Practitioner's Guide for Procurement Pricing

Summary of Changes

In response to the feedback received from the procurement community since the release of Version 2022-1 of the Practitioner's Guide for Procurement Pricing ("Guide" or "Pricing Guide"), the following table provides details of the changes made in Version 2023-1, including additional updates made to align the Guide and the Supply Manual (PN-154, 155 & 156) for formalization purposes.

<u>Comments and Questions:</u> Please provide any comments and questions to the Procurement Support Services Sector – Pricing and Professional Accounting Practices Group. Email: <u>TPSGC.padgamtp-appbipm.PWGSC@tpsgc-pwgsc.gc.ca</u>

Change Summary Version 2023-1

Released: August, 2023

The following are key changes made to the Guide to address the feedback received since the release of Version 2022-1, as well as administrative changes to align the Guide, the Supply Manual (Mainly Chapter 4 &10) and Standard Acquisition Clauses and Conditions (SACC) Manual.

Summary of Changes	Guide Section
Pricing Approach	Section 2.2
Clarification - Incentives are used only when added value is created in the contract	
Engaging Expert Advice	Section 3.2
 Updated the conditions triggering the mandatory use of a Price Support Directorate advisor to align with <u>Directive on the Use of Cost and Price Analysis Services</u> 	
Basis of Payment	Section 4.1
 Added the link to Annex 2.4: <u>Characteristics of Acquisitions Program Procurement</u> <u>Complexity Levels</u> of the Supply Manual 	
Guidance on the consistent use of fixed price and firm price basis of payment	0 " 111
 Fixed Price Guidance on the consistent use of fixed price and firm price basis of payment Added reference to the general Audit clause section in the General Conditions (Section 3) of the SACC Manual in the following clauses: 2010A, 2010B, 2010C, 2015A, 2029, 2030, 2035 and 2040 Added reference to new clause C8000C with a fixed price basis of payment 	Section 4.1.1
 Fixed Time/Unit Rate Revised definition of fixed time/unit rate Add reference to new clause <u>C8001C</u> Clarified when to use fixed time/unit rate Clarified what kind of validation is required for non-competitive contracts 	Section 4.1.2
Cost Reimbursable	Section 4.1.3
 Removed the reference to the Incentive section Added reference to a new audit clause <u>C1004C</u> 	
Basis of Payment Terminology Changes for French Version ■ Updated terminology : Tarif fixe → Tarif forfaitaire	Throughout the Guide



