



# **Procurement Strategy for Aboriginal Business: Guidelines for Buyers- Government Officials - Contracting Policy Notice 1997-6 (Archived)**

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**DATE:** August 15, 1997

**TO:** Functional Heads, Administration/Finance of all Departments and Agencies

**SUBJECT:** Procurement Strategy for Aboriginal Business: Guidelines for Buyers/Government Officials

## SUMMARY

**THE ATTACHED REFERENCE DOCUMENT PROVIDES CONTRACTING AUTHORITIES WITH GUIDELINES FOR CONTRACTING UNDER THE PROCUREMENT STRATEGY FOR ABORIGINAL BUSINESS**

## BACKGROUND

1. The federal government is committed to increasing contracting between the government and Aboriginal businesses. On March 29, 1996, the Minister of Indian and Northern Affairs announced the initiation of the Procurement Strategy for Aboriginal Business (PSAB). Contracting Policy Notices 1996-2, 1996-6, and 1996-10 provide further details on the requirements for contracting under the PSAB.
2. The attached document is intended as a guide for those contracting authorities who are required to procure goods subject to the PSAB. It will eventually be included in a future consolidation of the electronic version of the *Treasury Board Contracting Policy*.

# CONTRACTING POLICY

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## ENQUIRIES

8. For further information, please contact the Contracting Management Group, Deputy Comptroller General Branch, Treasury Board Secretariat at (613) 957-3789, by fax at (613) 952-1381 or by E-mail at: [DCG-SCG@tbs-sct.gc.ca](mailto:DCG-SCG@tbs-sct.gc.ca).

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Assistant Secretary and Assistant Comptroller General  
Financial, Contract and Asset Management Sector

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Attachments

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# CONTRACTING POLICY NOTICE 1997-6: Procurement Strategy for Aboriginal Business: Guidelines for Buyers/Government Officials

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# 1. INTRODUCTION

1.1.1 Many business interests, especially small business, perceive the federal procurement process as being one of the main vehicles to allow them to achieve a higher level of economic viability and profitability. The number of Aboriginal businesses has increased in recent times as a consequence of a number of developments. This includes the return of land and resources management to the control of Aboriginal peoples as a result of: comprehensive land claims; claim litigation against the Crown; revision to historical Treaties; and, increasing devolution and transfer of social programs from other levels of government to Aboriginal self governments. Furthermore, there is an increasing number of more qualified Aboriginal college and university graduates in the workforce. Today, there are more than 18,000 Aboriginal-owned businesses in Canada, mostly small, and scattered throughout the market sectors. The Aboriginal business community has the capability and the potential to play a much larger role in federal procurement.

1.1.2 The federal government is committed to increasing contracting between the federal government and Aboriginal businesses. On March 29, 1996, the Minister of Indian and Northern Affairs announced the initiation of the Procurement Strategy for Aboriginal Business (PSAB). Treasury Board Contracting Policy Notice 1996-2, dated March 27, 1996, describes the components of the strategy.

## 1.2 Purpose

1.2.1 This document is intended as a guide for those who are required, or wish to, conduct procurement subject to the PSAB. Further details are in Contracting Policy Notices 1996-2, 1996-6, and 1996-10, which are attached to this document.

1.2.2 This document has four main sections:

<b>Determining Coverage:</b>	explains how to determine if a procurement is subject to the mandatory provisions, or subject to the voluntary set-aside provisions of the PSAB;
<b>Promoting Procurement:</b>	a general discussion on other ways to promote procurements from Aboriginal business, including joint ventures, strategic alliances and sub-contracting plans;
<b>Tendering Procedures:</b>	includes instructions on the tendering or bidding procedures to be followed for procurements making use of this policy; and
<b>Identifying / Recording Procurements</b>	a general discussion on identifying and recording procurements from Aboriginal suppliers.

## 2. DETERMINING COVERAGE

### 2.1 Scope of the Program

2.1.1 The Procurement Strategy for Aboriginal Business (PSAB), applies to all federal departments and agencies designated as departments for the purposes of the *Financial Administration Act* as listed in Schedules I, Schedule I.I and Schedule II, Part I of the FAA, Chapter F-11, R.S.C. F-10, s.1, as amended.

