



# **Contracting Policy Notice 2021-5: Continued Response to COVID-19 Limited Extension of Temporary Amendments to Contracting Limits**

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Published by Treasury Board of Canada, Secretariat  
90 Elgin, Ottawa, Ontario, K1A 0R5, Canada

Catalogue Number: BT12-10E-PDF  
ISSN: 1491-591X

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This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Avis sur la Politique sur les marchés 2021-5 : Réponse continue à la COVID-19 – Prolongation limitée des modifications temporaires des limites contractuelles

# Contracting Policy Notice 2021-5: Continued Response to COVID-19 Limited Extension of Temporary Amendments to Contracting Limits

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From Treasury Board of Canada Secretariat

## Contracting Policy Notice: 2021-5

**Date:** December 20, 2021

**To:** Senior Designated Officials for Procurement and Functional Heads, Finance and Administration of all Departments and Agencies.

**Subject:** Extension and Revision of Amendments to the Directive on the Management of Procurement to Support the Government of Canada's response to COVID-19

## Overview

The Government of Canada continues to respond to the evolving nature of the COVID-19 pandemic. Emergency contracting limits have been used consistently over the time they have been in force. Time-limited increases to certain contracting limits have been extended or amended to assist departments and agencies in responding to this ongoing situation. Unless otherwise indicated below, all amendments detailed in this notice will remain applicable until December 31, 2022.

Public Services and Procurement Canada (PSPC) continues to coordinate centralized purchases of specific commodities (for example, personal protective equipment) on behalf of the Government of Canada and the Provincial and Territorial Governments. Departments should continue to verify with PSPC whether a coordinated procurement is underway for the commodity the organization seeks to purchase before proceeding with the procurement.

## **Amendments to the Treasury Board Directive on the Management of Contracts**

The following amendments to Appendix A, of the *Directive on the Management of Procurement* are in effect until December 31, 2022 for contracts related to the Government's response to the COVID-19 pandemic:

1. The \$3 million emergency contracting limit for the Ministers responsible for the Public Health Agency of Canada, Health Canada and the National Research Council has been converted to an exceptional contracting limit (which can be used for emergency contracts).
2. The \$500 million emergency contracting limit for the Minister of Public Services and Procurement has been converted to an exceptional contracting limit (which can be used for emergency contracts).
3. The unlimited emergency contracting limit for the Minister of Public Services and Procurement has been expanded to include the development, acquisition and deployment of medical countermeasures, and has been converted to an exceptional contracting limit (which can be used for emergency contracts).  
Medical countermeasures include vaccines, therapeutics, prophylactics, medical devices and other treatment products related to COVID-19.

The Minister of Public Services and Procurement has an exemption from the requirement to seek Treasury Board approval to indemnify a contractor as required in Appendix B of the *Directive on the Management of Procurement*, until December 31,

2022, such that, if necessary, the Crown would accept liabilities that would normally be assumed by a contractor when acquiring medical countermeasures related to COVID-19.

## Reporting Requirements

Departments using the limits described in paragraphs a, b, and c above are required to provide TBS with reports on their COVID-19 contracts every three months. The reports are due to be submitted January 14, 2022, April 15, 2022, July 15, 2022, October 14, 2022, and January 16, 2023.

It is important for departments to respect these reporting deadlines to ensure that timely and accurate data is available to TBS in its decision making related to the pandemic response.

The reports must include the information normally only required for emergency contracts set out in *Appendix A of the Directive on the Management of Procurement*.

Departments are reminded to continue to follow applicable provisions of the *Government Contracts Regulations*, the *Contracting Policy*, and regarding the proactive disclosure of contracts, the *Access to Information Act*.

Reports are to be submitted to the Procurement, Material, and Communities Directorate and to:

### **Emilio Franco**

Executive Director, Procurement, Materiel and Communities Directorate

Acquired Services and Assets Sector, Office of the Comptroller General

Treasury Board of Canada Secretariat

[Emilio.Franco@tbs-sct.gc.ca](mailto:Emilio.Franco@tbs-sct.gc.ca)

Departments are reminded to track expenditures associated with contracts issued in relation to COVID-19 to feed into their COVID-19 Response Expenditure Report. For more information, refer to the [Guidance for the Expenditure Report - COVID-19 Response](#) (accessible only on the Government of Canada network).

# Enquiries

Questions about this policy notice should be directed to [TBS Public Enquiries](#).

## **Samantha Tattersall**

Assistant Comptroller General, Acquired Services and Assets Sector

Treasury Board of Canada Secretariat

### **Date modified:**

2021-12-20