

Indigenous Procurement and Contract Management Guidelines

**Ministry guidelines for the practical application of the Province of British Columbia's
procurement policies, in the delivery of culturally-appropriate programs and services to
Indigenous peoples and communities**

Office of the Comptroller General
Ministry of Finance

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Please direct any questions or comments regarding this document to Procurement Governance, Office of the Comptroller General, Ministry of Finance, by email (procurementgovernance@gov.bc.ca).

Feedback and suggestions may also be provided and is encouraged via the Procurement Community of Practice discussion forum at: <https://purchasing.gov.bc.ca/PCOP/Pages/Forum.aspx> (government access only).

Section 1.0 INTRODUCTION

1.1 Context

In 2005, the Province of British Columbia signed the Transformative Change Accord with the Government of Canada and B.C.'s First Nations political leadership. In 2006, the Province of British Columbia signed the Métis Nation Relationship Accord with the Métis Nation of British Columbia. These accords commit the parties to work together to reduce the socio-economic gaps that exist between B.C.'s Indigenous peoples and the rest of the population. Closing these gaps requires, among other things, improved program and service outcomes for the Indigenous population of the Province. Research has shown that culturally-appropriate program and service delivery results in better program outcomes for recipients.

The Province of British Columbia has an established procurement policy (see Chapter 6 of the Core Policy and Procedures Manual: [CPPM Policy Chapter 6: Procurement - Province of British Columbia \(gov.bc.ca\)](#)). Two key components of that policy are (1) to ensure that the people of B.C. receive value for money, and (2) to ensure that government procurements are conducted in a fair, open, transparent and competitive manner. Further, the Province supports procurement and contract management practices that can be clearly linked to meeting program and service delivery objectives.

The Province of British Columbia is also a party to several trade agreements including the Canadian Free Trade Agreement (CFTA) and the New West Partnership Trade Agreement (NWPTA) – which create procurement-related obligations.

Ministries must abide by the Province's procurement policies and the terms and conditions of applicable trade agreements.

Why Indigenous Procurement Guidelines?

- ❖ Strengthen the relationship between Indigenous vendors and the Provincial Government;
- ❖ Encourage innovation in government procurement, recognizing that every procurement is unique;
- ❖ Invest more time and involve Indigenous communities in planning, to benefit program and service- delivery outcomes; and
- ❖ Increase procurement capacity and development within government Guidelines and support continuous learning.

1.2 The Indigenous Procurement and Contract Management Guidelines

The Indigenous Procurement and Contract Management Guidelines (the “Guidelines”) encourage and support ministry staff to procure culturally- appropriate service delivery to increase the likelihood of positive and effective program outcomes for Indigenous peoples. They operate within the parameters of the Province’s established procurement policy and applicable trade agreements.

The Guidelines can be used when programs and services will be delivered to Indigenous peoples, in Indigenous communities, or in any other situation where their application may result in better service or program outcomes.

The Guidelines are not mandatory, although ministries should be prepared to provide a rationale to the Indigenous community for the implementation of the Guidelines within the ministry and specific procurement opportunities.

Purpose

The purposes of the Guidelines are:

- (a) To support and encourage ministry staff in the development of innovative solutions to generate culturally- appropriate program and service delivery while operating within the parameters of the Province’s established procurement policy and applicable trade agreements.
- (b) To leverage the knowledge of Indigenous peoples and communities to which services and programs will be delivered, by consulting with and involving them in the development and management of each procurement.
- (c) To promote an appropriate balance between positive outcomes and ensuring that government’s procurements are conducted in a fair, open, transparent and competitive manner, to achieve good value for money.

In a Nutshell:

The Guidelines represent tools that ministry staff can use to increase the likelihood of culturally-appropriate program and service delivery. The Guidelines are intended to be a living document in which the real value lies in ongoing consultation and communication with Indigenous communities and individuals, and ministries. The knowledge, experience and expertise gained from that process, on a procurement-by-procurement basis, can be documented and shared, to promote flexibility within policy and improve program and service delivery. The Guidelines are by no means a comprehensive list of all options available to ministry staff engaging in procurements. Rather, they are a starting point for ongoing discussion and feedback.

Indigenous Procurement and Contract Management

- (d) To support good outcomes through thoughtful planning, and an understanding of cultural and community practices.
- (e) To benefit from “lessons learned”, by documenting and evaluating the outcomes of the programs and services delivered and the application of the guidelines, for future procurement opportunities.

