



huu ay aht

ANCIENT SPIRIT, MODERN MIND

CONTRACT APPROVAL POLICY

Approved by Executive Council
on April 27, 2023 by Resolution #EC20230427-04

CONTRACT APPROVAL POLICY**Contents**

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Application

- 1 This policy applies to the approval of any contracts with a value of \$10,000 or more.

Purpose

- 2 The purpose of this policy is to ensure that contracts are approved and executed on behalf of the HUU-AY-AHT in a manner that consistent with HUU-AY-AHT law, is efficient and consistent with sound fiscal administration practices.

Definitions

- 3 In this policy:

“**Act**” means the *Financial Administration Act*, HFNA 2011;

“**regulation**” means the *Purchasing Policy Regulation*, HFNR 12/2011.

Approval requirements

- 4 (1) For contracts with a value over \$10,000, where the contractor has been identified, the following steps must be followed prior to execution by the Executive Director:
 - (a) Executive Council considers a report in the attached form that includes the following:
 - (i) the parties to the contract;
 - (ii) whether any other contracts are in place or anticipated with the other parties to the contract;
 - (iii) the key terms of the contract;

- (iv) a justification for the contract in terms of its connection to essential services, HUU-ay-aht's strategic priorities and/or a direction of Executive Council;
 - (v) the maximum cost of the contract in the current and future fiscal years (if any);
 - (vi) where the funds will be drawn from;
 - (vii) confirmation that there is available funding approved under the current Budget Act;
 - (viii) confirmation that the regulation has been complied with, including appropriate details;
 - (ix) identification of available options and their implications; and
 - (x) a recommendation.
- (b) Executive Council passes a resolution in the attached form that includes the following:
- (i) the identity of the contractor;
 - (ii) authorization for the Executive Director to approve the spending associated with the contract, in accordance with section 52 of the Act;
 - (iii) authorization for the Executive Director to enter into the contract on behalf of the HUU-ay-aht in accordance with section 67 (b) of the Act; and
 - (iv) if the value of the contract exceeds \$25,000, authorization of the contract in accordance with section 68 (2) (b) of the Act.
- (2) For contracts with a value over \$25,000, the requirements of subsection (1) (a) must be met and, prior to passing the resolution referred to in subsection (1) (b), Executive Council must be provided with:
- (a) a copy of the contract,
 - (b) the recommendation of the Chief Financial Officer in respect of the contract.
- (3) For contracts with a value of over \$100,000, the requirements of subsection (2) must be met, and a legal review must be conducted.

Pre-approval requirements

- 5**
- (1) Despite section 4 (1), a contract with a value of \$10,000 - \$25,000 may be pre-approved by Executive Council if the requirements of subsection (2) are met.
 - (2) For contracts with a value of between \$10,000 and \$25,000, where the contractor has not been identified, the following steps must be followed:
 - (a) Executive Council considers a report in the attached form that includes the following:
 - (i) a description of the contract and its key terms;
 - (ii) a justification for the contract in terms of its connection to essential services, HUU-ay-aht's strategic priorities and/or a direction of Executive Council;
 - (iii) the maximum estimated cost of the contract in the current and future fiscal years (if any);

- (iv) where the funds will be drawn from;
 - (v) confirmation that there is available funding approved under the current Budget Act;
 - (vi) identification of available options and their implications; and
 - (vii) a recommendation.
- (b) Executive Council passes a resolution in the attached form that includes the following:
- (i) identification of the contract;
 - (ii) the maximum approved value of the contract;
 - (iii) authorization for the Executive Director to approve the spending associated with the contract, in accordance with section 52 of the Act;
 - (iv) authorization for the Executive Director to enter into the contract on behalf of the HUU-ay-aht in accordance with the section 67 (b) of the Act; and
 - (v) direction that the authorizations are contingent on compliance with the regulation.

