

**Ontario Public Buyers Association
Serving You Through Sharing And
Collaboration**



Ontario Public Buyers Association (OPBA)

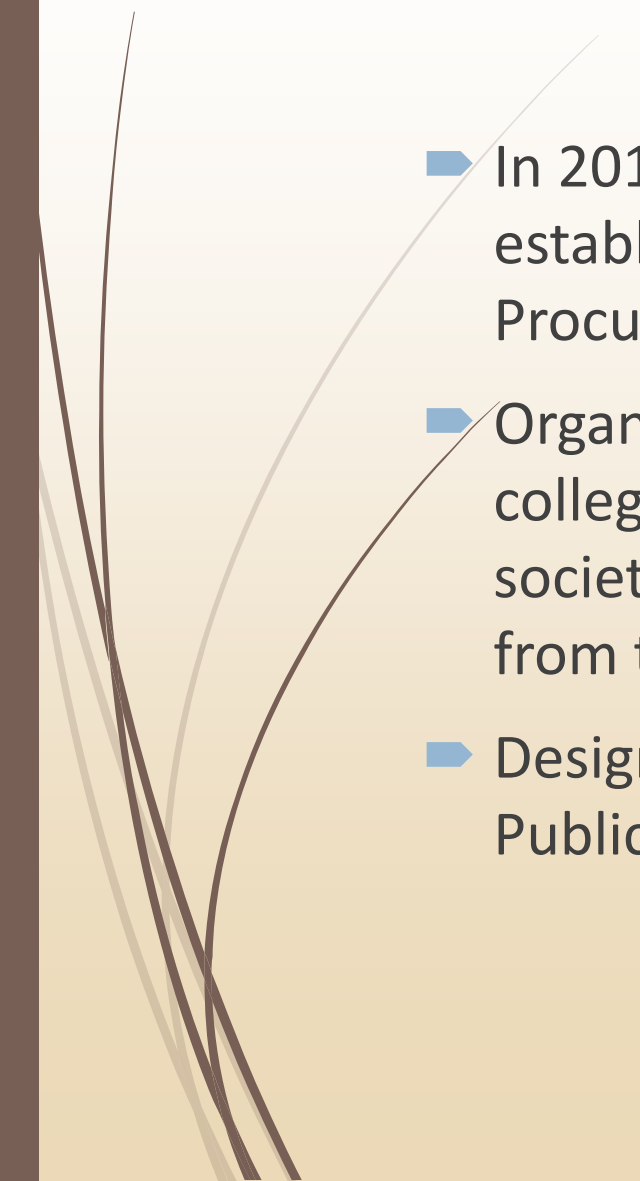
- ▶ Not-for-profit Professional Association representing Public Procurement Professionals throughout Ontario
- ▶ Promote the ethical and effective expenditure of public funds and encourage excellence in Public Purchasing through our continuing Professional Development Opportunities, the encouragement of Certification Programs and through Networking amongst our Members

Procurement in Your Organization

- In 2001, the Municipal Act was changed and introduced new legislation mandating that, starting January 1, 2005, a Municipality and a Local Board “shall adopt policies with respect to its procurement of goods and services, including policies with respect to,
 - the types of procurement processes that shall be used
 - the goals to be achieved by using each type of procurement process
 - the circumstances under which each type of procurement process shall be used
 - the circumstances under which a tendering process is not required
 - the circumstances under which in-house bids will be encouraged as part of a tendering process;
 - how the integrity of each procurement process will be maintained
 - how the interests of the municipality or local board, as the case may be, the public and persons participating in a procurement process will be protected
 - how and when the procurement processes will be reviewed to evaluate their effectiveness



Procurement in Your Organization

- In 2010, Broader Public Sector Accountability Act was enacted and established new rules for procurement in the Broader Public Sector Procurement Directive
 - Organizations designated under the Act include hospitals, school boards, colleges, universities, community care access centres, children's aid societies and organizations that receive more than \$10 million in funding from the Ontario government
 - Designated organizations were required to comply with the Broader Public Sector Procurement Directive
- 