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Section 2.0 HOW TO USE THE GUIDELINES

The Guidelines can be used in each phase of the Procurement and Contract Management Cycle, in a manner that focuses on the unique needs and priorities of Indigenous people and communities.

The phases of the Procurement Contract and Management Cycle are briefly described below. In the pages that follow, each phase has a corresponding section that: (a) identifies good practices; (b) highlights potential challenges; (c) with tips to mitigate them.



For policy requirements that apply in each stage, see Ch. 6 of the Core Policy and Procedures Manual: [CPPM Policy Chapter 6: Procurement - Province of British Columbia \(gov.bc.ca\)](http://www.gov.bc.ca/cppm/policy/chapter6)

2.1 Procurement and Contract Management Cycle

The Planning Phase

(See Section 3.0 for some good practices to support implementation of the Planning Phase)

Each procurement process begins with planning. It is the ministry's responsibility to plan, manage and fully document the process for procuring the delivery of programs and services and, more specifically, to document the rationale for the delivery through an external provider rather than directly through government. There is no substitute for proper planning!

The planning process defined:

*Identifying the need and describing the project objectives, in measurable terms.
Understanding the activities required to proceed to a procurement.*

The Pre-award and Solicitation Phase

(See Section 4.0 for some good practices to support implementation of the Pre-Award and Solicitation Phase)

Once you have decided to procure from an external source, this phase will help you develop the documents and processes necessary to increase the likelihood of procuring culturally-appropriate program and service delivery. This is the phase that involves the greatest level of effort and risk. For this reason, ministries must often obtain legal advice, particularly if non-standard procurement methods and documents will be used.

The Pre-award and Solicitation process defined:

Arranging the procurement using the most appropriate process to select the most appropriate vendor.

The Award Phase

(See Section 5.0 for some best practices to support implementation of the Award Phase)

Once you have completed the solicitation process, you will need to award the contract to, and execute the contract with, the successful proponent and notify other proponents.

The Award stage defined:

Awarding and executing the final agreement.

The Administration and Monitoring/Post Contract Evaluation Phases

(See Section 6.0 for some best practices to support implementation of the Administration and Monitoring/Post Contract Evaluation Phases)

These phases begin once a signed agreement with the successful contractor is in place. They are designed to help you monitor and evaluate the progress and outcome of your contract.

Administration and Monitoring defined:

Ensuring that the deliverables are received in accordance with the terms and conditions of the agreement, and that contract issues are dealt with appropriately.

Post Contract Evaluation defined:

Determining how the ministry benefited from the contract, if all the deliverables were met, how well the contractor performed the contract, and how well each team member performed their role and lessons learned.

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Section 3.0 THE PLANNING PHASE

**The resources and practices suggested here are for guidance only; any decision or action must be supported by an appropriate level of review and analysis for each procurement, consistent with applicable law and policy.*

3.1 Scenarios where these Guidelines may be suitable:

- a) Where the program and/or service to be delivered is for the benefit of Indigenous peoples or may impact Indigenous programs or policies and/or Indigenous communities.

3.2 Suggested Planning Phase Practices:

- a) Consider inviting one or more potential recipient(s) of the program and service(s) to help articulate the business need and/or outline the delivery requirements. This may involve contacting a local Indigenous community, or representative end user. Before initiating these consultations, obtain advice regarding possible conflict of interest issues from Procurement Governance in the Office of the Comptroller General and/or the ministry's legal counsel. Allow sufficient time to complete these consultations.
- b) Consider consulting other individuals or groups, those that have been providing programs and services in the area or similar areas, and other ministries and levels of government, to help define the program and service needs and requirements. Before initiating these consultations, obtain advice regarding possible conflicts of interest issues, real or perceived, from Procurement Governance in the Office of the Comptroller General and/or the ministry's legal counsel. Allow sufficient time to complete these consultations.
- c) When documenting the needs and project requirements, be mindful that the needs and requirements of one group may differ from those of another group. B.C.'s Indigenous population is very complex with diverse cultures and a wide variety of needs. There are over 200 First Nations indigenous to B.C., as well as Métis, Inuit and other Indigenous peoples from elsewhere in Canada.
- d) Define the necessary and desirable attributes of the service provider. This should include an objectively determinable description of how these attributes will be demonstrated. For example, should vendors have:
 - i. a specified minimum number of key personnel or board members with ties to the community? If so, which personnel are considered key and what ties with the community should be demonstrated?
 - ii. a link to, support from, and/or experience working for, with or in, the specific community that will receive the program and service(s)?

