



# **FRAMEWORK POLICY**

**FOR THE GOVERNANCE**

**OF MAJOR PUBLIC  
INFRASTRUCTURE PROJECTS**

# FRAMEWORK POLICY

**FOR THE GOVERNANCE  
OF MAJOR PUBLIC  
INFRASTRUCTURE PROJECTS**

*Secrétariat  
du Conseil du trésor*

Québec 



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“ [...] thoroughness,  
discipline, and government  
coherence for the construction  
of high quality public  
infrastructures.”

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Message from the chair of the Conseil du trésor

## FOR OPTIMAL MANAGEMENT OF MAJOR PUBLIC INFRASTRUCTURE PROJECTS



Since the launch of the Québec Infrastructure Plan in 2007, unprecedented investments have been made to renew all of our public infrastructures. This initiative marks a turning point in Québec's growth and development.

High quality infrastructures are essential to providing a better quality of life for Quebecers and are the mark of a modern, wealth-creating economy. For this reason, the Québec government makes infrastructure maintenance and improvement a priority.

To ensure strict management of major infrastructure projects, the government adopted a framework policy for the governance of major public infrastructure projects in 2008. The framework policy establishes a systematic process that combines thoroughness, discipline, and government coherence for the construction of high quality public infrastructures. It sets rules to help public bodies meet the challenges involved in planning and carrying out projects. It is designed to ensure that investments comply with best management practices and that decision makers have all the necessary information, particularly with regard to risks, costs, and timeframes, to make the best possible decisions.

The creation of Infrastructure Québec has transformed the context in which major public infrastructure projects are planned and carried out. Infrastructure Québec has a broader mandate than the former Agence des partenariats public-privé. It provides public bodies expertise in planning and carrying out major infrastructure projects regardless of the delivery approach.

To take into account the creation of Infrastructure Québec and the experience gained during the first year of the framework policy's application, the framework policy required updating. With this revised framework policy, public bodies, which remain responsible for their projects, will now develop their business cases in conjunction with Infrastructure Québec. This partnership will improve the planning and implementation of these projects.

The Framework Policy for the Governance of Major Public Infrastructure Projects is the key to optimal management of major projects essential to the growth and development of Québec society.

A handwritten signature in black ink, written in a cursive style. The signature is fluid and elegant, with a long horizontal stroke at the end.

**MONIQUE GAGNON-TREMBLAY**

Chair of the Conseil du trésor  
and Minister responsible for Government Administration



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# FRAMEWORK POLICY

## FOR THE GOVERNANCE OF MAJOR PUBLIC INFRASTRUCTURE PROJECTS

### **PREAMBLE**

To optimize management of government resources in delivering major projects, Cabinet has adopted the Framework Policy for the Governance of Major Public Infrastructure Projects.

Although this policy applies only to major projects, public bodies are encouraged to adopt the good practices the policy sets out and adapt them to their smaller projects.

Municipal bodies targeted in Section 10 of the *Act respecting Infrastructure Québec* (2009, c. 53) can also adopt the good practices set out in this policy for planning and delivering major public infrastructures.

### **OBJECTIVES OF THE POLICY**

This framework policy introduces a systematic process based on thoroughness, discipline, and government coherence. Its objective is to get public bodies to use better practices in planning and carrying out major projects in order to construct high quality public infrastructures that meet expressed needs and that are functional, durable, and harmonious.

The policy also aims to identify risks and estimate costs and timeframes as comprehensively and realistically as possible so that the minister responsible for whom the business case is prepared can submit it to Cabinet with all the information necessary for making an informed decision.

This framework policy is presented in detail below and in diagram form in the appendix.

## TARGETED PUBLIC BODIES

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1. For the application of this policy, public bodies are those defined in Section 8 of the *Act respecting Infrastructure Québec*.

## TARGETED PROJECTS

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2. For the application of this framework policy, major projects are those defined in Sections 4 and 60 of the *Act respecting Infrastructure Québec*.