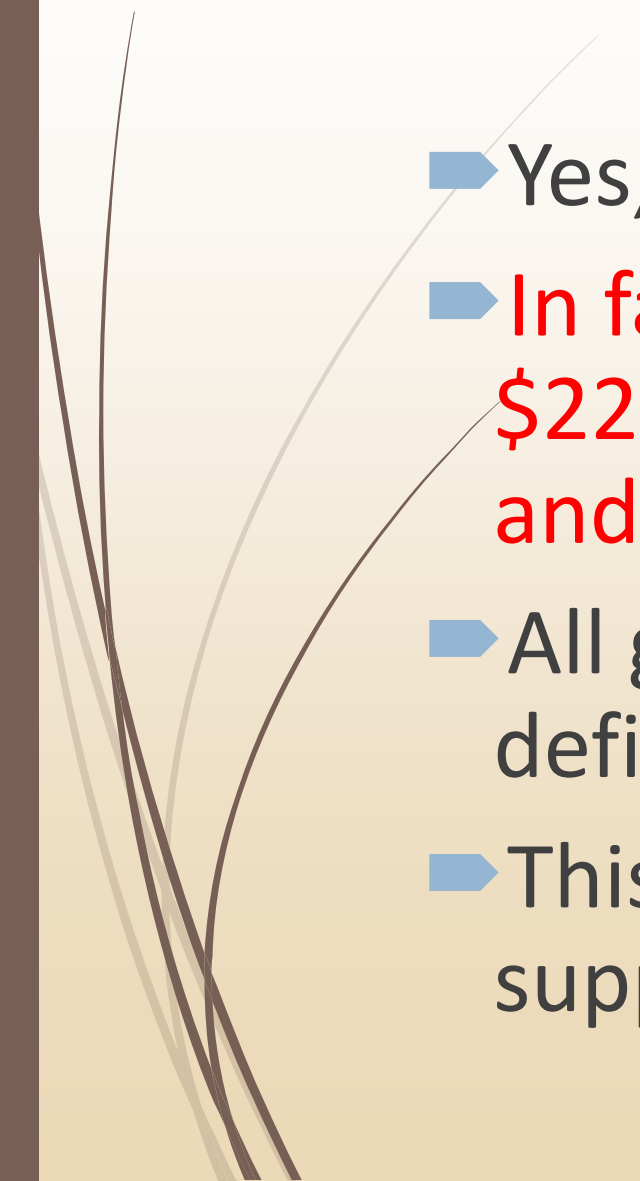


Who are our Members?

- Our members are Procurement Specialists
- Manage and/or authorize the expenditure of millions of tax dollars on behalf of Public Sector Agencies within Ontario
- Work at all levels of responsibilities in the Public Sector (Directors, Managers, Procurement Professionals, Inventory Clerks)
- Most of our Members work directly in Procurement, some have joint responsibilities with Risk Management and Finance



More than Just Pens and Pencils

- ➡ Yes, we buy paper and pencils
 - ➡ In fact, in 2017 City of Hamilton purchased over \$226K in fine paper and \$217K in pens, pencils and highlighters.
 - ➡ All goods and/or services expenditures over a defined dollar value flows through Procurement
 - ➡ This requires knowledge in more than just office supplies
- 



What Procurement Specialists do for Your Organization

- Ensures that tax dollars are spent wisely and efficiently
- Ensure fairness and transparency in your processes
- Upholds by-laws, policies (whether derived from Municipal Act, Broader Public Sector Accountability Act, Internal Governance)
- Are the liaison between your Organization and Vendors
- Last line of defence before that contract or PO goes out the door
- ***And most importantly.....***



What Procurement is Expected to Know

- ▶ An in-depth knowledge of applicable legislation and regulations, including:
 - ▶ Municipal and Educations Acts, Construction Act, Sale of Goods Act, Occupational Health and Safety Act
 - ▶ International Trade Agreements (NAFTA, CETA, CFTA)
 - ▶ Employment Standards Act (minimum wage and service contract requirements)
 - ▶ Contract and Tort law
 - ▶ Legal precedents
 - ▶ Construction, Engineering and Architects
 - ▶ Contract Administration
 - ▶ Negotiation skills

Education

- ▶ Our primary focus in serving our members is to provide them educational opportunities to grow in their profession as well as inform them of current changes in our industry.
- ▶ Two streams of development courses: OPBA courses and NIGP courses (Institute for Public Procurement)

2018 Professional Development Event Calendar



2018 Professional Development Event Calendar

Below is a snapshot of the OPBA and NIGP scheduled course offerings for 2018. Please see the Upcoming Events section of the OPBA website for course dates, descriptions and registration deadlines.

OPBA COURSES	NIGP COURSES
<ul style="list-style-type: none">• Introduction to Public Purchasing• Purchasing and the Law• Risk Management• Competitive Bidding• Advanced Competitive Bidding• Co-operative Purchasing• Introduction to Construction	<ul style="list-style-type: none">• Risk Management in Public Procurement – 2-day (accredited)• Developing & Managing RFPs – 3-day (accredited)• Contracting for Construction Services – 2-day (accredited)• Practical Specification Writing – 1-day (accredited)• Advancing Your Negotiation Skills – 2-day (accredited)

19 2018 - Issue 1 | caveatemptor



OPBA Principles Program

- Certificate Program is intended for individuals who are new to Public Purchasing or who are in an entry level position in a Public Agency Purchasing Department. The Program is designed to help candidates “hit the ground running” in Procurement.
- Program includes seven courses:
 - Introduction to Public Procurement
 - Competitive Bidding
 - Advanced Competitive Bidding
 - Risk Management
 - Procurement and the Law
 - Cooperative Procurement
 - Introduction to Construction Procurement

OPBA Principles Program

- Each course is offered “in-person” class room style and a number of times throughout the year. 4 courses are also offered through online distance learning
- In 2017, we held 20 Principles Courses throughout Ontario with over 360 people in attendance
- Instructors are Procurement Professionals who are actively working within the Procurement Profession





SEARCH



GO

JOIN
NIGP

[NSite](#) | [Renew](#) | [Shop](#) | [myliNk](#) | [Contact Us](#) | [Log In](#) |
[My Profile](#)

GROW PROFESSIONALLY

FIND PROCUREMENT RESOURCES

ATTEND EVENTS

MEMBERSHIP

ABOUT NIGP

[Home](#) / [Grow Professionally](#) / [Job Opportunities](#) / [Why Work in Public Procurement?](#)

WHY A CAREER IN PUBLIC PROCUREMENT?

