



Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada

Protocol for AANDC-Funded Infrastructure

(Listing of Statutes, Regulations, Policies,
Codes, Directives, Standards, Protocols,
Specifications, Guidelines, and Procedures
applicable under the Capital Facilities and
Maintenance Program)

October 10, 2014

A decorative graphic on the right side of the page, consisting of several overlapping, curved, semi-transparent shapes in shades of blue and purple, creating a modern, abstract design.

Canada

This document will evolve based on feedback from users and other stakeholders. Comments on this document or questions on the departmental policy on which it is based may be forwarded to normes_standards@aadnc-aandc.gc.ca.

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Acronyms

AANDC - Aboriginal Affairs and Northern Development Canada

CFMP - Capital Facilities and Maintenance Program

LCC - Life Cycle Cost

PAR - Project Approval Request

LEED - Leadership in Energy and Environmental Design

NMS - National Master Specification

O&M - Operation and Maintenance

MMP - Maintenance Management Plan

ICMS - Integrated Capital Management System

MNDM - Ministry of Northern Development and Mines

ACRS - Asset Condition Reporting System

BBC - Band Based Capital

OCB - Operator Certification Board

PMT - Project Management Team

1.0 Introduction

The Government of Canada is committed to supporting First Nations in the planning, acquisition, design, construction, and disposal of capital assets (including infrastructure and housing), as well as their management (operation, maintenance, and monitoring).

To this end, Aboriginal Affairs and Northern Development Canada (AANDC) provides monetary support by means of funding agreements with First Nations under the authority of AANDC's Capital Facilities and Maintenance Program (CFMP).

To help ensure appropriate expenditures of public funds, AANDC requires the Councils of First Nations to adhere to certain criteria as a condition of funding under the CFMP.

1.1 Purpose

The purpose of this document (the Protocol for AANDC-Funded Infrastructure) is to provide an up-to-date listing of applicable statutes and regulations that must be complied with (Section 1.5), and a listing of policies, codes, directives, standards, protocols, specifications, guidelines, and procedures to which a Council of a First Nation is required by AANDC to adhere to as a condition of funding under the CFMP. AANDC employees will provide advice to First Nations regarding compliance with AANDC requirements.

This Protocol also serves as a reference for qualified and experienced third parties who are engaged by First Nations to provide planning, design, construction, operation and maintenance, and goods and services on First Nation land. Qualified planning, architectural, environmental, and engineering professionals must be employed by First Nations on all infrastructure projects. The term "qualified" shall be taken to mean a licensed (or certified) professional with experience and qualifications commensurate with the scope and complexity of the project being undertaken and possessing significant experience related to the work to be done.

The Council of a First Nation and qualified professionals hired by that First Nation are responsible for familiarizing themselves with, as well as for obtaining copies of, all potentially applicable statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines, and procedures referred to in this Protocol.

1.2 Application

The Council of a First Nation that receives funding under the CFMP acknowledges that it has the beneficial legal interest in any capital facility or asset built with funding provided by AANDC and acknowledges that AANDC does not exercise any ownership rights over such facilities or assets. The Council also acknowledges that it will enjoy sole possession of, and control over, any capital facility or asset built with funding provided by AANDC and will have the sole legal responsibility for any matters arising from the construction, possession, control, operation, maintenance, or decommissioning and final disposal of the facility or asset.

The Council of a First Nation (or a third party engaged to act on its behalf) is responsible for the design, acquisition, construction, operation, maintenance, monitoring, and decommissioning and final disposal of their infrastructure and housing in accordance with all potentially applicable statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines, and procedures referred to in this Protocol and as a condition of receiving funding under the CFMP.

While this Protocol specifically applies to infrastructure and housing funded by AANDC under the CFMP, AANDC also encourages its application to all First Nation owned and/or operated infrastructure and housing.

1.3 Life Cycle Cost Considerations

All project proposals for the provision of community infrastructure funded under the CFMP shall be subjected to feasibility studies that identify all viable options and that employ full life cycle cost (LCC) analysis to evaluate those options.

As part of a feasibility study, proponents will analyze all projected capital, operation, and maintenance costs with respect to:

- Alternative technologies;
- Decentralized systems;
- Alternative procurement and project delivery methods;
- Optimization of existing infrastructure;
- Alternative architectural or site design; and,
- Conservation and demand management programs.

To summarize, feasibility studies must:

- Identify all viable options; and,
- Employ full LCC analysis to identify which option is the most cost-effective.

1.4 Evolving Protocols and Procedures

AANDC's CFMP will evolve, based on assessments of community infrastructure and housing and feedback from First Nations and other stakeholders. Comments on this Protocol may be forwarded via e-mail to:

normes_standards@aadnc-aandc.gc.ca

In addition, this Protocol will be updated annually to reflect new policies and procedures as they are implemented by AANDC, as well as to reflect new or amended statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines, and procedures. You can obtain the most up-to-date version of this Protocol from your AANDC Regional Office.

1.5 Applicable Federal Statutes and Regulations

Without limitation, the following statutes and regulations are applicable on reserve lands and therefore First Nations are required as a matter of law to comply with the most up to date version of the following:

- *An Act respecting the safety of drinking water on First Nation lands*, 2013
http://laws-lois.justice.gc.ca/PDF/2013_21.pdf
- *Canadian Environmental Protection Act*, 1999 (S.C. 1999, c.33)
<http://laws.justice.gc.ca/en/c-15.31/>
- *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*, (SOR/2008-197)
<http://laws-lois.justice.gc.ca/eng/regulations/sor-2008-197/index.html>
- *Fisheries Act* (R.S.C., 1985, c. F-14)
<http://laws-lois.justice.gc.ca/eng/acts/F-14/>
- *Wastewater System Effluent Regulations* (SOR/2012-139)
<http://laws-lois.justice.gc.ca/eng/regulations/sor-2012-139/FullText.html>
- *Species at Risk Act* (S.C. 2002, c. 29)
<http://laws-lois.justice.gc.ca/eng/acts/S-15.3/>
- *Indian Reserve Waste Disposal Regulations* (C.R.C., c. 960)
http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._960/index.html
- *Arctic Waters Pollution Prevention Act* (R.S.C. 1985, c.A-12)
<http://laws-lois.justice.gc.ca/eng/acts/A-12/>
- *Canada Petroleum Resources Act* (R.S.C. 1985, c.36 (2nd Supp.))
<http://laws-lois.justice.gc.ca/eng/acts/C-8.5/>
- *Energy Efficiency Act* (S.C. 1992, c.36)
<http://laws.justice.gc.ca/en/E-6.4>
- *Canada Labour Code* (R.S.C., 1985, c. L-2)
<http://laws.justice.gc.ca/en/L-2/>
- *Canada Occupational Health and Safety Regulations* (SOR/86-304)
<http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-304/index.html>