## PROJECT DELIVERY APPROACHES

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3. This framework policy allows for the following kinds of delivery approaches:
  - 1° Traditional approach, which consists of completing detailed plans and specifications before launching a public call for tenders to hire a single contractor to build the infrastructure
  - 2° Construction management approach, which consists of the public body or its agent entrusting construction of the infrastructure to multiple contractors once all detailed plans and specifications for the various packages have been completed
  - 3° Turnkey approach, which consists of the public body hiring a single enterprise or group of enterprises to prepare the plans and specifications and to construct the public infrastructure
  - 4° Public-private partnership approach (PPP), in which a public body enters into a partnership with a private sector enterprise, with or without a financial contribution from the latter, for designing, constructing, and operating a public infrastructure

Other delivery approaches to carrying out a project are allowed. However, project delivery using an accelerated process is, in principle, excluded, unless the initial business case demonstrates that such an approach is the most appropriate for carrying out a given public infrastructure project.

## MANDATORY STEPS FOR PLANNING A MAJOR PROJECT

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4. Planning a major project requires the preparation of a business case in three steps:
    - 1° The first step consists of developing the strategic presentation document, the purpose of which is to assess the project's relevance.
    - 2° The second step consists of developing the initial business case, which identifies notably the preferred option for meeting the need and determines the delivery approach.
    - 3° The third step consists of preparing the final business case, which presents the entire project in the most comprehensive, realistic way possible, particularly the risks, costs, and timeframes.
- 

5. The public body must work with Infrastructure Québec in preparing the documents specified in the various steps in Section 4. Infrastructure Québec coordinates the process and identifies which studies it shall conduct itself and which shall be conducted by the public body. Nevertheless, the public body remains responsible for and retains control of the project.

Infrastructure Québec can adapt this partnership according to the public body's expertise in planning a project in accordance with this framework policy.

Requests to work with Infrastructure Québec by organizations in the education or health and social services networks or a body under the authority of the Minister of Transport must come from the minister responsible for the public body in question.

When a public body is obliged to do business exclusively with the Société immobilière du Québec, the latter must work with Infrastructure Québec as the body responsible for the project.

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6. For the use of its goods and services, Infrastructure Québec applies the rates approved by the Conseil du trésor for fees, commissions, and honoraria.

### STEP 1: DEVELOPING THE STRATEGIC PRESENTATION DOCUMENT

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7. The strategic presentation document comprises notably the following studies:
  - 1° **Description and justification of the need for the project and its anticipated results**

This study describes the current situation and the issues at stake for the public body. It must demonstrate in particular the importance and need for the infrastructure in question and present documented support on the

factors contributing to the need (demography, technology, legislative changes, sustainable development, etc.).

The study must clearly indicate the ties between the expressed need, government priorities, the strategic objectives, and the public body's own regional priorities. It describes the main anticipated results, notably in terms of the functionalities as well as the requirements associated with the expected performance, particularly with respect to services provided the target clientele, by specifying the desired project timeframe.

From a budget standpoint, the study must indicate whether funding from other bodies (federal, municipal, foundations, etc.) has been secured or whether steps will be taken in this regard.

2° **Preliminary identification of options (with an indication of the most plausible one) and an order of magnitude capital cost estimate**

This study gives a preliminary overview of the options that appear to be the most plausible for meeting the need and lists their advantages and disadvantages. It indicates the option that seems to be the most plausible and gives an order of magnitude capital cost estimate.

3° **Identification and management of the sociopolitical issues**

This study identifies, in light of the possible options, the direct clientele, and the main individuals or groups in society that could be affected positively or negatively by the project as well as the issues the project raises for them.

Taking into account the possible options, the study identifies the sociopolitical risks and quantifies their potential impact. It presents a summary plan for managing the sociopolitical issues and preliminary management strategies for these issues.

4° **Communications management**

This study determines the steps that will be taken to manage public communications associated with the project, taking into account the fact that the information available at this stage is preliminary, notably with regard to costs and timeframes.

5° **Cost estimate of the studies required to develop the initial business case**

This study estimates the costs of the studies required to develop the initial business case and indicates whether the necessary funds are available. It also gives the deadline for conducting the studies.

