



Notice of Meeting and Meeting Agenda First Nations Relations Committee

Wednesday, April 27, 2022

1:30 PM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

M. Tait (Chair), B. Desjardins (Vice Chair), F. Haynes, D. Howe, B. Isitt, K. Murdoch, G. Orr, J. Ranns,
L. Seaton, K. Williams, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. Territorial Acknowledgement

2. Approval of Agenda

3. Adoption of Minutes

3.1. [22-282](#) Minutes of the January 26, 2022 First Nations Relations Committee Meeting

Recommendation: That the minutes of the First Nations Relations Committee meeting of January 26, 2022 be adopted as circulated.

Attachments: [Minutes - January 26, 2022](#)

4. Chair's Remarks

5. Presentations/Delegations

The public are welcome to attend CRD Board meetings in-person.

Delegations will have the option to participate electronically. Please complete the online application for "Addressing the Board" on our website and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

6. Committee Business

6.1. [22-290](#) Procurement Policy Amendments for Procurement from Indigenous Businesses

Recommendation: The First Nations Relations Committee recommends to the Capital Regional District Board:
That the Procurement Policy be amended as attached as Appendix "A".

Attachments: [Staff Report: Procurement Policy Amendments](#)
[Appendix A: Draft Procurement Policy 2022 \[Redlined\]](#)

6.2. [22-271](#) First Nations Relations Communications Framework

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: First Nation Relations Communications Framework](#)
 [Appendix A: First Nation Relations Communications Framework](#)

7. Notice(s) of Motion**8. New Business****9. Motion to Close the Meeting****9.1.** [22-283](#) Motion to Close the Meeting

Recommendation: That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter. [1 item]

10. Adjournment

Next Meeting: September 7, 2022 @ 9:30 am (Special)

Meeting Minutes

First Nations Relations Committee

Wednesday, January 26, 2022

1:30 PM

**6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7**

PRESENT

Directors: M. Tait (Chair), B. Desjardins (Vice Chair), P. Brent (for D. Howe) (EP), F. Haynes (EP), B. Isitt (1:34 pm) (EP), K. Murdoch (EP), G. Orr (EP), K. Kahakauwila (for J. Ranns) (EP), L. Seaton (EP), K. Williams (EP), C. Plant (Board Chair, ex-officio)

Staff: R. Lapham, Chief Administrative Officer; K. Morley, General Manager, Corporate Services; L. Hutcheson, General Manager, Parks and Environmental Services; T. Robbins, General Manager, Integrated Water Services; C. Vernon, Manager, First Nations Relations; J. Leahy, Senior Manager, Regional Parks; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder); A. Doiron, Clerk Typist (Recorder)

Guest: M. Hicks (EP)

EP – Electronic Participation

Regrets: D. Howe, J. Ranns

The meeting was called to order at 1:30 pm

1. Territorial Acknowledgement

The Chair provided the Territorial Acknowledgement

2. Approval of Agenda

**MOVED by Director Desjardins, SECONDED by Director Plant,
That the agenda for the January 26, 2022 First Nations Relations Committee
meeting be approved and to allow Director Hicks to participate in the open and
closed sessions.
CARRIED**

3. Adoption of Minutes

- 3.1.** [22-052](#) Minutes of the September 22, 2021 First Nations Relations Committee Meeting

**MOVED by Director Plant, SECONDED by Director Desjardins,
That the minutes of the First Nations Relations Committee meeting of September
22, 2021 be adopted as circulated.
CARRIED**

4. Chair's Remarks

While it has been some time since our committee met, we certainly have all been busy out in the field doing a lot of different work as best as we can. A few things that are coming up for you to mark on your calendars. On February 23, 2022 we are hosting board training with the Indigenous Perspectives Society. This inter-cultural skills training will be to support all directors to continue building responsible government to government relations with First Nations, and while you may have all participated in some form of training, whether through the CRD or through another entity, we do encourage you to attend because I feel this is a lifelong journey of learning and the more time that we share and reflect together will always lead to more questions and more learning and that is part of the process. Please mark your calendars for that and I look forward to seeing you all there. The Moose Hide Day has been postponed from February this year and will take place May 12. It is important to recognize the significant work of this campaign, it is an indigenous led, grass-roots movement of men and boys across Canada to stand up to end violence against women and children. The campaign is an opportunity for all Canadians to stand together in ceremony, reconciliation and solidarity. Those that attended UBCM may have likely received a moose hyde. As a mother to a son, I have a hyde and wear it myself as I think we all have a role to play. Wearing the hyde helps spread awareness. Moving forward, the Provincial Government is continuing to find ways to implement the Declaration Act and to bring BC legislation inline with the UN Declaration on the rights of indigenous peoples. Part of the draft action plan that has been developed focuses on First Nations joining regional district boards. We will likely hear more about that soon and the information will come to this committee when its available.

5. Presentations/Delegations

There were no presentations or delegations.

6. Committee Business

6.1. [22-058](#) 2022 First Nations Relations Committee Terms of Reference

K. Morley spoke to Item 6.1.

**MOVED by Director Desjardins, SECONDED by Director Plant,
That the First Nations Relations Committee receive the 2022 Terms of Reference
attached at Appendix A.
CARRIED**

6.2. [22-074](#) First Nations Relations Operational Update

C. Vernon spoke to Item 6.2.

Discussion ensued regarding:

- Timing of initiatives
- Additional cultural training for municipalities

MOVED by Director Desjardins, **SECONDED** by Director Plant,
The First Nations Relations Committee recommends to the Capital Regional
District Board:
That the First Nations Relations Operational Update report be received for
information
CARRIED

7. Notice(s) of Motion

There were no Notice(s) of Motion.

8. New Business

There was no new business.

9. Motion to Close the Meeting

9.1. [22-079](#) Motion to Close the Meeting

MOVED by Director Desjardins, **SECONDED** by Director Plant,
1. That the meeting be closed for Intergovernmental Negotiations in accordance
with Section 90(2)(b) of the Community Charter.
CARRIED

MOVED by Director Desjardins, **SECONDED** by Director Plant,
2. That the meeting be closed for Land Acquisition in accordance with Section
90(1)(e) of the Community Charter.
CARRIED

MOVED by Director Desjardins, **SECONDED** by Director Plant,
3. That such disclosures could reasonably be expected to harm the interests of
the Regional District.
CARRIED

The First Nations Relations Committee moved into the closed session at 1:46 pm.

The First Nations Relations Committee rose from its closed session at 2:44 pm.

10. Adjournment

MOVED by Director Plant, **SECONDED** by Director Seaton,
That the January 26, 2022 First Nations Relations Committee meeting be
adjourned at 2:45 pm.
CARRIED

CHAIR

RECORDER

REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, APRIL 27, 2022

SUBJECT Procurement Policy Amendments for Procurement from Indigenous Businesses

ISSUE SUMMARY

To amend the Procurement Policy to allow for targeted procurement from Indigenous businesses to support economic opportunities and regional capacity building.

BACKGROUND

In October 2020, the Board received the CRD First Nation Economic Development Partnership Model Feasibility Study Report which identified amendments to the CRD Procurement Policy as one of the target actions to support First Nations in moving towards their desired economic outcomes. The report also recommended highlighting CRD procurement opportunities to First Nations, and developing a First Nations Skills Index and Service Database.

Since that time, staff have undertaken work to advance the recommended objectives in the area of procurement, including: updating the website to include new content on “Doing Business with the CRD” in order to make CRD procurement opportunities and processes more easily accessible; collaborating with partner organizations to develop a database of Indigenous businesses in the region, which will provide a useful resource for enabling procurement from Indigenous businesses; collaborating with First Nations to employ cultural monitors to support heritage site conservation in the context of land-altering works; and engaging in direct award contracts, under the requirements of the existing Procurement Policy, on an ad hoc basis as appropriate opportunities arise.

Amendments to the CRD Procurement Policy are a key component of the 2020 report recommendations. Greater clarity in the Procurement Policy will enable greater consideration of Indigenous procurement when purchasing goods and services while still ensuring that staff have appropriate guidance and oversight in our decentralized purchasing environment. The draft Procurement Policy changes, attached at Appendix A, are intended to be enabling rather than prescriptive, and provide guidance around how CRD may exercise its discretion to conduct Indigenous procurement opportunities in a way that supports regional economic capacity building for Indigenous businesses and communities.

ALTERNATIVES

Alternative 1

The First Nations Relations Committee recommends to the Capital Regional District Board: That the Procurement Policy be amended as attached as Appendix “A”.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Currently, the Procurement Policy allows the purchases of goods and services from First Nation Governments to be excluded from the competitive requirements of the policy. This exclusion is permitted by the applicable domestic trade agreements which also include exemptions for procurements from non-profits and other government agencies, and for the purchase of certain categories of services such as legal, health or social services.

While the existing language in the Procurement Policy permits such action now, there has been no explicit direction in the current policy that would enable CRD staff on how to create such programs, what should be considered in developing such programs, and what division at CRD is meant to have oversight for such programs.

