

2023

MONITOR AND REVIEW COMMITTEE: A YEAR IN REVIEW

Yukon First Nations Procurement Policy



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INTRODUCTION

The Monitor and Review Committee (MRC) is established under the Yukon First Nation Procurement Policy (YFNPP), which is embedded within the Government of Yukon's General Administration Manual (GAM) under section 2.6. The MRC monitors and assesses the progress of the YFNPP in achieving its objectives and provides recommendations to the Government of Yukon. The MRC is comprised of representatives from Yukon First Nations (YFN), Industry and the Government of Yukon. This report was prepared by the Government of Yukon in collaboration with the Monitor and Review Committee.

This is the second report for the Monitor and Review Committee, following the interim report released in June, 2022. This report is intended to capture the activities of the Monitor and Review Committee in its first year, including the challenges faced, and the progress made towards achieving the YFNPP policy objectives and goals.

Here are some key highlights from this report:

- Who are the Monitor and Review Committee members?
- How has the MRC contributed and driven change?
- What are some of the challenges that the MRC is tackling?
- What are the priorities for MRC in the coming year?

Each of these are described in greater detail throughout.



MONITOR AND REVIEW COMMITTEE



The YFNPP committed to establish a Monitor and Review Committee (MRC). The MRC is an integral component of the Performance Measurement Framework (GAM 2.6, section 11(7.11)). In the spirit of continuous improvement, the purpose of the MRC is to monitor and assess the progress of the YFNPP in meeting its objectives.

The MRC is responsible for making recommendations on ways to improve the effectiveness of the policy for the Government of Yukon's consideration. Any specific or systemic issues with the implementation of the policy can be brought forward by committee members in order to highlight areas for improvement. This includes issues related to what is in the policy or how the policy is being implemented.

The MRC is comprised of representatives from YFN, Industry, and the Government of Yukon. The members meet monthly and provide oversight for the generation of this report. The MRC has three co-chairs, one from each group of representatives. The meeting chair for the MRC meetings rotates at each meeting.

The purpose of the MRC is to monitor and assess the progress of the YFNPP in meeting its objectives.

THE YUKON FIRST NATIONS PROCUREMENT POLICY

In the Yukon, the 2017 revitalization of the Government of Yukon's Procurement Policy (GAM 2.6) in conjunction with Chapter 22 of the Yukon First Nation Final Agreements, necessitated the need for the YFNPP. The Government of Yukon, through Ministerial Mandate letters, also committed to advancing the YFNPP. The YFNPP is intended to support economic development of YFNs, in line with the spirit and intent of Chapter 22 in the Final Agreements. However, the YFNPP is not the fulfillment of a specific Chapter 22 commitment. It is a series of measures that assist Government of Yukon, Yukon First Nations and Industry to advance reconciliation.

Federal, Provincial and Territorial jurisdictions in Canada and other jurisdictions around the world (e.g. Alaska, Australia, New Zealand) , have developed Indigenous Procurement Policies with a common interest of increasing Indigenous entrepreneurship and workforce development. These various Indigenous Procurement Policies provided rich information, perspectives and learnings.



Chapter 22 Objectives

- Provide Yukon First Nation peoples with opportunities to participate in the Yukon economy;
- To develop economic self-reliance for Yukon First Nation peoples; and,
- To ensure that Yukon First Nation people obtain economic benefits that flow directly from the Settlement Agreements.



YFNPP Objectives

The Government of Yukon and Yukon First Nations collaboratively developed the following policy objectives:

- Provide Yukon First Nations People with opportunities to participate in the Yukon economy and develop economic self-reliance as part of the broader efforts to achieve equality of outcomes for Yukon First Nations People.
- Ensure Procurement processes are undertaken in accordance with the provisions of Yukon First Nations Final Agreements.
- Advancing reconciliation, renewing the relationships with Yukon First Nations, and respecting treaty and Aboriginal rights and title, based on respect, cooperation, and partnerships.