Cost Reimbursable with No Fee	Section 4.1.3.1
 Added reference to SACC Manual clause <u>C0201C</u> 	
Cost Reimbursable with A Fixed Fee	Section 4.1.3.2
 Revised the definition of cost reimbursable with a fixed fee 	
Added reference to SACC Manual clause <u>C0202C</u>	
Cost Reimbursable with Target Cost/ Incentive Fee	Section 4.1.3.3
 Clarified this basis of payment provides cost control incentives 	
 Added reference to SACC Manual clauses <u>C8002C</u>, <u>C8003C</u>, <u>C8004C</u>, and <u>C8005C</u> 	
 Clarified <u>C6000C</u> must be used for cost reimbursable with target cost/incentive fee with maximum 	
Cost Reimbursable with Fee Based on Actual Costs	Section 4.1.3.4
 Revised definition of cost reimbursable with fee based on actual costs 	
Added reference to SACC Manual clause <u>C0205C</u>	
 Clarified actual costs incurred should be determined by SACC Manual 1031-2 and Costing Standard 	
Provisional Price Basis of Payment	Section 4.1.4
Added reference to SACC Manual clause <u>C0300C</u>	
Guidance on provisional price basis of payment validation based on stakeholders' feedback	
Economic Price Adjustments (EPAs) and Foreign Currency Adjustments (FCAs)	Section 4.2
Revised the definition of EPAs and FCAs	
 Clarified when to use EPAs and FCAs with reference to SACC Manual clauses 	
 Clarified EPA or FCA must be agreed upon during negotiation of the initial or base year 	
contract price	
Ceiling Price and Limitation of Expenditure	Section 4.3
Revised the definition of limitation of expenditure	
Incentives	Section 4.4
 Clarified the timing to use incentives in competitive and non-competitive contracts 	
Remove "cost reimbursable with target cost/ incentive fee" from the types of incentives	
Technical Performance Incentives	Section 4.4.1
 Guidance on the technical performance incentive requirements to differentiate from those of schedule performance incentives 	
Added reference to new pricing incentives clauses <u>C8006C</u>	
Schedule Performance Incentives	Section 4.4.2
Clarified when to use schedule performance incentives	
Added reference to new pricing incentives clauses <u>C8007C</u>	
Award Fees	Section 4.4.3
Clarified when to use award fees	
 Clarified award fees are earned by meeting predetermined criteria 	
Added reference to new pricing incentives clauses <u>C8008C</u>	
Pricing Principles	Section 5.0
 Updated the links to the Supply Manual for special circumstances that are exceptions from using the Pricing Principles 	
Commercial Pricing	Section 5.0.2
 Added reference to the general Audit clause section in the General Conditions (Section 3) of the SACC Manual in the following clauses: <u>2010A</u>, <u>2010B</u>, <u>2010C</u>, <u>2015A</u>, <u>2029</u>, <u>2030</u>, 2035 and 2040 	
Principles for Establishing the Cost Base Added reference to the new audit clause C1004C	Section 5.1
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Contract Cost Principles, SACC 1031-2	Section 5.1.0
Added examples of when to use SACC 1031-2 for determination of negotiate price or rate Profit Principles Output Description:	Section 5.2
Profit Principles	Section 5.2
Clarified that the total allowable amount of profit must be the lower of calculated profit rate and 16% of the total contract costs.	
and 16% of the total contract costs	Continu F O 4 4
Return on Working Capital Employed	Section 5.2.1.1
Updated the clauses for the applicable rates used for the calculation of return on working	
capital employed	0 11 5010
Return on Fixed Capital Employed	Section 5.2.1.2
Revised the explanation of the fixed rate of 1% in the return on fixed capital employed	
formula	
Updated the clauses for the applicable rates used for the calculation of return on fixed	
capital employed	
Negotiated Profit Element: General Business Risk	Section 5.2.2
Clarified government furnished materials and contract issue materials are not included in	
direct materials	
Added overhead examples	
Revised the definition of pass through costs and examples	
Negotiated Profit Element: Contractual Risk	Section 5.2.3
Clarified the risk factor of the program maturity include the level of establishment of	
products, services, processes and tasks	
Removed socio-economic benefits programs from contractual risk factors	
Alternative Pricing Strategies	Section 5.3
Clarified alternative approaches should pursue better value to Canada with revised	
examples	
Firm Price	Annex 1
Editorial revisions to consistent use of fixed price and firm price basis of payment	, amox
 Added reference to the general Audit clause section in the General Conditions (Section 3) of 	
the SACC Manual in the following clauses: 2010A, 2010B, 2010C, 2015A, 2029, 2030,	
2035 and 2040	
Costing Standard	Annex 2
Added a new subsection – Strategic Innovation Fund Repayment	Autox 2
11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Updated the subsection – Government Supplied Materials (GSM) to clarify GSM are not included in direct materials. No profit is allowed on these materials.	
Cost Management	Annex 2C
•	Alliex 20
Updated the reference to general audit clause and Audit section in SACC Manual General Conditions	
Conditions	
Added the new clause <u>C1004C</u> in the key audit and validation related clauses	A 0
Contact Information	Annex 3
Updated the name of the Pricing and Professional Accounting Practices Group	
Discussion Paper - Liquidated Damages	Annex 5.2.3
Added guidance to assess the reasonability of the rate of liquidated damages	4 504
Discussion Paper – Sales and Marketing	Annex 5.3.1
Removed the ITB examples	
Discussion Paper – Research and Development Costs	Annex 5.3.6
Removed the ITB examples	



Discussion Paper – Risk and Cost Considerations for Socio-Economic and Environmental	Annex 5.3.7
Benefits Policies and Program	
Under review - To clarify the costing approach in regards of different socio-economic and	
environmental benefits policies and programs	
Profit Determination Template	Annex 6.1
Revised instructions to clarify the use of the template	
Added signature area for completion, amendment, and review of the template	
Added a "Decision Tree" tab for the selection of necessary tabs to complete profit	
calculation of capital employed	
Set up macro functions in the "Total Profit" tab for return on capital employed calculation	
Clarified the contract profit rate must not exceed 16% of the total contract costs	
Applicable Rates for Profit Determination Table	Annex 6.2
Added the links to the sources of the applicable monthly rates for calculation of return on	
capital employed	
Posted the calculated monthly rates on BuyandSell website for contracts starting September	
2023 and onwards	
Contractual Risk Assessment Tool	Annex 6.3
Removed socio-economic benefits programs from the contractual risk factor in the tool	
Glossary	Annex 7
Added a new annex for definitions of the key terms used in the Guide	

Annex: Summary of Changes for Previous Versions

The following table provides details of the changes in guidance introduced in each phase of the Guide. This change summary was previously released January 20, 2022.

Phase 1 Released: February 8, 2019

Key changes introduced in Phase 1 include guidance on the consideration of pricing throughout the acquisition lifecycle and recommendations from a contract management perspective on timing, documentation, and option analysis, such as pricing strategically and aligning pricing to the procurement objectives.

