



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada



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Northern Affairs Canada**

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et du Nord Canada**



Canada's Contracting Process and Comprehensive Land Claim Agreement Contracting Obligations

**Presented by: Dennis Brunner
Implementation Branch**

**Presented to : Canadian Institute for Procurement and Materiel
Management**

Ottawa – June 7th, 2016

Canada



Objectives

PROVIDE AN UNDERSTANDING OF HOW COMPREHENSIVE LAND CLAIMS AGREEMENTS (CLCAs) AFFECT YOUR PROCUREMENT:

- What and where are CLCAs?
- How does Canada address CLCA obligations during our contracting process?
- Discuss Canada's contracting obligations in:
 - Nunavut Land Claim Agreement (NLCA)
 - Inuvialuit Final Agreement (IFA)
 - James Bay and Northern Quebec Agreement (JBNQA)
- How do we operationalize these obligations in our contracting process?
- Business Development Support Tools
 - Aboriginal Benefits Plans (ABP)
 - CLCA.Net
- Questions



Treasury Board Contracting Policy Notice 1997-8

- The Government of Canada has entered into a number of Comprehensive Land Claims Agreements with various Aboriginal peoples to resolve the rights over the territory traditionally used by the Aboriginal people.
- Most Comprehensive Land Claims Agreements deal with certain economic and social development benefits for Aboriginal peoples. Contracting authorities should examine the applicable land claims agreements, Park Agreements and Co-operation Agreements for any Aboriginal participation requirements for contracting activities that take place in a land claim settlement area.
- Accordingly, where a contracting authority is engaged in a contract for the procurement of goods, services or construction in a settlement area or national park, these activities are subject to the contracting obligations that are found in the applicable agreement.
- This policy is issued to make contracting authorities aware of the nature of these contracting obligations.



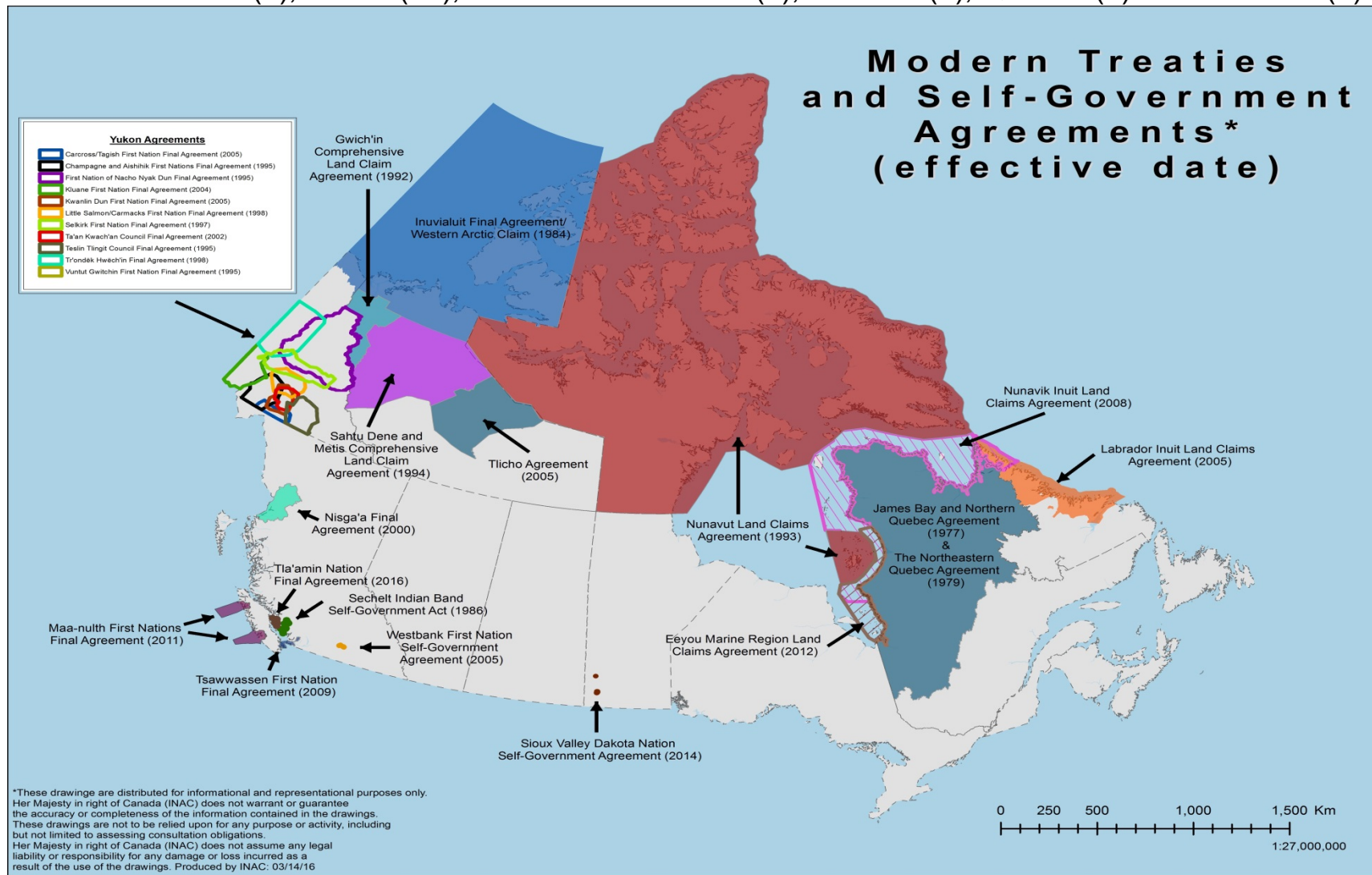
What are CLCAs?