2.1.2 Departments and agencies should use existing procurement methods and authorities including competitive or non-competitive solicitation through electronic bidding, traditional bidding methods or source lists, within existing departmental contract signing authorities. Departments are required to use: existing procedures under comprehensive land claim agreements and national park co-management agreements; the procurement review process; the Major Crown Projects process; and, in addition, the new procedures under the PSAB for Aboriginal set-asides.

## 2.2 Policy Statement

2.2.1 When Aboriginal supplier capability exists and procurements can be obtained in a manner consistent with good contracting practices, contracts will be competed among qualified Aboriginal suppliers within the intent of the PSAB, as expressed in paragraphs 4 to 9 of Contracting Policy Notice 1996-2.

## 2.3 Objective

2.3.1 The objective of the PSAB policy is to assist Aboriginal business development by increasing Aboriginal business participation in the awarding of contracts by federal departments and agencies. The PSAB is intended to make use of the government's purchasing system to help Aboriginal businesses develop and grow.

2.3.2 This objective will be accomplished in part through a program of mandatory and voluntary set-asides of procurement opportunities.

## 2.4 Definitions

2.4.1 Within the context of this document, the following terms have been used to mean:

<b>"Procurement":</b>	The acquisition of goods and services, including construction, awarded through contracting arrangements.
<b>"Requisitioning Office":</b>	The authority requesting procurement or contracting services from a delegated contracting authority. The requisitioning office is often referred to as the client department or end-user of the product or service being sought.
<b>"Contracting Authority":</b>	The appropriate Minister as defined in paragraph (a) or (b) of the definition " <i>appropriate Minister</i> " in section 2 of the <i>Financial Administration Act</i> for purchases of goods, services or construction through federally accepted procurement practices within the limits of its contract authority, on behalf of the "client".
<b>"Contract Signing Authority":</b>	The person (that is the incumbent of a position) with authority delegated by the Minister to sign on his/her behalf a contract, contract amendment or Standing Offer documents after



	ascertaining that the approval authority has been duly granted and ensuring that the terms and conditions written in the documents reflect those approved by the contract approval authority.
<b>"Advance Contract Award Notice"</b>	Notification through the electronic bidding methodology of the intent to award a directed contract. If no challenges to the Advance Contract Award Notice are received within fifteen calendar days, the contract is deemed to be competitive.

2.4.2 Definitions of further interest to contracting authorities may be found within Contracting Policy Notice 1996-2 (i.e. Aboriginal Business, Required Aboriginal Content, Aboriginal person, etc.) and Appendix B of Contracting Policy Notice 1996-6.

## 2.5 Procurement Process

2.5.1 The objective of government contracting is to acquire goods and services and carry out construction in a manner that enhances access, fairness, and competition and results in best value or, if appropriate, the optimal balance of overall benefits to the Crown and to the Canadian people. The PSAB is consistent with the current Treasury Board contracting policy, requiring among other objectives the goal of best value in relation to other national objectives in the evaluation and awarding of major procurements. *The Government Contracts Regulations* require the soliciting of bids before any contract is entered into (subject to certain exceptions), allowing all potential bidders to have equal access to procurement opportunities. The PSAB defines potential bidders in some instances as Aboriginal bidders.

2.5.2 Bidders for a requirement, which is set aside pursuant to the PSAB, do not have to be located within a land claim settlement area or on a reserve to qualify as potential suppliers. In fact, certain types of procurement may be destined for predominantly Aboriginal populations in major Canadian urban centres.

## 2.6 Aboriginal Population Set-Aside (Mandatory Set-Aside for Aboriginal Business)

2.6.1 The PSAB requires all contracting authorities, where the procurement is valued in excess of \$5,000, and is destined primarily for Aboriginal populations as defined in TBS Contracting Policy Notice 1996-2, to restrict the procurement exclusively to qualified Aboriginal suppliers where operational requirements, best value, prudence and probity, and sound contracting management can be assured.

