

Regulation respecting the procedure to be observed for immovable construction projects of health and social services agencies and public and private institutions under agreement

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 485 and 486; 2006, c. 29, s. 44)

1. This Regulation applies to immovable construction projects of health and social services agencies and public and private institutions under agreement to which the Act respecting health services and social services (R.S.Q., c. S-4.2) applies, whether the agency or institution is involved either as the owner of the immovable responsible for awarding the work and entering into contracts for that purpose, or as the future lessee or occupant of the immovable responsible for all or part of the cost of such work carried out by the owner.

It does not apply to the carrying out of asset maintenance work as defined in section 263.1 of the Act.

2. In this Regulation, “construction” means the erection, building, adaptation, reconstruction, repair or demolition of a structure, or any work involving the furnishing and installation of fixtures and requiring a specialized construction trade workforce.

3. After consultation with the agency concerned, an institution must submit to the Minister every construction project requiring authorization under section 260 of the Act.

A construction project referred to in paragraph 3 of section 263 of the Act must be submitted to the agency concerned for authorization in accordance with that section.

Every construction project that an agency intends to undertake must be submitted to the Minister for approval.

The foregoing also applies to a construction project to be carried out by a third party owner if the agency or institution, as the future lessee or occupant of the immovable, is responsible for all or part of the cost of the work through rent or otherwise.

4. An agency or institution must obtain the written approval of the Minister before undertaking to finance or incur any expenditure for services related to a construction project or for professional services related to the concept and the preliminary plans and specifications of a construction project.

The agency or institution must also obtain the written approval of the Minister before the drawing up of the final plans and specifications.

In addition, before the issue of a call for tenders to award a contract for the carrying out of construction work, the agency or institution must obtain written confirmation from the Minister that the carrying out of the project has been authorized or approved under section 3.

5. The provisions of section 4 apply, with the necessary modifications, to the procedure to be observed for immovable construction projects referred to in the second paragraph of section 3. For that purpose, every reference to the Minister in section 4 is a reference to the agency concerned.

Despite the foregoing, an institution intending to enter into a mixed contract for construction work and professional services or a public-private partnership contract to carry out such a construction project must obtain the written approval of the Minister.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8962

M.O., 2008

Order number AM 2008-013 of the Minister of Health and Social Services dated 17 September 2008

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5)

Regulation respecting the procedure to be observed for building construction projects of the Cree Board of Health and Social Services of James Bay

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 173.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), amended by section 46 of the Act respecting contracting by public bodies (2006, c. 29), which provides that the Minister of Health and Social Services may, with the approval of the Conseil du trésor, make regulations applicable to institutions and regional councils on the procedure to be observed for their building construction projects;

CONSIDERING section 1.1 of the Act, which provides that, notwithstanding any inconsistent provision it may contain, the Act applies to the extent that it refers to the territory of the Cree Board of Health and Social Services of James Bay;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 19 December 2007, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of a draft of the Regulation respecting the procedure to be observed for building construction projects of the Cree Board of Health and Social Services of James Bay, with a notice that it could be made by the undersigned on the expiry of 45 days following that publication;

CONSIDERING that the Conseil du trésor approved the making of the Regulation by the Minister;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS :

The Regulation respecting the procedure to be observed for building construction projects of the Cree Board of Health and Social Services of James Bay, attached to this Order, is hereby made.

Québec, 17 September 2008

YVES BOLDUC,
Minister of Health and Social Services

Regulation respecting the procedure to be observed for building construction projects of the Cree Board of Health and Social Services of James Bay

An Act respecting health services and social services for Cree Native persons
(R.S.Q., c. S-5, ss. 173.1 and 173.2; 2006, c. 29, s. 46)

1. This Regulation applies to building construction projects of the Cree Board of Health and Social Services of James Bay to which the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) applies, whether the Board is involved either as the owner of the building responsible for awarding the work and entering into contracts for that purpose, or as the future lessee or occupant of the building responsible for all or part of the cost of such work carried out by the owner.

2. In this Regulation, “construction” means the erection, building, adaptation, reconstruction, repair or demolition of a structure, or any work involving the furnishing and installation of fixtures and requiring a specialized construction trade workforce.

3. The Cree Board of Health and Social Services of James Bay must submit to the Minister every construction project requiring authorization under section 72 of the Act.

Every construction project to be carried out by a third party owner must be submitted to the Minister for approval if the Cree Board of Health and Social Services of James Bay, as the future lessee or occupant of the building, is responsible for all or part of the cost of the work through rent or otherwise.

4. The Board must obtain the written approval of the Minister before undertaking to finance or incur any expenditure for services related to a construction project or for professional services related to the concept and the preliminary plans and specifications of a construction project.

The Board must also obtain the written approval of the Minister before the drawing up of the final plans and specifications.

In addition, before the issue of a call for tenders to award a contract for the carrying out of construction work, the Board must obtain written confirmation from the Minister that the carrying out of the project has been authorized or approved under section 3.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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