



Part 2

LAWS AND REGULATIONS

6 March 2025 / Volume 157

Summary

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Regulations and other Acts

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Part 2 – LAWS AND REGULATIONS

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Regulation respecting the *Gazette officielle du Québec*, section 4

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- (1) Acts assented to;
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- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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Gouvernement du Québec

O.C. 214-2025, 5 March 2025

Regulation to impose conditions for the awarding of certain supply contracts by municipal bodies

WHEREAS, under subparagraph 1 of the first paragraph of section 573.3.1.1 of the Cities and Towns Act (chapter C-19), section 938.1.1 of the Municipal Code of Québec (chapter C-27.1), section 113.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 106.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and section 103.1 of the Act respecting public transit authorities (chapter S-30.01), in compliance with any applicable intergovernmental agreement on the opening of public procurement, the Government may make regulations to determine any authorization, condition or rule relating to the awarding of contracts, in addition to those set out or provided for in those Acts, to which a contract is subject;

WHEREAS, under the second paragraph of those sections, the regulation may prescribe categories of contracts or municipalities, combine categories and determine different authorizations, conditions or rules relating to the awarding of contracts, according to the categories or combinations;

WHEREAS, under paragraph 1 of section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under subparagraph 1 of the first paragraph of section 18 of the Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 and the second paragraph of section 18 of the Act, the reason justifying the absence of publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of publication and such coming into force:

—the United States of America have unilaterally imposed customs duties on some products originating from Canada as of 4 March 2025;

—the Gouvernement du Québec has taken countermeasures for public bodies in response to the imposition of those customs duties;

—it is important that municipal bodies also participate as soon as possible in the implementation of those countermeasures when awarding certain supply contracts in order to protect the Québec economy;

WHEREAS it is expedient to make the Regulation to impose conditions for the awarding of certain supply contracts by municipal bodies;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the Regulation to impose conditions for the awarding of certain supply contracts by municipal bodies, attached to this Order in Council, be made.

DAVID BAHAN

Clerk of the Conseil exécutif

Regulation to impose conditions for the awarding of certain supply contracts by municipal bodies

Cities and Towns Act
(chapter C-19, s. 573.3.1.1, 1st par., subpar. 1 and 2nd par.).

Municipal Code of Québec
(chapter C-27.1, s. 938.1.1, 1st par., subpar. 1 and 2nd par.).

Act respecting the Communauté métropolitaine de Montréal
(chapter C-37.01, s. 113.1, 1st par., subpar. 1 and 2nd par.).

Act respecting the Communauté métropolitaine de Québec
(chapter C-37.02, s. 106.1, 1st par., subpar. 1 and 2nd par.).

Act respecting public transit authorities
(chapter S-30.01, s. 103.1, 1st par., subpar. 1 and 2nd par.).

1. For the purposes of this Regulation,

“intergovernmental agreement” means a public procurement liberalization agreement applicable to contracting by municipal bodies;

“establishment” means a place where an enterprise carries on its activities on a permanent basis, clearly identified under its name and accessible during regular business hours.

2. This Regulation applies to supply contracts for

- (1) computer hardware and software;
- (2) medical supplies and equipment;
- (3) pharmaceutical products; and
- (4) scientific instruments.

3. A call for public tenders under paragraph 1 of section 573 of the Cities and Towns Act (chapter C-19), paragraph 1 of section 935 of the Municipal Code of Québec (chapter C-27.1), the first paragraph of sections 106 and 108 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), the first paragraph of sections 99 and 101 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or the first paragraph of sections 93 and 95 of the Act respecting public transit authorities (chapter S-30.01) must, in respect of a contract referred to in section 2 and for the sole purpose of determining the successful tenderer, impose a penalty in the form of an increase by 10% to 25% of the price submitted by an enterprise having an establishment in the United States of America but not in Québec or in a territory covered by an applicable intergovernmental agreement.

4. The percentage of increase determined under section 3 must be specified in the call for tender documents.

5. A call for tenders by written invitation under section 573.1 of the Cities and Towns Act (chapter C-19), section 936 of the Municipal Code of Québec (chapter C-27.1), section 107 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 100 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or section 94 of the Act respecting public transit authorities (chapter S-30.01) in respect of a contract referred to in section 2 may be made only to enterprises having an establishment in Québec or in a territory covered by an applicable intergovernmental agreement.

6. A contract referred to in section 2 may be awarded by mutual agreement only to an enterprise having an establishment in Québec or in a territory covered by an applicable intergovernmental agreement, except with the prior authorization of the body’s council.

7. Sections 3 and 4 do not apply to a public call for tenders that was published on the electronic tendering system before 6 March 2025.

8. Sections 1 to 7 cease to have effect on 5 March 2026.

9. This Regulation comes into force on 6 March 2025.

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