2.6.2 Given the significance of the Aboriginal population set-aside to the PSAB, departments and agencies should always, as an initial step in any procurement destined primarily for Aboriginal populations, set aside the procurement in order to conclusively determine whether there are any qualified Aboriginal suppliers. This can be done by means of appropriate advertising either in the *Government Business Opportunities* publication or by the electronic bidding methodology, as necessary. Only if this first step fails to identify qualified Aboriginal suppliers, should the procurement be then opened up to a larger market.

## **2.7 Selective Set-Aside (Voluntary Set-Aside for Aboriginal Business)**

2.7.1 Contracts destined for Aboriginal populations which are valued at less than \$5,000 may also be set aside for qualified Aboriginal suppliers if it is practical to do so.

2.7.2 All departments and agencies are authorized and encouraged to set procurements aside voluntarily under this program where operational requirements, best value, prudence and probity, and sound contracting management can be assured. A decision to set aside voluntarily should be founded on knowledge and expertise of the Aboriginal supplier community, meeting departmental objectives, best business practices, and the nature of the requirement.

## **2.8 Applicable to all Set-Asides under the PSAB**

2.8.1 There is no upper value limit for set-aside procurements. Procurements estimated at \$2.0 million and over will continue to be subject to the procurement review process. When the procurement has been set aside, it is not subject to the international trade agreements (NAFTA, WTO-AGP). The Agreement on Internal

Trade (AIT) does not apply to measures adopted or maintained with respect to Aboriginal peoples.

## **3. PROMOTING PROCUREMENT FROM ABORIGINAL BUSINESS IN OTHER WAYS**

3.1.1 Socio-economic benefits for Aboriginal business are possible through different contracting mechanisms. Technology transfers to Aboriginal firms through contracting opportunities allow more Aboriginal businesses to become competitive within the mainstream Canadian economy.

### **3.2 Joint Ventures**

3.2.1 While many Aboriginal businesses may not yet be in a position to bid on very large projects, they can enhance their competitive edge by building and expanding partnerships and strategic alliances with others. Joint ventures consisting of Aboriginal and non-Aboriginal businesses, or two or more Aboriginal businesses, may qualify as Aboriginal suppliers under the PSAB provided that the Aboriginal business or businesses have at least 51 percent ownership and control of the joint venture.

### **3.3 Aboriginal Business Sub-contracting Plans**

3.3.1 Sub-contracting plans in federal procurement opportunities can be of further benefit to Aboriginal business. All departments and agencies awarding contracts are encouraged to request Aboriginal business sub-contracting plans within their solicitation documents. Such a plan could be mandatory or a point-rated evaluation criterion. Further guidance on how to introduce these elements into procurement must be developed in order to ensure appropriate consistency, fairness and effectiveness. This will be the subject of a follow-up addition to these guidelines. Neither of these options are available if the contracting opportunity is subject to NAFTA or the WTO-AGP.

### **3.4 Advocacy Departments**

3.4.1 The regional agencies, as well as Indian Affairs and Northern Development, play an important role with regard to the Industrial and Regional Benefits Policy. Atlantic Canada Opportunities Agency, the Federal Office of Regional Development (Quebec), and Western Economic Diversification are responsible for leading economic development strategies within specific geographic regions of Canada. These organizations promote economic development, sustainable employment and income creation within their regions through business growth and competitiveness, with particular emphasis on small and medium sized businesses and enhancement of entrepreneurial talent. They support efforts of traditional resource sectors to become more modern, productive and competitive. They play an important advocacy role in promoting new government programs such as the PSAB. Sub-contracting plans for Aboriginal businesses are likely to be included in Major Crown Project requirements reviewed by the Procurement Review Committee and may also be considered by the advocacy agencies in promoting their regional objectives.

## **4. Tendering or Bidding Procedures**

4.1.1 The usual methods for tendering federal procurement opportunities are also employed for procurements being set aside under the PSAB. They are: electronic bidding; public advertisements in the media; direct mail or telephone solicitations and the like; tendering from source lists; and sole sourcing, when permitted.

