an offence under a provision of this Act or the regulations that was committed in its territory.

The first and second paragraphs of section 84 of the Act respecting municipal courts (chapter C-72.01) apply, with the necessary modifications, to proceedings instituted under the first paragraph.

## “CHAPTER II

### “MONETARY ADMINISTRATIVE PENALTIES

“**120.** The provisions of Division II of Chapter VIII.2 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, to the contracts of municipal bodies and to the subcontracts directly or indirectly related to those contracts.

"**TITLE VI**

"REGULATORY POWERS

"**121.** The Government may make regulations to

(1) determine any authorization, condition or rule relating to the awarding of contracts, in addition to those prescribed by this Act, to which a contract of a municipal body is subject;

(2) determine the documents relating to compliance with certain Acts and regulations that a person interested in entering into a contract with a municipal body or into a subcontract related to such a contract must hold, and the cases, conditions and manner in or on which they are to be obtained, held and filed; and

(3) determine the regulatory provisions made under this section the violation of which constitutes an offence.

The Minister of Revenue is responsible for the administration and carrying out of the regulatory provisions made under subparagraphs 2 and 3 of the first paragraph if so provided in the regulation. To that end, the Tax Administration Act (chapter A-6.002) applies, with the necessary modifications.

Any employee of the Commission de la construction du Québec, the Commission des normes, de l'équité, de la santé et de la sécurité du travail or the Régie du bâtiment du Québec authorized by the Minister of Revenue may exercise the functions and powers of the Minister relating to the administration and carrying out of the regulatory provisions referred to in the second paragraph.

"**TITLE VII**

"AMENDING PROVISIONS

"ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

"**122.** Section 145.28 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing "Sections 573 and 573.1 of the Cities and Towns Act (chapter C-19) and articles 935 and 936 of the Municipal Code of Québec (chapter C-27.1) do not apply" by "Title III of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) does not apply".

"ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

"**123.** Section 20 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) "municipal body" means a municipal body within the meaning of the Act respecting contracting by municipal bodies (*insert the year and chapter* *number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), a Northern village, the Kativik Regional Government or a mixed enterprise company;”.

“**124.** Section 68 of the Act is amended by replacing “in section 573.3.5 of the Cities and Towns Act (chapter C-19)” in the introductory clause of subparagraph 3 of the second paragraph by “in the first paragraph of section 4 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“ACT RESPECTING THE AUTORITÉ RÉGIONALE
DE TRANSPORT MÉTROPOLITAIN

“**125.** Section 14 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is repealed.

“CHARTER OF VILLE DE GATINEAU

“**126.** Section 22 of the Charter of Ville de Gatineau (chapter C-11.1) is amended by replacing “exceeding $100,000” in the first paragraph by “equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**127.** Section 50 of the Charter is amended by replacing “573 and 573.1 of the Cities and Towns Act (chapter C-19)” by “29 and 30 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**128.** Sections 6.2 and 24 of Schedule B to the Charter are repealed.

“CHARTER OF VILLE DE LONGUEUIL

“**129.** Section 33 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by replacing “exceeding $100,000” in the first paragraph by “equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**130.** Section 60.1 of the Charter is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply to the legal person created under the first paragraph, and the chief auditor of the city shall audit its accounts and business.”

“**131.** Section 11 of Schedule C to the Charter is repealed.

“CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

“**132.** Section 33 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing “involving an expenditure that does not exceed $100,000” in the second paragraph by “that does not involve an expenditure equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**133.** Section 34.1 of the Charter is amended by replacing “awarding, after a call for tenders” in paragraph 1 by “awarding, according to an open procedure”.

“**134.** The Charter is amended by inserting the following section after section 57.1.12:

“**57.1.12.1.** The functions provided for in Title IV of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) may not be assumed by the inspector general.”

“**135.** Section 2 of Schedule C to the Charter is amended by replacing “sections 216.1 and 217 apply” in the fifth paragraph by “section 217 applies”.

“**136.** Section 133 of Schedule C to the Charter is amended by replacing “shall not be subject to sections 573 and 573.1 of the Cities and Towns Act (chapter C-19), but they shall be addressed to the treasurer. The treasurer, on behalf of the city, shall make the sale” in the second paragraph of subparagraph 3 of the first paragraph by “shall be addressed to the treasurer who, on behalf of the city, shall make the sale”.

“**137.** The heading of Division IV of Chapter III of Schedule C to the Charter is amended by replacing “AWARD” by “AWARDING”.

“**138.** Section 199 of Schedule C to the Charter is replaced by the following section:

“**199.** The powers conferred on the mayor by the second paragraph of section 33 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) may be exercised by a borough mayor.

Where the mayor is absent or unable to act, the chair of the executive committee and, if the latter is also absent or unable to act, the director general may exercise those powers.”

“**139.** Sections 201 and 216.1 of Schedule C to the Charter are repealed.

“**140.** Section 217 of Schedule C to the Charter is replaced by the following section:

“**217.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) and section 199 of this Schedule apply, with the necessary modifications, to the commission.”

“**141.** Section 231.1 and 231.15 of Schedule C to the Charter are repealed.

“CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

“**142.** Section 31 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by replacing “involving an expenditure that does not exceed $100,000” in the first paragraph by “that does not involve an expenditure equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**143.** Section 80 of the Charter is amended by replacing “the fourth paragraph of subsection 1 of section 573 of the Cities and Towns Act (chapter C-19)” by “section 28 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**144.** Section 81 of the Charter is amended by replacing “in conformity with section 573 or 573.1 of the Cities and Towns Act (chapter C-19)” by “in accordance with the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**145.** Section 19 of Schedule C to the Charter is amended by replacing “of more than $100,000” by “equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**146.** Section 41 of Schedule C to the Charter is replaced by the following section:

“**41.** A borough council, in matters falling within its jurisdiction, and the executive committee, in respect of any other matters, may jointly award a contract under section 17 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*).”

“**147.** Section 43 of Schedule C to the Charter is replaced by the following sections:

“**43.** The city may entrust a person or a body mentioned in the first paragraph of section 15 or the first paragraph of section 16 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) with the mandate to award a contract.

The second paragraph of section 15 or the second paragraph of section 16 of that Act, as the case may be, applies, with the necessary modifications, to a contract awarded under a mandate referred to in the first or second paragraph.

“**43.1.** The carrying out of a mandate referred to in section 17 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) to which the city is a party may be delegated, by agreement, to a person or a body mentioned in the first paragraph of section 15 of that Act.

The second paragraph of section 15 of that Act applies, with the necessary modifications, to a contract awarded under an agreement referred to in the first paragraph.”

“**148.** Section 61 of Schedule C to the Charter is amended by striking out the sixth and seventh paragraphs.