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8. For a project carried out in successive phases, the strategic presentation document describes the overall project, and initial and final business cases are drawn up for each phase.

According to this policy, a phase is an independent, functional component of the overall project. In this sense, the postponement or abandonment of one phase does not compromise the others.

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9. The public body submits the strategic presentation document to the minister responsible for the public body. After examining the document, the minister may authorize the public body to draw up an initial business case.

However, if the public body wishes to hold an architecture competition, the strategic presentation document must set out the competition's objective, its advantages and disadvantages, and terms of application. In this case, the minister responsible submits the strategic presentation document to the Conseil du trésor which, after examining it, may authorize the drawing up of the initial business case, specifying any necessary changes.

## **STEP 2: DEVELOPING THE INITIAL BUSINESS CASE**

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10. The initial business case comprises notably the following studies:

1° **Update of description and justification of the need**

This study updates the description of the situation and the issues expressed by the public body in its strategic presentation document. It also updates the analysis confirming the need for the infrastructure in question and the ties between the need expressed, government priorities, strategic objectives, and the public body's regional priorities.

2° **Update of anticipated results**

This study updates the main anticipated results, notably in terms of functionalities and the requirements associated with the expected performance, particularly with regard to the services provided the target clientele, by specifying the desired project timeframe.

### 3° **Detailed evaluation of options, including the *status quo***

This study presents a detailed assessment of the options available for meeting the need. For each option, taking into account the life cycle of the infrastructure, the detailed assessment addresses the following aspects:

- a) Technical and technological feasibility (preliminary studies)
- b) Impact on human resources
- c) Regulatory, legal, and environmental impacts
- d) Consideration of sustainable development principles
- e) Impacts of the project on the natural and built environment, including historical, heritage, and archeological potential
- f) Risk analysis, presenting for each risk the potential impacts and planned attenuation measures
- g) Financial and sensitivity analyses  
The sensitivity analysis evaluates the impacts of the fluctuation of certain key hypotheses on the results of the financial analysis and checks its quality.
- h) Cost-benefit analysis

This study also indicates the consequences for the target clientele of not constructing the infrastructure (*status quo*).

### 4° **Drawing up of the functional and technical program (FTP) and preconcept or opportunity studies, depending on whether a building, transportation infrastructure, or other civil engineering work is involved**

The objective of this study is to describe all the needs and anticipated results. In order to achieve this, the following key components must be taken into consideration:

- a) Timeframe
- b) Costs
- c) Quality
- d) Level of public or user satisfaction
- e) Risks

Performance requirements are expressed in the form of the characteristics the infrastructure must present and the minimum functions it must fulfill. They are established based on the anticipated results listed previously.

5° **Preferred option and its estimated cost**

This study indicates the preferred option based on the following:

- a) The estimated capital cost for the project and the potential margin of error
- b) Timeframes and their degree of accuracy

6° **Update of the sociopolitical issue analysis and management plan**

This study updates the sociopolitical issue management plan described in the strategic presentation document and indicates the costs associated with its implementation.

7° **Evaluation of the delivery approaches for the preferred option, indicating the most appropriate**

This study determines the most appropriate project delivery approach, in quantitative and qualitative terms.

If there is potential for a PPP, this approach is compared with at least two others, including the turnkey and the public body's usual approach. If the public body generally uses a PPP or a turnkey approach, another approach must be used for comparison.

If there is no potential for a PPP, at least two delivery approaches must be compared, namely the turnkey approach with the public body's usual approach. If the public body generally uses the turnkey approach, another must be selected for comparison.

8° **Assessment of the budgetary impact**

This study assesses the budgetary impact of the preferred option.

9° **Communications plan**

This study presents and discusses the communications strategy related to the infrastructure project.

10° **Cost estimate of the studies required to develop the final business case**

This study estimates the costs of the studies required to develop the final business case and indicates whether the necessary funds are available. It also gives the deadline for conducting the studies.

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11. When preparing the initial business case, the public body may decide to carry out its project in phases. In this case, it prepares an initial business case for each phase.