PUBLIC SERVICE

First and foremost, a career in public procurement is truly a career dedicated to serving the best interests of the community. Qualities intrinsic to public procurement professionals include: a dedication to ethical practice; a belief that through best practices, government can make a positive difference in its community; a deep-seated understanding that they are custodians of the public trust, that they champion and protect the taxpayer and the tax dollar.



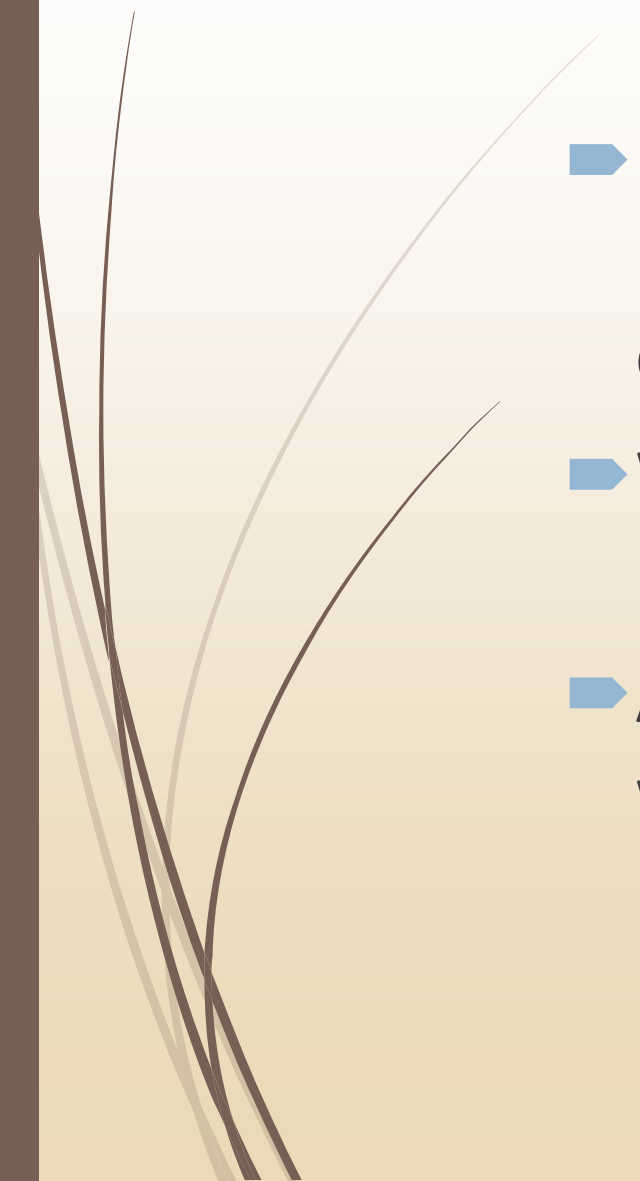


Workshops and Other Informational Sessions

- ▶ Throughout the year, OPBA holds two all-day workshops (spring and fall)
- ▶ Guest speakers present and speak about current issues, new legislation or changes affecting procurement
- ▶ 2018 Spring workshop included speakers on:
 - ▶ CETA
 - ▶ Construction Lien Act changes
 - ▶ Risk Management and Certificates of Insurance



CETA and CFTA Education

- Held 4 informational sessions in 2017 and 2018 for members to discuss and help prepare them for changes.
 - We engaged lawyers from the firms of Keel Cotrelle LLP and Blakes Cassels to present hold the sessions.
 - All handouts and material is stored on the OPBA website for easy access.
- 



CETA and CFTA – Legislated Changes

- ▶ Canadian Free Trade Agreement (**CFTA**), a Canadian Trade Agreement that replaced the Agreement on Internal Trade (AIT), and took effect on July 1, 2017
- ▶ Canada-European Comprehensive Economic and Trade Agreement (**CETA**), which came into force on September 21, 2017. Chapter 19 deals with Government Procurement

CETA and CFTA Thresholds

Procurement	Comprehensive Economic Trade Agreement (CETA)	Canadian Free Trade Agreement (CFTA)
GOODS	\$365,700	\$101,100
SERVICES	\$365,700	\$101,100
CONSTRUCTION	\$9,100,000	\$252,700

