

HOW TO DO BUSINESS WITH THE ONTARIO GOVERNMENT

- > **Selling to the Ontario Government means supplying a large marketplace.**
- > **Businesses of all sizes and types can be successful vendors to the government.**
- > **Our goal is to help you do business with us.**
- > **We welcome new vendors.**

**This guide addresses selling to Ontario ministries and agencies.
For information on how to sell to hospitals, school boards, colleges,
universities, municipalities and provincially funded organizations, visit:**

[Broader Public Sector Supply Chain Secretariat](#)

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1.0 Procurement in the Ontario Government

The Ontario Government is a major buyer of goods and services, spending more than \$6 billion annually on goods and services from more than 55,000 vendors, of which 96% are small- and medium-sized firms. Ontario's governance system is designed to make its procurement process fair, open and transparent.

Supply Chain Ontario (SCO) develops and implements an integrated corporate procurement strategy to:

- Leverage and optimize government procurement of goods and services,
- Identify and implement procurement process improvements,
- Enhance procurement controllership, and
- Provide strategic advice to Management Board of Cabinet (MBC) on large scale procurements.

SCO is also responsible for developing and advising on the government's procurement policy framework, including the development of related guidelines, tools and best practices, providing strategic procurement advice to ministries and the Management Board of Cabinet, and providing procurement related training to both ministries and the vendor community. An objective is to encourage participation in government procurements and to widen the selection of diverse vendors.

2.0 Buying policies of the Ontario Government

Winning a contract with the Ontario Government is easier when you know how we make our buying decisions. Some of our procurement principles and policies include:

2.1 Procurement Principles

Vendor Access, Transparency and Fairness - Access for all qualified vendors competing for government business must be open and the procurement process must be conducted in a fair and transparent manner, providing equal treatment to all vendors. Conflict of interest, both real and perceived, must be avoided.

Geographic Neutrality and Reciprocal Non-Discrimination – Ministries and agencies that are subject to Ontario's Trade Agreements must ensure that access for vendors to compete for government business is geographically neutral with respect to vendors in other jurisdictions that practice reciprocal non-discrimination with Ontario.

Value for Money – Goods and services must be acquired in an effective, efficient, economical and ethical manner. Our goal is to achieve the best value for the money we spend.

Responsible Management – The procurement of goods and services must be

responsibly and effectively managed through appropriate organizational structures, systems, policies, processes, and procedures.

2.2 Procurement Policies

- The Ontario Government has made procurement commitments under three trade agreements:
 1. The Trade and Cooperation Agreement between Ontario and Quebec,
 2. The Agreement on Internal Trade, and
 3. The WTO Agreement on Government Procurement.

These agreements require that contracts valued at \$25,000 or more for goods and \$100,000 or more for services and construction be openly advertised.

- An electronic tendering system is the preferred medium for advertising procurement of goods and services. Refer to, “**How to Access Bidding Information**” (Section 4.0) for more details about accessing Ontario Government bidding opportunities.
- Vendors must not have any conflict of interest that may give them an unfair advantage in bidding on government procurement opportunities.
- The Ontario government does not apply any preference for local vendors.
- Ministries are required to incorporate accessibility considerations in procurement planning and suppliers are required to comply with all relevant/applicable legislation to accessibility standards and regulations.
- Where applicable, ministries must require vendors to submit a waste management plan for procurements involving products with designated waste materials under the *Waste Diversion Act* or high levels of residual waste.

3.0 Tips on how to do business with the Ontario Government

3.1 Watch for our procurement opportunities

Ministries advertise through an electronic tendering service to solicit bids for procurement contracts valued at \$25,000 or more for goods and \$100,000 or more for services and construction. In addition, ministries may also advertise in a national newspaper or the Daily Commercial News for construction related procurement. For more information, please refer to the section titled “**How to Access Bidding Information**”.