There are a variety of approaches other jurisdictions have implemented to encourage Indigenous procurement, including the following measures described below.

Indigenous Procurement Program Options

Direct award: a non-competitive process where an Indigenous supplier is awarded a contract without engaging in a competitive bidding process. This is used most often for low value contracts. The Greater Victoria Harbour Authority has implemented this approach with a policy that allows it to actively seek opportunities for direct awards to qualified Indigenous businesses for work valued at under \$20,000.

CRD currently utilizes direct awards for some contracts with Indigenous businesses, such as brush-clearing in the watershed, and operation of the Sooke Potholes Campground. Staff recommend that direct awards continue to be utilized for low-value contracts where there is a known Indigenous local supplier, qualified to deliver the services. Where there is more than one qualified Indigenous supplier, it may be more appropriate to utilize a competitive process under a set-aside program.

Indigenous Business set-aside: a procurement that has been reserved for competition among Indigenous businesses only. Set-asides may be prescriptive, such as requiring a certain percentage of a total capital budget, or a specific project budget, be reserved for Indigenous businesses only. In 2021, the Government of Canada set a target that 5% of the total value of all contracts with the federal government be awarded to Indigenous businesses. A benefit of a set-aside program is that it reserves the work for Indigenous businesses, while still preserving a competitive bidding process on what may be a more level playing field for the bidders.

While set-asides can be a useful tool on a national scale, with a larger pool of Indigenous businesses to draw from, it is less likely to meet the goal of supporting economic opportunities at a local scale where there may not always be enough qualified Indigenous businesses to run a competitive process. For this reason, staff do not at this time recommend the creation of a general set-aside target, but have included in the policy amendment an enabling provision to create a set-aside program should a specific opportunity arise.

Indigenous Business Participation (Unbundling) and Employment: creation of a condition in a tender that requests a portion of the works be awarded to an Indigenous business, or that a specified number of Indigenous People be employed on the project. This can be a desired condition of the procurement, such that those proponents who maximize the use of Indigenous businesses and employees receive a higher bid score, or a mandatory condition of the bid proposal. There are a number of jurisdictions that utilize this approach, including the Government of Manitoba, Metro Vancouver, and the Government of Yukon.

Staff have included unbundling and employment as recommended approaches in the policy revisions. It has been used successfully by the CRD in the past as a condition on the construction contract on the McLoughlin Point Wastewater Treatment Plant. Optimal projects for this approach are large-scale projects that are undertaken on or near First Nations lands or urban Indigenous communities, or works that are done on behalf of a Nation such as water or wastewater servicing.

Operational Implications

The draft policy amendment provides that CRD staff may develop programs, conduct direct awards or approve procurement methods on a case-by-case basis.

The draft policy provides that program criteria be approved by the Chief Administrative Officer and the General Manager, Corporate Services, whose Legal Services division is responsible for procurement policy compliance and oversees contract standards. A requirement for any such program is that they must balance the need to be competitive, best value procurement principles with the CRD's interest in economic development and capacity building in the region's Indigenous communities and rural and remote communities. Criteria must be drafted with a view to good contract management. This is based on other existing programs from public authorities and communities reviewed in developing this policy.

Direct awards for contracts under \$10,000 in value are encouraged for qualified Indigenous Businesses, where the goods, services or construction meet the bid requirements. Direct awards for contracts more than \$10,000 are subject to the non-competitive purchase process set out in section 8 of Appendix B, unless other program criteria are approved in advance of the purchase.

In addition, staff may consider the following in other procurements:

- a) encouraging partnerships and joint ventures with Indigenous communities and established businesses and suppliers;
- b) unbundling a percentage of works on a project, provided that the remainder of the works are subject to competitive procurement rules;
- c) including criteria for community benefit or capacity building as defined deliverables;
- d) coordinating works with those of Indigenous communities and entities that may benefit;
- e) requesting submission by vendors of Indigenous business sub-contracting plans to build capacity;
- f) establishing lists of pre-qualified suppliers;
- g) organizing and providing advance notice of upcoming procurement opportunities or hosting information sessions where appropriate; and,
- h) considering preferences for vendors identified by an Indigenous community, public authority, or government.

Intergovernmental Implications

Leveraging CRD procurement funds in support of Indigenous economic opportunities is a tangible way that the CRD can demonstrate a commitment to reconciliation. It also permits CRD to support capacity building by potentially encouraging the inclusion of contractors from and community benefits to regional First Nations, depending on the specific Nation's interests.

Social Implications

Enabling greater involvement of Indigenous businesses in CRD procurement will support these entities to access economic opportunities, thus increasing prosperity for Indigenous peoples. Following the standard set by the federal government and many other jurisdictions, Indigenous businesses are defined in the CRD policy on the basis of at least majority ownership, and in cases where there are 6 or more full-time employees, at least a third of the employees must be Indigenous peoples. This is a definition used by many public authorities.

Financial Implications

There are no direct cost implications associated with these policy amendments. Where programs may be developed in future to promote Indigenous procurement or First Nations' capacity building through the procurement process, any cost implications would need to be included in the project budget and approved in the financial plan. Any directed procurement program approved by staff will need to outline how the social objectives will balance the need to ensure best value and good contract management.

Service Delivery Implications

No impacts to service delivery are anticipated as a result of these policy amendments. Ensuring Indigenous proponents are qualified to undertake the required works or services remains an essential components of the bid evaluation process.

Alignment with Board Priorities and Existing Plans & Strategies

Enabling economic opportunities for Indigenous businesses supports Board Priority 3a-2 to 'Seek partnerships, share information & deliver fair & equitable services in working with First Nations on achieving their economic goals.' This Priority builds on the Board's Statement of Reconciliation theme of shared prosperity, recognizing the gap in wealth between First Nations and settler governments. The CRD First Nation Economic Development Partnership Model Feasibility Study Report (May 2020) identified amendments to the CRD Procurement Policy, along with making procurement opportunities more accessible and developing a database of Indigenous businesses, as opportunities to support First Nations in moving towards their desired economic outcomes.

CONCLUSION

To support First Nations' economic opportunities, the CRD website is being updated to make the CRD procurement process more easily accessible, a database of Indigenous businesses is being developed, direct awards to Indigenous businesses are offered where appropriate, and changes are proposed to the CRD Procurement Policy. The draft policy amendments are intended to enable greater consideration of Indigenous procurement opportunities, to support economic goals and capacity building for Indigenous businesses and communities, while still ensuring that staff have appropriate guidance and oversight.

RECOMMENDATION

The First Nations Relations Committee recommends to the Capital Regional District Board:
That the Procurement Policy be amended as attached as Appendix “A”.

Submitted by:	Caitlyn Vernon, MES, Manager, First Nations Relations
Concurrence:	Steven N. Carey, J.D., Senior Manager, Legal and Risk Management
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Draft Procurement Policy 2022 [Redlined]



Making a difference...together

CAPITAL REGIONAL DISTRICT CORPORATE POLICY

Policy Type	Board		
Section			
Title	PROCUREMENT POLICY		
Adopted Date	May 10, 2017	Policy Number	ADM27
Last Amended			
Policy Owner	Corporate Services (Legal Services)		

1. POLICY:

This policy will ensure that all goods, services and construction will be acquired in a competitive, fair and open manner that

- is efficient, accountable and maximizes best value;
- advances the Capital Regional District's commitment to economic, environmental, and social responsibility by supporting the acquisition of sustainable products and services; and
- meets the requirements of the *Community Charter*, the *Local Government Act*, the Canadian Free Trade Agreement (CFTA), the New West Partnership Trade Agreement (NWPTA) and public sector procurement standards and competitive bidding law.

2. PURPOSE:

This policy outlines authorization and competition requirements for procuring goods, services and construction for the Capital Regional District (CRD), the Capital Regional Hospital District (CRHD) and the Capital Region Housing Corporation (CRHC) (collectively, "**CRD**").

3. SCOPE:

This policy applies to all CRD services (functions) and to all acquisitions and purchases made by CRD officers, employees and volunteers.

Specific exemptions are set out in section 9 below.

4. DEFINITIONS:

Appendix A establishes definitions for terms used in this policy.

5. AUTHORITY FOR PROCUREMENT TRANSACTIONS:

Procurement transactions must be within the scope of the Board approved annual financial plan and must only be initiated and executed by persons authorized to acquire and purchase goods and services within the authorized purchasing limits as set out in the CRD Delegation Bylaw ("**Authorized Staff**").

Authorized Staff must only authorize procurement transactions that are within the signing authority limits set out in the CRD Delegation Bylaw. The signing authority limits for purchases of goods, services, and construction are summarized in the following table:

Position	Delegated Signing Authority Limit
Chief Administrative Officer	\$5,000,000 Change orders of any value provided they are in the annual financial plan
CFO and General Managers	\$500,000
Staff/Volunteers	Subject to the approval of the applicable GM or the Chief Financial Officer: The <u>lesser</u> of \$100,000 or the amount set out on a signing authority form held by the Department of Finance and Technology

Refer to the “Awarding and Execution of Contracts and Agreements” policy for more information on delegation and conditions for exercising delegated authority.