In addition to a summary of the overall project, the initial business case comprises the studies mentioned in Section 10 for each phase.

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12. Based on work carried out by the public body responsible for the project and by Infrastructure Québec, the board of directors of Infrastructure Québec approves the initial business case.

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13. The minister responsible for the public body submits a brief on the initial business case to Cabinet, together with the strategic presentation document.

Prior to the decision by Cabinet, a recommendation from the Conseil du trésor is required on the initial business case, following an analysis by the Secrétariat du Conseil du trésor in view of the application of this framework policy.

After examining the brief, Cabinet may authorize the minister responsible for the public body to develop the final business case.

### **STEP 3: DEVELOPING THE FINAL BUSINESS CASE**

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14. The final business case comprises notably the following studies:

1° **Value analysis of the preferred option**

This study is designed to obtain the best value from the preferred option by conducting comparative evaluations of the materials and approaches. It is conducted once the preliminary plans and specifications are completed and takes into consideration the following aspects:

- a) Efficiency
- b) Costs
- c) Productivity
- d) Quality
- e) Timeframes

For a PPP or turnkey project, however, this study does not form part of the final business case submitted to Cabinet. This is the responsibility of the company or group of companies that will construct the infrastructure.

2° **Detailed plans and specifications and cost estimates**

This study develops the detailed plans and specifications and cost estimates.

In the case of a PPP or turnkey project, this study determines the performance specifications.

3° **Project management plan**

The management plan identifies the strategies and project management methods from the beginning to the end of the project, taking into consideration the following aspects in particular:

- a) Human resources
- b) Financing
- c) Quality assurance
- d) Safety
- e) Timeframes

4° **Major risk management plan**

This plan ensures that the appropriate updates were made to the risk analyses as the project was fine tuned and reevaluates whether the contingencies still meet the needs. It must take into consideration the following risks in particular:

- a) Sociopolitical
- b) Environmental
- c) Financial
- d) Market-related
- e) Technical
- f) Operational
- g) Respect of deadlines

5° **Update of cost-benefit and budgetary impact analyses**

This study is designed to update the cost-benefit and budgetary impact analyses of the preferred option.

6° **Project team**

This study is designed to ensure that the human resources allocated to the project (including professionals) are sufficient and that they have the necessary expertise.

7° **Estimated capital cost and timeframe**

This study indicates the following:

- a) The estimated capital cost for the project and the potential margin of error
- b) The project completion timeframe

It also specifies the estimated maintenance cost of the infrastructure over its life cycle.

8° **Communications plan**

This study updates and discusses the communications strategy related to the infrastructure project.

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15. For projects using the PPP approach, in addition to the studies mentioned in Section 14 and taking into account any necessary adaptations, the final business case comprises the draft PPP agreement, based on a precise procurement strategy, which generally comprises the following steps:

- 1° Request for information, to get an idea of the level of interest in the business community and obtain companies' comments on the future project (optional step)
- 2° Request for qualification, which is a request to candidates to demonstrate the following:
  - a) Their technical capacity to design, construct, operate, and maintain the infrastructure under a PPP
  - b) Their ability to finance the work and their competence with regard to putting the financing in place
- 3° Request for proposals, which allows companies or groups of companies that have passed the request for qualification to submit a proposal covering both technical and financial aspects

These main steps in the procurement strategy are checked by a fairness advisor, who rules whether implementation of the procurement strategy complies with the principles of probity, equity, and transparency.

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16. For each phase of a multi-phase project, the public body draws up a final business case, which summarizes the overall project and the phases that are ongoing or completed, and includes the studies specified in Section 14 for the phase that is to be carried out.

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17. The chief executive officer of the public body responsible for the project and that of Infrastructure Québec approve the content and conclusions of the final business case.

For the purposes of applying this framework policy, the chief executive officer of the public body is defined in Section 8 of the *Act respecting contracting by public bodies* (R.S.Q., c. C-65.1). In the case of Agence métropolitaine de transport, it is the CEO.