- *Hazardous Products Act* (R.S.C., 1985, c. H-3)
<http://laws-lois.justice.gc.ca/eng/acts/H-3/>
- *Hazardous Materials Information Review Regulations* (SOR/88-456)
<http://laws.justice.gc.ca/PDF/Regulation/S/SOR-88-456.pdf>

2.0 Infrastructure and Housing

2.1 General

In addition to the federal statutes and regulations applicable on First Nation lands listed in Section 1.5 of this Protocol, the statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines and procedures listed in sections 2.2 to section 5.0 of this Protocol must be adhered to as a condition of receiving funding under the CFMP.

Where statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines and procedures provide different or divergent guidance, the order of precedence is as follows:

- Provincial statutes
- Provincial regulations
- Federal statutes
- Federal regulations
- Provincial codes
- Provincial directives
- Provincial standards
- Federal codes
- Federal directives
- Federal standards
- Federal policies
- Federal protocols
- Provincial specifications
- Federal specifications
- Federal guidelines
- Federal procedures
- Provincial guidelines
- Provincial procedures

Furthermore, section 2.2 to section 2.11 have been organized in order of precedence, where statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines, and procedures, in one section prevail over the subsequent sections in this Protocol.

Thus, statutes and regulations listed under section 2.2 prevail over those listed under section 2.3, statutes and regulations listed those under section 2.3 prevail over those listed under section 2.4, etc.

Statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines and procedures applicable to a specific capital project are to be listed by the Council of a First Nation on its Project Approval Requests (PARs) when submitting an application for funding under the CFMP. If the order of statutes, regulations, policies, codes, directives, standards, protocols, specifications, guidelines and procedures proposed for a specific project is different than that outlined in the present Protocol, then these exceptions shall be justified and clearly outlined in the PAR.

2.2 Occupational Health & Safety

- Provincial or Territorial Worker's Compensation statutes and regulations (as per project location)
- National Joint Council – Occupational Health and Safety Directive
<http://www.njc-cnm.gc.ca/directive/oshd-dsst/index-eng.php>

2.3 Fire Protection

- Provincial or territorial statutes and regulations pertaining to fire protection
- National Fire Code of Canada, 2010
<http://www.nationalcodes.nrc.gc.ca/eng/nfc/index.html>
- Treasury Board of Canada Secretariat - Fire Protection Standard
<http://publiservice.tbs-sct.gc.ca/pol/doc-eng.aspx?id=17316>
- AANDC - Fire Protection Services Policy and Level of Service Standards
<http://www.aadnc-aandc.gc.ca/eng/1100100010632/1100100010634>
- Fire Protection, Technical Information Document. RPS for AANDC – TID-FP-01 PWGSC, 2000
<http://dsp-psd.pwgsc.gc.ca/Collection/P25-5-1-2000E.pdf>

2.4 Buildings

- Provincial or territorial statutes and regulations pertaining to buildings
- National Building Code of Canada, 2010
<http://www.nationalcodes.nrc.gc.ca/eng/nbc/index.html>
- Canadian Electrical Code, 2012
<http://shop.csa.ca/en/canada/c221-canadian-electrical-code/c221-12/inv/27013892012&bklist=icat,5,shop,publications,electrical,cec>
- National Plumbing Code of Canada, 2010
<http://www.nationalcodes.nrc.gc.ca/eng/npc/index.html>
- National Farm Building Code of Canada, 1995

<http://www.nationalcodes.nrc.gc.ca/eng/nfbc/index.html>

- CAN/CSA-B149.1-05 - Natural Gas and Propane Installation Code
<http://shop.csa.ca/en/canada/natural-gas-and-propane-installation-codes/b1491-10/inv/27010992010>
- Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products
<http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=61B26EE8-1&offset=10&toc=show>
- CAN/CSA B651-12 Accessible Design for the Built Environment (Standard)
<http://shop.csa.ca/en/canada/accessibility/b651-12/inv/27021232012/>
- Primary differences between the Technical Standards - Barrier-free Design Standard (CAN/CSA-B651-M95) and Accessible Design for the Built Environment (CAN/CSA-B651-04)
<http://www.tpsgc-pwgsc.gc.ca/biens-property/sngp-npms/bi-rp/tech/accssblt/cb65119952004-eng.html>
- CAN/CSA Z614-07 Children's Play spaces and equipment (Standard)
<http://www.techstreet.com/products/1875795>
- Canada Green Building Council the Leadership in Energy and Environmental Design LEED Standards - Silver (Equivalent to the "Silver" LEED Standard without the certification. LEED Certification is voluntarily and will not be funded by AANDC).
<http://www.cagbc.org/AM/Template.cfm?Section=LEED>
- Royal Architectural Institute of Canada - Canadian Standard Form of Contract for Architectural Services, Document Six 2006 Edition
http://www.raic.org/practice/contract_documents/document6_e.htm
- National Master Specifications (NMS)
<http://www.tpsgc-pwgsc.gc.ca/biens-property/ddn-nms/index-eng.html>

2.5 Air Quality

- Provincial or territorial statutes and regulations pertaining to air quality
- Health Canada - Residential Indoor Air Quality Guideline: Carbon Monoxide
http://www.hc-sc.gc.ca/ewh-semt/pubs/air/carbon_mono/index-eng.php

