
Policy Notification 48R2 - Official languages and contracting

Purpose

To update the requirements for Acquisitions Program (AP) in respect of the [Official Languages Act](#).

Effective date

Policy Notification 48R2 (“PN-48R2” or “this PN”) takes effect immediately, and replaces PN-48R1 in its entirety.

Overview

This PN addresses:

- sourcing and translating professionally sealed documents prepared by provincially and territorially regulated architects, engineers and geoscientists;
- tendering real property construction requirements with professionally sealed documents;
- technical specifications and international standards;
- expanded roles and responsibilities of contracting officers and client departments.

Summary of changes

Policy and guidance updates (Supply Manual)

4.20 – Official languages and contracting ***NEW***

- 4.20.1 – Procurement planning ***NEW***
- 4.20.2 – Procurement phase ***NEW***
- 4.20.3 – Contract management ***NEW***
- 4.20.4 – Additional policy and guidance on official languages and procurement ***NEW***
- 4.75.40 – Distribution of solicitation material to invited suppliers ***UPDATED***

Annex 1.1.1 - Matrix of responsibilities between Public Works and Government Services Canada and client departments for the procurement of goods and services (generic) ***UPDATED***

Annex 4.11 - Official languages and professionally sealed documents ***NEW***

Procurement clause changes

- B4010T - ***Sealed documents (drawings, specifications and reports)*** ***NEW***



Contact information

For questions about this PN from within AP, please send an email to: spac.paapprovisionnementlo-apolprocurement.pspc@tpsgc-pwgsc.gc.ca with “Official languages policy” in the subject line.

For questions regarding this PN from clients and stakeholders outside of AP, including official languages requirements for posting notices and related tender documents:

- Please send an email to SPAC.PAEngagementdesclients-APClientEngagement.PSPC@tpsgc-pwgsc.gc.ca: with “PN-48R2 - Official languages policy” in the subject line.
- Clients may also refer to official language advisors within their respective departments for questions on the application of the *Official Languages Act* as it pertains to defining procurement requirements.

Annex A: Policy and guidance updates (Supply Manual)

4.20 Official languages and contracting

- a. The Government has the obligation to serve and communicate with the public in both official languages, pursuant to the [Official Languages Act](#) (OLA) and all regulations thereunder including the [Official Languages \(Communications with and Services to the Public\) Regulations](#) (for the purposes of this section, the term “OLA” refers to both the Act and Regulations).
- b. Communications and services provided by the Government to the public must be substantively equal regardless of the official language chosen. The basic rule is that any member of the public has the right to communicate with, and to receive available services from, Canada in either official language.
- c. The official language rights of Canadians are recognized in the [Canadian Charter of Rights and Freedoms](#), and the OLA is considered quasi-constitutional in status.
- d. Cost, time, and level of effort are not valid considerations in complying with the OLA. Contracting officers and clients should plan procurement requirements and related projects accordingly.

4.20.1 Procurement planning

4.20.1.1 Defining official language requirements in contracts

- a. In accordance with section 1.2.3 of Annex 1.1.1, the client department is responsible for defining language requirements of the contract.

4.20.1.2 Translation of documents for publication

- a. The division of responsibilities between Acquisitions Program (AP) contracting officers and client departments regarding the translation of documents can be found at Annex 1.1.1, section 3.1.
- b. AP contracting officers may advise, but must not direct, client departments on how they are to meet their specific translation needs. It is for the client to decide on the manner of translation for its content, including any special or third-party services required to attest that a translation is equal in quality to the original document (refer to Annex 1.1.1, section 3.1.2).
- c. The client is responsible for ensuring the accuracy of translated content, pursuant to the roles and responsibilities set out in Annex 1.1.1. However, if the AP contracting officer has any questions or concerns regarding the quality of translated content received from the client, the

AP contracting officer must contact the client to resolve any outstanding issues prior to posting on the GETS. This may include requesting that the client explain how they had the content translated, and requesting that the client ensure that any errors or deficiencies are corrected (refer to Annex 1.1.1, sections 3.1.1 and 3.1.2 for client responsibilities).