Contract execution requirements

- 6
- (1) Before signing a contract on behalf of the HUU-ay-aht, the Executive Director must complete a compliance checklist in the attached form that confirms:
 - (a) that any required Executive Council resolution that makes the necessary authorizations is in place, and
 - (b) compliance with the regulation.
 - (2) After executing a contract, the Executive Director must ensure that the compliance checklist, and copies of any applicable Executive Council resolutions and the *Purchasing Policy Regulation* compliance form are stored with the executed contract.



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REPORT TO EXECUTIVE COUNCIL

Title: Approval of Contract with **[INSERT NAME]**

Type of Decision: APPROVAL

Submitted by: **[INSERT NAME OR DELETE on behalf of]** the Executive Director

Date: **[INSERT DATE]**
For consideration at meeting scheduled for **[INSERT DATE]**

Issue

Approval of contract with **[INSERT NAME]**

Discussion

Contract

[Describe the purpose of the contract.]

Identify the contractor and explain why they were selected. If there are any existing or anticipated contracts with the same contractor identify those here.

Describe why the contract is desirable or necessary in relation to the provision of essential services, connection to Huu-ay-aht's strategic priorities and/or direction of Executive Council.

Set out the key terms of the contract. NOTE: If the value of the contract is over \$25,000, a copy of the contract MUST be attached.]

Budget

[Set out the value of the contract in the current fiscal year as well as in future fiscal years if applicable. If applicable, describe the termination provisions of the contract and relate these to a possible range of the value of the contract. In particular, if the contract commits to spending in future fiscal years, termination provisions must be discussed and the amount that Huu-ay-aht will be obligated to spend in future years, even if it decides to terminate must be clearly set out.]

Set out where the funds will be drawn from. Confirm that there is available funding under the current Budget Act and how this spending is expected to impact other anticipated spending.]

Purchasing Policy Regulation Compliance

[Confirm that section 4 of the Purchasing Policy Regulation was complied with, including a brief description of what was done (ie three quote obtained or open competition conducted, depending on the value of the contract) or set out the section 5 exemption relied on by the Executive Director and the reason for it.]

[If the value of the contract is over \$100,000:

Legal Review

Confirm that a legal review has been conducted. Provide any relevant information.]

Options & Implications

[Discuss options and their implications here. At a minimum these will be enter the contract as presented or not and the implications of each choice.]

Recommendation

[Typically this will be a recommendation by (or on behalf of) the Executive Director to pass the attached resolution approving the contract.]

If the value of the contract is greater than \$25,000, the recommendation of the Chief Financial Officer must also be set out here.

If the value of the contract is greater than \$100,000 any recommendations of legal counsel must be set out here.]

Outcomes

[Typically the outcome will be as follows:

If the proposed resolution is passed, the Executive Director will: 1) complete the compliance checklist, 2) execute the contract on behalf of the Huu-ay-aht, 3) ensure that the compliance checklist, and copies of the resolutions and the *Purchasing Policy Regulation* compliance form are stored with the executed contract.

Additional requirements can be listed here as appropriate.]



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WRITTEN MOTION of EXECUTIVE COUNCIL

(Government Act, s. 52)

For ease of reference, this motion may be referred to as:

Motion Regarding Approval of Contract with [insert name]

Whereas:

- a) The Executive Director has provided a report recommending that Executive Council approve a contract with [insert name] (the “contractor”) for [insert description] (the “contract”);
- b) The maximum value of the contract in this fiscal year is \$[insert amount] (the “maximum value”); and
- c) The Executive Director advises that [the contractor was selected after at least three quoted were obtained and evaluated in accordance with the *Purchasing Policy Regulation*, s. 4 OR she is relying on the exemption to the requirements of the *Purchasing Policy Regulation*, s. 4 (1) set out in the *Purchasing Policy Regulation*, s. 5 (a) (b) (c) OR (d) ← SELECT ONE].

Be it resolved that Executive Council hereby:

- 1) Authorizes the Executive Director to approve the spending associated with the contract, in accordance with the *Financial Administration Act*, s. 52; and
- 2) Authorizes the Executive Director to enter into the contract on behalf of the Huu-ay-aht in accordance with the *Financial Administration Act*, s. 67 (b).