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18. Based on work carried out by the public body responsible for the project and by Infrastructure Québec, the board of directors of Infrastructure Québec approves the final business case.

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19. The minister responsible for the public body submits a brief to Cabinet to obtain approval for the final business case and the authorization to carry out the project.

Prior to the decision by Cabinet, a recommendation from the Conseil du trésor is required on the final business case, following an analysis by the Secrétariat du Conseil du trésor in view of the application of this framework policy.

## **FINANCIAL MODEL**

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20. Ministère des Finances assists Infrastructure Québec by approving the main hypotheses or economic and financial variables required for the business case, including the discount rate.

## **FOLLOW-UP COMMITTEE**

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21. The public body sets up a follow-up committee tasked with making sure that the project is carried out according to the final business case, notably with regard to the planned timeframe and budget.

In addition to representatives of the public body, this committee comprises a representative of Infrastructure Québec and, if necessary, a representative of the Secrétariat du Conseil du trésor.

For a body in the education or health and social services networks or under the authority of the Minister of Transport, a ministry representative must be included on the committee.

## **COST OVERRUNS**

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22. If a cost overrun of 5% or more of the estimated capital cost indicated in the final business case occurs following approval of the final business case, even if anticipated, the minister responsible informs Cabinet for its consideration.

## **MAINTENANCE OF PUBLIC INFRASTRUCTURES**

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23. For public infrastructures constructed in conformity with this framework policy using a delivery approach other than a PPP, the public body must, subject to the government financial framework, plan for the effective, efficient maintenance of the infrastructures over their life cycle.

The Conseil du trésor determines the main information that the maintenance plan must include and the period covered.

The public body may use the services of Infrastructure Québec in developing a maintenance plan for the infrastructure.

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24. The maintenance plan must be submitted to the Secrétariat du Conseil du trésor within six months of the infrastructure being brought into service.

By June 30 at the latest each year, the public body must inform the Secrétariat du Conseil du trésor whether the maintenance plan has been implemented and whether any modifications have been made.

In the case of a body in the education or health and social services networks or a body under the authority of the Minister of Transport, the maintenance plan and a report on its implementation must be submitted by the minister responsible for the public body.

By September 30 at the latest each year, the Secrétariat du Conseil du trésor reports to the Conseil du trésor on implementation and follow-up of the maintenance plans of public bodies.

## **ACCESS TO INFORMATION REQUESTS**

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25. In view of the objectives of this policy, any request for access to a business case developed in conformity thereof must be forwarded to the person responsible for access to documents or the protection of personal information at the public body. The request will be handled according to the *Act respecting access to documents held by public bodies and the protection of personal information* (R.S.Q., c. A-2.1), particularly with regard to right of access to the information in such a document.

## TRANSITIONAL AND FINAL PROVISIONS

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26. This framework policy comes into force on March 17, 2010.

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27. However, a project does not come under this framework policy if on November 5, 2008, it met at least one of the following conditions:

- 1° The preliminary plans and specifications had already been initiated.
  - 2° The Conseil du trésor or Cabinet had already evaluated the budgetary or financial implications.
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28. Any project that initially did not meet one of the criteria for a major project set out in Section 60 of the *Act respecting Infrastructure Québec*, but did meet it after drawing up the functional and technical program (FTP) or the opportunity studies, is deemed to be subject to this framework policy and must be submitted to Cabinet in the form of an initial business case.