Change Summary	Reference:
Fixed price basis of payment	Section 4.1.1: Fixed Price
 Introduction of a fixed price basis of payment to address concerns and challenges with the current application of the firm price basis of payment and the discretionary audit clause. 	Annex 1: Firm Price Basis of Payment
Provisional price basis of payment	Section 4.1.4: Provisional
 New basis of payment introduced with parameters that allow for changes in pricing and basis of payment within a contract based on knowledge and experience gained over time. 	Price Basis of Payment
Guidance on use of incentives	Section 4.4: Incentives
Guidance and tools introduced on the use of incentives to increase understanding on when incentives are beneficial and how they can be incorporated into the contract price.	
Costing Standard	Annex 2: Costing
 New costing guidance to complement Standard Acquisitions Clauses and Conditions (SACC) Contract Cost Principles 1031-2 and provide criteria (Attributable, Appropriate and Reasonable) to assess the acceptability of a cost. 	Standard
Costing Standard: Taxes	Annex 2: Costing
 Proposed changes to the treatment of tax refunds/credits/Investment Tax Credits with consideration for the application of credits to related contract costs. 	Standard, Subsection 4.17: Taxes

Phase 2 Released: December 12, 2019

Key changes introduced in Phase 2 include further process guidance on Section 4 of the Guide as it relates to Basis of Payment and Incentives, as well as new discussion papers on complex costing areas.

Change Summary	Reference:
New Discussion Papers that provide information on the potential impact of complex costing areas on overall contract costs and price and provide direction and techniques on assessing acceptability of the costs.	
Discussion Paper: Asset Valuation Discussion Paper: Transfer Pricing	• Annex 5.3.3
Discussion Paper: Production Capacity and Indirect Costs Allocation Discussion Paper: Research and Development	 Annex 5.3.4 Annex 5.3.5 Annex 5.3.6

Phase 3 Released: December 2020

Phase 3 provides new guidance and tools for the determination of a contract price when market prices are not available and negotiated pricing is required. This includes clarity on how cost-based pricing works, and guidance to enhance consistency in the application of pricing and profit principles to support the delivery of best value in negotiated contract prices.

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Contractual Risk Factor	Section 5.2.3: Negotiated
New guidance related to the assessment of contractual risk for a contract and impacts the	Profit Element:
resulting contractual risk profit rate.	Contractual Risk
Clarification on the Industrial Technological Benefits (ITBs) policy considerations that can	 Annex 6.3: Contractual
impact the contractual risk of a procurement.	Risk Assessment Tool
Introduces new Contractual Risk Assessment Tool	
Profit Determination Template	Annex 6.1: Profit
New template that provides instructions and schedules to support and document the	Determination Template
determination of contract profit in accordance with the <u>Section 5.2 (Profit Principles)</u> .	
Profit Threshold	• Section 5.2: Profit
 Overall profit threshold for negotiated cost-based pricing revised to 16% to better represent the current financial environment and maximum risk scenarios. 	Principles
Return on Capital Employed	• Section 5.2.1: Negotiated
Revisions to the determination of return on Capital Employed to address concerns related	Profit Element: Capital
to the complexity of the determination process and relevancy of factors used within the	Employed
calculations. Including the following:	
 Modified financial rates representative market conditions, averaged to reduce the impact of significant market fluctuations; 	
Revised dollar value thresholds for applicability of simplified capital employed	
calculations from under \$250,000 to under \$1 million; and	
 New simplified tier in fixed capital employed for contracts greater than \$1 million and 	
lower than \$20 million with lower capital intensity requirements.	
Alternative Pricing Principles	 Section 5.3: Alternative
Enhanced guidance to ensure principles and processes are clear for situations where	Pricing Principles
alternatives to cost-based pricing may generate better value.	
Discussion Paper: Baseline Profit Methodology	• Annex 5.4.2
 Introduction of the baseline profit methodology for consideration and comments. This 	
methodology relies on average industry profit and earnings data to establish a base for the	
development of profit in a contract.	
Discussion Paper: Industrial and Technological Benefits - Value Proposition Cost	• Annex 5.3.7
Considerations	
Discussion Paper that provides direction related to cost considerations of Value	
Propositions.	

Version 2022-1 Released: January 20, 2022

Version 2022-1 provides changes made to the Guide to address the feedback received from stakeholder consultations, as well as administrative changes to align the Guide and the Supply Manual (mainly *Chapter 10 - Cost and Profit*).