2018 Canadian dollars



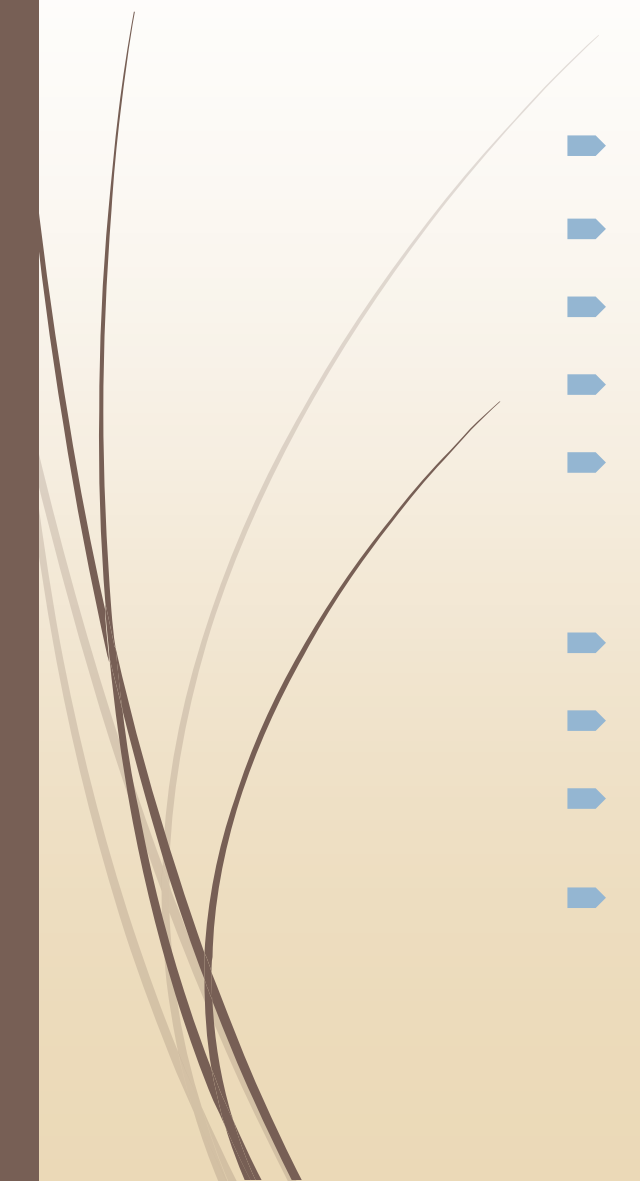
CETA and CFTA – Legislated Changes

CETA-CFTA Implementation Webinar: A Guide for Municipalities

- ▶ OPBA engaged Blakes, Cassels & Graydon to develop two compliance checklists:
 - ▶ The first focused on Governance Issues – *“Is The Procuring Authority a Covered Entity for the Purposes of CETA and CFTA and Are There any Applicable Exclusions?”*
 - ▶ The second can be used on any Specific Project – *“Is This Procurement of Goods/Services Subject to CETA and CFTA and How Do You Comply with CETA and CFTA for a Specific Project?”*
- ▶ The full video content of the Webinar and the Q&A Session which can be downloaded by members from the OPBA Website



CETA Procurement Requirements

- 
- To ensure that the rights of the bidders are not overlooked
 - Promote and support electronic processes
 - Limited Tendering and Permitted Use, Reporting Obligations
 - Fair treatment of vendors (opportunity)
 - Enhanced Debriefings and Justification - provide unsuccessful bidders with an explanation of the reasons why they were not selected, information regarding advantages of the successful vendor's bid
 - Must not impose local content
 - Not require prior experience in Ontario
 - Not require past experience within the tendering municipality
 - Bidding process must be objective and non-biased



CETA Procurement Requirements

- Procurements over the thresholds set out must be posted for a minimum of 40 calendar days
- The 40 day period can be reduced as follows:
 - 5 days if bids are posted electronically
 - 5 days if tender documents are available electronically
 - 5 days if bids are received electronically



Bill 148, Fair Workplaces, Better Jobs Act, 2017

- ▶ Act came into effect January 1, 2018 and included changes to:
 - ▶ *Hours of work and overtime*
 - ▶ *Minimum wage*
 - ▶ *Vacation time and pay*
 - ▶ *Public holidays*
- ▶ Numerous changes have affected current contracts with vendors
- ▶ Forced review of language in contracts to see how best to deal with changes/additions



Bill 142, Construction Lien Amendment Act, 2017

- From 2015 through to the introduction of Bill 142 in May 2017, the OPBA has been an active participant in Owner Group Discussions with Representatives from many Public Sector Agencies
- As a large percentage of our Membership resides in Municipal Government, the OPBA has supported the efforts to advocate for legislative changes to mitigate the unintended consequences for the Sector, including identifying gaps which needed to be addressed via the Standing Committee process.



