

FIRST PILOT PROJECT IN QUEBEC AIMED AT GRANTING AN ADVANTAGE TO ENTERPRISES HIRING INDIGENOUS PEOPLES FOR THE PERFORMANCE OF A PUBLIC CONTRACT

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The Government of Quebec is implementing an initial pilot project aimed at granting an advantage to enterprises that “would assign” Indigenous peoples to the performance of a public contract [\[1\]](#). The contract in question is for the replacement, in the spring of 2024, of a culvert under the responsibility of the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs.

The advantage to bidders would be in the form of a preferential margin in the analysis of their bid, which should not exceed 15%. In practice, the margin percentage (%) will be specified in the tender documents, which will also define the expression “would assign Indigenous peoples to the performance of the contract” in the context of the particular contract.

This pilot project is the first use of new provisions of the *Act respecting contracting by public bodies Act*, which came into force in 2023 and aims to improve contract rules to enable public bodies to contribute better to the achievement of certain government objectives, including improving representation of Indigenous enterprises and reducing the negative environmental impacts associated with public contracts.

[1] Order number 2024-01 of the President of the Conseil du trésor dated March 26, 2024

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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