- e) Define the acceptable vehicle(s) of delivery. For example:
 - i. Can vendors submit joint venture proposals? Consult ministry legal counsel before making a decision on this.
 - ii. Can the contractor hire sub-contractors? If so, are there any restrictions or requirements applicable to sub-contractors?
- f) Define the other necessary and desirable elements of proposals. For example, should vendors describe their plans to:
 - i. train workers?
 - ii. develop collaborative partnerships to support program outcomes?
- g. Consider including a requirement for the contractor to work with local community businesses for ancillary services, such as transportation, catering, etc.
- h. Define how delivery will be monitored and the type and frequency of reporting on performance measures required to demonstrate progress towards meeting program outcomes. Include only those processes and reports that are useful and manageable for both parties (e.g. consider quarterly reports rather than monthly).
- i. The answers to the questions above will support the development of solicitation documents and/or the development of the contract in the next stage of the procurement process.
- j. Questions being asked of the proponent in the solicitation document should be well thought out, specific enough to elicit clear and responsive replies and be specific and beneficial to the delivery of the program or service.

3.3 Potential Challenges and Tips to mitigate them in the Planning Phase

Potential Challenges	Possible Mitigation Strategies
<p>The need for a program or service may be identified, but the solution is not well understood.</p>	<ul style="list-style-type: none"> ➤ Collaborate or consult with potential recipients of the program and service to clearly articulate and document needs, especially where they are culturally appropriate. ➤ Consult ministries that have conducted similar procurements, Procurement Services Branch within Ministry of Citizens’ Services (PSB)/Ministry of Finance and/or other provinces and territories. Visit the Procurement Community of Practice discussion forum.

Potential Challenges	Possible Mitigation Strategies
<p>Consultations in the planning process take time and may delay delivery.</p>	<ul style="list-style-type: none"> ➤ Recognize that a well planned process is more likely to result in higher quality project outcomes that meet business and program objectives and reduce the likelihood of issues and further challenges arising down the road. ➤ Planning is an opportunity for relationship-building, a key component of procurement and contract management. ➤ Include a process for documenting the feedback received, and commenting on how suggestions have been incorporated or why they were not.
<p>The program or service may cost more in the short-term when delivered from a smaller pool of vendors.</p>	<ul style="list-style-type: none"> ➤ Recognize the need to achieve an appropriate balance between obtaining value for money (e.g., through a cost benefit analysis) and delivering culturally-appropriate programs and services. ➤ Consider and document whether future economies of scale or capacity will reduce the cost of programs and services or provide additional benefits over time. ➤ Document the benefits of culturally-appropriate program and service delivery and determine if these benefits are sufficient to justify the potential cost increase. ➤ Determine, with the advice from ministry legal counsel, whether joint ventures or partnerships are acceptable. ➤ Document the non-financial benefits of a procurement and contract management process leading to the delivery of culturally-appropriate programs and services.
<p>Challenges associated with defining how potential vendors can demonstrate their ability to deliver culturally-appropriate programs or services.</p>	<ul style="list-style-type: none"> ➤ Be clear about specific mandatory and desirable vendor requirements and include an objectively determinable description of how these requirements will be demonstrated (e.g., will individuals and organizations be able to self-identify their link to/experience with/knowledge of the intended recipients of the program service?). ➤ Consider and document other qualitative factors that will be used to select the successful proponent. ➤ Clearly define what is required in a response for the evaluators to award a “meets requirement” score.

Potential Challenges	Possible Mitigation Strategies
<p>There may not be an organization/business with the required resources or infrastructure to deliver culturally-appropriate programs or services.</p>	<ul style="list-style-type: none"> ➤ Consider, after consulting with ministry legal counsel, whether the procurement plan can include a joint venture or partnership between organizations, including one which has demonstrated capacity to deliver the program and service. ➤ Plan for the long term. Respect the process of capacity building, and allow time for individuals and organizations to develop the capacity necessary to deliver culturally-appropriate programs and services. ➤ Be prepared to ask and answer questions from stakeholders. A strong business case from the planning stage will support your answers. ➤ Refer to Section 4.0, The Pre-Award and Solicitation Phase
<p>Unclear contract deliverables and reporting requirements.</p>	<ul style="list-style-type: none"> ➤ Work with the community or other appropriate stakeholder to identify culturally-appropriate reporting criteria and build a learning organization through refining reporting requirements. ➤ Provide regular opportunities for contractors to discuss reporting requirements. ➤ Work with the contractors to create effective templates with clear instructions that are designed to minimize the time needed to gather necessary information. ➤ Emphasize the benefits to the contractor of timely reporting (for example, timely reporting demonstrates the effectiveness of contractor’s approach and delivery, and assists in the budgeting process for approved program funding, etc.)