“CITIES AND TOWNS ACT

“**149.** Sections 29.9.1 and 29.9.2 of the Cities and Towns Act (chapter C-19) are repealed.

“**150.** Section 107.7 of the Act is amended

(1) by replacing “573.3.5” in the introductory clause of subparagraph 3 of the first paragraph by “4 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”;

(2) by replacing “in section 573.3.5” in the introductory clause of the second paragraph by “in the first paragraph of section 4 of the Act respecting contracting by municipal bodies”.

“**151.** Section 108.2.0.1 of the Act is amended by replacing “573.3.5” in the introductory clause of the fourth paragraph by “4 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**152.** Section 116.0.1 of the Act, enacted by section 17 of chapter 33 of the statutes of 2023, is amended

(1) by replacing “573.3.1.2” in the fourth paragraph by “7 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”;

(2) by striking out the fifth paragraph.

“**153.** Section 346.1 of the Act is amended by replacing “, an advertisement provided for in subsection 1 of section 573, or” in the third paragraph by “or to”.

“**154.** Section 464 of the Act is amended by replacing “The rules governing the awarding of contracts by a municipality apply” and “573.3.1.2” in the third paragraph of subparagraph 10.1 of the first paragraph by “The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply” and “7 of that Act”, respectively.

“**155.** Section 465.10.1 of the Act is repealed.

“**156.** The Act is amended by inserting the following section after section 468.36:

“**468.36.1.** If the management board owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the management board.

If a management board owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the management board. If the budget is not approved on the first day of the fiscal year for which it was prepared, it must be presented at the first meeting of the board of directors that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that meeting is held may be incurred by the syndicate of co-owners before such approval.

The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply, with the necessary modifications, to a divided co-ownership referred to in the second paragraph."

"**157.** Section 468.51 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "29.9.1, 29.9.2," and "477.4 to 477.6,";

(*b*) by replacing "573.3.4" by "572.0.7";

(2) by striking out the third paragraph.

"**158.** The Act is amended by inserting the following section after section 469.4:

"**469.5.** The provisions of this subdivision do not apply to a mandate referred to in section 17 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)."

"**159.** The Act is amended by inserting the following section after section 474.7:

"**474.8.** If a municipality owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the municipality.

If a municipality owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of the co-ownership must be approved by the municipality. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first sitting of the council that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that sitting is held may be incurred by the syndicate of co-owners before such approval."

"**160.** Section 477.2 of the Act is amended by replacing "awarding a contract to a person other than the person who made the lowest tender" in the third paragraph by "awarding a contract, under section 50 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this*

*Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), to a tenderer other than the tenderer who submitted the compliant tender with the lowest proposed price".

"**161.** Sections 477.3 to 477.6 and 572.1 to 573.3.3.6 of the Act are repealed.

"**162.** Section 573.3.4 is amended by replacing "subsection 3.1 of section 573 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in the preceding sections of this subdivision, in a regulation made under section 573.3.0.1, 573.3.0.2 or 573.3.1.1 or in the policy adopted under section 573.3.1.2" in the first paragraph by "section 48 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for by that Act or a regulation made under it".

"**163.** Sections 573.3.5 and 573.4 of the Act are repealed.

"MUNICIPAL CODE OF QUÉBEC

"**164.** Articles 14.7.1 and 14.7.2 of the Municipal Code of Québec (chapter C-27.1) are repealed.

"**165.** Article 124 of the Code is amended by replacing "the awarding of a contract the amount of which exceeds $25,000" in the second paragraph by "the awarding of a contract the amount of which is equal to or above one-third of the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)".

"**166.** Article 269.1 of the Code, enacted by section 24 of chapter 33 of the statutes of 2023, is amended

(1) by replacing "938.1.2" in the fourth paragraph by "7 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)";

(2) by striking out the fifth paragraph.

"**167.** Article 437.1 of the Code is amended by striking out "an advertisement provided for in subarticle 1 of article 935," in the third paragraph.

"**168.** The Act is amended by inserting the following section after section 605:

“**605.1.** If the management board owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the management board.

If the management board owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the management board. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first meeting of the board of directors that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that meeting is held may be incurred by the syndicate of co-owners before such approval.

The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply, with the necessary modifications, to a divided co-ownership referred to in the second paragraph.”

“**169.** Article 620 of the Code is amended

(1) in the first paragraph,

(*a*) by striking out “29.9.1, 29.9.2,” and “477.4 to 477.6,”;

(*b*) by replacing “573.3.4” by “572.0.7”;

(2) by striking out the third paragraph.

“**170.** The Code is amended by inserting the following article after article 624.3:

“**624.4.** The provisions of this division do not apply to a mandate referred to in section 17 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*).”

“**171.** Article 711.0.1 of the Code is amended by replacing “The rules governing the awarding of contracts by a municipality apply” and “938.1.2” in the third paragraph by “The Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) applies” and “7 of that Act”, respectively.

“**172.** Articles 711.11.1 and 934 to 938.3.6 of the Code are repealed.

“**173.** Article 938.4 of the Code is amended by replacing “subarticle 3.1 of article 935 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in the preceding articles of this Title, in a regulation made under article 938.0.1, 938.0.2 or 938.1.1 or in the policy adopted under article 938.1.2" in the first paragraph by "section 48 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it".

"**174.** Article 949 of the Code is amended by replacing "the notice is published, and the contract is awarded and entered into according to instructions from the board of delegates, and subject to articles 935, 936 and 938.0.2" in the first paragraph by "the contract is awarded, according to instructions from the board of delegates".

"**175.** The Code is amended by inserting the following article after article 957.4:

"**957.5.** If a municipality owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the municipality.

If a municipality owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the municipality. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first sitting of the council that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that sitting may be incurred by the syndicate of co-owners before such approval."

"**176.** Article 961.1 of the Code is amended by replacing "awarding a contract to a person other than the person who made the lowest tender" in the third paragraph by "awarding a contract, under section 50 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), to a tenderer other than the tenderer who submitted the compliant tender with the lowest proposed price".

"**177.** Articles 961.2 to 961.4 of the Code are repealed.

“**178.** Article 966.2.1 of the Code is amended

(1) by replacing “573.3.5 of the Cities and Towns Act (chapter C-19)” in the introductory clause of subparagraph 3 of the first paragraph by “4 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”;

(2) by replacing “573.3.5 of the Cities and Towns Act” in the introductory clause of the second paragraph by “4 of the Act respecting contracting by municipal bodies”.

“ACT RESPECTING THE COMMISSION MUNICIPALE

“**179.** Section 85 of the Act respecting the Commission municipale (chapter C-35) is amended, in subparagraph 5 of the first paragraph,

(1) by replacing “573.3.5 of the Cities and Towns Act (chapter C-19)” in the introductory clause by “4 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”;

(2) by replacing “573.3.5 of the Cities and Towns Act” in subparagraph *a* by “4 of the Act respecting contracting by municipal bodies”.

