

Ministry of Children and Family Development
Questions and Answers
Service Agreement Template

THIS DOCUMENT PROVIDES KEY MESSAGES AND QUESTIONS AND ANSWERS ASSOCIATED WITH THE MINISTRY'S NON-RESIDENTIAL THIRD PARTY SERVICE CONTRACT TEMPLATE.

GENERAL QUESTIONS

1. WHAT IS THE NAME OF THE NEW CONTRACT TEMPLATE?

The new contract template is entitled the Service Agreement.

2. WHY WAS THE CONTRACT TEMPLATE CHANGED?

The new single Service Agreement template reduces administrative burden, introduces simplified and clearer language, and strengthens financial management and practice requirements. The updates and clarifications to contract language reflect current legislation, regulations, laws, and policy.

A [Summary of Changes \(TPSA/SCA to Service Agreement\)](#) can be accessed on the ministry's internet site.

3. WILL THE SERVICE AGREEMENT BE USED FOR BOTH RESIDENTIAL AND NON-RESIDENTIAL CONTRACTS?

The Service Agreement will only be used for non-residential contracts at this time. The ministry is looking at options for onboarding residential contracts in 2016.

4. WILL THE SERVICE AGREEMENT REPLACE THE THIRD PARTY SERVICE AGREEMENT (TPSA) AND THE SUBSIDIARY COMPONENT AGREEMENT (SCA)?

Yes, the Ministry will no longer issue new TPSAs or SCAs after January 1, 2015.

5. WHAT IS THE DIFFERENCE BETWEEN THE SERVICE AGREEMENT AND THE TPSA /SCA?

The Service Agreement is a single contract template. It is similar to the SCA as it is comprised of the schedules which outline the services, costs, insurance, reporting and other requirements but the Terms and Conditions of the Service Agreement replace the TPSA. The Terms and Conditions are similar to the TPSA however they no longer require signatures, no longer have an expiry date.

The Terms and Conditions form part of each Service Agreement and can be found on the Ministry of Children and Family Development's website under Information for Service Providers.

There are currently two versions, an [original version](#) (V1.0 dated November 1, 2014) and an [updated version](#) (V1.1 dated January 13, 2015), both of which can be found on the MCFD internet site under Information for Service Providers.

6. HOW DO I KNOW WHICH VERSION OF THE TERMS AND CONDITIONS APPLY TO THE CONTRACT?

For Subsidiary Component Agreements the Third Party Service Agreement terms and conditions will continue to apply. For Service Agreements the version of the Terms and Conditions applicable is indicated on the signatory page of the contract.

7. WHEN WILL THESE CHANGES OCCUR?

The Service Agreement template was rolled out in two phases in 2015.

If a Service Agreement was entered into after January 2015 the template included a revised version of Schedule F – Information Management and linking the Service Agreement (schedules) to the Terms and Conditions on the MCFD website.

If a Service Agreement was entered into after June 2015 the template included updated Schedule D – Insurance language, the addition of Schedule I – Reporting and the total contract value excludes GST.

8. WILL THE PROVINCE STILL PAY GST?

Yes, the Province will pay any applicable taxes payable by the Province under law or agreement with the relevant taxation authority in relation to amounts payable under the Service Agreement.

9. WILL REPORTING BE CAPTURED IN THE SERVICE AGREEMENT?

Yes, the Service Agreement template has a dedicated schedule outlining reporting requirements. This new schedule will be included in a Service Agreement entered into after June 2015 until then; the reporting requirements will continue to be recorded in the appropriate schedules.

10. WHAT HAPPENS WITH MODIFICATIONS?

Amendments or modifications to both the Service Agreements and SCA will continue to be done by using the MCFD Modification Agreement Template.

11. I HAVE A QUESTION ABOUT THE SERVICE AGREEMENT TEMPLATE THAT ISN'T ADDRESSED. WHO SHOULD I CONTACT?

Please submit questions to the Procurement Governance and Initiatives Team by email MCFPGPB@gov.bc.ca.

