

The cover features a blue background with the European Union flag's twelve yellow stars in an arc at the top. Below the stars is a yellow-tinted map of Canada with various cities and regions labeled, including Igluligearjuk, Uranium City, Churchill, Fort Severn, and Moosonee. A large red maple leaf is partially visible in the bottom right corner.

# **EUROPEAN UNION GUIDE TO CANADIAN GOVERNMENT PROCUREMENT**

SEPTEMBER 2020



Funded by the  
European Union

Title  
**European Union Guide To  
Canadian Government Procurement**

Financed by  
**European Union**

Project  
**EU-Canada Policy Dialogues Support Facility**

Implemented by  
**CESO Development Consultants/IDOM/ICON**

Authors  
**Paul Emanuelli & André Daigle**

Date  
**September 2020**

“The content of this publication does not reflect the official opinion of the European Union. Responsibility for the information and views expressed therein lies entirely with the author(s). Reproduction is authorised provided the source is acknowledged.”

## TABLE OF CONTENTS

ABBREVIATIONS .....	4
INTRODUCTION.....	5
CHAPTER 1: GOVERNMENT PROCUREMENT AND THE CETA .....	6
CHAPTER 2: OVERVIEW OF PROCUREMENT PROCESSES IN CANADA ....	9
CHAPTER 3: FEDERAL PROCUREMENT.....	22
CHAPTER 4: ATLANTIC PROVINCES.....	26
CHAPTER 5: QUÉBEC.....	35
CHAPTER 6: ONTARIO .....	41
CHAPTER 7: WESTERN CANADA.....	48
CHAPTER 8: THE TERRITORIES .....	59



## ABBREVIATIONS

<b>AMP</b>	<i>Autorité des marchés publics</i> , the arm's length oversight body for public procurement in Québec
<b>BPS</b>	Broader public sector institutions; includes municipalities (first- and second-tier), school boards, publicly funded academic institutions, and health and social organisations, as well as any corporation or entity owned by the aforementioned institutions
<b>CCMs</b>	Commercially confidential meetings, held with suppliers during the evaluation process of a procurement, in order to dialogue with vendors about their submissions and clarify any vendor questions about the project
<b>CITT</b>	Canadian International Trade Tribunal
<b>CETA</b>	The Comprehensive Economic and Trade Agreement (CETA), an international trade agreement between the European Union and Canada
<b>EU</b>	European Union
<b>MASH</b>	Another term for broader public sector (BPS) institutions; includes municipalities (first- and second-tier), school boards, publicly funded academic institutions, and health and social organisations, as well as any corporation or entity owned by the aforementioned institutions
<b>PWGSA</b>	Public Works and Government Services Canada
<b>PBN</b>	Procurement Business Number
<b>SRI</b>	Supplier Registration System of the federal government
<b>SEAO</b>	<i>Système électronique d'appel d'offres du gouvernement du Québec</i> , central publication platform for all public procurement opportunities in Québec
<b>TED</b>	Tenders Electronic Daily, the central procurement publication site for the EU, the European Economic Area, and beyond
<b>VCP</b>	Vendor Complaint Process

## INTRODUCTION

The European Union (EU) Guide to Canadian Government Procurement was designed to assist European Union suppliers in participating in eligible Canadian public procurement opportunities as defined in the Comprehensive Economic and Trade Agreement (CETA). This is the second guide published by the European Union to support European companies interested in public procurement business opportunities in Canada. The first guide - **"How EU Businesses Can Take Advantage of Public Procurement Opportunities in Canada Under the CETA" (January 2020)** - is available online.

This guide provides an overview of the following:

- ★ updated procurement processes after the implementation of the CETA, including the criteria for inclusion under the CETA and an overview of exemptions;
- ★ the structure of the Canadian public sector;
- ★ the public procurement process from the opportunity publication period to contract award; and
- ★ a brief description of public procurement in each of the provincial and territorial regions of Canada, with examples of organisation-specific procurement processes for each tier of government.

With this guide, EU suppliers will be more equipped to successfully participate in open, eligible Canadian public procurement opportunities.



## CHAPTER 1: GOVERNMENT PROCUREMENT AND THE CETA

The Comprehensive Economic and Trade Agreement (CETA) came into provisional effect in September 2017, removing trade barriers between the European Union and Canada. In doing so, EU companies now have access to all levels of government procurement throughout Canada, its provinces and territories, and MASH sector entities, which include municipalities, academic institutions, school boards, and health sector entities.

However, suppliers should note that not all government procurement is covered under the CETA since significant exceptions are made, for example, for aboriginal set-aside programmes, for procurements that are valued below the open tendering thresholds, and for categories of procurement and classes of institutions that may be partially or completely exempt from the open tendering obligations of the treaty. Suppliers should note that while EU suppliers are eligible to participate in Canadian public procurement opportunities, they are only invited to participate in opportunities that meet each of the following four criteria:

1. if its value is equal to or greater than the relevant threshold;
2. if the type of goods or services is covered;
3. if the entity for which the procurement is being done is covered; and
4. if there is no specific exception applicable or invoked.

Suppliers should therefore consult CETA and its schedules directly to confirm the scope of bidding opportunities as they relate to specific public institutions and categories of procurement within Canada.

Before the CETA		After the CETA
<p>EU companies excluded from most Canadian procurement opportunities</p> <p>Access to select federal procurements via the World Trade Organisation's Agreement on Government Procurement</p>	>	<p>EU companies eligible to compete for select Canadian public procurement contracts</p> <p>Access to additional procurement opportunities, including those from additional federal entities, provincial and territorial bodies, and MASH sector entities</p>
<p>Difficulty finding and competing for procurement opportunities</p>	>	<p>Obligation to provide a single point of access for all procurements across Canada within five years of the CETA coming into force</p>
<p>Significant barriers to entry, including local preference</p>	>	<p>Restrictive pre-conditions to competition are strictly prohibited</p>
<p>Timelines for public publication were not strictly regulated</p>	>	<p>Timelines for public publication are strictly set, with consideration for transcontinental participation</p>
<p>Administrative or judicial review protocols lax in enforcement at sub-federal government levels</p>	>	<p>More rigorous administrative and judicial review protocol enforcement regimes are evolving for all levels of government</p>

## The CETA Thresholds

The CETA open tendering obligations apply to government contracts that meet or exceed prescribed monetary thresholds, which are refreshed every two years. To access the latest monetary thresholds for the CETA, suppliers should visit the [Treasury Board of Canada Secretariat](#).



## The CETA Exemptions

The following are examples of transactions that are expressly exempt from the CETA and therefore are transaction types that European suppliers are not eligible to participate in:

- ★ acquisition or rental of land, existing buildings, or other immovable property;
- ★ non-contractual agreements, including co-operative agreements, grants, loans, equity infusions, guarantees, or fiscal incentives;
- ★ the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;
- ★ public employment contracts;
- ★ procurement conducted for the specific purpose of providing international assistance, including development aid, or stationing of troops;
- ★ any measure adopted or maintained by Québec with respect to cultural industries; and
- ★ any measure adopted or maintained with respect to Aboriginal peoples, or to set asides for aboriginal businesses, existing aboriginal or treaty rights of any sorts protected by section 35 of the Constitution Act, 1982

Suppliers should review the thresholds, inclusions, and exemptions for themselves by accessing “Annex 19-A – Market access schedule of Canada” of the CETA <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/toc-tdm.aspx?lang=eng>



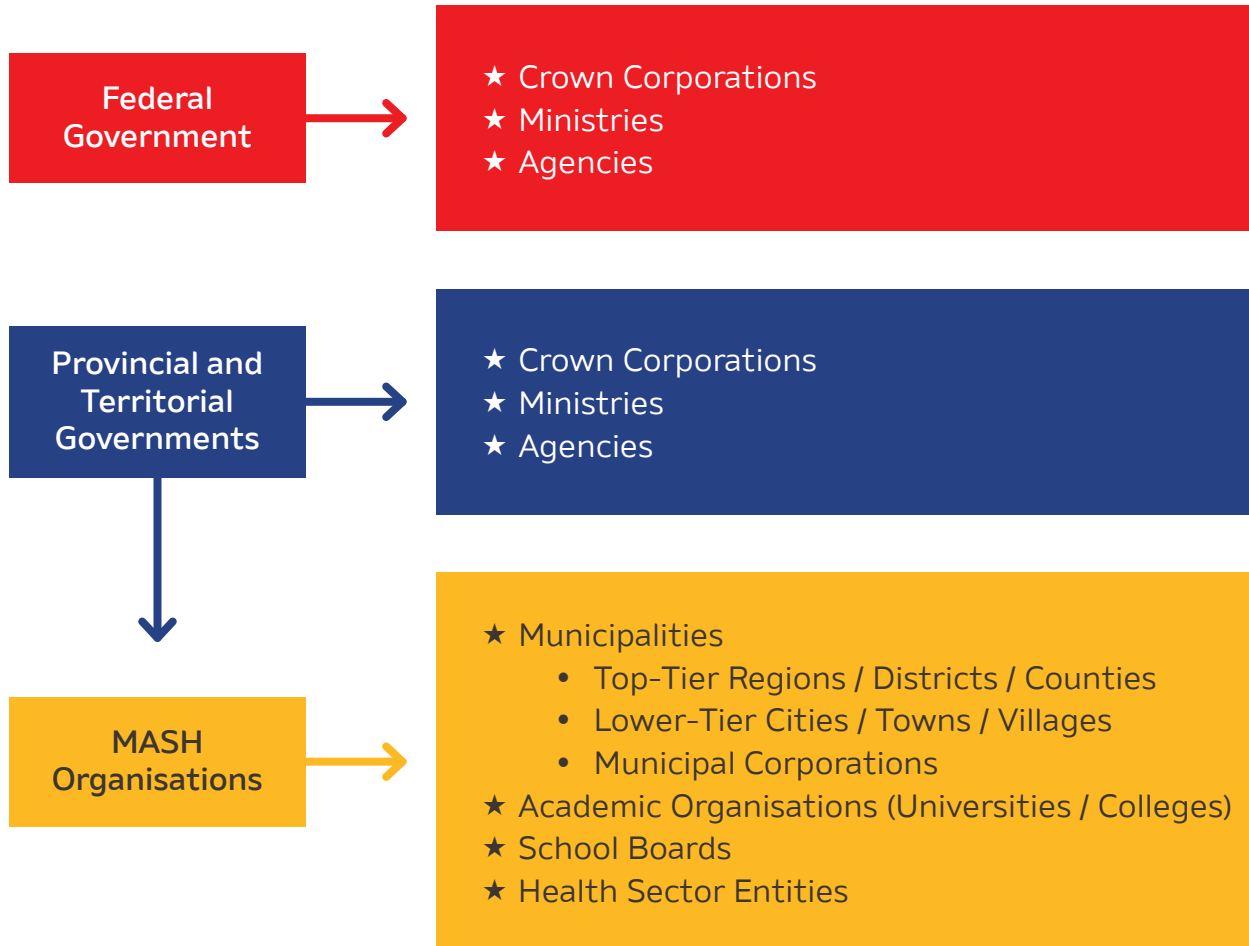
## CHAPTER 2: OVERVIEW OF PROCUREMENT PROCESSES IN CANADA

### Government Organisation

Unlike the United States of America, where sub-federal senior-level governments are referred to as “states”, in Canada, sub-federal senior level-governments are referred to as “provinces” or “territories”.

