



GUIDANCE FOR CERTIFICATE OF NEED PROJECT IMPLEMENTATION

For the purposes of determining whether a project is implemented in accordance with R. 61-15, the following guidelines will be used by the Department after December 14, 2017:

For Projects Involving Construction

Unless an extension is requested, the CON will be voided and/or revoked, and a complete new application for review under the CON Act and Regulation will be required for a project if a valid construction contract is not properly negotiated **prior** to the CON expiration date.

For CON purposes, a valid construction contract *does not include* contracts or agreements for infrastructure improvements, site preparation, utilities, or the structure's foundation.

For CON purposes, a valid construction contract (i.e. AIA A101) is considered an executed contract for the *structure itself* and includes:

- a. Project name and description consistent with the information in the approved CON;
- b. A definite price or guaranteed maximum price for the work;
- c. A specific beginning and end date for the project; and,
- d. Names and signatures of both parties, to include the date(s) the contract was signed.

For Projects Involving the Acquisition of Equipment in Excess of \$600,000

Unless an extension is requested, the CON will be voided and/or revoked, and a complete new application for review under the CON Act and Regulation will be required for a project if a purchase order, lease, or service agreement (whichever applies) is not executed **prior** to the CON expiration date.

For Projects Involving Only Licensure by the Bureau of Health Facilities Licensing

Unless an extension is requested, the CON will be voided and/or revoked, and a complete new application for review under the CON Act and Regulation will be required for a project if a copy of the applicable license (new or amended) is not submitted **prior** to the CON expiration date.