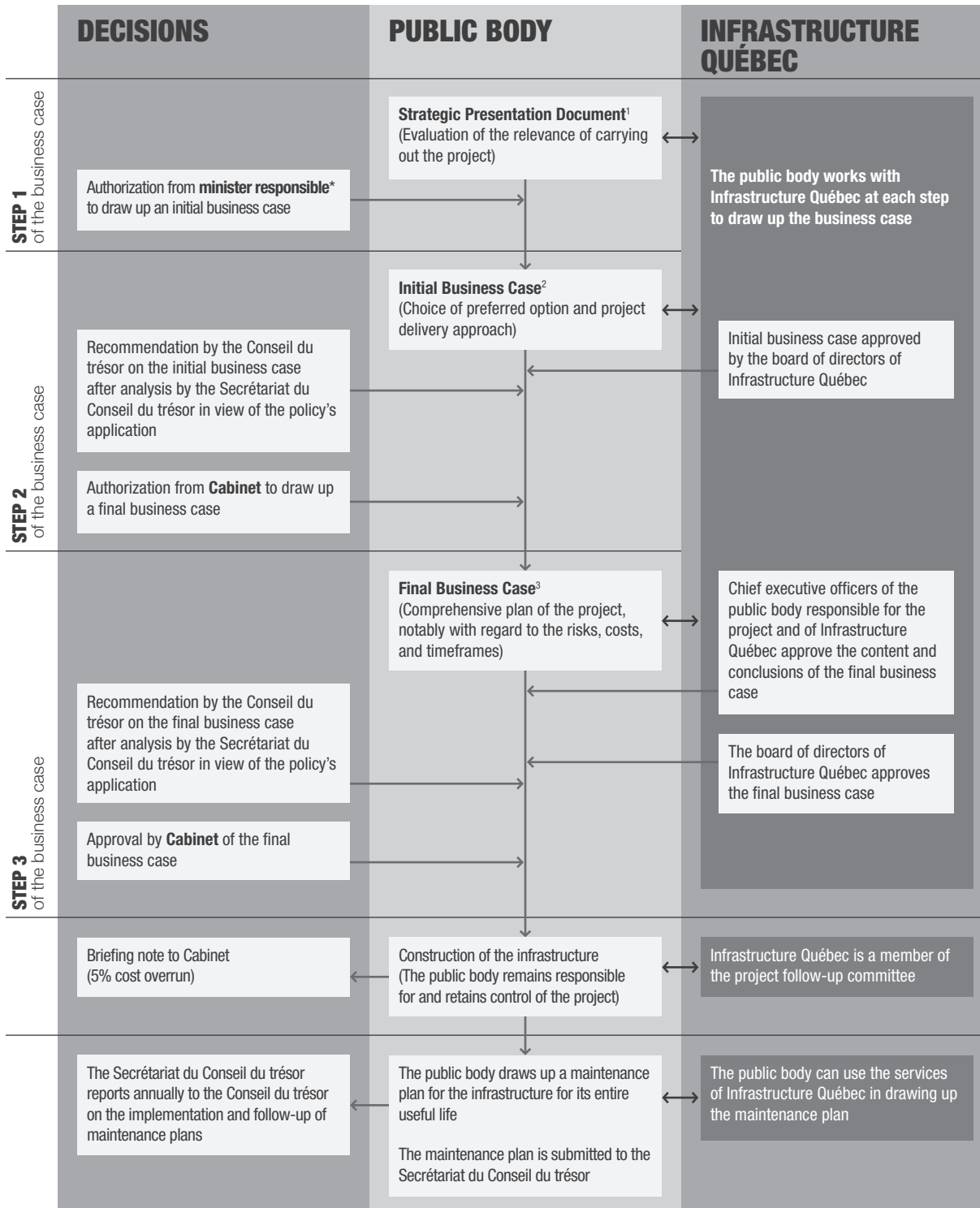
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29. Any project that has already been approved under the Framework Policy for the Governance of Major Infrastructure Projects, adopted on November 5, 2008, is to be carried out according to the provisions of this policy.

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30. The 5% rule regarding cost overruns specified in Section 22 applies to any project whose construction is underway when this framework policy enters into force and for which a final business case has not been prepared. The calculation is in this case based on either the budget approved by the minister responsible for the public body and the Conseil du trésor or on the public funding indicated in the PPP agreement.

## APPENDIX INFORMATIONAL OUTLINE OF THE FRAMEWORK POLICY



<sup>1</sup> In the first step, the estimated capital cost of the project can have a margin of error of 20 to 100%

<sup>2</sup> In the second step, estimated capital cost of the project can have a margin of error of 15 to 30%

<sup>3</sup> In the third step, estimated capital cost of the project can have a margin of error of 0 to 5%.