### **4.2 Electronic Bidding - Public Advertisement**

4.2.1 Electronic bidding applies to most higher value procurement opportunities. These opportunities are posted in the Government Business Opportunities (GBO) publication and in the electronic bidding medium. Both are recognized for public advertising of procurement opportunities under the PSAB, as well as for other procurements. In the case of electronic bidding, suppliers determine which opportunities interest them and request copies of the bid documents from the electronic bidding provider.

4.2.2 If the procurement opportunity is being set aside under the PSAB, only Aboriginal suppliers are eligible to compete. There are two aspects of eligibility. An eligible Aboriginal supplier must qualify as an Aboriginal firm by submitting the completed certificate contained in the "*Requirements for the Set-Aside Program for Aboriginal Business*" in each bid package. If the certificate is not included, the bid is considered non-compliant. The Aboriginal supplier must also have the capacity to fulfill the requirements of the contract.

4.2.3 The contracting authority should indicate that a procurement opportunity is being set aside by including a clear statement to that effect at the beginning of the Notice of Proposed Procurement (NPP) and in the solicitation document. The statement, an example of which is provided in section 8.1.5 of this document, should also be used for Advance Contract Award Notice(s) (ACANs). In summary, the statement is a tool that should be used prominently in each solicitation method if the procurement is being set aside.

4.2.4 To notify Aboriginal firms of contract opportunities identified for set-asides, electronic bidding may be used to publish Solicitations of Interest. Should no Aboriginal firm respond to a Solicitation of Interest, the procurement plan will be changed to open the requirement to all bidders, but at the same time may include provisions/criteria requiring bidders to develop Aboriginal sub-contracting plans as part of their proposals. Any exemption from the application of the trade agreements (NAFTA, WTO-AGP and AIT) acquired by virtue of having invoked the PSAB, expires upon a return to open competition through a re-solicitation.

## **4.3 Public Advertisements in the Media**

4.3.1 Public advertisement in the press is appropriate when it is a custom generally followed by the trade involved, or when the contracting department or agency considers it the most effective means of ensuring an adequate competitive response.

## **4.4 Direct Solicitation**

4.4.1 Another method for tendering federal government contracts under the PSAB is direct solicitation. Examples of direct solicitations can include an information letter mailed to a list of potential sources, advertisement of the opportunity in trade publications, or telephone solicitation.

## 4.5 Tendering from Source Lists

4.5.1 Suppliers are chosen from established source lists of pre-qualified suppliers. Each list identifies potential suppliers for a specific good or service. Source lists may be used for most low dollar value opportunities. A permanent list of suppliers may be utilized under the PSAB where the Aboriginal supplier base is a known factor. Departments and agencies are encouraged to maintain source lists of qualified and eligible Aboriginal businesses for low dollar value opportunities and other requirements below the electronic bidding threshold. Source lists should be updated on a regular basis to ensure new sources of supply have an opportunity to compete. No source lists should be maintained for more than two years without being updated. Generally, the list should be rejuvenated at much shorter intervals.

4.5.2 Where a source list is used for a procurement opportunity set-aside there should be a clear and prominent statement in the notification of the contracting opportunity to the effect that it is set aside for Aboriginal suppliers only.

4.5.3 Aboriginal suppliers identified on source lists must nevertheless attach to their bid the certification found within the "*Requirements for the Set-Aside Program for Aboriginal Business*" document attached to the solicitation package.

4.5.4 On occasion, the contracting authority may conclude that no qualified Aboriginal suppliers exist, yet the requisitioning department has identified the procurement as a set-aside. In this case the obligation to source the requirement to Aboriginal firms cannot be rejected by a simple "note to file" saying that no Aboriginal supplier is known. The efforts of the contracting authority to find Aboriginal businesses with the capability to perform the requirement should be clearly documented on the file. These could include, for example, contacting the requisitioning department to request a potential source list of Aboriginal firms or

requesting from the Access to Federal Procurement Directorate a list of potential Aboriginal suppliers. The Aboriginal Supplier Inventory can be accessed from the INAC Website HomePage at <http://www.ainc-inac.gc.ca/>.