- CLCAs are constitutional protected documents.
- Modern treaties are constitutionally protected under Section 35 of the *Constitution Act*, 1982.
- This provides modern treaty provisions and the rights protected within the highest legal precedence in Canada.
- The obligations of Canada and its Aboriginal and provincial/territorial modern treaty partners are legally binding.
- The purpose of settlement agreements is to provide certainty and clarity of rights to ownership and the use of land and resources.
- This certainty is supported through economic measures such as government contracting.



Where are CLCAs?

British Columbia (4), Yukon (11), Northwest Territories (4), Nunavut (1), Quebec (4) and Labrador (1)





Is my procurement in a CLCA settlement area?

We have access to two (2) tools:

1) For a quick check – go to the *C5 Expert*® QuickSearchMap
www.c5expert.ca

2) For more in depth information - use the Aboriginal and Treaty Rights and Information System (ATRIS)
<https://www.aadnc-aandc.gc.ca/eng/1100100014686/1100100014687>

- Community
- Postal Code
- Latitude/Longitude

For access contact:

Dennis Brunner (dennis.brunner@canada.ca)

Cathryn Kallwitz (cathryn@setasidesolutions.ca)



C5 Expert[®] – Quick Search Map - <http://c5expert.ca/apps/>

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<http://c5expert.ca/apps/>

Nacho Nyak Dun

Postal Code: YoB 1Mo
Locality: Yukon

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QuickSearch Map

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Please click the **Start** button below to **Login** or **Register** as a New User:

start

Guide

The **C5Expert[®] QuickSearch Map** tool provides a **quick and easy method** to assess whether the locations of work or delivery for an anticipated contract requirement fall within one (1) or more **Comprehensive Land Claims Agreement (CLCA)** areas. This process supports the early identification of whether contracting obligations arising from CLCAs may apply to the anticipated procurement activity. Therefore the **C5Expert[®] QuickSearch Map** is best utilized early in the planning process.

Once you've determined your requirement is in a land claim, the **C5Expert[®]** system can assist you in determining your contracting obligations and how to implement them as a part of a compliant procurement strategy.

For a more in depth analysis of the contracting obligations arising from each CLCA found to apply to an anticipated procurement activity, and to request a **C5Expert[®] CLCA Contracting Compliance Checklist**, please contact:

info@setasidesolutions.ca

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https://c5expert.ca/apps/index.php?option=com_user&view=login&return=aHR0cHM6Ly9jNWV4cGVydC5jYS9hcHBzL2luZGV4LnBocD9vcHRpb249Y29tX2Nocm9ub2NvbnRhY3QmSXRlbWlkPTExNCZsYW5nPWVu

SETASIDE SOLUTIONS
RFP SOLUTIONS™ Aboriginal Joint-Venture

C5 EXPERT QSMAP

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Username: *

E-mail: *

Password: *

Verify Password: *

Fields marked with an asterisk (*) are required.