Bill 142, Construction Lien Amendment Act, 2017

- ▶ 2018 Spring Workshop, OPBA enlisted Ted Betts, a Lawyer and Partner in Gowling WLG's Toronto office and Head of their Infrastructure and Construction Group, speak to the new Act and the changes being implemented
- ▶ The Bill has now received Royal Assent and the new Construction Act came into effect July 2018. The OPBA continues to meet with Representatives of the Owner Group to discuss strategies for how the Province could best implement this legislation
- ▶ Moving forward, OPBA will continue providing, advice, guidance and educational sessions on this new legislation for the benefit of our Membership and their respective Agencies



Construction Act – Changes Implemented

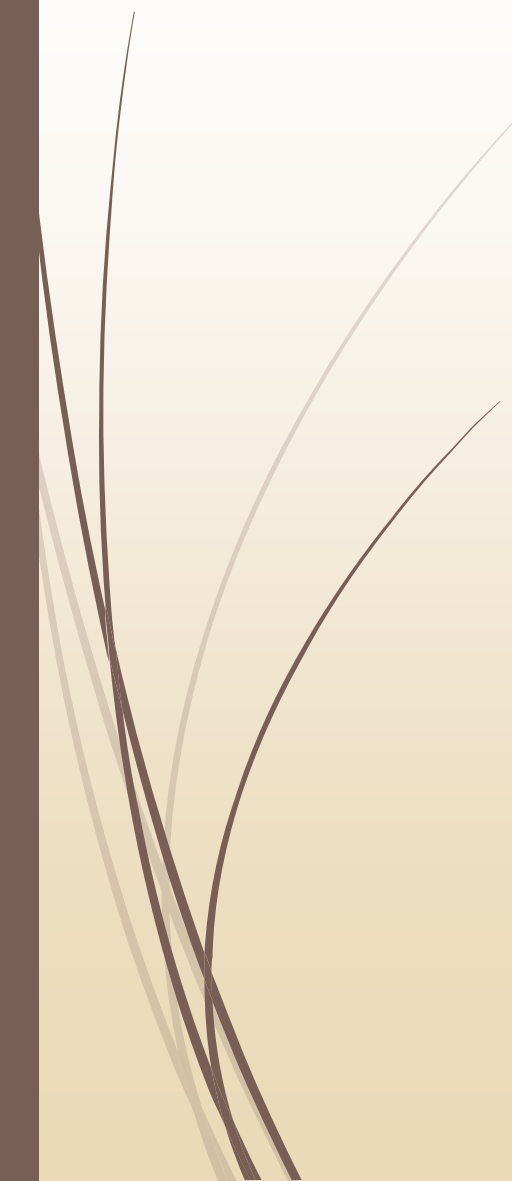
- ▶ Timing implications as to which Act takes effect; either the Construction Lien Act or current Construction Act
- ▶ For instance, if a procurement process commenced after July 1 2018, then the Construction Act would apply however if a RFPQ for the project was issued before July 2, 108, then the Construction Lien Act would apply
- ▶ Commencing a procurement process includes a RFQ, RFP, or RFT

Construction Act – Changes Implemented

- Definition of “improvement” has been amended as well as the formula to calculate Substantial Performance:
 - i. 3 per cent of the first \$1,000,000 (**previously \$500,000**) of the contract price
 - ii. 2 per cent of the next \$1,000,000 (**previously \$500,000**) of the contract price, and
 - iii. 1 per cent of the balance of the contract price