## **4.6 Sole Sourcing/Non-Competitive**

4.6.1 All of the sole sourcing techniques may be employed for requirements identified as set-aside. A sole source may be selected in this way for reasons including low dollar value, regulated prices, best interest of, or value to, the government, or national security. In instances of a sole source requirement, only one supplier is solicited. However, in the interest of transparency and fairness both electronic bidding and the *Government Business Opportunities* (GBO) contain ACANs for non-competitive requirements subject to international obligations and electronic bidding requirements. The public is advised of the Government's intent (prior to actual award of the contract) to negotiate with only one firm. In a sole source procurement, which has been set aside, there is still an opportunity for other potential suppliers to challenge the sole sourcing. However, only suppliers eligible to bid on set-aside opportunities may challenge the sourcing. Accordingly, ACANs should clearly indicate that the procurement is set aside for an Aboriginal supplier.

## **4.7 Letter of Interest**

4.7.1 In some cases, a Letter of Interest (LOI) may be used to identify potential suppliers. For service requirements, the LOI is an invitation to potential suppliers to express interest in future contracts with the government and is used to create a source list. If a LOI relates to an opportunity set aside under the PSAB, the LOI should state so clearly.

## **4.8 Request for Information**

4.8.1 In some cases, suppliers are provided with a general or preliminary description of a problem or need and are requested to provide information or advice about how to better define the problem or need, or alternative solutions. This information may be used to assist in preparing a call for tenders.

## 5. IDENTIFYING / RECORDING PROCUREMENTS FROM ABORIGINAL BUSINESS

5.1.1 Contracting Policy Notice 1996-6 regarding the establishment of departmental performance objectives states:

*"All Departments and Agencies with a contracting budget of \$1 million must develop multi-year performance objectives relating to procurements from Aboriginal businesses and develop related reporting mechanisms."*

5.1.2 There are two types of procurement from Aboriginal suppliers to be recorded by departments in meeting their performance objectives. They are:

1. Contracts resulting from set-asides, both mandatory and voluntary; and
2. Incidental procurements from Aboriginal suppliers.

5.1.3 Procurements are to be recorded in the case of contracts resulting from a mandatory set-aside or a voluntary set-aside.

5.1.4 Not every procurement from an Aboriginal supplier is a set-aside.

Procurements in which only Aboriginal suppliers may compete are set-asides.

Incidental procurements from Aboriginal suppliers, where a contract is awarded to an Aboriginal supplier under a regular tendering process, may be recorded if, after a contract award, the supplier voluntarily completes the *"Self-Declaration Statement of Eligibility of an Aboriginal Supplier"* form.

## 6. PSAB AND COMPREHENSIVE LAND CLAIM AGREEMENTS (CLCAs)

6.1.1 Federal procurement within a land claim settlement area has been addressed in Contracting Policy Notice 1996-2. However, as long as the provisions of any specific Comprehensive Land Claim Agreement (CLCA) or Park Co-management Agreement are first complied with, the Aboriginal set-aside policy can be invoked to meet procurement requirements not otherwise set out within the provisions of a CLCA or Park Agreement. If particular procurement procedures are identified within a ratified



CLCA or Park Agreement, they must be followed before any of the provisions of the PSAB are invoked.

6.1.2 For requirements advertised electronically and in GBO, notification provisions under the CLCA policy require that a copy of the NPP be transmitted to the claimant group(s) on the same day that it is posted electronically. If such a requirement is also being set aside, the contracting authority is to include the required set-aside statement within the NPP.

6.1.3 Some claimant groups within comprehensive land claim settlement areas maintain source lists of land claim enterprises and may provide a list of potential suppliers upon request. It should be noted, however, that the eligibility criteria of land claim enterprises may differ from the criteria for an Aboriginal business under the PSAB.