C5 Expert[®] – Quick Search Map

C5 Quick Search



← → ↻ ↩ [https://c5expert.ca/apps/index.php?option=com_chronocontact&Itemid=114&lang=en](#) 🔍 ☆ ☰

Apps 🇨🇦 Ottawa (Kanata - Ori) 🇨🇦 CBC News - Latest C 🇨🇦 Home Page - GEDS 🇨🇦 General Briefing Note 🇨🇦 Comprehensive Land 🇨🇦 Federal Contracting in 🇨🇦 7.2 Object codes—Enr 🇨🇦 Contracting Policy 🇨🇦 Contracting Policy No 🇨🇦 Government-Wide Re 🇨🇦 Government of Nuna 🇨🇦 Other bookmarks


 **QuickSearch Map**

Welcome, *Erick Robinson* [Logout](#)  

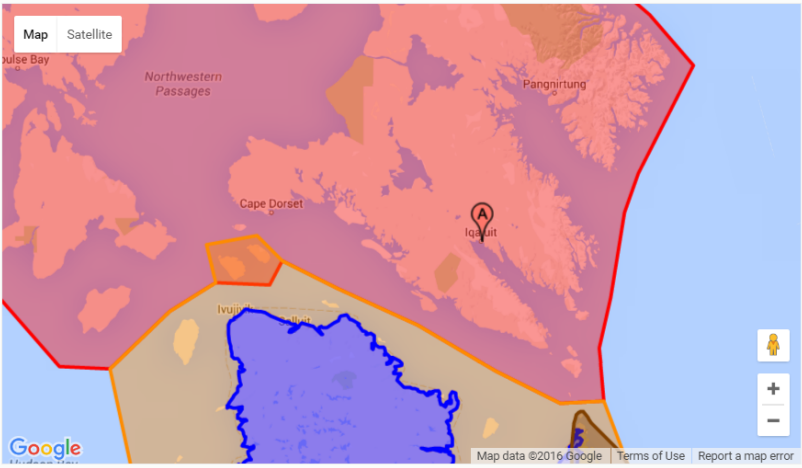
Please enter the location(s) to which the requirement will be delivered, using the following methods: [Clear All](#)

 **1 Locality** 


Locality: [Search](#)

 **Tip:** To look up a postal code, please use the Canada Post .

Map Satellite



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 **Land Claims**

☒ Carcross/Tagish

☒ Champagne and Aishihik

☒ Eeyou

☒ Gwich'in

☒ Innu Nation

☒ Inuvialuit

☒ James Bay and Northern Quebec

☒ Kluane

☒ Kwanlin Dun

☒ Labrador Inuit

☒ Little Salmon/Carmacks



☒ Maa-nulth

☒ Nacho Nyak Dun

☒ Nisga'a

☒ Northeastern Quebec

This Map is for illustrative purposes only to assist GoC personnel in identifying CLCAs. It does not in any way modify or convey rights or title to lands.

Point	Land Claim	Province Territory	Postal Code	Locality
	Nunavut	 NU	X0A 0H0	Iqaluit

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10



C5 Expert[®] – Quick Search Map

C5 Quick Search

← → ↻ ↩ https://c5expert.ca/apps/index.php?option=com_chronocontact&Itemid=114&lang=en 🔍 ☆ ☰

Apps 🇨🇦 Ottawa (Kanata) - Ori... 🇨🇦 CBC News - Latest Co... 🇨🇦 Home Page - GEDS 🇨🇦 General Briefing Note... 🇨🇦 Comprehensive Land... 🇨🇦 Federal Contracting in... 🇨🇦 7.2 Object codes—En... 🇨🇦 Contracting Policy... 🇨🇦 Contracting Policy No... 🇨🇦 Government-Wide Re... 🇨🇦 Government of Nuna...

C5 EXPERT QuickSearch Map

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Please enter the location(s) to which the requirement will be delivered, using the following methods: [Clear All](#)

1 Locality

Locality: [Search](#)

Tip: To look up a postal code, please use the Canada Post.

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☒ **Land Claims**

- ☒ Carcross/Tagish
- ☒ Champagne and Aishihik
- ☒ Eeyou
- ☒ Gwich'in
- ☒ Innu Nation
- ☒ Inuvialuit
- ☒ James Bay and Northern Quebec
- ☒ Kluane
- ☒ Kwanlin Dun
- ☒ Labrador Inuit
- ☒ Little Salmon/Carmacks
- ☒ Maa-nulth
- ☒ Nacho Nyak Dun
- ☒ Nisga'a
- ☒ Northeastern

This Map is for illustrative purposes only to assist GoC personnel in identifying CLCAs. It does not in any way modify or convey rights or title to lands.