Purchasing and supply management activities at the CRD are decentralized by divisions (service), and staff in those divisions are responsible for acquiring goods, services and construction for all operational and capital requirements in accordance with the terms of this policy.

6. RESPONSIBLE PROCUREMENT:

The CRD’s primary goal in the procurement process is to attain best value using processes that are competitive, open, transparent and non-discriminatory. Where possible, the CRD will give preference to the purchase of goods, services and construction that minimize adverse environmental impacts and greenhouse gas emissions and that promote recycling, re-use and reduction of waste. Authorized Staff will review and modify existing procurement specifications, and create new specifications, to include environmentally and socially responsible options or criteria to be considered along with price and performance.

7. PROCUREMENT THRESHOLDS AND METHODS

The method of CRD procurement is based on the dollar value and the nature of the specific procurement transaction, ensuring that the cost and time associated with using a competitive process is proportionate to the benefit received.

Procurement methods must be selected in accordance with the following table and the procedures set out in Appendix B to this policy:

Estimated Transaction Cost	Method
<i>Goods and Services</i>	
Less than \$5,000	Low Value Process
Less than \$10,000	Informal Quotation Process
\$10,000 to \$75,000	Written Quotation Process <i>or</i> Formal Competitive Process (RFP, ITQ, RFSO)
Greater than \$75,000	Formal Competitive Process (RFP, ITQ, RFSO)
<i>Construction</i>	

Less than \$200,000	Written Quotation Process <i>or</i> Formal Competitive Process (RFP, ITT)
Greater than \$200,000	Formal Competitive Process (RFP, ITT)

Note: Multi-year agreements are dollar value accumulative and shall be subject to the thresholds listed above. The requirement for competitive purchasing may be waived by a GM or the CAO and replaced with negotiations by staff under the circumstances set out in section 8 of Appendix B.

8. CONTRACTUAL AGREEMENTS

Authorized Staff are responsible for determining whether it is in the best interests of the CRD to establish a written contract with a supplier. The following factors should be taken into consideration:

- P-Cards should be used for straightforward purchases not exceeding \$10,000 in value, unless otherwise authorized by the applicable GM or CAO, and only in accordance with the policies and procedures established by the Department of Finance & Technology.
- A purchase order may be used when the resulting contract is straightforward and does not exceed \$50,000 in value unless otherwise authorized by the applicable GM or CAO, and will contain the CRD's standard purchase order terms and conditions.
- A written contract is to be used when the arrangement is complex or when terms and conditions are required that are not in the CRD's standard purchase order, including, but not limited to: contract security, performance monitoring, insurance, WorkSafe BC compliance and project schedules.
- A written contract must be used where the procurement method selected requires the use of CRD-approved templates (as set out in Appendix B).

Where it is determined that a written contract is required, the contract must be executed in accordance with the "Awarding and Execution of Contracts and Agreements" policy.

9. GENERAL

Late Bids. Submissions not received by the stated closing time and date will be rejected. The CRD will identify the timing device to be used.

Procurements That Exceed Budget. A bid that is accepted under the procedures set out must not exceed the amount that is included for that purpose, specifically or generally, in a budget approved by the Board. Where the bid was not accepted solely due to exceeding budget, the General Manager of the division, must either recommend rejection, revision of the requirements sufficient to reduce the cost to within budget or request approval from the Board for the transfer of additional revenues sufficient to fund the bid amount.

Unsolicited Proposals. Unsolicited proposals received by the CRD will be reviewed by Authorized Staff in the applicable division. Any procurement activity resulting from the receipt of an unsolicited proposal must comply with the provisions of this policy. A contract resulting from an unsolicited proposal will only be awarded on a non-competitive basis when the procurement requirements comply with the non-competitive procurement procedures described in Appendix B.

Identical Bids.

1. If identical lowest bids are received, each of which are less than the signing authority of the General Manager of the division and all other criteria are equal (delivery, service, performance, security of supply and price), the successful bid must be chosen by the drawing of lots under the General Manager's supervision.

2. The General Manager of the division is to recommend to the CAO for decision whether any bid should be accepted as the successful bid if the CRD receives identical lowest bids, each of which are more than the General Manager's signing authority.

Increase to an Existing Contract or Purchase Order. Increases to the value of an existing contract or purchase order must only be approved by the Authorized Staff person that approved the award and only if the total amount of the contract or purchase order, including the increase, is within that Authorized Staff person's signing authority limit and within the project budget as set out in the approved financial plan.

Purchase Standardization. All CRD divisions shall co-operate in the purchase of supplies by simplifying and standardizing like requirements, wherever possible. Every effort should be made to reduce the types and kinds of products used to the smallest number (i.e., considering equivalents or any alternatives suggested) in order to minimize investment.

Co-operative Purchasing. Savings likely to be achieved through purchasing goods and services jointly with other government bodies should be pursued. This policy provides the authority to Authorized Staff to participate with other government agencies or public authorities in joint purchasing ventures when it is in the best interests of the CRD. In such cases, the procedures set out by the agency responsible for the venture will be followed and not the procedures set out in this Policy.

Financial Security. The purchaser may require financial security from potential suppliers if considered to be in the CRD's best interest. Bonding is not required on every bid but it is advisable where there is a large liability or the value is over \$100,000.

Disposal of Surplus Goods. Management in service areas must dispose of all goods and equipment for which there is no longer a use, by any method considered to be in the CRD's best interest, including transfer to another CRD division, public auction, public tender, trade or negotiated sale. If the surplus goods cannot reasonably be sold by any of these means, the goods may be disposed of in such manner as deemed appropriate and may include donation to a not-for-profit agency.

Surplus goods may not be sold to any CRD employee except via public auction or tender. Goods valued at less than \$1,000 may be disposed of on the web through a silent auction.

Prohibitions. The following activities are prohibited:

1. Purchase by the CRD of any goods or services for personal use by or on behalf of any member of the Board, appointed officers or employees or their immediate families.
2. The division of a single purchase into multiple increments to circumvent policies or levels of authority.
3. Committing the CRD or entering into a procurement transaction without the appropriate authority to do so.

Conflict of Interest. No member of the Board, employee or volunteer shall have any direct or indirect pecuniary interest in any competitive bid or arrangement for the supply of goods, services or construction to the CRD, unless it is first disclosed by the person submitting the bid or supplying the goods, services or construction. All competitive bid documentation must include a section that requires suppliers to disclose any actual or potential conflicts of interest and existing business relationships it may have with the CRD, its elected or appointed officials or employees prior to submission of the bid.

WorkSafeBC. All contracts for service to be provided on CRD property require the contractor to provide proof of registration, where applicable, and remain in good standing with WorkSafeBC throughout the

term of their contract. Contractors may be required to provide clearance letters before and after performing work for the CRD. In the event the contractor is not eligible for registration with WorkSafeBC for reasons other than workplace safety performance, the CRD may register the contractor and pay the applicable WorkSafeBC premiums, at the contractor's expense.

Supplier Performance. Authorized Staff and the department responsible for a procurement transaction will maintain records of supplier performance. The information will be used to ensure contract compliance, to supplement a subsequent prequalification process or to justify a subsequent award to other than the low bidder where it can be demonstrated that such records are part of the evaluation process and criteria.

Supplier Debriefing. When a procurement transaction is awarded using a formal competitive process, unsuccessful suppliers are entitled to a debriefing upon request to obtain feedback on the strengths and weaknesses of their bid.

Insurance. All contracts for services to be provided on CRD property require the contractor to provide and maintain their own insurance coverage acceptable to the CRD, including but not limited to commercial general liability, auto, property/all risk and professional liability. The risk associated with each contract varies and accordingly the CRD may require additional factors, such as being named as an additional insured, cross liability clauses, waiver of subrogation, notice of cancellation and proof of coverage.

Freedom of Information and Protection of Privacy Act. This Policy is subject to the provisions of the Freedom of Information and Protection of Privacy Act with respect to the disclosure of information.

