

# **Building Ontario Businesses Initiative – A Guide for Buyers**

**Developed by:**

Ministry of Public and Business Service Delivery and Procurement

**Version Date:** July 2024

**Table of Contents**

1. Purpose ..... 5

2. Application and Scope ..... 5

    The BOBI requirements apply to: ..... 5

    What is in scope? ..... 6

3. Key Definitions ..... 6

4. The Approaches and Strategies ..... 7

    Invitational Procurement Process ..... 7

    Open-Competitive Procurement Process ..... 8

    Non-Competitive Procurement Process ..... 9

5. Approach 1: Procurement Opportunities BELOW Domestic trade agreement thresholds ..... 10

    Strategy 1: Government entities must give preference to Ontario businesses. .... 10

6. Approach 2: Procurement Opportunities BELOW International Trade Agreement Thresholds (and above domestic trade agreement trade threshold) ..... 14

    Strategy 2: Government entities must give preference to Canadian businesses wherever feasible ..... 14

7. Approach 3: Procurement Opportunities ABOVE International Trade Agreement Thresholds ..... 16

    Strategy 3: Government entities must give preference to businesses of Ontario's trading partners where feasible ..... 16

    Strategy 4: Apply weighted domestic criteria in procurement evaluations ..... 18

Strategy 5: Include an IRTB requirement for procurements with an estimated value of \$50 million or more in specified sectors..... 22

8. Trade Exceptions and Non-Applications Provisions (Non-Competitive Procurement Process)..... 22

    Strategy 6: leverage trade agreements' non-application/limited tendering opportunities to give preference to an Ontario business wherever feasible..... 22

9. APPENDICES..... 26

    Appendix A.1. Weighted domestic criteria ..... 26

    Appendix A.2. Examples of Weighted domestic criteria..... 27

    Appendix B: Example of applying weighted domestic criteria in the procurement process ..... 37

    Appendix C: List of Trade Agreements with List of Member Countries..... 38

    Appendix D: BOBI Strategy At a Glance for the OPS Buyers..... 42

    Appendix E: BOBI Strategy At a Glance for the BPS Buyers..... 43

    Appendix F: trade thresholds..... 44

## **WARNINGS and DISCLAIMER:**

This document contains suggested terms which may be used in procurement documents issued by Ontario. Final terms used in any procurement document or contract may differ. As such, this document is not to be interpreted as creating any legal rights or obligations applicable to either Ontario or any of its bidders or contractors. Where such terms are at issue, they will be found exclusively in the procurement document or contract specifically governing the particular transaction.

This language is provided to assist users in fulfilling their obligations under the Centralization and Building Ontario Businesses Initiative the Ontario Public Service (OPS) and the Broader Public Sector (BPS) Procurement Directives.

Users should always consult with their procurement, business, and legal advisors on proper use of this document and its contents. Users should also consider their obligations under applicable procurement directives and use the appropriate procurement process.

It is strongly recommended that all users read and understand the Building Ontario Businesses Initiative (BOBI) procurement strategies before including the information in any procurement document or legal agreement. All questions on use or application of the strategies to the particular procurement should be directed to the ministry advisors or [doingbusiness@supplyontario.ca](mailto:doingbusiness@supplyontario.ca). In the event of an inconsistency between information in this Guide and a provision in a procurement directive, the provision in the applicable procurement directive prevails.

## 1. Purpose

The Building Ontario Businesses Initiative (BOBI) is a transformational province-wide program developed by the government to leverage the role public sector procurement can play in economic development. BOBI creates a level playing field that reduces barriers and provides Ontario businesses with greater access to procurement opportunities. The initiative provides the support for Ontario businesses to innovate and potentially create jobs in local communities; as well as strengthen Ontario's supply chain resiliency so the province is prepared for any future emergencies. BOBI is designed to allow the province to continue doing business with its trade partners while addressing the needs of the local economy.

This Guide is intended to provide helpful direction to buyers on how to apply the strategies under BOBI into procurement decisions and processes, as required in the Ontario Public Service (OPS) Procurement Directive and the Broader Public Sector (BPS) Procurement Directive. Both directives have been updated to enable the new strategies.

The steps in the procurement process remain unchanged while incorporating the BOBI requirements. Users should continue using existing foundational tools, guidance materials and the applicable procurement directive to navigate the overall procurement process.

## 2. Application and Scope

### THE BOBI REQUIREMENTS APPLY TO:

#### Ontario Public Service (OPS)

- Ministries
- Provincial agencies
- Ontario Power Generation
- Independent Electricity System Operator

#### Broader Public Sector (BPS)

- Hospitals
- School boards
- Colleges and universities
- Children's Aid Societies
- Shared services and group purchasing organizations.
- Publicly funded organizations that received public funds of \$10 million or more in the previous fiscal year of the Government of Ontario.

### WHAT IS IN SCOPE?

The Building Ontario Businesses Initiative (BOBI) applies to all goods and services (consulting and non-consulting services) except when procuring below \$121,200, then the procurement of the following is out of scope:

- Emergency procurements
- Procurements from any vendor of record arrangements (second stage)
- Goods or services procured for commercial sale or resale or for use in production of a good or service intended for commercial sale or resale.
- Services of a lawyer, paralegal or notary public
- Services of an expert witness to be used in a court or legal proceeding.
- A good or service that is not available from an Ontario business.

## 3. Key Definitions

**Note:** If there is a conflict between the Economic Growth Measure, Appendix B of the procurement directive and legislation, the legislation prevails.