Government in Canada is organised into three different tiers: (i) federal; (ii) provincial and territorial; and (iii) broader public sector (BPS) entities, also known as MASH (municipal, academic, school board, and health sector) organisations. Each of the federal and the provincial and territorial governments are made up of senior government bodies and their crown corporations, agencies, boards, and commissions; however, the BPS or MASH entities only fall under the sphere of provincial and territorial governments. Much of the public sector purchasing in Canada occurs at the provincial and territorial levels, through their ministries and agencies, and through their subsidiary BPS- or MASH-level entities. Each of these tiers is generally responsible for different facets of government purchasing.





## Statutory Frameworks

While the European Union operates under the Directive on Public Procurement, as well as other frameworks that have been implemented at the national and sub-national levels jurisdictionally, all of which largely harmonises EU procurement into a single core operating system, the Canadian procurement system lacks a similar statutory spine at both federal and sub-federal levels.

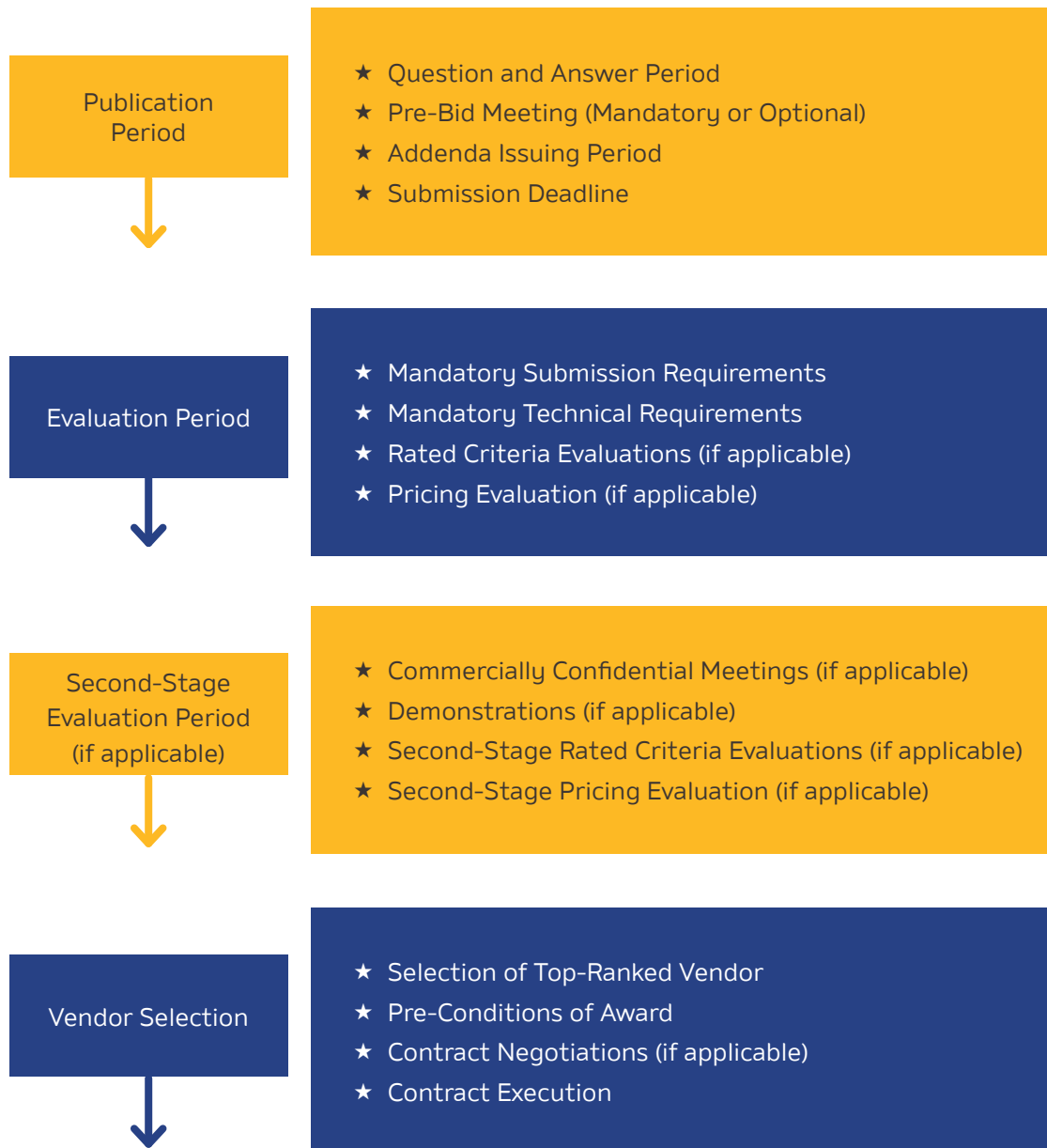
Since all jurisdictions within Canada remain subject to the CETA and to other national and regional trade treaties, the absence of robust statutory operating systems at the federal, provincial, and territorial levels means that public institutions across Canada tend to develop their own internal operating systems to align with international standards. This statutory void has led to the slower adoption of global standards and to more fragmented, institutionally based procurement practices and standards.



## Rules of General Application Across Canada

### How to Respond to an Opportunity in Canada – Overview

To respond to published bid opportunities, suppliers must typically follow the step-by-step process illustrated below:



## How to Respond to an Opportunity in Canada

Generally, procurement processes follow a very standard format, but the particulars of each solicitation process will differ.

### Publication Period

The CETA established a minimum publication period of 40 days. However, that period can be compressed to as little as 25 days, with five days reduced from the overall 40-day period for each of the following:

- a. where the purchasing institution uses electronic means to publish its solicitation notice;
- b. where the purchasing institution uses electronic means to publish its full solicitation document; and
- c. where the purchasing institution allows for electronic bid submissions.

In addition to the minimum publication period, the purchasing institution must also ensure that based on the complexity of the procurement process, it has allowed for sufficient time for suppliers to respond. On a case-by-case basis this may require publication periods that exceed the minimum publication periods described above.



## Publication Platforms

Unlike the EU Tenders Electronic Daily, or TED platform, there is no central publication site for all public institutions within Canada and therefore public institutions can select from any of the available sites for their publications. However, Canada's federal government has agreed to establish a single point of access publication site within five years of the September 2017 initial enactment of the CETA. In the interim, procurement opportunities in Canada are published electronically on a wide variety of publication sites. For information about each of the jurisdictional publication sites, suppliers should reference each of the jurisdictional chapters in this guide.

Furthermore, although the trade treaties contemplate free access to opportunities via electronic publication sites for suppliers, some publication sites still require suppliers to pay for a subscription to the site in order to access opportunities. In these instances, the publication sites generally allow potential bidders to review publications, notices, and unofficial draft copies of the solicitations prior to paying a subscription fee to download the official version of the solicitation and registering as a potential bidder.

## Review of Solicitation Documents

Suppliers should carefully review the terms and processes detailed within the solicitation documents, as each public institution and each solicitation may use a different tendering format and follow different organisation-specific policies and procedures.

## Question and Answer Period

During this period, suppliers have the opportunity to ask questions regarding the solicitation via the method detailed in the solicitation document. Suppliers should note both the method for asking questions and receiving answers, as well as the deadline for questions.

## Pre-Bid Meeting

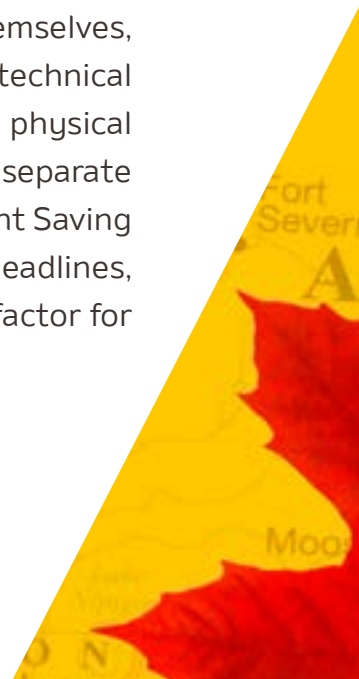
Depending on the nature of the procurement, a pre-bid or site meeting may be scheduled during the publication period. This pre-bid meeting may be mandatory, meaning that if suppliers do not attend, they will be ineligible to submit to the procurement. Alternatively, the pre-bid meeting may be optional, whereby suppliers can choose to attend or not attend and their eligibility to submit is not dependent on their attendance. Suppliers should carefully review solicitation documents for any pre-bid meeting requirements.