Exemptions. This procurement policy's [Appendix B](#) establishes [competitive and non-competitive](#) practices applying to the purchase of all types of goods, services and construction with the exception of the following:

1. The borrowing and investing of money
2. The rental, lease, purchase and sale of property, land or accommodation
3. Memberships in professional and vocational associations and their publications and other professional and training activities
4. Health services and social services
5. Legal services
6. Procurements from a public body or non-profit organization
7. The hiring of contract employees
8. Goods and services purchased through provincial and federal corporate supply arrangements
9. Goods, services, [and construction](#) purchased from [Indigenous Businesses](#)

[Despite this exemption, the approval process for a purchase as set out in Appendix B or as otherwise established by procedure or policy must still be followed. In general, this requires General Manager, CAO, or Board approval prior to solicitation, depending on value; confirmation of available budget and inclusion in the financial plan; approval of an award in writing \(depending on value\); appropriate documentation of the purchase or agreement; and execution of the purchase by an individual with appropriate delegated authority.](#)

[Directed Procurement and Indigenous Business. Canada's trade agreements permit inclusion of mechanisms for Indigenous peoples and businesses in a procurement, as well as for establishing set-aside programs for small businesses. CRD staff may develop programs or conduct directed procurements where appropriate.](#)

Program criteria must be approved in writing by the Chief Administrative Officer and the General Manager, Corporate Services. Programs must balance competitive, best value procurement principles with the CRD's interest in economic development and capacity building in the region's Indigenous communities and rural and remote communities. Criteria must be drafted with a view to good contract management.

Direct awards for contracts under \$10,000 in value are encouraged for qualified Indigenous Businesses, where the goods, services, or construction meet the bid requirements. Direct awards for contracts more than \$10,000 are subject to the non-competitive purchase process set out in section 8 of Appendix B, unless other program criteria are approved in advance of the purchase.

In addition, staff may consider the following in other procurements:

- a) encouraging partnerships and joint ventures with Indigenous communities and established businesses and suppliers;
- b) unbundling a percentage of works on a project, provided that the remainder of the works are subject to competitive procurement rules;
- c) including criteria for community benefit or capacity building as defined deliverables;
- d) coordinating works with those of Indigenous communities and entities that may benefit;
- e) requesting submission by vendors of Indigenous business sub-contracting plans to build capacity;
- f) establishing lists of pre-qualified suppliers;
- g) organizing and providing advance notice of upcoming procurement opportunities or hosting information sessions where appropriate; and,
- h) considering preferences for vendors identified by an Indigenous community, public authority, or government.

Limit. Any direct award valued at more than \$500,000 requires Board approval and legal review to ensure the transaction is compliant with applicable trade agreements and procurement law principles.

Definition of Indigenous Businesses.

An Indigenous Business is defined as follows:

- a) If a sole proprietorship, it must be wholly owned by an Indigenous person;
- b) If a corporation, it must have at least 51 per cent of the equity (including any common or voting shares) owned by one or more Indigenous businesses or Indigenous people; and
- c) If a partnership or joint venture, it must have at least 51 per cent of the ownership rights (including any voting rights) directly held by one or more Indigenous businesses or Indigenous people.

Where an Indigenous Business has six or more full-time employees as of bid-submission date, at least a third of the employees must be Indigenous peoples and this ratio must be maintained throughout the duration of the engagement.

6. SCHEDULE:

Appendix A – Definitions

Appendix B – Procurement Method Procedure

7. AMENDMENTS:

Adoption Date	Description:
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DATE	First Nations Procurement Language
May 10, 2017	Superseded Procurement Policy, April 9, 2015

8. REVIEWS:

Review Date	Description:
Three years	N/A

9. RELATED POLICY, PROCEDURE OR GUIDELINE:

Awarding and Execution of Contracts and Agreements Policy, ADM07

Acquisition and Installation of Computer Hardware and Software, ADM78

Purchase of Third Party IT Services, ADM79

Green Fleet Policy, ADM89

First Nations Honoraria Policy, ADM84

“Capital Regional District Delegation Bylaw No. 1, 2017” (Bylaw No. 4186)

APPENDIX A

DEFINITIONS

“Acquire” or “Acquisition” means to obtain by any method, accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but excludes expropriation, except by agreement under section 3 of the Expropriation Act;

“Best Value” means the optimal combination of Total Cost, performance, economic, environmental and social sustainability, reduced carbon dependency, and reduced waste.

“Bid” includes a proposal submitted in response to a Request for Proposal and a written formal offer, which may or may not be sealed, submitted in a particular form in response to an invitation to supply goods/services/construction, where the specifications and conditions of the goods or services are known and disclosed in the request;

“Board” means the board of the Regional District;

“Construction” means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in an incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement;

“Contract” means a contract for the supply (by way of sale, conditional sale, lease or otherwise) of goods, services or construction, including a purchase order or other document evidencing the obligation, and any amendments;

“Contract Amendment” means any change to a term, condition or other Contract provision, including a Change Order;

“Dispose” or “Disposition” means to transfer by any method including assign, give, sell, grant, charge, convey, lease, divest, dedicate, release, exchange, alienate or agree to do any of those things;

“Formal Competitive Process” means a public procurement process that is competitive, open, transparent, non-discriminatory and compliant with the requirements of the AIT and NWPTA, and includes an ITQ, ITT, RFP, RFSO and RFQ;

“Invitation to Quote (ITQ)” means a process used to solicit bids or quotes from vendors for the provision of clearly specified goods or services. The bids received in response to an ITQ are evaluated primarily on price;

“Invitation to Tender (ITT)” means a process used to solicit bids from vendors for the provision of construction services where the specifications, terms, conditions and other details are set out in the invitation and the responsive bids are evaluated primarily on price, without further negotiations;

“Notice of Intent (NOI)” means a publicly advertised method to inform vendors a contract is to be directly awarded on the basis that there is only one suitable vendor to provide the good or service.

“Original Value” means the contract price or fees for services as at the effective date of the Contract, excluding taxes;

“Procurement” means the acquisition by any means, including by purchase, rental, lease or conditional sale, of goods, services or construction;

“Request for Expression of Interest (RFEOI)” means the buyer is interested in receiving information from suppliers on any products or services available to achieve a particular outcome and may issue an RFQ, RFP or ITT depending on the response. The RFEOI is used to survey the market for firms interested in responding to a tender or RFP from the buyer. RFEOI are not open for bidding;

“Request for Proposal (RFP)” means an invitation for providers of a product or service to bid on the right to supply that product or service where the requirement for goods or services cannot be definitively defined or specified or alternative solutions or offers are being solicited. Proposals are evaluated on predetermined criteria where the selection of a supplier may not be made solely on the basis of the lowest price;

“Request for Qualifications” means a non-binding request to potential suppliers who wish to be considered for future RFP’s or other competitive purchasing processes to pre-qualify based on various factors including but not limited to expertise, experience, availability, prior performance, in order to avoid either buyer or supplier devoting resources to preparing and evaluating future RFP’s or competitive processes.

“Request for Standing Offer (RFSO)” means an invitation for providers of a product or service to bid on the right to supply that product or service by way of a standing offer. A standing offer is an offer from a supplier to provide well-defined, readily available goods or services, as and when requested, at prearranged prices or on a prearranged pricing basis, which can be established at the outset, under set terms and conditions, and for a specific period of time.

“Signing Authority” means the approved levels of authority, as defined in the CRD Delegation Bylaw, to purchase goods or services on behalf of the CRD (see Signing Authority Form);

“Total Cost” means the sum of all costs attributable to products, construction, and services associated with performing the intended function over the entire term of use and includes factors such as acquisition cost, installation cost, disposal value, disposal cost, operational cost, maintenance cost, quality of performance and environmental impact.

APPENDIX B

PROCUREMENT METHOD PROCEDURES

1. Low Value Process

Application

- 1.1 This method will be used for goods or services having a value less than \$5,000 and required for a one-time (non-repetitive) procurement.

Process

- 1.2 Before initiating the transaction staff and volunteers with sufficient signing authority must obtain approval of the applicable General Manager ¹("GM").
- 1.3 An informal quote or quotes (i.e. telephone, email, fax, letter) from known suppliers will be obtained. Competitive quotes should be obtained where possible.
- 1.4 Authorized Staff are responsible for ensuring that low value procurements are made at fair market value and all information relating to the procurement must be documented and maintained on file.
- 1.5 Authorized staff are responsible for selecting the payment tool appropriate for the transaction (refer to sections 8 and 9 of the Procurement Policy).

2. Informal Quotation Process

Application

- 2.1 This method will be used for goods or services having a value less than \$10,000 and required for a one-time (non-repetitive) procurement.

Process

- 2.2 Before initiating the transaction staff and volunteers with sufficient signing authority must obtain approval of the applicable GM or the GM, Finance and Technology.
- 2.3 Three informal quotes (i.e. telephone, email, fax, letter) will be obtained from known suppliers.
- 2.4 Authorized Staff are responsible for ensuring that the purchase or acquisition is made at fair market value and all information relating to the procurement must be documented and maintained on file.
- 2.5 Authorized staff are responsible for selecting the payment tool appropriate for the transaction (refer to sections 8 and 9 of the Procurement Policy).

¹CRHD and CRHR procurements will follow the process as set out in this Appendix B but are subject to the approval of their Boards and/or delegated approving authorities.