**"Canadian Business"** means a supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Canada. The business either:

- i. has its headquarters or main office in any province or territory within Canada,  
or
- ii. has at least 250 full-time employees in any one province or territory within Canada at the time of the applicable procurement process.

**“Ontario Business”** means a supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Ontario. The business either,

- iii. has its headquarters or main office in Ontario, or
- iv. has at least 250 full-time employees in Ontario at the time of the applicable procurement process.

**Note:** This “Ontario Business” definition is prescribed by regulation under the *Building Ontario Businesses Initiative Act*.

## 4. The Approaches and Strategies

**“Bidder from a jurisdiction that has trade obligations with Ontario”** means a supplier of a country that has existing procurement-related trade obligations with Ontario. Note: A complete list of jurisdictions that have trade obligations with Ontario is available in the BOBI Guide for ease of reference (See [Appendix C.](#)).

The tables below set out the BOBI strategy and procurement method to be used at the applicable the value of the procurement.

### INVITATIONAL PROCUREMENT PROCESS

Approach	Strategy	Threshold <sup>1</sup>
<b>Below domestic trade agreement thresholds</b>	Government entities must give preference to Ontario businesses.	<p><b>OPS</b> Goods - &lt;\$30,300 Services - &lt;\$121,200</p> <p><b>BPS</b> Goods &amp; Services &lt;\$121,200</p>

---

<sup>1</sup> Thresholds are updated biannually to adjust for inflation.

## OPEN-COMPETITIVE PROCUREMENT PROCESS

Approach	Strategy	Threshold
<p><b>Below international trade agreement thresholds but above domestic trade agreement thresholds</b></p>	<p>Government entities must give preference to Canadian businesses</p>	<p><b>OPS</b> Goods &amp; Services - &lt;\$353,300</p> <p><b>BPS</b> Goods &amp; Services &gt;\$121,200</p>
<p><b>Above International trade agreement thresholds</b></p>	<p>Government entities must give preference to Canadian businesses and businesses of Ontario's trading partners.</p>	<p><b>OPS</b> Goods &amp; Services - &gt;\$353,300</p> <p><b>BPS</b> Goods &amp; Services &gt;\$353,300</p>
	<p>Apply weighted domestic criteria in procurement evaluations.</p>	<p><b>OPS</b> Goods &amp; Services - &gt;\$353,300</p> <p><b>BPS</b> Goods &amp; Services &gt;\$353,300</p>
	<p>For procurements with an estimated value of \$50 million or more, in specified sectors include an Industrial Regional and Technology Benefit (IRTB) requirement for vendors</p>	<p><b>\$50M or more</b></p>



## NON-COMPETITIVE PROCUREMENT PROCESS

Approach	Strategy	Threshold
Where non-application/limited tendering provisions are applicable	Leverage trade agreements' non-application/limited tendering opportunities to give preference to an Ontario business wherever feasible.	<p><b>OPS</b></p> <p>Refer to section on allowable exception in the OPS PD</p> <p><b>BPS</b></p> <p>Refer to applicable trade agreements</p>

## 5. Approach 1: Procurement Opportunities BELOW Domestic trade agreement thresholds

### STRATEGY 1: GOVERNMENT ENTITIES MUST GIVE PREFERENCE TO ONTARIO BUSINESSES.

#### 1. When to Use

When conducting an invitational procurement process<sup>2</sup> when the value is at or below the following values:

Procurement Type	Ministries and most agencies	School boards, publicly funded academic, health and social services entities
Goods	\$30,300	\$121,200
Services	\$121,200	\$121,200
Construction	\$121,200	\$121,200*

\*This threshold amount is based on OQTCA (domestic agreement) as of 2024.

#### 2. Description of Strategy

Wherever feasible buyers must give preference to Ontario businesses by either:

- Limiting eligibility to participate in the procurement process to one or more Ontario businesses; or

---

<sup>2</sup> An invitational competitive procurement is achieved by requesting a minimum of three (3) qualified vendors to submit a written proposal in response to the public buyers' requirements.

- applying a 10 per cent evaluation advantage to Ontario businesses that participate in the procurement process if eligibility is not limited to just Ontario businesses.

**Note:** For procurements that include both goods and services, if the value of either the goods component or services component exceeds the threshold, there is no obligation to give preference to Ontario businesses.

### 3. Application to the procurement process

#### Step 1. Procurement Planning

- Conduct market research and identify if there are Ontario businesses (as defined in [Section 3](#)) that are qualified to provide the goods or services being sought.
- To assist, public sector buyers can refer to available databases of Ontario businesses such as, but not exclusive to:
  - [Ontario Business Registry](#)
  - Canada's [Indigenous Business Directory](#)

**Note:** These databases are not a comprehensive and exhaustive list of Ontario businesses but are starting points for aiding buyers in conducting market research.

- Seek appropriate approvals.

#### Step 2. Procuring

- Draft the procurement document that's used for an invitational process.
- The procurement document must clearly set out how preference will be given to Ontario businesses, whether that is by:
  - limiting eligibility to Ontario businesses; or
  - allocating a 10 per cent evaluation advantage to Ontario businesses that participates in the procurement process. In a procurement that is

price only, a 10% evaluation advantage could be applied to the bid price submitted by Ontario businesses. Please note this is only for evaluation only and the contract amount will be based on the vendors submitted bid.

- Send out the invitations per requirements in the procurement directives.