AGENCY FOCUS

12. WHAT DOES THIS CHANGE MEAN FOR AN AGENCY? WHAT IS DIFFERENT?

The Service Agreement is a single template which means there is only one expiry date and signature for each individual contract. Each time you enter into a Service Agreement you also agree to the Terms and Conditions as this is no longer a separate contract.

There were a few updates to clauses in the TPSA that formed the new Terms and Conditions template and these changes are outlined in the [Summary of Changes \(TPSA/SCA to Service Agreement\)](#).

There were minor layout and formatting changes made to the SCA that formed the new Service Agreement schedules but the most significant changes were to: Schedule F – Information Management (Records, Privacy and security); Schedule D – Insurance which contains new language that will ensure consistency with Government and Master Insurance Programs’ requirements; and the new Schedule I – Reporting that compiles reporting requirements previously found various schedules.

13. WHAT HAPPENS IF WE DON’T HAVE INTERNET ACCESS AND CANNOT ACCESS THE TERMS AND CONDITIONS ON THE MINISTRY’S INTERNET SITE?

If you do not have internet access or cannot view the Terms and Conditions on the Ministry website, please notify your Contract Manager or to the Procurement Governance and Initiatives Team by email MCFPGPB@gov.bc.ca.

14. WHICH CONTRACT TEMPLATE AND TERMS AND CONDITIONS APPLY?

Active contracts will remain in their current template formats until expiry. Upon expiry all contracts will be reissued on the Service Agreement template. If the Ministry chooses to convert an active contract to the Service Agreement template prior to expiry, a representative of the ministry will contact you to notify you of this change.

If you are under contract using the Subsidiary Component Agreement template, then the Third Party Service Agreement Terms and Conditions apply until such time as you enter into a new Service Agreement template and then the new Terms and Conditions of the Service Agreement will apply.

If you are still unsure, please contact your Procurement Specialist or the Procurement Governance and Initiatives Team by email MCFPGPB@gov.bc.ca.

15. DID CONTRACTED AGENCIES HAVE AN INPUT IN THE CHANGES?

Some representatives of the ministry’s contracted community social services sector reviewed and provided feedback on the new template.

MINSITRY FOCUS

16. WHAT CHANGES SHOULD WE BE COMMUNICATING TO OUR CONTRACTED AGENCIES?

The key message is that the Ministry has implemented a new single contract template that replaced the TPSA and SCA. In January 2015 one-page letter was provided to ministry staff to be sent to Service Providers.

17. CAN WE CONTINUE TO USE A PREVIOUS VERSION OF A TEMPLATE THAT WE HAVE STORED ON OUR DRIVES?

No, changes were made to the Terms and Conditions and Service Agreement language to ensure consistency with current legislation, regulations, laws, policy, and ministry requirements. Using an older version of a contract template could put the province at significant risk. The most up-to-date version of the Service Agreement will always be contained within the CWT. Likewise up to date versions of the Terms and Conditions can be found on the MCFD website.

18. WILL WE CONTINUE TO USE THE CONTRACT WRITING TOOL TO DRAFT THE SERVICE AGREEMENT?

Yes, the Service Agreement will continue to be drafted in CWT. The real difference is that unlike the TPSA, the Terms and Conditions will not be produced through CWT as they will now be located on the MCFD website.

19. WHEN WILL THE CHANGE OCCUR IN CWT?

The Service Agreement template implementation is now complete in CWT.

20. WHO DETERMINES IF A SERVICE PROVIDER IS ELIGIBLE TO CHARGE/COLLECT GST?

The service providers must indicate to us if they are eligible to charge/collect GST and for which services/amount they are eligible, ministry staff must not be determining eligibility.

21. I HAVE A QUESTION WHO SHOULD I CONTACT?

Please submit questions to the Procurement Governance and Initiatives Team by email MCFPGPB@gov.bc.ca.