3. Written Quotation Process

Application

- 3.1 This method will be used where:
 - 3.1.1 for goods or services, the value of the transaction is between \$10,000 and \$75,000,
 - 3.1.2 for construction, the value of the transaction is between \$10,000 and \$200,000,
 - 3.1.3 the transaction is for a one-time (non-repetitive) procurement of goods, services or construction; and
 - 3.1.4 the goods, services or construction required can be fully defined.
- 3.2 Authorized Staff may determine that it is appropriate to use a formal competitive process instead of the written quotation process even though the value of the transaction is less than \$75,000 (for goods or services) or \$200,000 (for construction). In such a case, Authorized Staff will, in accordance with the provisions of this Appendix, use an Invitation to Quote (goods and services only), Invitation to Tender (construction only) or a Request for Proposals (goods, services or construction).

Process

- 3.3 The upper limit of staff and volunteer signing authority is \$100,000. Staff and volunteers with sufficient signing authority must only initiate transactions under the \$100,000 limit, and only after obtaining approval of the applicable GM. Transactions exceeding the upper limit of staff signing authority but not exceeding \$200,000 may be initiated after receiving approval of a GM.
- 3.4 Where a GM approves the initiation of a written quotation process, the applicable GM is responsible for the execution of the transaction, which includes making key decisions, approving the award and executing all required documentation.
- 3.5 Written quotes will be obtained as follows:
 - 3.5.1 three (3) written bids obtained from three (3) separate potential suppliers;
 - 3.5.2 all suppliers will receive the same quotation written information; and
 - 3.5.3 all bid documentation will be retained by the Authorized Staff person in Department files to be held in accordance with CRD records retention policies.
- 3.6 Authorized Staff are responsible for selecting the supplier on the basis of best value to the CRD.
- 3.7 Authorized Staff are responsible for ensuring that the purchase or acquisition is formalized in a written contract, where appropriate (in accordance with section 8 of the Procurement Policy).

4. Invitation to Quote (ITQ)

Application

- 4.1 This method should be used where
 - 4.1.1 the procurement is for goods or services and the value of the transaction exceeds \$75,000; and
 - 4.1.2 the requirement can be fully defined such that the primary competing factor is price (i.e. the solution(s), specification(s), performance standard(s) and timeframe(s) are known).
- 4.2 This method may be used where the value of the transaction is less than \$75,000 and the other criteria set out in section 4.1 are met.
- 4.3 Authorized Staff may issue a Request for Proposals instead of an Invitation to Quote where, in accordance with section 6 of this Appendix, Authorized Staff determine that a Request for Proposals would be more appropriate in the circumstances.
- 4.4 For clarity, this method must not be used for construction procurement transactions (the Invitation to Tender process is used for construction transactions – see section 5 of this Appendix).

Process

- 4.5 The upper limit of staff and volunteer signing authority is \$100,000. Invitations to Quote must only be initiated as follows:
 - 4.5.1 for acquisitions under \$100,000, by Authorized Staff or the applicable GM;
 - 4.5.2 for acquisitions estimated to be over \$100,000 but not exceeding \$500,000, on written approval from the applicable GM or CAO;
 - 4.5.3 for acquisitions estimated to be over \$500,000 but not exceeding \$5,000,000, on written approval of the CAO; or
 - 4.5.3 for acquisitions over \$5,000,000, on approval of the Board by way of a Board resolution authorizing the Invitation to Quote.
- 4.6 Invitations to Quote will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.6 to 5.9 of this Appendix.
- 4.7 On receipt of quotations from respondents, the competitive bid will be reviewed in accordance with the terms of the Invitation to Quote.

- 4.8 Staff will forward to the GM of the responsible department a summary of the procurement and recommend an award of contract to the supplier that meets all the mandatory requirements and provides the best value as stipulated by the ITQ.
- 4.9 Following review by the applicable GM, a summary of the procurement and the recommendation of award will be forwarded as follows for final approval of award,
 - 4.9.1 for awards within the signing authority limit of Authorized Staff, to the responsible staff person or the applicable GM;
 - 4.9.2 for awards above \$100,000 but below \$500,000, to the applicable GM or CAO;
 - 4.9.3 for awards over \$500,000 but not exceeding \$5,000,000, on written approval of the CAO; or
 - 4.9.4 for awards over \$5,000,000, to the Board.
- 4.10 Written notification regarding a procurement award and all supporting documentation is to be kept in the procurement file.

5. Invitation to Tender

Application

- 5.1 An Invitation to Tender must be used where:
 - 5.1.1 the procurement is for construction and the value of the transaction is \$200,000 or greater; and
 - 5.1.2 the specifications are adequately defined to permit the evaluation of tenders against the clearly stated criteria.
- 5.2 An Invitation to Tender may be used where the procurement is for construction and the value of the transaction is less than \$200,000.
- 5.3 Authorized Staff may issue a Request for Proposals instead of an Invitation to Tender where, in accordance with section 6 of this Appendix, Authorized Staff determine that a Request for Proposals would be more appropriate in the circumstances.
- 5.4 For clarity, this method must not be used for goods and services procurement transactions (the Invitation to Quote process is used for goods and services transactions – see section 4 of this Appendix).

Process

- 5.5 The upper limit of staff and volunteer signing authority is \$50,000. Invitations to Tender must only be initiated as follows:
 - 5.5.1 for acquisitions under \$100,000, by Authorized Staff or the applicable GM;
 - 5.5.2 for acquisitions estimated to be over \$100,000 but not exceeding \$500,000, on written approval from the applicable GM or CAO;

- 5.5.3 for acquisitions estimated to be over \$500,000 but not exceeding \$5,000,000 written approval of the CAO; or
- 5.5.4 for acquisitions over \$5,000,000, on approval of the Board by way of a Board resolution authorizing the tender call.
- 5.6 The department responsible for issuing the Invitation to Tender will review and determine the specifications, terms and conditions relevant to the acquisition and provide this information to the applicable GM or CAO before notice of the Invitation to Tender is issued.
- 5.7 Where a GM or the CAO approves the initiation of an Invitation to Tender, the applicable GM or CAO is responsible for the execution of the transaction, which includes making key decisions, approving the award and executing all required documentation.
- 5.8 All Invitations to Tender will be issued using standard CRD contracts and tender documentation, unless otherwise approved by the Legislative and Corporate Services department.
- 5.9 Notice of an Invitation to Tender will be given by electronic posting on BC Bid and the CRD webpage, complemented, if appropriate, by other means of making the public and suppliers aware of the invitation. If the Invitation to Tender is issued out of a competitive pre-qualification process that was posted on BC Bid notice will only be given to successful respondents in a manner consistent with the pre-qualification documents.
- 5.10 The department responsible will evaluate the bids in accordance with the terms of the tender documentation and will recommend to Authorized Staff, the applicable GM, CAO or CRD Board (in accordance with section 5.11 of this Appendix) that the contract be awarded to the bidder offering best value.
- 5.11 Awards will be approved as follows:
 - 5.11.1 for tenders below \$100,000, by Authorized Staff or the applicable GM;
 - 5.11.2 for tenders below \$500,000, by the applicable GM or CAO;
 - 5.11.3 for tenders above \$500,000, but not exceeding \$5,000,000 by the CAO; and
 - 5.11.4 for tenders exceeding \$5,000,000, by the Board.
- 5.12 Written notification regarding a procurement award and all supporting documentation is to be kept in the procurement file.

6. Request for Proposals

Application

- 6.1 A Request for Proposals should be used for goods, services or construction where
 - 6.1.1 suppliers are invited to propose a solution to a problem, requirement or objective;
 - 6.1.2 the selection of the supplier is based on the effectiveness of a proposal or other criteria, rather than primarily on price alone;

- 6.1.3 it is expected that negotiations with one or more bidders may be required with respect to any aspect of the requirement; or
 - 6.1.4 the requirement is best described in a general performance specification.
- 6.2 Where the requirement is not straightforward or an excessive workload would be required to evaluate proposals, either due to their complexity, length, number of any combination of factors, a multi-step process may be used that would include a pre-qualification stage to ensure the workload is a manageable level.
- 6.3 At the discretion of Authorized Staff, this method may be used where the value of the transaction is less than \$75,000 and the other criteria set out in section 6.1 are met.

Process

- 6.4 The upper limit of staff and volunteer signing authority is \$100,000. Staff and volunteers with sufficient signing authority must only initiate transactions under the \$100,000 limit, or their approved signing authority, and only after obtaining approval of the applicable GM.
- 6.5 Requests for Proposals will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.5 to 5.9 of this Appendix.
- 6.6 A selection committee composed of staff from the responsible department will review all proposals against the established criteria and reach consensus on the final rating results and ensure that the final rating results with supporting documents are kept on the procurement file.
- 6.7 Staff will forward to the GM of the responsible department a summary of the procurement and recommend an award of contract to the supplier that meets all the mandatory requirements and provides the best value as stipulated by the Request for Proposal.
- 6.8 Following review by the applicable GM, a summary of the procurement and the recommendation of award will be forwarded as follows for final approval of award,
 - 6.8.1 for awards within the signing authority limit of Authorized Staff, to the responsible staff person;
 - 6.8.2 for awards below \$500,000, to the applicable GM or CAO;
 - 6.8.3 for awards above \$500,000 but not exceeding \$5,000,000, to the CAO;
 - 6.8.4 for awards exceeding \$5,000,000, to the Board.
- 6.9 Written notification regarding a procurement award and all supporting documentation is to be kept in the procurement file.