## Addenda Issuing Period

Public organisations may use addenda to respond to supplier questions or to make adjustments to the original solicitation document. It is important that suppliers note the deadline for addenda and any timeline extensions that are provided via addenda. Suppliers should avoid making submissions prior to the deadline for addenda since premature submissions may not be responsive to information subsequently published by the purchasing institution.

## Submission Deadline

Public organisations accept submissions via two methods: (i) paper-based submissions typically made via courier or fax; and (ii) electronic submissions made via email or a bid-submission portal. Suppliers should note which type of submission is required and plan accordingly. For paper-based submissions, suppliers should consider courier times, as well as other physical delivery-related delays. For electronic submissions, suppliers should leave themselves, at minimum, a full day to submit via the portal in case of any technical issues. When preparing their submissions, in both the instance of physical and electronic submissions, suppliers should consider there are six separate time zones within Canada and that most of Canada observes Daylight Saving Time. Suppliers are advised to submit their bids well in advance of deadlines, especially for opportunities involving paper-based submissions, to factor for the longer delivery times attributable to these geographic factors.



## Evaluation Period(s)

Evaluations typically follow the following stages:

### Mandatory Submission Requirements

Mandatory submission requirements are evaluated first before any rated criteria or pricing on a pass-fail basis, whereby suppliers are disqualified if they fail to successfully meet the mandatory submission requirements. In some processes, such as negotiated requests for proposals, requests for quotations, and requests for supplier qualifications, suppliers that fail to meet the mandatory submission requirements may be given the opportunity to rectify any omissions. In other processes, there is no opportunity for rectification and the supplier who has failed to provide the mandatory submission requirements will be disqualified. Suppliers should review the terms of the specific solicitation they are planning to respond to in order to confirm the procedures that apply to the specific process.

### Mandatory Technical Requirements (if applicable)

Mandatory technical requirements are typically evaluated on a pass-fail basis after mandatory submission requirements, but before any evaluated criteria or pricing. Mandatory technical requirements include any operating standards, certifications, licenses, or credentials required to perform the contract. Suppliers who do not meet the mandatory technical requirements will typically be disqualified from the procurement process.

### Rated Criteria Evaluations (if applicable)

Rated criteria evaluations are used where the purchasing institution seeks to award a contract based on criteria that include price, as well as other factors. Rated criteria are typically evaluated after any mandatory requirements and before pricing. Suppliers should review the rated criteria section carefully to



know what information the purchasing body is looking for in their submissions and organise their responses accordingly. Suppliers should also be aware of any minimum scoring thresholds that are established within the rated criteria section, since if they do not meet those point thresholds, they will be disqualified from the process. Suppliers should also note some procurement processes, such as two-stage concurrent negotiated requests for proposal formats, contemplate more than one round of rated criteria information either before or after the initial assessment of pricing.

### **Pricing Evaluation (if applicable)**

Pricing is typically evaluated after any mandatory requirements and after other rated criteria. Generally, full points for the pricing category are awarded to the supplier with the lowest price, while partial points are awarded to the other suppliers on a relative pricing formula based the lowest price. Suppliers should consider the overall weighting of price to non-price rated factors when formulating their pricing proposal. In procurements where the budget is set by the purchasing institution, pricing is not evaluated, since the price is fixed at the time of publication.

### **Second-Stage Evaluations (if applicable)**

In some procurement processes, a second stage is contemplated, whereby the initial evaluation is used to create a shortlist of suppliers who will then move to the second round of evaluations. Suppliers should note how many evaluation stages are contemplated in each procurement process and be prepared to participate in all of those stages. Second-stage evaluations may include a rescoring of the initial evaluation criteria or may include the scoring of new or additional criteria. In each instance, suppliers should consult the procedures and criteria set out in the specific solicitation document to confirm the applicable factors that will be considered in each stage of the evaluation process.



### **Commercially Confidential Meetings (if applicable)**

More complex procurements tend to include a commercially confidential meeting stage. During commercially confidential meetings, or CCMs, suppliers are invited to dialogue with the evaluation committee in order to receive input from the evaluation committee, provide additional requested information, and ask any clarifying questions. These are structured meetings that are governed by specific protocols and requirements that are disclosed by the purchasing institution as part of its specific process.

### **Demonstrations (if applicable)**

More complex procurement may also include a demonstration stage where suppliers are asked to provide a live demonstration so that evaluators can assess whether the proposed facility, equipment, or technical product meets the requirements set out in the pre-established scoring criteria. Demonstrations, like CCMs, are strictly structured and will typically include a list of factors that the purchasing body will assess to inform its evaluations. Generally, demonstrations are evaluated and will form part of the final evaluation score for each supplier.

### **Second-Stage Evaluations (if applicable)**

In more complex procurement, final rated criteria and pricing evaluations are often part of a two-stage evaluation process. Short-listed suppliers should be prepared to resubmit improved final technical and pricing submissions as part of a multi-staged evaluation process.

## Supplier Selection

Selecting the winning supplier(s) for the contract follows the below process:

### Selection of Top-Ranked Supplier

Whether based on high score or low price, the supplier that best meets the qualifications of the solicitation based on its score or price is identified as the presumptive awardee. Top-ranked suppliers are typically formally notified and requested to meet any pre-conditions of award that were established under the specific solicitation rules.

### Pre-Conditions of Award

As with mandatory requirements, suppliers must meet any pre-conditions of award. The failure to do so may result in the revocation of their selection for award and in the selection of the next-best-ranked supplier. Suppliers should be prepared to meet these pre-conditions when bidding on an opportunity.

### Contract Negotiations (if applicable)

For negotiated formats, such as negotiated requests for proposals, suppliers should note how long the negotiation period is as stated in the solicitation document and be prepared to conclude contract negotiations within that prescribed timeframe. Specifically, suppliers should ensure that all necessary decision-makers and advisors, including legal counsel and technical experts, are available to help facilitate the finalisation of a contract during the negotiation period.



## **Contract Execution**

Once all pre-conditions of award have been met and the final contract terms are ready for signing, the purchasing institution will typically require that the selected supplier signs the contract first so that the institution can proceed to obtain any of the final approvals necessary to formalise the contract award.

## **Notice of Non-Selection**

When a contract has been executed between the purchaser and the winning supplier, notices of non-selection are sent out to the non-winning suppliers. Under the trade treaties, unsuccessful suppliers have the right to a debrief, whereby the government institution must explain to the supplier why they were not selected for award. Unsuccessful suppliers also have the right to protest the award if they feel the procurement process failed to follow the applicable bidding rules.

## **Jurisdiction-Specific and Institution-Specific Bid Protest Procedures**

The different jurisdictions and institutions across Canada have established a range of different bid protest mechanisms which are summarised in the jurisdiction-specific chapters. Furthermore, court-based bid protest remedies are also generally available across Canada as summarised below.

## Canadian Court-Based Remedies

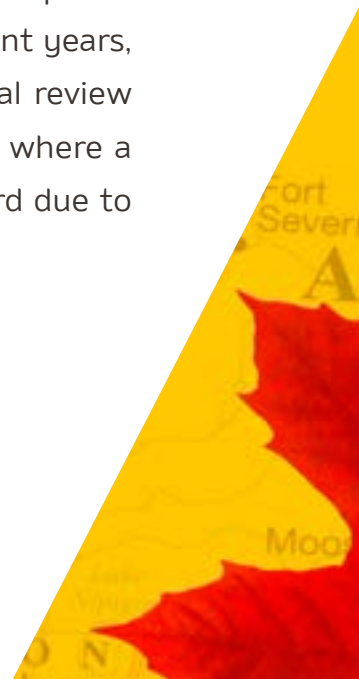
Canadian court-based remedies in bid disputes tend to fall within the following two categories: (i) commercial law-based lost profit damages claims; and (ii) administrative law-based judicial review applications.

### Commercial Law-Based Lost Profit Damages Claims

Commercial law-based lost profit damages are available under Canadian common law to unsuccessful bidders in situations where the challenged bidding process is governed by contractual bidding process rules (referred to under Canadian common law as “Contract A”) and the bidder is able to prove that it was unfairly denied a contract award due to a breach of the applicable tendering rules. Not all government tendering processes in Canada are regulated under the “Contract A” tendering process contract rules since those rules, where applicable, are based on the terms and conditions of the specific solicitation document. Suppliers should therefore seek solicitation-specific legal advice to determine if the lost profit remedy would apply to their specific tendering situation.

### Administrative Law-Based Judicial Review Applications

Administrative law-based judicial review remedies are potentially applicable under Canadian common law against the tendering decisions of public institutions under the general review powers of the courts. In recent years, the Canadian courts have granted an increasing number of judicial review applications in the area of government procurement in situations where a losing bidder can prove that it was unfairly denied a contract award due to



a breach of the applicable tendering rules. These remedies have typically come in the form of *quashing* (otherwise known as voiding, striking down, or rescinding) an improper contract award. While judicial review remedies could also include redraft orders (directing the government body to correct defects in their solicitation document), re-evaluation orders (where flawed evaluation decisions are ordered to be rectified), and re-direct orders (where the flawed award is voided and the government is ordered to award the contract to the complainant instead), in practice, the Canadian courts have tended to restrict their procedural remedies to rescission orders. In Canada, the other procedural remedies noted above have to date been restricted to federal government procurements that are subject to the jurisdiction and remedies of the Canadian International Trade Tribunal (CITT).

## CHAPTER 3: FEDERAL PROCUREMENT

### Government Structure

The Government of Canada is made up of federal departments, agencies, crown corporations, and special operating agencies. Public Services and Procurement Canada, also known as Public Works and Government Services Canada (PWGSC), is the central purchasing agent for federal departments and agencies. PWGSC follows the policies and procedures contained in the Supply Manual, a compendium of information to assist contracting agents in the PWGSC in conducting public procurement (<https://buyandsell.gc.ca/policy-and-guidelines/supply-manual>).

### How to Respond to a Federal Opportunity

To respond to published bid opportunities, suppliers must typically follow the step-by-step process outlined in Chapter 2: Overview of Procurement Processes in Canada and as further defined in the specific solicitation opportunity.