\* For a project possibly involving an architecture competition, the Conseil du trésor is the body that authorizes the drawing up of the initial business case.



**APPLICATION PARAMETERS FOR THE**

# **FRAMEWORK POLICY**

**FOR THE GOVERNANCE  
OF MAJOR PUBLIC  
INFRASTRUCTURE PROJECTS**

*The following is a translation of the official order in council 148-2010 signed on March 10, 2010, by Gérard Bibeau, clerk of the Conseil exécutif.*



## **ORDER IN COUNCIL GOUVERNEMENT DU QUÉBEC**

CONCERNING the criteria defining major projects for the purposes of applying the *Act respecting Infrastructure Québec*

--oooOooo--

WHEREAS Section 9 of the *Act respecting Infrastructure Québec* (2009, c. 53) stipulates notably that a public body planning a public infrastructure project must work with Infrastructure Québec to prepare a business case;

WHEREAS the third paragraph of Section 4 of this Act specifies that a public infrastructure project is deemed to be major by the government if its purpose is the construction, maintenance, improvement, or demolition of a building, facility, or civil engineering structure, including a transport infrastructure, and to which the government contributes financially, either directly or indirectly;

WHEREAS the fourth paragraph of this section specifies that a public infrastructure project is deemed major if it meets the criteria determined by the government or if the government expressly qualifies it as being major;

WHEREAS it is necessary to define these criteria;

IT IS HEREBY ORDERED, upon the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT a public infrastructure project be considered major for the purposes of applying the *Act respecting Infrastructure Québec* if it presents an estimated capital cost equal to or greater than \$40 million;

THAT, if the public infrastructure project involves the maintenance or improvement of a transport infrastructure aimed at restoring it to its original state or improving less than 50% of it, and if the necessary work requires specific intervention or intervention over a continuous period of no more than five years, the estimated capital cost must be equal to or greater than \$100 million for the project to be considered major;

THAT a public infrastructure project that initially has an estimated capital cost value below the previously established thresholds be deemed major if, following the development of the functional and technical program or the opportunity studies, this value exceeds the applicable threshold;

THAT the capital cost of the project include all capital expenses related to planning and carrying out the project, i.e., those incurred for

- real estate transactions (expropriation, land or building purchases, etc.);
- professional services (surveying, expert laboratory services, architecture, engineering, environmental studies, project management, legal services, accounting, finance services, public communications, etc.);
- construction of the infrastructure (materials, labor, equipment, built-in furniture, specialized built-in equipment other than medical equipment, etc.);
- other expenses (permits, transportation, moving expenses, contingencies, indexation, inflation, applicable taxes, works of art, etc.);

THAT government funding can be less than the estimated capital cost of the project;

THAT these criteria apply as of March 17, 2010.