Point	Land Claim	Province Territory	Postal Code	Locality
	Inuvialuit	NT	X0E 1C0	aklavik
	Gwich'in	NT	X0E 0T0	aklavik

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List of Comprehensive Land Claims Agreements

There are currently 25 CLCAs in effect. As shown below, 21 CLCAs contain procurement obligations, and 4 do not:

1. James Bay and Northern Quebec Agreement (1975)
2. Northeast Quebec Agreement (1978)
3. Inuvialuit Final Agreement (1984)
4. Gwich'in Comprehensive Land Claim Agreement (1982)
5. Nunavut Land Claim Agreement (1993)
6. Sahtu Dene and Metis Comprehensive Land Claim Agreement (1994)
7. Nisga'a Agreement (2000) – **no procurement obligations**
8. Labrador Inuit Land Claims Agreement (2005)
9. Tlicho Agreement (2005)
10. Nunavik Inuit Land Claims Agreement (2008)
11. Tsawwassen First Nation Agreement (2009) - **no procurement obligations**
12. Maa-nulth First Nations Final Agreement (2011) - **no procurement obligations**
13. Eeyou Marine Region Land Claims Agreement (2012)
14. Tla'amin Final Agreement (2016) - **no procurement obligations**



List of Comprehensive Land Claims Agreements – cont'd

(Yukon Umbrella Final Agreement)

15. First Nation of Nacho Nyak Dun Final Agreement (1995)
16. Champagne and Aishihik First Nations Final Agreement (1995)
17. Teslin Tlingit Council Final (1995)
18. Vuntut Gwich'in First Nation Final Agreement (1995)
19. Selkirk First Nation Final Agreement (1997)
20. Little Salmon/Carmacks First Nation Final Agreement (1997)
21. Tr'ondëk Hwëch'in Final Agreement (1998)
22. Ta'an Kwach'an Council Final Agreement (2002)
23. Kluane First Nation Final Agreement (2004)
24. Kwanlin Dun First Nation Final Agreement (2005)
25. Carcross/Tagish First Nation Final Agreement (2005)



Applicability of CLCAs

If the final delivery point(s) (location of delivery) of the goods and/or construction, or the services performed that is the determining factor as to whether the contracting obligations of one (1) or more CLCA(s) apply.

PWGSC Supply Manual 9.35



Final Point of Delivery – Goods Contract

Requirement: Snowmobiles are being purchased where the final deliverable is into a CLCA area but first must be shipped to a non CLCA area for installation of logos, lights, decals.

- (1) Since the final destination of the snowmobiles is in a CLCA then the CLCA obligations apply.



Final Point of Delivery – Service Contract

Requirement: A report on site suitability must be researched, prepared, and delivered to NHQ.

(1) If the contractor can reference Departmental data, search google or Statistics Canada site and complete the contract with existing information then CLCA obligations do not apply.

(2) If the contractor must go on the CLCA Settlement Area or to a community then the CLCA applies. You must consider if there is an opportunity to generate socio-economic benefits for beneficiaries or beneficiary firms. This is based on your Statement of Work.

- Translation / interpretation
- Bear monitoring / patrol
- Kitchen tent / cooks
- Small boat + guide



Contracting Challenges

Depend on:

- Type of procurement
- Type of contract
 - Standing Offer, Supply Arrangement - Issues on Use
- Location(s) of delivery
- Timing
- Obligation ambiguity

Contracting in CLCA areas is ***very complex***



Contracting Challenges

- Canada's Contracting Process is Complex and when we add the mandatory requirement to address CLCA contracting obligations the resulting process is a challenge.
- Contracting process related to CLCAs is currently under scrutiny
 - Federal Government
 - OAG
 - Modern Treaty Implementation Office (MTIO)
 - Treaty Obligations Management System (TOMS)
 - CLCA.Net
 - MAF
 - Aboriginal Partners Awareness
 - Canada – NTI Settlement Agreement
 - Annual Increase of Contract Award in CLCA areas



Procurement Process

- Procurement Planning and understanding individual CLCA obligations
- Engagement
- Notification/ Bid Invitation
 - NLCA / IFA / JBNQA
- Bid Evaluation Criteria
 - NLCA
- Access to Aboriginal owned lands
 - Permit
 - Cost
 - Length of Time
 - Resource Usage (water)



Procurement Planning

- Many CLCAs share similar language but it is important to understand the specific obligations of the individual CLCA where the goods, services, construction and land leases are to be delivered.
- Canada must consider when feasible how a procurement requirement may generate socio-economic benefits for the CLCA business community.
- Best Practices Legal Opinion.
- Time management is a consideration during the contracting process.
 - Procurement Planning
 - Notification
 - Bid Evaluation
 - Contract Management



Engagement

To adequately engage with affected signatory groups, we suggest you contact the appropriate CLCA claimant group, either by:

- Telephone
- Fax
- E-mail
- Town halls/Industry Days

Remember, you can also discuss with your Policy Directorate or INAC's Implementation Branch.