“**180.** Section 86 of the Act is amended by replacing “in section 573.3.5 of the Cities and Towns Act” in the introductory clause of the fourth paragraph by “in the first paragraph of section 4 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

“**181.** Sections 47.1 and 105.1 to 118.1.5 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) are repealed.

“**182.** Section 118.2 of the Act is amended by replacing “the eighth paragraph of section 108 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in sections 106 to 118.1.2, in a regulation made under section 112.1, 112.2 or 113.1 or in the policy adopted under section 113.2” in the first paragraph by “section 48 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting* *contracting by municipal bodies*) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it".

"ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

"**183.** Sections 38.1 and 98.1 to 111.1.5 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) are repealed.

"**184.** Section 111.2 of the Act is amended by replacing "the eighth paragraph of section 101 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in sections 99 to 111.1.2, in a regulation made under section 105.1, 105.2 or 106.1 or in the policy adopted under section 106.2" in the first paragraph by "section 48 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it".

"**185.** Section 163 of the Act is amended, in the fourth paragraph,

(1) by striking out ", pursuant to section 101,";

(2) by replacing "to award a contract to a person other than the person who submitted the lowest tender" by "to award a contract, under section 50 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), to a tenderer other than the tenderer who submitted the compliant tender with the lowest proposed price".

"MUNICIPAL POWERS ACT

"**186.** Section 17.3 of the Municipal Powers Act (chapter C-47.1) is replaced by the following section:

"**17.3.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply, with the necessary modifications, to the operator of an enterprise referred to in section 17.1 if the enterprise is controlled by one or more local municipalities or regional county municipalities.”

“**187.** Section 111.0.2 of the Act is replaced by the following section:

“**111.0.2.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply, with the necessary modifications, to the operator of an enterprise referred to in section 111 if it is controlled by one or more regional county municipalities or local municipalities.”

“**188.** Section 119 of the Act is replaced by the following section:

“**119.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply, with the necessary modifications, to the person referred to in section 117.”

“**189.** Section 126.4 of the Act is amended by replacing the fourth and fifth paragraphs by the following paragraph:

“The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply, with the necessary modifications, to the delegate organization.”

“ACT RESPECTING CONTRACTING BY PUBLIC BODIES

“**190.** Schedule I to the Act respecting contracting by public bodies (chapter C-65.1) is amended

(1) by striking out the portions relating to offences under the Cities and Towns Act (chapter C-19), the Municipal Code of Québec (chapter C-27.1), the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and the Act respecting public transit authorities (chapter S-30.01);

(2) by inserting the following in alphabetical order:

“

| | | |
|---|---|---|
| Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) | 110 | Making a false or misleading statement in the course of an awarding procedure for a contract or of the performance of such a contract |
| | 111 | Communicating or attempting to communicate with a member of a selection committee or jury |
| | 112 | Disclosing or making known, without authorization, confidential information obtained in the course of a selection committee’s or jury’s proceedings |
| | 113 | Making a false or misleading request for payment |
| | 115 | Helping or inducing a person to commit an offence under sections 110 to 114 |

”.

“ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

“**191.** Section 70.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by replacing “subsections 1 to 8 of section 573, sections 573.1 to 573.1.0.4 and sections 573.3 to 573.3.2 of the Cities and Towns Act (chapter C-19)” in the first paragraph by “the provisions of the Act respecting

contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)";

(2) by replacing "contractors or two suppliers, as the case may be" in the second paragraph by "enterprises".

"**192.** Section 305.0.1 of the Act is amended

(1) by replacing subparagraph 2 of the fourth paragraph by the following subparagraph:

"(2) the following actions have been carried out:

(*a*) in the case of a contract that must be awarded according to an open procedure under the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), the municipality made a first call for tenders that did not enable it to select a tenderer, followed by a second call for tenders with conditions identical to those of the first and after which only the council member or the enterprise in which the council member has an interest submitted a compliant tender; and

(*b*) in other cases, the municipality, in the manner provided for in sections 34, 35 and 79 of that Act, called, in writing, for tenders from at least three enterprises and published a notice of intention, but those actions did not enable it to select a tenderer.";

(2) by replacing the fifth and sixth paragraphs by the following paragraphs:

"In the case of a contract referred to in subparagraph *a* of subparagraph 2 of the fourth paragraph, the council member or the enterprise in which the council member has an interest must not have submitted a tender during the first call for tenders and the member must in no way, during the second call for tenders, have participated in the awarding process for the contract or benefitted from preferential treatment compared to other potential tenderers.

In the case of a contract referred to in subparagraph *b* of subparagraph 2 of the fourth paragraph, the council member or the enterprise in which the council member has an interest must not have submitted a tender.";

(3) by replacing "573.3.1.2 of the Cities and Towns Act or article 938.1.2 of the Municipal Code of Québec" in the eighth paragraph by "7 of the Act respecting contracting by municipal bodies";

(4) by striking out the ninth paragraph.

"ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

"**193.** Section 17.8 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by replacing "the power granted to the Minister by any of sections 573.3.1 of the Cities and Towns Act (chapter C-19), article 938.1 of the Municipal Code of Québec (chapter C-27.1), section 113 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 106 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and section 103 of the Act respecting public transit authorities (chapter S-30.01)" in the second paragraph by "the powers granted to the Minister by the second paragraph of section 16 and sections 37, 50 and 72 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)".

"**194.** Section 21.12.1 of the Act is repealed.

"ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

"**195.** Section 123.4.5 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) "municipal body" means a municipal body within the meaning of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), a Northern village or the Kativik Regional Government;".

"ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

"**196.** Section 9 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is repealed.

"ACT RESPECTING THE RÉSEAU STRUCTURANT DE TRANSPORT EN COMMUN DE LA VILLE DE QUÉBEC

"**197.** Section 4 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) is repealed.

“ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

“**198.** Section 30 of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) is amended by replacing “Sections 573 and 573.1 of the Cities and Towns Act, articles 935 and 936 of the Municipal Code of Québec, sections 106 to 108 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 101 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02)” in the third paragraph by “The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**199.** Section 41 of the Act is amended by striking out “, adapted as required” in the first paragraph.

“**200.** Section 41.1 of the Act is replaced by the following section:

“**41.1.** Despite sections 40 and 41, sections 13, 118 and 120 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply to contracts of a mixed enterprise company and to subcontracts directly or indirectly related to those contracts that involve an expenditure equal to or greater than the amount determined by the Government under section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1) or for which an authorization is required under section 21.17.1 of that Act, with the necessary modifications.

The first paragraph also applies to any body that is similar to a mixed enterprise company and that is constituted under a private Act.”

“**201.** Sections 41.2 to 41.6 of the Act are repealed.

“ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

“**202.** Section 89.1 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing the third paragraph by the following paragraph:

“The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), section 3.11 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) and section 23 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) apply to an organization constituted under the first paragraph, with the necessary modifications.”

“**203.** Sections 92.1 to 108.1.5 of the Act are repealed.

“**204.** Section 108.2 of the Act is amended by replacing “in the eighth paragraph of section 95 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in sections 93 to 108.1.2, in a regulation made under section 100, 101 or 103.1 or in the policy adopted under section 103.2” in the first paragraph by “in section 48 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it”.

“**205.** The Act is amended by inserting the following section after section 122:

“**122.1.** If the transit authority owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the transit authority.

If the transit authority owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the transit authority. If the budget has not been approved by the first day of the fiscal period for which it was prepared, it must be presented at the first meeting of the board of directors that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that meeting is held may be incurred by the syndicate of co-owners before such approval.

The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*) apply, with the necessary modifications, to a divided co-ownership referred to in the second paragraph.”

“**206.** Section 262 of the Act is amended by replacing “92.1” by “108.2”.

“MUNICIPAL WORKS ACT

“**207.** Section 1 of the Municipal Works Act (chapter T-14) is amended by replacing “article 937 of the Municipal Code (chapter C-27.1) and section 573.2 of the Cities and Towns Act (chapter C-19)” in the first paragraph by “paragraph 1 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“ACT RESPECTING VILLE DE LAVAL

“**208.** Section 13 of the Act respecting Ville de Laval (1994, chapter 56) is replaced by the following section:

“**13.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and section 29.3 of the Cities and Towns Act (chapter C-19) do not apply to the concession contract referred to in section 3 nor the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies.”

“ACT RESPECTING VILLE DE SAINT-ROMUALD

“**209.** Section 15 of the Act respecting Ville de Saint-Romuald (1994, chapter 61) is replaced by the following section:

“**15.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and section 29.3 of the Cities and Towns Act (chapter C-19) do not apply to the agreement referred to in section 3 nor to the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies.”

“ACT RESPECTING THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DU HAUT-RICHELIEU

“**210.** Section 16 of the Act respecting the Municipalité régionale de comté du Haut-Richelieu (1994, chapter 69) is replaced by the following section:

“**16.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and article 14.1 of the Municipal Code of Québec (chapter C-27.1) do not apply to the agreement referred to in section 3 nor to the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies.”

“ACT RESPECTING THE VILLAGE AND THE PARISH OF SAINT-ANSELME

“**211.** Section 15 of the Act respecting the village and the parish of Saint-Anselme (1995, chapter 84) is replaced by the following section:

“**15.** The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and article 14.1 of the Municipal Code of Québec (chapter C-27.1) do not apply to the agreement referred to in section 3 nor to the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies.”

“ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ D’ARTHABASKA

“**212.** Section 19 of the Act respecting Municipalité régionale de comté d’Arthabaska (2004, chapter 47) is replaced by the following section:

“**19.** Article 14.1 of the Municipal Code of Québec (chapter C-27.1) applies to the company referred to in section 1, except where the agreement referred to in section 7 is concerned.

The same applies to the provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*), except for the awarding of a contract to the person whose tender has been retained in accordance with section 2 or an associate, if a non-application provision has been provided for in the documents relating to the call for tenders.

The second paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies and subject to the provisions of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) that provide for the application of the Act respecting contracting by municipal bodies.”

“ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ DES APPALACHES

“**213.** The Act respecting Municipalité régionale de comté des Appalaches (2010, chapter 56) is repealed.

“ACT RESPECTING VILLE DE WINDSOR

“**214.** The Act respecting Ville de Windsor (2013, chapter 40) is repealed.

“ACT RESPECTING MUNICIPALITÉ DE NOTRE-DAME-DES-PINS

“**215.** The Act respecting Municipalité de Notre-Dame-des-Pins (2017, chapter 39) is repealed.

“ACT RESPECTING THE INSURER ACTIVITIES OF THE FÉDÉRATION QUÉBÉCOISE DES MUNICIPALITÉS LOCALES ET RÉGIONALES (FQM) AND ITS AMALGAMATION WITH, BY ABSORPTION OF, LA MUTUELLE DES MUNICIPALITÉS DU QUÉBEC

“**216.** Section 1 of the Act respecting the insurer activities of the Fédération québécoise des municipalités locales et régionales (FQM) and its amalgamation with, by absorption of, La Mutuelle des municipalités du Québec (2021, chapter 46) is amended by replacing “sections 573 to 573.4 of the Cities and Towns Act (chapter C-19) or articles 935 to 952 of the Municipal Code of Québec (chapter C-27.1)” in subparagraph 2 of the first paragraph by “the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”.

“**217.** Section 20 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing “Sections 573 to 573.4 of the Cities and Towns Act (chapter C-19)” by “The provisions of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)”;

(*b*) by striking out “de l’adjudication ou” in the French text;

(2) by replacing the second paragraph by the following paragraph:

“For the purposes of the Act respecting contracting by municipal bodies, a municipal body may, despite section 29 or 30 of that Act, award by mutual agreement a contract referred to in Title III of that Act to the Fédération québécoise des municipalités locales et régionales (FQM).”

“**218.** Section 21 of the Act is amended by striking out “of section 573.3 of the Cities and Towns Act, of article 938 of the Municipal Code of Québec (chapter C-27.1), of section 112.4 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), of section 105.4 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), of section 101.1 of the Act respecting public transit authorities (chapter S-30.01) and”.

"ACT RESPECTING VILLE DE VICTORIAVILLE

"**219.** Sections 1 to 4 and 6 of the Act respecting Ville de Victoriaville (2022, chapter 35) are repealed.

"ACT RESPECTING MUNICIPALITÉ
DE SAINT-DAMIEN-DE-BUCKLAND

"**220.** The Act respecting Municipalité de Saint-Damien-de-Buckland (2022, chapter 38) is repealed.

"REGULATION RESPECTING THE AWARDING OF CONTRACTS FOR CERTAIN PROFESSIONAL SERVICES

"**221.** The Regulation respecting the awarding of contracts for certain professional services (chapter C-19, r. 2) is repealed.

"OTHER AMENDING PROVISION

"**222.** The expressions "involving an expenditure that does not exceed $100,000", "for an amount not exceeding $100,000" and "that does not involve an expenditure exceeding $100,000" are, as the case may be, replaced by "that does not involve an expenditure equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)" in the following provisions:

(1) the first paragraph of section 31 of the Charter of Ville de Lévis (chapter C-11.2);

(2) section 4.11 of Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu, enacted by section 1 of chapter 62 of the statutes of 2006;

(3) the first paragraph of section 37 of Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne;

(4) the first paragraph of section 26 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay;

(5) the first paragraph of section 30 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke;

(6) the first paragraph of section 17 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières;

(7) the first paragraph of section 17 of Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan;

(8) the first paragraph of section 10.5 of Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme, enacted by Order in Council 591-2002 dated 22 May 2002;

(9) section 16 of Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny.