4.20.1.3 Professionally sealed documents

- a. Refer to Annex 4.11 - Official languages and professionally sealed documents.

4.20.1.4 Third-party specifications and standards

4.20.1.4.1 General principles

- a. In accordance with the section 3.1.1 of the [Guide to Official Languages in Federal Procurement](#), when a requirement includes specifications or standards that are available in only one official language, client departments should consider whether it may be necessary to request permission to translate documents produced by third parties.
- b. If permission is not granted or standards cannot be translated, clients can consider the use of alternative but equivalent standards available in both official languages, or can consult their departmental legal services unit.

4.20.1.4.2 International Organization for Standardization (ISO)

- a. When an ISO standard is available in both English and French, the English solicitation must reference the English standard, and the French solicitation must reference the French standard.
- b. When an ISO standard is available in only one official language,
 - i. The title of the ISO standard must be provided in the original language; and
 - ii. The solicitation must indicate that the ISO standard is available in only one official language.

4.20.1.4.3 United States Military Standard (MIL-SPEC, MIL-STD, MIL-DTL, MIL-PRF, etc.)

- a. United States Military Standards are only available in English.
 - i. In the English solicitation, the title of the military standard may be referenced in English.
 - ii. In the French solicitation, the title must be provided in English, with a note in French, that the military standard itself is available in English only.

4.20.1.4.4 NATO Standardized Agreements (STANAG)

- a. When a STANAG is available through NATO in both English and French, the English solicitation should reference the English STANAG, and the French solicitation should reference the French STANAG.
- b. When a STANAG is available in only one official language,
 - i. The title of the STANAG must be provided in the original language; and
 - ii. The solicitation must indicate that the STANAG is available in only one official language.

4.20.2 Procurement phase

4.20.2.1 Publication of notices and related tender documents

- a. All procurement notices and related tender documents published online must be in both official languages. The French and English content must be of equal quality and be published at the same time.
- b. This means that all procurement notices and related tender documents must be translated prior to publication. This applies to all documents that are produced or modified by or on behalf of Canada, regardless of their technical or specialized nature.
- c. For bid solicitations that include professionally sealed documents, please refer to Annex 4.11 - Official languages and professionally sealed documents.
- d. The OLA does not make a distinction regarding the nature of documents, and whether they are standard or non-standard. All documents must therefore be given the same consideration under the OLA.
- e. For translation services, government departments and agencies are encouraged to use the services of the [Translation Bureau](#) including translation, revision and editing. To learn more about these services and how to submit an online request to obtain them, please visit the [Translation, revision and editing services page](#) (accessible only on the Government of Canada network).
- f. To determine who is responsible for preparing documents in both official languages for publication online, refer to Annex 1.1.1, section 3.1.

4.20.2.2 Tendering from supplier lists

- a. Mass communications to a supplier list must be bilingual, unless the contracting officer has previously confirmed the language of preference of each recipient, and they all share the same official language of preference.
- b. This applies in cases where bid solicitations are sent to suppliers on pre-qualified lists (e.g. through a supply arrangement or a request for qualification).
 - i. When the contracting officer knows that all suppliers on the pre-qualified list indicated a common language preference, (i.e. all suppliers on the pre-qualified list indicated a preference for English, or all suppliers on the pre-qualified list indicated a preference for French), documents which meet with that language preference may be provided directly to those suppliers, and do not need to be bilingual.
- c. For bid solicitations that include professionally sealed documents, refer to Annex 4.11 - Official languages and professionally sealed documents.

4.20.3 Contract management

- a. The client department is responsible for monitoring, documenting and certifying all deliverables and performance, and for ensuring that official language requirements of the contract are met (refer to Annex 1.1.1, section 4.1.8).

4.20.4 Additional policy and guidance on official languages and procurement

4.20.4.1 Treasury Board Secretariat

- a. [Directive on the Management of Procurement](#) (refer to section 4.14 – Official Languages).
- b. The [Guide to Official Languages in Federal Procurement](#) provides instructions to both contracting authorities and business owners on how to apply official language policy to procurement planning, communications with suppliers, defining contractual requirements for official languages, and contract management.