### **Step 3. Evaluation of Responses**

- Evaluate submissions based on the published criteria.

### **Step 4. Contract Development**

- Contract award
- Debrief suppliers.

### **Step 5. Contract Management & Close Out**

- No change in the current process

## 4. Putting it into Action

### Scenario 1

Three businesses are invited to submit a bid for the provision of goods. Since an out-of-province vendor was invited to submit a bid, a 10 percent-evaluation advantage is added to the total evaluated score of all bids submitted by Ontario businesses. As a result, Vendor A has the highest overall cumulative score and is awarded the contract.

Name of Vendor	Meets Definition of an "Ontario Business"	Evaluated Score	Overall Cumulative Score After Applying the Evaluation Advantage to "Ontario Businesses"
<b>Vendor A:</b> Headquarters in Midland, Ontario	YES	87 out of 100	95.7 out of 100
<b>Vendor B:</b> Out-of-province and is not an "Ontario Business" as that term is defined.	NO	91 out of 100	Remains the same
<b>Vendor C:</b> Main office in Toronto, Ontario	YES	75 out of 100	82.5 out of 100
<b>Vendor D:</b> Headquarters in Edmonton, Alberta but has at least 250 full-time employees in Ontario at the time of the applicable procurement process	YES	77 out of 100	84.7 out of 100

## 6. Approach 2: Procurement Opportunities BELOW International Trade Agreement Thresholds (and above domestic trade agreement trade threshold)

**STRATEGY 2: GOVERNMENT ENTITIES MUST GIVE PREFERENCE TO CANADIAN BUSINESSES WHEREVER FEASIBLE.**

### 5. When to Use

When conducting an open-competitive procurement process<sup>3</sup> where the value of the procurement is below the following values:

Procurement Type	Ministries and most agencies	School boards, publicly funded academic, health and social services entities
Goods	\$353,300	\$353,300
Services	\$353,300	\$353,300
Construction	\$8,800,00	\$8,800,00

### 6. Description of Strategy

- Wherever feasible preference must be given to Canadian businesses by either:

---

<sup>3</sup> An open competitive procurement is achieved, at a minimum, by issuing procurement documents using a designated electronic tendering system (e.g., Ontario Tenders Portal, MERX, etc.).

- limiting eligibility to participate in the procurement process to Canadian businesses; or
- if eligibility is not limited to Canadian businesses, then allocate a 10 per cent evaluation advantage to Canadian businesses that participate in the procurement process.

If the buyer wishes to include any other strategies, then they may do so.

## 7. Application to the procurement process

### Step 1. Procurement Planning

- Conduct market research and identify if there are Canadian businesses that qualify to provide the goods or services being sought.
- Seek appropriate approvals.

### Step 2. Procuring

- Draft the procurement document (e.g., Request for Bids).
- The procurement document must clearly set out the manner by which preference will be given to Canadian businesses, whether that is by:
  - limiting eligibility to Canadian businesses; or
  - allocating a 10 per cent evaluation advantage to Canadian businesses that participate in the procurement process.
- Post tender on the organization's electronic tendering portal.

### Step 3. Evaluation of Responses

- Evaluate submissions based on the published criteria.

### Step 4. Contract Development

- Contract award.

- Debrief suppliers.

#### **Step 5. Contract Management & Close Out**

- No change in the current process

## **7. Approach 3: Procurement Opportunities ABOVE International Trade Agreement Thresholds**

When applying the above trade agreement thresholds approach, buyers are required to use one or more of the following strategies, wherever feasible.

For clarity, more than one of the strategies may be used together. For example, the weighted domestic criteria strategy may be used with limiting an opportunity to Ontario trading partners.

1. Government entities must give preference to Canadian businesses and businesses of Ontario's trading partners,
2. Apply weighted domestic criteria in procurement evaluations (e.g., vendors to demonstrate how they meet Ontario's environmental and labour standards).
3. For procurements with an estimated value of \$50 million or more in specified sectors, include an Industrial Regional and Technology Benefit (IRTB) requirement for vendors. The IRTB requires vendors bidding on large procurements to detail how their proposals would provide local economic benefits for the province.

### **STRATEGY 3: GOVERNMENT ENTITIES MUST GIVE PREFERENCE TO BUSINESSES OF ONTARIO'S TRADING PARTNERS WHERE FEASIBLE.**

#### **8. When to use**

For procurements with values at or above international trade agreement thresholds.

#### **Description of Strategy**



Government entities must give preference to Canadian businesses and businesses of Ontario's trading partners (refer to [Appendix C](#) for the list of Ontario Trading partners).

## 9. Application to the procurement process

### Step 1. Procurement Planning

- Conduct market research.
- Seek appropriate approvals.

### Step 2. Procuring

- The procurement document must clearly set out the manner by which preference will be given to Canadian businesses and businesses of Ontario's trading partners by:
  - limiting eligibility to Canadian businesses and Ontario's trading partners.
    - For example: Is the vendor from a jurisdiction that has trade obligations with Ontario and/or Canada? If yes, please identify which jurisdiction and the relevant trade agreement(s) that apply to that jurisdiction.
- Post tender on the organization's electronic tendering portal.

### Step 3. Evaluation of Responses

- Ensure that the submission(s) includes an attestation from the business stating it is a Canadian business or from a jurisdiction of an Ontario trading partner (refer to Appendix C) or include a mandatory eligibility requirement. Where a vendor fails to meet the mandatory eligibility requirement as identified in the procurement document, no further evaluation of that vendor's submission may take place.
- Evaluation of rated criteria

#### **Step 4. Contract Development**

- Contract award.
- Debrief suppliers.

