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 Hawith Derek Peters

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

_April 1, 2011_

Law Clerk Connie Waddell
INFRASTRUCTURE POLICY REGULATION

Contents

1 Definitions
2 Application
3 Purpose
4 Project stages
5 Operations and maintenance of government infrastructure

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 an expected useful life of at least 5 years based on the design of the asset and a capital cost of $30,000 or more;

“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.

(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.

**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 Huu-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.