

June 6, 2019



Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: PRE/38/2019]

On May 8, 2019 the Premier's Office received your request for access to the following records/information:

"March 2019 information note titled: "PPA - Procurement Support for Social Enterprises."

I am pleased to inform you that a decision has been made by the Chief of Staff of the Premier's Office to provide access to the requested information.

You may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the *Act*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

Contact information for the Information and Privacy Commissioner is as follows:

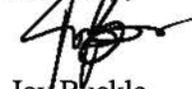
Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive this response, pursuant to section 52 of the *Act* (a copy of sections 42 and 52 of the *Act* have been enclosed for your reference). This response will be published as outlined on the Completed Access to Information Requests website. (<http://atipp-search.gov.nl.ca/>)

If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,



Joy Buckle
ATIPP Coordinator
Enclosure

Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

Information Note Public Procurement Agency

Title: Procurement Support for Social Enterprises

Issue: To inform on options available to allow for procurement support for social enterprises.

Background and Current Status:

- On February 28, 2019, representatives from Choices for Youth (CFY) met with various departments to provide an overview of work they are doing under Phase I of the Federal Government's Social Innovation project. CFY noted that this Phase is set to conclude in January, 2020, and they are now seeking Provincial Government support for Phase II components. One area specifically noted relates to procurement support to allow for sustained activity, and therefore sustainability, of CFY's social enterprise programming.
- The Public Procurement Framework (Act, Regulations and Policy) provides the statutory and policy framework for the procurement of commodities and applies to approximately 500 public bodies.
- Section 5 of the *Public Procurement Regulations* requires an open call for bids for, among other things: goods with an estimated value of \$10,000 or greater; services estimated at \$50,000 or greater; and public works estimated at \$100,000 or greater. Where the estimated value is less than these thresholds, a public body may issue a limited call for bids by either: (1) obtaining quotations from at least three suppliers, or (2) determining a fair and reasonable price for the commodity based on market conditions.

Analysis:

- The increased thresholds in the new *Public Procurement Act and Regulations* provides greater opportunities for public bodies to source goods and services from local suppliers, including social enterprise organizations.
- The legislation also covers a number of professional services that were excluded from the previous legislation, thereby providing opportunities for local suppliers and social enterprise organizations to now compete for these opportunities.
- While public bodies are required to issue an open call for bids above these thresholds, when issuing an open call, public bodies can notify relevant social enterprise organizations to ensure they are aware of the opportunity to submit a bid.
- In addition, when the Public Procurement Agency's Electronic Notification System is operational early next year, social enterprise organizations will be able to register for the types of opportunities in which they are interested and will receive an automatic notification when such opportunities are posted.

Action Being Taken:

- PPA will continue to inform and remind public bodies of the flexibility they have to support local suppliers as they procure commodities.

Prepared/Approved by: H. Tizzard
Reviewed by: J. Griffin/C. Blundon, Cabinet Secretariat
Ministerial Approval: Received from Hon. Sherry Gambin-Walsh

March 4, 2019