#### **Step 5. Contract Management and Close Out**

- No change in the process

### **STRATEGY 4: APPLY WEIGHTED DOMESTIC CRITERIA IN PROCUREMENT EVALUATIONS.**

#### **Description of Strategy**

- This approach requires public sector buyers to factor in social and economic development benefits while considering relevant trade obligations and associated trade risks when procuring goods and services.
- The intent of applying weighted domestic criteria in the evaluation process is to level the playing field for Ontario businesses, which is why weighted domestic criteria should only be included if an Ontario business exist in that market. Consideration is given to factors such as social and ethical responsibilities (e.g., environmental, labour, safety and equity standards), which might not be in place in other jurisdictions (examples are presented in the table below).

#### **When to use**

- Public sector buyers should conduct market research to determine whether an Ontario business exists. This may include but is not limited to conducting a request for information (RFI) to determine which vendors are within the relevant market. Please refer to procurement planning tools available under the tools and templates [InsideOPS](#).
- The evaluation of weighted domestic criteria fit within a typical evaluation process and can be included as part of the evaluation of rated criteria. While

there are variations of the evaluation process, an example of a typical three-stage evaluation process is:

- Step 1.** Evaluation of the Mandatory Requirements which are pass/fail.
- Step 2.** Evaluation of the Rated Criteria including Weighted Domestic Criteria.
- Step 3.** Evaluation of Pricing.

**Examples of Weighted Domestic Criteria:**

The table below contains a list of examples of various types of weighted domestic criteria and a corresponding description. This is not a comprehensive list and buyers may identify other criteria that suit their procurements.

Note these are categories of weighted domestic criteria which are meant to serve as a guide and are not intended to be copied verbatim. Since each procurement is unique, the weighted domestic criterion must be relevant to the specific procurement and buyers are to develop the associated evaluation questions.

The selected weighted domestic criteria should be clearly relevant to the sector or item being procured, and the rationale for how the weighted domestic criteria will impact the procurement should be easily explained.

Domestic Criteria	Description
Supply Chain Security	Supply chain security, where delay in the provision of goods and/or services would impact the government or Ontarians adversely
Business Responsiveness	Proposed response time, turn-around and/or in-person resolution at the site
Landed Cost and Emissions	Environmental impact associated with the transportation/provision of goods or services, e.g., CO <sub>2</sub> emissions
Environmental and Sustainability	Ability to demonstrate that they meet or exceed Ontario environmental laws where goods or services are produced

Intellectual Property	Creation of intellectual property in Ontario, use/commercialization of Ontario intellectual property, or innovation and technology adoption
Labour	Ability to demonstrate that they meet or exceed Ontario labour laws where goods or services are produced
Local Benefit*	Capital investment; use of local supply chain (including SME suppliers); skills development and training programs; innovation through research & development; Ontario-based export potential; potential to benefit small town, rural, businesses
Local Knowledge*	Knowledge and experience in Ontario with impacted stakeholders; development of Ontario based knowledge and expertise
Local Materials/Content*	Use of local materials for goods/content; potential job creation; small business development; community revitalization

\* When applying the following weighted domestic should have a maximum weight should of no more than 5 percent.

See [Appendix A](#) and [Appendix B](#) for further details on the weighted domestic criteria and for examples on how and when weighted domestic criteria can be used.

## Application to the procurement process

### Step 1. Procurement Planning

- Conduct market research and identify if there are Ontario businesses (as defined in Section 3) that are qualified to provide the goods or services being sought.
- Research and develop weighted domestic criteria that are appropriate and relevant for the procurement.
- Determine the weighted domestic criteria relevant to the procurement based on:
- market analysis,

- identified risk(s)
- significance of the impact that the domestic criterion would have on the business requirements.
- Consult with public sector buyer's legal counsel for risk assessment and mitigation strategy.
- Seek appropriate approvals.

### **Step 2. Procuring**

- Draft the procurement document (e.g., Request for Bids), to include weighted domestic criteria in the technical stage of the evaluation process.
- Cumulative weight of the domestic criteria is recommended to be between 25% to 45% of the total evaluation score.
- Post tender on the organization's electronic tendering portal.

### **Step 3. Evaluation of Responses**

- Evaluate per the procurement document.

### **Step 4. Contract Development**

- Contract award.
- Debrief suppliers.

### **Step 5. Contract Management and Close Out**

- No change in the process

## **STRATEGY 5: INCLUDE AN IRTB REQUIREMENT FOR PROCUREMENTS WITH AN ESTIMATED VALUE OF \$50 MILLION OR MORE IN SPECIFIED SECTORS**

### **When to use**

- The Industrial Regional and Technology Benefit (IRTB) applies to all procurements valued at \$50M and above, related to **construction, infrastructure, environment, and Information Technology (I.T)** and where trade flexibilities apply.
- For procurements with a value of \$50M or more and which are not in one of the targeted sectors above, buyers are not required to include this requirement in their procurements.

### **10. Description of Strategy**

- The Industrial Regional and Technology Benefit (IRTB) strategy is designed to increase the local economic benefits gained from large procurements made by Ontario's public sector.