"**TITLE VIII**

"TRANSITIONAL PROVISIONS

"**223.** The following continue to be subject to the provisions of the Cities and Towns Act (chapter C-19), the Municipal Code of Québec (chapter C-27.1), the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or the Act respecting public transit authorities (chapter C-30.01), as they read on the date that precedes the date of coming into force of this section:

(1) in the case of a contract that must be the subject of a public call for tenders, an awarding procedure with regard to which such a call for tenders was advertised in a newspaper before that date;

(2) in the case of a contract that must be the subject of a call for tenders by written invitation, an awarding procedure with regard to which such invitations were sent before that date; and

(3) a contract entered into before that date under the provisions of one of those Acts.

"**224.** Sections 22 of the Charter of Ville de Gatineau (chapter C-11.1), 31 of the Charter of Ville de Lévis (chapter C-11.2), 33 of the Charter of Ville de Longueuil (chapter C-11.3), 33 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), 31 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) and 19 of Schedule C to that Charter, article 124 of the Municipal Code of Québec (chapter C-27.1) and sections 4.11 of Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu, 37 of Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne, 26 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, 30 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, 17 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, 17 of Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan, 10.5 of Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme, and 16 of Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny, apply, as they read on (*insert the date preceding the date of assent to this Act*):

(1) in the case of a contract that must be the subject of a public call for tenders, an awarding procedure with regard to which such a call for tenders was advertised in a newspaper before (*insert the date of assent to this Act*); and

(2) in the case of a contract that must be the subject of a call for tenders by written invitation, an awarding procedure with regard to which such invitations were sent before (*insert the date of assent to this Act*).

"**225.** Bodies that were, before the date of coming into force of this section, designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19) are deemed to have been designated by the Minister under subparagraph 5 of the first paragraph of section 4 of this Act.

"**226.** Until the date of coming into force of section 29:

(1) sections 22 of the Charter of Ville de Gatineau (chapter C-11.1), 31 of the Charter of Ville de Lévis (chapter C-11.2), 33 of the Charter of Ville de Longueuil (chapter C-11.3), 33 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), 31 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5), 19 of Schedule C to that Charter, 4.11 of Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu, 37 of Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne, 26 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, 30 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, 17 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, 17 of Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan, 10.5 of Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme, and 16 of Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny, as amended by sections 126, 129, 132, 142, 145 and 222 of this Act, are to be read as if "threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting contracting by municipal bodies*)" were replaced by "expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573";

(2) article 124 of the Municipal Code of Québec (chapter C-27.1), as amended by section 165 of this Act, is to be read as if "threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the*

*section of this Act that enacts the Act respecting contracting by municipal bodies*)" in the second paragraph were replaced by "expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935".

"**227.** The provisions of the order of the Minister of Municipal Affairs and Greater Montréal dated 10 December 1999 (1999, G.O. 2, 6945) and of the order of the Minister of Municipal Affairs, Sports and Recreation dated 1 September 2004 (2004, G.O. 2, 3988) continue to apply until replaced or repealed by a regulation made in accordance with subparagraph 5 of the first paragraph of section 33.

"**228.** Until the date of coming into force of the first regulation made under section 78, the Minister may, on the conditions the Minister determines, allow a municipal body to award a contract to the winner of an engineering, architecture or design competition it holds.

"**229.** The Regulation respecting construction contracts of municipal bodies (chapter C-19, r. 3) and the Regulation ordering the applicable thresholds, ceilings and time periods when awarding certain municipal contracts (chapter C-19, r. 5) are deemed to to be regulations made under this Act. They continue to apply, to the extent that they are consistent with this Act, until they are repealed or replaced by a regulation made under this Act.

"**230.** Unless the context indicates otherwise, in any other Act, a regulation or any other document, any reference to a provision repealed by this Act is deemed to be a reference to the corresponding provision of this Act or to that of one of its regulations, as the case may be.

"**TITLE IX**

"FINAL PROVISIONS

"**231.** The provisions of this Act take precedence over any incompatible provision of a general or special Act in force on the date of coming into force of section 11.

"**232.** The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act."

## CHAPTER II

AMENDING PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**2.** Section 44 of the Act respecting land use planning and development (chapter A-19.1) is amended by striking out ", subject to the first paragraph of section 105" in the second paragraph.

**3.** Section 51 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "60" by "45";

(*b*) by adding the following sentences at the end of the first paragraph: "In the case of a draft by-law that, under the fifth paragraph of section 5, delimits a mining incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1) or modifies the boundaries of such a territory, the Minister's opinion must state that the proposed amendment is inconsistent with government policy directions if the Minister has received from the Minister of Natural Resources and Wildlife an opinion, with reasons, stating that the proposed amendment is inconsistent with a government policy direction drawn up for the purpose of establishing such a territory. The opinion of the Minister of Natural Resources and Wildlife must be received by the Minister not later than the 22nd day after the day the latter requested the former's opinion in accordance with section 267.";

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

"The Minister must, where the responsible body has failed to amend or revise its metropolitan plan or RCM plan to comply with a ministerial request under this chapter, include, along with the opinion provided for in the first paragraph, a notice that identifies the cause of the failure."

**4.** Section 53.7 of the Act is amended by replacing "60" and "30th" in the first paragraph by "45" and "22nd", respectively.

**5.** The Act is amended by inserting the following section after section 53.8:

"**53.8.1.** Sections 53.7 and 53.8 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law was adopted without any change as compared to the draft by-law;

(2) the draft by-law was the subject of an opinion stating that it is consistent with government policy directions;

(3) the Minister has not sent the responsible body a notice of failure to act referred to in the fourth paragraph of section 51; and

(4) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 to 3 have been met.”

**6.** Section 53.9 of the Act is amended by inserting the following paragraph after the first paragraph:

“However, a by-law referred to in section 53.8.1 comes into force on the day it is adopted.”

**7.** The Act is amended by inserting the following sections before section 53.11.7:

“**53.11.6.1.** If the draft by-law amending the RCM plan concerns part of the territory of a metropolitan community, the council of the regional county municipality may request the metropolitan community’s opinion on the proposed amendment.

The secretary shall send to the metropolitan community a certified copy of the resolution setting out the request.

“**53.11.6.2.** Within 45 days after receiving the copy of the resolution requesting the council of a metropolitan community’s opinion, the council shall give an opinion as to the conformity of the proposed amendment with the metropolitan plan.

A resolution by which the council of the metropolitan community states that the draft by-law is not in conformity with the metropolitan plan must include reasons and specify which provisions of the by-law are not in conformity.