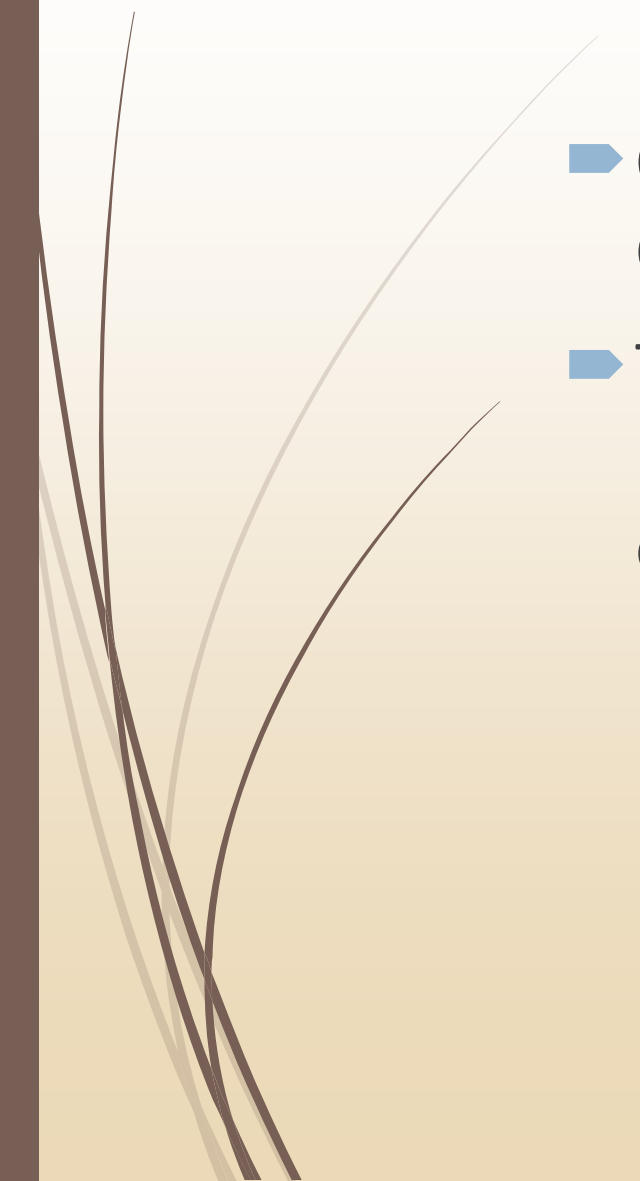


Construction Act – Changes Implemented

- ▶ Date for contractors to register a lien has changed from 45 days to 60 days
 - ▶ For Municipalities and Broader Public Sector Agencies, mandatory bonding requirements for contracts \$500,000 or greater; 50% performance bond, 50% labour and material payment bond
 - ▶ Increased “Prompt Payment” requirements coming into effect October 1, 2019. This includes timelines for the payment of amounts payable under contracts to contractors and under subcontracts to subcontractors
- 

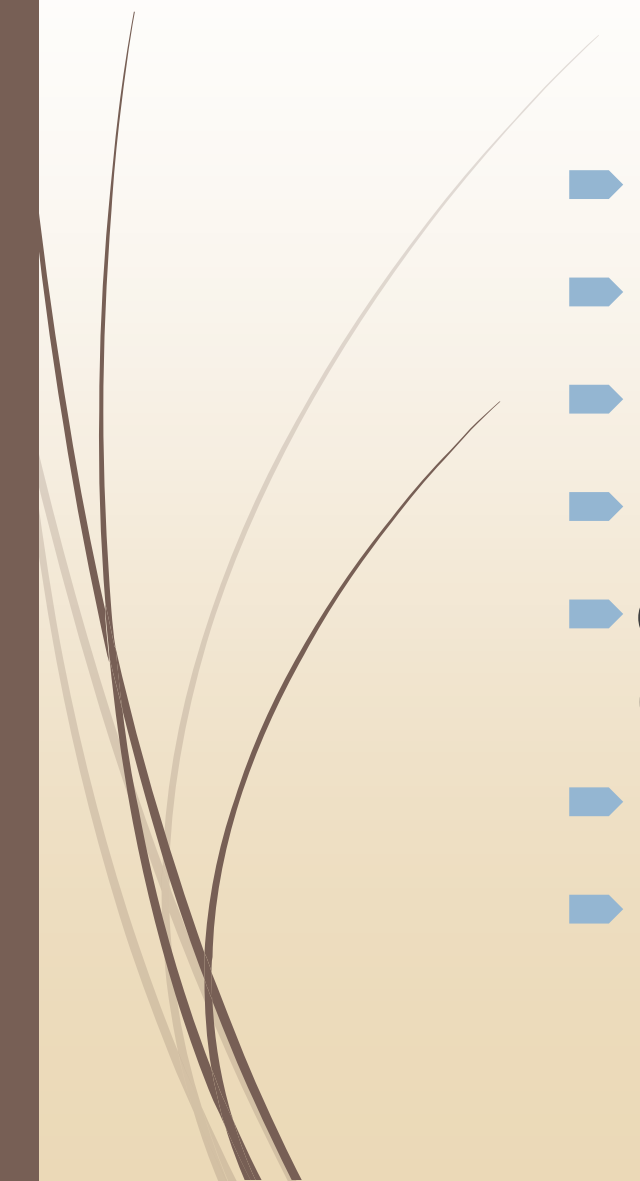


Procurement Co-operatives

- ▶ Our members participate in various Procurement Co-operatives throughout Ontario
 - ▶ These Co-ops are buying groups that pool their requirements and resources together to achieve economies of scale and buying power within the marketplace
- 



Ontario Procurement Co-ops

- Elgin Middlesex Oxford Purchasing Cooperative - EMOP
 - Halton Co-operative Purchasing Group - HCPG
 - Niagara Public Purchasing Committee - NPPC
 - Lakehead Purchasing Consortium - LPC
 - Grand River Cooperative Procurement Group - GRCPG
(formerly CPGWR)
 - Kawartha Collaborative Purchasing Group - KCPG
 - Durham Purchasing Cooperative - DPC
- 



Co-operative and Piggyback Opportunities

- Many of our agencies also chose to include a piggyback option in their bid documents
- Allows other public organizations to participate in a bid call or even an award after the fact
- For example *RESIDENTIAL WATER/WASTEWATER WARRANTY PROTECTION PLAN with **SERVICE LINE WARRANTIES OF CANADA, INC.***

