



# **Contracting Policy Notice 2011-4 – Amendments to the Government Contracts Regulations (Archived)**

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October 31, 2011

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

From: Executive Director, Investment Planning, Project Management and Procurement Policy Directorate

# **Subject: Amendments to the Government Contracts Regulations**

## **Contracting Policy Notice 2011-4**

As set out in the Contracting Policy Notice 2011-3, the Governor in Council approved the *Regulations Amending the Government Contracts Regulations*. One of the amendments changed the definition of a contracting authority to include the heads of the organizations listed in the Schedule to the *Government Contracts Regulations*. This amendment triggered coordinating amendments to the Contracting Policy and the Common Services Policy that were previously approved by the Treasury Board. The coordinating amendments exempt the heads of the organizations listed on the Schedule from the requirement to seek Treasury Board approval to enter into or amend certain contracts. These amendments were made to retain the independence of the Agents of Parliament from the operations of the government.

This policy notice sets out these amendments to the Contracting Policy and the Common Services Policy as follows (with markups added):

### **1. Contracting Policy:**

#### **Section 3. Application**

This policy applies to all departments and agencies, including departmental corporations and branches designated as departments for purposes of the *Financial Administration Act*, **except those included within the meaning of paragraph (c) of the definition of “department” found in section 2 of that Act. ...**

### 3.1 Contracting authorities

**Contracting authorities listed in the Schedule to the *Government Contracts Regulations* and Commissions created pursuant to the *Inquiries Act* are exempted from the requirements in this policy for approval by the Treasury Board.**

**The Minister of Public Works and Government Services Canada is exempted from the requirements in this policy for approval by the Treasury Board to enter into or amend a contract for a contracting authority listed in the Schedule to the *Government Contracts Regulations* or for the use of an organization that is not subject to Appendix C of this policy.**

### 2. Appendix C - Treasury Board Contracts Directive, June 26, 1987, as amended:

**Revised April 1, 2005. The contents of this appendix are mandatory since they are prescriptions of the Treasury Board.**

**This Appendix applies to contracting authorities as defined in *Government Contracts Regulations* with the exception of contracting authorities in the Schedule to the Regulations and Commissions created pursuant to the *Inquiries Act*.**

### 3. Appendix C, Schedule 3:

#### **- Service Contracts (Excluding Architectural and Engineering Services)\***

		(\$000s)		
	Contracting Authority For	Electronic Bidding	Competitive	Non- Competitive

Item	Col I	Col II Entry	Col III Amend- ments	Col IV Entry	Col V Amend- ments	Col VI Entry	Col VII Amend- ments
1.	All Programs not specifically named herein	2,000	1,000	400	200	100	50
<del>2.</del>	<del>The Office of the Commission of Official Languages</del>	<del>2,000</del>	<del>1,000</del>	<del>400</del>	<del>200</del>	<del>100</del>	<del>100</del>
3.2.	Public Works and Government Services Canada	20,000	10,000	10,000	5,000	3,000	1,500
4.3.	Transport	4,000	2,000	2,000	1,000	100	100
5.4.	Fisheries and Oceans	4,000	2,000	400	200	100	50

#### 4. Common Services Policy:

##### Appendix E - Mandatory Services

###### 6.5 Acquisitions service+

The supply process is managed under the acquisitions service. Activities involve market research; product planning; and soliciting, evaluating, selecting, negotiating, issuing, and administering contracts, other supply arrangements, and services in support of acquisitions, e.g. systems support, statistics, and administrative support. The service involves acquiring a wide range of commodities from commercial, off-the-shelf goods to sophisticated engineering products and services.

Where PWGSC has put them in place, departments are required to use instruments (standing offers, supply arrangements or other pre-negotiated multi-departmental instruments issued by PWGSC) for commodities (including Temporary Help) listed in the Treasury Board Contracting Policy, Appendix C, Part 1, Basic Contracting Limits, Schedule 4. **This requirement does not apply to contracting authorities listed in the Schedule to the *Government Contracts Regulations* and to Commissions established pursuant to the *Inquiries Act*.**

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## **Enquiries**

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