**Note:** For buyers incorporating the IRTB strategy please reach out to Supply Ontario for guidance.

## **8. Trade Exceptions and Non-Applications Provisions (Non-Competitive Procurement Process)**

### **STRATEGY 6: LEVERAGE TRADE AGREEMENTS' NON-APPLICATION/LIMITED TENDERING OPPORTUNITIES TO GIVE PREFERENCE TO AN ONTARIO BUSINESS WHEREVER FEASIBLE.**

#### **When to use:**

- Where possible, utilize provisions and exceptions contained within the applicable trade agreements to direct procurements towards Ontario businesses.

- Certain allowable exceptions exist whereby government entities, subject to appropriate procurement approval authority, can use a non-competitive procurement process. <sup>4</sup>
- Subject to appropriate procurement approvals, non-competitive procurement of goods, consulting and non-consulting services are only allowed under the following circumstances:
  - a) Where an unforeseen situation of urgency exists and the goods, consulting services, services or construction cannot be obtained by means of a competitive procurement process.
  - b) Where goods, consulting or non-consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through a competitive procurement process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest.
  - c) Where a competitive process could interfere with the government's ability to maintain security or order or to protect human, animal or plant life or health d) Where there is an absence of any qualified bids in response to a competitive procurement process.
  - d) Where the Procurement is in support of Aboriginal peoples.
  - e) Where the Procurement is with a public body.
  - f) Where only one supplier is able to meet the requirements of a Procurement in the following circumstances:

---

<sup>4</sup> Non-competitive procurements include single source and sole source procurement processes. All non-competitive procurements are subject to appropriate approvals.

- i. To ensure compatibility with existing products and services.  
Compatibility with existing products or services may not be allowable if the reason for compatibility is the result of one or more previous non-competitive Procurements.
  - ii. To recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representatives.
  - iii. For the Procurement of goods and services the supply of which is controlled by a supplier that has a statutory monopoly.
- The following additional circumstances in which non-competitive Procurements are allowed only apply to goods and non-consulting services, subject to appropriate procurement approvals:
  - h) Where an award is made under a co-operation agreement that is financed, in whole or in part, by an international organization only to the extent that the agreement includes different rules for awarding Contracts.
  - i) Where construction materials are to be purchased and it can be demonstrated that transportation costs or technical considerations impose geographic limits on the available supply base, specifically in the case of sand, stone, gravel, asphalt compound and pre-mixed concrete for use in the construction or repair of roads.
  - j) Where only one supplier is able to meet the requirements of a Procurement in the following circumstances:
    - i. For the purchase of goods on a commodity market.
    - ii. For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.
    - iii. For work to be performed on property by a Contractor according to provisions of a warranty or guarantee held in respect to the property or original work.
    - iv. For a Contract to be awarded to the winner of a design contest.



- v. For the Procurement of a prototype or a first good/service to be developed in the course of research, experiment, study, or original development but not for any subsequent purchases.
- vi. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases.
- vii. For the Procurement of original works of art.
- viii. For the Procurement of subscriptions to newspapers, magazines or other periodicals.
- viii. For the purchase of real property.

## 9. APPENDICES

### Appendix A.1.

#### WEIGHTED DOMESTIC CRITERIA

The Inclusion of any weighted domestic criteria is procurement specific and should reflect knowledge of the marketplace, key vendors, risk mitigation strategies, and availability of vendors to support the procurement requirements:

- When to use domestic criteria (e.g., did the market research identify that there are Ontario businesses that can provide the service/good that is being acquired?).
- Which domestic criteria would be appropriate (e.g., is the market environment similar across jurisdictions or do Ontario suppliers have regulations that need to be met that other jurisdiction do not have?); and
- Weighting of the selected domestic criteria (e.g., understanding of the competitive nature of the market). Is the buyer able to get the supplier that is needed to provide the requirements? Is it a price driven market; is it the complexity of the procurement?
- Are buyers managing risks with the selected domestic criteria?
- Public sector buyers must consult with appropriate advisors such as, business, policy, and legal advisors (including trade lawyers) for risks related to evaluation criteria. As per the standard process, public sector buyers must obtain appropriate approvals. It is also important to ensure that sufficient research has been conducted to identify the appropriate weighted domestic criteria, and relevant subject matter experts (e.g., environmental standards or labour laws) have been consulted. See the examples below which are not exhaustive lists.

## Appendix A.2.

### EXAMPLES OF WEIGHTED DOMESTIC CRITERIA

**Note:** when using any of the following weighted domestic criterial, the maximum weight that is assigned should be no more than 5%:

1. Local Benefit
2. Local Knowledge
3. Local Content/Material

#### 1. Supply Chain Security

##### When to Use

Include in procurements where a delay in the provision of goods or services might adversely impact the government or Ontarians.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
<p>Are you able to deliver the required goods/services per the critical delivery schedule and location specified in the RFB? Yes/No</p>	<p>Vendors can provide the required goods/services in a timely manner.</p>
<p>Provide details on how you plan to deliver the required goods/services per the critical delivery schedule and location specified in the RFB?</p>	<p>Vendor’s delivery plan, logistics and method to ensure timely delivery of the required good/services.</p>
<p>In an emergency, can you ensure an uninterrupted supply of the required goods?</p>	<p>Vendor’s logistic/warehousing capability plan to provide uninterrupted supply of the required goods in an emergency.</p>
<p>Does your organization have business continuity and disaster recovery plans in place to maintain or quickly resume any</p>	<p>Vendor has a business continuity plan in place which would ensure uninterrupted supply of goods or services.</p>

<p>delivery of goods or services you provide to us?</p> <p>Are there processes in place to ensure business continuity management arrangements are tested and reviewed?</p>	<p>Vendor's business continuity plans have been tested and proven to work.</p>
--	--

## 2. Business Responsiveness

### When to Use

Include in procurements where the suppliers of goods and services are required to respond within a specific response time, turn-around and/or in-person resolution at the site.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
Describe how your organization can ensure on-time delivery.	Vendor's logistics capability to deliver as per the requirement of the RFB.
Describe how your organization will be responsive and on-site as per the schedule outlined in the RFB.	Vendor's capability to deploy resources to provide on-site issues resolution.
Describe how your organization will provide on-site services to resolve technical breakdown issues within XX hours of receiving communication from the ministry.	Does the vendor have an existing conflict resolution or escalation process in place?