The secretary of the metropolitan community shall send to the regional county municipality a certified copy of the resolution giving the council of the metropolitan community’s opinion as to the conformity of the proposed amendment with the metropolitan plan.

If the regional county municipality fails to make a concordance amendment to its RCM plan, the secretary of the metropolitan community must include with the copy of the resolution a notice that identifies the cause of the failure.”

**8.** Section 53.11.7 of the Act is amended by replacing “60” in the first paragraph by “45”.

**9.** The Act is amended by inserting the following section after section 53.11.12:

“**53.11.12.1.** Sections 53.11.7 to 53.11.12 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law has been adopted without any change as compared to the draft by-law;

(2) the draft by-law has been the subject of an opinion stating that it is in conformity with the metropolitan plan;

(3) the metropolitan community has not sent the regional county municipality a notice of failure to act referred to in the fourth paragraph of section 53.11.6.2; and

(4) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 to 3 have been met."

**10.** Section 53.11.14 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

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

"However, a by-law that meets both the conditions provided for in sections 53.8.1 and those provided for in 53.11.12.1 comes into force on the day it is adopted.

A by-law covered by this section is deemed to be in conformity with the metropolitan plan."

**11.** Section 56.7 of the Act is amended by replacing "120" in the second paragraph by "60".

**12.** Subdivision B of subdivision 2 of Division IV of Chapter I.0.1 of Title I of the Act, comprising sections 59.5 to 59.9, is repealed.

**13.** Section 65 of the Act is amended by replacing "60" in the first paragraph by "45".

**14.** Section 75.11 of the Act is amended by replacing "45" in the second paragraph by "30".

**15.** Section 79.9 of the Act is amended by replacing "60" in the first paragraph by "45".

**16.** Section 79.10 of the Act is amended by replacing "60" by "45".

**17.** The Act is amended by inserting the following sections after section 79.10:

"**79.10.1.** If a draft by-law to which section 79.2 applies concerns part of the territory of a metropolitan community, the council of the regional county municipality may request the metropolitan community's opinion on the proposed amendment.

The secretary shall send to the metropolitan community a certified copy of the resolution setting out the request.

"**79.10.2.** Within 45 days after receiving the copy of the resolution requesting the council of a metropolitan community's opinion, the council shall give an opinion as to the conformity of the draft by-law with the metropolitan plan.

A resolution by which the council of a metropolitan community states that the draft by-law is not in conformity with the metropolitan plan must include reasons and specify which provisions of the by-law are not in conformity.

The secretary of the metropolitan community shall send to the regional county municipality a certified copy of the resolution giving the council of the metropolitan community's opinion as to the conformity of the proposed amendment with the metropolitan plan."

**18.** Section 79.19.4 of the Act is amended by replacing "60" in the first paragraph by "45".

**19.** The Act is amended by inserting the following section after section 79.19.5:

"**79.19.5.1.** Sections 79.19.4 and 79.19.5 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law has been adopted without any change as compared to the draft by-law;

(2) the draft by-law has been the subject of an opinion stating that it is consistent with government policy directions; and

(3) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 and 2 have been met."

**20.** Section 79.19.6 of the Act is amended by replacing "60" in the first paragraph by "45".

**21.** The Act is amended by inserting the following section after section 79.19.9:

"**79.19.9.1.** Sections 79.19.6 to 79.19.9 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law has been adopted without any change as compared to the draft by-law;

(2) the draft by-law has been the subject of an opinion stating that it is in conformity with the metropolitan plan; and

(3) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 and 2 have been met."

**22.** Section 79.19.10 of the Act is amended

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

"Despite the first and second paragraphs, a by-law that meets the conditions provided for in section 79.19.5.1 and, if applicable, those provided for in section 79.19.9.1 comes into force on the day it is adopted."

(2) by replacing "the first or second paragraph" in the third paragraph by "this section".

**23.** Sections 79.19.11 to 79.19.15 are replaced by the following section:

"**79.19.11.** A by-law referred to in section 79.3 comes into force in accordance with the Act governing the regional county municipality in that matter."

**24.** Section 102 of the Act is amended

(1) by striking out ", if applicable" and "with the planning program and, where such is the case," in the first paragraph;

(2) by striking out "and, where such is the case, with the objectives of the RCM plan and with the complementary document, and send a copy of it to the regional county municipality, if applicable, whether amended or not" in the second paragraph;

(3) by striking out the third paragraph.

**25.** Sections 103 to 106 of the Act are repealed.

**26.** Section 110.4 of the Act is amended

(1) by replacing "by-law not deemed to be in conformity pursuant to section 110.9" in the first paragraph by "planning by-law";

(2) by striking out the third paragraph;

(3) by replacing "first three" in the fourth paragraph by "first and second";

(4) by striking out the fifth paragraph.

**27.** Sections 110.5 to 110.9 of the Act are repealed.

**28.** Section 110.10.1 of the Act is amended by striking out the second paragraph.

**29.** Section 112.7 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out ", 59.5" in subparagraph 1;

(*b*) by striking out subparagraph 3;

(2) by striking out the second paragraph.

**30.** Section 123 of the Act is amended by striking out ", 59.5" in subparagraph 2 of the third paragraph.

**31.** Section 136.0.1 of the Act is amended by replacing the second paragraph by the following paragraph:

"The 45-day and 120-day periods provided, respectively, by sections 535 and 568 of that Act shall begin to run on the day after the day on which the regional county municipality approves the by-law under section 137.3 or on the day after the day on which the municipality receives a copy of the assessment of the Commission, provided for in section 137.5, according to which the by-law conforms to the objectives of the RCM plan and to the provisions of the complementary document."

**32.** Section 137.8 of the Act is amended by striking out the fifth paragraph.

**33.** Subdivision 4 of Division V of Chapter IV of Title I of the Act, comprising sections 137.9 to 137.14, is repealed.

**34.** Section 137.15 of the Act is amended

(1) by striking out the second paragraph;

(2) by striking out "or second" in the third paragraph.

**35.** Section 137.16 of the Act is amended

(1) by striking out ", subject to section 105," in the first paragraph;

(2) by striking out the second paragraph.

**36.** Section 234.2 of the Act is amended by replacing "45" in the third paragraph by "30".

**37.** Section 235 of the Act is amended by striking out the second paragraph.

**38.** Section 239 of the Act is amended

(1) by replacing "section 53.7, without exceeding a total period of 120 days" in the second paragraph by "any of sections 51, 53.7, 65, 79.9 and 79.19.4, without exceeding a total period of 60 days";

(2) by striking out ", and published, as soon as practicable, in the *Gazette officielle du Québec*" in the third paragraph.