PSPC Supply Manual Chapter 9 - Special Procurements

<https://buyandsell.gc.ca/policy-and-guidelines/supply-manual/section/9>



Comprehensive Land Claim Agreements

- Nunavut LCA – Article 24

- NWT
 - Inuvialuit Final Agreement
 - 16.2 (a)(b)
 - 16 (4)
 - 16.8 (b)(c)
 - CPN 1997-8 Section 2
 - Parks Canada / DFO
 - Gwich'in Comprehensive Land Claim Agreement – Chapter 10.1.4
 - Sahtu Dene and Metis Final Agreement – Chapter 7.1
 - Tlicho Agreement – Chapter 26.3.1



Comprehensive Land Claim Agreements cont'd

- JBNQA
 - Cree Chapter 28
 - Inuit Chapter 29
 - Annex A – Implementation Plan with Makivik
 - Nunavik Inuit LCA
- Labrador Inuit LCA – 7.10 Contracting
- Yukon – Chapter 22 (+)



Nunavut LCA Article 24 (1993)

- Canada has legal obligations under Article 24 of the NLCA
- How do we operationalize these obligations in our contracting process?



Nunavut LCA Article 24 (1993)

Procurement Planning:

- 24.3.5 - Procurement policies and implementing measures shall be carried out in a manner that responds to the developing nature of the Nunavut Settlement Area economy and labour force. In particular, the policies shall take into account the increased ability, over time, of Inuit firms to compete for and to successfully complete government contracts.
- 24.3.6 - Procurement policies and implementing measures shall reflect, to the extent possible, the following objectives:
 - (a) increased participation by Inuit firms in business opportunities in the Nunavut Settlement Area economy;
 - (b) improved capacity of Inuit firms to compete for government contracts; and
 - (c) employment of Inuit at a representative level in the Nunavut Settlement Area work force.
- 2009/10 Contract Award to Inuit Firms - \$13.6M
- 20014/15 Contract Award to Inuit Firms - \$58.9M
- 433% Increase



Engagement

- 24.3.7 - To support the objectives set out in Section 24.3.6, the Government of Canada shall develop and maintain policies and programs in close consultation with the DIO which are designed to achieve the following objectives:

(a) increased access by Inuit to on-the-job training, apprenticeship, skill development, upgrading, and other job related programs; and

(b) greater opportunities for Inuit to receive training and experience to successfully create, operate and manage Northern businesses.

(DIO = Designated Inuit Organization)



Nunavut LCA Article 24 (1993)

- How do we operationalize 24.3.5, 24.3.6 and 24.3.7?
 - Notification of contract requirements to
 - Claimant Groups
 - Inuit Firms
 - Soliciting bids from Inuit Firms
 - Inuit Benefits Plans
 - Industry Days or Bidders Conference
 - How to do Business with the Federal Government (OSME)
 - Results in Contract Award to Inuit Firms or Inuit Employees



Bid Invitation

- 24.7.1 - The DIO shall prepare and maintain a comprehensive list of Inuit firms, together with information on the goods and services which they would be in a position to furnish in relation to government contracts. This list shall be considered by the Government of Canada in meeting their obligations under this Article.

List of registered Inuit Firm:

www.inuitfirm.tunngavik.com

- How do we operationalize 24.7.1?



Notification of Procurement

The most common obligation is the notification of the procurement that must be issued to the appropriate claimant group(s). For the procurement of goods, services and/or construction destined for locations covered by land claim agreements, a copy of a notice describing the procurement, e.g. the Notice of Proposed Procurement (NPP) or Advance Contract Award Notice (ACAN), must be faxed to all land claimant groups listed in [Annex 9.2](#) for each of the applicable agreements, on the date of posting on the Government Electronic Tendering Service (GETS).

<https://buyandsell.gc.ca/policy-and-guidelines/supply-manual/section/9/35/35>

<https://buyandsell.gc.ca/policy-and-guidelines/supply-manual/annex/9/2>

Supply Manual 9.35.35



Notification of Procurement – cont'd

For procurements not posted on GETS, the contracting officer must send to the applicable land claimant groups a notice about the procurement, containing the same information that an NPP or ACAN would have contained. In such cases, contracting officers should allow the land claimant groups at **least 15 calendar days** to submit any enquiries before awarding a contract, although the CLCAs do not specify any waiting period.