## 3. Local Knowledge

### When to Use

Include in procurement where a vendor's Ontario specific knowledge and/or experience is relevant to elements and the successful delivery of the project. This includes the vendor's understanding of the local landscape including such matters as policy, regulations, legislation and/ or stakeholder relations that can impact the provision of services and effective completion of a project.

For example, when constructing a building a vendor would have to be able to demonstrate an understanding of permits requirements, utilities, building codes, health and safety requirements, and skilled trades all of which are critical for effective delivery of the project.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
Describe your experience with the climatic and environmental requirements in Ontario/Canada.	Vendor's knowledge of Ontario's environmental laws and requirements.
What regulatory, bylaw and licensing requirements will impact this project?	Vendor's understanding of Ontario's laws required in the delivery of a procurement.
Describe your organization's labour codes, workers compensation and safety regulations.	Vendor has demonstrated that its labour codes, workers compensation and safety regulations meet Ontario's standards.
Describe the building codes and any applicable local codes impacted by the requirement in this procurement.	Vendor's understanding of Ontario's building codes.
Provide proof of Ontario professional licensing requirements or equivalent	Vendor has the required certification or license to provide the required services.

## 4. Environmental and Sustainability

### When to Use

Include if goods and services are impacted by existing Ontario or Canadian environmental considerations. Vendors would need to demonstrate how they meet or exceed Ontario's environmental laws where the good or service is produced.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
Provide your organization's written environmental policy?	Vendors have an environmental policy in place.
Provide evidence of compliance to Ontario's environmental requirements. (e.g., recycling, waste management, etc.)	Vendor complies with Ontario's environmental requirements.
Provide a third-party report on your environmental performance.	Vendor is compliant with existing Ontario environmental requirements (e.g., Disposal of hazardous materials).
Does the company have ISO 140001 certification (the international standard that specifies requirements for an effective environmental management system) or equivalent?	Vendor has a certified environmental management system like ISO 140001 or another recognized certification.
Is your product made from renewable resources?	Vendor's products are produced using sustainable/renewable resources.
Describe your organization's waste management policy?	Vendor's waste management policy meets Ontario/Canada's waste policy requirements.

## 5. Local Material/Content

### When to Use

Include in procurements of goods and services which may require that vendors use local materials from Ontario or within Canada for goods and/or resources, which may in turn contribute to potential job creation, small business development, and community revitalization.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
<p>Does your organization have a program that benefits local Ontario communities? If so, please describe how your organization benefits local Ontario communities?</p> <p>Does your organization have a defined yearly target allocated exclusively to benefit a sector or sectors in your local Ontario community? If so, what is your annual target?</p> <p>Identify the name or names of the organization/s in your local Ontario community that have benefited from your organization's local community program/s and describe how these local community organizations benefit from your program.</p> <p>Does your organization have an apprenticeship program that benefits an Ontario learning institution?</p>	<p>Vendor has an existing program/policy that benefits the local community.</p> <p>Vendor has a yearly financial commitment which supports the local economy which may include monetary value/target, volunteer hours, other in-kind resources and supports (e.g., internship, apprenticeship, etc.).</p> <p>Vendor has an existing partnership with local schools and universities.</p> <p>Company apprenticeship program and/or agreement can be viewed.</p>

## 6. Landed Cost and Emissions

### When to Use

Include in procurements of goods and services which may directly/indirectly impact landed cost and emissions, fossil fuels and other sources of greenhouse gases through a vendor's choice of transportation/provision of goods or services, e.g., CO2 emissions.



The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
<p>Can you provide a copy of your organization's environmental policies?</p> <p>What distance will be travelled to transport the required goods and services to the location(s) where they are needed?</p> <p>What transportation method will be used (i.e., rail, road, sea, air). What is the offset of any CO2 emissions (if required)? Are there other ways in which to self-identify a capacity for minimizing CO2 emissions in delivery of goods and services?</p>	<p>Vendor's commitment to the environment, as evidenced by its existing environmental policies.</p> <p>The distance that the vendor would need to travel to fulfill delivery of the required goods and/or services.</p> <p>CO2 emissions resulting from delivery, based on examples of orders (e.g., volume, location).</p>

## 7. Labour

### When to Use

Include in procurements where elements such as wages, benefits and working conditions will significantly impact the cost of doing business. This criterion requires that vendors demonstrate that they meet or exceed Ontario labour laws where the good or service is produced.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
<p>Does the bidder meet or exceed the following criteria established under Ontario's Employment Standards Act with regard to?</p> <p>Hours of work, eating periods and rest periods</p> <p>Payment of wages</p> <p>Overtime pay</p> <p>Minimum wage, etc.</p>	<p>Vendor meets or exceeds the requirements established under <i>Ontario's Employment Standards Act</i>.</p>

## 8. Local Benefit

### When to Use

Include in procurements where there is an opportunity to support Ontario based sub-contractors, training programs or support research & development, potential to benefit small town and or rural businesses. The purpose of the criterion is to evaluate the benefits that any vendor would bring to the local area.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
<p>Describe how and when the vendor will use the local workforce, local vendors, local manufacturers, local contractors, and local apprentices/trainees to achieve the project goals or produce the requested goods.</p> <p>What is the value of the budget to be allocated to local subcontractors?</p> <p>Describe the number of local apprenticeships, internships and traineeships supported by vendor.</p> <p>Describe your organization's diversity programs.</p>	<p>Vendor's use of locally produced commodities.</p> <p>Vendor's use of local resources to provide the required services.</p> <p>Vendor's apprenticeship programs which benefit local schools and training centres.</p> <p>Vendor's commitment to supporting diversity by way of policy and programs.</p>

## 9. Intellectual Property

### When to Use

Include in procurements where there is an opportunity to build capacity for Ontario businesses through the development of new and innovative solutions, unique, or specialized products with strong innovation potential that could be harnessed through greater investment in research and development.

The following are examples of sample questions that can be included in a procurement document and how the responses can be assessed.

Sample Questions	What to Assess?
<p>Explain how you understand the requirement/challenge and provide your proposed innovative solution.</p> <p>Explain how your organization will involve an Ontario learning institution with the research and development related to your proposed solution.</p> <p>Has your company marketed and sold solutions developed in partnership with Ontario learning institutions? If so, how many proprietary products have you developed?</p>	<p>The number of proprietary products that had been developed by the vendor in partnership with an Ontario learning institution.</p> <p>The vendors R&amp;D activities benefit a local learning institution.</p> <p>Proof of solutions developed by the vendor in partnership with an Ontario learning institution.</p>

**APPENDIX B: EXAMPLE OF APPLYING WEIGHTED DOMESTIC CRITERIA IN THE PROCUREMENT PROCESS**

Current		Proposed	
Criteria	Weighting	Criteria	Weighting
Experience	<b>25%</b>	Experience	<b>15%</b>
AODA Compliance	<b>5%</b>	AODA Compliance	<b>5%</b>
Knowledge	<b>15%</b>	Knowledge	<b>15%</b>
Project Approach	<b>15%</b>	Project Approach	<b>10%</b>
Customer Service	<b>10%</b>	Customer Service	<b>10%</b>
		<b>Environmental and Sustainability</b>	<b>10%</b>
		<b>Business Responsiveness</b>	<b>10%</b>
		<b>Local Benefits</b>	<b>5%</b>
Pricing	30%	Pricing	<b>20%</b>

New weighted domestic criteria included in the rated criteria.

## APPENDIX C: LIST OF TRADE AGREEMENTS WITH LIST OF MEMBER COUNTRIES

### 1. Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

As of July 12, 2023, the CPTPP was in force for all 11 Parties listed below.

The UK signed an accession protocol to the CPTPP on July 16, 2023. The CPTPP will enter into force for the UK once all CPTPP members and the UK complete their respective ratification processes.

#### Parties to the Agreement:

- |              |                |                    |
|--------------|----------------|--------------------|
| 1. Australia | 5. Japan       | 9. Peru            |
| 2. Brunei    | 6. Malaysia    | 10. Singapore      |
| 3. Canada    | 7. Mexico      | 11. Vietnam        |
| 4. Chile     | 8. New Zealand | 12. United Kingdom |

**Source:** <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/index.aspx?lang=eng>

### 2. World Trade Organization Revised Agreement on Government Procurement (WTO GPA)

The WTO Revised Agreement on Government Procurement (WTO GPA) has 22 parties (covering 49 WTO members, counting the European Union and its 27 member states as one party). This 2012 WTO GPA came into force for all parties on January 1, 2021.

#### Parties to the Agreement

1. Armenia
2. Australia
3. Canada
4. European Union (and its 27 member states): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, and Sweden

5. Hong Kong, China
6. Iceland
7. Israel
8. Japan
9. Korea, Republic of
10. Liechtenstein
11. Moldova, Republic of
12. Montenegro
13. Netherlands with respect to Aruba
14. New Zealand
15. North Macedonia
16. Norway
17. Singapore
18. Switzerland
19. Chinese Taipei
20. Ukraine
21. United Kingdom
22. United States (37 states that are subject to the WTO GPA, specifically:  
Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida,  
Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland,  
Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New  
Jersey, New York, Nebraska, New Hampshire, Oklahoma, Oregon,  
Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont,  
Washington, Wisconsin, and Wyoming)

**Source:** [https://www.wto.org/english/tratop\\_e/gproc\\_e/memobs\\_e.htm](https://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm)

## 1. Canada-European Union Comprehensive Economic and Trade Agreement (CETA)

This agreement between Canada and the European Union was signed on October 30, 2016, and was provisionally applied on September 21, 2017. Provisional application means that most of the provisions, including government procurement, are treated as being in force.

