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Companion Guide
for Enterprises

Public contracts

Non-renewal of authorization to enter into a public contract/subcontract
(Foreign enterprises and natural persons operating an enterprise)

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Important information



Even if an enterprise submits an application for non-renewal **before** the anniversary date of its authorization, its right to enter into contracts/subcontracts with a public body **remains valid until the date on which its authorization expires.**



An enterprise that does not renew its authorization must, **within 10 days after the expiry of its authorization**, provide in writing to the *Autorité des marchés publics* (the “AMP”) the name of every public body with which it has a public contract in process and the name of every enterprise with which it has a public subcontract in process, stating the name of the public body that entered into the public contract to which the subcontract is related.

To do so, it must use the “List of public contracts and subcontracts in process” form sent to it by the AMP.



Even if an enterprise does not have any contracts in process, **it must still fill out** the “List of public contracts and subcontracts in process” form and indicate this by checking the appropriate box.



The “List of public contracts and subcontracts in process” form must be signed by **the respondent.**

Introduction

Who should use this guide?

This guide is intended to assist enterprises that do not wish to renew their authorization to enter into a public contract/subcontract.

In order to familiarize themselves with all the statutory and regulatory obligations of enterprises subject to the *Act respecting contracting by public bodies* (CQLR, c. C-65.1) (the “ACPB”), enterprises should read:

- the *Integrity in Public Contracts Act* (2012, chapter 25);
- the ACPB, in particular Chapter V.2, which covers the scope of this statute, the granting of an authorization, decisions pertaining to authorizations, general obligations of enterprises, and the AMP’s functions and powers; the ACPB also provides for penal provisions;
- the *Conseil du trésor* decision entitled “Fee related to an application for authorization filed by an enterprise with the Autorité des marchés publics for public contracts and subcontracts”; and
- the Regulation of the Autorité des marchés publics under an Act respecting contracting by public bodies (CQLR, c. C-65.1, r. 0.1) (the “Regulation”). The Regulation sets out, in particular, the information and documents required so that an application for authorization is considered receivable and the prescribed time limits for notifying the AMP of any change to the information provided at each step of the application process.

Enterprises not wishing to renew an authorization

The non-renewal process may be triggered at any time **during the renewal period of the enterprise's authorization**. The AMP considers that this period begins 150 days before the date on which the enterprise’s authorization ends.

It is important to note that, even if the AMP receives and processes the non-renewal form before the date on which the authorization expires, **the enterprise’s authorization remains valid until the date on which it expires**.

Also, under section 21.41.1 of the ACPB, if the enterprise performs a public contract/subcontract as a contractor/subcontractor when its authorization has expired, it could be deemed to have defaulted on the performance of the public contract/subcontract on the expiry of a period of 60 days after the date the authorization expired.

If an enterprise does not renew its authorization and subsequently wishes to contract or subcontract with a public body, it must file a new application for authorization.

Non-renewal of authorization

Steps to follow for non-renewal of authorization

The following two steps are **mandatory** if an enterprise decides not to renew its authorization:

STEP A

Filling out and sending an application for non-renewal of authorization.

STEP B

Filling out and submitting the list of contracts in process.

STEP A – Filling out and sending an application for non-renewal of authorization



The application for non-renewal must be filled out and submitted **by the respondent**.

Obtaining the application for non-renewal form

The non-renewal of authorization form is available on the AMP website under “Authorization to contract / Foreign Enterprises and Natural Persons Operating an Enterprise.” The title of the form is “Non-renewal of authorization to enter into a public contract/subcontract”.

The form is divided into **4 parts**, which are explained in detail on the following pages. Unless otherwise indicated, all questions in the form must be answered.

Part 1 – General information

Type of application

This section confirms that you do not wish to renew your authorization to enter into a public contract/subcontract.

Part 2 – Identity and contact information of the applicant

Client number (AMP)

State the client number assigned to your enterprise by the AMP.

Full name and Quebec enterprise number (NEQ)

State the principal name used by the enterprise.

State the Québec enterprise number assigned to your enterprise by the Enterprise Registrar. This is a 10-digit number. If you do not have a Québec enterprise number because you are a foreign enterprise, you do not have to provide this information.

Language of correspondence

State whether it is preferable that communications with the enterprise be in English or French. It is important to remember that the AMP communicates primarily with the enterprise’s respondent. The language of correspondence should therefore reflect the respondent’s preference.

It should be noted, however, that all official AMP decisions are issued only in French.

Address of head office

State the address of the enterprise's head office, including telephone and fax numbers. Please note that a post office box is not an acceptable address for the head office.

Mailing address

State the enterprise's mailing address if it differs from the head office address. All correspondence will be sent to this address.

Part 3 – Signature

The respondent is the only person authorized to sign the application for non-renewal.

Part 4 – Sending the form

The enterprise must mail the completed application for non-renewal to the following address:

Autorité des marchés publics

525, boul. René-Lévesque Est, 1^{er} étage, bureau 1.25
Québec (Québec) G1R 5S9

STEP B - Filling out and submitting the list of contracts in process

When an enterprise's authorization is **about to expire**, the enterprise will automatically be sent confirmation that its authorization has not been renewed and that it has been removed from the register of authorized enterprises.

In addition, under section 21.38 of the ACPB, an enterprise whose authorization has expired must, **within 10 days after receiving confirmation that its authorization is not renewed**, provide in writing to the AMP the name of every public body with which it has a contract in process and the name of every enterprise with which it has a subcontract in process, stating the name of the public body that entered into the public contract to which the subcontract is related. To do so, it must use the schedule "List of public contracts and subcontracts in process" attached to the confirmation.



Even if an enterprise does not have any contracts in process, it must still fill out the schedule and indicate this by checking the appropriate box.