4.20.4.2 Office of the Commissioner of Official Languages

- a. The [Office of the Commissioner of Official Languages](#) (OCOL) supports the Commissioner of Official Languages (the Commissioner) in protecting language rights and promoting English and French in Canadian society.

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- b. The Commissioner is an agent of Parliament whose mandate is to promote the [Official Languages Act](#) and oversee its full implementation. The Commissioner also acts as Canada's official languages ombudsman, whose duty is to protect the language rights of Canadians and promote linguistic duality and bilingualism across Canada.
 - c. OCOL's website provides [tools and resources](#) as well as information on [language rights](#) for public servants working towards linguistic duality within the public service and creating an inclusive culture within federal institutions.

4.20.4.4 Translation Bureau

[TBD]

4.75.40 Distribution of solicitation material to invited suppliers

- a. When procurement is not going to be advertised on GETS, the contracting officer must ensure the distribution of solicitations to invited suppliers.
- b. When the client department is responsible for distributing additional technical documentation that may accompany the solicitation, the contracting officer must forward the name and address of the invited suppliers to the client department. Client departments should be requested to document that the technical material was distributed to the appropriate recipients.
- c. When dealing with sensitive (designated/classified) requirements, the source list or solicitation and contract information are not generally released. Requests for the list of suppliers should be referred to the [Access to Information and Privacy Office](#).

Annex 1.1.1: Matrix of responsibilities between Public Works and Government Services Canada and client departments for the procurement of goods and services (generic)

(2024-xx-xx)

[...]

L: Lead
 C: Contributing
 S: Shared

Generic matrix of responsibilities between PWGSC and client departments for the procurement of goods and services

		Responsibility	
		Client Department	PWGSC
1 - Requirements Definition			
1.2.3 *NEW*	<p>Define the language requirements of the contract (where applicable).</p> <ul style="list-style-type: none"> • If a deliverable is intended for publication, the client may: <ul style="list-style-type: none"> ○ specify that the deliverable be provided in both official languages; or ○ request the contracting officer to include the necessary intellectual property clauses that enable Canada to translate and publish the deliverable in accordance with the Official Languages Act. • When a procurement is for a regularly and widely used work instrument or electronic system, or for a personal or central service used by federal government employees in bilingual regions for language-of-work purposes as defined in the Directive on Official Languages for People Management, clients must specify provisions to ensure that the goods or services delivered are in both official languages. • Language requirements with respect to the performance of the work (e.g. progress meetings, reporting, deliverables) should be indicated by the client within the SOW. 	L	C

	<p>Clients may refer to section 3.1.3 of the Treasury Board Guide to Official Languages in Federal Procurement.</p>		
3 – Contracting Process			
3.1	<p>Preparing documents in both official languages for publicationPreparation of the translation of procurement documents in accordance with the Official Languages Act (OLA) and the Official Languages (Communications with and Services to the Public) Regulations</p> <p>The client department is responsible for providing documents of equal quality, in both official languages (professionally translated content) for: the SOW and/or performance specifications or standards, technical evaluation criteria, blueprints, architectural drawings, reports, graphics, or other technical documentation that is included as part of the tender package, or for which the client department is the originator</p> <p>PWGSC (AP contracting officers) must ensure that they have received all applicable documents required from the client, and that such documents are complete and correctly filled. It must also ensure that contracting authorities are responsible for publishing all information and documentation related to a solicitation or a contract in both official languages, communicating with suppliers and contractors; and providing them with access to information related to procurement in both official languages</p> <p>For documents with professional seals, this written confirmation must indicate that the translated content adheres to all applicable provincial or territorial requirements with respect to the document's translation including any statutory or regulatory provisions, as well as requirements of the professional association</p>	L	
3.1.1	<p><u>Translation of procurement documents</u></p> <p>*NEW* Provide the following documents in both official languages in equal quality:</p> <ul style="list-style-type: none"> • the SOW and/or performance specifications or standards (for information on addressing international standards and specifications, refer to section 4.20.1.4); • technical evaluation criteria; • blueprints; • reports; 	L	