- Health Canada - Residential Indoor Air Quality Guideline: Formaldehyde
<http://www.hc-sc.gc.ca/ewh-semt/pubs/air/formaldehyde-eng.php>
- Health Canada - Residential Indoor Air Quality Guideline: Ozone
<http://www.hc-sc.gc.ca/ewh-semt/pubs/air/ozone/index-eng.php>
- Health Canada - Residential Indoor Air Quality Guidelines: Moulds
<http://www.hc-sc.gc.ca/ewh-semt/pubs/air/mould-moisissure-eng.php>
- Health Canada - Exposure Guidelines for Residential Indoor Air Quality, 1987
<http://www.hc-sc.gc.ca/ewh-semt/pubs/air/exposure-exposition/index-eng.php>
- Health Canada - Government of Canada Radon Guideline
http://www.hc-sc.gc.ca/ewh-semt/radiation/radon/guidelines_lignes_directrice-eng.php

2.6 Hazardous Materials

- Provincial or territorial statutes and regulations pertaining to hazardous or designated substances

2.7 Water and Wastewater Systems

- Provincial or territorial statutes and regulations pertaining to water and wastewater systems
- AANDC - Water and Wastewater Policy and Level of Service Standards (Corporate Manual System)
<http://www.aadnc-aandc.gc.ca/eng/1312228309105/1312228630065>
- NSF Standards
<http://www.nsf.org/>
- CSA Standard B-126 - Water cisterns
<http://shop.csa.ca/en/canada/plumbing-products-and-materials/b126-series-13/invt/27035472013>
- CSA Standard B-65-12 - Installation code for decentralized wastewater systems
<http://shop.csa.ca/en/canada/plumbing-products-and-materials/b65-12/invt/27033772012>

- AANDC - Protocol for Centralized Drinking Water Systems in First Nations Communities
<http://www.aadnc-aandc.gc.ca/eng/1100100034998/1100100035000>
- AANDC - Protocol for Centralized Wastewater Systems in First Nations Communities
<http://www.aadnc-aandc.gc.ca/eng/1100100034998/1100100035000>
- AANDC - Protocol for Decentralized Water and Wastewater Systems in First Nations Communities
<http://www.aadnc-aandc.gc.ca/eng/1100100034991/1100100034996>
- Canadian Drinking Water Quality Guidelines
<http://www.hc-sc.gc.ca/ewh-semt/water-eau/drink-potab/guide/index-eng.php>
- AANDC - Design Guidelines for First Nations Water Works
<http://www.aadnc-aandc.gc.ca/eng/1100100034922/1100100034924>
- Guidance for Providing Safe Drinking Water in Areas of Federal Jurisdiction – Version 2
http://www.hc-sc.gc.ca/ewh-semt/alt_formats/pdf/pubs/water-eau/guidance-federal-conseils/guidance-federal-conseils-eng.pdf
- From Source to Tap: Guidance on the Multi-Barrier Approach to Safe Drinking Water
<http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/tap-source-robinet/index-eng.php>
- Health Canada - Turbidity in Drinking Water
<http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/turbidity/index-eng.php>
- Notice Requiring the Preparation and Implementation of Pollution Prevention Plans for Inorganic Chloramines and Chlorinated Wastewater Effluents
<http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=67666C98-1>
- Guideline for the Release of Ammonia Dissolved in Water Found in Wastewater Effluents
<http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=B7CE1A5E-1>
- Emergency Response Plan for Drinking Water Systems in First Nations Communities
<http://www.aadnc-aandc.gc.ca/prev-prev/eng/1398341765198/1398341852027>
- Emergency Response Plan for Wastewater Systems in First Nations Communities
<http://www.aadnc-aandc.gc.ca/prev-prev/eng/1398359749727/1398359828549>

- Maintenance Management Plan for Drinking Water and Wastewater Systems in First Nations Communities
<http://www.aadnc-aandc.gc.ca/prev-prev/eng/1398350727577/1398350921495>
- First Nations On-Reserve Source Water Protection Plan
<http://www.aadnc-aandc.gc.ca/prev-prev/eng/1398369474357/1398369572276>

Levels of Service and LCC can vary for several aspects of a water or wastewater infrastructure project. Whether it is a choice between a decentralized or a centralized system, or the choice of a procurement and project delivery method, the range of costs can vary significantly depending on the method chosen. This is why AANDC requires that detailed assessments and justifications of a variety of water and wastewater servicing options be considered at the feasibility study stage of project's development. When submitting an application for funding under the CFMP, the Council of a First Nation shall include, in its PAR, the complete list of options considered at the feasibility study stage of the project's development along with details of the LCC of each option considered.

2.8 Schools

- AANDC Level of Service Standard – School Space Accommodation Standards (Level of Service Standards for the Design of School Facilities)
<http://www.aadnc-aandc.gc.ca/eng/1326828445933/1326828547622>
- AANDC Level of Service Standards and Management of Teacherages on Reserve
<http://www.aadnc-aandc.gc.ca/eng/1100100010644/1100100010646>
- AANDC Capital Facilities & Maintenance – School Site Development
<http://www.aadnc-aandc.gc.ca/eng/1100100010640/1100100010642>
- AANDC Rental of Facilities for Federal and Band Operated Schools
<http://www.aadnc-aandc.gc.ca/eng/1100100010648/1100100010650>

LCC considerations are of the greatest importance at the planning and design stage of school infrastructure development, when the broadest choice of levels of service, technologies, materials, siting and optimization techniques can be employed. This is why AANDC requires that detailed assessments and justifications of a variety of siting and building construction type options be considered at the feasibility study stage of project's development. When submitting an application for funding under the CFMP, the Council of a First Nation shall include, in its PAR, the complete list of options considered at the feasibility study stage of the project's development along with details of the LCC of each option considered.