7. Request for Standing Offer

Application

7.1 A Request for Standing Offer will be used where:

- 7.1.1 the same goods or services are repetitively ordered and the actual demand is not known in advance; or
- 7.1.2 a need is anticipated for a range of goods and services for a specific purpose, but the actual demand is not known at the outset, and delivery is to be made when a requirement arises.

Process

- 7.2 Where the total value of goods or services required is estimated to be less than \$75,000 in a fiscal year, Authorized Staff will determine, in consultation with the appropriate GM, whether it is appropriate to issue a Request for Standing Offer in accordance with the above criteria.
- 7.3 Where the total value of goods or services required is estimated to be less than \$75,000 in a fiscal year, Authorized Staff, with approval of the applicable GM or CAO, may solicit written quotes from at least three (3) known suppliers who are qualified to supply the goods or services.
- 7.4 Where the total value of goods or services to be purchased is estimated to be above \$75,000 in a fiscal year, a Request for Standing Offer will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.5 to 5.11 of this Appendix.
- 7.5 In a Request for Standing Offer, the expected quantity of the specified goods or services to be purchased over the time period of the agreement will be as accurate an estimate as practical and be based, to the extent possible, on previous usage.
- 7.6 More than one supplier may be selected where it is in the best interests of the CRD and the bid solicitation allows for more than one.
- 7.7 Where competition results in a large number of offers from vendors, Authorized Staff are authorized to negotiate lower unit rates with the highest ranked vendors in return for a reduction in the number of firms authorized to provide the goods or services or the offer of a firm contractual commitment by the CRD.
- 7.8 The bid documentation and accompanying contractual documentation may provide that the time period to provide goods or services may be extended beyond the end of the fiscal year at the mutual consent of the CRD and the supplier.
- 7.9 A contract resulting from a request for standing offer will be subject to the normal contract award signing limits for the total anticipated value of the standing offer over the term of the contract.

8. Non-Competitive Purchase Process

Application

- 8.1 The requirement for competitive purchasing may be waived by an applicable GM or the CAO and replaced with negotiations by staff under the following circumstances:
- 8.1.1 where competition is precluded due to the application of any Act or legislation or other legal consideration (such as patent rights/copyrights);
 - 8.1.2 where it can be demonstrated that only one supplier is able to meet the requirements of a procurement and a Notice of Intent has been issued;
 - 8.1.3 where the nature of the requirement is such that it would not be in the public interest to solicit competitive bids as in the case of security of confidentiality matters,
 - 8.1.4 where the possibility of a follow-on contract was identified in the original bid solicitation;
 - 8.1.5 where the requirement is for a utility for which there exists a monopoly;
 - 8.1.6 where an unforeseeable situation of urgency exists and the goods, services or construction are urgently required and delay would be injurious to the public interest;
 - 8.1.7 where the procurement is from a public body or non-profit organization;
 - 8.1.8 where the value of a transaction for goods or services is less than \$75,000 and the applicable GM or CAO has determined that a competitive process would not be practical and has given written approval for the acquisition;
 - 8.1.9 where the value of a transaction for construction is less than \$200,000 and the applicable GM has determined that a competitive process would not be practical and has given written approval for the acquisition;
- 8.2 Approval of a non-competitive transaction must be within the signing authority of the person approving the transaction.
- 8.3 Staff must seek Board approval for a non-competitive transaction in excess of \$500,000 but should not do so without first seeking appropriate advice on whether the transaction is compliant with applicable trade agreements and procurement law principles.

Process

- 8.4 When staff or volunteers wish to use a non-competitive purchase process staff will provide the CAO or applicable GM with the rationale that warrants a non-competitive selection for approval and will obtain the CAO's or applicable GM's written approval before proceeding. If the amount of the proposed non-competitive purchase is over \$500,000, the Board must approve the transaction.
- 8.5 The supplier in whom the CRD has the greatest confidence to fulfill the requirement and

provides for fair market value will be selected. Awards will be approved as follows:

8.5.1 for awards under \$500,000, by the CAO or an applicable GM;

8.5.2 for awards over \$500,000, by the Board.

9. Request for Qualifications

9.1 A Request for Qualifications may be conducted in any procurement transaction for goods, services or construction to determine qualified suppliers that may bid on a subsequent procurement process undertaken by the CRD. A Request for Qualifications may be used in the following circumstances:

9.1.1 the work requires a stipulated performance and experience level or requires elements of confidentiality or security; or

9.1.2 the value and complexity of the work is such that the contract administration costs (work inspection, follow-up, delay) would result in substantial additional costs or loss to the CRD if the work is not performed as required; or

9.1.3 to build supplier interest to determine if there are enough suppliers to justify a full Request for Proposal process or other formal competitive process.

Process

9.2 Staff and volunteers with sufficient signing authority must only initiate transactions under the \$100,000 limit, and only after obtaining approval of the applicable GM.

9.3 For transactions that are estimated to be above \$75,000, a Request for Qualifications will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.5 to 5.11 of this Appendix.

9.4 A selection committee composed of staff from the responsible department will review all submissions against the criteria established in the Request for Qualifications and will reach consensus on the final rating results and ensure that the final rating results with supporting documents are kept on the procurement file.

9.5 The final rating results will be forwarded for approval in the same manner as a Request for Proposals award approval and will follow the process set out in section 6.8 of this Appendix.

10. Other

10.1 There may be other procurement methods or tools not described in this Appendix that may be appropriate for any given transaction (including, for example, a Request for Expression of Information or Request for Information).

10.2 Authorized Staff may use a method not listed in this Appendix for transactions within their signing authority limit with the approval of the applicable GM and the Legislative and Corporate Services department.

10.3 Staff may bring forward for approval methods not listed in this Appendix for transactions outside of their signing authority as follows:

- 10.3.1 for transactions with an estimated value of less than \$500,000, to the applicable GM or CAO;
 - 10.3.2 for transactions with an estimated value of more than \$500,000 but not exceeding \$5,000,000 to the CAO;
 - 10.3.3 for transactions exceeding \$5,000,000, to the Board.
- 10.4 When staff wish to use a method not listed in this Appendix, staff will provide the rationale that warrants the process proposed and a description of the process proposed when seeking approval in accordance with 10.3 above.

REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, APRIL 27, 2022

SUBJECT First Nations Relations Communications Framework

ISSUE SUMMARY

To update the Board on a guidance document to support staff in developing positive and collaborative relationships with First Nations in the region. The First Nations Relations Communications Framework provides a guide for CRD employees on the essentials of respectful, concise, constructive and professional internal and intergovernmental communication with First Nations.

BACKGROUND

While assisting CRD departments in their day-to-day service delivery activities, the First Nations Relations division frequently responds to similar queries from across the organization regarding how and when to engage First Nations. In response, the First Nations Relations Communications Framework was developed as a resource to support staff in all divisions by providing clear, baseline information that bridges different levels of understanding about the need for communications with First Nations and considerations when undertaking that work.

In a large, complex organization like CRD, which has a number of decentralized operations, Nations may receive referrals and consultation requests from different areas of the organization without central coordination or oversight. Through this framework CRD staff can be more strategic internally on how and when to engage the Nations, and to be more effective and consistent in how to engage the Nations externally, so as to support respectful, positive relationships.

The document will be updated as needed to reflect the dynamics of our evolving relationships with First Nation governments in the region.

IMPLICATIONS

Intergovernmental Implications

Diplomatic intergovernmental communication may have several desired outcomes including to inform, consult, collaborate and empower. All external messages need to be considered and appropriately communicated to ensure effective delivery and intended impact.

Knowing what to communicate and who to communicate it to will determine how to send messages with appropriate consideration of language, communication styles, intergenerational trauma and other legacies of colonization such that staff can assist in strengthening the government-to-government relationship between the CRD and First Nations. The First Nations Relations Communications Framework can support staff to be more strategic on when and how to reach out to First Nations, with tips on language and approach.

By providing tangible and informative suggestions for how to communicate in a way that supports respectful relations with First Nations, the framework document complements the cultural competency training that CRD staff are receiving. Further work is underway to develop a guidance

document specific to working with Indigenous elders, as an additional educational resource for staff.

Service Delivery Implications

Many CRD staff across the organization interact with First Nations, including but not limited to capital works, park management and programming, heritage site conservation, bylaw enforcement, watershed operations, service agreements, and planning. The Communications Framework will support staff across all divisions to communicate with the Nations in respectful ways that may enhance collaboration in service delivery. The document provides guidance on such considerations as approach, accessibility, appropriateness, writing style suggestions, Indigenous spelling, and on who and how to reach out, in order to support effective, respectful communications.