	<ul style="list-style-type: none"> graphics; any other technical documentation that is included as part of the tender package, or for which the client department is the originator. <p>For information on professionally sealed documents, refer to Annex 4.11 Official languages and professionally sealed documents.</p>		
3.1.2	<u>Confirmation of equal quality</u>		
NEW	Provide the contracting officer with confirmation that all applicable documents are in both official languages, and are of equal quality.	L	
3.1.3	<u>Receipt of translated documents</u>		
NEW	Receive all applicable documents required from the client in both official languages, including written attestation that all documents provided in the second language are of equal quality.		L
4 - Contract Administration			
4.1.6	Monitor, document and certify all deliverables and performance, in ensuring that official language requirements of the contract are met where applicable.		
NEW	For more information, refer to section 3.1.4 of the Guide to Official Languages in Federal Procurement .	L	C
4.1.76	Exercise payment authority, as per section 34. Process the claims for payment.	L	C

[...]

Annex 4.11 - Official languages and professionally sealed documents

I. What is a professional seal?

- A.** A professional seal constitutes the distinctive mark of a professional. It assures the document's recipient that the work meets the standards of professionalism expected of competent, experienced individuals who take personal responsibility for their judgments and decisions.
- B.** The seal's importance as a visible commitment to the standards of a profession signifies to the public that a particular professional accepted professional responsibility for the document.
- C.** Affixing the seal to a document is a statement to others that they can, with a high degree of confidence, depend upon the contents of the document for the furtherance of their projects.
- D.** The professional seal does not, however, guarantee a successful outcome to the project. The seal is not, and should not be considered, a certification mark or warranty of correctness.
- E.** For example, when a professional such as an architect or engineer has prepared or reviewed documents, they note their professional responsibility for the content by attaching and signing their professional seal. The document is then said to be "professionally sealed".
- F.** Certain regulated professions are governed by provincial or territorial regulatory bodies. It is these professional regulatory bodies that determine who must apply a seal, as well as any other conditions under which a professional seal must be applied.

II. General principles

- A.** When professionally sealed documents are published (as part of a solicitation), the French and English documents must be issued for tender, and be of equal quality.
- B.** With respect to the provincially and territorially regulated practices of architecture, engineering and geoscience, some jurisdictions do not permit issued for tender translations of professionally sealed documents by their members.
- C.** Consequently, when professionally sealed documents are available in only one official language, they must not be published. Refer to "Tendering real property construction requirements" (below) for further guidance on tendering requirements containing unilingual professionally sealed documents.

III. Sourcing professionally sealed documents

- A. Some provincial or territorial regulatory bodies permit issued for tender translations of professionally sealed documents. However, each of these regulatory bodies prescribes its own rules for their respective professional(s) involved in translating and sealing architectural, engineering or geoscience documents.
- B. In provinces or territories that permit translations of professionally sealed documents, some jurisdictions require the direct involvement of the professional who prepared the sealed documents in their original language (i.e. the original author). Other jurisdictions may allow third parties to prepare the issued for tender translations independently (i.e. without the involvement of the original author).
- C. Where regulation permits the involvement of a third party in preparing bilingual, issued for tender sealed documents, contracting officers may opt for:
 - 1. **Approach 'A' – Sourcing sealed documents and their translations separately**
When permitted, consideration should be given to separating the requirement for professionally sealed documents from their translation. Recognizing the pre-eminence of operational requirements, this approach promotes fairness and competition within the marketplace. However, contracting officers should be aware that third party firms may not be in a position to assume the liability associated with translating, and potentially sealing, another professional's sealed document(s).
 - 2. **Approach 'B' – Sourcing sealed documents and their translations together**
Contracting officers should be aware that while sourcing bilingual sealed documents through a single solicitation carries with it some advantages, most regions in Canada have firms that do not possess the capacity to provide their own translations of professionally sealed documents.
- D. Where provincial or territorial regulation does not permit the use of a third party, the contracting officer must source sealed, bilingual, issued for tender documents through a single solicitation (Approach B).
- E. Refer to “Regulatory considerations for translating professionally sealed documents (by region)” (below) for regulations applicable to architects, engineers and geoscientists licensed in each province and territory.