**39.** Section 240 of the Act is amended

(1) by replacing "the objectives of an RCM plan, the provisions of a complementary document or a planning program, of any document with respect to which an application for an assessment may be filed with the Commission under this Act by the council of a responsible body or municipality or a qualified voter" in the first paragraph by "with the objectives of an RCM plan or with the provisions of a complementary document, of any document with respect to which a request for an assessment may be made to the Commission under this Act by the council of a responsible body or municipality";

(2) by replacing the second paragraph by the following paragraph:

"The Minister must request the assessment within the period prescribed by law, and the request has the same effect as a request made by a council."

**40.** Section 264 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**41.** Section 264.0.1 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**42.** Section 264.0.2 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

**43.** Section 264.0.3 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**44.** Section 264.0.4 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**45.** Section 264.0.5 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**46.** Section 264.0.6 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

**47.** Section 264.0.7 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

**48.** Section 264.0.8 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

CHARTER OF VILLE DE LONGUEUIL

**49.** Section 58.4 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by striking out ", excluding a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1),".

**50.** Section 74 of the Charter is amended

(1) by replacing the first paragraph by the following paragraph:

"To ensure compliance with the planning program of the city of any by-law referred to in section 72 and adopted by a borough council, sections 137.2 to 137.8 of the Act respecting land use planning and development (chapter A-19.1) apply, with the necessary modifications.";

(2) by striking out the third paragraph.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

**51.** Section 89.2 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by striking out "and that is not a concordance by-law within the meaning of any of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development (chapter A-19.1)".

**52.** Section 133 of the Charter is amended

(1) by replacing the first paragraph by the following paragraph:

"To ensure compliance with the planning program of the city of any by-law referred to in section 131 and adopted by a borough council, sections 137.2 to 137.8 of the Act respecting land use planning and development (chapter A-19.1) apply, with the necessary modifications.";

(2) by striking out the third paragraph.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

**53.** Section 74.6 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by striking out ", other than a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1),".

**54.** Section 117 of the Charter is amended

(1) by replacing the first and second paragraphs by the following paragraph:

"To ensure compliance with the planning program of the city of any by-law referred to in section 115 and adopted by a borough council, sections 137.2 to 137.8 of the Act respecting land use planning and development (chapter A-19.1) apply, with the necessary modifications.";

(2) by replacing "the first four paragraphs" in the introductory clause of the fifth paragraph by "this section".

CITIES AND TOWNS ACT

**55.** Section 107.9 of the Cities and Towns Act (chapter C-19) is amended

(1) by replacing "$100,000" in the first paragraph by "$250,000";

(2) by replacing "paragraph 2 of section 107.7 that receives an annual subsidy from the municipality of at least $100,000" in the introductory clause of the second paragraph by "subparagraph 2 of the first paragraph of section 107.7 that receives an annual subsidy from the municipality of at least $250,000".

**56.** Section 468.10 of the Act is amended by replacing paragraph 2 by the following paragraph:

"(2) the place in Québec where its head office will be situated;".

**57.** The Act is amended by inserting the following section after section 468.29:

"**468.29.1.** The board of directors may, by resolution, change the place of the management board's head office for any other place situated in Québec."

**58.** Section 544 of the Act is amended by replacing "0.25%" in subparagraph 2 of the second paragraph by "1.5%".

MUNICIPAL CODE OF QUÉBEC

**59.** Article 179 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following paragraph at the end:

"However, the council may choose to appoint a clerk and a treasurer, in which case it must apportion between those persons the duties and powers inherent in the office of clerk-treasurer."

**60.** Article 579 of the Code is amended by replacing paragraph 2 by the following paragraph:

"(2) the place in Québec where its head office will be situated;".

**61.** The Code is amended by inserting the following article after article 598:

"**598.1.** The board of directors may, by resolution, change the place of the management board's head office for any other place situated in Québec."

**62.** Article 1063 of the Code is amended by replacing "0.25%" in subparagraph 2 of the second paragraph by "1.5%".

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

**63.** Section 1 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended by striking out the definition of “regulation”.

**64.** Section 25 of the Act is repealed.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**65.** Section 70.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2), enacted by section 89 of chapter 24 of the statutes of 2024, is amended by replacing the four occurrences of “clerk-treasurer” by “clerk or clerk-treasurer”.

ACT RESPECTING MUNICIPAL TAXATION

**66.** Section 71 of the Act respecting municipal taxation (chapter F-2.1) is amended by striking out the second paragraph.

**67.** Section 83 of the Act is amended by striking out the last sentence of the second paragraph.

**68.** Section 176 of the Act is amended by replacing the first and second paragraphs by the following paragraph:

“The assessor shall make any alteration referred to in section 174 or 174.2 by means of a certificate.”

**69.** Section 179 of the Act is amended by striking out “, after signing it,” in the first paragraph.

**70.** Sections 180, 180.1 and 181 of the Act are amended by replacing all occurrences of “third” by “second”.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**71.** The Act respecting municipal territorial organization (chapter O-9) is amended by inserting the following division after section 106:

“**DIVISION V.1**

“NEGOTIATION OF AN AGREEMENT

“**106.1.** Sections 59 to 65 apply, with the necessary modifications, to an amalgamation where it entails detaching the territory of a local municipality from the territory of a regional county municipality.

The Minister shall publish in the *Gazette officielle du Québec* a notice stating that the Minister has approved an agreement with or without amendment or imposed an apportionment of the assets and liabilities.

The agreement shall come into force on the date of coming into force of the order constituting the local municipality resulting from the amalgamation.”

**72.** The Act is amended by inserting the following section after section 116:

“**116.1.** Sections 210.83 and 210.84 apply, with the necessary modifications, to an amalgamation where it entails detaching the territory of a local municipality from the territory of a regional county municipality.”

**73.** The Act is amended by inserting the following section after section 124:

“**124.1.** For 10 years following the date of coming into force of the order, any amount granted to the municipality resulting from the amalgamation under an assistance program of a government department or body or any amount paid by such a department or body to which the municipality is entitled under an Act or a regulation must be at least equal to the sum of the amounts that would have been granted to each applicant municipality had the amalgamation not taken place.

The conditions of amalgamation set out in the order may not depart from this section.”

**74.** The Act is amended by inserting the following section after section 169:

“**169.1.** Sections 210.83 and 210.84 apply, with the necessary modifications, to an annexation where it entails detaching the territory of a local municipality from the territory of a regional county municipality.”

**75.** The Act is amended by inserting the following section after section 175:

“**175.1.** For 10 years following the date of coming into force of a by-law annexing the whole territory of a municipality, any amount granted to the annexing municipality under an assistance program of a government department or body or any amount paid by such a department or body to which the municipality is entitled under an Act or a regulation must be at least equal to the sum of the amounts that would have been granted to each municipality concerned had the annexation not taken place.

The conditions of annexation contained in the by-law may not depart from this section.”

**76.** The Act is amended by inserting the following division after section 210.79:

“**DIVISION V.1**

“NEGOTIATION OF AN AGREEMENT

“**210.79.1.** Sections 59 to 65 apply, with the necessary modifications, to a transfer of territory.