2.9 Energy

- Provincial or territorial statutes and regulations pertaining to energy
- Electric Power Supply and Distribution Systems
<http://www.aadnc-aandc.gc.ca/eng/1100100010636/1100100010638>
- National Energy Code of Canada for Buildings, 2011
<http://www.nationalcodes.nrc.gc.ca/eng/necb/index.html>
- R2000 Building Standards
http://publications.gc.ca/collections/collection_2011/rncan-nrcan/M144-223-2010-1-eng.pdf

2.10 Heating, Ventilation, Air Conditioning, Refrigeration and Sheet Metal

- Provincial or territorial statutes and regulations pertaining to heating, ventilation, air conditioning, refrigeration and sheet metal
- ASHRAE Standards
<https://www.ashrae.org/standards-research--technology/standards--guidelines>
- SMACNA Design and Construction Guidelines
http://www.smacna.org/technical/download.cfm?download_file=CAD2ed%2Epdf

2.11 Transportation

- Provincial or territorial statutes and regulations pertaining to transportation
- AANDC - Roads and Bridges Policy and Level of Service Standards
<http://www.aadnc-aandc.gc.ca/eng/1100100010628/1100100010630>
- CAN/CSA S6-88 Canadian Highway Bridge Design Code
<http://shop.csa.ca/en/canada/structures/s6-package/inv/2701232s6pkg/?source=ProductDetailCrossSell>
- Transportation Association of Canada - Geometric design guide for Canadian roads
<http://tac-atc.ca/en/projects/progress/geometric-design-guide-canadian-roads-new-edition>

3.0 Procurement and Tendering

The following shall be adhered to as a condition of funding under the CFMP for infrastructure and housing projects at or above \$1.5 million:

- Tendering Policy on Federally Funded Capital Projects for First Nations on Reserve
<http://www.aadnc-aandc.gc.ca/eng/1100100010608/1100100010610>
- Construction Contracting Guidelines for First Nations and Aboriginal Communities (CN1)
<https://www.aadnc-aandc.gc.ca/eng/1100100010663/1100100010674>
- Contracting for Professional Services for First Nations and Aboriginal Communities (CN2)
<https://www.aadnc-aandc.gc.ca/eng/1100100010663/1100100010674>
- Contracting for Non-Professional Services for First Nations and Aboriginal Communities (CN3)
<https://www.aadnc-aandc.gc.ca/eng/1100100010663/1100100010674>
- Construction Contracting for First Nations
http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ccf_1100100010664_eng.pdf
- Framework to Guide the Development of a First Nation Tendering Policy
<http://www.aadnc-aandc.gc.ca/eng/1100100010612/1100100010614>

LCC considerations regarding Procurement and Tendering should include the development and comparison of total project costs related to a traditional project delivery versus alternative procurement methods (e.g., Design-Build and Design-Build-Operate/Maintain).

4.0 Project Management & Administration

- AANDC - First Nations and Aboriginal Communities Project Management Manual
<http://dsp-psd.pwgsc.gc.ca/Collection/P25-5-3-2000E.pdf>
- AANDC - Capital Funding: Capital Planning Projects
<http://www.aadnc-aandc.gc.ca/eng/1100100010620/1100100010622>
- AANDC - Operational Parameters for the Review and Evaluation of Construction Management Projects
<http://www.aadnc-aandc.gc.ca/eng/1100100010616/1100100010618>
- AANDC - Evaluation of Capital Projects under Contribution Arrangements
<http://www.aadnc-aandc.gc.ca/eng/1100100010652/1100100010654>
- AANDC - Recipient Reporting Guide
http://www.aadnc-aandc.gc.ca/dci/dcilog_e.asp

With respect to minor capital and housing projects of value lower than \$1.5 million, the Council of a First Nation must:

- a) Prepare and carry out a project implementation plan that is appropriate to the size and nature of the project and that will provide a project description, scope, schedule, and milestones;
- b) Appoint qualified professionals with experience and qualifications commensurate with the scope and complexity of the project being undertaken;
- c) Ensure that appointed professionals are licensed in the province or territory in which the work is being performed;
- d) Ensure that all housing capital construction projects are inspected by qualified inspectors to confirm compliance with code requirements at the following stages (as a minimum): site, foundation, framing, and completion.

The engagement of a qualified project manager can help to ensure that the above-noted requirements are being met.

5.0 Operation and Maintenance

The Council of a First Nation is required to carry out the operation and maintenance (O&M) of community infrastructure, housing and assets in accordance with a maintenance management plan (MMP) approved by the Council and made available to the Department.

The MMP must identify:

- a) An up-to-date inventory of all infrastructure and housing assets for which O&M funds are provided to the band by AANDC;
- b) The maintenance activities and the frequency that such activities will be conducted for each asset;
- c) An estimate or the most recent three (3) year average total annual cost of operating and maintaining all community infrastructure and housing assets for which a funding subsidy is to be provided to the band by AANDC;
- d) Measures to ensure that satisfactorily trained personnel are available at all times to operate and maintain technical systems according to the design standards of the specific facility or asset (e.g., for water and wastewater treatment plants, operators shall be certified to the level of the plant);
- e) The provision of adequate fire protection services; and,
- f) The data that is necessary to update the Integrated Capital Management System (ICMS) by reporting deadlines.

In addition, the processes of carrying out community facility operation and maintenance for all infrastructure and housing assets should also comply with the most recent edition of the following:

- AANDC Operation, Maintenance, Training
<http://www.aadnc-aandc.gc.ca/eng/1100100034885/1100100034886>

6.0 Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures applicable in a Region

All First Nations within a given region are required to be in compliance with any applicable regulations, policies, directives, standards, protocols, specifications, guidelines, and procedures applicable in the region in which the First Nation is located. A partial list of these is provided in Annexes to the present Protocol.

Annex A Alberta Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the Alberta Region.

Additional Requirements

First Nations and First Nation organizations receiving funding for specific programs must also meet the following requirements.

