

Public Procurement

The Act respecting contracting by public bodies changes in Quebec. Fasken can help you.

Since January 2019, applications for authorization to contract or subcontract with a public body in Quebec beyond a certain monetary threshold (the “**Authorization**”), or applications for the renewal of such authorizations, must be sent directly through the *Autorité des marchés publics* (the “**AMP**”). This procedure is unique in Canada—no province other than Quebec provides such a mechanism for contracting with a public body.

On June 2, 2022, Bill 12 received royal assent, the purpose of which was to raise the standards of corporate integrity and to provide the AMP additional monitoring and intervention authority, including the authority to audit and investigate all public contracts and subcontracts subject to the AMP regulations in Quebec.

Fasken’s expertise at your service

Our team has an overall understanding of the legislative context surrounding Quebec’s public markets as well as the rules relating to the AMP. We have the expertise and experience required to help you navigate this complex legal context, and we can guide you through all stages of the public procurement process in Quebec.

Fasken’s experience with the AMP

Our long-standing presence in this field and our teams’ exceptional professionalism and ethics are a testament to our extensive experience with the AMP. Our lawyers were already assisting our clients in their procedures with the *Autorité des Marchés Financiers*—the predecessor of the AMP. Our teams are therefore very familiar with all public tendering procedures.

Extensive expertise

For many years, Fasken has been assisting clients in the preparation of their applications for Authorization or in the preparation of observations following the receipt of a notice of refusal to issue an Authorization from the AMP. We have also represented numerous clients before public bodies. Our clients include international organizations as well as American and European companies and consortium, which we have assisted in their dealings with the AMP.

We provide **personalized support** regardless of your situation:

Are you submitting an application?

- ✓ First application for authorization
- ✓ Renewal of the authorization
- ✓ Establishing the applicable requirements
- ✓ Assistance with the disclosure of business relationships
- ✓ Assistance with the tendering process
- ✓ Contract negotiation until the final award

Has your application been denied? Are you registered on the RENA?

- ✓ Challenge the application of AMP measures
- ✓ Challenging an entry in the Register of Enterprises Ineligible for Public Contracts (RENA)
- ✓ Assistance with applications for review of an AMP decision
- ✓ Assistance in preparing observations in the event of a notice of refusal
- ✓ Challenge procedures in the awarding of contracts
- ✓ Dispute resolution
- ✓ Assistance in litigation

Personalized follow-up of your files deadlines

- ✓ Legal monitoring
- ✓ Updating information
- ✓ Keeping up with legislative changes applicable to your files

For more information, consult our **Bulletin on Bill 12**



Be proactive with the right advice

Whatever your goal, knowing how the system works and how to best advocate for yourself are essential components for a successful business plan. The key to success is working with a legal team that has knowledge and experience in a variety of areas, and that can help you strategize and refine your approach from start to finish.

Concretely

- › Higher integrity requirements
- › Increased authority for the AMP to ensure compliance with integrity requirements

You can rely on Fasken to guide you through the new requirements of Bill 12.



Meet our experts

Contact one of our team members for assistance with your approach.



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