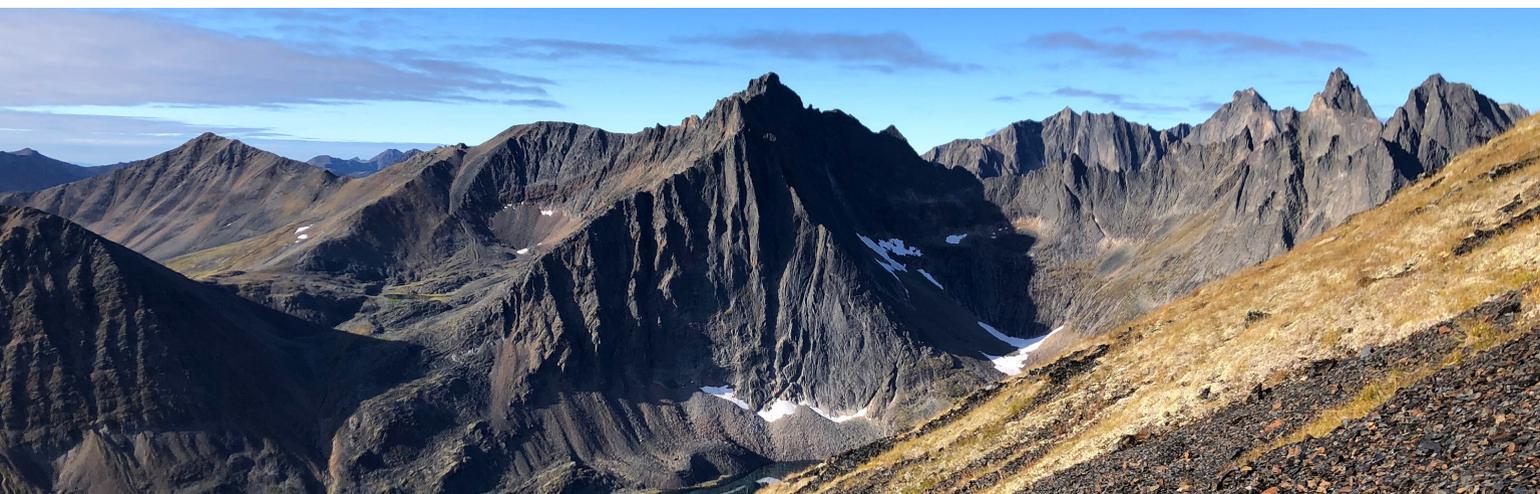
MONITOR AND REVIEW COMMITTEE ACTIVITIES

The MRC will utilize a number of performance metrics to examine whether or not the policy is meeting its intended objectives. If objectives are not being met, MRC explores practical opportunities and solutions that will accommodate progress towards achieving objectives and continuous improvement of the YFNPP.

The MRC meets monthly to review relevant procurement data from the Government of Yukon. Each member of the committee is encouraged to bring forward issues or concerns they have received from their respective constituencies. The MRC reviews these concerns and when appropriate, develops recommendations that are communicated to Government of Yukon. This approach ensures that the committee is provided with timely and meaningful feedback on how the implementation of the YFNPP impacts. If there are unforeseen consequences of implementing the YFNPP, the MRC can provide advice to the Government of Yukon to make improvements quickly. If objectives are not being met, the MRC can explore opportunities and solutions to make progress in achieving the goals of the policy

MRC has discussed and provided advice and recommendations to the Government of Yukon on:

- Presenting and interpreting data.
- Committee function and interaction with other committees.
- Bid Value Reductions (BVRs).
- Labour levels.
- Workforce development.
- Market disruption.
- Contract enforcement and Vendor Performance Review.
- YFN Business Definition and Registry.
- Outreach and education.



MEASURING PROGRESS

The YFNPP commits the Government of Yukon to establishing a Performance Measurement Framework (PMF). Once finalized, the PMF will provide the Government of Yukon, Yukon First Nations, and Industry partners with an analytical tool to assess progress toward meeting the objectives of the YFNPP.

The PMF will consist of the following key components:

- Description of YFNPP's impacts, outcomes, and outputs;
- Set of evaluation questions accompanied by indicators used to answer the questions;
- Sources of data and information (lines of evidence) used to populate the indicators;
- Overarching and departmental targets used to define success quantitatively; and
- An independent third-party evaluation conducted at 5-year intervals.

The PMF will provide MRC with relevant data to help them to identify areas of success and areas for improvement. Merged with the qualitative information MRC members receive from their constituents and other sources, this enables a 'real time' depiction of the effectiveness of the policy.

CHALLENGES ENCOUNTERED

The Monitor and Review Committee has encountered the following challenges while carrying out their function:

- Additional data and information needed in order to track progress on the YFNPP.
- Need to develop a shared vision of success.
- Identifying the best ways to advance recommendations on the policy.
- Lack of advancement of the Workforce Development element of the YFNPP, and impact on the success of YFNPP because of this.
- First Nations business definition needs to be updated.
- Need for ongoing collaboration with the First Nation Chamber of Commerce on the FN Business Registry.