IV. Tendering real property construction requirements

- A. A solicitation that includes unilingual, professionally sealed documents cannot be published online. A two-phased approach may be considered to tender the requirement:
1. *Phase one:* Establish a pre-qualified supplier list. Include procurement clause 4010T that informs bidders that sealed documents forming part of the bid solicitation, are available in only one official language.
 2. *Phase two:* The bid solicitation, including sealed documents, is sent directly to the pre-qualified suppliers. With the exception of professionally sealed documents that are provided in their original language only, all other bid solicitation documents, including the resulting contract, will be provided in the supplier's preferred official language.

V. Regulatory considerations for translating professionally sealed documents (by region)

Alberta

Architecture

Provincial regulatory considerations

- For architects licensed in Alberta, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Alberta Association of Architects* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)
- [Bylaws](#)

Engineering and Geoscience

Provincial regulatory considerations

- For engineers and geoscientists licensed in Alberta, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Association of Professional Engineers and Geoscientists of Alberta* (APEGA) does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Engineering and Geoscience Professions Act](#)
- [Engineering and Geoscience Professions General Regulation](#)
- [Bylaws](#)

British Columbia

Architecture

Provincial regulatory considerations

- For architects licensed in British Columbia, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Architectural Institute of British Columbia* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)
- [Bylaws](#)

Engineering and Geoscience

Provincial regulatory considerations

- For engineers and geoscientists licensed in British Columbia, contracting officers may source professionally sealed, issued for tender documents in both official languages.
- Subject to the rules prescribed by *Engineers and Geoscientists BC* (EGBC), sealed documents and their translations may be sourced separately or together.
- For translations, EGBC specifies the following*:
“The act of translating engineering or geoscience Documents is the practice of professional engineering or professional geoscience; therefore, it is unlawful for someone who is not a Professional Registrant to translate an engineering or geoscience Document. It would also be unprofessional for a Professional Registrant to Authenticate an engineering or geoscience Document that was translated by someone who is not a Professional Registrant into a language other than their working language(s), or to Authenticate a Document that is entirely or partly in a language other than their working language(s).”

Supporting resources

- [*Guide to the Standard for the Authentication of Documents](#)
- [Professional Governance Act](#)
- [Bylaws of Engineers and Geoscientists BC](#)

Manitoba

Architecture

Provincial regulatory considerations

- For architects licensed in Manitoba, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Manitoba Association of Architects* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Manitoba Architects Act](#)
- [General By-Law](#)

Engineering and Geoscience

Provincial regulatory considerations

- For engineers and geoscientists licensed in Manitoba, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- *Engineers Geoscientists Manitoba* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [The Engineering and Geoscientific Professions Act](#)
- [Bylaws](#)

New Brunswick

Architecture

Provincial regulatory considerations

- For architects licensed in New Brunswick, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Architects' Association of New Brunswick* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)
- [General By-laws](#)

Engineering and Geoscience

Provincial regulatory considerations

- For engineers and geoscientists licensed in New Brunswick, contracting officers may source professionally sealed, issued for tender documents in both official languages.
- Subject to the rules prescribed by the *Association of Professional Engineers & Geoscientists of New Brunswick* (APEGNB), sealed documents and their translations may be sourced separately or together.
- For translations, APEGNB specifies the following*:
“Translated documents which require engineering or geoscientific judgement or which provide engineering or geoscientific direction are to be sealed by a responsible professional. If the professional is not sufficiently proficient to take responsibility for the translation, a bilingual engineer/geoscientist competent in the subject matter area should authenticate the translated portion of the document. In these cases, each responsible professional would apply their seal with a qualification of what responsibility is implied by the seal. Therefore, the bilingual professional would seal the translated portion of the document.”