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Section 4.0 THE PRE-AWARD AND SOLICITATION PHASE

**The resources and practices suggested here are for guidance only; any decision or action must be supported by an appropriate level of review and analysis for each procurement, consistent with applicable law and policy.*

4.1 Pre-award and Solicitation Phase Practices:

4.1.1 Select a Solicitation Approach:

- a) Programs and services must be acquired through a competitive procurement process in accordance with government's procurement policy, unless one of the conditions for direct award in Chapter 6 of the Core Policy and Procedures Manual clearly applies. *(See also: 4.1.1(b), below).*
- b) Although Shared Cost Arrangements and applicable trade agreements have certain exemptions for Indigenous peoples, procurement policy encourages ministries to consider an appropriate, competitive process. A properly managed competitive process is a good way for government to achieve value for money and helps to assure the vendor community and the public that government is being fair, open and transparent in its procurement.
- c) The form and complexity of the solicitation process should be appropriate to the size and complexity of the procurement. For advice on your process design, consult with a senior ministry procurement specialist, ministry legal counsel, PSB and/or Procurement Governance in the Office of the Comptroller General. *(See: the Resources section in Appendix 1 for more resource information).*
- d) Some of the factors that should be considered when deciding on the appropriate scope of the solicitation process, include:
 - i. the threshold requirements in the government's procurement policy and applicable trade agreements;
 - ii. the number of qualified vendors in the immediate area;
 - iii. the state of the local economy and/or market;
 - iv. the level of vendor interest in the opportunity;
 - v. the nature of the opportunity (requirements and processes for service delivery are different than for the procurement of goods); and,
 - vi. the community and/or persons to which the service and program will be delivered.
- e) Consider holding open vendor meetings as part of the competitive process, and be prepared to answer questions. Attendance should be optional, and transcripts of the meetings should be provided to all vendors.

- f) In some cases, it may be appropriate to follow a collaborative process prior to the procurement process. A collaborative approach uses a consensus building model that involves discussion with those impacted by the procurement, to discuss how the program and service should be delivered. Before initiating this process, give consideration to whether such an approach will result in good value for money. Further, advice should be obtained from ministry legal counsel, as the approach needs to be carefully constructed to avoid inadvertently imposing on government Contract A or other inappropriate legal obligations. (*See also: 4.1.2(a) below, re: avoiding conflicts of interest when engaging the community*).

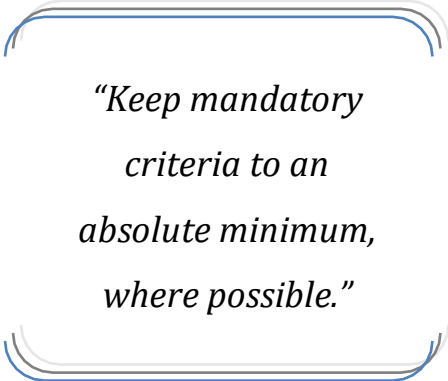
If the collaborative approach is a practical option, invite all interested individuals and groups that may be affected, to a meeting to discuss how the program and service could be delivered to achieve the best possible outcomes. These individuals or groups should discuss aspects related to the procurement and decide how the business requirements will be met; special care should be taken to ensure that all participants are heard and any concerns are addressed before finalizing decisions. An appropriately selected, independent facilitator could be used to chair the discussions. Ministries are responsible for documenting the business requirement for this approach, the rationale, the process that is undertaken and the results of the process.

4.1.2 Select an Evaluation Approach

- a) Consider having a representative from the recipient community, or a person who has specialized knowledge of the recipient community, on the procurement evaluation committee to provide insight on proposals. Before using this approach, you must obtain advice regarding possible conflict of interest and confidentiality issues from the ministry's legal counsel. Individuals with conflicts (real or perceived) should not sit on the committee. For more information on conflicts of interest, see the [BC Public Service - Employee's Standards of Conduct](#), and the Ethical Conduct section of the Procurement Practice Standard.
- b) Where appropriate, consider creative evaluation approaches (that are not inconsistent with law or policy), such as allowing oral submissions or proposals in response to competitive procurements. Before using such an approach, obtain advice from: a senior procurement specialist to ensure it is appropriate, fair and achieves the desired result; and ministry legal counsel, to mitigate legal risks. In the case of oral submissions, procedures must be implemented to ensure the submissions are recorded and transcribed, for accountability and evidence purposes (e.g. a transcript of an oral submission by a professional stenographer). In addition, the solicitation documents should provide for submission of any information or materials which can be provided in written form only (such as financial statements, corporate records, reference letters, security documents).