Appendices attached to Motion:

Written report prepared by [INSERT NAME] on behalf of the Executive Director [OR XXX, Executive Director].

The following documents:

- Proposed Contract with [INSERT NAME]

Introduced by: _____
EXECUTIVE COUNCIL MEMBER

Date: _____
DATE OF EXECUTIVE COUNCIL MEETING

Administrative Requirements

The Law Clerk will provide a copy of this resolution to the Executive Director.



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WRITTEN MOTION of EXECUTIVE COUNCIL

(Government Act, s. 52)

For ease of reference, this motion may be referred to as:

Motion Regarding Approval of Contract with [insert name]

Whereas:

- a) The Executive Director has provided a report recommending that Executive Council approve a contract with [insert name] (the “contractor”) for [insert description] (the “contract”);
- b) The maximum value of the contract in this fiscal year is \$[insert amount] (the “maximum value”); and
- c) The Executive Director advises that [the contractor was selected after an open competition was conducted in accordance with the *Purchasing Policy Regulation*, s. 4 OR she is relying on the exemption to the requirements of the *Purchasing Policy Regulation*, s. 4 (1) set out in the *Purchasing Policy Regulation*, s. 5 (a) (b) (c) OR (d) ← SELECT ONE].

Be it resolved that Executive Council hereby:

- 1) Authorizes the Executive Director to approve the spending associated with the contract, in accordance with the *Financial Administration Act*, s. 52;
- 2) Authorizes the Executive Director to enter into the contract on behalf of the Huu-ay-aht, in accordance with the *Financial Administration Act*, s. 67 (b); and
- 3) Authorizes the contract, in accordance with the *Financial Administration Act*, s. 68(2)(b);

Appendices attached to Motion:

Written report prepared by [INSERT NAME] on behalf of the Executive Director [OR XXX, Executive Director].

The following documents:

- Proposed Contract with [INSERT NAME]

Introduced by: _____
 EXECUTIVE COUNCIL MEMBER

Date: _____
 DATE OF EXECUTIVE COUNCIL MEETING

Administrative Requirements

The Law Clerk will provide a copy of this resolution to the Executive Director.



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REPORT TO EXECUTIVE COUNCIL

Title: Approval of Contract for **[INSERT DESCRIPTOR]**

Type of Decision: APPROVAL

Submitted by: **[INSERT NAME OR DELETE on behalf of]** the Executive Director

Date: **[INSERT DATE]**
For consideration at meeting scheduled for **[INSERT DATE]**

Issue

Approval of contract for **[INSERT DESCRIPTOR]**

Discussion

Contract

[Describe the purpose of the contract.]

Describe why the contract is desirable or necessary in relation to the provision of essential services, connection to Huu-ay-aht's strategic priorities and/or direction of Executive Council.

Set out the key terms of the contract.]

Budget

[Set out the maximum value of the contract in the current fiscal year as well as in future fiscal years if applicable. This will be the maximum value approved by Executive Council.]

Set out where the funds will be drawn from. Confirm that there is available funding under the current Budget Act and how this spending is expected to impact other anticipated spending.]

Purchasing Policy Regulation Compliance

[Confirm that section 4 of the Purchasing Policy Regulation will be complied with or that it is anticipated that section 5 will be relied on. If the latter set out the anticipated section 5 exemption to be relied on by the Executive Director and the reason for it.]

Options & Implications

[Discuss options and their implications here. At a minimum these will be pre-approve the contract on the terms presented or not and the implications of each choice.]

Recommendation

[Typically this will be a recommendation by (or on behalf of) the Executive Director to pass the attached resolution approving the contract.]

Outcomes

[Typically the outcome will be as follows:

If the proposed resolution is passed, the Executive Director will: 1) complete the compliance checklist, 2) execute the contract on behalf of the Huu-ay-aht, 3) ensure that the compliance checklist, and copies of the resolutions and the *Purchasing Policy Regulation* compliance form are stored with the executed contract.