### Parties to the Agreement

1. Austria	8. Estonia	15. Italy	22. Portugal
2. Belgium	9. Finland	16. Latvia	23. Romania
3. Bulgaria	10. France	17. Lithuania	24. Slovakia
4. Croatia	11. Germany	18. Luxembourg	25. Slovenia
5. Cyprus	12. Greece	19. Malta	26. Spain
6. Czech Republic	13. Hungary	20. Netherlands	27. Sweden
7. Denmark	14. Ireland	21. Poland	

**Source:** <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/index.aspx?lang=eng>

## 2. Canadian Free Trade Agreement (CFTA)

The Canadian Free Trade Agreement (CFTA) replaced the Agreement on Internal Trade (AIT). It is an inter-governmental trade agreement signed by Canadian Ministers that entered into force on July 1, 2017.

### Parties to the Agreement:

All Canadian provinces and territories and the Canadian federal government

**Source:** <https://www.cfta-alec.ca/>

## 3. Trade and Cooperation Agreement Between Quebec and Ontario (OQTC)

Ontario and Quebec signed a trade agreement that promotes trade and economic cooperation between the two provinces. The Agreement entered into force on January 1, 2016.



**Source:** [Trade and Cooperation Agreement Between Ontario and Quebec | ontario.ca](#)

#### **4. Canada-United Kingdom Trade Continuity Agreement (CUKTCA)**

As of January 1, 2021, the UK fully left the EU, and CETA ceased to apply between Canada and the UK. The CUKTCA entered into force on April 1, 2021. It replicates the procedural rules and market access commitments that Canada and the UK have agreed to in the CETA.

**Sources:** <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cuktca-accru/trade-continuity-agreement.aspx?lang=eng>

## APPENDIX D: BOBI STRATEGY AT A GLANCE FOR THE OPS BUYERS

### INVITATIONAL PROCUREMENT PROCESS

Approach	Strategy	Threshold <sup>5</sup>
Below domestic trade agreement thresholds	Government entities must give preference to Ontario businesses. Buyers should invite only Ontario businesses wherever possible. If not possible then give a 10% evaluation advantage to the Ontario businesses that submit a bid.	Goods - less than \$30,300 Services - less than \$121,200

### OPEN-COMPETITIVE PROCUREMENT PROCESS

Approach	Strategy	Threshold
Below international trade agreement thresholds but above domestic trade agreement thresholds	Government entities must give preference to Canadian businesses. If possible, limit the procurement opportunity to Canadian businesses and if not possible then give a 10% evaluation advantage to Canadian businesses who submit a bid.	Goods - between 30,300 and \$353,00 Services - between 121,200 and \$353,300
Above International trade agreement thresholds	Government entities must give preference to businesses of Ontario's trading partners.	Goods - between 30,300 and \$353,00 Services - between 121,200 and \$353,300
	Apply weighted domestic criteria in procurement evaluations	Goods & Services - greater than \$353,300
	For procurements with an estimated value of \$50 million or more, in specified sectors include an Industrial Regional and Technology Benefit (IRTB) requirement for vendors	\$50M or more

### NON-COMPETITIVE PROCUREMENT PROCESS

Approach	Strategy	Threshold
Where non-application/limited tendering provisions are applicable	Leverage trade agreements' non-application/limited tendering opportunities to give preference to an Ontario business wherever feasible.	Refer to applicable trade agreements

<sup>5</sup> Thresholds are updated biannually to adjust for inflation.

**INVITATIONAL PROCUREMENT PROCESS**

Approach	Strategy	Threshold <sup>6</sup>
Below domestic trade agreement thresholds	Government entities must give preference to Ontario businesses. Buyers should invite only Ontario businesses wherever possible. If not possible then give a 10% evaluation advantage to the Ontario businesses that submit a bid.	Goods & Services - less than \$121,200

**OPEN-COMPETITIVE PROCUREMENT PROCESS**

Approach	Strategy	Threshold
Below international trade agreement thresholds but above domestic trade agreement thresholds	Government entities must give preference to Canadian businesses. If possible, limit the procurement opportunity to Canadian businesses and if not possible then give a 10% evaluation advantage to Canadian businesses who submit a bid.	Goods & Services – between 121,200 and \$353,300
Above International trade agreement thresholds	Government entities must give preference to businesses of Ontario’s trading partners.	Goods & Services – between 121,200 and \$353,300
	Apply weighted domestic criteria in procurement evaluations	Goods & Services - greater than \$353,300
	For procurements with an estimated value of \$50 million or more, in specified sectors include an Industrial Regional and Technology Benefit (IRTB) requirement for vendors	\$50M or more

**NON-COMPETITIVE PROCUREMENT PROCESS**

Approach	Strategy	Threshold
Where non-application/limited tendering provisions are applicable	Leverage trade agreements' non-application/limited tendering opportunities to give preference to an Ontario business wherever feasible.	Refer to applicable trade agreements

<sup>6</sup> Thresholds are updated biannually to adjust for inflation.

## APPENDIX F: TRADE THRESHOLDS

### Canadian Free Trade Agreement (CFTA)

Procurement Type	Ministries and most agencies	Provincial Agencies commercial / industrial entities	School boards, publicly funded academic, health and social services entities
Goods	\$30,300	\$605,600	\$121,200
Services	\$121,200	\$605,600	\$121,200
Construction	\$121,200	\$6,056,100	\$121,200

### Canada-European Union Comprehensive Economic and Trade Agreement (CETA)

Procurement Type	Ministries and most agencies	Provincial Agencies commercial / industrial entities	School boards, publicly funded academic, health and social services entities
Goods	\$353,300	\$627,200	\$353,300
Services	\$353,300	\$627,000	\$353,300
Construction	\$8,800,00	\$8,800,000	\$8,800,00