The Minister shall publish in the *Gazette officielle du Québec* a notice stating that the Minister has approved an agreement with or without amendments or imposed an apportionment of the assets and liabilities.

The agreement shall come into force on the date of coming into force of the order transferring the territory.”

ACT RESPECTING THE SOCIÉTÉ DE FINANCEMENT DES INFRASTRUCTURES LOCALES DU QUÉBEC

**77.** Section 7 of the Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102) is replaced by the following section:

“**7.** The Société may not grant financial assistance without the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy or, in the case of assistance in respect of infrastructure projects relating to public transit, without the authorization of the Minister of Transport.

An agreement between the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Transport may be entered into concerning eligibility for financial assistance in respect of an infrastructure project relating to local roads. In the absence of such an agreement, that assistance may be granted only with the authorization of the Minister of Transport rather than with that of the Minister of Municipal Affairs, Regions and Land Occupancy.”

**78.** Section 13 is amended by replacing “Government” in the first paragraph by “Minister”.

**79.** Section 14 is amended by replacing “Government” by “Minister”.

OTHER AMENDING PROVISIONS

**80.** Section 13 of the Act to amend the charter of the City of Laval (1999, chapter 91) is repealed.

**81.** Section 93 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2), amended by section 179 of chapter 24 of the statutes of 2024, is again amended

(1) in the first paragraph,

(*a*) by replacing "a housing project" in the introductory clause by "an immovable project";

(*b*) by inserting "the project mostly consists of dwellings," at the beginning of subparagraph 2;

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

"For the purposes of the first paragraph, a project consists mostly of dwellings if the floor area for all the dwellings referred to in any of the subparagraphs of that paragraph, as applicable, is greater than the floor area intended for all the other uses.";

(3) by striking out subparagraph 4 of the sixth paragraph;

(4) by inserting the following paragraphs after the sixth paragraph:

"The resolution may be amended, following the procedure set out in this section, not later than two years after the deadline set out in the first paragraph.

The Superior Court may order the cessation of a use of land or a structure incompatible with the resolution or the carrying out of the works required to bring the use of the land or the structure into conformity with the resolution. Sections 227, 232 and 233 of the Act respecting land use planning and development apply, with the necessary modifications, to such a court order.

Anyone who contravenes the conditions set out in the resolution is liable to a fine of $1,000, in the case of a natural person, or $2,000 in any other case. In the case of a subsequent offence, those fines are doubled. Penal proceedings are brought by the municipality before the municipal court having jurisdiction."

**82.** Section 51 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, amended by section 47 of chapter 68 of the statutes of 2002 and by section 116 of chapter 7 of the statutes of 2021, is again amended by replacing the third paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

**83.** Section 48 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, amended by section 48 of chapter 68 of the statutes of 2002 and by section 117 of chapter 7 of the statutes of 2021, is again amended by replacing the third paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

**84.** Section 25 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, amended by section 49 of chapter 68 of the statutes of 2002 and by section 118 of chapter 7 of the statutes of 2021, is again amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

**85.** Section 12 of Order in Council 1478-2001 dated 12 December 2001, respecting Ville de Rouyn-Noranda, amended by section 51 of chapter 68 of the statutes of 2002 and by section 119 of chapter 7 of the statutes of 2021, is again amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

## CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

**86.** Sections 51, 53.7, 53.11.7, 65, 75.11, 79.9, 79.10, 79.19.4, 79.19.6, 234.2 and the second paragraph of section 239 of the Act respecting land use planning and development (chapter A-19.1), as they read on (*insert the date preceding the date that is six months after the date of assent to this Act*), continue to apply in respect of any by-law or draft by-law adopted before (*insert the date that is six months after the date of assent to this Act*).

Sections 51, 53.9, 53.11.14 and 79.19.10 of the Act respecting land use planning and development, as they read on (*insert the date preceding the date that is six months after the date of assent to this Act*), continue to apply with respect to a regulatory process if a draft by-law was sent to the Minister or a metropolitan community before (*insert the date that is six months after the date of assent to this Act*). Sections 53.8.1, 53.11.6.1, 53.11.6.2, 53.11.12.1, 79.10.1, 79.10.2, 79.19.5.1 and 79.19.9.1 of the Act respecting land use planning and development, enacted by sections 5, 7, 9, 17, 19 and 21, do not apply with respect to such a regulatory process.

Section 56.7 of the Act respecting land use planning and development, as it reads on (*insert the date preceding the date that is six months after the date of assent to this Act*), continues to apply with respect to a second draft that has been sent under the third paragraph of section 56.6 of that Act before (*insert the date that is six months after the date of assent to this Act*).

**87.** Sections 44, 59.5 to 59.9, 79.19.11 to 79.19.15, 102 to 106, 110.4 to 110.9, 110.10.1, 112.7, 123, 136.0.1, 137.8 to 137.16, 235, 240 and 264 to 264.0.8 of the Act respecting land use planning and development (chapter A-19.1), sections 58.4 and 74 of the Charter of Ville de Longueuil (chapter C-11.3), sections 89.2 and 133 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), sections 74.6 and 117 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5), section 13 of the Act to amend the charter of the City of Laval (1999, chapter 91), section 51 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, amended by section 47 of chapter 68 of the statutes of 2002 and by section 116 of chapter 7 of the statutes of 2021, section 48 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, amended by section 48 of chapter 68 of the statutes of 2002 and by section 117 of chapter 7 of the statutes of 2021, section 25 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, amended by section 49 of chapter 68 of the statutes of 2002 and by section 118 of chapter 7 of the statutes of 2021, and section 12 of Order in Council 1478-2001 dated 12 December 2001, respecting Ville de Rouyn-Noranda, amended by section 51 of chapter 68 of the statutes of 2002 and by section 119 of chapter 7 of the statutes of 2021, continue to apply, as they read on (*insert the date preceding the date of assent to this Act*), to any by-law made before (*insert the date of assent to this Act*).

Subparagraph 4 of the sixth paragraph of section 93 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2), amended by section 179 of chapter 24 of the statutes of 2024, as it reads on (*insert the date preceding the date of assent to this Act*), continues to apply to any resolution adopted before (*insert the date of assent to this Act*).

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

(1) the provisions of section 1, except insofar as they enact sections 126, 129, 132, 142, 145, 165, 222, 224 and 226 of the Act respecting contracting by municipal bodies (*insert the year and chapter number of this Act and the number of the section in this Act that enacts the Act respecting contracting by municipal bodies*), which come into force on the date or dates to be set by the Government; and

(2) the provisions of sections 3 to 11, 13 to 22 and 36, and of paragraph 1 of section 38, which come into force on (*insert the date that is six months after the date of assent to this Act*).