



Contracting Policy Notice 2023-5: Amendments to the Government Contracts Regulations

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From: Treasury Board of Canada Secretariat

Date: August 15, 2023

To: Senior Designated Officials for Procurement and Functional Heads of Procurement, Administration and Finance units at all departments

Subject: Amendments to the *Government Contracts Regulations*

Overview

The Governor in Council approved changes to the *Government Contracts Regulations* (the Regulations), which came into effect on April 28, 2023. The amendments and their explanations are detailed in the *Canada Gazette*.

Removal of requirements related to advance payments

Previously, the Regulations required that when a department sought Treasury Board (TB) approval to enter into a contract, if there were any advance payments associated with the contract that TB approve the timing and amounts of these payments.

In 2017, TB renewed the advance payment policy requirements in the *Directive on Payments* (the Directive). Approval is required only when departments seek an exemption from the Directive's policy requirements regarding advance payments. The amendments remove the additional requirements under the Regulations that went beyond the Directive.

In addition, the amendments removed the requirement to return to TB for any changes to the approved timing and amounts of advanced payments, including for any previous approvals.

New exemptions

The following types of contracts are now explicitly excluded from the requirement to solicit bids:

1. service contracts for expert advice or testimony for the purpose of informing or advancing His Majesty's legal position in a litigation, potential litigation, or a dispute resolution process and
2. service contracts that are required to implement the terms of a settlement agreement or a court order or judgment in a class proceeding to which His Majesty is a party

Title change

The title "Commissioner of the Communications Security Establishment" was replaced with "Intelligence Commissioner"

Enquiries

Questions about this policy notice or the *Government Contracts Regulations* should be directed to TBS Public Enquiries.

Samantha Tattersall

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Treasury Board of Canada Secretariat

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