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ANCIENT SPIRIT, MODERN MIND

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# INFRASTRUCTURE POLICY REGULATION

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**OFFICIAL CONSOLIDATION**  
Current to April 9, 2015

Provisions of the *Financial Administration Act*, HFNA 7/2011, relevant to the enactment of this regulation: section 72.

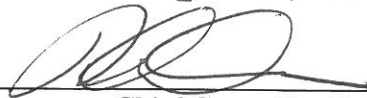


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## REGISTRY OF LAWS CERTIFICATION

I certify that the *Infrastructure Policy Regulation* was passed by Executive Council on:

April 1, 2011



Chief Councillor Robert Dennis Sr.

I certify that the *Infrastructure Policy Regulation* is enacted as law on:

April 1, 2011



Ta'yii Hawilth Derek Peters

I certify that the *Infrastructure Policy Regulation* came into force on:

April 1, 2011




Law Clerk Connie Waddell


# REGISTRY OF LAWS CERTIFICATION

Certified True Copy


I certify that the *Infrastructure Policy Amendment Regulation, 2013* was passed by Executive Council on:

Mar 28/2013  
  
Chief Councillor Jeff Cook

I certify that the *Infrastructure Policy Amendment Regulation, 2013* is enacted as law on:


Mar 28/2013  
  
Ta'yii Hawilth Derek Peters

I certify that the *Infrastructure Policy Amendment Regulation, 2013* came into force on:


Mar 28/2013  
  
Law Clerk Connie Waddell  
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## REGISTRY OF LAWS CERTIFICATION

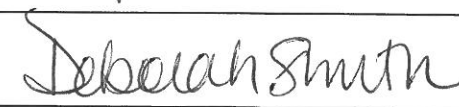
I certify that the *Infrastructure Policy Regulation Amendment Regulation, 2015* was passed by Executive Council on:

  
\_\_\_\_\_  
April 9, 2015  
\_\_\_\_\_  
Chief Councillor, Jeff Cook

I certify that the *Infrastructure Policy Regulation Amendment Regulation, 2015* is enacted as law on:

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\_\_\_\_\_  
ON BEHALF Ta'yii Hawilth, Derek Peters

I certify that the *Infrastructure Policy Regulation Amendment Regulation, 2015* came into force on:

April 9, 2015  
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Deputy Law Clerk, Deborah Smith



# INFRASTRUCTURE POLICY REGULATION

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### **Definitions**

- 1** In this regulation:

**“feasibility study”** means a written report providing the information set out in section 4 (5) to enable Executive Council to decide whether to approve a government infrastructure project;

**“government infrastructure”** means a physical asset with

- (a) an expected useful life of at least 5 years based on the design of the asset, and
- (b) a capital cost of \$ 50 000 or more;

HFNR 6/2013, s. 1

**“government infrastructure project”** means potential government infrastructure, government infrastructure being constructed and includes the process of planning, designing, constructing and commissioning of government infrastructure.

### **Application**

- 2** This regulation applies to all
- (a) government infrastructure, and
  - (b) government infrastructure projects.

### **Purpose**

- 3** The purpose of this regulation is to ensure that
- (a) government infrastructure projects are effectively managed,
  - (b) government infrastructure is inventoried and periodically assessed, and
  - (c) government infrastructure is appropriately operated and maintained.

### **Project stages**

- 4** (1) A government infrastructure project must go through the following stages:
- (a) identification of the need for government infrastructure;
  - (b) a feasibility study;
  - (c) approval in principle;
  - (d) comprehensive design and project plan;
  - (e) approval to construct;
  - (f) construction and commissioning.
- (2) Executive Council may, by resolution,

