

TA'AN KWÄCH'ÄN COUNCIL

Finance Administration Act

Chapter 4

Contracts for Services Regulation

June 2007

Ta'an Kwäch'än Council
FINANCE ADMINISTRATION ACT
CONTRACTS FOR SERVICES REGULATION

Enacted on this 18th day of June 2007

Chief Ruth Massie

The Board of Directors of the Ta'an Kwäch'än Council hereby enacts as follows:

Short title

1. This regulation may be cited as the *Contracts for Services Regulation*.

Definitions

2. (1) In this regulation

"Act" means the *Finance Administration Act* (Ta'an Kwäch'än Council), 2007, c.2.;

"bid" means an offer to purchase with a specific price stated by contractors who compete to offer to contract to sell services at a given price to the Ta'an Kwäch'än Council, with usually the lowest bidder getting the job and, or, to obtain the best value for money;

"contracts for services" means a contract for services contract entered into on behalf of the Ta'an Kwäch'än Council;

- (2) In addition to subsection (1), the definitions of the Act shall also apply to this regulation.

Application

3. This regulation shall apply in respect to all contracts for services to be provided to the Ta'an Kwäch'än Council.

Contracts for services format and process

4. (1) All contracts for services provided to the Ta'an Kwäch'än Council shall be in writing and in a standard contract format to ensure that the following provisos are included:

- (a) the terms and conditions of contract;
- (b) the starting and ending date of contract;
- (c) the maximum payable for total contract and payment schedule; and
- (d) the statement of work.

(2) The Ta'an Kwäch'än Council shall award contracts for services on a competitive basis to obtain the best value for money by giving public notice, in a manner consistent with generally accepted trade practices, of a call for bids respecting a proposed contract.

(2.1) Notwithstanding subsection (2), the Ta'an Kwäch'än Council may enter into a contract for services without soliciting bids where

- (a) the need is one of pressing emergency in which delay would be injurious to the public interest;
- (b) the estimated expenditure does not exceed \$25,000; or
- (c) only one person is capable of performing the contract.

(3) All contracts for services shall be reviewed and initialed for completeness, and the availability of Ta'an Kwäch'än Council funding verified, by the finance manager before the signing of a contract by the parties.

(4) Before awarding a contract for services, the Ta'an Kwäch'än Council shall review the criteria published in the Revenue Canada guide *Employee or Self-Employed, RC4110*, to determine whether the contractor is considered a contractor or an employee of the Ta'an Kwäch'än Council.

(5) Subject to subsection (4), the Ta'an Kwäch'än Council, from time to time during the term of a contract for services, shall review the contract to determine whether the contractor continues to be considered a contractor or an employee of the Ta'an Kwäch'än Council.

(6) The initiating department manager shall ensure all work related to a contract for services is completed in a timely manner before final payment.

Limits on contracts for services

5. (1) The Management Committee and the Chief shall be informed of all contracts for services referred to in paragraphs (3)(a) and (4)(a) before their starting date.

(2) The Board shall be informed of all contracts for services referred to in paragraphs (3)(a) and (b), (4)(a) and (b) and (5)(a) before their starting date.

(3) Budgeted contracts for services

- (a) less than or equal to \$5,000 may be approved and signed by the department manager;

- (b) greater than \$5,000 and less than or equal to \$10,000 may be approved and signed by the Chief; and
 - (c) greater than \$10,000 shall be approved by the Board and signed by the Chief.
- (4) Contracts for services funded through proposals or grants
 - (a) less than or equal to \$5,000 may be approved and signed by the department manager; and
 - (b) greater than \$5,000 and less than or equal to \$10,000 may be approved by the Management Committee and signed by the Chief; and
 - (c) greater than \$10,000 shall be approved by the Board and signed by the Chief.
- (5) Unbudgeted, including re-allocated contracts for services
 - (a) less than \$10,000 may be approved by the Management Committee and signed by the Chief; and
 - (b) greater than \$10,000 may be recommended by the Management Committee to and for approval by the Board and signed by the Chief.

Contract for services amendments and extensions

6. Amendments and extensions of contracts for services shall be made in writing and in accordance with this regulation.

Register of contracts for services

7. (1) There is hereby established a register of contracts for services which shall contain the original copy of each current contract.

(2) A clerk of the register of contracts for services shall be appointed by the finance manager and shall be responsible for maintaining the register.