



Non-Financial TFN Member Benefits from Development Projects

In consultation with TFN, we have developed the following set of targets for non-financial TFN Member benefits that can be used to guide discussions with proponents of development projects on Tsawwassen Lands. These types of benefits include employment, contracting, training and other opportunities for TFN Members to participate in projects that directly increase their incomes, or enhance their quality of life.

The items below are suggested only as targets in order to recognize that each project is unique, and that each will have its own particular opportunities.

EMPLOYMENT

As a minimum condition of a development opportunity:

Preferential Hiring: At a minimum, TFN should require preferential hiring of TFN Members. Preferential Hiring means that if the Member is equally qualified for a specific posted position as a non-Member, the Member should be hired in priority to the non-Member. There should be no limit on the number of positions for which preferential hiring is applied.

Preferential hiring should be set out both for the construction and operating phases of the project.

If possible:

Guaranteed Positions: TFN should seek to guarantee a certain number of person-years of employment in any project. This could apply for the construction or operating phases of the project. A guaranteed position is a more difficult element to negotiate; TFN should only attempt to negotiate this element if TFN is confident of the availability of a skilled labour pool in the specific employment area, if there is a funded training program in place, or it is contemplated as part of the agreement that will ensure that appropriate skill base is available.



CONTRACTING

As a minimum condition of a development opportunity:

Preferential Bid Selection: At a minimum, TFN should require preferential bid selection of a TFN Enterprise, defined as a business owned by a TFN Member or TFN government owned entity. Preferential Bid selection means that if a bid from a TFN Enterprise is equal in terms of price, quality, and any other criteria set for the bid process, the TFN Enterprise would be successful in priority to the non-TFN enterprise. There should be no limit on the amount of contracting opportunities for which preferential bid selection is applied.

Preferential bid selection should be set out both for contracts respecting the construction and operating phases of the project.

As a preferred condition of a development opportunity:

TFN should strive to ensure that aboriginal content (demonstrated either through aboriginal ownership, aboriginal direct employment, or aboriginal subcontracting) be a significant component of the evaluation criteria of any tender, RFP, or other bidding opportunity issued by TFN or one of its development partners. TFN should seek to include this requirement in every agreement. In order to facilitate this work, TFN could provide any entity issuing the bid with guidelines on how to ask for demonstrated aboriginal content. The weighting given to the aboriginal content criteria should be sufficient to ensure that it is a significant element of the non-price measurement. The specific weighting will vary depending on the nature of the project and the evaluation criteria used.

If possible:

Guaranteed Contract Totals: TFN should seek to guarantee a dollar amount of contracting that must flow to TFN Enterprises. This could apply to the construction or operating phases of the project. Guaranteed contract amounts carry more risk to the project and are a more difficult element to negotiate; TFN should only attempt to negotiate this element if TFN is confident that sufficient capacity exists in TFN Members or TFN Enterprises to successfully complete the project.

FINANCIAL COMPENSATION

We recommend TFN consider, on a case by case basis, if they are prepared to accept financial compensation if guaranteed positions are not filled. Although this cost is likely to be factored into the project cost and eventually borne by TFN, there may be circumstances where this cost can be avoided or mitigated in an acceptable manner.

TRAINING

TFN should request that the proponent establish a training program that provides TFN Members and Enterprises with the skills to benefit from the project. Examples could include the following:

- Scholarship funds established by the project proponent for skills training related to the project's construction and operating requirements.
- Funding for members to acquire project-related skills at a TFN or external training institution. Examples could include retail/sales training, catering, nursing/elder care, etc. For construction of logistics training opportunities, TFN should seek to establish a specific training linkage to the Tsawwassen Gateway Training Centre.
- Provision of on-the-job training at projects once they are operational, with the proviso that the training leads to specific jobs.
- That TFN content, and the proponent's internal training and internship programs for TFN Members or Enterprises, be included as criteria in the bid documents and bid assessment.

In order that TFN is confident that the employment and contracting opportunities that are negotiated can be filled by TFN Members and Enterprises, TFN should complete a survey that identifies:

- a) the skills sets of individual TFN Members interested in job opportunities;
- b) the services provided by TFN Enterprises; and,
- c) this information is updated annually to reflect the changing skill levels and services provided by TFN Members and Enterprises.

OTHER BENEFITS

TFN will need to consider other benefits that could have important social, employment, or quality-of-life impacts specific to each project. TFN should seek to identify and include these potential benefits in every project, but in some cases, the partner may be unwilling to include these social benefits as an element to the negotiated agreement. In that case, TFN would determine the cost to provide that benefit, and negotiate the associated cost recovery up-front with the proponent.

For example, current projects under consideration have the following potential benefits:

- Dedicated bed-spaces for members in the congregate care section of a proposed retirement facility.
- Below-market rates on heat and electricity as a result of a waste-to-energy project.
- Retail square footage in a large commercial/retail complex.

BENEFITS FOR OTHER FIRST NATIONS MEMBERS

Other than the aboriginal content element of contracts issued, this memorandum only considers benefits for Tsawwassen Members and TFN Enterprises. However, some consideration should be given, particularly in respect of employment and contracting, as to whether a graduated preference scale could be introduced. This memorandum recommends this strategy not be undertaken at this time, unless a specific request is forthcoming from a training institution, or unless TFN reaches a point of full employment.

REPORTING AND APPEAL PROCESS

To ensure compliance with the above, each contract with a proponent will set out an audit process to ensure the terms of the contract are being adhered to (i.e. quarterly meetings of the partnership to review implementation and satisfaction of employment and contracting and training initiatives). An appeal process, to resolve situations where a TFN Member or Enterprise was not hired but TFN believes they met the standard for preferential hiring or contracting, will also be established.