

chapter R-7, r. 1

Regulation respecting leases and leasing and concession contracts of the Régie des installations olympiques

Act respecting the Régie des installations olympiques
(chapter R-7, s. 15).

Revoked, S.Q. 2020, c. 10, s. 50; eff. 2020-11-01.

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DIVISION I

GENERAL PROVISIONS

1. *This Regulation is made under section 15 of the Act respecting the Régie des installations olympiques (chapter R-7).*

R.R.Q., 1981, c. R-7, r. 1, s. 1.

2. *In this Regulation, unless the context indicates otherwise,*

(a) *“calls for tenders in newspapers” means a notice published in at least one daily newspaper inviting the submitting of tenders by potential agents for concessions from the Board;*

(b) *“invitation for tenders” means a notice individually addressed to potential agents inviting them to submit tenders for concessions from the Board;*

(c) *“lease” means a contract whereby the Board gains the right to enjoy or occupy an immovable for a certain period of time by rental;*

(d) *“turnover” means anticipated gross income from a concession after taxes have been collected by the agent for the Gouvernement du Québec;*

(e) *“agent” means a person who signs a concession contract with the Board;*

(f) *“concession contract” means a contract entered into by the Board respecting the carrying out by a person of a commercial activity on behalf of the Board;*

(g) *“leasing contract” means a contract whereby the Board entrusts the right to enjoy or occupy all or a part of the olympic installations;*

(h) *“olympic installations” means for the purpose of applying this Regulation,*

i. the movable and immovable installations planned for the XXIth Olympic Games, including grounds, that are contained within the quadrilateral bounded by the south side of Sherbrooke street, the west side of Viau street, the north side of Pierre-de-Coubertin street and the east side of Pie-IX boulevard, in the city of Montréal, except the Maurice-Richard arena, the Maisonneuve centre and their respective facilities and the metro installations;

ii. the Paul-Sauvé centre;

iii. the Olympic Village;

iv. any other installation for which the Board is or may become responsible under the laws governing it;

(i) *“principal establishment” means the principal establishment from which the business is conducted and where the managing staff and equipment are ordinarily located;*

(j) *“royalty” means the amount to be paid by the agent under a concession contract;*

(k) *“Board” means the Régie des installations olympiques;*

(l) *“site” means the Olympic Stadium, the Vélodrome, the pools, the grounds, the Paul-Sauvé centre and the West and East Pyramid of the Olympic Village.*

R.R.Q., 1981, c. R-7, r. 1, s. 2.

DIVISION II

CONCESSION CONTRACTS

§ 1. — Required authorizations

3. *Concession contracts may not be entered into without the authorization of the Conseil du trésor where the estimated annual turnover of the concession is \$5,000,000 or more.*

Subject to the first paragraph, concession contracts may not be entered into without the authorization of the board of directors of the Board unless the concession contract is of a duration of less than 3 months or of a non-continuous nature or unless, tenders having been called for, the contract is granted to the highest conformable tenderer whose principal establishment is in Québec, and:

- (a) the estimated annual turnover of the concession is less than \$100,000; or*
- (b) the estimated annual royalties of the concession are less than \$10,000;*

in such cases a concession contract may be entered into with the authorization of the president and chief executive officer or any other person designated by the board of directors of the Board.

R.R.Q., 1981, c. R-7, r. 1, s. 3.

4. *The duration of a concession contract may under no circumstances exceed 5 years.*

R.R.Q., 1981, c. R-7, r. 1, s. 4.

§ 2. — Tenders

5. *Concession contracts may not be entered into unless tenders have been called for, except:*

- (a) where only one agent is available;*
- (b) where the concession contract is accessory to a leasing contract and granted to the awarder of that leasing contract;*
- (c) where the concession contract is of short duration, that is, for a period under 3 months, or of a non-continuous nature;*
- (d) where the concession contract does not grant the agent any exclusive rights;*

in such cases the authorization of the board of directors of the Board is required unless it is otherwise stipulated in this Regulation.

R.R.Q., 1981, c. R-7, r. 1, s. 5.

6. *Where, pursuant to this Regulation, tenders are required, they must be called for in newspapers or by invitation for tenders.*

The procedure for invitation for tenders may be used where the estimated annual turnover of the concession is under \$10,000 or where the estimated annual royalties are under \$2,000.

In all other cases, the procedure for calls for tenders in newspapers must be used.

R.R.Q., 1981, c. R-7, r. 1, s. 6.

§ 3. — *Procedures for calls for tenders in newspapers*

7. *Calls for tenders in newspapers are published in French in at least one daily newspaper:*

R.R.Q., 1981, c. R-7, r. 1, s. 7.

8. *All calls for tenders in newspapers must include the following provisions and information:*

- (a) a brief description of the concession;*
- (b) the location of the concession;*
- (c) the place where the documents and information needed to prepare the tender may be obtained;*
- (d) the prerequisites for obtaining the documents necessary to prepare the tender;*
- (e) a notice that only tenders from persons having their principal establishment in Québec shall be considered for the granting of a contract;*
- (f) that the Board does not bind itself to accept either the highest or any other tender;*
- (g) that the tender will be valid for a stipulated time period;*
- (h) that the tender, to be considered, must be sent duly completed to the place indicated and before the specified time.*

R.R.Q., 1981, c. R-7, r. 1, s. 8.

