



# **Contracting Policy Notice 2008-4 – Amendments to the Treasury Board Contracting Policy: Clarification of the obligations to monitor and report contracts under Comprehensive Land Claim Agreements (Archived)**

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June 19, 2008

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

From: Executive Director / Assets and Acquired Services Directorate

**Subject: Amendments to the Treasury Board Contracting Policy – Clarification of monitoring and reporting obligations under Comprehensive Land Claim Agreements**

**Contracting Policy Notice 2008-4**

### **Summary**

Treasury Board approved amendments to the Treasury Board Contracting Policy that clarify monitoring and reporting obligations for Crown procurement contracts subject to Comprehensive Land Claim Agreements (CLCAs). Often, CLCAs contain provisions for economic development that compel the Crown to conduct procurement in such a way that opens competition to aboriginal groups represented by an Agreement. Further, it is often required that the Crown must disclose information about Crown procurements issued in the area(s) covered by the designated CLCA. The approved policy clarifications in support of CLCAs aim to ensure consistency in reporting and increased monitoring and compliance. The effective date of these CLCA requirements is April 1, 2009. The transition period will enable departments and agencies to adapt procurement processes and systems to capture CLCA related data and for Indian and Northern Affairs Canada to develop a process for receiving procurement data and create a publication process to disclose the procurement information to the public. The majority of the proposed data elements are already collected through the ongoing quarterly process for proactive disclosure of contracts over \$10,000 for most federal departments. The additional proposed requirements compel departments to filter this information to identify the

applicable land claim and the geographic location of the procurement and to indicate if the firm being awarded the contract is owned by a beneficiary of the land claim. As the proposed authority to collect and report on the procurement data, INAC will report this data on behalf of the Crown on a publicly available website on a quarterly and annual basis.

Departments are expected to rely on existing reference levels to implement and apply these policy requirements.

## **TBS publications**

All TBS publications are available online via the TBS web site at: <http://www.tbs-sct.gc.ca/>

## **Enquiries**

For further information please contact: Treasury Board Secretariat at (613) 957-2432 or by fax at (613) 957-2405.

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Assets and Acquired Services Directorate

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## **Annex A - Policy Amendments**

# **The following text is to be inserted under section 5.1, Reporting Mechanisms:**

5.1.4 The government monitors and reports on its contracting activities covered by all Comprehensive Land Claims Agreements (CLCAs). These agreements form part of the treaty rights that are protected in Section 35 of the *Constitution Act, 1982*.

5.1.4.1 Deputy heads must report to the deputy head of INAC on contracts entered into by their departments and contracts entered into by Public Works and Government Services Canada on behalf of their department in a form and manner

designated by the Deputy Minister of INAC within 45 calendar days after the end of the quarter. These reports must include the following information for each contract and the summary:

- a. The name of the applicable CLCA(s) where the services or goods were delivered,
- b. The postal code(s) for the locations benefiting from the services delivered, or where the goods are installed and put to use,
- c. The name of the contractor,
- d. Classification of the Contractor as either
  - i. A beneficiary of a Land Claims Agreement or an entity owned by the beneficiaries of the [Insert name of the appropriate CLCA], or
  - ii. Not a beneficiary or entity owned by beneficiaries of the CLCA(s).
- e. The transaction number(s) in the departmental financial system (for example, the requisition number, commitment number or contract number).
- f. The Contract Award date,
- g. The contract expiry date,
- h. The Economic Objects code,
  - i. A short narrative description of the goods or services to be delivered.
- j. The value of the contract,
- k. Department Name and Customer Information System (CIS) number, and
- l. Address of the location from where the order originated.

5.1.4.2 Deputy heads must provide a statement to INAC quarterly to the effect that no contracting has occurred in a CLCA area if no contracting has occurred in that area.

5.1.4.3 The deputy head of INAC must prepare and disclose, on a public Government of Canada website, a quarterly report on contracts for each area covered by a CLCA within 90 calendar days after the end of the quarter. Each report must include the information described in sections 5.1.4.1 and 5.1.4.2 from each department and agency.

5.1.4.4 The deputy head of INAC must prepare and disclose, on a public Government of Canada website, an annual report on contracts for each area covered by a CLCA within 180 days after each fiscal year. The report must include the following information:

- a. The names of departments contracting in the Comprehensive Land Claims Agreement area showing the contracts awarded to beneficiaries and beneficiary owned entities as a percentage of total contracts and contract value,
- b. A list of the industry sectors, mapped from the list of the economic object codes, for which the goods and services were contracted showing the contracts awarded to beneficiaries and beneficiary owned entities as a percentage of total contracts and contract value for each,
- c. The total value of contracts with a breakdown by range of contract value, and
- d. The percentage of all government contracts and the value of all such contracts in the areas subject to Comprehensive Land Claims Agreements that were awarded to beneficiaries or beneficiary owned entities.

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