

2022

# MONITOR AND REVIEW COMMITTEE: A SIX-MONTH REVIEW

Yukon First Nations Procurement Policy



# TABLE OF CONTENTS

- 01** Introduction
- 02** Monitor and Review Committee
- 03** Introduction to the Yukon First Nation Procurement Policy
- 04** Monitor and Review Committee Activities
- 05** Measuring Progress
- 07** Next Steps
- 08** Reports and Reviews
- 09** Acknowledgements

# INTRODUCTION

This is the first report for the Monitor and Review Committee (MRC). The 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 (YFNs), Industry and the Government of Yukon. This report was prepared by the Government of Yukon under direction from the Monitor and Review Committee.

For some context, the Government of Yukon approved the YFNPP in December 2020 and there was a phased-approach to implementation. Phase 1 of implementation was on February 22, 2021, Phase 2 on April 25, 2021, and Phase 3 in October 4, 2021. This staggered approach allowed for further discussions with YFNs and Industry on some of the metrics in the YFNPP. Given this, the YFNPP has only been fully implemented for 6-months at the time of the release of this report.



# 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 (see page 7 for more information). 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 may include issues related to what is in the policy or how the policy is being implemented.

The MRC is comprised of four Yukon First Nations (YFN), four Industry, and three Government of Yukon representatives. The Council of Yukon First Nations, the Yukon Chamber of Commerce and the Yukon Contractors Association appoint their respective YFN and Industry representatives. The members meet monthly and provided oversight on the generation of this report. The MRC has three co-chairs, one representing each group.

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

# INTRODUCTION TO THE YFNPP

The YFNPP was collaboratively developed between the Government of Yukon and all Yukon First Nations. The impetus for developing the YFNPP was to increase Yukon First Nation participation in Government of Yukon procurements. The YFNPP is intended to support economic development of YFNs, which means it supports 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 tangible action by the 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 intent 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.

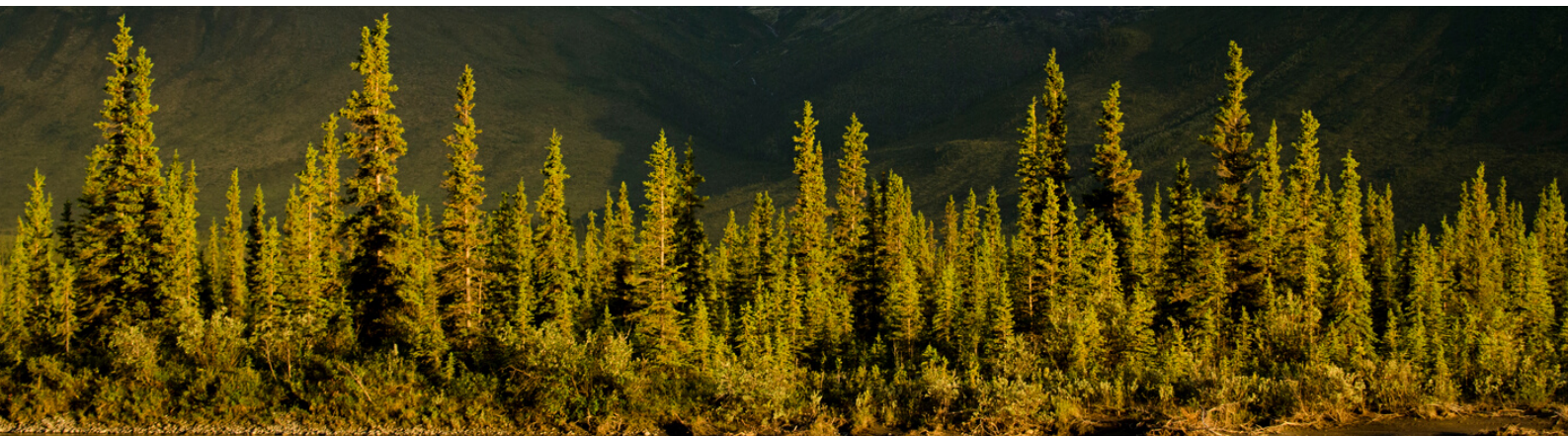
# MONITOR AND REVIEW COMMITTEE ACTIVITIES

Prior to the Monitor and Review Committee (MRC), the Government of Yukon engaged with Yukon First Nations and industry through two working groups; the Technical Working Group (TWG) and the Industry Working Group (IWG). The TWG is a group of YFN government representatives established to co-develop the YFNPP with the Government of Yukon. The IWG was established to provide feedback on the implementation of the YFNPP and included some members from the TWG. Originally, the MRC only included YG and YFN representatives. After feedback from IWG, all three parties were included to be part of the MRC, including four YFN representatives, four industry representatives, and three YG representatives. The MRC was established in early October 2021.

The MRC is provided with regular reporting and data that is connected to the established performance measurement metrics of the YFNPP and aims to examine whether or not the policy is meeting its intended objectives. If not, there are different avenues that allow for continuous improvement of the YFNPP. These include the opportunity to pivot policy provisions where there are market disruptions or unintended consequences as well as a two-year review of bid value reductions (BVR).

The MRC has met for approximately two hours, six times since the committee was established. The committee has reviewed a number of resources developed to support the committee including:

- Reviewing and understanding the MRC Terms of Reference.
- Performance Measurement Framework Guide supplemented by a presentation.
- Contract Management and Contract Enforcement being applied to contract commitments.