4.1.3 Select and Document Evaluation Criteria

- a) Evaluation components can include mandatory requirements, objective evaluation criteria, pricing requirements and vendor reference reviews.
- b) Carefully consider mandatory criteria in the development of evaluation criteria as failure to comply with mandatory criteria will result in disqualification from the procurement process. Also, consider whether a failure to meet a mandatory criterion will affect a potential contractor's ability to deliver the program or service and meet the objectives; keep mandatory criteria to an absolute minimum, where possible.
- c) In some cases, it may be possible to achieve better program and service delivery outcomes, if the program or service is delivered by an individual or organization associated or having experience with, or having specialized knowledge of the intended recipients; be clear about how this attribute will be objectively determined and a how vendor might demonstrate that they possess it.
- d) An organization that lacks the capacity or resources may be able to enhance its competitive advantage and ability to provide the service, through a strategic partnership or joint venture with another organization. In situations where this might be the case, consider allowing submissions from the partnership or joint ventures. This type of arrangement must be specifically contemplated in the solicitation documents. Also, considerations should be given to how bids of this nature will be evaluated (e.g., is each participating organization required to meet all the mandatory requirements or just one of them) and which organization(s) will be the contracting party (or parties). Consult ministry legal counsel if you are considering this option.
- e) The evaluation criteria should be focused on selecting the vendor that is best able to meet the service or program needs, as identified in the Planning Phase, and provide the best value for money. Desirable criteria can address both quantitative and qualitative factors that will result in the best program and service outcomes. This may include criteria such as:
 - i. a specified minimum number of key personnel or board members with ties to the community;
 - ii. a training component for workers;
 - iii. an opportunity for collaborative partnerships to support program outcomes;



*“Keep mandatory
criteria to an
absolute minimum,
where possible.”*

- iv. a vendor's association with, support from, and/or experience working for, with or in, the specific community that will receive the program or service or other Indigenous communities;
 - v. monitoring and reporting on performance measures on an ongoing basis to demonstrate progress towards meeting program and service outcomes;
 - vi. other criteria that will increase the likelihood of delivering culturally-appropriate programs and services.
- f) When using criteria such as that listed above, it is important to specify the types of information vendors may provide to demonstrate that they meet these criteria, the points that will be allocated and weight that will be attributed to each desirable criterion.
- g) Evaluation methodology should be fair, customized for each procurement, and will necessarily vary based on the size, complexity and need of the program or service.

4.1.4 Prepare solicitation documents

- a) The solicitation documents should include:
- i. Appropriate, objective selection criteria for the awarding of a contract and a description of how vendors can demonstrate that they meet these criteria;
 - ii. the program/service outputs and outcomes required, together with their quality and quantity, against which the performance of the contractor can be monitored; and
 - iii. the terms of the final contract.
- b) Specific content in the solicitation documents can be a result of consultations with the intended recipient(s) of the service or program or other key stakeholders that were conducted during the Planning Phase.
- c) Use forms and templates for vendor responses, wherever possible. Ask for specific information rather than providing general instructions, in order to enhance a shared understanding of what information should be submitted.
- d) When developing the contract:
- i. Consider staged payments for delivery of the program and service, and link payment to performance.
 - ii. Be open to using an Indigenous language. In accordance with Chapter 6 of the Core Policy and Procedures Manual, consult with ministry legal counsel before changing any language in contract or procurement templates.
 - iii. Develop a robust and appropriate performance management system which considers questions such as:
 - How will we know that the program/services objectives are being met?

- How will we know that the contract deliverables are received?
 - How often will we meet with the vendor to review progress?
- iv. Secure appropriate insurance protection and liability coverage. Contact the Risk Management Branch to address unique circumstances (<http://gww.fin.gov.bc.ca/gws/pt/rmb/>).

4.1.5 Solicit Offers

- a) Promote the procurement widely among those vendors that may be in a position to provide culturally-appropriate programs and services. Consult the recipient community and other stakeholders or ministries about the appropriate methods and venues to share information (for example, the Guide to Indigenous organizations and services in B.C.: www.gov.bc.ca/arr/services/down/guidetoservices_2009.pdf).