#### Publication Platform

All federal procurement opportunities, in addition to some provincial and territorial governments, as well as some MASH sector organisations (municipalities, academic institutions, schools, and health agencies) publish their opportunities on the central publication site Buyandsell.gc.ca at <https://buyandsell.gc.ca/>. Suppliers can access all solicitation documents published on the Buyandsell.gc.ca site free of charge.

Please note that all suppliers interested in doing business with the federal government need to register in the federal Supplier Registration Information (SRI) system to obtain a mandatory Procurement Business Number (PBN). All necessary information and practical steps can be found **online**.



## Final Considerations for Responding to a Federal Opportunity

When preparing their submissions, suppliers should consider there are six separate time zones within Canada and that most of Canada observes Daylight Saving Time (<https://nrc.canada.ca/en/certifications-evaluations-standards/canadas-official-time/time-zones-daylight-saving-time>).

## Federal Challenges and Remedies

The Canadian International Trade Tribunal (CITT) has jurisdiction over the enforcement of the various trade treaties that apply to the federal government, including the Comprehensive Economic and Trade Agreement. The CITT's regulatory powers include a series of administrative law-based procedural remedies that are similar to the common law judicial review remedies described in Chapter 2: Overview of Procurement Processes in Canada.

These CITT remedies include redraft orders (directing the government body to correct defects in its solicitation document), re-evaluation orders (where flawed evaluation decisions are ordered to be rectified), and re-direct orders (where the flawed award is voided and the government is ordered to award the contract to the complainant instead). In addition to these remedies, the CITT can also recommend lost profit damages as a remedy to a prejudiced bidder that can prove that the federal government's breach of the trade treaty tendering rules resulted in the loss of a contract award.

It should be noted that the CITT has concurrent, rather than exclusive, jurisdiction over federal government procurement. Bid protest challenges against the government can also be brought to Federal Court, particularly for administrative law remedies. The provincial superior courts have also been recognised as having jurisdiction over federal government bid disputes, which allows unsuccessful bidders to potentially bring common law-based claims against the federal government in those provincial courts.



## Federal Procurement Process Examples

Department of National Defence	
Website	<a href="https://www.canada.ca/en/department-national-defence.html">https://www.canada.ca/en/department-national-defence.html</a>
Mandate	Federal department in charge of implementing government decisions concerning the defence of Canadians' interests at home and abroad.
Annual Budget	\$25 billion CAD/year (17.2 billion EUR)
Publication Site	Central Publication Site – Buyandsell.gc.ca: <a href="https://buyandsell.gc.ca/">https://buyandsell.gc.ca/</a>
Opportunity Particulars	The Buyandsell.gc.ca site is free of charge to use. Submissions may be made electronically via email or physically by courier.

Royal Canadian Mint	
Website	<a href="https://www.mint.ca/">https://www.mint.ca/</a>
Mandate	Crown corporation in charge of the supply of coins for Canadian currency, as well as assay, refinery, storage, services, and foreign coin production.
Annual Budget	\$93.8 million CAD/year (64.3 million EUR)
Publication Site	Central Publication Site – Buyandsell.gc.ca: <a href="https://buyandsell.gc.ca/">https://buyandsell.gc.ca/</a>
Opportunity Particulars	The Buyandsell.gc.ca site is free of charge to use. Submissions are to be received electronically via email.

## Useful Links and Resources

Government of Canada - Selling to provincial, territorial and municipal governments

<https://www.canada.ca/en/services/business/doing-business.html>

Government of Canada

<https://www.canada.ca/en.html>

Public Services and Procurement Canada (also known as Public Works and Government Services Canada (PWGSC))

<https://www.tpsgc-pwgsc.gc.ca/comm/index-eng.html>

Buyandsell.gc.ca – Central Publication Site

<https://buyandsell.gc.ca/>

Supply Manual – Government of Canada

<https://buyandsell.gc.ca/policy-and-guidelines/supply-manual>

Office of the Procurement Ombudsman

<https://www.canada.ca/en/procurement-ombudsman.html>

Canadian International Trade Tribunal (CITT)

[https:// www.citt-tcce.gc.ca/](https://www.citt-tcce.gc.ca/)

## CHAPTER 4: ATLANTIC PROVINCES

### Government Structure

Atlantic Canada is made up of four provinces: Newfoundland and Labrador; Prince Edward Island; Nova Scotia; and New Brunswick. Each province operates individually for provincial procurement; however, they also engage in co-operative purchasing from time to time. The governments range in size from small to medium, and are made up of agencies, boards, commissions, and departments, as well as MASH sector or BPS organisations, such as municipalities (regions, cities, towns, villages), school boards, publicly funded academic institutions, and any crown corporations owned and run by the aforementioned entities. Each institution in each of the above provinces runs its own separate procurements based on the open competition requirements applicable to its specific level of government and its own internal policies.

### How to Respond to an Opportunity in Atlantic Canada

To respond to published bid opportunities, suppliers must typically follow the step-by-step process outlined in Chapter 2 – Overview of Procurement Processes in Canada and as further defined in the specific solicitation opportunity.



## Publication Platforms

All procurement opportunities in the Atlantic provinces are published electronically. Provincial opportunities are all published on central publication sites for each province, with many municipal and BPS organisations also utilizing the central provincial publication sites. Some organisations publish notices of their procurements on the centralised sites, with the full solicitation available on their own website or on another private publication site. Although the trade treaties contemplate free access to opportunities via electronic publication sites for suppliers, some privately run publication sites still require suppliers to pay for a subscription to the site in order to access opportunities.

The following is an overview of the various publication sites used by the Atlantic provinces:

Province	Level of Government	Publication Site Name	Cost to Suppliers	Publication Site Link
New Brunswick	All provincial agencies, boards and commissions; most municipal and BPS entities	New Brunswick Opportunity Network (NBON)	Free	<a href="https://nbon-rpanb.gnb.ca/">https://nbon-rpanb.gnb.ca/</a>
Newfoundland and Labrador	All provincial organisations; most municipal and BPS entities	Open Government Calls	Free	<a href="https://www.ppa.gov.nl.ca/gs/report/">https://www.ppa.gov.nl.ca/gs/report/</a>
	Municipal and BPS entities	List of Publication Sites	Free	<a href="https://www.ppa.gov.nl.ca/sellingtoagencies/index.html">https://www.ppa.gov.nl.ca/sellingtoagencies/index.html</a>
Nova Scotia	All provincial organisations, and municipal and BPS entities	Nova Scotia Tender Notices	Free	<a href="https://procurement.novascotia.ca/ns-tenders.aspx">https://procurement.novascotia.ca/ns-tenders.aspx</a>
Prince Edward Island	All provincial organisations, and municipal and BPS entities	Tenders	Free	<a href="https://www.princeedwardisland.ca/en/tenders">https://www.princeedwardisland.ca/en/tenders</a>
Additional Publication Sites	Select broader sector institutions	bids&tenders	Per Opportunity or Subscription Fee; Additional Fees Per Organisation May Apply	<a href="https://www.bidsandtenders.ca/">https://www.bidsandtenders.ca/</a>
	Select organisations from all levels of government	Merx	Per Opportunity or Subscription Fee	<a href="https://www.merx.com/">https://www.merx.com/</a>
	Select organisations from all levels of government	Biddingo.com	Subscription Fee	<a href="https://www.biddingo.com/">https://www.biddingo.com/</a>

## Final Considerations for Responding to Atlantic Canada Opportunities

### ATLANTIC CANADA

When planning their submissions, suppliers should note that New Brunswick, Nova Scotia, and Prince Edward Island fall within the UTC -04:00 or Atlantic Standard Time Zone, and that Newfoundland and Labrador falls within the UTC -03:30 or Newfoundland Standard Time Zone. Suppliers should also note that all four provinces observe Daylight Saving Time.

### NEW BRUNSWICK

When responding to opportunities in New Brunswick, suppliers must comply with the Official Languages Act, which recognises both English and French as the official languages of New Brunswick.

### NOVA SCOTIA

Suppliers should note that while a push to electronic submissions has occurred over the last couple of years, most responses must be submitted via courier in Nova Scotia.

## Provincial Challenges and Remedies in Atlantic Canada

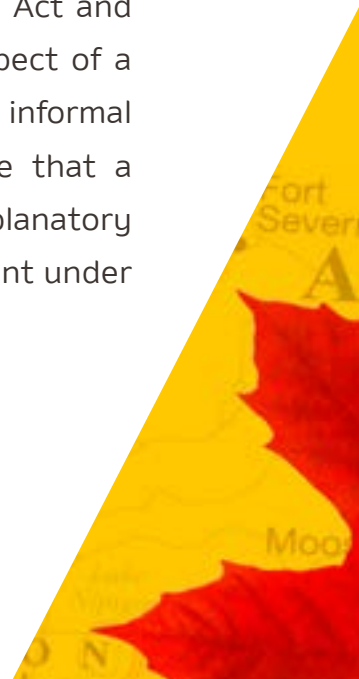
Bidders should note that several Atlantic Canadian provinces (New Brunswick, Nova Scotia and Newfoundland and Labrador) have established statutory frameworks that regulate government procurement activities. However, the provincial governments in Atlantic Canada have not established any formal specialised tribunals or courts to enforce trade treaty obligations. Bid disputes in Atlantic Canada would therefore default to the provincial court

system, where bidders can seek recourse based on the generally applicable administrative law and commercial law remedies described in Chapter 2: Overview of Procurement Processes in Canada.

Furthermore, bidders may be able to access the less formal internal institutional-level bid protest dispute resolution protocols established by provincial governments across Atlantic Canada. For example, the Nova Scotia government has established a bid protest protocol as part of its Procurement Manual and maintains dispute settlement logs that summarise the outcomes of its internal protest processes. As detailed in its Vendor Complaint Protocol (VCP), this bid dispute mechanism applies to any potential trade treaty and offers an informal dispute process as described below:

"Prior to initiating a complaint, suppliers are strongly encouraged to resolve problems by contacting the tendering entity involved, as the first step in the process. Experience has demonstrated that there are often minor errors, omissions or other inadvertent actions which can be quickly clarified or corrected to the satisfaction of the complainant, thus removing the cause of many complaints and concerns at the outset. For the purpose of clarity, the VCP is not adjudicative in nature and does not establish mechanisms to adjudicate substantive disputes."