## **7. DISPUTE MECHANISM**

7.1.1 The bid dispute mechanism provided with respect to Canada's international trade agreements and the Agreement on Internal Trade (AIT), is the Canadian International Trade Tribunal (CITT). Arbitration Boards have been established under several of the CLCAs as the appropriate dispute resolution mechanism.

7.1.2 Options are being explored for a mechanism which will allow bidders to question the bidding and contract award process under a set-aside. Until a mechanism is in place, departments/agencies should be prepared to handle any questions themselves under their own established departmental processes.

## **8. GUIDELINES AND PROCEDURES**

8.1.1 It is the responsibility of the requisitioning office to decide if a procurement opportunity is to be set aside under this program, including initial determination of a mandatory requirement.

8.1.2 In instances where the value of a requisition exceeds the level of contract signing authority allocated to the department, the requirement is sent to a common

service agency, such as PWGSC, for execution of the contracting activity. Under these circumstances, the requisitioning office retains the responsibility of clearly identifying on the requisition that the procurement is to be set aside for competition by Aboriginal suppliers.

8.1.3 Although the process to set aside a procurement for Aboriginal business is driven by a decision of the requisitioning office, the contracting authority is expected to clearly document this decision on its own file. The requisition should contain a statement indicating that the requirement is being set aside.

8.1.4 After the decision has been made by a requisitioning office to set aside a procurement, the Access to Federal Procurement Directorate at Indian and Northern Affairs Canada (INAC) is to be notified of the decision prior to the actual contracting initiative for potential audit purposes. Responsibility for sending the notice to AFPD/INAC lies with the contracting authority and the notice should be sent before the solicitation document has been released. Consulting and Audit Canada (CAC) is the auditing authority under contract to INAC and will receive its instructions from INAC. CAC will contact the contracting authority for further information if an audit is required. Pre-award auditing is mandatory in requirements valued at, or in excess of, \$2 million. However, pre-award audits may be done for requirements below this value when a need has been identified, either by the requisitioning entity, the contracting authority, or INAC.

Notices are to be sent to:

Director

Access to Federal Procurement Directorate

Indian and Northern Affairs Canada

Fax: (819) 994-0445

and must contain the following information:

- Estimated dollar value
- Description of goods, services, or construction
- Solicitation number

- Closing date
- Buyer name, and phone/fax numbers.
- Name of Contractor in cases of ACAN (sole source, limited tender, etc.)

8.1.5 During the solicitation phase, and in any form of public advertising, the contracting authority is to include a clear statement at the beginning of the NPP identifying that the competition is being set aside for Aboriginal businesses. The NPP should include the following statement:

*"This requirement is set aside for Aboriginal suppliers in accordance with the Procurement Strategy for Aboriginal Business."*

*"The bidder must certify in its bid that it is an Aboriginal business or an eligible joint venture as defined within the Procurement Strategy for Aboriginal Business."*

**NOTE: THE ABOVE ARE SUBJECT TO CHANGE PER CLAUSES DEVELOPED BY PWGSC.**

This statement should also appear in all requests for bids and letters of invitation (i.e. documents not published electronically and in the GBO), where the bidding will be restricted to Aboriginal suppliers.

8.1.6 In accordance with the requirements of the strategy, the contracting authority is to ensure that the full "*Requirements for the Set-Aside Program for Aboriginal Business*" document is included with all solicitation documents sent to potential suppliers for a requirement identified as a set-aside. The completed certificate is to be included with the supplier's bid at the time of bid closing. If it is not, the bid shall be considered non-compliant. This document is available as an annex to Contracting Policy Notice 1996-2, which is attached as an annex to these guidelines.

8.1.7 The responsibility for verifying the eligibility of bidders belongs to Indian and Northern Affairs Canada (INAC) and its agent, CAC. Verification will be done on a sampling basis.

8.1.8 Verification may be requested from INAC by the requisitioning office, or the contracting authority, in particular cases where it wishes to do so.