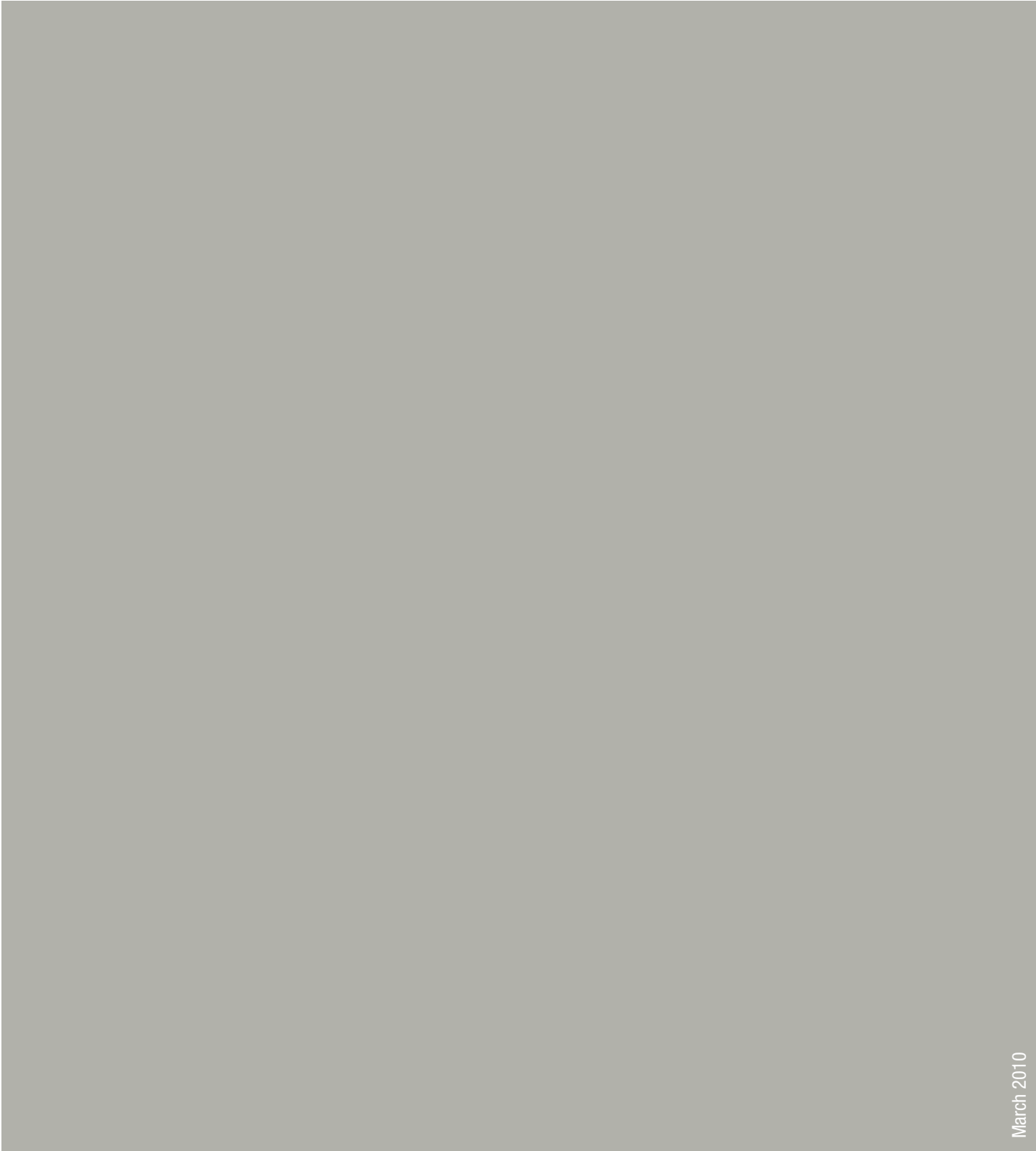
**Clerk of the Conseil exécutif**

*Original signed by*  
Gérard BIBEAU

## TARGETED PUBLIC BODIES

For the purposes of applying the Framework Policy for the Governance of Major Infrastructure Projects, public bodies are those defined in Section 8 of the *Act respecting Infrastructure Québec* (2009, c. 53), namely:

- 1° government departments;
- 2° bodies all or part of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;
- 3° bodies whose personnel is appointed in accordance with the *Public Service Act* (chapter F-3.1.1);
- 4° bodies a majority of whose members or directors are appointed by the Government or by a minister and at least half of whose expenditures are borne directly or indirectly by the consolidated revenue fund;
- 5° school boards, the Comité de gestion de la taxe scolaire de l'île de Montréal, general and vocational colleges, and university institutions referred to in paragraphs 1 to 11 of section 1 of the *Act respecting educational institutions at the university level* (chapter E-14.1);
- 6° health and social services agencies and public institutions referred to in the *Act respecting health services and social services* (chapter S-4.2), legal persons and joint procurement groups referred to in section 383 of that Act, the Cree Board of Health and Social Services of James Bay established under the *Act respecting health services and social services for Cree Native persons* (chapter S-5), health communication centres within the meaning of the *Act respecting pre-hospital emergency services* (chapter S-6.2) and the Corporation d'hébergement du Québec;
- 7° Agence métropolitaine de transport; and
- 8° any other body designated by the government.



March 2010