Similarly, in Newfoundland and Labrador, the Public Procurement Act and applicable regulations allow suppliers to bring a complaint in respect of a procurement process to the head of each public body for the informal institutional-level resolution of a dispute. Suppliers should note that a supplier has 15 days to file a complaint from the date of the explanatory debrief and the public body has 15 days to respond to the complaint under these procedures.



Proponents should obtain situation-specific legal advice to better understand what informal dispute resolution avenues may be available through the informal institutional dispute processes established across Atlantic Canada.

## Atlantic Canada Procurement Process Examples

Atlantic Provinces – Atlantic Lottery	
Website	<a href="https://www.alc.ca/content/alc/en.html">https://www.alc.ca/content/alc/en.html</a>
Mandate	Crown corporation owned by all four Atlantic Canada provinces that provides government regulated gaming and lottery to all Atlantic Canada provinces.
Annual Budget	\$188 million CAD/year (129 million EUR)
Publication Site	Public Procurement Agency Open Calls: <a href="https://www.ppa.gov.nl.ca/tenders/index.html">https://www.ppa.gov.nl.ca/tenders/index.html</a> and Atlantic Lottery Website: <a href="https://www.alc.ca/content/alc/en/corporate/about-atlantic-lottery/supply-chain-management.html">https://www.alc.ca/content/alc/en/corporate/about-atlantic-lottery/supply-chain-management.html</a>
Opportunity Particulars	Suppliers need to register on the Atlantic Lottery's iSupplier Portal to be eligible to respond to opportunities: <a href="https://www.alc.ca/content/alc/en/corporate/about-atlantic-lottery/supply-chain-management.html">https://www.alc.ca/content/alc/en/corporate/about-atlantic-lottery/supply-chain-management.html</a>



<b>New Brunswick – NB Power</b>	
Website	<a href="https://www.nbpower.com/Welcome.aspx">https://www.nbpower.com/Welcome.aspx</a>
Mandate	Provincial crown corporation responsible for the generation, transmission, and distribution of electricity for the province.
Annual Budget	\$1.57 billion CAD/year (1.08 billion EUR)
Publication Site	New Brunswick Opportunities Network (NBON): <a href="https://nbon-rpanb.gnb.ca/">https://nbon-rpanb.gnb.ca/</a>
Opportunity Particulars	Opportunities are published in both English and French and are generally submitted via courier.

<b>Newfoundland and Labrador – Newfoundland and Labrador Liquor Corporation</b>	
Website	<a href="https://nliquor.com/">https://nliquor.com/</a>
Mandate	Provincial crown agency responsible for the manufacture, sale, and distribution of beverage alcohol.
Annual Budget	\$162.9 million CAD/year (104,24 million EUR)
Publication Site	Newfoundland and Labrador Liquor Corporation website <a href="https://tenders.nliquor.net/tenders">https://tenders.nliquor.net/tenders</a>
Opportunity Particulars	Opportunities are published in both English and French and are generally submitted via courier.



<b>Prince Edward Island – Health PEI</b>	
Website	<a href="https://www.princeedwardisland.ca/en/topic/health-pei">https://www.princeedwardisland.ca/en/topic/health-pei</a>
Mandate	Provincial agency responsible for delivery of publicly funded health services.
Annual Budget	\$671 million CAD/year (460 million EUR)
Publication Site	Tenders: <a href="https://www.princeedwardisland.ca/en/tenders">https://www.princeedwardisland.ca/en/tenders</a>
Opportunity Particulars	Opportunity notices are published on the central publication site for Prince Edward Island; submissions are electronically submitted via the Health PEI e-bidding portal: <a href="https://healthpei.bonfirehub.ca/">https://healthpei.bonfirehub.ca/</a>

<b>Nova Scotia – Dalhousie University</b>	
Website	<a href="https://www.dal.ca/">https://www.dal.ca/</a>
Mandate	A publicly funded post-secondary academic institution, Dalhousie University is part of the broader public sector. Additionally, Dalhousie University is part of the co-operative purchasing organisation, Interuniversity Services Incorporated, which is made up of post-secondary institutions in Atlantic Canada: <a href="https://interuniversity.ns.ca/">https://interuniversity.ns.ca/</a>
Annual Budget	\$447.2 million CAD/year (306.8 million EUR)
Publication Site	bids&tenders: <a href="https://dal.bidsandtenders.ca/Module/Tenders/en">https://dal.bidsandtenders.ca/Module/Tenders/en</a>
Opportunity Particulars	Suppliers can download solicitation documents for free, but will have to pay a fee to register on the publication platform in order to submit electronically to the opportunities.

## Atlantic Canada City Procurement Process Examples

New Brunswick – Fredericton	
Website	<a href="http://www.fredericton.ca/lang">http://www.fredericton.ca/lang</a>
Mandate	The City of Fredericton is the capital city of New Brunswick. The population of the city is 60,000 people. The city provides support to a variety of different broader public sector organisations, including transit, police services, water, and waste management.
Annual Budget	\$120.2 million CAD/year (82.5 million EUR)
Publication Site	New Brunswick Opportunities Network (NBON): <a href="https://nbon-rpanb.gnb.ca/">https://nbon-rpanb.gnb.ca/</a>
Opportunity Particulars	The city accepts submissions via email and courier.

Newfoundland and Labrador – St. John's	
Website	<a href="http://www.stjohns.ca/">http://www.stjohns.ca/</a>
Description	The City of St. John's is the capital city of Newfoundland and Labrador. The population of the city is 114,000 people. The city provides support to a variety of different broader public sector organisations, including transit, fire services, water, and waste management.
Annual Budget	\$77 million CAD/year (52.8 million EUR)
Publication Site	bids&tenders: <a href="https://bids.stjohns.ca/Module/Tenders/en">https://bids.stjohns.ca/Module/Tenders/en</a>
Opportunity Particulars	The city only accepts submissions electronically on its bids&tenders site. Suppliers must be registered with the site, which is free of charge.

Nova Scotia – Halifax	
Website	<a href="http://www.halifax.ca/">http://www.halifax.ca/</a>
Description	The City of Halifax is the capital city of Nova Scotia. The population of the city is 432,000 people. The city provides support to a variety of different broader public sector organisations across the Halifax Regional Municipality, which is made up of three main urban areas.
Annual Budget	\$955.7 million CAD/year (655.6 million EUR)
Publication Site	Nova Scotia Tender Notices: <a href="https://procurement.novascotia.ca/ns-tenders.aspx">https://procurement.novascotia.ca/ns-tenders.aspx</a>
Opportunity Particulars	The city only accepts physical submissions via courier.

Prince Edward Island – Charlottetown	
Website	<a href="https://www.charlottetown.ca/">https://www.charlottetown.ca/</a>
Description	The City of Charlottetown is the capital of Prince Edward Island. The population of the city is 37,000 people. The city provides support to a variety of different broader public sector organisations, including water services, waste management, and public transit.
Annual Budget	\$57.1 million CAD/year (39.2 million EUR)
Publication Site	Notices are published on <a href="https://www.princeedwardisland.ca/en/tenders">https://www.princeedwardisland.ca/en/tenders</a> and full documents are published on Charlottetown Tenders <a href="http://www.charlottetown.ca/tenders">www.charlottetown.ca/tenders</a>
Opportunity Particulars	The city only accepts submissions via courier.

## Useful Links and Resources

Government of Canada - Selling to provincial, territorial and municipal governments

<https://www.canada.ca/en/services/business/doing-business.html>

### Atlantic Canada

Atlantic Supplier Development – The Council of Atlantic Premiers

<https://atlanticsuppliers.ca/>

### New Brunswick

New Brunswick Government

<https://www2.gnb.ca/content/gnb/en.html>

New Brunswick Opportunities Network (NBON)

<https://nbon-rpanb.gnb.ca/>

New Brunswick Ombud's Office – New Brunswick Government

<https://www.ombudnb.ca/site/en/>

### Newfoundland and Labrador

Newfoundland and Labrador Government

<https://www.gov.nl.ca/>

List of Open Government Calls – Newfoundland and Labrador Government

<https://www.gov.nl.ca/ppa/tenders/>

List of Publication Sites for Other Public Bodies

<https://www.gov.nl.ca/ppa/sellingtoagencies/>

Office of the Citizens' Representative – Newfoundland and Labrador Government

<https://www.citizensrep.nl.ca/>

### Nova Scotia

Procurement – Nova Scotia Government

<https://procurement.novascotia.ca/>

Nova Scotia Tender Notices – Nova Scotia Government

<https://procurement.novascotia.ca/ns-tenders.aspx>

E-Bidding Platform – Nova Scotia Government

<http://discovery.ariba.com>

Ombudsman – Nova Scotia Government

<https://ombudsman.novascotia.ca/>

### Prince Edward Island

Government Tenders and Procurement – Prince Edward Island

<https://www.princeedwardisland.ca/en/topic/government-tenders-and-procurement>

Tenders - Prince Edward Island

<https://www.princeedwardisland.ca/en/tenders>



## CHAPTER 5: QUÉBEC

### Government Structure

Québec is a large provincial government that is composed of central government departments, line ministries, independent arm's length agencies, and the broader public sector institutions (known as BPS or the MASH sector), which are composed of approximately 1,200 municipal institutions (including larger cities, like Montréal and Québec, as well as counties, towns and villages), academic institutions (comprised of universities and colleges), school boards, and transportation and health sectors.

Each of these institutions runs its own separate procurement processes based on the open competition requirements applicable to its specific level of government and, with the exception of parts of Montréal, are governed by an arm's length oversight body, the Autorité des marchés publics (AMP).