To solicit bids for procurement contracts valued at less than \$25,000 for goods, and less than \$100,000 for services, ministries use various methods, including:

- Written quotes for small value purchases,
- Competitive invitational written requests for bids (RFB) for larger

contracts, and

- Advertising in local newspapers.

For low dollar value purchases, usually less than \$5,000, the **Ontario Government Purchasing Card** (a credit card issued in the name of an employee) enables a designated government employee to efficiently pay for low value government purchases excluding travel and travel-related expenses. For details refer to section on “**How Am I Paid?**”.

3.2 Respond to a Request for Bids (RFB)

The Ontario government issues a Request for Bids (RFB) in order to procure the goods and services it needs. The evaluation criteria used in the selection of a contractor, a supplier or a consultant are based either on price alone or price and other factors.

3.3 Understand the Rules

When the Ontario government wants to obtain goods or services over a certain dollar amount it must follow procedures. The dollar amounts that trigger the procurement rules vary depending on whether goods (\$25,000 or more), or services or construction (\$100,000 or more) are being procured.

There are also exceptions to the application of the normal procurement rules, such as in the case of urgency, or cases in which only one supplier can meet a very specialized need. There are also exemptions for certain defined goods and services, but otherwise the normal rules apply.

Certain procurements may require successful bidders to undergo contractor security screening, the [rules and forms](#) for which should be reviewed carefully.

3.4 Watch for an Advance Contract Award Notice (ACAN)

When the Ontario government conducts certain non-competitive procurements, an Advance Contract Award Notice (ACAN) must be posted on Ontario’s designated electronic tendering system. Ministries must post an ACAN for all non-competitive procurements conducted where the contract value is \$560,000 or more for goods/services or \$7,800,000 or more for construction. This is done to conform to thresholds established in trade agreements to which Ontario is bound.

3.5 Focus on how the bids will be evaluated

The evaluation criteria that the government will use to choose the winner must be clearly set out. The procurement documents must clearly state which requirements are mandatory and which are desirable. The weighting of the areas to be scored (such as past experience, product performance, etc.) must be

set out.

4.0 How to access bidding information

4.1 Electronic Tendering Service

Procurement opportunities that require an electronic announcement will be posted on Ontario's current electronic provider, [BravoSolution](http://BravoSolution.com), an internet-based electronic tendering service.

New procurement opportunities are added to the system daily and the service provider keeps respondents informed about any changes affecting documents downloaded. That includes addenda arising from the question and answer process.

To obtain more information or to register with BravoSolution call toll free:

1- 866-722-7390, or visit the web site: www.ontario.ca/tenders

4.2 Newspaper Advertising

In conjunction with the electronic tendering service, a ministry may also advertise a procurement opportunity in a national newspaper. The Daily Commercial News can also be used for construction projects. Ministries may use other daily or local papers to request bids for procurements.

5.0 Here are some hints on writing effective proposals

5.1 Ask questions

Every RFB is unique, so read the entire document very carefully. Ensure that you understand the scope/deliverables, eligibility requirements and the evaluation criteria as well as how the responses will be scored to determine the successful bidder. If you have a question or require clarification, you may only contact the designated person noted in the procurement document. Do not call your client department contacts as this could jeopardize your eligibility for the bidding. Questions must be asked within a specified number of days before the closing date, so be sure to ask them in plenty of time. The ministry compiles all questions and answers and makes them available as an addendum to each supplier that has elected to receive a copy of the tender document so that every vendor has the same information prior to bidding.

5.2 Organize your response

The procurement document will tell you exactly how to lay out your bid and how it will be evaluated. Make sure you follow the instructions. Review the terms and conditions and any instructions contained in the procurement document. Make

sure that you address all the mandatory eligibility requirements.

5.3 Address the mandatory eligibility requirements

Mandatory eligibility requirements are evaluated objectively on a simple pass/fail basis. You need to have met all mandatory eligibility requirements for a bid to be considered compliant, and only compliant bids are evaluated further. Address every mandatory requirement directly by providing the evidence to show that you meet the requirement. Non-compliant responses are typically the result of failure to meet the mandatory eligibility requirements.