Alignment with Board Priorities

The First Nations Relations Communications Framework serves to increase awareness amongst all CRD staff of Board Priorities related to Reconciliation with First Nations and the CRD Statement of Reconciliation, and to assist all staff in implementing these priorities.

CONCLUSION

The First Nations Relations Communications Framework provides a guide for CRD employees on the essentials of respectful, concise, constructive and professional internal and intergovernmental communication with First Nations. Through this framework, staff are supported in developing positive and collaborative relationships with First Nations.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Caitlyn Vernon, MES, Manager, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: First Nations Relations Communications Framework

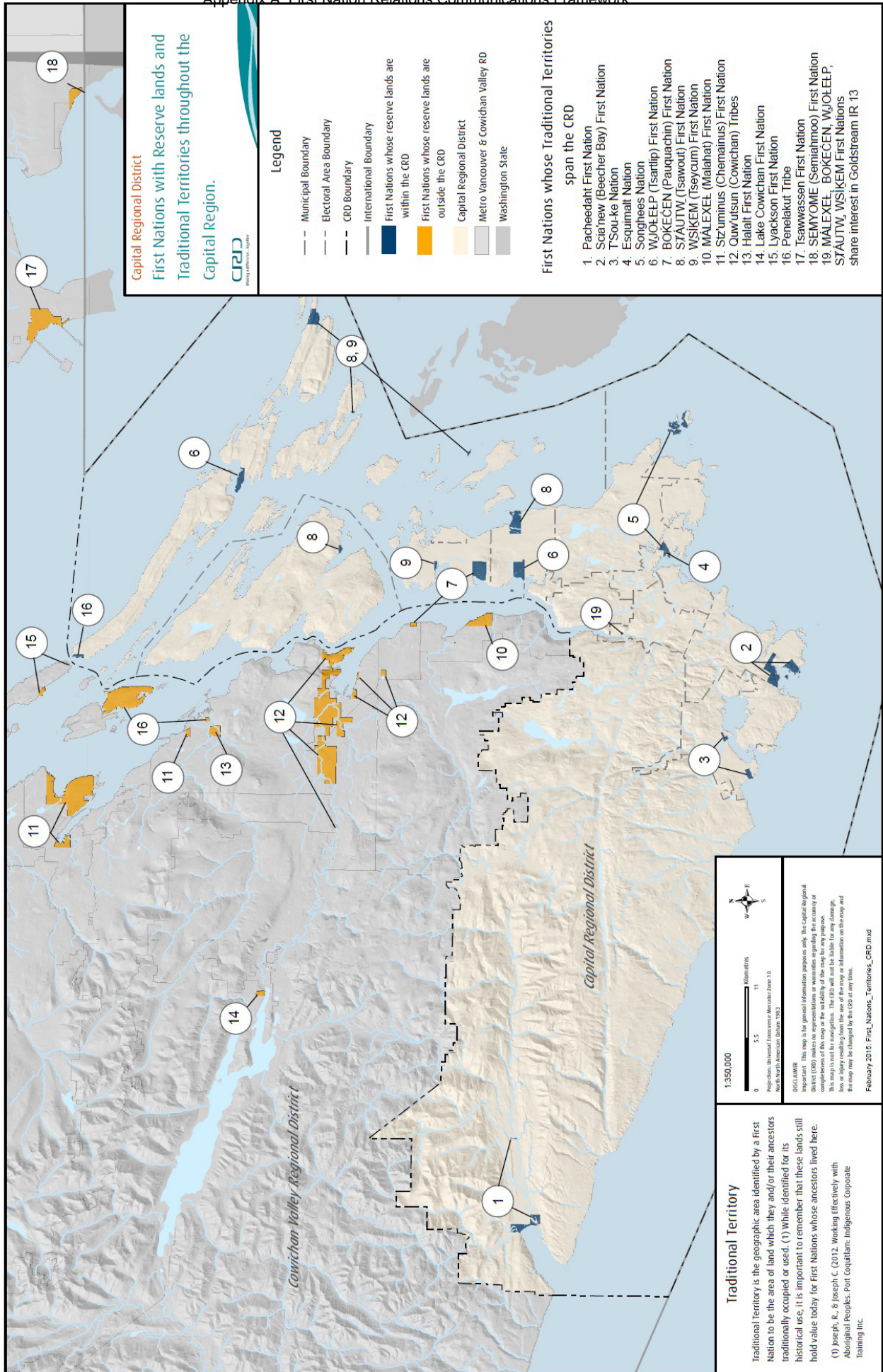


First Nations Relations

a division of the Capital Regional District

Communications Framework





Territory Acknowledgment

The CRD acknowledges that it conducts its business in the territory of the Ləkʷəŋən (Songhees) and Xwsepsum (Esquimalt) Nations here in the core area, the W̱SÁNEĆ Nations, including W̱JOŁEŁP (Tsartlip), BÓKEĆEN (Pauquachin), STÁUTW̱ (Tsawout) and W̱SIKEM (Tseycum) on the Saanich Peninsula and Gulf Islands, Scʻianew (Beecher Bay), TʻSou-ke, and Pacheedaht to the west, as well as MÁLEXEŁ (Malahat) and Puneʻlaxutthʻ (Penelekut) Nations, all of whom have lived on these lands since time immemorial.



Capital Regional District Board Priorities

We envision strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals.

Board Priority 3a - Reconciliation with First Nations

3a-1 Look to First Nations for leadership in understanding how to create new regional planning & decision-making systems together on their Traditional Territories

3a-2 Seek partnerships, share information & deliver fair & equitable services in working with First Nations on achieving their economic goals

3a-3 Work with First Nations on taking care of the land & water while providing space for cultural & ceremonial use, food & medicine harvesting, traditional management practices & reclaiming Indigenous place names

3a-4 Prepare an ecological asset management plan that includes natural infrastructure, First Nations guiding principles, First Nations language & place names, historical uses & invasive species management

3a-5 Develop, monitor and report out on a First Nations Relations Strategic Plan *

3a-6 Present an amended First Nations Relations division service plan & budget to the Board in consideration of Task Force recommendations with financial & resource implications *

Capital Regional District First Nations Relations

The CRD's First Nations Relations Service supports the CRD and its Board to build strong and enduring relationships with neighbouring First Nations governments. By working together and sharing prosperity, we create thriving and resilient communities. The capital region spans the Territories of approximately 20 First Nations, of which 11 have Reserve lands and 9 have settlement populations made up of 4,142 members.

The CRD is working toward developing relationships with First Nations based on trust, mutual respect, partnerships, and collaborating on shared goals. The CRD is able to create agreements with individual nations, and together we can access more resources for creative solutions and new opportunities. We are committed to respectfully and appropriately engaging First Nations communities in regional strategies, decision-making and shared interests.

By facilitating increased participation of First Nations in CRD governance, the organization has taken an important and measurable step towards the Board priority of Reconciliation with First Nations.

CRD First Nations Relations mandate includes supporting the Board in its strategic priority to build stronger relationships with local First Nations, assisting CRD Departments in their day-to-day service delivery activities with First Nations, and working directly with First Nations governments in areas of common interest. First Nations Relations is guided by Board Priorities and implementing the actions and recommendations outlined in the [First Nations Task Force Final Report](#). Underpinning the report is a [Statement of Reconciliation](#), which guides the organization's initiatives at the Board, leadership and staff level.

Helping to deliver on our mandate to develop positive and collaborative relationships with Nations, the First Nations Relations communications framework provides a guide for CRD employees on the essentials of clear, concise, constructive and professional internal and intergovernmental communication in this context.



Statement of Reconciliation

The CRD's boundaries span the Traditional Territories of over 20 First Nations, whose ancestors have been taking care of the land since time immemorial. The CRD believes that a positive working relationship with First Nations is good for the whole region. For the CRD to have a positive relationship with First Nations we need to acknowledge, respect and complement their Indigenous laws, customs and systems of governance. The CRD is part of a national movement towards Reconciliation with Canada's Indigenous peoples, informed by:

- ▶ The Truth and Reconciliation Commission's Calls to Action
- ▶ The United Nations Declaration on the Rights of Indigenous Peoples
- ▶ Sec. 35 of the Canadian Charter of Rights and Freedoms
- ▶ The Douglas Treaties and the BC Modern Treaty process

The CRD's path to Reconciliation focuses on three recurring themes:

1. Self-Determination

The CRD acknowledges the fundamental right of self-determination to Indigenous peoples. In the spirit and intent of inclusivity, the CRD is committed to working with First Nations through the governance systems they choose. When First Nations wish to participate in our decision-making process then we will support them. The CRD will look to First Nations for leadership in understanding how to create new decision-making systems together on their Traditional Territories.

2. Shared Prosperity

The CRD recognizes the gap in wealth between First Nations and settler governments. The CRD will work towards a prosperous economic future for all of its residents and believes that improving the lives of the most vulnerable citizens creates a stronger and more resilient region for everyone. The CRD will seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.