Supporting resources

- [*Guideline for use of Professional Seal](#)
- [Engineering and Geoscience Professions Act](#)
- [Bylaws under the Engineering and Geoscience Professions Act](#)

Newfoundland and Labrador

Architecture

Provincial regulatory considerations

- For architects licensed in Newfoundland and Labrador, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Newfoundland and Labrador Association of Architects* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)
- [Regulations](#)
- [By-Laws](#)

Engineering and Geoscience

Provincial regulatory considerations

- For engineers and geoscientists licensed in Newfoundland and Labrador, contracting officers may source professionally sealed, issued for tender documents in both official languages.
- Subject to the rules prescribed by the *Professional Engineers and Geoscientists of Newfoundland & Labrador* (PEGNL), sealed documents and their translations may be sourced separately or together.

For translations, PEGNL specifies the following*:

“A professional member may need to have a professional document translated into another language but be unable to read the translation or determine whether the translator has correctly translated the document. Translation errors could possibly become construction errors. In such cases, the professional member should employ the services of a certified translator and obtain a written declaration that the translated text is identical in meaning to the original. If the translator is not certified by a recognized certification body, the translator’s declaration should be notarized. The professional member can then authenticate the original and translated documents.”

Supporting resources

- [*Guideline for the Authentication of Professional Documents](#)
- [Engineers and Geoscientists Act](#)
- [Regulations & By-laws](#)

Northwest Territories

Architecture

Territorial regulatory considerations

- For architects licensed in Northwest Territories, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Northwest Territories Association of Architects* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)
- [Bylaws of the Northwest Territories Association of Architects](#)

Engineering and Geoscience

Territorial regulatory considerations

- For engineers licensed in the Nunavut and the Northwest Territories, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists* (NAPEG) does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Engineering and Geoscience Professions Act](#)
- [NAPEG By-laws](#)

Nova Scotia

Architecture

Provincial regulatory considerations

- For architects licensed in Nova Scotia, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Nova Scotia Association of Architects* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)
- [Architects Regulations](#)
- [By-Laws](#)

Engineering

Provincial regulatory considerations

- For engineers licensed in Nova Scotia, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- *Engineers Nova Scotia* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Engineering Profession Act](#)
- [By-Laws and Code of Ethics](#)

Geoscience

Provincial regulatory considerations

- For geoscientists licensed in Nova Scotia, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Geoscientists Nova Scotia* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Geoscience Profession Act](#)
- [Code of Ethics](#)

Nunavut

Nunavut Land Claims Agreement (NLCA)

- Contracting officers must ensure all treaty obligations under the [Nunavut Land Claims Agreement](#) are respected throughout the procurement process.
- The [Official Languages Act](#) for Nunavut recognizes Inuktitut, Inuinnaqtun, English and French as the official languages within the territory.

Architecture

Territorial regulatory considerations

- Nunavut does not have its own regulatory body that governs the practice of architecture in the territory.
- Architects registered with any province or territory's architectural regulator may prepare sealed documents for use in real property requirements within Nunavut.
- No provincial or territorial architectural regulator has provisions for translating professionally sealed, issued for tender documents.
- For requirements in Nunavut, subject to the NLCA, contracting officers should source sealed documents in their original language.

Supporting resources

- [Practicing in Nunavut or Yukon](#)

Engineering and Geoscience

Territorial regulatory considerations

- For engineers licensed in Nunavut and the Northwest Territories, subject to the NLCA, contracting officers should source professionally sealed, issued for tender documents in their original language.
- The *Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists* (NAPEG) does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Engineering and Geoscience Professions Act](#)
- [NAPEG By-laws](#)

Ontario

Architecture

Provincial regulatory considerations

- For architects licensed in Ontario, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Ontario Association of Architects* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)
- [Bylaws](#)

Engineering

Provincial regulatory considerations

- For engineers licensed in Ontario, contracting officers may source professionally sealed, issued for tender documents in both official languages.
- Subject to the rules prescribed by *Professional Engineers Ontario* (PEO), sealed documents and their translations may be sourced separately or together.
- For translations, PEO specifies the following*:
“Practitioners are occasionally required to provide documents in a language other than their usual business language. Furthermore, practitioners must be technically fluent in the language of the document they are sealing if the language content of the document is part of its engineering content. Finally, practitioners must determine whether their language proficiency is sufficient to meet the professional standard expected of them, just as practitioners must determine in what areas they are competent to practice.”