For list of claimant groups please refer to Annex B of 9.35.35



Nunavut Land Claims Agreement – Claimants Groups

- Nunavut Tunngavik Incorporated
Policy and Planning Division
P.O. Box 638
Iqaluit, NU X0A 0H0
Telephone: 1-888-646-0006
Facsimile: 867-975-4949
- Qikiqtani Inuit Association
P.O. Box 1340
Iqaluit, NU X0A 0H0
Telephone: 867-975-8400 or 1-800-667-2742
Facsimile: 867-979-3238
- Qikiqtaaluk Corporation
P.O. Box 1228
Iqaluit, NU X0A 0H0
Telephone: 867-979-8400
Facsimile: 867-979-8433
- Kakivak Association
P.O. Box 1419
Iqaluit, NU X0A 0H0
Telephone: 867-979-0911 or 1-800-561-0911
Email: info@kakivak.ca (Note: Notifications to be sent by e-mail only)
- Kivalliq Inuit Association
P.O. Box 340
Rankin Inlet, NU X0C 0G0
Telephone: 867-645-5725 or 1-800-220-6581
Email: reception@kivalliqinuit.ca (Note: Notifications to be sent by e-mail only)
- Sakku Investments Corporation
P.O. Box 188
Rankin Inlet, NU X0C 0G0
Telephone: 867-645-2805
Facsimile: 867-645-2063
- Nunasi Corporation
P.O. Box 1559
Iqaluit, NU X0A 0H0
Telephone: 867-979-2175 or 867-979-2160
Facsimile: (867) 979-3099 (Note: Notification by email is preferred)
email: malaya@nunasi.com
- Kitikmeot Inuit Association
Lands Division
P.O. Box 360
Kugluktuk, NU X0B 0E0
Telephone: 867-982-3310
Facsimile: 867-982-3311



Notification of Procurement - cont'd

- 24.4.3 - Where the Government of Canada or the Territorial Government intends to invite bids for government contracts to be performed in the Nunavut Settlement Area, it shall take all reasonable measures to inform Inuit firms of such bids, and provide Inuit firms with a fair and reasonable opportunity to submit bids.
- 24.4.3 - Means that when a procurement activity is to take place in Nunavut, the contracting officer is required to send the request to any firms from <http://inuitfirm.tunngavik.com/> who may be able to fulfil the request.



Bid Solicitation

- 24.5.1 - Where the Government of Canada or the Territorial Government solicits bids for government contracts to be performed in the Nunavut Settlement Area, it shall ensure that qualified Inuit firms are included in the list of those firms solicited to bid.
- Beneficiary List (www.inuitfirm.tunngavik.com)
- INAC Support



Bid Invitation

- 24.4.2 - In inviting bids on government contracts in the Nunavut Settlement Area, the Government of Canada shall provide all reasonable opportunities to Inuit firms to submit competitive bids, and, in doing so, shall take, where practicable and consistent with sound procurement management, the following measures:
 - (a) set the date, location, and terms and conditions for bidding so that Inuit firms may readily bid;
 - (b) invite bids by commodity groupings to permit smaller and more specialised firms to bid;
 - (c) permit bids for goods and services for a specified portion of a larger contract package to permit smaller and more specialised firms to bid;
 - (d) design construction contracts in a way so as to increase the opportunity for smaller and more specialised firms to bid; and
 - (e) avoid artificially inflated employment skills requirements not essential to the fulfilment of the contract.



Bid Criteria

- 24.6.1 - Whenever practicable, and consistent with sound procurement management, and subject to Canada's international obligations, all of the following criteria, or as many as may be appropriate with respect to any particular contract, shall be included in the bid criteria established by the Government of Canada for the awarding of its government contracts in the Nunavut Settlement Area:
 - (a) the existence of head offices, administrative offices or other facilities in the Nunavut Settlement Area;
 - (b) the employment of Inuit labour, engagement of Inuit professional services, or use of suppliers that are Inuit or Inuit firms in carrying out the contracts; or
 - (c) the undertaking of commitments, under the contract, with respect to on-the-job training or skills development for Inuit.



Inuit (Aboriginal) Benefits Plans (IBP/ABPs)

- An IBP/ABP ensures that, regardless of who the successful bidder is, socio-economic benefits are realized for the beneficiaries of the specific CLCA(s).
- Bid criteria in IBP/ABPs reflect Canada's CLCA contracting obligations and addresses some or all of the following depending on the Statement of Work:
 - On-the-job training;
 - Skills development;
 - Apprenticeship skills; and
 - Sub-contracting to beneficiary firms.
- DND Alert Care & Maintenance Contract
- RCMP Building Construction in Arviat
- DFO Dredging & Dock Construction in Pangnirtung



Care & Maintenance of DND Alert Facility – Results of the Inclusion of an Inuit Benefits Plan

