



# **Contracting Policy Notice 2006-5 – Canadian Corps of Commissionaires Services (Corps) – Right of First Refusal for Guard Services (Archived)**

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Date: December 8, 2006

**SUBJECT: Canadian Corps of Commissionaires Services (Corps) - Right of First Refusal for Guard Services**

## Summary

The Treasury Board recently approved amendments to the Common Services Policy pertaining to guard services.

Effective December 8, 2006 PWGSC is to implement the right of first refusal to the Corps in accordance with the 'Guard Services' amendments to Section 6.5.3 of Appendix E to the Common Services Policy.

Changes to the policy provide the Corps of Commissionaires with flexibility in managing fluctuating demand patterns for veteran security guards across the country and the unique challenges faced by the Corps with regard to the demand for veteran guards who are bilingual. The specific changes include the following highlights:

1. a minimum of 60 per cent of the hours worked nationally by the Corps in each fiscal year on contracts awarded under the right of first refusal will be performed by veterans;
2. the Corps will continue to provide an external annual attest audit by the end of June, validating the number of hours worked nationally by veterans on contracts awarded in each fiscal year under the right of first refusal;
3. PWGSC will conduct annual contract cost audits to ensure that costs incurred and allocated are consistent with the Corps' status as a not-for-profit organization;

4. For the purposes of this policy, the definition of 'veteran' includes former members of the Royal Canadian Mounted Police who have been honourably discharged; and,
5. the Treasury Board Secretariat will evaluate this preferential sourcing strategy to the Corps in fiscal year 2015/16, with a report back to Treasury Board by March 31, 2016, on:
  1. the effective use of the preferential sourcing strategy in supporting Canada's veterans; and,
  2. alternative models of service delivery.

## Policy Application

This policy applies to all departments as defined in section 2 of the *Financial Administration Act* (including the Canadian Forces) and to crown procurement contracts subject to the *Government Contracts Regulations* and the Treasury Board Contracting Policy.

## Contracting Policy

Attached at Annex A to this Contracting Policy Notice is the amended Section 6.5.3 of Appendix E to the Common Services Policy.

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## Enquiries

For further information please contact: Treasury Board Secretariat at (613) 957-3789.

Mary Chaput

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Attachment

# Common Services Policy for Guard Services

## *Section 6.5.3 Guard Services*

1. In 2006, the Treasury Board reaffirmed the Canadian Corps of Commissionaires' (Corps) long-standing exemption from competition and right of first refusal for Guard Services under the conditions in this policy. It is important to understand the authorities under which this preferential policy is applied:
  1. Guard Services, including commissionaire services, are excluded from NAFTA Chapter 10;
  2. Guard Services of any type were not included in Canada's services commitments in the WTO Agreement on Government Procurement;
  3. Article 507 (d) of the Agreement on Internal Trade does not apply to procurement contracts with a non-profit organization, such as the Corps;
  4. The Treasury Board confirmed the use of para. 6 (c) of the Government Contracts Regulations in that it is not in the public interest to solicit bids when contracting with veterans through this right of first refusal.
2. PWGSC is authorized to enter into a multi-year procurement agreement with the Corps to provide for Guard Services related to safeguarding federal assets, information, persons, buildings and property owned or occupied by federal departments or agencies, including the following:
  1. intervention duties such as access control/patrol of buildings and/or restricted areas using physical or technological means;
  2. custodial duties of information and assets, including locksmith duties;
  3. clerical and administrator duties related to the performance of guard services;
  4. receptionist and information desk duties at building or restricted area access control points;
  5. security scanning of incoming mail, parcels and freight at central receiving areas;

6. fingerprinting and other identification services (traditional, biometric, etc);

7. classified waste disposal.

3. While it is recognized that guard services will contain “other related duties” necessary to performing the role such as reception, computer data entry, records management or chauffeur services, the primary activities of guard services are as stated above.

4. For the purposes of this policy, veteran will be defined as:

1. a veteran of the South African War;

2. a Canadian veteran of World War I or World War II;

3. a merchant navy veteran of World War I or World War II;

4. an allied veteran;

5. a Canadian dual service veteran;

6. an allied dual service veteran;

7. a Canadian Forces veteran;

8. a Canadian veteran of the Korean War;

9. former members of the RCMP that have been honourably discharged

5. A Canadian Forces veteran is an individual who was:

1. a former member of the Canadian Forces who was qualified in his/her military occupation;

2. honourably discharged.

6. The above definition of veteran recognizes the potential risk that all Canadian Forces members are exposed to when they swear the Oath of Allegiance.

7. The Corps will be required to provide the Contracting Authority at Public Works and Government Services Canada an annual attest audit, by the end of June, validating the requirement that a minimum of 60 per cent of the hours worked nationally by the Corps on contracts awarded in each fiscal year under the right

of first refusal is performed by veterans.

8. The failure of the Corps to meet the requirement that a minimum of 60 per cent of the hours worked by the Corps on contracts awarded in each fiscal year under the right of first refusal is performed by veterans, will result in the need for the Corps to take corrective action. Departments and agencies will not be permitted to raise new call-ups or post orders against existing standing offers for guard services, unless the Corps can attest to meeting the minimum authorized level of veteran participation. The Corps will not be offered the right of first refusal on new requirements for guard services until it achieves the 60 per cent requirement.
9. The Corps will be free to compete for contracts where a sufficient veterans population is unavailable.
10. PWGSC will conduct an annual contract cost audit to ensure that costs incurred and allocated are consistent with the Corps' status as a not-for-profit organization.

**Date modified:**