Change Summary	Reference:
Basis of Payment Terminology Changes for French Version	Throughout the Guide
 Updates to the French basis of payment terminology to align with the terminology proposed in the updated Basis of Payment and Incentive SACC clauses. Guidance and intent of the SACC clauses remains the same. Terminology impacted are as follows: Fixed Price ("Prix fixe" to "Prix forfaitaire") Fixed Time/Unit Rate ("Taux horaire/unitaire fixe" to "Taux horaire/unitaire forfaitaire") 	
Fixed Price Basis of Payment	Section 4.1.1
Additional context on audit related clauses provided based on stakeholder feedback.	
Pricing Principles	Section 5.0



Based on stakeholder feedback, clarified the pricing principles section. Revised guidance	
includes: O New figure to aid in the determination of the applicability of Pricing Principles;	
 New lighte to aid in the determination of the applicability of Pholing Philoples, Commercial Pricing and link to new Section 5.0.2; and 	
Addition of links to the relevant Supply Manual sections for special circumstances	
that are exceptions to the Pricing Principles.	
Commercial Pricing	Section 5.0.2
New section to provide detailed guidance on commercial pricing based on stakeholder	
feedback.	
Contract Cost Principles, Standard Acquisition Clauses and Conditions (SACC) 1031-2	Section 5.1.0
New section to provide detailed guidance on Contract Cost Principles SACC 1031-2, to address feedback from stakeholder consultation.	
Profit Principles	Section 5.2
The "Exceptions to Profit Principles in Negotiated Contracts" for Canadian Commercial	
Corporation (CCC) contracts removed, as all contracts with the CCC must be placed in	
accordance with the procurement practices, policies, and procedures of the Government of Canada.	
Negotiated Profit Element: Contractual Risk	• Section 5.2.3
Expansion of the Industrial and Technological Benefits (ITB) Policy Consideration sub-	- 0000011 0.2.0
factor in Contractual Risk to broader Socio-Economic Benefits Programs and Policy	
Considerations. Key areas impacted:	
 Table 5.2.3.b: Explanation of Contractual Risk Factors 	
o Table 5.2.3.c: Key Questions to Ask in the Assessment of Contractual Risk	
Other socio-economic benefits programs and policies for consideration in this section	
will be under consultation in subsequent iterations of the Guide.	
Firm Price Basis of Payment	Annex 1
 Additional clarifications on the use of discretionary audit clauses for commercial goods and/or services provided based on stakeholder feedback. 	
Costing Standard	Annex 2
Updates made to the Costing Standard include:	Alliex 2
Re-organization of section and inclusion of a table of contents to make the Section	
more user friendly;	
 Introductory text added to provide more direction and context on use of this Annex; 	
 Revisions to existing Costing Standard sub-sections as well as the addition of new 	
sub-sections for alignment to the Supply Manual; and	
 Additional guidance on costing that enhances and replaces guidance found in the corresponding Supply Manual sections: 	
 Annex 2A: Costing Process, 	
 Annex 2B: Contract Costing Rates, and 	
Annex 2C: Cost Management.	
Discussion Papers	Annex 5
Based on stakeholder feedback, the order and numbering of <u>Annex 5: Discussion Papers</u>	
has been modified to group Annexes according to the topic.	
 Annex 5.1 Background: Contract Pricing in Canada Annex 5.2 Performance Management Discussion Papers 	
 Annex 5.2 Performance Management Discussion Papers Annex 5.3 Costing Discussion Papers 	
Annex 5.5 Costing Discussion Papers Annex 5.4 Pricing Discussion Papers	
Discussion Paper – Liquidated Damages	• Annex 5.2.3
New Annex to provide guidance on Liquidated Damages based on stakeholder feedback.	



Costing Discussion Papers	Annex 5.3
Modifications to various Costing Discussion Papers to align to the proposed Supply Manual	
update. Impacted Discussion Papers include:	
 Annex 5.3.2 Discussion Paper – Executive Compensation and Bonus 	
 Annex 5.3.4 Discussion Paper – Transfer Pricing 	
Discussion Paper – Asset Valuation	• Annex 5.3.3
An additional example provided in the recommendations section to provide clarity on the	
use of different asset valuation methods, based stakeholder feedback.	
Discussion Paper – Transfer Pricing	• Annex 5.3.4
 Addition of a link to the new <u>Costing Standard sub-section 4.19</u> for Transfer Pricing to align 	
to the proposed Supply Manual update.	
Additional context provided on the use of the Organization for Economic Co-operation and	
Development (OECD) Transfer Pricing Guidelines to address stakeholder feedback.	
Discussion Paper – Research and Development Costs	• Annex 5.3.6
Revisions to the Discussion Paper to align to the proposed Supply Manual update.	
 Appendix B – Treatment of General Research & Development (R&D) vs. Specific 	
Product Development and/or Improvement Costs	
Note added regarding Investment Tax Credits. The topic will be under consultation in	
subsequent iterations of the Guide.	
 Appendix A – Factors to consider before accepting R&D Costs 	
Discussion Paper – Industrial and Technological Benefits – Value Proposition Cost	• Annex 5.3.7
Considerations	
Editorial revisions to this Discussion Paper based on stakeholder feedback.	