- (a) identify the need for a government infrastructure project to provide services or benefits, as set out in the resolution, to government or Huu-ay-aht citizens, or
  - (b) remove a government infrastructure project from the list
- (3) The Executive Director must maintain a list of possible government infrastructure projects identified by Executive Council that have not
  - (a) been removed from the list by resolution of Executive Council, and
  - (b) proceeded to the construction and commissioning stage.
- (4) Executive Council may require a feasibility study if Executive Council believes that
  - (a) a possible government infrastructure project on the list described in subsection (3) is the highest priority among the currently listed government infrastructure projects after considering limited resources and competing opportunities,
  - (b) the capital cost of the government infrastructure project can be funded from available internal sources, external sources or a combination of internal and external sources,
  - (c) the ongoing operating costs of the government infrastructure project, once completed, can be paid without reducing services or incurring a deficit, and
  - (d) spending authority is in place to cover the cost of a feasibility study.
- (5) A feasibility study must include
  - (a) a description of the purpose of the government infrastructure project, the intended services and benefits, who will benefit from that government infrastructure and the reasons the government infrastructure project is a high priority,
  - (b) an assessment of the scale required for the government infrastructure project to provide the most cost-effective intended services and benefits,
  - (c) an estimate of the capital cost based on sufficient engineering and design work to support the estimate,
  - (d) an estimate of annual operating and maintenance costs of the completed government infrastructure project over its lifetime,
  - (e) a review of available external capital funding sources and any appropriate applications for the funding, and
  - (f) a description of any other requirements necessary to begin or complete the project, such as purchase, rezoning, leasing, surveying or registration of land, legislative implications or approval from another government.
- (6) Executive Council may, by resolution, approve a government infrastructure project in principle if
  - (a) a feasibility study has been completed,
  - (b) the Finance Committee has submitted a financial assessment of the government infrastructure project to Executive Council after reviewing the feasibility study,



- (c) capital funding has been arranged or external capital funding applied for,
  - (d) Executive Council believes the ongoing operating costs of the completed government infrastructure project can be paid without reducing services or incurring a deficit, and
  - (e) the government infrastructure project is the highest priority on the list of possible government infrastructure projects after considering limited resources and competing opportunities.
- (7) After approval in principle has been given, a comprehensive design and project plan must be developed, including a detailed cost estimate and construction tender documents that comply with the *Purchasing Policy Regulation*.
- (7.1) (a) If the purchase of real property is required for the purposes of a government infrastructure project, after approval in principle has been given under subsection (6) Executive Council may approve the acquisition of that real property if
- (i) spending authority is in place for the cost of the purchase of the real property, and
  - (ii) any external funding in respect of the purchase of the real property has been approved
- (b) Approval of the purchase of real property under paragraph (a) constitutes approval of a government infrastructure capital project for the purposes of section 69(3)(c) of the *Financial Administration Act* but only to the extent of approval of the purchase.
- (8) Executive Council may, by resolution, approve a government infrastructure project for construction based on a comprehensive design and project plan if
- (a) spending authority is in place for the capital cost of the government infrastructure project,
  - (b) any external funding for the government infrastructure project has been approved, and
  - (c) the government infrastructure project is the highest priority on the list of possible government infrastructure projects after considering limited resources and competing opportunities.
- (9) The government infrastructure project may be constructed and commissioned, subject to spending authority, as soon as approval to construct is provided.
- (10) The Executive Director must
- (a) appoint an owner's representative to represent government in dealing with engineers, architects, general contractors and subcontractors for a government infrastructure project through all the stages set out in section 4 (1), and
  - (b) ensure the construction and commissioning of a project approved for construction is effectively managed so it
    - (i) is on time,
    - (ii) is within budget, and

(iii) produces an asset that provides the services and benefits expected in its lifetime.

(11) A government infrastructure project approval by Executive Council under this section may be subject to conditions set out in the approving resolution.

HFNR 5/2015, s. 1.

### **Operations and maintenance of government infrastructure**

**5** The Executive Director must ensure that

- (a) subject to spending authority, government infrastructure is operated and maintained to a standard that provides the services and benefits the government infrastructure was designed to provide over its lifetime,
- (b) an inventory of all government infrastructure is undertaken within 6 months of Effective Date,
- (c) the inventory referred to in paragraph (b) is adjusted as government infrastructure is added, removed or altered, and
- (d) each item in the government infrastructure inventory is assessed at least once each 5 years to
  - (i) determine if the government infrastructure is being operated and maintained to the standard set out in paragraph (a),
  - (ii) determine if the government infrastructure is providing the services and benefits it was designed to provide,
  - (iii) determine if the services and benefits provided are sufficient to meet the needs of government and Huv-ay-aht Citizens, and
  - (iv) make recommendations to Executive Council about renovating, adding to, decommissioning, operating, maintaining or otherwise adjusting the government infrastructure as appropriate.