### How to Respond to an Opportunity in Québec

In addition to following the process outlined in Chapter 2: Overview of Procurement Processes in Canada, and as further defined in each solicitation, beyond a certain threshold suppliers must receive authority to participate in procurements from the Autorité des marchés publics (AMP) (<https://amp.gouv.qc.ca/en/about-us/>) in order to participate in Québec procurement opportunities. The AMP is an independent agency that oversees all public contracts and the registry of suppliers, and ensures compliance with tendering and award rules, which was established by the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry (<https://www.ceic.gouv.qc.ca>). All companies seeking authority to participate are investigated to identify any potential transparency, conflict, or integrity issues, in order to prevent collusion and corruption in the procurement process orchestrated by organised crime.

Suppliers are encouraged to apply early to the AMP if they anticipate participating in Québec procurements, as the process can take up to six to 12 weeks on average, or longer for complex applications, and the approval process cannot be expedited. Suppliers should also note that conditional approvals are valid for three years and that they must apply for a renewal no later than 90 days before the end of the approval validity period.

### Publication Platforms

All public procurement opportunities in Québec are published electronically on the central publication site, Système électronique d'appel d'offres du gouvernement du Québec, also known as the SEAO (<https://www.seao.ca/index.aspx>). Suppliers can access training for the SEAO online (<https://www.seao.ca/Information/ServiceClientele.aspx>). The first five downloads of each document provided for each solicitation published on the SEAO are free; thereafter, suppliers must pay a fee for access. The SEAO system is able to receive electronic bids for procurements based on best price and is in the process of doing the same for point-based evaluations; however, procurements may vary on whether the purchasing entity will rely on the SEAO for electronic submissions or continue to receive hard copy bids.

### Final Considerations for Responding to Québec Opportunities

When planning their submissions, suppliers should note that there are two time zones in Québec. The majority of Québec falls within the UTC -05:00 or Eastern Time Zone, while parts of eastern Québec fall within the UTC -04:00 or Atlantic Time Zone. Suppliers should also note that all of Québec observes Daylight Saving Time.



## Provincial Challenges and Remedies in Québec

### Québec Bid Protest Procedures

The AMP is mandated to deal with complaints and manages the central registry of all suppliers that wish to bid on government contracts in Québec. The AMP also audits and investigates contracts and has the ability to issue orders, make recommendations, and suspend or cancel contract awards. To file a complaint with the AMP, suppliers should review the requirements and process as detailed at <https://amp.gouv.qc.ca/en/file-complaint/>.

Prior to filing a complaint with the AMP, complainants are advised to contact the public body to obtain clarifications, which can be done at any time during the tendering or award process. The public body will then determine whether the complaint is admissible and justify its decision, if need be. Each public body is responsible to receive and process complaints and the decision, or lack of a decision, can be appealed to the AMP.

An exception to this oversight function lies with the City of Montréal. Montréal's inspector general carries out the same duties as the AMP with regards to a large part of the City (19 boroughs, central services, various organisations and boards), the Autorité régionale de transport métropolitain (ARTM), and the Communauté métropolitaine de Montréal (CMM). The AMP, however, retains jurisdiction over 14 of the municipalities that have been reconstituted after the amalgamation of Greater Montréal. More information about Montréal bid disputes here: <https://www.bigmtl.ca/en/legal-framework/>

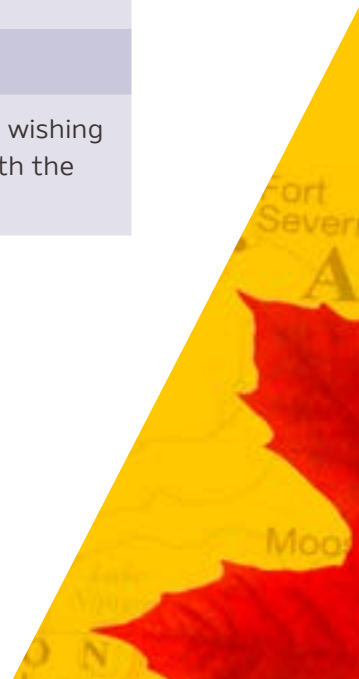
Suppliers should obtain situation-specific legal advice regarding the specific procedures and applicable remedies available under the bid protest mechanisms established in Québec.



## Québec Procurement Process Examples

Hydro-Québec	
Website	<a href="http://www.hydroquebec.com/residentiel/">http://www.hydroquebec.com/residentiel/</a>
Mandate	Provincial crown corporation responsible for the generation, transmission and distribution of energy.
Annual Budget	\$8.4 billion CAD/year (5.8 billion EUR)
Publication Site	Hydro-Québec Website: <a href="https://www.hydroquebec.com/fournisseurs/">https://www.hydroquebec.com/fournisseurs/</a> ; and SEAO: <a href="https://seao.ca/">https://seao.ca/</a>
Opportunity Particulars	Hydro-Québec's website currently publishes all of its procurements online and bidders must prequalify to become a supplier. Its publications are also available through the SEAO's portal.

Aéroports de Montréal	
Website	<a href="https://www.admtl.com/">https://www.admtl.com/</a>
Mandate	Airport authority responsible for the management, operation, and development of Montréal-Trudeau International Airport and Mirabel international Aerocity.
Annual Budget	\$576 million CAD/year (395 billion EUR)
Publication Site	SEAO: <a href="https://seao.ca/">https://seao.ca/</a>
Opportunity Particulars	Most procurements are available solely in French. Suppliers wishing to conduct business with the authority need to register with the Autorité des marchés publics (AMP).



<b>Autorité régionale de transport métropolitain</b>	
Website	<a href="https://www.artm.quebec">https://www.artm.quebec</a>
Mandate	This agency is responsible for the planning, delivery, financing, and promotion of all forms of public transportation for the greater Montréal area.
Annual Budget	\$3.2 billion CAD/year (2.1 billion EUR)
Publication Site	SEAO: <a href="https://seao.ca/">https://seao.ca/</a>
Opportunity Particulars	Most solicitation documents are available solely in French. Suppliers wishing to conduct business with the agency need to register with the Autorité des marchés publics (AMP).

## Québec Municipal Procurement Process Examples

<b>City of Montréal</b>	
Website	<a href="http://ville.montreal.qc.ca/">http://ville.montreal.qc.ca/</a>
Description	The City of Montréal is the largest city in Québec and the second largest city in Canada. The city conducts business on two separate municipal levels: as a standalone city and as the core of Greater Montréal. The population of the core city area is 1.8 million people. The population of Greater Montréal is 4.1 million people. The city provides support to a variety of different broader public sector organisations, including social, health, and infrastructure services.
Annual Budget	\$5.7 billion CAD/year (3.9 billion EUR)
Publication Site	SEAO: <a href="https://seao.ca/">https://seao.ca/</a>
Opportunity Particulars	As a predominantly French-speaking city, most procurements are available solely in French. Suppliers wishing to conduct business with the city are required to register with the Autorité des marchés publics (AMP). Generally, the city receives physical submissions via courier.

Québec City	
Website	<a href="https://www.ville.quebec.qc.ca/en/">https://www.ville.quebec.qc.ca/en/</a>
Description	Québec City is the capital of Québec. The population of the city is 543,000 people. The city conducts all procurements for all departments of the city and provides support to a variety of different broader public sector organisations, including social, health, and infrastructure services.
Annual Budget	\$1.5 billion CAD/year (1 billion EUR)
Publication Site	SEAO: <a href="https://seao.ca/">https://seao.ca/</a>
Opportunity Particulars	As a French-speaking city, solicitations are available solely in French. Suppliers wishing to conduct business with the city are required to register with the Autorité des marchés publics (AMP). Generally, the city receives physical submissions via courier.



## Useful Links and Resources

Government of Canada - Selling to provincial, territorial and municipal governments

<https://www.canada.ca/en/services/business/doing-business.html>

Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry - Government of Québec

<https://www.ceic.gouv.qc.ca/>

Autorité des marchés publics (AMP) - Government of Québec

<https://amp.gouv.qc.ca/>

Registration with Autorité des marchés publics (AMP) - Government of Québec

<https://amp.gouv.qc.ca/en/authorization-to-contract/>

Filing a Complaint with Autorité des marchés publics (AMP) - Government of Québec

<https://amp.gouv.qc.ca/en/file-complaint/>

Filing a Complaint with the City of Montréal's Bureau de l'Inspecteur Général

<https://www.bigmtl.ca/en/>

Système électronique d'appel d'offres du gouvernement du Québec (SEAO) - Government of Québec

<https://www.seao.ca/index.aspx>

## CHAPTER 6: ONTARIO

### Government Structure

Ontario is a large provincial government that is composed of central government departments, line ministries, independent arm's length agencies, and the broader public sector institutions (known as BPS or the MASH sector), which are composed of municipal institutions (including urban upper tier municipal regions or rural upper tier municipal counties, and lower tier local municipal cities and towns that fall within regions or counties), academic institutions (comprised of universities and colleges), school boards, and the health sector. Each of these institutions runs its own separate procurement processes based on the open competition requirements applicable to its specific level of government.

### How to Respond to an Opportunity in Ontario

To respond to published bid opportunities, suppliers must typically follow the step-by-step process outlined in Chapter 2: Overview of Procurement Processes in Canada and as further defined in the specific solicitation opportunity.

#### Publication Platforms

All procurement opportunities in Ontario are published electronically on a wide variety of publication sites; there is no central publication site for public institutions within Ontario and therefore Ontario public institutions can select from the available sites for their publications.

Although the trade treaties contemplate free access to opportunities via electronic publication sites for suppliers, some publication sites still require suppliers to pay for a subscription to the site in order to access opportunities.



The following is an overview of the various publication sites used by the province of Ontario and other Ontario institutions.