Year	Employment	Procurement	Participation	Travel / Training	IBP Total to Date
Year 1 (to June 2013)	\$239,556	\$350,059	\$19,297	\$25,552	\$634,464
Year 2 (to June 2014)	\$397,724	\$988,949	\$148,200	\$102,352	\$1,637,225
Year 3 (to May 2015)	\$393,088	\$867,947	\$189,908	\$0	\$1,450,943
Total	\$1,030,368	\$2,206,955	\$357,405	\$127,904	\$3,722,632



Evaluation and Monitoring

- 24.8.1 - The Government of Canada and the Territorial Government, in cooperation with the DIO, shall take the necessary measures to monitor and periodically evaluate the implementation of this Article.
- CLCA.Net <http://www.aadnc-INAC.gc.ca/eng/1100100032266/1100100032267>



Nunavut Settlement Agreement

- Set-aside policy
- Inuit Benefits Plan
- Monitoring and Evaluation
- Enforcement
- Target Date



Inuvialuit Final Agreement (IFA) - 1984

- 16. (2) Canada and the Inuvialuit agree that the economic measures set out in this section should relate to and support achievement of the following objectives:
 - (a) full Inuvialuit participation in the northern Canadian economy: and
 - (b) Inuvialuit integration into Canadian society through development of an adequate level of economic self reliance and a solid economic base.
- 16. (4) The government agrees to provide the Inuvialuit with the opportunity to participate in economic planning in the Inuvialuit Settlement Region.



Inuvialuit Final Agreement (1984) Cont'd

16.8:

- (b) Notify the Inuvialuit of all Government contracts subject to public tender that relate to activities in the Inuvialuit settlement region and the Inuvialuit communities. Where the Inuvialuit submit the best bid having regard to price, quality, delivery and other stipulated conditions, the contract shall be awarded to the Inuvialuit; and
- (c) Notify the Inuvialuit Development Corporation of instances where federal government procurement of goods and services related to activities in the Inuvialuit Settlement Region takes place on a basis other than public tender. If the Inuvialuit are capable of supplying those goods and services on a reasonable basis, they shall receive a **reasonable share** of the contracts awarded.



Inuvialuit Final Agreement (1984) Cont'd

- 16.8 (c) Notify the Inuvialuit Development Corporation of instances where federal government procurement of goods and services related to activities in the Inuvialuit Settlement Region takes place on a basis other than public tender.
 - Solicit Bids from the IFA Business Registry
 - Link to the IFA site:
 - <http://www.irc.inuvialuit.com/corporate/ibl/>



IFA – Notification to the Claimant Group

- Inuvialuit Development Corporation

3rd Floor, Inuvialuit Corporate Centre

107 MacKenzie Road

P.O. Bag # 7

Inuvik, NT X0E 0T0

Telephone: 867-777-7000

Facsimile: 867-777-3256

email: info@inuvialuit.com



Inuvialuit Final Agreement (1984) Cont'd

The IFA is the only CLCA which allows the beneficiary group to trigger binding arbitration without Canada being able to decline.



James Bay & Northern Quebec Agreement (JBNQA) 1975

28.10.3 Cree Participation in Employment and Contracts

28.10.3 For projects initiated or conducted by Canada or Québec or their agencies, delegates, or contractors, and for projects by any proponent a major purpose of which is to provide goods or services to or for the benefit of Cree communities the governments shall take all reasonable measures to establish Cree priority in respect to employment and contracts created by such projects:

- b) in respect to contracts arising from such projects, including requirements that the proponents:
 - i) design contract packages to provide to the Crees a reasonable opportunity to submit competitive tenders;
 - ii) post calls for tenders in a public place in all Cree communities on the date on which the general public is made aware of such calls for tenders;
 - iii) set the date, location, terms and conditions for tendering so that Cree individuals or groups may reply with reasonable ease.



James Bay & Northern Quebec Agreement (JBNQA) 1975

29.0.31 Inuit Participation in Employment and Contracts

29.0.31 For projects initiated or conducted by Canada or Québec or their agents, delegates, or contractors, and for projects by any proponent a major purpose of which is to provide goods or services to or for the benefit of Inuit communities the governments shall take all reasonable measures to establish Inuit priority in respect to employment and contracts created by such projects:

- b) in respect to contracts arising from such projects, including requirements that the proponents:
 - i) design contract packages to provide to the Inuit a reasonable opportunity to submit competitive tenders;
 - ii) post calls for tenders in a public place in all Inuit communities on the date on which the general public is made aware of such calls for tenders;
 - iii) set the date, location, terms and conditions for tendering so that Inuit individuals or groups may reply with reasonable ease.