Residential Water/Wastewater Warranty Protection Plan

Regional Municipality of Peel-ON	Town of Hearst-ON	Township of Southgate-ON
City of Hamilton-ON	Municipality of Callander-ON	Municipality of Bayham-ON
County of Brant-ON	Municipality of Wawa-ON	City of Windsor-ON
Town of Tecumseh-ON	Town of Atikokan-ON	City of Kenora-ON
Town of Saugeen Shores-ON	Municipality of Temagami-ON	Town of Bancroft-ON
Town of Niagara-on-the-Lake-ON	Township of Manitouwadge-ON	Township of Oro Medonte-ON
Town of South Bruce Peninsula-ON	Town of Mattawa-ON	Town of Lincoln-ON
Township of St. Clair-ON	Township of Assiginack-ON	Municipality of Port Hope
Municipality of Meaford-ON	Township of Billings-ON	Township of Dubreuilville-ON
Municipality of Grey Highlands-ON	Township of Hornepayne -ON	Town of Gananoque-ON
Township of Georgian Bluffs -ON	Town of Gore Bay-ON	City of Elliot Lake-ON
Town of Fort Frances-ON	Township of McGarry-ON	Town of Malahide-ON
Town of Arnprior-ON	Municipality of Killarney-ON	Town of Hanover-ON
Township of Edwardsburgh/Cardinal -ON	Council Pending:City of Ottawa-ON	Township of Ramara-ON
Town of Parry Sound-ON		



E-bidding Solution RFP

- Early 2017, 9 Municipalities and School Boards within Hamilton and Halton came together and issued a RFP for an E-bidding Solution which included a piggyback option
 - City of Hamilton
 - City of Burlington
 - Town of Oakville
 - Town of Halton Hills
 - Hamilton Wentworth District School Board
 - Hamilton Catholic District School Board
 - Halton District School Board
 - Halton Catholic District School Board
 - Sheridan College

E-bidding Solution RFP

- Today, more than 35 public agencies have benefited from this one competitive process
- Toronto DSB, Toronto Catholic DSB, Region of Peel, Region of York have also jumped onto the contract (or amended it to some extent) because of the competitive process Hamilton led, making it a cooperative procurement sufficing their Policies.”

Jumped Onto Contract with Amendments

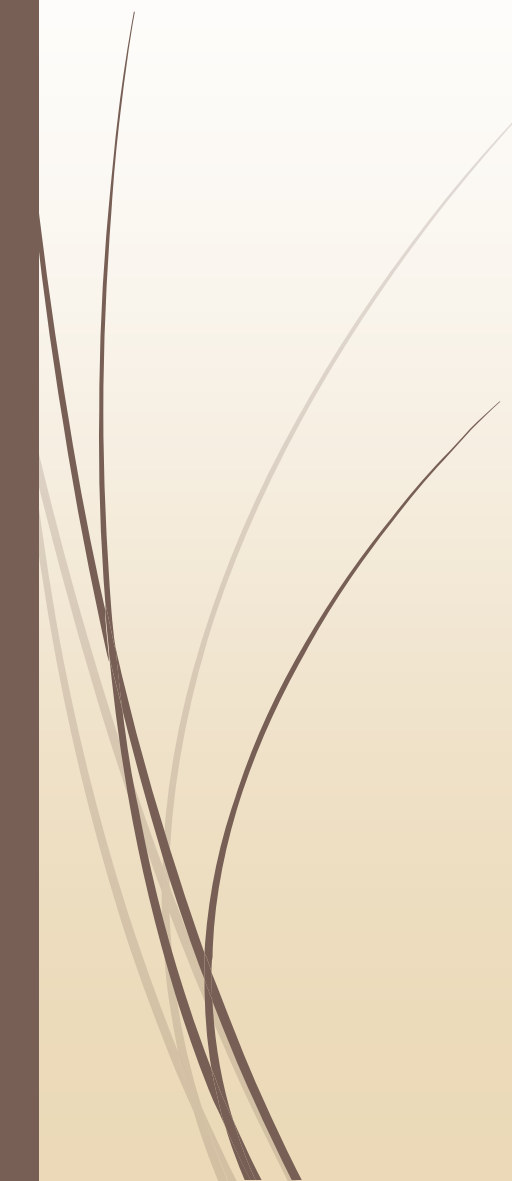
1. **Toronto District School Board**
2. **Toronto Catholic District School Board**
3. **Region of Peel**
4. **Region of York**

Signed Contract as-is

1. **Whitchurch-Stouffville**
2. **Dufferin County**
3. **The Town of Blue Mountains**
4. **City of St. Thomas**
5. **County of Elgin**
6. **Thunder Bay Public Library**
7. **Prince Edward County**
8. **City of Brockville**
9. **Town of New Tecumseth**
10. **City of Barrie**
11. **United Counties of Prescott-Russell**
12. **Limestone District School Board**
13. **Canton d'Alfred-Plantagenet Township**
14. **United Counties of Stormont, Dundas and Glengarry**
15. **Municipality of Meaford**
16. **Town of East Gwillimbury**
17. **Town of King**
18. **Town of Grimsby**
19. **St. Clair Township**
20. **Town of North Dumfries**
21. **Region of Niagara**
22. **Town of Minden Hills**



Sharing is Caring

- OPBA members have access to our website www.opba.ca
 - Specification Library, 1000s of sample bid documents
 - “MemberConnect” email group to participating members to share documents and get instant feedback
 - Member Directory
- 



[OPBA
Store](#)



[Specifications
Library](#)



[View Bid
Opportunities](#)



Upcoming Events



60th OPBA Conference - Honour the Past, Invent the Future

Sep 26 - 28, 2018

[DETAILS...](#)

Conference T-Shirt Purchase

Wed, Sep 5, 2018

[DETAILS...](#)

OPBA Introduction to Construction

Fri, Sep 7, 2018

[DETAILS...](#)

[SHOW ALL EVENTS](#)



**OPBA
Principles
Certificate
Program**

Learn more...

Specification Library

- Thousands of specifications and sample RFX documents housed in the OPBA Spec Library

**Ontario Public
Buyers Association**



HOMEABOUT USMEMBERSHIPCONTACT

Specification Library

To begin your search, select a specification category and / or enter a key word(s). To display all specifications in the library, leave the "Key Word(s)" field blank and click the "Search" button (do not use the "Enter" key on your keyboard to initiate the search).

Category:

-- None Selected --

Key Word(s):

Submit >>

ONE (1) COMMERCIAL UTILITY VEHICLE WITH EMS ERU CONVERSION	Fleet	RFT	Regional Municipality of Waterloo	2017
60000 GVW Tandem Diesel Dump Trucks with Plow Equipment	Fleet	RFT	Municipality of Clarington	2015
GPS Solution for Vehicles	Fleet	RFP	City of Pickering	2015
Heavy duty Truck and Equipment	Fleet	RFP	City of Hamilton	2013
Supply and Delivery of Articulating Long Reach Wheel Loader	Fleet	TENDER	City of Hamilton	2013
Supply and Delivery of One ton Dump Trucks of Various Configurations	Fleet	RFT	City of Hamilton	2013
Supply and Delivery of Sander and Plow Parts	Fleet	RFT	City of Hamilton	2013
1 Tonne PickUp Truck	Fleet	RFT	United Counties of Stormont, Dundas and Glengarry	2012

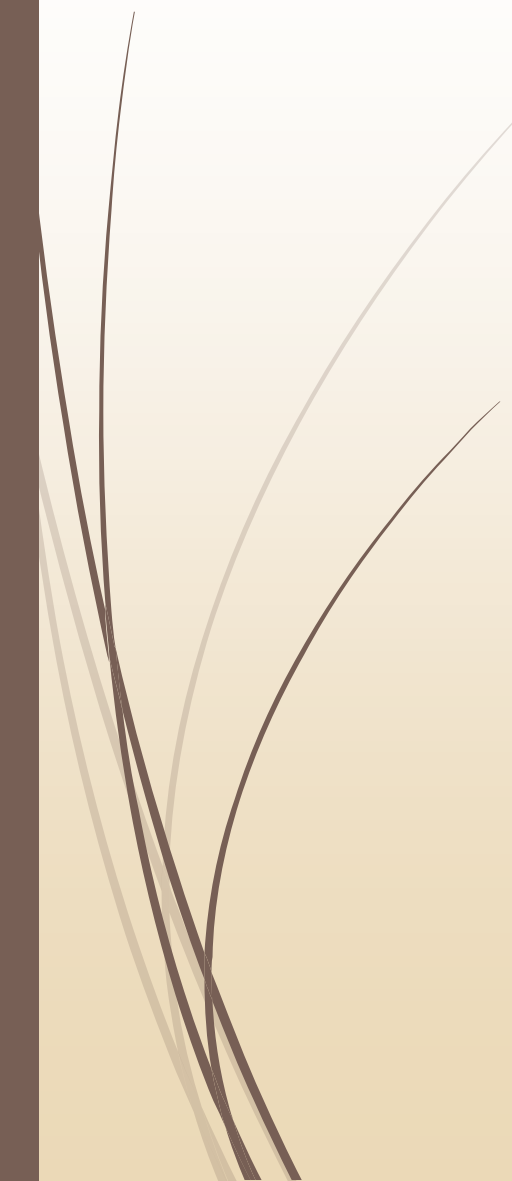


NEW: Social Procurement

- What is Social Public Procurement?
- Although “procurement” is in the title, this initiative is not about just buying goods and services.
- In its very basic form, Social Public Procurement is about using our Public Procurement Processes to “do good” within our community, to add Social Value and be conscious of Our Impact On The Environment.



Social Procurement

- City of Hamilton kick-started Social Procurement Initiative in July 2018
 - Collaborative effort of both internal City resources and the engagement of external stakeholders to launch and successfully implement.
 - Engaged external strategic social procurement expert to assist us with this initiative.
 - Hamilton's "lessons learned" and tools to implement this initiative will be shared with other Public Sector Agencies through the OPBA
- 



Key Takeaway

- Procurement in your organization adds value....its more than just buying pencils
- Your Procurement Specialists need to be knowledgeable, ethical and fair
- The Ontario Public Buyers Association is the Leader in Public Procurement within the Province of Ontario
- Give your Procurement Specialists the tools they require -
Ensure they are Members of OPBA