

NOTICE TO CONTRACTORS - Acquisition of Goods and/or Services from Indigenous Businesses/ Persons

Special Provision CMO0003

A minimum pre-tax total of [* Designer Fill-In, See Notes to Designer] in goods and/or services shall be acquired from businesses and/or individuals of [** Designer Fill-In, See Notes to Designer] during the Contract.

For the purposes of this Special Provision, the following definitions apply:

Indigenous Business means a business that is 51% or more owned and controlled by an Indigenous person or persons; and, if it has six or more full-time staff, at least one third of the firm's employees are Indigenous persons.

Indigenous Person means a First Nation, Métis or Inuit person or persons.

First Nation or Métis Contact: [*** Designer Fill-In, See Notes to Designer]

Any payments made to an Indigenous business and/or individuals for goods and/or services required by the Contract shall be submitted to the Contract Administrator using the Indigenous Procurement Program Activity Reporting (IPPAR) template file on the first Business Day each month. The submission shall include proof of Indigenous business status (if requested), proof of payment for all labour, Equipment and Materials made to support Indigenous procurement requirements.

Only businesses and/or persons that can be verified by the Contract Administrator as an Indigenous business or an Indigenous person will be considered as meeting the requirement of this Special Provision.

Evidence that a business meets the definition of an Indigenous business may include one or more of the following:

- a) incorporation documents;
- b) shareholders' or members' register;
- c) partnership/joint venture agreements;
- d) business name registration;
- e) banking arrangements;
- f) governance documents;
- g) minutes of meetings of Board of Directors and Management Committees; and/or
- h) other legal documents.

The Owner may request additional documentation to confirm eligibility even where an Indigenous business is registered on an existing directory.

If the Contractor does not acquire the minimum pre-tax amount of [* Designer Fill-In, See Notes to Designer] from an [** Designer Fill-In, See Notes to Designer] by Contract Completion, the shortage between the actual pre-tax amount acquired by the Contractor and the minimum pre-tax total of [* Designer Fill-In, See Notes to Designer] shall be deducted from the final progress payment issued to the Contractor.

The Owner does not warrant the availability, goods and/or service quality, worker skill, material quality, or adequacy of any Indigenous businesses and/or Indigenous person and/or any goods or services which they may have available to supply to the Contractor. The Contractor irrevocably releases the Owner from any claim related to the availability, goods and/or service quality, worker skill, material quality, or adequacy of any Indigenous business and/or Indigenous person and/or any goods and/or services supplied by them.

[**** Designer Fill-In, See Notes to Designer]

NOTES TO DESIGNER:

- * Insert the financial amount in dollars of the mandatory amount the Contractor shall spend on indigenous procurement.
- ** Insert the "Indigenous business" or specific names of the business when known.
- *** Insert the First Nation or Métis Contact when applicable. Put N/A if there is no contact.
- **** List of recommended goods and services and/or First Nation Indigenous Business' (if the ministry is providing this information).

WARRANT: Insert only at the discretion of the Contract Management Office.

For Contracts where the ministry is requiring the Contractor to acquire a minimum value of goods and services from Indigenous businesses. This may be used with CMO0004.