## 8.2 Pre-Award Audits

8.2.1 Once INAC has received notification of the requirement being set-aside, INAC will advise the contracting authority (if possible, before bid closing) whether bidder eligibility is to be audited before award of the contract. The auditing process can only begin when all the bids have been received and evaluated by the contracting authority. The contracting authority will notify INAC of the two best-assessed bidders, without disclosing the bid price. CAC will perform the audit and deliver the results to INAC. In turn, INAC will then transmit the information to the contracting authority on a priority basis so that the contract may be awarded in a timely manner.

8.2.2 If an audit indicates that the best-assessed bidder is not in compliance with the "*Requirements for the Set-Aside Program for Aboriginal Business*" the contracting authority will consider the bid non-compliant. The next best-assessed bidder would be awarded the contract if the bid meets the required conditions.

## 8.3 Post-Award Audits

8.3.1 INAC should be advised immediately of the award of each set-aside contract.

Notices are to be sent to:

Director

Access to Federal Procurement Directorate

Indian and Northern Affairs Canada

Fax: (819) 994-0445

and should contain the following information:

- Dollar value
- Solicitation number
- Buyer name, and phone/fax numbers.
- Name of Contractor, phone/fax numbers, and address
- Date of contract signing.

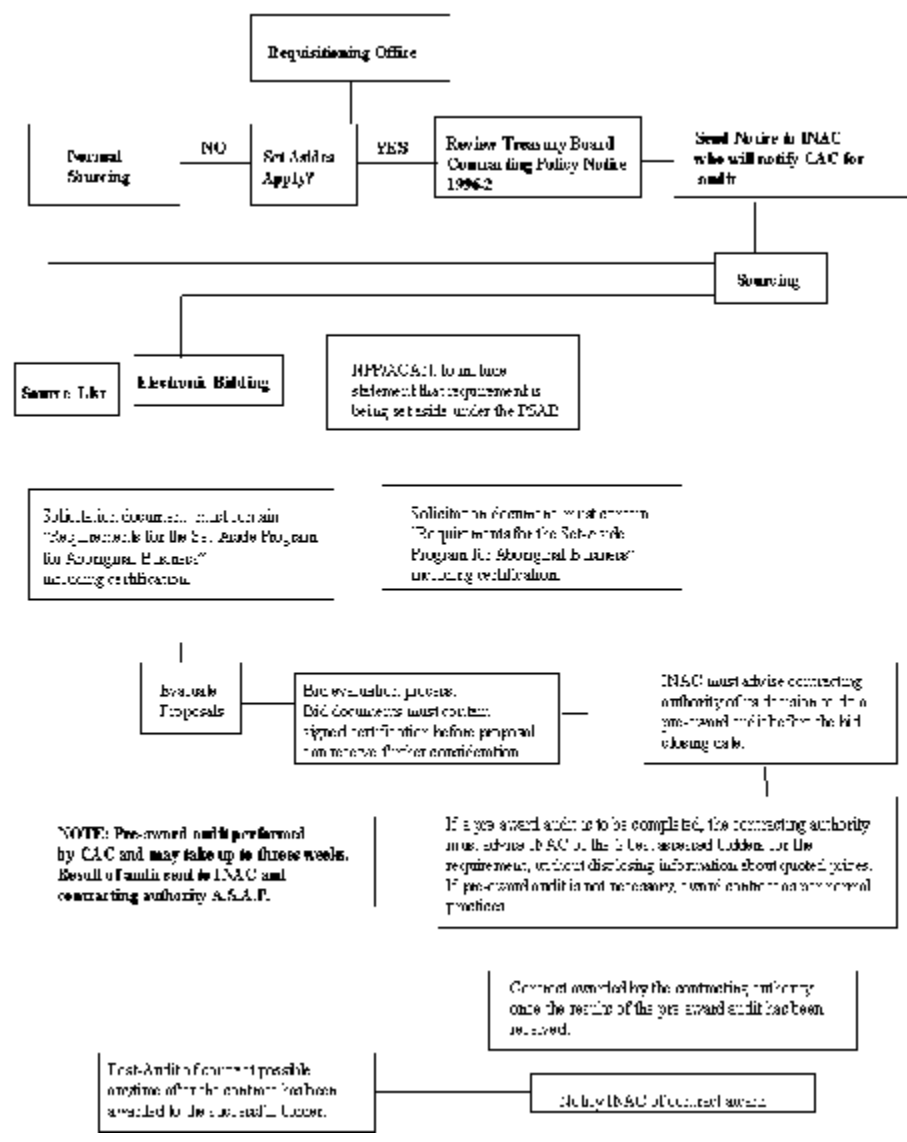
8.3.2 Successful contractors with set-aside contracts may be subject to post-award audits of their eligibility and fulfillment of the other requirements. Audits will be