[Additional requirements can be listed here as appropriate.]



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WRITTEN MOTION of EXECUTIVE COUNCIL

(Government Act, s. 52)

For ease of reference, this motion may be referred to as:

Motion Regarding Pre-approval of Contract re [insert brief description]

Whereas:

- a) The Executive Director has provided a report recommending that Executive Council approve a contract for [insert description] (the “contract”);
- b) The estimated maximum value of the contract in this fiscal year is \$[insert amount] (the “maximum value”).

Be it resolved that Executive Council hereby:

- 1) Authorizes the Executive Director to approve the spending associated with the contract, in accordance with the *Financial Administration Act*, s. 52;
- 2) Authorizes the Executive Director to enter into the contract on behalf of the Huu-ay-aht in accordance with the *Financial Administration Act*, s. 67(b);
- 3) Directs that these authorizations are contingent on the following conditions being satisfied:
 - i) compliance with the *Purchasing Policy Regulation* in the awarding of the contract; and
 - ii) for greater certainty, that the value of contract is equal to or less than the maximum value as set out above.

Appendices attached to Motion:

Written report prepared by [INSERT NAME] on behalf of the Executive Director [OR XXX, Executive Director].

The following documents: NIL

Introduced by: _____
 EXECUTIVE COUNCIL MEMBER

Date: _____
 DATE OF EXECUTIVE COUNCIL MEETING

Administrative Requirements

The Law Clerk will provide a copy of this resolution to the Executive Director.

Pre-approval of Contract Motion Template - Appendix F

Purchasing Policy Regulation Compliance Checklist

Checklist for contract between the HUU-ay-aht and _____ (the "contractor")

Must be completed by the Executive Director or delegate. Select ONE of the following bases on which the PPR has been complied with and complete the relevant section.

At least 3 quotes were obtained

ALL OF THE FOLLOWING CRITERIA MUST BE MET:

- Value of contract is \$10,000 - \$25,000
- Written request for quotes for the good and services at issue was prepared (PPR 4(3))
- ___ quotes were received and evaluated by _____ (person with spending authority)
- The contractor was selected by the person with spending authority

Open competition was conducted

ALL OF THE FOLLOWING CRITERIA MUST BE MET:

- Value of contract exceed \$25,000
- Written RFP meeting the requirements of PPR s. 4 (6) was posted and sent to any known prospective proponents
- Executive Director appointed the following people to the evaluation committee:
- Evaluation committee selected the contractor
- Written reasons of the evaluation committee are attached

Section 5 exemption

The following section 5 exemption applies (**SELECT ONE**)

- An existing contract is in place to provide the goods or services and under which those goods or services are already being provided to the reasonable satisfaction of the HUU-ay-aht government (PPR, s. 5(a))
- A contract existed within the past year to provide the goods or services, and under which those goods or services were provided to the reasonable satisfaction of the HUU-ay-aht government (PPR, s. 5(a))
- The Executive Director reasonably believes only one supplier is able to provide the goods or services (PPR, s. 5(a))
- The Executive Director reasonably believes there is insufficient time to obtain quotes or conduct an open competition (PPR, s. 5(a))

If s. 5 (c) or (d) is relied on, provide details:

Value of contract is under \$10,000

I confirm that the information in this form is correct to the best of my knowledge.

Print name

Signature

Date

Pre-approval of Contract Motion Template - Appendix G

Contract Approval Policy Compliance Checklist

Checklist for contract between the Huu-ay-aht and _____, dated _____

Must be completed by the Executive Director or delegate prior to executing the contract

I confirm I have reviewed the following documents and they are attached to this checklist:

- Executive Council resolution authorizing the Executive Director to sign the contract
- Report supporting the Executive Council resolution referred to above
- Purchasing Policy Regulation* Compliance Form, including any documents referred to in it

Print name

Signature

Date