Level of Government	Publication Site Name	Cost to Suppliers	Publication Site Link
All ministries; other sub-level organisations	Ontario Tenders Portal	Free	<a href="https://ontariotenders.app.jaggaer.com/esop/nac-host/public/home.html">https://ontariotenders.app.jaggaer.com/esop/nac-host/public/home.html</a>
Select organisations from all levels of Ontario government	Merx	Per Opportunity or Subscription Fee	<a href="https://www.merx.com/">https://www.merx.com/</a>
Select organisations from all levels of Ontario government	Biddingo.com	Subscription Fee	<a href="https://www.biddingo.com/">https://www.biddingo.com/</a>
Select broader sector institutions	bids&tenders	Per Opportunity or Subscription Fee; Additional Fees Per Organisation May Apply	<a href="https://www.bidsandtenders.ca/">https://www.bidsandtenders.ca/</a>

### Final Considerations for Responding to Ontario Opportunities

When planning their submissions, suppliers should note that there are two time zones in Ontario. The majority of Ontario falls within the UTC -05:00 or Eastern Time Zone, while parts of western Ontario fall within the UTC -06:00 or Central Time Zone. Suppliers should also note that all of Ontario observes Daylight Saving Time.

## Provincial Challenges and Remedies in Ontario

### Court-Based Bid Challenges

Ontario has not established any specialised tribunals or courts for the formal adjudication of bid protest challenges. However, suppliers seeking formal remedies in relation to a bidding process, or more generally in relation to a government contract award decision, can avail themselves of court-based remedies that typically fall under commercial law-based lost profit damages and administrative law-based judicial review remedies summarised in Chapter 2: Overview of Procurement Processes in Canada.

### Ontario Bid Protest Procedures

The government of Ontario has established a bid dispute process that applies to provincial ministries and some agencies, but not to broader public sector institutions (for more information, see [here](#)). As stated by the province of Ontario at the above-noted website:

The bid dispute process ensures that procurement complaints are addressed and resolved quickly and efficiently. Complaints should be limited to those issues related to a breach of procurement policy or process. Any contract management issues should be resolved with the contract manager.

Before initiating a complaint, vendors must raise their concerns with the designated procurement contact and try to resolve the issue at the Ministry level. As a vendor, you also have the opportunity to raise your concerns through the question and answer period of the procurement process or through a vendor debriefing meeting after the contract award. 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 formal review process. All applicable complaints will be reviewed and vendors will be provided a formal response.

The above-noted website also provides a prescribed Complaint Form that suppliers can submit, along with related forms for setting out the details of their specific complaint and related background information. The relevant ministry or agency may potentially reconsider its decision pursuant to this review process, failing which, as stated by the provincial government on its website, suppliers should seek independent legal advice to determine their recourse to other remedies through the courts or through an arbitration process.

In addition to the above-noted bid dispute process established by the province of Ontario for provincial ministries and select agencies, other Ontario institutions in the agency sector and broader public sector may have established their own institutional-level bid protest procedures that serve as the first-tier bid dispute process for suppliers seeking to challenge the results of a competitive bidding process. For more details about institution-specific procedures, suppliers should review the bid protest protocols referred to in their specific solicitation document and established more generally by the specific purchasing institution. These institutional-level bid protest protocols tend to be limited to reconsideration remedies. Suppliers should obtain legal advice to consider any additional court-based remedies.



## Ontario Procurement Process Examples

Ministry of Transportation	
Website	<a href="https://www.ontario.ca/page/ministry-transportation">https://www.ontario.ca/page/ministry-transportation</a>
Mandate	Provincial ministry in charge of building and maintaining transit and transportation infrastructure; manage all vehicle and driver licencing; and manage and improve road safety
Annual Budget	\$5.5 billion CAD/year (3.52 billion EUR)
Publication Site	Ontario Tenders Portal: <a href="https://ontariotenders.app.jaggaer.com/esop/nac-host/public/home.html">https://ontariotenders.app.jaggaer.com/esop/nac-host/public/home.html</a>
Opportunity Particulars	Opportunities are generally in English, but some can be found in both English and French. Opportunities are generally submitted via electronic bid submission on the Ontario Tenders Portal at <a href="https://ontariotenders.app.jaggaer.com/esop/nac-host/public/home.html">https://ontariotenders.app.jaggaer.com/esop/nac-host/public/home.html</a>

eHealth Ontario	
Website	<a href="https://www.ehealthontario.on.ca/en">https://www.ehealthontario.on.ca/en</a>
Mandate	A provincial development corporation that has built and maintains a centralised electronic health record system that networks with health organisations and sole practitioners across the province.
Annual Budget	\$27 million CAD/year (17,27 million EUR)
Publication Site	Merx – Private Tenders Section: <a href="https://www.merx.com/">https://www.merx.com/</a>
Opportunity Particulars	Procurement processes may also be conducted through third-party entities, such as Infrastructure Ontario, an Ontario Infrastructure and Lands Corporation Act, 2011 corporation, via a delivery partner, such as a hospital or other not-for-profit entity; or using the Ministry of Government and Consumer Services Supplier of Record (VOR) for certain procurements. In order to stay current with technology, eHealth Ontario will also meet with suppliers when there are no open procurements. More information can be received at <a href="mailto:supplierrelations@ehealthontario.on.ca">supplierrelations@ehealthontario.on.ca</a>

OLG	
Website	<a href="https://home.olg.ca/en-ca/home-page">https://home.olg.ca/en-ca/home-page</a>
Mandate	A crown corporation, OLG, formerly known as the Ontario Lottery and Gaming Corporation, provides lottery and gaming entertainment, with the Government of Ontario as its sole shareholder.
Annual Budget	\$7.58 billion CAD/year (5.2 billion EUR)
Publication Site	Merx: <a href="https://www.merx.com/olg">https://www.merx.com/olg</a>
Opportunity Particulars	OLG receives procurement submissions via courier. Suppliers may have to register with the Alcohol and Gaming Commission of Ontario ( <a href="https://www.agco.ca/">https://www.agco.ca/</a> ) in order to participate in certain procurements.

University of Waterloo	
Website	<a href="https://uwaterloo.ca/">https://uwaterloo.ca/</a>
Mandate	A publicly funded post-secondary academic institution, the University of Waterloo is part of the broader public sector.
Annual Budget	\$778.5 million CAD/year (534 million EUR)
Publication Site	Merx: <a href="https://www.merx.com/">https://www.merx.com/</a>
Opportunity Particulars	The University of Waterloo competitively sources any contracts valued at more than \$5,000 CAD. The University of Waterloo is part of multiple co-operative procurement groups, including groups for goods and services, food, and facilities and utilities. The University of Waterloo receives supplier submissions for published procurements electronically via its Bonfire portal at <a href="https://uwaterloo.bonfirehub.ca/portal/">https://uwaterloo.bonfirehub.ca/portal/</a>

## Ontario City Procurement Process Examples

City of Toronto	
Website	<a href="https://www.toronto.ca/">https://www.toronto.ca/</a>
Description	The City of Toronto is the capital of Ontario and the most populous city in Canada. The city conducts business on two separate municipal levels: as a standalone city and as the core of the Greater Toronto Area (GTA), which is made up of 11 cities. The population of the core city area is over 2.9 million people. The population of the Greater Toronto Area is over 6.3 million people. The city provides support to a variety of different broader public sector organisations, including social, health, and infrastructure services.
Annual Budget	\$13.47 billion CAD/year (9.3 billion EUR)
Publication Site	The City of Toronto uses its own proprietary publication platform, which charges fees for document access: <a href="https://wx.toronto.ca/inter/pmmd/calls.nsf/websearch?Openform">https://wx.toronto.ca/inter/pmmd/calls.nsf/websearch?Openform</a> The city also uses a new platform, which would allow suppliers to access solicitation documents without paying any fees: <a href="https://service.ariba.com/Supplier.aw/125009047/aw?awh=r&amp;awssk=525_1CNG&amp;dard=1">https://service.ariba.com/Supplier.aw/125009047/aw?awh=r&amp;awssk=525_1CNG&amp;dard=1</a>
Opportunity Particulars	On the current proprietary publication platform, suppliers are charged a fee depending on the length of the solicitation document and on any drawings or plans in order to access solicitation documents. On the new tender system, suppliers will be able to access solicitation documents for free.

City of Ottawa	
Website	<a href="https://ottawa.ca/en">https://ottawa.ca/en</a>
Description	The City of Ottawa is the capital of Canada, the fourth largest city in Canada, and is located in Ontario. The population of the city is over 1 million people. The city conducts all procurements for all departments of the city and provides support to non-profit organisations that run various programmes for the city (for example, The Social Housing Registry of Ottawa manages Ottawa's subsidised housing list).
Annual Budget	\$3.6 billion CAD/year (2.5 billion EUR)
Publication Site	Merx: <a href="http://www.merx4.merx.com/cityofottawa">http://www.merx4.merx.com/cityofottawa</a>
Opportunity Particulars	Suppliers have to pay a subscription fee or a per-opportunity fee for solicitations published on the Merx platform. The City of Ottawa accepts electronic bid submissions via its Merx portal.

## Useful Links and Resources

Government of Canada - Selling to provincial, territorial and municipal governments

<https://www.canada.ca/en/services/business/doing-business.html>

Supply Chain Ontario – Ministry of Government and Consumer Services

<https://www.ontario.ca/page/doing-business-government-ontario>

Procurement Policies and Trade Agreements – Ministry of Government and Consumer Services

<https://www.ontario.ca/page/doing-business-government-ontario>

Broader Public Sector Procurement Directive – Ministry of Government and Consumer Services

<https://www.doingbusiness.mgs.gov.on.ca/mbs/psb/psb.nsf/EN/bps-procurementdirective>

Information for Suppliers – Ministry of Government and Consumer Services

<https://www.doingbusiness.mgs.gov.on.ca/mbs/psb/psb.nsf/English/forsuppliers>

Government of Ontario's Bid Dispute Process – Ministry of Government and Consumer Services

<https://www.doingbusiness.mgs.gov.on.ca/mbs/psb/psb.nsf/english/forbuyers-login>

Ombudsman Ontario

<https://www.ombudsman.on.ca/home>

## CHAPTER 7: WESTERN CANADA

### Government Structure

Western Canada is made up of four provinces: Manitoba, Saskatchewan, Alberta, and British Columbia. Each operates individually for provincial procurement. The governments range in size from medium to large, and are made up of agencies, boards, commissions, and departments, as well as MASH sector or BPS organisations, such as municipalities (regions, cities, towns, villages), school boards, publicly funded academic institutions, and any crown corporations owned and run by the aforementioned entities. Each institution in each of the above provinces runs its own separate procurements based on the open competition requirements applicable to its specific level of government and its own internal policies.