5.4 Describe how you would do the work

Provide a detailed response to the specific evaluation requirements. It is your chance to show that you understand and can meet the requirements. It is also where you would describe what and how you would do the work if you were awarded the contract.

You may be asked to describe your understanding of the current state and the need for the project, the objectives of the proposed work, the reasons for carrying it out as proposed and the benefits that will be derived. Usually you would then describe and substantiate your proposed work plan, methodology and techniques. You would also identify any problems you anticipate during the project along with contingency plans you would use in the event those problems arise.

You may also be asked to identify specific tasks and deliverables and the schedule for completion or delivery, as well as provide information about how many people will be assigned to the various tasks, their levels (explained by title, not salary) and how many hours or days they will be assigned. Do not include any pricing information in this section.

5.5 Introduce your team

You usually have an opportunity to introduce your team and indicate why they are the best people to do the work. Describe each team member and the part of the contract that person will work on. Include a description of the education and experience of each. The same information should be provided for any subcontractor or sub-consultant involved in the project.

5.6 Explain your quoted price

In this section you would typically be asked to provide a detailed breakdown of the quoted price in terms of its cost elements. The procurement document will tell you what cost items will be considered in the financial evaluation. No other costs will be considered.

5.7 Address each and every point

Read the procurement document and respond in the exact terms requested. While the government can legally ask you to clarify your bid after the tender has closed, it cannot ask you to repair your bid if it is non-compliant, that is, if it states something clearly but incorrectly. The government might know what you intended to say, and may know that you have the capability in question, but it will be forced to reject your response if you have not provided the details that were asked for in the procurement document. The government cannot make assumptions about your proposal. It can only evaluate the information you provide.

As you set about preparing your response, refer to the requirements and evaluation criteria because you are required to respond to the requirements stated in the tender document. Address each and every point directly and with a sufficient amount of technical and management information.

It is a mistake to assume that because you have dealt with the government or a particular client ministry previously that it knows your organization and skills. Each bid response is evaluated by a specific team solely on its content. If you develop an alternative solution to the problem described in the procurement document, and would like to propose it, you should respond to the specific request made in the procurement document first. You may also offer your solution as an alternative only if the ministry has indicated it will consider alternative solutions.

It is important to closely read the specifications of the goods or services to be supplied and to sign each of the documents that form part of the vendor response.

The procurement document tells each potential bidder exactly what they must do to submit a compliant response in order to potentially win the contract. It is up to the bidder to make sure its response is compliant and competitive and it is important to write a submission that stands out.

5.8 Key points to remember

- Organize your submission so that it matches the sequence of the procurement document. Make your offer complete, concise and precise.
- Once you have fully described how you will meet the goals and objectives of the ministry, check them against the priorities and requirements spelled out in the procurement document. No matter how good the bid, or how creative the project; if it does not address the specified priorities it may not be successful.
- If your company has a track record of successful projects, or if it has won awards, mention them.
- Note the sections that carry the most evaluation points and provide responses accordingly.

- Put your logo or company name on each page so we can identify it if we take the proposal apart to compare similar sections in different proposals.
- Provide the number of copies we ask for in the procurement document.
- Sign the bid document and attach it to make your proposal a legally binding offer.
- Be sure to adhere to the timelines provided, including the timeline for posing questions and the timeline for filing the completed response.
- Follow all directions. If there is a page limit, adhere to it. If certain information is requested, provide it. When in doubt, check with the designated contact within the allowable period for questions and answers.
- Be sure to download and review all addenda when you receive an addendum notification by e-mail.
- Have the response reviewed by others within your organization to ensure accuracy and completeness of the information provided.

The government cannot make assumptions about your proposal. It can only evaluate the information you provide.

6.0 After you submit a bid

6.1 Who evaluates my bid?

Responses are usually evaluated by a team of ministry staff, which could include procurement officers and potential users of the goods and services required. Contract award recommendations are reviewed and approved by one or more senior officers, depending on the ministry's delegation of authority.