3. Relationship with the Land and Water

The CRD recognizes the integral relationship First Nations have with the land; often the names for the people of the land and the land itself were one and the same. The CRD will work with First Nations on taking care of the land while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

About the Statement

The work of Reconciliation falls to all segments of Canadian society. The Capital Regional District (CRD) is committed to Reconciliation with Indigenous peoples. It is understood that a commitment alone is not enough and that action is needed to show that the CRD is taking measurable steps towards a better relationship with Indigenous peoples.

This statement of commitment to Reconciliation can guide decision making for the organization for many years to come. It is understood that Reconciliation is a long term goal with no defined end point. The [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) is the reference framework for the CRD's commitment to Reconciliation, which aims to address activities within the scope of the CRD's authority. This statement is a work in progress which acknowledges that mistakes will be made and provides for adjustments to accommodate emergent practices.

Sending the Right Message

As a central point of contact for the region, the CRD facilitates diplomatic relationships with First Nations, Indigenous agencies, multiple governments and stakeholders. Diplomatic intergovernmental communication may have several desired outcomes including to inform, consult, collaborate and empower. In addition to these objectives, it is important that First Nations needs are considered by keeping some of the following perspectives in mind when communicating with First Nations, or regarding any content related to First Nations in communication with others. Intergenerational trauma is a very real legacy of colonization, and that this needs to be kept front of mind in all interactions.



The CRD Writing Style Guide

Specific style standards in the CRD Writing Style Guide pertaining to First Nations Relations are presented in Section 13.2 First Nation as Government.

First Nation is now used instead of Band. As appropriate, use First Nation or Nation. It is becoming more common for communities to prefer Nation over First Nation. Some Nations emphatically do not like to be referred to as a First Nation (Esquimalt Nation). Therefore, when referencing the two neighbouring Nations: “met with Songhees and Esquimalt Nations” or “met with Songhees First Nation and Esquimalt Nation”.

Use the Nation’s preferred language, spelling, capitalization, and pronunciation as follows:

Indigenous spelling	Indigenous pronunciation	Anglicized spelling	Anglicized pronunciation
WSÁNEĆ (grouping of Nations on the peninsula)	wuh-SAY-nitch	Saanich	SA nitch
SENĆOŦEN (language)	sen CHAW then	Sencoten	sen CHAW then
STÁUTW	ts SAY out	Tsawout	SAY out
BOKEĆEN	BAH kwa chin	Pauquachin	PAH kwa chin
WJOŁŁP	wuh-chawt-lip	Tsartlip	SART lip
WSIKEM	Hwa SIGH come	Tseycum	SIGH come
MÁLEXEŁ	MAL ahat	Malahat	MAL ahat
Ləkʷəŋən (dialect)	Le-KWUNG-en	Lekwungen	Luh KWUNG gen
Songhees	SONG gees	Songhees	SONG gees
Esquimalt	Es KWY malt	Esquimalt	Es KWY malt
Sc’ianew	Chee-Ah-nook	Beecher Bay	Beecher Bay
T’Sou-ke	Sowk	T’Sou-ke	Sowk
Dididaht (language)	DID he dah	Dididaht	DID he dah
Pacheedaht	Pa CHEE dah	Pacheedaht	Pa CHEE dah

When addressing the Nation, it is most respectful to use the Indigenous name in the address and ideally throughout the body of the letter. It is also acceptable to use the anglicized name in the body of the letter.

When referring to the Nation in the third person **STÁUTW** (Tsawout Nation) presented a delegation to the Board on this day....”), refer to the Nation in the Indigenous language first with anglicized name in brackets.

First Nations are an upper level of government on par with the Crown. When listing agencies and institutions, First Nations should be referenced either before or immediately after federal government.

► “The CRD has partnered with First Nations, federal, provincial and local government to...”

Additionally, when writing and speaking, Indigenous Peoples can be used interchangeably with First Nations, although it is preferable to speak to the specific nation when possible.

It is appropriate when speaking of urban diaspora communities and when many different nations are included, ie. CBC Indigenous. Indigenous is generally capitalized when used in this context.

Using the Right Communication Tools



At the CRD, all external messages need to be considered and appropriately communicated to ensure effective delivery and intended impact.

Knowing *what* you want to communicate and *who* you want to communicate it to will determine *how* you send your message. It is helpful to consider that history, culture, age and gender can play a part in how people communicate.

What?

- ▶ Is the communication about notification, consultation or collaboration?
- ▶ Does the work require a Crown permit, or not? If yes there is a more formal referrals process.
- ▶ Does the CRD have a protocol agreement in place with the Nation, or not?

Who?

- ▶ Staff correspond with staff, leadership with leadership. Do not contact the Chief about a matter staff can address.
- ▶ When sending letters to Chief and Council, include their administration staff as they often review and prioritize correspondence.

How?

- ▶ Increasingly Nations are preferring email to paper communication. Please check with First Nations Relations to confirm the Nation's preferred communication method. If there is a protocol agreement follow what is outlined in the agreement.

Communication Tools & Considerations

In Person Strengthening relationships and clarity of communication	When: Preferred formal protocol where there is a need for understanding, building trusted relationships, immediate feedback and public relations.
	Considerations: Corresponding levels of authority for example leader to leader, and staff to staff.
Social Media & Video Presenting and explaining work and sharing opportunities	When: Priority initiative reports or announcements, cultural & historical awareness, educational content. Social media is valuable for listening to opinions of communities, fostering relationships, explaining our work and related topics of interest. Videos can help underscore CRD operations are within over 20 traditional territories and present examples of Reconciliation opportunities in action.
	Considerations: Audience reach, opportunity for culture and community relationship development, leadership.
CRD Public Website Sharing program information and linking to tools and resources	When: Program updates, events and relevant links.
	Considerations: Global audience, information accessibility, CRD reputation building, community relationship and organizational culture development.
Economic Opportunities Providing Nations easy access to regional opportunities and information relevant to their interests and responsibilities.	When: First Nation and Indigenous Agency specific interests or opportunities.
	Considerations: Relevance, scope, timeline, accessibility.
Media Releases Share the success of collaboration and enroll the greater community in shared work and future visioning.	When: When a partnership initiative has significant milestones.
	Considerations: Purpose, audience, community enrollment.
Text and Messaging Applications Arranging meetings and managing logistics	When: Fast direct person to person communication tools for arranging meeting times, planning and feedback.
	Considerations: Leans on staff personal accounts and tools. Emphasis on personal relationships more than organizational.
Phone Calls and Video Conferences Remote personal clear communication	When: In person is not possible, working in larger groups, need for clarity and engagement, immediate feedback. Ensures that the message is received by the intended audience.
	Considerations: The right participants, technologically inclusive, proper focus and facilitation.
Letters and Email Formal invitations and project information	When: In person or a call is not possible, when a record is required for tracking governance and business deliverables, when there is a longer timeline.
	Considerations: Corresponding levels of authority for example leader to leader, staff to staff. Nations are flooded with email and one comprehensive email message is best. Written record requires tact, skill, and awareness.



Artwork by Darlene Gait, a member of the Esquimalt Nation. This work was commissioned as part of the CRD Waste Water Treatment Project.

Education and Awareness

To learn more about the Nations on whose territory we operate and Indigenous Peoples, directors and staff are encouraged to explore cultural awareness topics, days, events and training as opportunities arise. First Nations Relations has compiled helpful learning guides and templates that are available on the intranet.

- ▶ Territorial Acknowledgment Guide
- ▶ First Nations Honoraria Policy

Significant days and events include:

- ▶ National Indigenous History Month, June
- ▶ [Indigenous Peoples Day](#), June 21
- ▶ [National Day of Truth and Reconciliation](#), September 30
- ▶ [National Day of Action for Missing and Murdered Indigenous Women, Girls and Gender diverse people](#), October 4
- ▶ [Moosehide Campaign](#), February 11
- ▶ [National Day of Awareness for Missing and Murdered Indigenous Women, Girls and Gender diverse people \(Red Dress Day\)](#), May 5

Understanding social impacts of colonization:

- ▶ [Legacy of Hope Foundation](#)
- ▶ [#IAmNotACostume](#)

Mental Health

The ongoing impacts of colonialism on Indigenous Peoples that is shared in the media and our communications can be challenging to learn about and can create an emotional and sometimes triggering response.

If you need support, contact the employee and family assistance program for your employee group:

- ▶ Staff and their dependents in the Exempt and CUPE groups can contact Lifeworks at 1-888-307-0590
- ▶ Staff and their dependents in the USW group can contact Vancouver Island Counseling at 1-877-746-6911

Other support services:

- ▶ Indian Residential School Survivors Society – 24 Hour Crisis Line (1-800-721-0066)
- ▶ KUU-US Crisis Line Society – 24 Hour Crisis Line (British Columbia) (1-800-588-8717)
- ▶ National Indian Residential School Crisis Line (1-800-925-4419)
- ▶ [National Centre for Truth and Reconciliation](#)