4.2 Potential Challenges and Tips to mitigate them in the Pre-Award and Solicitation Phase:

Potential Challenges	Possible Mitigation Strategies
Individuals/organizations who wish to deliver culturally-appropriate programs and services may not have the capacity to respond to the open competitive process due to their unfamiliarity with process and structure, proposal format, remote locations or lack of access.	<ul style="list-style-type: none"> ➤ Promote the procurement widely, through available venues such as BC Bid, and through informal and formal community and/or professional networks. ➤ Consult other ministries that may have had similar challenges. ➤ Give vendors time to review the process and respond to the solicitation (suggest 6-8 weeks). ➤ Hold vendor meetings to describe the procurement and the process to participate, and to emphasize critical components (for example, mandatory requirements). ➤ Direct vendors to resources on BC Bid Resources, or encourage interested parties to connect with other organizations that are familiar with the process. ➤ Consider using a collaborative approach (described above under “Select a Solicitation Approach”) ➤ Provide procurement and contract management training to all vendors who support Indigenous programs and services or who work with the Indigenous community and/or on reserve or treaty settlement lands.

Potential Challenges	Possible Mitigation Strategies
<p>An organization/business that wishes to deliver culturally appropriate programs and services may not have the required resources or infrastructure to meet the need.</p>	<ul style="list-style-type: none"> ➤ Solicitation documents may permit joint ventures between two or more individuals or organizations. Consult ministry legal counsel on the options, before using this approach. Note: this step should occur during the Planning Phase. ➤ Be prepared to answer vendor questions. A strong business case developed in the Planning Phase will support your answers.
<p>Intensive competitive processes may cause challenges within Indigenous communities</p>	<ul style="list-style-type: none"> ➤ Ensure that the dollar value of contracts that will be awarded is sufficient to result in the effective delivery of the program and service. ➤ Build positive relationships with Indigenous communities and groups to help mitigate any concerns. ➤ Consider an alternative procurement process, such as the collaborative approach, which begins at the Planning Phase.
<p>Short-term or one-time contracts create administrative burdens</p>	<ul style="list-style-type: none"> ➤ Recognize the administrative costs in running a procurement process and plan accordingly (for example, a simple process for low dollar, low complexity contracts). ➤ Ensure the solicitation and subsequent contract reflect the full scope of anticipated work. ➤ As appropriate, and subject to legal and policy limitations, incorporate options into procurement solicitation documents to extend or renew contracts for additional terms, allowing for multi-year contracts as and if funding is approved. Consult with ministry legal counsel or a ministry procurement specialist when considering extensions or renewal.
<p>Potential conflict of interest with members of the evaluation committee.</p>	<ul style="list-style-type: none"> ➤ For more information on conflicts of interest, see the Ethical Conduct in the Procurement Practice Standard and the BC Public Service - Employee's Standards of Conduct. (See also, 4.1.2, above). ➤ Take appropriate steps to mitigate any risks. ➤ If there is any uncertainty as to whether a conflict (perceived or actual) exists or may exist, consult your supervisor and ministry legal counsel (where appropriate), for advice and appropriate documentation, to address risks.

Potential Challenges	Possible Mitigation Strategies
<p>Legal challenges associated with the use of new and innovative processes</p>	<ul style="list-style-type: none"> ➤ Ensure transparency in all processes - for example, through the use of vendor meetings, and by promoting the procurement widely. ➤ Consult ministry legal counsel early, for advice. ➤ Document all rationale and practices to support the approach taken. <li style="padding-left: 20px;">Adhere to applicable trade agreement obligations, government policies and guidelines, and use approved templates available on BC Bid Resources. ➤ Ensure appropriate insurance protection and liability coverage is secured. Contact the Risk Management Branch, Ministry of Finance, to address unique circumstances. (http://www.fin.gov.bc.ca/gws/pt/rmb/).

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Section 5.0 THE AWARD PHASE

**The resources and practices suggested here are for guidance only; any decision or action must be supported by an appropriate level of review and analysis for each procurement, consistent with applicable law and policy.*

5.1 Potential Challenges and Tips to mitigate them in the Award Phase:

Potential Challenges	Possible Mitigation Strategies
New offers for programs and services are received through the contract finalization phase, violating Contract A	<ul style="list-style-type: none"> ➤ Consult ministry legal counsel for advice before taking further steps. ➤ Substantive changes to the terms of the contract that fall outside the scope of the original procurement, introduced after the closing date, will require the tender to be cancelled and the procurement re-issued. Consult ministry legal counsel before cancelling a procurement. ➤ Finalizing the contract should not result in an agreement that differs significantly from the original proposal. ➤ During discussions, ensure that oral agreements are not inadvertently entered into with the leading proponent.