THE YEAR AHEAD

Review of Bid Value Reductions:

Bid Value Reductions (BVRs) are a key component of the YFNPP and the policy calls for a review of BVRs two years after its effective date. The MRC will be working with the Government of Yukon on this review. The review will focus on the impact and effectiveness of the BVRs. The MRC's mandate is to ensure that the perspectives of YFNs, Industry, and Government of Yukon are captured as part of this review, and to develop recommendations for policy improvement.

Other priorities include:

- Clarifying what success looks like in implementing YFNPP through the PMF.
- Raising awareness among businesses and First Nations communities about the YFNPP.
- Strengthening relationships, confidence and buy-in among First Nations and industry in YFNPP implementation.
- Elevating consensus recommendations to Deputy Minister, HPW and/or to Technical Working Group or YFN Caucus as appropriate.
- Gathering information from various sources on how YFNPP implementation is going; report annually on performance metrics.
- Creating continuous improvement of YFNPP to meet shared objectives.
- Refining the YFN Business Definition.
- Making progress on workforce development.

Upcoming reports and reviews:

As the implementation of the YFNPP continues, you can look forward to the following reports and reviews:

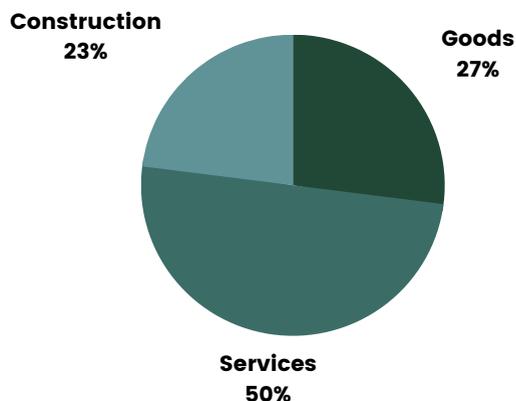
- **MRC Annual Report:** MRC will prepare a report of the committee's activities, findings, and analysis in the first quarter of each year.
- **BVR Review:** As discussed above
- **Five-Year Evaluation:** GAM 2.6 commits to a third-party evaluation of the YFNPP. The Government of Yukon will collaborate with the MRC on the scope of work for the execution of an independent evaluation every five years after implementation. The five-year evaluation is intended to assess the policy's effectiveness at delivering on its goals and objectives, intended and unintended impacts, effectiveness of policy design and implementation, efficiency (reducing red tape and ease of access), and overall impact on the economy in the context of Yukon First Nations participation. The five-year evaluation is set to occur in February 2026.

STATISTICS

For context, in the 2021 Census, approximately 22% of Yukon's population self-identified as Indigenous.

The YFNPP commits the Government of Yukon to work towards awarding 15% or higher of all government procurements, measured by number and value, to YFN businesses. No baseline data was available prior to YFNPP. This report will serve as the baseline data for YFNPP.

Bid Value Reductions Applied Overall (Percentages)



779

Invitational and public tenders closed

108

Verified Yukon First Nations Businesses

All data is from October 4, 2021 to December 31, 2022

- 144 tenders that closed had a BVR applied to one or more bid.
- 6.2% of contracts measured by number were awarded to YFN Businesses. This represents 452 contracts of the 7,238 contracts awarded by Government of Yukon.
- 7.8% of contracts measured by dollar value were awarded to YFN Businesses. This represents over \$48M of Government of Yukon's approximately \$617M spend.
- Two Community Development Agreements (CDAs) were finalized.

17 tenders re-ranked

due to the application of BVRs

This represents 2.2% of tenders for the review period

ACKNOWLEDGEMENTS

The MRC Annual Report sub-committee would like to acknowledge the ongoing contributions of the members on MRC and our leadership:

- Ben Asquith, YFN MRC member
- Tosh Southwick, YFN MRC member
- Peter Turner, YFN MRC member
- Shari Borgford, YFN MRC member
- Mike Pemberton, Industry MRC member
- Peter Densmore, Industry MRC member
- Murray Arsenault, Industry MRC member
- Denny Kobayashi, Industry MRC member
- Meaghan Griffin, YG MRC member
- Sharina Kennedy, YG MRC member
- Edward Claringbold, YG MRC member
- Katie Munroe, YG MRC member (Outgoing)
- Paul Zylstra, YG MRC member (Outgoing)

**We thank you for your continued support as
we monitor and assess the YFNPP!**



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