Supporting resources

- [*Use of the Professional Engineer’s Seal](#)
- [Professional Engineers Act](#)
- [Regulations and By-laws](#)

Geoscience

Provincial regulatory considerations

- For geoscientists licensed in Ontario, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Professional Geoscientists Ontario* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Professional Geoscientists Act](#)
- [Code of Ethics of Professional Geoscientists](#)

Prince Edward Island

Architecture

Provincial regulatory considerations

- For architects licensed in Prince Edward Island, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Architects Association of Prince Edward Island* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)

Engineering and Geoscience

Provincial regulatory considerations

- For engineers and geoscientists licensed in Prince Edward Island, contracting officers may source professionally sealed, issued for tender documents in both official languages.
- Subject to the rules prescribed by *Engineers PEI*, sealed documents and their translations may be sourced separately or together.
- For translations, *Engineers PEI* specifies the following*:
“Translated documents which require engineering judgement or which provide engineering direction are to be sealed by a responsible professional. If the professional is not sufficiently proficient to take responsibility for the translation, a bilingual engineer competent in the subject matter area should authenticate the translated portion of the document. In these cases, each

responsible professional would apply their seal with a qualification of what responsibility is implied by the seal. Therefore, the bilingual professional would seal the translated portion of the document.”

Supporting resources

- [*Guideline for use of Professional Seal](#)
- [Engineering Profession Act](#)
- [By-laws and Code of Ethics](#)

Québec

Architecture

Provincial regulatory considerations

- For architects licensed in Québec, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Ordre des architectes du Québec* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Architects Act](#)

Engineering

Provincial regulatory considerations

- For engineers licensed in Québec, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Ordre des ingénieurs du Québec* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Engineers Act](#)
- [Code of Ethics of Engineers](#)
- [Guide de pratique professionnelle](#)

Geoscience

Provincial regulatory considerations

- For geoscientists licensed in Québec, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Ordre des Géologues du Québec* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Geologists Act](#)
- [Code of ethics for geologists](#)

Saskatchewan

Architecture

Provincial regulatory considerations

- For architects licensed in Saskatchewan, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Saskatchewan Association of Architects* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting documentation

- [Architects Act](#)
- [Bylaws of the Saskatchewan Association of Architects](#)

Engineering and Geoscience

Provincial regulatory considerations

- For engineers and geoscientists licensed in Saskatchewan, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- The *Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS)* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Engineering and Geoscience Professions Act](#)
- [Engineering and Geoscience Professions Regulatory Bylaws](#)

Yukon

Architecture

Territorial regulatory considerations

- The Yukon does not have its own regulatory body that governs the practice of architecture in the territory.
- Architects registered with any province or territory's architectural regulator may prepare sealed documents for use in real property requirements within the Yukon.
- No provincial or territorial architectural regulator has provisions for translating professionally sealed, issued for tender documents. Therefore, for requirements in the Yukon, contracting officers may only source sealed documents in their original language.

Supporting resources

- [Practicing in Nunavut or Yukon](#)

Engineering and Geoscience

Territorial regulatory considerations

- For engineers licensed in the Yukon, contracting officers may only source professionally sealed, issued for tender documents in their original language.
- *Engineers Yukon* does not prescribe rules that allow for issued for tender translations of professionally sealed documents.

Supporting resources

- [Engineering Profession Act](#)
- [Regulations and By-laws](#)

Annex B: Procurement clause changes

B4010T (2024-xx-xx) Sealed documents (drawings, specifications and reports)

Buyer instructions

Use the following clause when establishing a pre-qualified supplier list for requirements that contain technical documents (e.g. drawings, specifications and reports) in either English or French, and have been professionally sealed by a provincially or territorially regulated professional, including but not limited to architects, engineers and geoscientists.

Legal text

1. “Sealed document” means any document that has been sealed by a provincially or territorially licensed professional in the practice of a regulated profession.
2. Where a Sealed document forms part of a solicitation, it will be provided only in the language in which it was created.
3. Where a Sealed document forms part of any resulting contract with respect to the performance of any work, it will be in _____ (*insert “English” or “French” based on the client’s selection*), notwithstanding the language of the resulting contract’s terms and conditions.