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Section 6.0 THE ADMINISTRATION AND MONITORING, AND POST CONTRACT EVALUATION PHASES

**The resources and practices suggested here are for guidance only; any decision or action must be supported by an appropriate level of review and analysis for each procurement, consistent with applicable law and policy.*

6.1 Potential Practices for Use during the Administration and Monitoring Phases:

- a) The monitoring plan should be developed in the Planning Phase and included in the solicitation and award phases. Monitoring requirements should be proportional to the risk and size of the contract. Lessons learned through the Monitoring/Evaluation process will influence the drafting of future contracts and procurements in the ministry, and possibly for other ministries.
- b) It may be appropriate to schedule face-to-face meetings to review progress, depending on the scope and complexity of the procurement.
- c) Identify possible contract amendments necessitated by unexpected findings.
- d) Respect that the contractor is independent from government and the working relationship is established through the contract. Any contract amendments must be made in writing, in accordance with Chapter 6 of the Core Policy and Procedures Manual.
- e) Encourage contractors to resolve any issues within the local ministry office. Establish a single point of contact for all questions and concerns, and identify that individual in the written agreement as the “Contract Manager,” or other appropriate title.
- f) The results of monitoring and evaluations (including the results from any meetings with contractors) should be clearly documented.

6.2 Potential Challenges and Tips to mitigate them in the Administration and Monitoring, and Post Contract Evaluation Phases:

Potential Challenges	Possible Mitigation Strategies
Key contracted outputs are not delivered on time, to budget or to appropriate quality.	<ul style="list-style-type: none"> ➤ Be clear about the contractor’s obligations and its responsibility to perform them, but do so in a respectful way, (for example, ask the contractor to identify challenges and proposed solutions). ➤ Be available to discuss progress and listen carefully to the recommendations of the contractor. Do this in person or via video conference, wherever possible. (continued on following page)

Potential Challenges	Possible Mitigation Strategies
	<ul style="list-style-type: none"> ➤ Discuss modifications to the original project design, if appropriate and in accordance with core policy, meeting program objectives and taking into account how recently the contract was competed and the integrity of that process.
<p>Challenges associated with monitoring programs and services delivered to a third party.</p>	<ul style="list-style-type: none"> ➤ Focus on monitoring the results being produced. Ensure the quality and quantity of outputs and outcomes are specified in the contract. ➤ Focus on monitoring a few, critical measures of success.
<p>The vendor may be uncertain about their accountabilities.</p>	<ul style="list-style-type: none"> ➤ Contract expectations and accountabilities should be clearly specified in the contract and reviewed as part of the contract monitoring process. ➤ Encourage contractors to resolve any issues or concerns through the local ministry office. Establish a single point of contact for all questions and concerns, and be sure that this person is available to the contractor, as needed.
<p>Unclear contracted deliverables and reporting requirements.</p>	<ul style="list-style-type: none"> ➤ Work with the community and other appropriate stakeholders, to identify culturally-appropriate reporting criteria, and build a learning organization through refining reporting requirements. ➤ Reporting requirements should be carefully thought out in the Planning Phase and identified in the solicitation documents. ➤ Provide regular opportunities to discuss reporting elements with contractors. ➤ Identify effective reporting strategies, being mindful of the time required on both sides. Consider innovative reporting processes that would meet ministry needs. ➤ Consult other ministries that have experience with similar procurements or programs.

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APPENDIX 1: Available Resources for Procurement and Contract Management Professionals

Resource Name	Description	Helpful Links
Ministry Organizations and Contacts		
Ministry of Indigenous Relations and Reconciliation (MIRR)	<ul style="list-style-type: none"> • Treaty Obligation Tracking System support • Guide to Indigenous organizations (via MIRR site) • Treaties and other negotiations • MIRR Intranet • Indigenous Procurement Initiative 	<ul style="list-style-type: none"> • Contacts include: the Implementation and Legislation Unit, and the Fiscal Negotiations Team. • http://www.gov.bc.ca/arr/index.html or http://www.gov.bc.ca/arr/services/guide.html • https://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/support-services/procurement-transformation/indigenous-procurement-initiative?keyword=Indigenous&keyword=Procurement&keyword=Initiative
Government Communications and Public Engagement (GCPE)	<ul style="list-style-type: none"> • Provides centralized communication management for government. GCPE determines roles and responsibilities relating to communications materials and paid advertising, and maintains a list of qualified vendors for full communications and advertising agencies • GCPE contacts are available in each ministry to address these requirement 	<ul style="list-style-type: none"> • http://www.gov.bc.ca/gcpe/
Ministry of Jobs, Economic Recovery and Innovation (JERI)	<ul style="list-style-type: none"> • Provides advice on domestic agreements to which BC is subject to including CFTA and NWPTA. Procurements are run within the parameters of these agreements, and core policy and should be referenced to ensure compliance 	<ul style="list-style-type: none"> • https://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/reference-resources/corporate-requirements-and-guidelines/trade-agreements

