



Contracting Policy Notice 2006-4 – Addition of two Comprehensive Land Claims Agreements to the information contained in CPN 1997-8

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sur les revendications territoriales globales aux renseignements contenus dans l'Avis sur la Politique des
marchés 1997-8

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To: Functional Heads, Finance and Administration of all Departments and Agencies

From: Assistant Secretary

GOS - Assistant Secretary's Office Government Operations Sector, Treasury Board of Canada, Secretariat

November 14th, 2006

Subject

1. The Treasury Board Secretariat has amended the Contracting Policy of the Government of Canada to reflect the signing of two new Comprehensive Land Claims Agreements.
2. CPN 1997-8 provides information on contracting within regions covered by Comprehensive Land Claims Agreements (CLCAs), and provides a list (sections 1 through 10) of applicable CLCAs.
3. Added to the list of Comprehensive Land Claims referenced in sections 1-10 of CPN 1997-8 are:
 - Section 11 - Labrador Inuit Land Claims Agreement (January 22nd 2005) and;
 - Section 12 - Tlicho Land Claims Agreement (August 4th 2005)
4. Extracts of the added agreements are provided in appendixes A and B of this Contracting Policy Notice.

Contracting Policy Web Site

5. Online access: All TBS publications are now available online via the TBS home page. To access this site, type the following in the address section of your World Wide Web browser: <http://www.tbs-sct.gc.ca/index-eng.asp>
6. You will be able to access this Contracting Policy Notice on the home page via *A-Z Index*. In this page, go to *Contracting*. Here, you will find a list of all Contracting Policy Notices and TB circulars still in effect.

Enquiries

7. Enquiries concerning this Contracting Policy Notice may be addressed to the Investment, Project Management and Procurement Policy Division, Government Operations Sector, Treasury Board of Canada Secretariat by e-mail at: Steiner.Philip@tbs-sct.gc.ca

Appendix A

8. The following are excerpts from the Labrador Inuit Land Claims Agreement (January 22nd 2005). Reproduced here for reference are Articles 7.10.1 to 7.10.4, which should be considered as **section 11** of CPN 1997-8.

Part 7.10 Contracting and Employment of Inuit by the Government of Canada

7.10.1 The Nunatsiavut Government shall prepare and maintain a comprehensive list of Inuit Businesses, together with information on goods and services that they would be in a position to supply in relation to contracts offered by the Government of Canada. This list shall be considered by the Government of Canada, where practicable and consistent with sound procurement practices, in meeting its obligations under this chapter.

7.10.2 In inviting bids on Government of Canada contracts for the procurement of goods or services in the Labrador Inuit Settlement Area, the Government of

Canada shall provide notice to the Nunatsiavut Government and shall provide all reasonable opportunities to the Inuit Businesses enumerated on the list referred to in section 7.10.1 to submit competitive bids and in doing so shall take, where practicable and consistent with sound procurement practices, the following measures:

- a. set the date, location, and terms and conditions for bidding so that Inuit Businesses may readily bid;
- b. invite bids by commodity groupings to permit smaller and more specialized firms to bid;
- c. permit bids for goods and services for a specified portion of a larger contract package to permit smaller and more specialized firms to bid;
- d. design construction contracts so as to increase the opportunity for smaller and more specialized firms to bid; and
- e. avoid artificially inflated employment skills requirements not essential to the fulfillment of the contract.

7.10.3 If the Government of Canada contracts for the procurement of goods or services in the Labrador Inuit Settlement Area, qualified Inuit Businesses shall, subject to meeting the technical and administrative conditions of the request for goods or services, be given fair consideration.

7.10.4 Whenever practicable and consistent with sound procurement practices, and subject to Canada's international obligations, the following criteria, or as many as may be appropriate with respect to any particular contract, shall be included in the bid criteria established by the Government of Canada for the awarding of Government of Canada contracts for the procurement of goods and services in the Labrador Inuit Settlement Area:

- a. the existence of the head office, administrative offices or other facilities in the Labrador Inuit Settlement Area;
- b. the employment of Inuit labour, engagement of Inuit professional services or use of suppliers that are Inuit Businesses in carrying out the contracts; and

- c. the undertaking of commitments, under the contract, with respect to on-the job training or skills development for Inuit.

Appendix B

9. The following are excerpts from the Tlicho Land Claims Agreement (August 4th 2005) relevant to Government of Canada Contracting. Reproduced here for reference are Articles 26.3.1 and 26.3.5 of the Tlicho Land Claims Agreement, which should be considered as **section 12** of CPN 1997-8.

26.3 Government Employment and Contracts

26.3.1 Where government carries out public activities wholly or partly in Môwhì Gogha Dè Nîîtâèè (NWT) which give rise to employment or other economic opportunities and government elects to enter into contracts with respect to those activities,

- a. the Government of Canada shall follow its contracting procedures and approaches intended to maximize local, regional and Aboriginal employment and business opportunities, including the provision of opportunities for potential contractors to become familiar with bidding systems; and
- b. the Government of the Northwest Territories shall follow its preferential contracting policies, procedures and approaches intended to maximize local, regional and northern employment and business opportunities.

26.3.5 In 26.3.3, "Tâîchô entity" means an entity which complies with the legal requirements to carry on business in the Northwest Territories and which is

- a. a corporation with more than 50 percent of the corporation's voting shares beneficially owned by Tâîchô Citizens or the Tâîchô Government;
- b. a co-operative controlled by Tâîchô Citizens or the Tâîchô Government;
- c. a sole proprietorship operated by a Tâîchô Citizen; or
- d. a partnership in which at least 50 percent of the partners are Tâîchô Citizens or the Tâîchô Government.

originally signed by

Mary Chaput

Assistant Secretary

GOS - Assistant Secretary's Office

Government Operations Sector

Treasury Board of Canada, Secretariat

Date modified:

2007-01-02