6.2 How do I find out if my bid was successful?

All successful bidders are notified when contracts are awarded. Contract award notifications are published in the same manner they were advertised (e.g. electronic tender service) using the same medium as the original request. The name of the successful bidder, the term of the contract and the total bid price can be provided upon request. In order to protect confidential vendor information, no further information regarding vendors will be disclosed. Any additional information may be available through a Freedom of Information request in accordance with the *Freedom of Information and Protection of Privacy Act (FIPPA), R.S.O. 1990.*

6.3 Watch for the publication of the contract award

The government must clearly specify the selection factors that will determine the winner, (i.e. lowest price, best value, or some other combination of measures of evaluating bids). All unsuccessful bidders in procurements valued at \$25,000.00 or more must be offered a de-briefing designed to explain where the specific bid

fell short.

6.4 What do contracts with the Ontario Government include?

Once a successful vendor is selected, a contract is required for all procurements. Typically the contract sets out responsibilities of the vendor and the purchaser. Contracts describe how the vendor's performance will be evaluated and include a termination clause.

6.5 How am I paid?

Vendors to the Ontario government are typically paid in accordance with the terms of the contract, or after the invoice is received, whichever is later.

Vendors accepting the **Ontario Government Purchasing Card** for purchases of goods and services from authorized government employees, either in person or over the phone, can expect to receive prompt payment from the government via BMO - MasterCard.

Vendors please note:

- Cards are embossed with the employee name, ministry name, and expiry date
- Cards have restrictions as to merchant category codes, as well as dollar limits per transaction and monthly credit/transaction limits.

6.6 How to resolve Bid Disputes

If you have any concerns about procurement documents, we encourage you to communicate with the contracting officer identified in the procurement document prior to the closing date of the procurement. Most issues can be addressed. We are very open about our procurement processes and ensure that:

- Procurement documents are easy to understand, and contain information about how the responses will be evaluated.
- Proponents have enough time to prepare a submission.
- All proponents are informed when bid requirements change.
- Contract awards are based on the criteria outlined in the bid documents.

You will be offered an opportunity to meet with the contracting officer to receive a debriefing to understand why your bid was not successful. The contracting officer will tell you who won, how your response ranked relative to other respondents, the strengths and weaknesses of your response and where improvements should be made in future to improve your chances of being successful.

If a satisfactory solution is not found after talking to the contracting officer, bidders may wish to contact the manager or director responsible for the particular

procurement opportunity.

If you are not satisfied with the Ministry's response, you may [file a complaint](#) and Supply Chain Ontario will address the issue through a central review process:

All complaints will receive a formal review and all vendors will be provided with a formal response. If you are not satisfied with the outcome of the review, there may be other avenues available to you.

7.0 Vendor of Record (VOR) Arrangement

Like any other major procurement opportunity, VOR arrangements are typically established through a Request for Bids (RFB) distributed through an electronic tendering service

7.1 What is it?

A vendor of record (VOR) arrangement is a procurement arrangement resulting from a fair, open, transparent and competitive procurement process that authorizes one or more vendors to offer specific goods or services to ministries for a defined time period, with terms and conditions and pricing as set out in the particular VOR arrangement. VOR arrangements allow ministries to obtain commonly procured goods and services in a shorter timeframe than if they had to initiate the procurement process from scratch.

7.2 What are the types of VOR arrangements?

There are ministry, multi-ministry and enterprise-wide VOR arrangements. Ministries may establish a VOR arrangement for the exclusive use of that ministry. Multi-ministry VOR arrangements may be established where there is an identified need for a particular good/service among one or more ministries, but where there is insufficient demand for an enterprise-wide VOR arrangement. Enterprise-wide VOR arrangements have been established to reduce procurement costs by providing ministries with access to one or more contracted vendors of goods and services common to more than one ministry. Use of enterprise-wide VOR arrangements by ministries is mandatory.