### How to Respond to an Opportunity in Western Canada

To respond to published bid opportunities, suppliers must typically follow the step-by-step process outlined in Chapter 2: Overview of Procurement Processes in Canada and as further defined in the specific solicitation opportunity.



## Publication Platforms

All procurement opportunities in the Western Canada provinces are published electronically.

In Saskatchewan, Alberta, and British Columbia, provincial opportunities are published on centralised publication sites, with many municipal and BPS organisations also utilizing the central provincial publication sites. Some municipal and BPS organisations publish notices of their procurements on the centralised provincial sites, with the full solicitation available on their own website or on another private publication site.

In Manitoba, all provincial opportunities are published on Merx, with municipal and BPS organisations publishing on Merx or their own websites and platforms.

Although the trade treaties contemplate free access to opportunities via electronic publication sites for suppliers, some privately run publication sites still require suppliers to pay for a subscription to the site in order to access opportunities.

The following is an overview of the various publication sites used by the Western provinces:

Province	Level of Government	Publication Site Name	Cost to Suppliers	Publication Site Link
Manitoba	All provincial agencies, boards and commissions; some municipal and BPS entities	Merx	Per Opportunity or Subscription Fee	<a href="https://www.merx.com">https://www.merx.com</a>
	Some municipal and BPS entities	published on own websites	Free	City/Town/Entity Websites
Saskatchewan	All provincial organisations and all municipal and BPS entities	SaskTenders	Free	<a href="https://sasktenders.ca/content/public/Search.aspx">https://sasktenders.ca/content/public/Search.aspx</a>
	Some provincial organisations and municipal and BPS entities	Merx	Per Opportunity Fee or Subscription Fee	<a href="https://www.merx.com/">https://www.merx.com/</a>
Alberta	All provincial organisations, and municipal and BPS entities	Alberta Purchasing Connection	Free	<a href="http://www.purchasingconnection.ca/">http://www.purchasingconnection.ca/</a>
British Columbia	All provincial organisations, and municipal and BPS entities	BC Bid	Free	<a href="https://www.bcbid.gov.bc.ca/">https://www.bcbid.gov.bc.ca/</a>
Additional Publication Sites	Select broader sector institutions	bids&tenders	Per Opportunity or Subscription Fee; Additional Fees Per Organisation May Apply	<a href="https://www.bidsandtenders.ca/">https://www.bidsandtenders.ca/</a>
	Select organisations from all levels of government	Merx	Per Opportunity or Subscription Fee	<a href="https://www.merx.com/">https://www.merx.com/</a>
	Select organisations from all levels of government	Biddingo.com	Subscription Fee	<a href="https://www.biddingo.com/">https://www.biddingo.com/</a>

## Final Considerations for Responding to Western Canada Opportunities

### MANITOBA

When planning their submissions, suppliers should note that Manitoba falls within the UTC -06:00 or Central Standard Time Zone. Suppliers should also note that all of Manitoba observes Daylight Saving Time.

### SASKATCHEWAN

Suppliers should note that Saskatchewan has recently launched a Single Procurement Service from within its SaskBuilds Treasury Board crown corporation, which will conduct procurements for all ministries across the government in the future. When planning their submissions, suppliers should note that most of Saskatchewan falls within the UTC -06:00 or Central Standard Time Zone, and some of western Saskatchewan falls within the UTC -07:00 or Mountain Standard Time Zone. Further, most of Saskatchewan does not observe Daylight Saving Time.

### ALBERTA

When planning their submissions, suppliers should note that Alberta falls within the UTC -07:00 or Mountain Standard Time Zone. Suppliers should also note that most of Alberta, save for select cities on the Saskatchewan border, observes Daylight Saving Time.

### BRITISH COLUMBIA

When planning their submissions, suppliers should note that most of British Columbia falls within the UTC -08:00 or Pacific Standard Time Zone, while parts of eastern British Columbia fall within the UTC -07:00 or Mountain Standard Time Zone. Suppliers should also note that all of British Columbia observes Daylight Saving Time.



## Provincial Challenges and Remedies in Western Canada

The Western Canadian provinces have not established any specialised tribunals or courts for the formal adjudication of bid protest challenges. However, suppliers seeking formal remedies in relation to a bidding processes, or more generally in relation to a government contract award decision, can avail themselves of court-based remedies that typically fall under commercial law-based lost profit damages and administrative law-based judicial review remedies summarised in **Chapter 2: Overview of Procurement Processes in Canada.**

Furthermore, effective January 1, 2019, the Western Canadian provinces recently expanded the scope of the bid protest procedures that originally applied to their regional trade treaty (New West Partnership Trade Agreement (NWPTA)) to now also apply to disputes under the CETA. As the revised Bid Protest Mechanism states:

The process set out below applies to the avoidance and resolution of disputes between suppliers and the Provinces' government entities relating to a specific procurement covered by any one of the NWPTA (Article 14), [Canada Free Trade Agreement (CFTA)] (Chapter 5), [Agreement on Government Procurement (GPA)], CETA (Chapter 19), or, upon the entry into force of the [Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)] for Canada, the CPTPP (Chapter 15).

This new bid protest mechanism is the most formal in Canada at the sub-federal levels and includes formal procedures for bringing a bid protest that include the potential escalation of the dispute to an arbitration process that empowers the selected arbiter to make substantive rulings on a government body's compliance with trade treaty rules, as well as applicable cost awards that can include complaint costs and bid preparation costs. Further details are available at: <http://www.newwestpartnership.ca/bid-protest.html>.



Suppliers should obtain situation-specific legal advice regarding the specific procedures and applicable remedies available under this bid protest mechanism.

## Western Canada Procurement Process Examples

Manitoba – Manitoba Centennial Centre Corporation	
Website	<a href="http://www.mbccc.ca/">http://www.mbccc.ca/</a>
Mandate	Provincial crown corporation responsible for managing the operation of the Centennial Concert Hall; maintaining and developing the buildings and property within Centennial Centre; providing property management services; and supporting culture and the arts.
Annual Budget	\$6.4 million CAD/year (4,1 million EUR)
Publication Site	Merx: <a href="https://www.merx.com">https://www.merx.com</a>
Opportunity Particulars	Opportunities are submitted in both physical form via courier and electronic form via the Merx platform.

Saskatchewan – SaskBuilds	
Website	<a href="http://www.saskbuilds.ca/">http://www.saskbuilds.ca/</a>
Mandate	Treasury Board crown corporation responsible for the delivery of large, complex infrastructure projects for public sector clients.
Annual Budget	\$3.5 billion CAD/year (2.4 billion EUR)
Publication Site	SaskTenders: <a href="https://sasktenders.ca/Content/Public/Search.aspx">https://sasktenders.ca/Content/Public/Search.aspx</a>
Opportunity Particulars	Opportunities can be submitted physically via courier or electronically via email.

<b>Alberta – Alberta Health Services (AHS)</b>	
<b>Website</b>	<a href="https://www.albertahealthservices.ca/">https://www.albertahealthservices.ca/</a>
<b>Mandate</b>	Provincial agency responsible for delivery of publicly funded health services.
<b>Annual Budget</b>	\$21.4 billion CAD/year (14,7 billion EUR)
<b>Publication Site</b>	Alberta Purchasing Connection: <a href="http://www.purchasingconnection.ca/">http://www.purchasingconnection.ca/</a>
<b>Opportunity Particulars</b>	Suppliers who work with Alberta Health Services must comply with established policies, procedures, and directives regarding facilities, health information, and interaction with others <a href="https://www.albertahealthservices.ca/about/Page207.aspx">https://www.albertahealthservices.ca/about/Page207.aspx</a>

<b>British Columbia – Ministry of Forests, Lands, Natural Resource Operations and Rural Development</b>	
<b>Website</b>	<a href="https://www2.gov.bc.ca/gov/content/governments/Organisational-structure/ministries-Organisations/ministries/forests-lands-natural-resource-operations-and-rural-development">https://www2.gov.bc.ca/gov/content/governments/Organisational-structure/ministries-Organisations/ministries/forests-lands-natural-resource-operations-and-rural-development</a>
<b>Mandate</b>	Provincial ministry responsible for the stewardship of provincial crown land and natural resources, and for the protection of British Columbia's archaeological and heritage resources.
<b>Annual Budget</b>	\$3.8 million CAD/year (2.6 million EUR)
<b>Publication Site</b>	BC Bid: <a href="https://www.bcbid.gov.bc.ca/open.dll/welcome?language=En">https://www.bcbid.gov.bc.ca/open.dll/welcome?language=En</a>
<b>Opportunity Particulars</b>	Generally, responses to solicitations are submitted physically via courier or electronically via email.



## Western Provinces City Procurement Process Examples

Manitoba – Winnipeg	
Website	<a href="https://www.winnipeg.ca/">https://www.winnipeg.ca/</a>
Description	The City of Winnipeg is the capital of Manitoba. The population of the city is 750,000 people. The city provides support to a variety of different broader public sector organisations, including transit, police services, water, and waste management.
Annual Budget	\$244 million CAD/year (167.4 million EUR)
Publication Site	City of Winnipeg Website: <a href="https://www.winnipeg.ca/matmgt/bidopp.asp">https://www.winnipeg.ca/matmgt/bidopp.asp</a> and Merx: <a href="https://www.merx.com/mbgov/">https://www.merx.com/mbgov/</a>
Opportunity Particulars	The city accepts submissions via courier and fax, as well as electronic submissions via the Merx platform.

Saskatchewan – