



**Atlantic First Nations Water Authority  
MINUTES**

**26 January 2022**

**PRESENT:**

Chief Wilbert Marshall, Chair  
Chief Ross Perley, Vice Chair  
Chief Andrea Paul, Director  
Chief Terry Paul, Director  
Chief Darlene Bernard, Director  
Chief Arren Sock, Director  
Chief Leroy Denny, Director  
Regional Chief Paul Prosper, Director  
Regional Chief Roger Augustine, Director  
Todd Hoskin, Director  
Methilda Knockwood-Snache, Chair of Elders  
Advisory Lodge

**REGRETS:**

**STAFF:**

Carl Yates, interim CEO, AFNWA  
James MacKinnon, interim COO, AFNWA  
Chantal Leblanc, Manager of Corporate Services/  
CFO  
Adam Gould, Manager of Communications &  
Outreach  
Rayleen MacDonald, Administrative Assistant

**GUESTS:**

Dr. Megan Fuller, CWRS

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**CALL TO ORDER**

The interim CEO, upon direction of the Chair, called the regular meeting to order at 9:41AM via the Zoom virtual platform. The Board moved In Camera at 9:51AM and the regular meeting reconvened at 11:31 AM

Elder Methilda Knockwood-Snache provided an opening prayer.

**1.a) RATIFICATION OF IN-CAMERA MOTIONS**

**MOVED BY Chief Terry Paul, SECONDED BY Chief Darlene Bernard that the AFNWA Board ratify the In-Camera motions**

**Motion Put and Passed**

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**1.b) APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

**MOVED BY Chief Darlene Bernard, SECONDED BY Chief Wilbert Marshall that the AFNWA Board approve the Order of Business.**

**Motion Put and Passed**

**2. APPROVAL OF MINUTES – 24 November 2021**

**MOVED BY Chief Darlene Bernard, SECONDED BY Todd Hoskin that the AFNWA Board approve the 24 November 2021 Regular Minutes.**

**Motion Put and Passed**

**3. BUSINESS ARISING FROM MINUTES**

- a) Transition Implementation Plan Update (verbal)

This Item was tabled until next meeting due to time constraints.

**4. MOU WITH FIRST NATIONS FINANCIAL MANAGEMENT BOARD**

Carl Yates presented on the MOU with the First Nations Financial Management Board as noted in the staff report.

Questions and / or Comments as below:

(Q) If AFNWA is certified by the FNFMB, does that mean my community cannot participate in AFNWA without also being certified by FNFMB?

(A) Our understanding is that a participating community of the AFNWA does not need to be FNFMB certified in order to be a member of the AFNWA. We will verify with the FNFMB. It is also our understanding that AFNWA's certification through the FNFMB as a non-profit will allow AFNWA to issue debentures through the First Nations Finance Authority. This could be of benefit for financing water and wastewater infrastructure upgrades in relation to economic growth and recovered through development charges for new developments (hotel, fish plant, etc.) within the community on the community's behalf.

Discussion ensued around the process to become FNFMB certified should a community want to pursue for their own benefits.

**MOVED BY Chief Wilbert Marshall, SECONDED BY Chief Terry Paul that the AFNWA Board approve the MOU with First Nations Financial Management Board in its substantive form attached.**

**Motion Put and Passed**

**5. OCCUPATIONAL HEALTH AND SAFETY POLICY**

Carl Yates presented the AFNWA OHS Policy as attached in the report.

There were no questions or comments at this time.

**MOVED BY Chief Terry Paul, SECONDED BY Chief Paul Prosper that the AFNWA Board approve the Occupational Health and Safety Policy in its substantive form attached.**

**Motion Put and Passed**

**6. THIRD QUARTER FINANCIAL RESULTS**

Chantal Leblanc presented the Third Quarter Financial Results as outlined in the report previously circulated. The report was reviewed by the Audit and Finance Committee and the recommendation to approve is made on their behalf.

There were no questions or comments at this time.

**MOVED BY Todd Hoskin, SECONDED BY Chief Terry Paul that the AFNWA Board approve the Third Quarter Financial Results in its substantive form attached.**

**Motion Put and Passed**

**7. ANNUAL GENERAL MEETING RESOLUTION**

As per our legal counsel, we are not obligated to host an Annual General Meeting this year, as we do not technically have “members” at this time. In consideration of the ongoing pandemic as well, we were advised to pass the attached resolution in lieu of the Annual General Meeting. It is expected that we will have an Annual General meeting next year when we have members.

**MOVED BY Chief Leroy Denny, SECONDED BY Todd Hoskin that the AFNWA Board approve the Annual General Meeting Resolution in its substantive form attached.**

**Motion Put and Passed**

**8. WATER AND WASTEWATER QUALITY REGULATORY & NUJO'TME'K SAMUQWAN SAFETY PLANS FRAMEWORK**

Dr. Megan Fuller of Dalhousie's Centre for Water Resource Studies presented on the Water and Wastewater Quality Regulatory & Nujo'tme'k Samuqwan Safety Plans Framework. This presentation was also made to two members of the Environment, Health and Safety Committee last Friday.

Carl advised we should recognize that this is an interim set-up for drinking water as there are no national regulations per se right now with the Safe Drinking Water for First Nations Act under review. There is an expectation that national regulations will be developed after the SDWFNA is repealed and replaced.

There were no questions or comments at this time.

**MOVED BY Todd Hoskin, SECONDED BY Chief Darlene Bernard that the AFNWA Board approve the Water and Wastewater Quality Regulatory & Nujo'tme'k Samuqwan Safety Plans Framework and developed by the Dalhousie Centre for Water Resources Study [CWRS] and direct management to develop implementation plans to realize their prescribed objectives, as attached in its substantive form**

**Motion Put and Passed**

**9. DATE OF NEXT MEETING**

The next Special Board Meeting will be on February 10, 2022, at 9:30 AM via Zoom

Original signed by  
\_\_\_\_\_  
*James MacKinnon*  
*Board Secretary*

Original signed by  
\_\_\_\_\_  
*Chief Wilbert Marshall*  
*Chair*

The following Information Items were submitted:

- 1-1 Water and Wastewater Regulations/Safety Plan Update
- 2-1 Elders Advisory Lodge Update



Item # 1-I  
AFNWA Board  
10 February 2022

**TO:** Chief Wilbert Marshall, Chair, and Members of the AFNWA Board

**SUBMITTED BY:** original signed by  
James MacKinnon, interim Chief Operating Officer

**APPROVED:** original signed by  
Carl Yates, interim Chief Executive Officer

**DATE:** February 4, 2022

**SUBJECT:** Transition Implementation Plan Update

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## **INFORMATION REPORT**

### **ORIGIN**

Transition Implementation Plan [TIP] approved by the Board at the June 24<sup>th</sup>, 2020, meeting

### **BACKGROUND**

The Transition Implementation Plan [TIP] provides a detailed overview of the AFNWA's internal developments as an organization, and external developments on projects and community outreach. The TIP will guide the overall operationalization of the AFNWA through staged phases and lead to full autonomous operations in Spring 2022. It describes the objectives of the phases and the process by which the steps and composite tasks are to be managed.

### **DISCUSSION**

The complete Transition Implementation Plan is attached for reference. Some key highlights and developments since our previous meeting are as follows:



- *Step 1: Operational Funding.*
  - Funding has been received. Step 1 can be considered complete.
- *Step 2: Planning and Establishment of Governance.*
  - The Elders Advisory Lodge continues to meet. At their most recent meetings, the EAL worked with Dalhousie to provide more culturally appropriate language to AFNWA and Dalhousie for the development of the water and wastewater quality regulatory and safety plans framework. The EAL has agreed on a basic modification for their terms of reference. The main addition is that the EAL will act in accordance with the 7 Grand Father teachings. The EAL has agreed on the wording of those teachings, and they have been added as an appendix to their terms of reference.
  - The EAL has also put forward a motion for the AFNWA to adopt the 7 Grandfather teachings as the AFNWA's Corporate Values. These have been included in the Business Plan.
  - In December 2021, the AFNWA submitted 10-year capital and operating budgets to ISC for inclusion into the 2022-2023 Federal Budget process. With some additional edits, the budget was accepted for inclusion in the budget process.
  - AFNWA internal policy development continues on schedule. Two policies were submitted for consideration at the January 26, 2022, and February 10, 2022, board meetings: Occupational Health and Safety Policy, and the AFNWA Procurement Policy.
- *Step 3a; Band Council Resolutions:*
  - ISC proposed a BCR to formally enter into a Transfer Agreement with AFNWA. The BCR is complete in its substantive form. AFNWA will be hosting a Chiefs workshop on all agreements on February 9<sup>th</sup>, 2022, via zoom. The BCR will be presented as part of the Service Delivery Transfer Agreement at that time.
- *Step 3b: Implement Human Resource Strategy*
  - AFNWA is currently advertising for a Technical Services Technologist, which will be hired in late February.
  - In Q1 of the 2022-2023 fiscal year, the AFNWA will be advertising for the following positions:
    - Planning and Development Technologist
    - Procurement Coordinator
- *Step 4: License Agreements*
  - The Land Access Permits are in their final stages of development. Currently, the AFNWA only has minor further edits that we are requesting of Canada. The AFNWA has

received a comprehensive list from ISC regarding which parcels of land will need to be permitted. The next phase will be to confirm this list with each participating community.

- **Step 5: *Implement Operations Model.***
  - The AFNWA is currently finalizing the 10-year Business Plan which will outline the programs and activities in relation to its Capital and Operations budgets.
  - AFNWA is working with operators and community staff to determine salaries and benefits of operators, as well as levels of education and certification.
- **Step 6: *Implement Transition Management.***
  - The AFNWA has begun discussions with ISC with assistance from a change management specialist.
- **Step 7: *Regulatory Oversight.***
  - The AFNWA and Dalhousie University's Centre for Water Resources Studies has submitted their report regarding regulatory benchmarks for First Nations Communities in Atlantic Canada. More detail on this issue has been provided in a separate report at the January 26, 2022, board meeting.
  - AFNWA, FNFMB and ISC have agreed to language regarding an MOU between the three parties to begin development on an Economic Oversight Agency for the AFNWA. More detail on the MOU has been provided in a separate report at the January 26, 2022, board meeting.
- **Step 8: *Operational Planning:***
  - The final deliverable in this step is to complete the AFNWA Operational Plan, which is currently being developed by the AFNWA Manager of Operations.
- **Step 9: *Capital Planning***
  - With the completion of the Asset Management Plans and accompanying 10- Year Capital Plan, Step 9 is now complete.
- **Step 10: Risk Assessments**
  - With the completion of the AFNWA Enterprise Risk Management Framework and Risk Register, Step 10 is now complete.
- **Step 11: Financial Model**
  - 10-year Operating, and Capital budgets have been accepted by ISC for inclusion in the 2022-2023 Federal Budget Process. In the coming weeks, AFNWA will begin developing corporate financial reporting models (operations and capital)
- **Step 12: Refine Detailed Budgets and Funding Model.**
  - The AFNWA 10-Year Business Plan is currently in development for approval at the February 10<sup>th</sup>, 2022, Board meeting.
- **Step 13: *Transfer Agreement***

- Since the previous Board meeting, ISC has provided the latest version of the Transfer Agreement for review. The major concern regarding Canada's unilateral ability to terminate the transfer agreement has been addressed. Termination is now tied to AFNWA defaulting on the agreement, which can happen if the following goes uncured:
  - an auditor gives a disclaimer of opinion or adverse opinion of the financial statements of the AFNWA required under this Transfer Agreement and the AFNWA fails to provide a clean opinion within the Cure Period;
  - immediately, if the AFNWA becomes bankrupt or insolvent, goes into receivership, takes the benefit of any statute relating to bankrupt or insolvent debtors, or ceases operations, or ceases to be a corporation in good standing under the applicable laws of Canada or of the province in which it operates;
  - the AFNWA passes a member resolution in accordance with the federal Not-for-profit Act to wind up the business of the AFNWA and such resolution remains in effect after the Cure Period.

### **BUDGET and FINANCIAL IMPLICATIONS**

Activities associated with the TIP are funded through Funding Agreements secured with Indigenous Services Canada.

### **ATTACHMENT**

Transition Implementation Plan with progress updates

Report Prepared by: original signed by  
James MacKinnon, interim COO, 902-603-0312



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

### Background

The AFNWA Business Case recommends a phased milestone-based approach with a two-year transitional period that allows detailed operational and capital budgets to be developed and agreed with ISC based upon an AFNWA operations plan; an Asset Management Plan (AMP); and a 10-year capital program.

The AFNWA has developed a Transition Plan which has been the principle vehicle for agreeing to a Framework Agreement between AFNWA and ISC. This plan which is organized into three key phases includes several steps that need to be delivered sequentially. These phases can be summarized as follows

- **Phase 1: Approval & Funding:** is an enabling phase which includes tasks which must be completed to allow the AFNWA to take on additional operational responsibility in 2020.
- **Phase 2: Operational Initiation:** comprises establishing the AFNWA management team in a staged manner to prepare for the ownership and operation of the participating First Nations water and wastewater assets
- **Phase 3: AFNWA Formation:** comprises the formalization of the AFNWA budget planning and consolidates these into a Funding Model. The funding requirements will be subject to negotiation with ISC with the understanding that the level of funding will be in line with the order of cost identified in the AFNWA business case.

AFNWA and ISC are close to completing a funding agreement which will provide the funds needed to deliver the Transition plan and progress over the next two years.

### Transition Period Implementation Plan

The Transition Period Implementation Plan (Implementation Plan) will guide the overall operationalization of the AFNWA and its phases will lead to fully autonomous operations in Spring 2022. It will describe the objectives of the phases and the process by which the steps and composite tasks are to be managed.



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

The delivery of the Implementation Plan will necessitate a team with diverse knowledge, expertise, and experience. The Implementation Plan contains the information needed to deliver the transition successfully, in terms of integration, communication, quality, cost, schedule, risk, scope, and overall project management. The Implementation Plan defines the governance and organizational structure; the management, administrative, and reporting processes that will be used; and the decision-making responsibilities and authorities for each principal stakeholder.

While Implementation Planning has commenced, finalizing and delivery of the Plan will require the input from the Senior Management Team which has yet to be recruited. The immediate intention of the Plan is to identify the relevant tasks that need to be completed but not to provide the complete details on how they will be delivered. While it is recognized that the CEO will have ultimate accountability for delivery of the Implementation Plan, potential resources required to develop tasks (whether internal or external resources), and reviewer / approver information has been added for considerations.

As each task is formally initiated, it is recommended that the AFNWA initiate further project definitions (i.e. project charter, timing, resources) to guide task implementation. Within the Transition Plan, tasks anticipated to require a formal project charter or workplan are marked with an asterisk (\*). As individual tasks are initiated, additional task implementation planning is anticipated, and this will be reviewed by the CEO and Senior Management Team on a regular basis.



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Legend	
Green	Complete
Yellow	In Progress
Red	Not Started

### Phase 1: Approval and Funding.

#### Step 1a: Operational Funding

Funding Commitment by Government of Canada to provide long term funding to AFNWA in line with the order of cost identified in the Business Case.

Noting that long term funding will come with final negotiation at the end of this two-year transition. Execution of the Transitional Funding Agreement and signature of the Framework Agreement will signify commitment to this objective.

Tasks	AFNWA Owner	Resources <sup>1</sup>	Reviewer /Approver	Recommended Completion Date
1.0 Framework agreement signed demonstrating a co-development process and commitment for long-term AFNWA funding (key milestone)	COO	CY, RB, Colliers	ISC	May 15, 2020
2.0 Complete Transitional Funding Agreement between AFNWA and ISC to cover two-year Transition Period	COO	CY, RB, Colliers	ISC	May 1, 2020
3.0 Cash flow draw system (incl. bank number), schedule (refer to ISC conference call minutes)	COO	RM	ISC	May 15, 2020
4.0 Develop Transition Plan Template	COO	Colliers	CEO	May 15, 2020

<sup>1</sup> A full description of resource abbreviations has been provided following the phase 3 tasks.



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 1: Approval and Funding.					
Step 2: Planning and establish governance					
Funding Commitment by Government of Canada to provide long term funding to AFNWA in line with the order of cost identified in the Business Case.					
Noting that long term funding will come with final negotiation at the end of this two-year transition. Execution of the Funding Agreement and signature of the Framework agreement will close step 1					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0	Establish organization				
1.1	CEO	COO, McInnis Cooper	Board	August 1	
1.2	CEO	COO, SMT	CEO	Ongoing	
1.3	COO	RM	CEO	On Going	
2*	Identify corporate policies and procedures needed				As req'd on a priority basis
2.1	Mgr. Comms	COO, RM	Board		
2.2	Mgr, CS	COO, McInnis Cooper, CEO Colliers, HW	Board	March 31, 2022	
2.3	CEO	Mgr. CS, COO	Board		
2.4	CEO	Mgr. CS, COO	Board		





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## Atlantic First Nations Water Authority Transition Period Implementation Plan

2.5	Information Technology	Mgr. CS	COO, JH	CEO	
2.6	Training and Development policy (Parts found within the APC HR Policy)	Mgr. CS	COO, Supervisor CS, RM	CEO	
2.7	Discipline policy (incl. Two Eyed Seeing)	COO	McInnes Cooper, Elders Council, JP, RB	CEO	
2.8	Pension and Benefits policy	CEO/Mgr. CS	McInnes Cooper, Supervisor CS	Board	
2.9	Health and Safety policy	Mgr. Ops	Mgr. CS, COO, Supervisor CS, JH, CEO	Board	
2.10	Environmental policy	CEO	SMT, GG	Board	
2.11	Security policy	CEO	SMT	Board	
2.12	Code of Conduct	CEO	McInnes Cooper, Mgr. CS, COO, RM	Board	
2.13	Debt policy (elements found within the Financial Policy)	Mgr. CS	COO, CEO, Colliers	Board	
2.14	Spending Authority (Financial Policy, will need to be altered)	CEO	Mgr. CS, COO, Colliers	Board	
2.15	Fraud (Elements found within the APC Financial Policy)	Mgr. CS	COO, CEO, Colliers	Board	
2.16	Document Management policy, recommended solution, and tool considerations (utilize APC in interim)	Mgr. CS	SMT, Colliers JH, RM	CEO	
2.17	Violence and Harassment policy	CEO	McInnes Cooper, Mgr. CS, COO	Board	
2.18	Hiring policy	COO	JH, CEO	CEO	
2.19	Conflict of Interest Policy	CEO	COO, Mgr. CS, Colliers	Board	
2.20	Develop AFNWA specific templates - minutes, action list, SOPs	COO	RM, JH, Colliers	CEO	



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3.0	Establish financial and accounting policies and frameworks				
3.1	Identify Gaps in APC Financial Policies - debt policies, accounting structures being used, align with Treasury Board policies / rates,	Mgr. CS	COO, Colliers	CEO	On going
3.2	Set up basic accounting framework, general ledger, yearly audit standards & audit timelines, income statements, balance sheets – (service may start with APC but transition to AFNWA) - services could be provided on an interim basis by APC; - there are # of other corporate services APC can provide; gradual transition to AFNWA	Mgr. CS	COO, 3 <sup>rd</sup> party advisor, Colliers	CEO	Establish for first fiscal year [2020/2021]
3.3	Tax exemption letters from CRA - anticipated to be received once a lease is signed	COO	Mgr. CS,	CEO	June 1, 2020
3.4	Audited statements 2021 (milestone)	Mgr. CS	COO, CEO,	Board	July 31, 2021
4.0*	Board governance				
4.1	Establish Board Governance Framework - solicit consultant proposal - develop work plan	CEO	COO, RB, Colliers	Board	
4.2	AFNWA Implementation Plan - Board delegated resp. to CEO to manage - CEO owns plan; recommendations to the Board, as req'd - COO & Board Executive work with CEO - Board approves key items	CEO	COO, RB, Colliers	CEO	March 31, 2022
4.3	AFNWA Board Terms of Reference - CEO works with Board executive, legal advice - Incl. governance (i.e. operating water authority, approvals & authorities), roles (i.e. day to day)	CEO	COO, RB	Board	Initiates with hiring of CEO, completes Nov 2020
4.4	Board governance Workshop (Face to Face) - Define roles and resp, Specific Board terms, committee, compensation	COO	RB, Colliers	CEO	Sept/Oct. 2020



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

4.5	AFNWA Board and Committees Terms of Reference [e.g. Executive, Audit and Finance, Environment, Health and Safety]	CEO	COO, RB, Colliers	Board	Draft Nov. 30/20
4.6	AFNWA Board Formally Approves Term of Reference (milestone)	CEO	COO, RB	Board	Feb.1, 2021
4.7	Board Compensation Policy	CEO	COO, RB	Board	April 1, 2021
4.8	Selection of Elders Lodge, develop Terms of Reference - Process for Board to engage with Elders Council -	COO	CEO, RB, CBU	Board	March 31, 2021
5.0*	Establish document management system	Mgr. CS	JH, Colliers, RM, COO	CEO	Fall, 2021
6.0	Develop communications strategy	Mgr. Comms	COO, Comms Consultant	CEO	Feb 1, 2021
7.0	Define ISC approvals process				
7.1	Develop engagement plan with ISC - Strategy and framework of approach - Meeting schedule and intent - Identify and clarify requirements	COO	RB, McInnis Cooper,	CEO	Summer, 2021
7.2	Identify milestones and approvals (required by Federal government) - Schedule, process, Cabinet date, timeline, milestones, minutes & action list	COO	RB, Colliers, Central Agency reps,	CEO	As Req'd
7.3	Identify Board approvals and reporting required - Tied to ISC negotiations	COO	RM, Colliers	CEO	As Req'd



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 1: Approval and Funding.					
Step 3a: Band Council Resolutions					
<p>The commitment to GOC funding will allow Band Council Resolutions (BCR) to be completed with participating First Nations Bands. This deliverable will require the AFNWA interim COO to travel to participating and non-participating First Nations alike to request a BCR for further continuation of the project. This will allow license and asset transfer agreements to be developed. This step is dependent on the signature of the proposed framework agreement before the community visits commence.</p>					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0	Develop BCRs				
1.1	COO	McInnes Cooper, ISC	CEO, Board, Band Council	Jun 30, 2020	
1.2	COO	RB, Colliers	CEO		
1.3	CEO	COO	Board	Jan 31, 2021	
1.4	Mgr. Eng.	COO, JH	CEO	Nov, 2021	
1.5	COO		CEO	Jun 30, 2020	
1.6	COO	RB,	CEO	Fall 2020 or Winter 2021 depending on Pandemic Restrictions	



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

	plan in detail, and to communicate the AFNWA's timelines for full, autonomous operations				
2.0	BCR approval by communities				
2.1	Organize Community visits - present to Councilors, gain input, make changes / tweaks. This round of BCRs will signify a further commitment to the AFNWA. AFNWA COO and CEO will travel to each community to present to Chief and Council to seek their continued support [22 communities].	COO	RB, RM, Mgr. Comms	CEO	On Going
2.2	Request signature - by community based on meeting with Councils - Presentations to communities	COO	CEO (as req'd), Mgr. Comms	CEO, Band Council	As Req'd
2.3	Final BCR commitments for existing Communities (15 + 7 communities).	COO		CEO	June1, 2022
3.0	Outreach to other communities to extend invitation to join AFNWA	COO,	CEO, Mgr. Comms	CEO	Ongoing up to Dec 1, 2021
4.0	Develop draft BCR process & commitments for communities to join AFNWA after Transfer Agreement - Process to be defined - Resources to be identified in negotiations with GoC	COO	McInnes Cooper, RB	CEO	Summer 2022



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

### Phase 1: Approval and Funding.

#### Step 3b: Implement Human Resources Strategy

The recruitment of a CEO and senior management team is key to delivering phase 2. Obtaining GOC commitment to funding will allow the following activity to commence.

- Contract with a professional search organization
- Hire the CEO and senior managers

These manager positions will have to be selected in order of priority. For 2020-2021, however, it is recommended that the CEO and Manager of Engineering be identified to work alongside the interim COO. At the start of 2021-2022, the remainder of the senior management team will be hired.

Note – Current COO continues to play a strong liaison role with First Nation Chiefs, Board, ISC, and communities; supports CEO as the utility transitions to full operations in 2022.

Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date
1.0 Human Resource planning				
1.1 Develop Human Resource strategies that recognize the experience and knowledge of staff currently employed in water and wastewater system operation and take a consistent approach to salaries, benefits, training, and career development. Confirm skills to operate business	CEO	COO, Mgr. CS, JH	CEO	Sept 1, 2021
1.2 Research pay and compensation (internal and external equity) - Seek outside HR consultant support	CEO	Mgr. CS, COO	CEO	Summer / Fall 2020
1.3 Develop and complete draft CEO job description	CEO	COO	Board	May 15, 2020



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

1.4	Develop and complete SMT job descriptions	CEO	JH, RM, COO	CEO	As Req'd
1.5	Develop and complete staff job descriptions	Mgr. CS	SMT, Supervisor CS	CEO	As Req'd
2.0	Formal staff recruiting				
2.1	Complete RFP for professional recruiting firm	COO	CEO, RM	CEO	April 28/20
2.2	Hire a professional recruiting firm to recruit qualified personnel as candidates for Senior Management positions.	COO	CEO, RM	CEO	May 22/20
3.0	Recruit key staff				
3.1	Recruit (Interim) CEO for 2-year transition	Board	COO	Board	July 2020
3.2	Recruit Manager Engineering (permanent)	CEO	COO, Recruitment Consultant		September 1, 2020
3.3	Recruit Manager Communications & Outreach (permanent)	CEO	COO, Recruitment Consultant		Dec. 1, 2020
3.4	Recruit Manager of Corporate Services (permanent)	CEO	COO, Recruitment Consultant	CEO	January 1, 2021
3.5	Recruit Manager Operations (permanent)	CEO	COO, Recruitment Consultant	CEO	April 1, 2021
3.6	Hire asset management technologist	Mgr. Eng.	COO, JH	CEO	Sept. 1, 2020
3.7	Hire admin assistant	SMT	RM	CEO	Oct. 1, 2020
3.8	Recruit or hire superintendents	Mgr. Op	Mgr. CS, JH	CEO	August 1, 2021
3.9	Recruit permanent CEO	Board	Interim CEO, COO	Board	April 30, 2022



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 1: Approval and Funding.					
Step 4: Permits					
Finalizing BCRs will enable licensing/land access agreements to be drafted and completed with participating First Nations Bands. The AFNWA and its legal team will work directly with First Nations lands departments, ISC, the Department of Justice to create land access/license agreements that will both allow the AFNWA to enter communities, exclusively work on water and wastewater infrastructure, and indemnify Chiefs and Councils for water quality.					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0	Permit development				
1.1	COO	ISC, Dept Justice, community representatives McInnes Cooper		May 31, 2020	
1.2	COO	Band representatives ISC, Operator Working Group McInnes Cooper	Band Council/ Board		
1.3	COO	Band representative ISC, Operator Working Group McInnes Cooper	Band Council/CEO Board /	May , 2021	





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## Atlantic First Nations Water Authority Transition Period Implementation Plan

2.0	Community mapping				
2.1	Identify parcels / detailed survey work/assets <ul style="list-style-type: none"> <li>two options to be considered</li> </ul>	COO/Mgr Eng	Dillon, ESA Consultant,		
2.2a	Option 1- Existing community mapping, or minimum required being the list of assets that are required	Mgr. Eng.	COO, Band land manager, ISC, McInnes Cooper	CEO	December 1, 2020
2.2b	Option 2 [Preferred] - Mapping in connection with Asset Management Plan, Identify or confirm assets, survey land in question, geomatics scanning	Mgr. Eng.	COO, Band land manager, ISC, McInnes Cooper	CEO	September 1, 2021
3.0	Permits				
3.1	Permits engagements <ul style="list-style-type: none"> <li>interested community representatives</li> <li>identify elements that will used for AFNWA commitment through BCR</li> </ul>	COO	McInnes Cooper, RB, Mgr. Eng.		Fall 2021
3.2	Complete Environmental Site Assessments	COO	Dillon Consulting, Mgr. Eng		Fall 2021
3.3	Draft Permits <ul style="list-style-type: none"> <li>Generally common, accompanied with a map</li> </ul> Specifics based on band (i.e. municipal transfer agreement)	COO	McInnes Cooper, RB	Band Council/CEO Board /	January 1, 2022
3.4	Group engagements follow up, land workshops <ul style="list-style-type: none"> <li>Land reps from interested communities</li> <li>Presenting final draft</li> </ul>	COO	ISC, McInnis Cooper, RB, Band Council, Community	CEO	
3.5	Recommend permit for final approval to the Board (combine with below)	CEO	COO, RB, McInnis Cooper, Band Council	Board	January 31, 2022



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

3.6	Signature of license agreements - Confirm whether condition of final funding	CEO	COO, RB, McInnes Cooper, Band Council	Band Council/ Board	April 1, 2022
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### Phase 2: Operational Initiation.

#### Step 5: Implement an FSD “Hub and Spoke” operations model.

Hire all senior staff by April 2021 (one year after funding approval) with a clear preference to hire from participating Atlantic First Nations. The tasks of these managers will be to develop and adopt a formal training and development program for all staff. Furthermore, senior managers will develop Human Resource strategies that recognize the experience and knowledge of staff currently employed in water and wastewater system operation and take a consistent approach to salaries, benefits, training, and career development.

The development and implementation of the hub and spoke model is conditional upon the input of the Senior management team. When the SMT is in place a detailed implementation plan for this step will be developed.

Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date
1.0 Ontario Clean Water Agency (OCWA) Peer Review Business Case	COO	CEO, OCWA, JH, Colliers	ISC	Fall 2020
2.0 ISC accepts the Business Case (milestone)	CEO	COO, Colliers, JH	Board / ISC	April 1, 2021
3.0 Develop plan to implement hub and spoke model - i.e. supervisor allocation, technical supervisor set up, connections to HR strategies - consultation with future operators, Board, communities, - financials	Mgr. Ops	SMT, JH,	CEO	Sept. 1, 2021
4.0 Regular updates to Board For information	CEO	SMT, COO	Board	Monthly



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

<b>Phase 2: Operational Initiation.</b>					
<b>Step 6: Implement Transition Management.</b>					
AFNWA appoint a dedicated transition management team. Develop an AFNWA transition management strategy and align the communications and transition management strategies to ensure effective engagement and support. This step will be maintained for the 2-year transition period.					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1	AFNWA appoint a dedicated Transition Management Team (TMT) to navigate change with external consultant as support.	SMT	COO, RB, Colliers,	CEO	Starting April 2021
2*	Develop and implement Transition Management Plan - Establish transition management milestones with AFNWA, communities, Government, operators, others	SMT	COO, RB, Colliers,	CEO	From June 1, 2021 to end of 2023

<b>Phase 2: Operational Initiation.</b>					
<b>Step 7: Regulatory Oversight.</b>					
AFNWA confirm regulatory Oversight Agencies with GOC. and develop a plan for implementing their requirements. As an interim step, the AFNWA and Dalhousie University will continue their work in developing a strategy for operating in an unregulated environment.					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1*	Regulatory oversight planning				
1.1	AFNWA and Dalhousie University will continue their work in developing water safety plans for operating in the interim within an unregulated environment. - NSERC application - Proposal consideration	Mgr. Ops	COO, GG, ISC, Mgr. Eng., , JH	CEO	November 1, 2021



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

1.2	Develop (interim step) potential set of processes to facilitate auditing for compliance to benchmark standards (updated from original 2013 regulations prepared by Dalhousie)	Mgr. Ops	SMT, GG, JH,	CEO	Dec 15, 2021
1.3	Adoption of interim regulations	Mgr. Ops	SMT, GG, JH	Board	Jan, 2022
2.0	Determine long term regulations (influenced significantly by the work being conducted by the Assembly of First Nations)	Mgr. Ops.	SMT	Board	As Req'd
3.0	Work with Federal Government to determine Water Quality and Wastewater Effluent regulator (Environment Canada). Develop strategies to gain Public Servant support.	CEO	SMT, GG, ISC	Board	Sept. 1, 2021
4.0	Determine Federal financial regulator	CEO	SMT, ISC	Board	Fall, 2021
5.0	Review current composition / recruitment of additional board members				
5.1	Additional band representation	Board Executive	CEO, COO, RB	Board	As Req'd
5.2	Additional technical, SME experts - Financial, communications, legal, scientific etc....	Board Executive	CEO, COO, JH, Colliers	Board	July, 2021
5.3	Appointment of a Vice Chair	COO	Board Chair	Board	May 15, 2020



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

<b>Phase 2: Operational Initiation.</b>					
<b>Step 8: Operational planning.</b>					
Senior Management team develop an operations plan that identifies AFNWA operational funding requirements including:					
<ul style="list-style-type: none"> <li>board and management costs,</li> <li>operating and maintenance costs</li> <li>administration and accommodation costs,</li> </ul>					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0	AFNWA headquarters facility				
1.1	Develop Headquarters accommodation, space, and technical requirements (Search criteria)	COO	RM, Colliers	CEO	June 1/20
1.2	Search for headquarters accommodation on reserve. Enables temporary (medium term; 5-7 years) vs eventual construction (long term), incorporates Board direction	COO	RM, Colliers, Band Land Manager	CEO	August 1/20
1,3	Develop and Secure IT requirements, office equipment. Note: staged IT requirements may be required as full IT Policy will be finalized with the engaged of the Director Corporate Services.	Mgr. Eng., Mgr. CS	RM, JH, COO	CEO	January, 2021
1.4	Lease & financial impact review	COO	COO, McInnes Cooper,	CEO	December1, 2021
1.5	Board lease approval	CEO	COO	Board	January 21, 2020
1.6	Move in to headquarters facility	COO	RM, Contractor	CEO	May 1, 2021
2.0	Develop Operations budget for 2021/22 fiscal year	COO	SMT, CEO	CEO	March 1, 2021
3.0	Develop Operational Plan for commencement of operations	Mgr. Ops	SMT, COO, Consultant	CEO	Jan 31, 2022



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 2: Operational Initiation.					
<b>Step 9: Capital planning.</b>					
The implementation of step 5 will allow Senior Management to develop an asset management plan within 18 months of AFNWA operations and a draft 10-year capital program based on the asset management plan. This further emphasizes the need to retain the AFNWA CEO and Manager of engineering within the first quarter of 2020-2021					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0* Identify what is required specifically for the Asset Management Plan (AMP) plan <ul style="list-style-type: none"> <li>• Develop project charter including schedule, scope etc.</li> <li>• Project requirements</li> <li>• Required consultant requirements</li> </ul>	Mgr. Eng.	COO, JH,	CEO	Sept 1, 2020	
2.0 Develop and issue RFP for consultant to support development of AMP and 10-year capital budget.	Mgr. Eng.	Consultant, JH,	CEO	Sept 30, 2020	
3.0 Organize Asset Management Workshops for operators and technical staff of the AFNWA.	Mgr. Eng.	Consultant, Mgr. Ops, JH,	CEO	On-going	
4.0 Develop a comprehensive AMP for the infrastructure in participating communities.	Mgr. Eng.	Consultant, SMT, JH	CEO	Dec. 1, 2021	
5.0 Develop a draft 10-year capital plan that is based on the asset management plan.	Mgr. Eng.	Consultant, SMT Colliers. JH	CEO	Dec 1, 2021	



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 3: Detailed Business Case and Funding					
<b>Step 10: Risk assessment.</b>					
Prepare a detailed risk assessment to act as an input into the detailed financial model. This will be an ongoing practice within the AFNWA. The asset management plan will identify detailed operational risks; however, it will be the prerogative of the AFNWA senior management to identify additional risks along with the appropriate mitigation strategy. Risks categories may include but are not limited to:					
<ul style="list-style-type: none"> <li>• Economic</li> <li>• Social</li> <li>• Political</li> <li>• Technological</li> <li>• Legal</li> <li>• Environmental</li> </ul>					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0	Mgr. CS	CEO, SMT, COO, Colliers	CEO	Jun 1, 2021	
				- Proposal consideration / external consultant	
2.0	CEO	SMT, Consultant, COO, JH, RM	Board	Nov 30, 2021	
				- Workshops with Board, SMT	
				- Risk register	
				- Timelines for review	



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 3: Detailed Business Case and Funding					
<b>Step 11: Financial Model.</b>					
Develop a detailed financial model that incorporated inputs from the AMP, Operational plan, risk assessment and 10-year capital spending plan to identify the operational and capital funding required to operate the AFNWA for the first 25 years of operation. The model should be sufficiently detailed to consider scenarios and risks which might impact operations and service delivery. The model will be a vehicle for agreeing the funding model with GOC.					
Complete Step 11 Mar 2021					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0	Mgr. CS	SMT, Colliers	CEO	Jan 31, 2022	
2.0					
2.1	Mgr. CS	COO, Colliers	CEO	Jan 31, 2022	
				<ul style="list-style-type: none"> <li>- Management information required.</li> <li>- External reporting (i.e. GoC) requirements</li> </ul>	





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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 3: Detailed Business Case and Funding					
Step 12: Refine Detailed Budgets and funding model.					
The intention of this step is to review the detailed financial model and risk assessment with ISC and Participating First Nations to develop/agree a detailed funding model.					
Complete Step 12 June 2021					
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date	
1.0	Review the detailed financial model with ISC and Participating First Nations to develop/agree on a detailed funding model - Informed by multiple sources including the enterprise risk management system	Mgr. CS	SMT, Colliers	Board, ISC Band Councils	April 1, 2022
2.0	Develop Business Plans for AFNWA Board Approval	CEO	SMT, COO	Board	
2.2	Determine Business Plans draft Table of Contents	CEO	SMT, ISC	Board	June 1, 2021
2.3	Ten Year Business Plan	CEO	SMT, COO	Board	Jan. 31, 2022
2.4	One Year Business Plan	CEO	SMT, COO	Board	Feb.28, 2022



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

Phase 3: Detailed Business Plan and Funding				
Step 13 Transfer Agreement.				
Transfer Agreement will coincide with the date of AFNWA full autonomous operation. The Transfer agreement will include the agreed funding model and will address how changes such as future upgrades to regulations will be dealt with.				
Tasks	AFNWA Owner	Resources	Reviewer /Approver	Recommended Completion Date
1.0 Determine method of funding - Order and Council; and / or - 10-year grants	CEO	SMT, ISC, COO	Board / ISC	Dec. 1, 2021
2.0 Define Transfer Agreement financial/liability requirements - Constituent parts	CEO	SMT, COO, ISC, McInnes Cooper	Board / ISC	Dec. 1, 2021
3.0 Final Detailed Funding Model Approval By Board	CEO	SMT, Colliers	Board	Jan 31, 2022
4.0 The Transfer Agreement (GoC) will include the agreed funding model, regulatory oversight requirements and address how changes such as future upgrades to regulations will be dealt with - Define requirements - Will reference several documents (BCR's, License Agreement, Business Plans, regulators etc.)	CEO	SMT, ISC, COO, McInnes Cooper	Board / ISC	Spring 2022



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## Atlantic First Nations Water Authority Transition Period Implementation Plan

### Resource Legend

COO – James MacKinnon	Mgr. CS – Corporate Services	Mgr. Ops - Operations	CEO – Carl Yates	Colliers – Representatives based on expertise	JH – Jamie Hannam
RM – Rayleen MacDonald	Mgr. Comms – Communications & Outreach	Mgr. Eng. - Engineering	RB – Rod Burger		GG – Graham Gagnon
JP – John Paul	SMT – Senior Management Team	TMT – members of SMT as assigned			



**ITEM # 4**  
**AFNWA Board**  
**10 February 2022**

**TO:** Chief Wilbert Marshall, Chair, and Members of the AFNWA Board

**SUBMITTED BY:** original signed by  
Chantal LeBlanc, CPA, CMA, MBA  
Manager of Corporate Services & CFO

**APPROVED:** original signed by  
Carl Yates, M.A.Sc., P.Eng., interim CEO

**DATE:** February 4, 2022

**SUBJECT:** Draft Procurement Policy

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**ORIGIN**

Transition Implementation Plan approved at the Board meeting of June 24, 2020. AFNWA Financial Policy and Procedures Manual passed at the Board meeting on July 23, 2020.

**RECOMMENDATION**

It is recommended that the Board approve the Draft Procurement Policy, in its substantive form attached.

**BACKGROUND**

The existing financial policy has guided procurement to-date. The policy lays out spending limits and basic principles of generating an RFP, evaluating responses, etc. However, prior to implementation of the Ten-Year Business Plan, management would like to formalize a procurement policy with broader coverage and far more detailed criteria that gives priority to Indigenous owned corporations.

In the Fall/Winter of 2020-2021, the First Nations Infrastructure Institute (FNII) was engaged to provide a Jurisdictional Scan of existing best practices in procurement policies. FNII prepared a detailed list of the policies applied at the

Provincial and Territorial level from across the country and summarized effective procurement activities, reflective of best practice, in order to guide us in our drafting of the procurement policy.

## **DISCUSSION**

The primary goals of formalizing our procurement procedures through this policy are as follows:

- Establish guiding principles that ensure AFNWA staff consider economic development and capacity building for Atlantic First Nation Communities, as well as environmental stewardship in every procurement activity.
- Ensure value for money in all procurement activities.
- Establish a culture of fairness and transparency for all procurement activities.

The above listed goals are accomplished through a number of components within the policy, most notably:

- Established limits for requirements for invitational or open bids
- Mandatory use of Standing Orders or Set Asides (exceptions for emergencies)
- Bid Value Reductions for Indigenous owned businesses or businesses with an established record for embracing economic development, capacity building, or environmental stewardship.
- Joint Procurement initiatives to obtain overall best value.
- Debriefings, procurement complaints and supplier disqualification criteria and the requirements for associated documentation.
- Requirements to disclose conflicts of interest.
- Accountabilities for enforcing this policy as well as delivering training to all staff regarding our policy.
- Provide a list of permanent exemptions, particularly where an alternative vendor does not exist (IE: utilities, payroll deductions, sponsorship agreements, postage, etc.)

The following Bid Value Reductions are applicable to all procurement activities greater than \$50,000:

- Indigenous owned (>50% beneficial ownership) → Up to 10% Bid Value Reduction
- If non-indigenous owned, historical evidence of commitment to source from or employ Indigenous businesses or people → Up to 5% Bid Value Reduction
- Demonstrable commitment towards minimizing environmental impact through environmental policies and procedures that either proactively/pre-

emptively reduce carbon emissions, or that neutralize unavoidable environmental impact with projects promoting reforestation or activities otherwise deemed as actively benefitting the future of our planet. → Up to 5% Bid Value Reduction

**BUDGET IMPLICATIONS**

The draft policy adheres to all requirements set out by funding agencies and provides a transparent and fair process for procuring goods and services.

**ALTERNATIVES**

None to be recommended.

**ATTACHMENT**

Draft Procurement Policy

Report Prepared by:	original signed by _____ Chantal LeBlanc, CPA, CMA, MBA Manager of Corporate Services & CFO
Financial Reviewed by:	original signed by _____ Carl Yates, M.A. Sc, P. Eng. interim Chief Executive Officer



# DRAFT Procurement Policy

PREPARED BY: CHANTAL LEBLANC

REV 2022-01-30

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## POLICY STATEMENT

Procurement refers to the methods employed by the Atlantic First Nations Water Authority Inc. (“AFNWA”, “the Organization”) to acquire goods, services, or other contracted work needed to support the goals and objectives approved by the AFNWA Board of Directors in the annual Operating and Capital Budgets, consistent with long term Business Plans. At all stages of procurement, the Organization uses procedures that are fair, competitive, auditable and comply with relevant legislation.

This policy covers:

- Appointment of (non-staff) personnel, such as consultants and contractors
- Purchase of all services, goods, and equipment

This policy is based on:

- Principles of non-discrimination, fairness, and transparency,
- The promotion of First Nations participation in business and labour opportunities,
- The promotion of efficiency and effectiveness, and
- Minimizing risk to the Organization and our partners/communities.

The relevant legislation applicable to AFNWA include PIPEDA and the Canada Health & Safety Act. This encompasses all Provincial and Federal legislation throughout the 4 provinces in which AFNWA intends to operate and this policy has been reviewed for any deviations from the above listed legislation.

## GUIDING PRINCIPLES

The following principles will guide the procurement practices of AFNWA:

- To maintain the highest ethical standards in procurement matters,
- To ensure the correct goods or services are acquired,
- To achieve best value for money, recognizing that the promotion of cost effectiveness or efficiency is a fulsome process requiring consideration for full life-cycle costs, including but not limited to, acquisition, operating, training, repair, maintenance, warranty, customer impact, environmental impact, asset disposal and residual value,
- To ensure that all funding agreement requirements are satisfied,
- Encourage best practice contract and risk management,
- Promote and obtain competitive offers from the most responsible and responsive vendors,
- Promote vendors who comply with the provisions of the solicitation and contractual terms and conditions while also respecting our Organizational goals for minimizing negative environmental impact and embracing indigenous cultural values, and
- Participate in joint procurement activities with First Nations communities and organizations, neighbouring municipalities, or commercial developments, where applicable and where it is deemed to be in the best interest of AFNWA.

## AUTHORITY OF THE CEO

The CEO of AFNWA is responsible to the Board for the proper administration of the affairs of AFNWA in accordance with all relevant legislation, funding agreements, and regulatory requirements.

The CEO has the authority to award all contracts and purchase goods, services and construction that are within the budgets approved by the AFNWA Board and compliant with this Procurement Policy.

The CEO may authorize business practices and procedures consistent with this Procurement Policy and may delegate any such authority under this Policy.

The CEO may authorize financing arrangements, including loans, leases, and rentals, for the purchase or rental of goods, services, equipment, or property on behalf of AFNWA where the purchase is compliant with the other conditions and award limits within this Procurement Policy, provided the period of financing does not exceed 5 years, and all other limits are within the CEO's approval limits, as described in the AFNWA Finance Policy and Governance Manual.

The CEO has authority to approve contracts up to \$100,000.00 without Board approval.

## POLICY DIRECTIVES

### PROCUREMENT PROJECT PLANNING

Effective project planning is essential to ensuring effective results and limiting risk. The Procurement Project Planning Tool must be completed by the user department for every procurement project. The relevant department manager is responsible for coordinating with Corporate Services to ensure that planning is completed in accordance with the Procurement Project Planning Guidelines found in the Procurement Procedures Manual (Appendix B). The exception to this would be in cases of an Emergency Procurement as outlined in the Alternative Procurement section of this Procurement Policy. User departments must allow sufficient time to properly plan for a procurement project. Planning will take into consideration:

- An initial business case including project description and estimated value,
- Other internal advice that may be required (i.e.: Finance),
- External resources that may be required (i.e.: consultants, fairness monitor),
- The appropriate execution strategy (i.e.: open, non-competitive),
- Developing proper specifications and business requirements,
- Pricing structures,
- Evaluation plan (open and limited processes only),
- Format selection (open and limited processes only), and

- Justification for using an Alternative Procurement Practice (non-competitive or limited competition only)

## MANDATORY USE OF STANDING OFFERS

It is mandatory to use existing standing offers to achieve contracted benefits through the consolidation of purchases. Procurement will work with the user departments to combine requirements where possible and encourage overall standardization of items to reduce the overall cost to AFNWA. If a standing offer exists, related procurements must be conducted in accordance with the applicable Standing Offer Guidelines found in the Procurement Procedures Manual. AFNWA will leverage the benefits of standing offers of neighbouring municipalities or member communities wherever practical when the arrangement results in overall best value to AFNWA or other substantial advantages.

## PROCUREMENT OF GOODS, SERVICES AND CONSTRUCTION

If a standing offer does not exist for a spending category, AFNWA will procure goods, services, and construction over \$2,500 in accordance with the following table (all values exclude taxes):

CATEGORY	INVITATIONAL COMPETITION		OPEN COMPETITION
	Min. 3 quotes invited by department	Min. 3 quotes invited by Corporate Services	Advertised throughout all available networks
<b>Goods</b>	\$2,500-\$10,000	\$10,000-\$25,000	\$25,000+
<b>Services</b>	\$2,500-\$10,000	\$10,000-\$50,000	\$50,000+
<b>Construction</b>	\$2,500-\$10,000	\$10,000-\$50,000	\$50,000+
<b>Procurement Planning Tool Required</b>	No	Yes	Yes

### Competitive Procurement: Invitational

An invitational competitive procurement process for low value purchases, involves requesting a minimum of three qualified vendors to submit written quotations based on the requirements outlined by AFNWA. Low value purchases are not routine in nature and are not included in a Standing Offer or available in AFNWA inventory.

#### **If the value of the goods, services and construction is less than \$10,000**

User departments are expected to obtain at least three written competitive quotations in accordance with the principles set out in this Procurement Policy and awarded to the bidder that provides the best value. All documentation will be retained by the user department for auditing purposes. For goods, services, and construction less than \$2,500, quotes are not required.

#### **If the value of the goods, services and construction exceeds \$10,000 but is less than open competition thresholds.**

Procurement will conduct an invitational competition on behalf of the user department, to

obtain at least three written competitive quotations in accordance with the principles set out in this Procurement Policy and awarded to the bid that provides the best value. The Procurement Project Planning Tool will be completed for every project and all documentation related to low value procurement over \$10,000 will be retained by Corporate Services.

### Competitive Procurement: Open

An open competitive procurement process enables all vendors to compete in a fair and open environment. If the value of the goods, services and construction is a high value and above the invitational competition thresholds, Corporate Services will conduct an open competitive process. All open competitions will be advertised through all available channels including but not limited to AFNWA website and all available member communities. Tenders in this range will be acknowledged at a public opening at a designated date and time, and all awards will be posted on the AFNWA website. The Procurement Project Planning Tool will be completed for every project.

### Alternative Procurement Practices (ALTP)

To balance the need to be open and competitive with the demands of urgent, specialized, or exceptional circumstances, alternative procurement practices are used under specific justifications in accordance with this policy. Alternative procurement practices must not be used to avoid competition between suppliers or to discriminate against specific individual or groups of suppliers. All ALTP awards, including name of supplier and contract value, must be publicly posted on the AFNWA website within 10 days of contract award.

#### *For high value procurement*

The use of alternative procurement practices must be authorized and supported by the Manager of Corporate Services and the CEO where the CEO determines the purchase to be clearly in the best interest of AFNWA. The Manager of Corporate Services may delegate signing authority to an acting procurement officer. The rationale permitting the alternative procurement practice will be documented on the appropriate form and will provide substantiation for the actions taken. Any disagreement between Corporate Services and the user department with respect to the approval of an alternative procurement practice are to be reviewed and approved by the CEO.

#### *For low value procurement*

User departments will be required to complete a low value ALTP form which must be signed by the requesting employee along with the Manager of the user department and approved by both the Manager of Corporate Services and the CEO. In all cases, forms require two signatures and must be kept on file by Procurement for audit purposes.

#### *Permanent Exemptions*

User departments may apply for a permanent exemption for certain goods or services that are considered at the sole discretion of the department manager. These goods or services will not be subject to tender and are not listed in Appendix 'A'. Any such request must be authorized by the CEO or

their designate and the Manager of Corporate Services. The permanent exemptions list will be maintained by Corporate Services for audit purposes.

#### *Emergency Procurement*

An emergency procurement occurs when an urgent need arises due to an immediate risk to the health or safety of employees or the general public, the possibility of serious damage to public or private property, or the threat of serious environmental impacts. If an emergency occurs, a manager is authorized to procure the necessary goods, services, or construction as they determine appropriate. In doing so, the Manager should consider and fulfill the objectives and requirements of this policy to the extent possible under the circumstances and use any existing standing offers.

#### *Special Services*

Legal services will be acquired by AFNWA staff from a roster of lawyers based upon work requirements, qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The selection of the lawyer from the roster in an individual case shall be based upon the particular expertise required for that case. Legal services having a value of less than \$5,000 may be acquired by the Manager. Legal services having a value of \$5,000 or more shall be approved by the CEO or his/her designate.

Architectural, Engineering, Surveying, and other consulting services less than \$50,000 will be acquired by staff from a pre-approved roster of consultants. Consultants will be selected by project, based upon qualifications, experience, services offered, past performance, proposed fees, and other relevant considerations. For services less than \$50,000 three written quotations will be solicited from consultants on the roster. Required services over the value of \$50,000 will be publicly advertised through open competition.

Auditing Services – Services of External Auditors will be acquired by public advertisement at intervals not greater than every five years. These services may be contracted on a one-year term to be renewed on an annual basis up to a five-year maximum on terms satisfactory to AFNWA. Selection of an external financial auditor shall be completed by the Audit and Finance Committee of AFNWA Board and recommended to the Board. Annual renewal of the contract for Audit services shall be made by the Audit and Finance Committee and recommended to the Board.

## **JOINT PROCUREMENT**

Joint Procurement is encouraged when the arrangement results in overall best value. If deemed to be in the best interest of AFNWA, joint procurement with First Nations communities and organizations, neighbouring municipalities, commercial developments, or provincial agencies may be pursued. Joint procurement may result in extending the opportunity to the municipality, development, or community to participate in the established contracts, or AFNWA participating in contracts established by the municipality, development, or community through a publicly advertised solicitation. The provisions of the applicable trade agreements shall apply to the procurement process.

## ENVIRONMENTAL PROCUREMENT

To procure necessary goods with due regard to the environment, AFNWA will follow the Statement of Principle adopted by the Association of Canadian Cities for Environmentally Sound Strategies.

*“In order to increase the development and awareness of Environmentally Sound Products, Procurement Staff, in conjunction with Departments, will review their contracts and tender specifications for goods and services, to ensure that wherever possible and economical, specifications are amended to provide for expanded use of products and services that contain the maximum level of post-consumer waste and/or recyclable content. This will be done without significantly affecting the intended use of the product or service. Also, it is recognized that cost analysis is required in order to ensure that the products are available at competitive prices.”*

## DISPOSAL OF SURPLUS EQUIPMENT

Surplus assets over the value of \$10,000 shall be disposed of by open competition and contract for disposal of such assets shall be awarded by the CEO.

In other cases, surplus assets shall be disposed of by the CEO as reasonably practical in the circumstances. The CEO may award the disposal of surplus material without competition to any non-profit corporation, association, or entity, or any First Nations community.

## CONTRACT NEGOTIATIONS

Where the solicitation document provides for negotiation to take place, Corporate Services may engage in negotiations with the selected proponent(s). Any proposed changes to the standard contract terms and conditions must be reviewed by legal counsel prior to finalizing the contract.

## AWARD OF CONTRACTS

All open competitions shall be presented to the CEO for approval except as noted below. A report of the purchasing process along with the procurement planning tool form will be prepared by the user department, approved by the Manager, and forwarded to the CEO for approval.

Awards less than \$25,000 for goods, \$25,000 for services or \$25,000 for Construction can be committed by the Manager of Corporate Services in consultation with the user department personnel with the appropriate approval authority.

## CONTRACT DOCUMENTS, BIDS, AND PERFORMANCE SECURITIES AND SPECIFICATIONS

The CEO may, from time to time, approve such standard forms including bid and performance securities, if any, for purchases by Invitation to Tender, Request for Proposal, Request for Quotations, sole source, or emergency purchases as well as forms of contract for type of purchase including but not limited to construction, supplies and services as the CEO deems advisable. Bid bonds, performance bonds and other securities, including labour and material bonds, shall be required for such purchases in such form and in such amounts as the CEO deems advisable.

## AWARD NOTIFICATION

After a contract has been entered, pursuant to an open competition, Procurement will post the name of the successful supplier and the value of the awarded contract on the AFNWA website.

For contracts entered after a limited competition or for a high value non-competitive procurement, Corporate Services will post the name of the successful supplier and the value awarded on the AFNWA website as is required under applicable trade agreements. AFNWA will notify bidders of the outcome of an invitational competition.

## TIE BIDS

In the case of a tie bid, the Manager of Corporate Services is to request the tie bidders submit a best and final offer. If this is not successful and a tie bid still occurs, the contract may be awarded at the discretion of the CEO.

## DEBRIEFINGS

A bidder may request a debriefing of their submission for both open competitions and invitational competitions. The purpose of the debriefing is to provide a bidder with constructive feedback about their bid and suggestions for improvements to better prepare for future opportunities. The debriefing process is not a complaint process and should not be treated as such. Information about bids submitted by other bidders will not be discussed or disclosed in the debriefing.

Debriefings are only initiated at the request of a bidder. Requests for a debriefing are directed to the contact person identified in the solicitation document. Bidders are expected to make their request within ten days from notification of award of contract. Requests for a debriefing made after this time-period are considered on a case-by-case basis.

## PROCUREMENT COMPLAINT PROCESS

Subsequent to a debriefing, bidders may file a complaint regarding the outcome of a procurement process if the bidder believes that AFNWA has deviated from its procurement process. The bidder must request and attend a debriefing prior to engaging in the procurement complaint process. Complaints must be made by bidders and responded to by the Manager of Corporate Services. Where possible, bidders are encouraged to resolve problems directly with Corporate Services or the user department staff, as many problems can be resolved before a complaint is formulated.

A complaint refers to a written objection submitted by a bidder regarding a solicitation, contract award, or proposed contract for goods, services, and construction. Complaints shall contain written details of the issue and the resolution being requested. Complaints can be submitted during the competitive process, or within thirty days from notification of award of contract.

The Manager of Corporate Services or his/her designate will make every effort to acknowledge a formal complaint within ten business days of receipt. Complaints may be resolved, dismissed, or withdrawn. A complaint is resolved if the bidder is satisfied with the explanation provided by AFNWA. A complaint is dismissed if the Manager of Corporate Services concludes that the complaint is not valid as the review indicates a properly applied, fair procurement process. If the Manager of Corporate Services finds that the bidder's complaint has merit, the written complaint should be presented to the Board of Directors within 90 days and an appropriate response will be prepared and submitted to the bidder, signed by the Board. The response will be provided on a "without prejudice" basis, unless otherwise agreed by Corporate Services.

## CONTRACT MANAGEMENT & VENDOR PERFORMANCE EVALUATION

Establishing contract management practices and assessing vendor performance are both critical to the success of procurement projects. Poor workmanship, unnecessary contract delays and unsafe work practices will not be tolerated. Contracts and standing offers will be managed by Corporate Services or user department, as required. Upon reasonable notice in writing to the vendor involved, and after a reasonable opportunity for response, a vendor can be disqualified for a period not exceeding three years from participation in a solicitation for goods or services.

## SUPPLIER DISQUALIFICATION

Suppliers may be disqualified, based upon supporting evidence, from participating in future procurement opportunities for any one of the following reasons:

- Bankruptcy or insolvency,
- False declarations,
- Inadequate performance,
- Final judgements in respect of serious crimes or other serious offences,
- Involvement with ongoing litigation with AFNWA or any of its member communities,
- Professional misconduct,
- Failure to pay amounts owing to AFNWA,



- Violation of AFNWA regulations, or
- Behaviour that is perceived to be racialized or untoward with Indigenous peoples or any other visible minority groups.

A written decision shall be issued to the supplier disqualified or suspended setting out the reasons for disqualification or suspension, to the usual business address of the supplier as shown in the records of the purchasing department. Disqualification will be approved by the CEO.

## ACCOUNTABILITY

Procurement activities at AFNWA are expected to be conducted with integrity and professionalism, showing respect for the process, the environment, First Nations members, community and culture, and safeguard confidential information.

### MANAGER OF CORPORATE SERVICES

The Manager of Corporate Services is responsible for promotion, implementation and the overall administration of this policy. They are responsible for ensuring the consistent application of this policy to all user departments in an efficient and diligent manner. The Manager is responsible for ensuring compliance with this policy and is required to address any non-compliance. Where instances of non-compliance are identified, the Manager is expected to submit written confirmation of actions taken to the CEO.

### PROCUREMENT EMPLOYEES AND USER DEPARTMENT MANAGERS

Procurement employees and user department managers shall adhere to this policy and are responsible for consistently applying this policy and the guidelines to all procurement projects. They must clearly understand their obligations and responsibilities under this policy and all applicable protocols and consult with the Manager of Corporate Services in respect of any questions regarding the application or interpretation of this policy or any protocols. Procurement employees and Managers are expected to provide procurement services in an efficient and diligent manner and are encouraged to develop and foster productive and cooperative professional relationships with their colleagues.

### USER DEPARTMENTS

User departments are responsible for procurement activities within their unit and are accountable for achieving the specific objectives of this policy. User departments are to clearly understand their responsibilities in accordance with this policy and are to consult with the Manager of Corporate Services with respect to any questions regarding the application or interpretation of this policy or any protocols.

## CONFLICT OF INTEREST

All procurement activity must be conducted with integrity to maintain the trust with our member communities and the general public, as a whole. Any procurement activity that creates, or appears to

create, a conflict of interest, shall not be engaged in. Procurement is subject to AFNWA Code of Conduct and Conflict of Interest Policy.

### Internal Conflict of Interest

All participants in a procurement process, including all employees of procurement and all members of the evaluation team, must ensure that there are no undeclared internal conflicts of interest. Evaluation team members must sign individual conflict of interest declarations stating they have no conflict of interest with respect to the procurement process.

### Bidder's Conflict of Interest

All bidders will be required to declare that there are no conflicts of interest or provide details for any actual or apparent conflicts of interest at the time of bid submission. Procurement must ensure that all procurement templates include appropriate conflict of interest language and declarations.

## CONFIDENTIALITY & ACCESS TO INFORMATION

### Confidentiality

Supplier information submitted in connection with a procurement process must be adequately protected.

### Access to Information & Personal Information Disclosure

AFNWA is subject to PIPEDA. Procurement will adhere to the Act and will respect the maintenance, release, and management of all procurement records.

## STAFF TRAINING

Corporate Services will provide orientation and training as required to employees involved in procurement activities at AFNWA. Employees involved in procurement activities should be knowledgeable with respect to this policy and the general principles of public procurement. Corporate Services will provide relevant training and will promote appropriate external education and training opportunities whenever possible.

## MONITORING

### Record Keeping

All procurement activity must be authorized, properly recorded, maintained, and supported by the appropriate documentation required under the applicable guidelines found in the Procurement Procedures Manual.

## Audit

All procurement activity is subject to audit by relevant funding sources, and regulatory agencies.

## Procurement Compliance Testing

Procurement activities are subject to compliance testing by the Manager of Corporate Services and the results may be used to develop strategies to improve compliance and development of training. The Manager of Corporate Services will establish and regularly review policies and procedures to ensure continuous improvement.

## Reporting

Any identified non-compliance will be reported to the Manager of the user department with a copy to the CEO. In cases of non-compliance, Corporate Services reserves the right to revoke the delegation for low value procurement activity.

## REFERENCES

All procedures, guidelines, and forms referred to in this policy can be found on the AFNWA website. Some of the relevant legislation, trade agreements, and reference documents include:

- Personal Information International Disclosure Protection Act (PIIDPA)
- Canada Free Trade Agreement (CFTA)
- Canada-European Union Comprehensive Trade Agreement (CETA)
- Atlantic Procurement Agreement (APA)
- AFNWA Standard Terms and Conditions
- ACWWA Design Guidelines

## CONTACT INFORMATION

For further information or clarification regarding this policy please contact:

Chantal LeBlanc  
Manager of Corporate Services  
Atlantic First Nations Water Authority  
13 Treaty Trail, Millbrook NS B6L 1W1  
Phone: (902) 603-0312  
[finance@afnwa.ca](mailto:finance@afnwa.ca)

## APPENDIX A: LIST OF PERMANENT EXEMPTIONS

The following list of goods and services shall be permanently exempt from the application of the AFNWA Procurement Policy. Unless otherwise stated, the approval and procurement of goods and services that are exempt from this policy are subject to the signing authority limits set out in the AFNWA Approval Authority List.

### (a) PROFESSIONAL SERVICES

Services that may, under the laws of Nova Scotia, only be provided by the following licensed professionals: medical doctors, dentists, nurses, pharmacists, veterinarians, engineers\*, land surveyors\*, architects\*, accountants\*\*, lawyers\*\*\* and notaries.

*\* Engineers, Land Surveyors and Architects*

Services provided by Engineers, Land Surveyors and Architects are only exempt from the application of this policy if such services have an estimated value of less than \$50,000. Such Services shall be procured in accordance with the Special Services section of this policy.

*\*\* Accountants*

Notwithstanding that Services provided by Accountants are otherwise exempt from the application of this Policy, the procurement of Auditing Services shall be done in accordance with the Special Services section of this policy.

*\*\*\*Lawyers*

Notwithstanding that Legal Services provided by Lawyers are otherwise exempt from the application of this Policy. Legal services shall be acquired from a roster of lawyers and in accordance with the Special Services section of this policy.

### (b) LEGAL SERVICES/EXPENSES (in addition to those provided by lawyers)

- Expert Witness Services
- Legal Opinion and Representation
- Court Reporter Services
- Arbitrators and Moderators
- Discoveries
- Legal Settlements

### (c) PETTY CASH ITEMS

Funds established in a user department for the purchase of minor items when it would be otherwise impractical to purchase items through the usual purchasing methods.

**(d) TRAINING AND EDUCATION**

- Conferences, Conventions and Tradeshow
- Newspapers, Magazines & Periodicals, including subscriptions
- Memberships
- Seminars, Workshops not specifically designed for HRWC

**(e) REFUNDABLE EMPLOYEE/OTHER EXPENSES**

- Advances
- University Courses
- Entertainment
- Miscellaneous Non-Travel
- Meal Allowances
- Travel Expenses
- Hotel Accommodation
- Refunds: payments, fees

**(f) EMPLOYER'S GENERAL EXPENSES**

- Payroll Deduction Remittances
- Grants to Agencies, including Scholarship programs
- Medical & Dental Expenses
- Debenture Payments
- Payment of Damages
- Petty Cash Replenishment
- Tax Remittances
- Employee Income
- Member's Discretionary Funds
- Real Property, including land, buildings, easements, encroachments, and licenses (except for the acquisition of Facilities where AFNWA is the tenant)
- Licenses, such as vehicles and elevators
- Charges to and from member communities and other First Nations entities
- Bank Charges and Underwriting Services where covered by agreements
- Grants and Contributions

**(g) UTILITIES**

- Water and Wastewater
- Power and related infrastructure when purchased from a utility
- Telephone and Telecommunication Services

**(h) MISCELLANEOUS**

- Print, Television and Radio Media Advertising Accounts
- The publication and distribution of magazines, periodicals or newspapers but not including the sole activity of printing or typesetting
- The production and distribution of audio, film, or video recordings
- Customs Broker/Services
- Taxi Services
- Courier Services
- Catering, meals, and small incidentals
- Postage

## APPENDIX B: Procurement Procedures Manual

The objective of this manual is to clarify all guidelines which must be adhered to during Procurement Project Planning. The guidelines are broken into the following categories:

Standing Offers

Procurement

- a) Set-Asides
- b) of Goods, Services or Construction, less than \$10,000
- c) of Goods between \$10,000-\$25,000
- d) of Services or Construction, between \$10,000-\$25,000
- e) of Goods, Services or Construction greater than \$50,000

Reporting and Record Keeping

Relevant Forms and Resources available from the Corporate Services Department

### Standing Offers

The objective of Standing Offers is to provide efficiencies and economies of scale for consumable goods and repetitious services that are regularly required by AFNWA.

All Standing Offers are deemed to be mandatory, unless otherwise specified.

A standing offer should be established through a Request for Quotation (RFQ) process and should be renewed annually. The RFQ should take into consideration the organization's ownership, history of relations with Indigenous communities, and commitment to minimizing environmental impact.

Therefore, the following Bid Value Reductions should be employed when establishing Standing Offers:

- Indigenous owned (>50% beneficial ownership) → Up to 10% Bid Value Reduction
- If non-indigenous owned, historical evidence of commitment to source from or employ Indigenous businesses or people → Up to 5% Bid Value Reduction
- Demonstrable commitment towards minimizing environmental impact through environmental policies and procedures that either proactively/pre-emptively reduce carbon emissions, or that neutralize unavoidable environmental impact with projects promoting reforestation or activities otherwise deemed as actively benefitting the future of our planet. → Up to 5% Bid Value Reduction

### Procurement

#### Set Asides

Set Asides are procurement opportunities that are only open to Atlantic First Nations businesses. AFNWA may use Set Asides, entirely at the discretion of the user department, the Manager of Corporate Services, with the approval of the CEO, in order to:

- Support projects of cultural or heritage importance to Atlantic First Nations Communities,

- Build First Nations Business capacity in specific sectors where Atlantic First Nations are underrepresented or have limited capacity,
- Promote development of Atlantic First Nations Businesses,
- Contribute to workforce development in sectors of the economy where Atlantic First Nations People are underrepresented,
- Facilitate the acquisition of knowledge, skills, and experience by Atlantic First Nations People, or
- Recognize businesses and organizations that support workforce readiness, wellbeing, and resiliency of Atlantic First Nations People.

#### Procurement of Goods, Services, or Construction, less than \$10,000

- User Department must acquire 3 quotes, by invitation, from a master list of approved vendors, where applicable.
- Up to 5% Bid Value Reduction will be granted for Indigenous owned bidders (>50% beneficial ownership).
- A template RFQ/RFP is available from the Corporate Services Department.

#### Procurement of Goods between \$10,000-\$25,000

- Corporate Services must acquire 3 quotes, by invitation, from a master list of approved vendors, where applicable.
- Up to 5% Bid Value Reduction will be granted for Indigenous owned bidders (>50% beneficial ownership).
- A template RFQ/RFP is available from the Corporate Services Department.

#### Procurement of Services or Construction, between \$10,000-\$50,000

- Corporate Services must acquire 3 quotes, by invitation, from a master list of approved vendors, where applicable.
- Up to 5% Bid Value Reduction will be granted for Indigenous owned bidders (>50% beneficial ownership).
- Up to 5% Bid Value Reduction will be granted where procurement and/or employment is demonstrated to be beneficial to or in favour of indigenous communities.
- A template RFQ/RFP is available from the Corporate Services Department.

#### Procurement of Goods greater than \$25,000, Services or Construction greater than \$50,000

Corporate Services must acquire 3 quotes, through an open forum.

The following Bid Value Reductions are applicable:

- Indigenous owned (>50% beneficial ownership) → Up to 10% Bid Value Reduction



- If non-indigenous owned, historical evidence of commitment to source from or employ Indigenous businesses or people → Up to 5% Bid Value Reduction
- Demonstrable commitment towards minimizing environmental impact through environmental policies and procedures that either proactively/pre-emptively reduce carbon emissions, or that neutralize unavoidable environmental impact with projects promoting reforestation or activities otherwise deemed as actively benefitting the future of our planet. → Up to 5% Bid Value Reduction

A template RFQ/RFP is available from the Corporate Services Department.

### Reporting and Record Keeping

- All RFP documents and submissions held for 2 years following the completion of the project.
- All contract award determination documentation to be held for 2 years following the completion of the project.
- All debriefings recorded immediately and held for 2 years following the completion of the project.
- All complaints and all associated communication held for 5 years.
- All vendor disqualification documentation to be held indefinitely on file with the vendor.
- All alternative procurement procedures will be maintained for 2 years following the completion of the contract.

### Relevant Forms and Resources available from the Corporate Services Department

- Project Planning Tool
- Template Request for Quotation and associated evaluation form
- Template Request for Proposal and associated evaluation form
- Alternative Procurement Justification
- Sole Source Justification
- Set Asides Justification
- Application for Supplier Disqualification
- List of approved vendors, including special services
- List of Standing Offers