# MEASURING PROGRESS

The YFNPP commits the Government of Yukon to establishing a Performance Measurement Framework. The Performance Measurement Framework is intended to provide the structure needed for the Government of Yukon and its Yukon First Nations and Industry partners to assess progress toward meeting the objectives of YFNPP. The MRC's role is to act as stewards of the Performance Measurement Framework ensuring that the objectives of the YFNPP are being monitored and met.

The Performance Measurement Framework consists of the following key components:

- description of YFNPP's impacts, outcomes, and outputs;
- a 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 evaluation of the YFNPP focuses on:

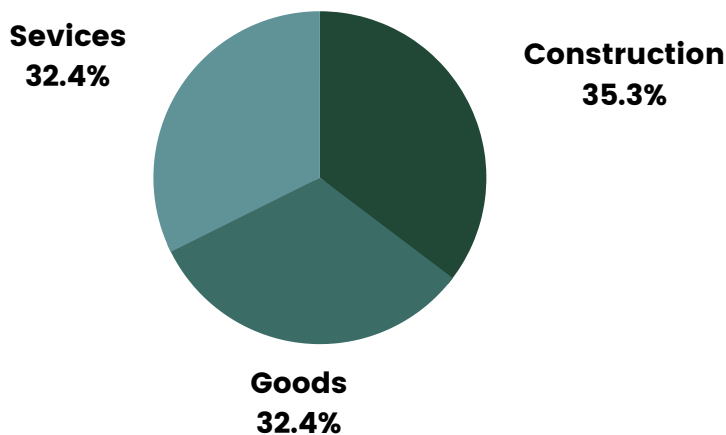
- **Design & Delivery** assessing the degree to which the YFNPP's participation measures have been implemented in addition to the effectiveness of each participation measure; and
- **Impacts & Outcomes** considering the YFNPP's overall effect on Yukon First Nations people and businesses by assessing the policy's outcomes and impacts on YFN business and workforce development.



The YFNPP commits the Government of Yukon to work towards awarding 15% or higher of all government procurements to YFN businesses and to assigning annual targets for the Deputy Ministers of each department. Targets will be set after obtaining a full year of data.

## A Glimpse into the Data

### BVRs by Sector



**273**

Invitational and public tenders closed

**84**

Verified Yukon First Nations Businesses

A lot has happened over the past six months. Here are some facts:

- 273 invitational and public tenders have closed, of which:
  - 6.5% included Bids that received a BVR for Ownership;
  - 0% included Bids that received a BVR for Primary Business Location; and
  - 9.5% included Bids that received a BVR for YFN Labour.
- 5 tenders had a re-ranking of bids due to the application of BVRs.
- 84 businesses have been verified under the YFN Business definition.
- Over \$17,000,000 in contracts awarded to YFN Businesses.

**5 Re-rankings**  
**Resulting in approximately \$1.5M**  
**in contracts awarded for YFN participation**

\*all data is as of April 4, 2022



# NEXT STEPS

Where do we go from here? The MRC will continue to meet monthly to monitor and assess the progress of the YFNPP in achieving its objectives. The MRC will continue to provide advice and recommendations to the Government of Yukon to increase the effectiveness of the YFNPP.

As the implementation of the YFNPP continues the following key next steps will be a focus for the MRC:



## **No. 01 – Data Review and Analysis**

Regular review of contract awards to assess the impact of the YFNPP on award.



## **No. 02 – Review of BVRs**

Assessment of the BVRs relevant impacts in the context of delivering value to Yukon First Nations companies, citizens and communities - to inform the Two-Year Review of BVRs.



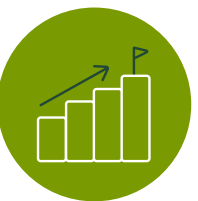
## **No. 03 – Monitor for Market Disruption**

Assess any incidences of market disruption and solutions/options to mitigate future disruption.



## **No. 04 – Outreach and Education**

Champion the development and implementation of education and training programs about the YFNPP and its guidelines, requirements and incentives.



## **No. 05 – Performance Measurement Framework**

Participation in the development and implementation of the Performance Measurement Framework.

# REPORTS AND REVIEWS

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



## **No. 01 – MRC Annual Report**

The MRC will prepare a report of the committees activities, findings and analysis in January of each year.



## **No. 02 – Two-Year Review of BVRs**

As outlined in GAM 2.6, two years after the effective date of the YFNPP, YG will review the BVR measures, including maximum BVRs, to consider their impact and make policy amendments to address any unintended consequences. The MRC will assess the effectiveness of BVR measures and provide the Government of Yukon with an assessment report including any recommendations to be considered.



## **No. 03 – Five-Year Evaluation**

GAM 2.6 commits to a third party evaluation of the YFNPP. The Government of Yukon is going to 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 an assessment of policy design, implementation and results. The five-year evaluation is set to occur in February 2026.

# ACKNOWLEDGEMENTS

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

- Ben Asquith, YFN member
- Tosh Southwick, YFN member
- Peter Turner, YFN member
- Shari Borgford, YFN member
- Susan Guatto, Industry member (former member)
- Peter Densmore, Industry member
- Murray Arsenault, Industry member
- Denny Kobayashi, Industry member
- Mike Pemberton, Industry member
- Katie Munroe, YG member
- Erin Light, YG member (Former Member)
- Paul Zylstra, YG member

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



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Monitor and Review Committee:  
A six-month review 2022

Yukon First Nations Procurement Policy