Provincially-funded organizations also have access to certain enterprise-wide VORs in order to facilitate select procurements and to benefit from the pricing negotiated.

7.3 Who establishes them?

- Ministry of Government and Consumer Services, Supply Chain Ontario (for VOR arrangements used by all ministries)
- Individual ministries (for ministry-specific VOR arrangements).

7.4 How does my company qualify for a VOR arrangement?

Like any other major procurement opportunity, VOR arrangements are established through a Request for Bids (RFB) distributed through the electronic tendering service. Bidders who successfully meet all the requirements of the RFB are awarded VOR status and enter into a contractual arrangement with the ministry which issued the RFB by signing a Master Agreement included in the relevant RFB.

The Vendor of Record Program – [Three-Year Outlook](#) is a marketing planning tool providing vendors with advance notice of upcoming enterprise-wide VOR arrangements by category, planned posting date, start date and client users. It may be found in the doing business section of the Ministry of Government and Consumer Services [website](#).

7.5 Once I qualify for a VOR, do I have to compete again for contract work?

If you are on a VOR arrangement with multiple vendors it will be beneficial to continue to market your company's abilities to individual ministries and agencies.

For a VOR arrangement where there are multiple vendors a further, second stage selection process is required to ensure buyers obtain the best value for money.

If the estimated procurement value is below \$25,000 the ministry may use the VOR arrangement to select any one VOR vendor or, where applicable based on the good or service to be acquired, ask more than one vendor to bid on the specific project/assignment, in accordance with the terms and conditions of the VOR arrangement.

For procurements valued between \$25,000 up to but not including \$250,000, three or more vendors must be invited to bid. For assignments between \$250,000 up to but not including \$600,000, five or more vendors must be invited to bid. For assignments from \$600,000 up to the VOR ceiling price, all eligible vendors must be invited to bid.

8.0 Procurement of Information Technology (IT)

The *Management and Use of Information & Information Technology Directive* governs how the Ontario government procures Information Technology. Architecture design and standards have been established in order to efficiently enable the procurement of both hardware and software. Ministries may procure commercial-off-the-shelf software (COTS) and related services, custom software, open source software and maintenance and support.

8.1 Items that are not included under the IT Directive

Individual ministries separately procure electronic equipment used exclusively to process or communicate information (e.g. audio visual equipment), equipment used exclusively for medical and scientific research, laboratory instrument monitoring systems, sensing devices (e.g. thermostats), diagnostic tools, process-control systems (e.g. traffic lights) and general IT supplies (e.g. removable disks).

9.0 Selling consulting services to the Ontario Government

Consultants wishing to work with the Ontario government should know the following about the kinds of services procured, and how the procurement is undertaken.

Ontario buys a variety of services:

- Management consulting services (i.e. helping management improve their performance, primarily through the analysis of existing problems and development of plans for improvement);
- Information technology consulting services (i.e. IT advisory services, information technology strategies);
- Technical consulting services (i.e. activities related to actuarial science, appraisal, community planning, engineering, health sciences, interior design, realty, social sciences);
- Research and development services (i.e. investigative studies to increase knowledge and/or information on a particular subject);
- Policy consulting (i.e. advisory services to provide policy options, analysis and evaluation); and
- Communication consulting (i.e. the provision of strategy and advice in conveying information through various channels and media).

9.1 What is the buying process?

A competitive procurement process must be used for all consulting services, regardless of the value of the contract.

Ministries may use an invitational competitive procurement process for services valued at under \$100,000. This process requires a minimum of three qualified vendors to submit a written proposal in response to the ministry's written requirements. Ministries must use an open competitive procurement process for consulting services valued at \$100,000 or more. Consulting services assignments must have a start and end date.

9.2 Do you ever hire more than one consultant for any given project?

Yes, if a project is complex or large, it may be divided into several smaller parts. When this happens, specifications for each part are provided in the individual tendering documents. A ministry or agency may also decide to hold a competition for part of a larger project. If certain conditions are met and the awarded contract includes options for successive stages, the successful vendor may be awarded more parts of the same project without further competition.