Indigenous Procurement and Contract Management

Resource Name	Description	Helpful Links
Ministry Organizations and Contacts		
Legal Services Branch or Ministry Legal Counsel	<ul style="list-style-type: none"> • Ensure adherence to trade agreements and risk mitigation • The contact for unusual situations in procurement and contract management. Legal approval is required to make any changes to standard ministry templates 	<ul style="list-style-type: none"> • http://gww.legalservices.gov.bc.ca/
Office of the Comptroller General (Procurement Governance)	<ul style="list-style-type: none"> • The governing body for government core policy • Develops, communicates and interprets core policy 	<ul style="list-style-type: none"> • Email: procurementgovernance@gov.bc.ca
Risk Management Branch and Government Security Office (RMB)/Ministry of Finance	<ul style="list-style-type: none"> • Provides advice and support on insurance and indemnity requirements • Assists with risk assessments • Provides advice about other risk issues 	<ul style="list-style-type: none"> • http://gww.fin.gov.bc.ca/gws/pt/rm_b/index.stm?1st-column
Procurement Services Branch, Ministry of Citizens' Services	<ul style="list-style-type: none"> • Provides all aspects of procurement and contract management support to all ministries • Provides support in practical application of guidelines and procurement processes 	<ul style="list-style-type: none"> • https://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/support-services/procurement-services • BC Bid Resources (https://www2.gov.bc.ca/gov/content/bc-bid-resources)
Ministry procurement specialists and contract administrators	<ul style="list-style-type: none"> • Detailed knowledge of procurement and contract management to meet specific ministry and program objectives. E.g. Ministry of Children and Family Development (MCFD) are experts in social services delivery, Ministry of Indigenous Relations and Reconciliation (MIRR) are experts in Indigenous agreements • Contact individual ministries to learn more about specific activities 	<ul style="list-style-type: none"> • https://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/support-services/ministry-support-services-procurement-contacts

Indigenous Procurement and Contract Management

Resource Name	Description	Helpful Links
Ministry Organizations and Contacts		
Government Employees specializing in the delivery of services to Indigenous people or communities and/or of projects on reserve or treaty settlement lands.	<ul style="list-style-type: none"> • Work towards achieving ministry business outcomes • Manage the day to day operations for service delivery, and/or the management of projects on behalf of various ministry programs and services 	
Training and Other Resources		
The House of Indigenous Learning	<ul style="list-style-type: none"> • Provides learning resources and opportunities 	<ul style="list-style-type: none"> • https://gww.gov.bc.ca/house-of-indigenous-learning
Building Capacity in Indigenous Relations: We are all here to stay (BCPSA delivered course)	<ul style="list-style-type: none"> • Aims to increase awareness of the histories, cultures, worldview, influence, diversity and demographics as well as challenges and opportunities facing Indigenous peoples in the Province 	<ul style="list-style-type: none"> • https://learning.gov.bc.ca/CHIPSPLM/signon.html
Indigenous Cultural Competency (ICC) Training (PHSA delivered course)	<ul style="list-style-type: none"> • Facilitated on-line training, designed for non-Indigenous participants to increase knowledge, enhance self-awareness, and strengthen the skills of those who work both directly and indirectly with Indigenous people • Provides three training streams: Core ICC, Core ICC Health, and Core ICC Mental Health 	<ul style="list-style-type: none"> • http://www.culturalcompetency.ca/training
Procurement Community of Practice	<ul style="list-style-type: none"> • A forum for government staff engaged in procurement and/or contract management 	<ul style="list-style-type: none"> • https://citz.sp.gov.bc.ca/sites/Shared/CoP/PCOP/Pages/Home.aspx

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Please direct any questions or comments regarding this document to Procurement Governance, Office of the Comptroller General, Ministry of Finance, by email (procurementgovernance@gov.bc.ca).

Feedback and suggestions may also be provided and is encouraged via the Procurement Community of Practice discussion forum at: <https://purchasing.gov.bc.ca/PCOP/Pages/Forum.aspx> (government access only).