9. *The instructions given to tenderers must include a notice to the effect that:*

(a) the tenderer must provide a guarantee with his tender where the estimated annual turnover of the concession is more than \$50,000; that guarantee may:

i. be a lump sum equal to or more than 5% of the probable turnover if the guarantee is issued by a company authorized to become surety under the Guarantee Companies Act (chapter C-43); or

ii. a lump sum equal to or more than 2 1/2% of the probable turnover, up to an amount of \$100,000, if the guarantee is a certified cheque issued by a Canadian chartered bank or a trust union in Québec and made out to the order of the Board;

(b) the tenderer whose tender has been accepted must, before the signing of the concession contract of which the estimated annual turnover is greater than \$50,000, provide a guarantee of execution equivalent to the amount of the tender guarantee required in paragraph a;

(c) the tenderer, in the event of failing to sign a contract in conformity with his tender or to provide the guarantee of execution required within 15 days of the date of acceptance, shall be required to pay to the owner a sum of money representing the difference between the amount of his tender and that of the subsequent tender accepted by the Board, which sum being, however, limited to the amount of the tender guarantee fixed in the calls for tenders where applicable.

R.R.Q., 1981, c. R-7, r. 1, s. 9.



The Guarantee Companies Act (chapter C-43) is repealed (1988, chapter 27, s. 1).

10. *The documents relating to calls for tenders in newspapers must be given immediately to every person whose principal establishment is in Québec, who makes the request for documents in his own name and who fulfils the conditions for obtaining such documents prescribed in the calls for tenders.*

R.R.Q., 1981, c. R-7, r. 1, s. 10.

11. *The time limit for receipt of tenders following a call for tenders in newspapers shall be computed starting from the first publication made for that call for tenders and may not be less than 8 working days.*

R.R.Q., 1981, c. R-7, r. 1, s. 11.

12. *If the receipt of tenders cannot take place at the place or on the date and at the time stipulated in the notice of call for tenders, such receipt shall take place at another place or another time, upon notice given by telephone, telegram or letter before the time set for the receipt of tenders to the persons to whom documents relating to the call for tenders have been forwarded.*

R.R.Q., 1981, c. R-7, r. 1, s. 12.

13. *Except in cases of superior force tenders must immediately follow the deadline set for the receipt of tenders. In cases of superior force, the opening of tenders shall be done at a later date, after notice has been given by telephone, telegram or letter to the persons to whom documents relating to the call for tenders have been forwarded.*

R.R.Q., 1981, c. R-7, r. 1, s. 13.

14. *If a tender is not filled out in accordance with the instructions for tenderers or is not submitted with the required documents, or if the required documents are not filled out regularly, it must be rejected.*

R.R.Q., 1981, c. R-7, r. 1, s. 14.

15. *All tenders received for the same contract must be opened publicly by a representative of the Board in the presence of one witness.*

R.R.Q., 1981, c. R-7, r. 1, s. 15.

16. *At the opening of tenders, the representative of the Board verifies and reads aloud for each tender:*

- (a) the tenderer's firm name;*
- (b) where a guarantee deposit is required in the call for tenders, whether or not it accompanies the tender;*
- (c) whether the tender is signed or not;*
- (d) whether the price seems to be in conformity.*

This information must be recorded and the name of the witness given.

R.R.Q., 1981, c. R-7, r. 1, s. 16.

DIVISION III

LEASES

17. *A lease may not be signed by the Board without the authorization of the Conseil du trésor where it exceeds one year or where the amount payable under the said lease exceeds \$1,000,000.*

Subject to the first paragraph, a lease may not be signed without the authorization of the board of directors of the Board.

R.R.Q., 1981, c. R-7, r. 1, s. 17.

DIVISION IV

LEASING CONTRACTS

18. *The Board may not enter into leasing contracts without the authorization of the Conseil du trésor:*

(a) where the leasing contract exceeds 5 years in the case of the Olympic Village and 3 years in all other cases; or

(b) where the said contract grants exclusive occupation rights for a site to a sole tenant for more than 3 months.

Subject to the first paragraph, leasing contracts may not be entered into without the authorization of the board of directors of the Board with the exception of contracts that comply with the general policies approved by the board of directors of the Board for such type of leasing, in which case the contract may be entered into by the president and chief executive officer or any other person designated by the board of directors of the Board.

R.R.Q., 1981, c. R-7, r. 1, s. 18.

DIVISION V

FINAL PROVISIONS

19. *The board of directors of the Board may adopt any measures respecting the enforcing of this Regulation.*

R.R.Q., 1981, c. R-7, r. 1, s. 19.

20. *Any contract related to the general operation of the olympic installations and that is not covered by this Regulation, including in particular, the sale of advertising by the Board for its own benefit, the granting of licences or shares will be entered into in accordance with the rules and directives that may be made by the board of directors of the Board in that respect.*

R.R.Q., 1981, c. R-7, r. 1, s. 20.

UPDATES

R.R.Q., 1981, c. R-7, r. 1