9.3 How will I be paid, and, can the price change after the agreement is signed?

Fees are established in advance and are based on terms and conditions which have been written into the contract. Ministries do not calculate fees based on the results of a consultant's work (for example, a percentage of savings achieved through the introduction of a system recommended by the consultant). Fees must be written into the agreement. Generally, a ceiling price is stated in the agreement. This cannot be exceeded if the terms and conditions of the agreement remain unchanged.

Sometimes the terms and conditions affecting the price of a contract must change after the consultant's work has started. This is allowed, as long as the procedures for changing the terms and conditions in the original contract are followed.

Consultants will not be paid for any hospitality, food or incidental expenses.

Ministries use external consultants only when it is not possible to use their own staff.

10.0 Green Focus on Innovation and Technology (GreenFIT) Strategy

10.1 What is the GreenFIT Strategy?

The GreenFIT strategy allows the government to leverage its own purchasing to act as an "early adopter" of innovative, non-commercialized green solutions, providing an ideal platform for companies to demonstrate the effectiveness of their products to other potential customers and expand into local and global markets.

GreenFIT solutions will support green innovation and technological leadership in Ontario and contribute to the "greening" of the public sector by helping the Ontario Public Service (OPS) and municipalities, academic institutions, school boards and hospitals (MASH) find new green solutions to satisfy ongoing and

emerging purchasing needs.

10.2 How can I participate in the GreenFIT strategy?

GreenFIT creates opportunities for businesses to bring their emerging and innovative technologies to the Ontario public sector through these purchasing opportunities:

➤ **Open Expressions of Interest (Open EOI)**

If you have an innovative green solution that is not currently being sought under any Ontario government Request for Proposal or Targeted Expression of Interest process and believe that your solution might be of interest to the government, you may wish to submit an Open EOI.

➤ **Targeted Expressions of Interest**

Targeted Expressions of Interest (EOI) will be advertised to identify new green technologies or solutions that can be adopted to improve government operations, programs or processes.

➤ **Requests for Bids (RFB)**

Requests for Bids will be used to procure innovative green solutions to upcoming government purchasing needs.

Detailed instructions regarding how to participate in these exciting opportunities are available on the [GreenFIT webpage](#).

11.0 How to market yourself to the Ontario Government

It is not necessary for ministries to openly advertise the purchase of goods valued at less than \$25,000 or services valued less than \$100,000 on our electronic tendering system. Ministries may use an invitational procurement process to solicit bids. It may be beneficial for you to market your goods and/or services to ministries of the Ontario government to create awareness of your business and ensure you participate in future invitational procurement processes.

You can attend our [events and seminars](#) such as [Supply Ontario](#) where you can meet ministry staff and learn about their buying needs. You can begin to market your goods/services by making contact with the appropriate individuals within the various ministries. This will require some effort on your part to research and find the appropriate contacts.

To begin your search, go to the doingbusiness website and search our on line telephone directory located on the lower left hand navigational menu bar. This will open up [INFO-GO](#) where you will be able to search for contacts using the following methods:

1. Search by name e.g. Smith or Smith, John, Job title e.g. Director, or Telephone number e.g. 416-123-4567; or
2. Search by Services and Offices. Procurement staff can often be found under Financial or Corporate Services branches of ministries/agencies. Use key words to search all ministries or a specific one. A telephone directory listing will be provided. You can contact the selected individual(s) you deem appropriate.

Where can you find more information or ask questions?

Ministry of Government and Consumer Services (MGCS)
Ontario Shared Services
Supply Chain Ontario
Attention: Procurement Policy and Program Delivery Unit

222 Jarvis Street, 8th Floor
Toronto, ON M7A 0B6
Fax: 416-327-3573
Email: doingbusiness@ontario.ca
Website: www.doingbusiness.mgs.gov.on.ca

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