Housing

Where a First Nation has been approved under the housing policy, the Council shall have in place multi-year community-based housing plans that address the following elements:

- a) Maximization of the life expectancy of housing (through sound maintenance repair and insurance practices);
- b) Rehabilitation of existing housing stock through an acceptable standard, such as the CMHC Residential Rehabilitation Assistance Program;
- c) Reduction in overcrowding (expansion to existing houses and new construction to an acceptable standard, but not less than the National Building Code);
- d) Linkages to job creation, training and skills development, and economic and business development; and,
- e) a resource plan.

The Council shall provide annual updates to the community-based housing plan.

Housing funds can be used for all housing related activities including maintenance and insurance, renovations, new construction, debt charges, training, management and administrative expenses.

Where a community-wide shelter charge regime is put into place, the income assistance program will provide shelter allowances to eligible households to cover such charges (rents or ownership costs). Shelter charges will be consistent with provincial income assistance programs and charges must customarily be collected whether or not a house is occupied by an income assistance recipient. Any shelter charges for income assistance dependent households that would result in an increased demand on income assistance funding must be offset from other funds, usually funds available for housing. There must be no incremental cost to the Minister beyond current resources.

Additional Standards, Codes, Protocols, Procedures and Guidelines

In additional to the standards, codes, protocols, procedures and guidelines listed in the *Protocol for AANDC-Funded Infrastructure*, First Nation and First Nation organization recipients for funding from the Capital Facilities and Maintenance Program must also meet the following standards, codes, protocols, procedures, and guidelines:

- AANDC Alberta Region Teacherage Policy.

Annex B Atlantic Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the Atlantic Region.

Additional Requirements

- Atlantic Canada Guidelines for the Supply, Treatment, Storage, Distribution, and Operation of Drinking Water Supply Systems
<http://www.novascotia.ca/nse/water/docs/WaterSystemGuidelines.pdf>
- Atlantic Canada Wastewater Guidelines Manual for Collection, Treatment and Disposal
<http://www.novascotia.ca/nse/water/docs/AtlCanStdGuideSewage.pdf>

Annex C British-Columbia Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the British-Columbia Region.

Additional Requirements

Reporting Requirements

The First Nation recipient shall provide to the Minister reports as set out in the *Recipient Reporting Guide*:

- (a) **by April 30**, the necessary data to update the Integrated Capital Management System (ICMS), (See RRG *Infrastructure and Housing Annual Report* - DCI#460620);and,
- (b) **by July 31**, an annual update of municipal-type service agreements. Photocopies of new or renewed agreements for services are required. Multi-year agreements are not required to be updated unless expired or changes to the agreement are made.

The First Nation recipient shall provide to the Minister reports as set out in the *Recipient Reporting Guide*:

- by October 15**, an update of the band's five (5) year capital plan as a basis for requesting capital funding for the upcoming fiscal year.

(See RRG *First Nation Infrastructure Investment Plan - Annual Update Five-Year Capital Plan Annual Update* - DCI#460674.)

Additional Standards, Codes, Protocols, Procedures and Guidelines

In addition to the standards, codes, protocols, procedures and guidelines listed in Sections 2.0 to 5.0 of the *Protocol for AANDC-Funded Infrastructure*, First Nations and First Nation organization recipients for funding from the Capital Facilities and Maintenance Program must also meet the following standards, codes, protocols, procedures, and guidelines:

- AANDC Design Guidelines for Wastewater Systems, BC Region, Third Edition, Nov, 2008;
- Design Guidelines for Road Works;
- First Nations Wastewater Emergency Response Plan Guide;
- First Nations Drinking Water Emergency Response Plan Guide;
- A Practical Guide to School Projects;
- A Practical Guide to Housing – How to Access Housing Subsidies / A Practical Guide to Capital Projects;
- A Practical Guide to Operations and Maintenance;
- B.C Groundwater Protection Regulation:
(http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/gw_regulation/bac_kgrounder.html);
- B.C Building Code:
http://www.bccodes.ca/building-code.aspx?vid=QPLEGALEZE:bccodes_2012_view
- B.C Plumbing Code:
http://www.bccodes.ca/plumbing-code.aspx?vid=QPLEGALEZE:bccodes_2012_view
- B.C Provincial Fire Code:
http://www.bccodes.ca/fire-code.aspx?vid=QPLEGALEZE:bccodes_2012_view

Annex D Manitoba Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the Manitoba Region.

Additional Requirements

Circuit Rider Training Program

All First Nations and First Nation organizations receiving funding for the Circuit Rider Training Program under the First Nations Water and Wastewater Action Plan must also meet the following requirements:

- The Council shall use the funding provided by the Minister to provide training and technical assistance to all Manitoba First Nation water and wastewater facility operators to ensure the facilities are operated and maintained properly at all times.
- The Council shall provide a report detailing the following information no later than 15 working days after each First Nation visit:
 - date and length of each visit;
 - nature of the visit (regular scheduled training or emergency assistance);
 - name of the First Nation;
 - name of the operators trained; and,
 - detailed instruction items provided to operators.
- The Council shall provide the summarized annual report no later than June 30, 2012. The summarized report shall include:
 - total number of visits between April 1, 2011 and March 31, 2012;
 - dates of each visit;
 - name of the operators trained during each visit;
 - type of each visit (regular instruction or emergency assistance); and,
 - name of the instructor.
- The Council shall include a separate schedule in the *Annual Audited Financial Statements* detailing the following: salary, travel, telecommunications, portable laboratory supplies, tools and safety equipment, and administration fee.

Schools Maintenance Training Program

All First Nations and First Nation organizations receiving funding for the Schools Maintenance Training Program from funding for the operation and maintenance of education assets and facilities must also meet the following requirements:

- Delivery Standards:
 - The Council shall use the funding provided by the Minister to provide training and technical assistance to all Manitoba First Nation school maintenance personnel to ensure school facilities are operated and maintained properly at all times. All schools shall be visited by a qualified instructor, minimum twice a year. All instructors shall also be available between 8:30 to 4:30 Monday to Friday to provide technical support through telecommunication.
- Reporting Requirements:
 - The Council shall provide an on-site training report to the First Nation Chief and Council, First Nation School Principal and the Minister detailing the following information, no later than 15 working days after each First Nation school on-site training visit:
 1. Name of First Nation school;
 2. Name of First Nation school personnel trained;
 3. Date and length of the training visit;
 4. Type of visit (regular or emergency);
 5. Detailed description of training activities conducted during the visit; and,
 6. Separate description for training activities relating to HRSDC report.
 - The Council shall provide a summarized annual report detailing all training provided through both on-site visits and telecommunication during the fiscal year no later than June 30 [*School Maintenance Training Program Annual Report - Ad-Hoc (11/12-X)*].

Operator Certification Training and Annual Operator Workshop

All First Nations and First Nation organizations receiving funding for the Operator Certification Training and Annual Operator Workshop under the First Nations Water and Wastewater Action Plan must also meet the following requirements:

- The Council shall use the funding provided by the Minister to provide certification training to all participating Manitoba First Nation Water and Wastewater Facility Operators, and an annual operator workshop.
- The Council shall provide the Minister with a training plan for each training session detailing the number of participants, tuition costs, travel and accommodation costs etc. to ensure the appropriate amount of training funding is released. The Council shall also provide a detailed report for each training session with the training outcomes including the duration of the training, the date, the names of the participants, the training type and level, and the detailed costs using acceptable line objects no later than three months after each training session.

Annex E Ontario Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the Ontario Region.

Additional Requirements

Operation and Maintenance of Infrastructure Assets and Facilities: - Winter Roads	The Council shall: (a) administer the construction, operation and maintenance subsidy for winter roads in accordance with AANDC's Winter Road Construction, Operation and Maintenance Management Regime; and (b) provide advice and administrative services through a resource center coordinator who will facilitate where required communications between the First Nation, Ministry of Northern Development and Mines (MNDM), and AANDC.
Operation and Maintenance of Infrastructure Assets and Facilities: - Other Protection (Flood Emergency Preparation)	The Council shall co-ordinate the flood watch activities including: liaising and meeting with Federal and Provincial agencies prior to and during Spring break-up and when required fall freeze-up; river surveillance; communicate information and awareness with First Nation community and to AANDC; and, co-ordinate community evacuation preparation activities, if required for provision of fire protection services.
Operation and Maintenance of Infrastructure Assets and Facilities: - Incremental Fuel Relief	The Council shall ensure the distribution of the fuel subsidy as it relates to the Operation and Maintenance of assets.

<p>Operation and Maintenance of Infrastructure Assets and Facilities:</p> <ul style="list-style-type: none"> - Water O&M and/or Wastewater O&M 	<p>The Council shall provide effective maintenance of water related assets as per O&M terms and conditions.</p>
<p>Capital Facilities and Maintenance Program Strategic Initiative Project</p> <ul style="list-style-type: none"> - Housing Councils - Training - Demonstration Project - Housing Policy - Implementation - Recreation Programs - Maintenance - Management - Database Update 	<p>The Council shall utilize the funding to carry out the activities in accordance to the AANDC approved work plan.</p>
<p>Operation and Maintenance of Infrastructure Assets and Facilities - General</p>	<p>The Council shall:</p> <p>(a) provide for the preservation of public health, safety and the environment (e.g. address drinking water advisories in a timely manner); and</p> <p>(b) at a minimum, adhere to all the applicable codes, protocols and guidelines standards for design, construction, operation, maintenance and monitoring of facilities. This includes the <i>Protocol for Safe Drinking Water in First Nations Communities</i>. http://www.aadnc-aandc.gc.ca/eng/1100100034913/1100100034920</p>
<p>Triennial ACRS</p>	<p>The Council shall administer the formal Asset Condition Reporting System (ACRS) Inspection Process on behalf of their member First Nations per the terms and conditions in the ACRS manual.</p> <p>Reporting Requirements</p> <p>The Council shall provide to the Minister the Triennial Asset Condition Reporting System (ACRS) Report in accordance with the Asset Condition Reporting System Manual, Ontario Version as amended from time to time. (See Recipient Reporting Guide - Triennial Asset Condition Reporting System (ACRS) Report-DCI #1659542)</p>

Annex F Quebec Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the Quebec Region.

Additional Requirements

- None

Annex G Saskatchewan Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the Saskatchewan Region.

Additional Requirements

First Nation and First Nation organizations receiving funding for specific programs must also meet the following requirements.

Band Based Capital

With respect to the use of band-based capital funding, the Council shall meet the requirements of the following:

- AANDC Band Based Capital (BBC) Guidelines, Saskatchewan Region, 2010

Certified Operator Funding

The Council agrees that the Primary and Back-up (if applicable) operator(s) are Provincially Certified by the Operator Certification Board (OCB) within the Province of Saskatchewan.

Circuit Rider Training (Tribal Councils only)

The Council shall administer the Circuit Rider Training Program for Operators of First Nation Water & Wastewater Systems funding in accordance with the Circuit Rider Training Program for Operators of First Nation Water & Wastewater and Building Maintenance Systems guidelines as amended from time to time.

Forest Fire Protection Services

The funding is provided to enable the Council to utilize and carry out employment programs related to forest fire protection services, and while not on fire standby, community improvement projects. The Council agrees to develop and implement viable job creation projects in accordance with a Council proposal approved by the Minister. In carrying out the obligations, the Council agrees to:

- (a) keep record of names of individuals hired at each community and that individuals selected to work on these crews are status Indian people living on reserve; and,
- (b) manage the projects in accordance with the terms and conditions set out in the proposal described in the "Saskatchewan First Nations Forest Fire Protection Services" (an Agreement between the Saskatchewan First Nations and Saskatchewan Environment and Resource Management) and in the First Nation's Forest Fire Community Improvement Plan.

Operation and Maintenance of Infrastructure Assets and Facilities - General

The Council shall:

- (a) provide for the preservation of public health, safety and the environment (e.g. address drinking water advisories in a timely manner); and,
- (b) at a minimum, adhere to all the applicable codes, protocols and guidelines standards for design, construction, operation, maintenance and monitoring of facilities. This includes the Band Based Capital Guidelines, Water Operator Guidelines and Protocol for Safe Drinking Water in First Nations Communities.

Operation and Maintenance of Infrastructure - Assets and Facilities

The Council shall carry out the community facility operation and maintenance in accordance with a maintenance plan approved by the Council and available to AANDC that identifies:

- (a) an up-to-date inventory of all assets for which O&M funds are provided by the Minister;
- (b) the maintenance activities, and their frequencies that will be conducted for each facility and asset;
- (c) an estimate of the total annual costs of operating and maintaining all community facilities for which funding is to be provided by the Minister;
- (d) measures to ensure that satisfactorily trained personnel are available at all times to operate and maintain technical systems according to the design standards of the specific plant or equipment (e.g. for water and wastewater treatment plants, operators certified to the level of the plant are required); and,
- (e) arrange for the provision of fire protection services.

Summer/Winter Games

The Council shall utilize the funding to offset construction, operation and maintenance costs related to the preparation and hosting of the Saskatchewan Indian Summer/Winter Games.

Community Capital Facilities Service Delivery, Including Housing

The Council shall:

- a) relative to minor, major and housing capital projects, for each of the projects listed in the approved capital and site plan, prepare and carry out a project implementation plan, appropriate to the size and nature of the project, which will:
 - i. provide a complete description of the project scope of work;
 - ii. provide a project schedule with milestones and cost estimates for each project phase;
 - iii. outline the project management and implementation regime;
 - iv. confirm that the appointed project manager(s) will have experience and qualifications commensurate with the scope and complexity of each project;and,

- v. obtain all inspections by duly qualified inspectors needed to certify compliance with all applicable federal and provincial codes, protocol, standards and guidelines and in accordance with AANDC protocols, guidelines and level of service standards, as may be amended from time to time. This includes the Protocol for Centralized Drinking Water Systems in First Nations Communities.
- b) relative to minor, major and housing capital projects, ensure that appropriate professionals, licensed in the province / territory in which the work is being done, have been or will be retained to conduct the stamping and/or certification of all designs and to carry out inspections of the work where the public health and safety are involved or where the work is beyond the competence of a technician or technologist and to provide as built drawings;
- c) relative to housing capital projects, ensure that all housing construction projects are inspected by qualified inspectors for compliance with code requirements at, as a minimum, the following stages: site, foundation, framing and completion;
- d) relative to federally funded capital projects, excluding housing, follow the tendering policy of AANDC, where the Council does not have a tendering policy in place that meets DIAND standards. The Council shall call tenders to ensure best value, prudence, probity and sound contract management. Best value may include consideration of opportunities to secure socio-economic benefits on behalf of the community. Where the general contracting approach is used, the Council shall:
 - i. where the total cost of the contract for the construction work is estimated at more than \$500,000 - call for open tenders and publicly advertise them;
 - ii. where the total cost of the contract for the construction work is estimated at between \$100,000 and \$500,000 - use one of the following two competitive tendering options:
 - a) an open tender through public advertisement; and/or
 - b) an invited tender where bids are invited from a selected list of at least three qualified contractors, which could be qualified Aboriginal contractors or suppliers.
 - iii. where the total cost of the contract for the construction work is estimated at less than \$100,000 - award the contract in a manner that ensures value for money.

Where the construction management approach is used, the Council shall:

- i. where the total cost of the contract for the construction work is estimated at more than \$100,000 - call for open tenders and publicly advertise them;
 - ii. where the total cost of the contract for the construction work is estimated at between \$25,000 and \$100,000 - use one of the following two competitive tendering options:
 - a) an open tender through public advertisement; and/or
 - b) an invited tender where bids are invited from a selected list of at least three qualified contractors, which could be qualified Aboriginal contractors or suppliers.
 - iii. where the total cost of the contract for the construction work is estimated at less than \$25,000 - award the contract in a manner that ensures value for money.
- (e) provide the Minister with a copy of any changes to its tendering policy for construction contracts.

Community-Based On-Reserve Housing Program

The Council shall have in place multi-year community-based housing plans that address the following elements:

- (a) maximize the life expectancy (through sound maintenance repair and insurance practices);
- (b) rehabilitation of existing stock through an acceptable standard, such as the CMHC Residential Rehabilitation Assistance Program;
- (c) reduction in overcrowding (expansion to existing houses and new construction to an acceptable standard, but not less than the National Building Code);
- (d) linkages to job creation, training/skills development and economic and business development; and,
- (e) a resource plan.

The Council shall provide annual updates to the community-based housing plan.

Housing funds can be used for all housing related activities including maintenance and insurance, renovations, new construction, debt charges, training, management and administrative expenses.

Where a community wide shelter charge regime is put into place, the income assistance program will provide shelter allowances to eligible households to cover such charges (rents or ownership costs). Shelter charges will be consistent with provincial income assistance programs and charges must customarily be collected whether or not the house is occupied by an income assistance recipient. Any shelter charges for income assistance dependent households that would result in an increased demand on income assistance funding must be offset from other funds, usually funds available for housing. There must be no incremental cost to the Minister beyond current resources.

Capital Project Implementation

Delivery Requirements:

The Council agrees that capital projects shall be planned and implemented according to the following project management principles whereby:

- the project shall have a defined scope of work, schedule and budget;
- the Project Manager responsibilities shall be assigned to qualified individual or consulting firm as approved by the project officer;
- feasibility studies shall be carried out when deemed necessary by the Minister.
- all designs for projects shall bear the stamp of a licensed professional engineer or architect (consultant) licensed in Saskatchewan, who shall carry the appropriate liability insurance;
- the project shall be inspected and certified for compliance with code requirements by qualified inspectors;
- the preservation of public health, safety and environment is ensured;
- as a minimum, adhere to all applicable (federal/provincial) codes and standards for design, construction, operation and maintenance of facilities; and,

- a separate bank account is established for each project/community.

The following documents are available to the Council for administration of the project:

- BTP-CN1 - Construction Contracting Guidelines for Band Councils;
- BTP-CN2 - Contracting for Professional Services by Band Councils.

The following AANDC Operating Instructions to Project Management Team Members shall be applied to major capital projects and shall include, but not be limited to:

- OI-01 - Guidelines for Qualifications and Responsibilities for a Band Project Manager for Capital Projects;
- OI-02 - Guidelines for Project Management Teams for Capital Projects;
- OI-03 - Criteria for Payment of Expenses to Band Project Management Team Members on Major Capital – Projects;
- OI-04 - Operating Instructions to Band Project Management Team Members on Major Capital Projects:
- OI-04(a) - Taxes' GST;
- OI-04(b) - Taxes' PST;
- OI-05 - Operating Instructions to Band Project Management Team Members on Major Capital Projects – Interests;
- OI-06 - Operating Instructions to Band Project Management Team Members on Major Capital Projects – Cash Management Policy;
- OI-07 - Operating Instructions to Band Project Management Team Members on Major Capital Projects Professional Services;
- OI-08 - Criteria for Funding Power to Subdivisions On-Reserve;
- OI-09 - Land Encumbrance Check Registration Under Section 18.2;
- OI-10 - Operating Instructions to Band Project Management Team Members Major Capital Projects – Construction Contract Completion;
- OI-11 - Fire Protection Water Supply/Sprinkler System Requirement Guidelines;
- OI-12 - Education Facility Design Guidelines;
- OI-13 - Project Management and Band Administration Upset Fees to be Charged on AANDC Funded Major Capital - Water and Sewer Projects;
- OI-14 - Water Use Design Criteria to be Used on AANDC Saskatchewan Funded Major Capital Water and Sewer Projects;
- OI-15 - Contract Security;
- OI-16 - Project Costs and Consultant Agreements - Schools;
- OI-17 - Water Quality & Water Quantity Design Criteria to be used on AANDC Saskatchewan Funded Major Capital Program for Demineralization Projects;
- OI-18 - Operating Instruction for Fit-Up;
- OI-19 - Project Management for Major Capital Projects;
- OI-20 - PLC Programming for Major Capital Projects;
- OI-21 - Major Capital Project Bank Account Requirements; and,
- OI-25 - Guidelines for Design of Water and Sewerage Systems on Saskatchewan Indian Reserves.

Jurisdictional Approvals

The Council shall obtain all jurisdictional approvals and comply with all statutory requirements for capital projects, including environmental screening records, land use easements and dedication, and approvals as applicable Health Canada, Environment Canada, Transport Canada, Canadian National Railway, Canadian Pacific Railway, Saskatchewan Department of Labour, Saskatchewan Workers Compensation Board, Saskatchewan Telecommunications, Saskatchewan Department of Highways, Saskatchewan Power Corporation, Saskatchewan Environmental and Resource Management, Saskatchewan Water Corporation, Saskatchewan Health, Saskatchewan Energy and Saskatchewan Municipal Government.

Drawings

The Council shall ensure that all drawings are prepared in accordance with Canadian General Standards Board publication CAN3-B78.1 - M83 (R1990) - Technical Drawings - General Principles. All drawings should conform to AANDC's CAD Standards Manual, January 1994.

Documentation of Project Milestones for Funding Purposes

Cash advance requests, complete with supporting documentation as identified by the project officer, will be processed upon receipt of evidence that the relevant milestones listed below have been accomplished within the approved project budget and scope of work:

Milestones:

- acceptance of the terms of reference for the feasibility study and other studies including Class C estimate of cost;
- receipt and acceptance of copies of all contracts, including contracts between the Council and the project manager, the Council and the architect or consultant, and the Council and the contractor, by the project officer;
- all non-construction contracts including hiring of the project manager and prime engineering or architectural consultant shall be completed through a competitive proposal call based on detailed terms of reference. If the Council has reason for sole source contracting for these services, written justification must be submitted to AANDC and approval must be obtained from AANDC. For all projects, a consultant proposal outlining the services to be provided and costs of the proposed work is required;
- approval of project brief;
- approval of preliminary project;
- approval of effective project;
- acceptance of final design and Class A cost estimate;
- receipt and approval of the post-tender estimate;
- receipt of all inspection reports and test results;
- approval of construction implementation method;

- award of contracts): (contracts for construction shall be awarded to the lowest qualified bidder); the tender evaluation will be based on the total project costs considering the tendered prices, the contractor, completion schedule, the impact of the schedule on engineering and other project costs and an evaluation of any alternate or separate prices requested in the tender documents.
- receipt of monthly financial statements from the project manager detailing approved project expenditures as well as project receipts, including interest payments made on the project account(s); and,
- receipt of all change orders and price requests, prior to approval.

Accessibility of Project Records

All project records shall be properly maintained and accessible to the project officer.

Class "A" Estimates

Updated Class "A" estimates shall be provided on a quarterly basis as a minimum. A post tender estimate for all project costs shall be submitted for approval prior to release of construction funding.

Project Meetings

The project manager shall convene each Project Management Team (PMT) meeting at a time and location acceptable to the project officer. The project manager shall distribute minutes of the meeting to the project officer and the PMT, along with a financial statement which reflects the current financial status of the project.

Final Acceptance

AANDC will release the final payment upon:

- submission of a final certificate of completion certified by the consultant, project manager and the project officer that the facility is complete;
- receipt by the project officer of all inspection certificates, operation and maintenance manuals, drawings and specifications, and jurisdictional approvals;
- receipt by the project officer of two sets of reproducible mylar as built drawings and drawings in CADD format on disk or CD-ROM;
- receipt by the project officer of final statutory declarations and letters of release from the Worker's Compensation Board, and construction completion certificate certified by the consultant; and,
- receipt of a detailed project completion report.

Annex H Yukon Region

(Additional Regulations, Policies, Directives, Standards, Protocols, Specifications, Guidelines, and Procedures)

The following represents the list of additional requirements that only apply to First Nations and First Nation organizations within the Yukon Region.

Additional Requirements

- None