performed by CAC on a sampling basis. In addition, the contracting authority may ask INAC to have any bidder or contractor on a set-aside procurement audited if it believes that a contractor's eligibility should be verified. It is possible that information received by the contracting authority after the contract award may indicate a need to perform such an audit.

# 9. CONTRACT CLAUSES

Contracting authorities should ensure that contracts awarded under a set-aside contain the necessary clauses to meet the conditions contained in the "Requirements" document.

# 10. PSAB PROCEDURAL FLOW CHART



[\[Click for full size image\]](#)

# 11. A CHECKLIST APPROACH

	Action Performed?	Yes	No
1.	<p>It is the responsibility of the requisitioning office, regardless of the dollar value, to determine if a procurement opportunity meets the mandatory conditions to be set aside under this Program. Alternatively, is the procurement suitable for a voluntary set-aside under the Program? Has this decision been taken?</p>		
2.	<p>Contracting authorities must clearly document on the file that a decision has been made by the requisitioning office to set a procurement aside for Aboriginal business. Has this task been completed?</p>		
3.	<p>Has notification of the decision to set aside been provided to INAC for audit purposes? Notices must be sent to:</p> <p>Director            Access to Federal Procurement Directorate            Indian and Northern Affairs Canada            Fax: (819) 994-0445</p> <p>Notices must contain the following information:</p> <ul style="list-style-type: none"> <li>• Requisitioning office</li> <li>• Est. dollar value</li> <li>• Description of goods, services, or construction</li> <li>• Solicitation number</li> <li>• Closing date</li> <li>• Buyer name, and phone/fax numbers</li> </ul>		
4.	<p>For all requirements set aside, has the contracting authority included a statement within the solicitation document that clearly identifies the opportunity as a set-aside for Aboriginal businesses?</p>		
5.	<p>For requirements that will be posted through electronic bidding and/or the Government Business Opportunities Bulletin, has the contracting authority included a statement within the Notice of Proposed Procurement that clearly identifies the competition as set aside for Aboriginal businesses?</p>		

6.	Has the "Requirements" document been included with all solicitation documents being sent to potential suppliers for set-aside requirements?		
7.	Has INAC informed the buyer, by the bid closing date, of the decision to perform a pre-award audit of the contracting opportunity? The pre-award auditing process can only begin once the contracting authority has evaluated all of the bids.		
8.	In instances where INAC has notified the contracting authority that a pre-award audit is required, has the contracting authority notified INAC of the 2 best assessed bidders for the requirement, without disclosing the bid prices?		
9.	Has INAC transmitted the information regarding the pre-award audit findings to the contracting authority so the contract may be awarded in a timely manner?		
10.	Where the results of the audit have indicated that the best assessed bidder was not in compliance with the "Certification Requirements" established under the Aboriginal set-aside program, has the contracting authority considered the bid non-compliant and turned to the audit results of the next best assessed bidder?		
11.	<p>Has notification of the contract award been provided to INAC for audit purposes? Notices must be sent to:</p> <p>Director  Access to Federal Procurement Directorate  Indian and Northern Affairs Canada  Fax: (819) 994-0445</p> <p>Notices must contain the following information:</p> <ul style="list-style-type: none"> <li>• Contract value</li> <li>• Contract number</li> <li>• Buyer name and phone/fax numbers</li> <li>• Name of Contractor, phone/fax number and address</li> <li>• Date of contract signing</li> </ul>		
12.	Has the contracting authority ensured that contract clauses required by the PSAB are included within the contract?		

Date modified:

Contracting Policy Notices