Annex A Inuit Employment and Contract Priority

Agreement Respecting the Implementation of the James Bay and Northern Quebec Agreement Between Her Majesty the Queen in Right of Canada and Makivik Corporation (1990)

- Annex A – Inuit Employment and Contract Priority



Annex A Inuit Employment and Contract Priority

Part II Policy on James Bay and Northern Quebec Agreement Procurement

- 1.Objective
- 2.Policy
- 3.Definitions
- 4.List of Inuit Firms
- 5.Contracting Procedures
- 6.Planning of Government Contracts
- 7.Bid Evaluation Criteria
- 8.Bid Solicitation
- 9.Bid Invitation
- 10.Monitoring and Reporting



Annex A Inuit Employment and Contract Priority

Part II Policy on James Bay and Northern Quebec Agreement Procurement

8 BID SOLICITATION

8.1 Wherever practicable and consistent with sound procurement management, Canada will first solicit bids from within the Territory.

8.4 Where it is determined that there is a single firm within the Territory qualified to perform a government contract, Canada will solicit that firm to submit a bid for the government contract. The contract may be awarded upon negotiation of acceptable terms and conditions.



CLCAs Business Lists

- Nunavut Tunngavik Inc.: <http://inuitfirm.tunngavik.com/>
- Gwich'in: <http://gwichin.biz/>
- Inuvialuit: <http://www.irc.inuvialuit.com/corporate/ibl/search/>
- Sahtu:
http://driveit.clickspace.com/ir/clients/sahtu/pdf/businessdevelopment/category_order.pdf
- Tlicho: <http://www.tlicho.ca/businesses/private-businesses>
- JBNQA – Cree : <http://www.gcc.ca/archive/article.php?id=370>
- JBNQA – Inuit : <http://www.makivik.org/corporate/nie-directory/>
- Nunavik: http://www.krg.ca/images/stories/docs/2012Business_Directory_updated.pdf
- LILCA: <http://www.nunatsiavut.com/business/inuit-business-directory/>



CLCAs Business Lists cont'd

- Yukon

- Champagne & Aishihik: <http://cafn.ca/doing-business/cafn-businesses/>
- Carcross/Tagish: <http://www.ctfn.ca/>
- Kwanlin Dun: http://www.kwanlindun.com/kdfn_business_listings/
- Kluane: <http://www.kfn.ca/index.php/business>
- Little Salmon/Carmacks: <http://cyfn.ca/nations/little-salmon-carmacks-first-nation/>
- Nacho Nyak Dun:
http://nndfn.com/images/uploads/pdfs/NND_Business_Registry_Form_2012_copy_2.pdf
- Selkirk: <http://www.selkirkfn.ca/>
- Tr'ondek Hwech'in: <http://www.trondek.ca/>
- Ta'an Kwach'an: <http://www.taan.ca/>
- Teslin Tlingit: <http://www.teslin.ca/businesses/business.html>
- Vuntut Gwitchin: <http://www.vgfn.ca/>



Contracting Issues

- Consultation with Inuit communities with payments to Elders.
 - Payment process
 - Cash or cheque?
- Consultants report to HQ
 - CLCA applicability
- Notification
 - Timing – minimum 15 days for LDV requirements
 - Complaints received
- Sole Source contracting :
 - to Aboriginal Firms / HTAs
 - to non-Aboriginal Firms
- Soliciting bids for LDV requirements



CPN 2008-4

- CPN 2008-4 was developed to clarify monitoring and reporting obligations in implementing federal contracting in CLCAs
- 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.
- http://pse5-esd5.ainc-inac.gc.ca/clcaonline/clca_public/Reports/SearchCLCAQuarterlyReport.aspx?lang=eng (link to CLCA.net Quarterly reports)



Data Elements

1. The name of the applicable CLCA(s) where the services or goods were delivered,
2. The postal code(s) for the locations benefiting from the services delivered, or where the goods are installed and put to use,
3. The name of the contractor,
4. Classification of the Contractor as either
 - A beneficiary of a Land Claims Agreement or an entity owned by the beneficiaries of the [Insert name of the appropriate CLCA], or
 - Not a beneficiary or entity owned by beneficiaries of the CLCA(s). The transaction number(s) in the departmental financial system (for example, the requisition number, commitment number or contract number).
6. The Contract Award date,
7. The contract expiry date,
8. The Economic Objects code,
9. A short narrative description of the goods or services to be delivered,
10. The value of the contract,
11. Department Name and Customer Information System (CIS) number, and
12. Address of the location from where the order originated.



Thank You!

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Modern Treaty Implementation Office
Treaties and Aboriginal Governance
Indigenous and Northern Affairs Canada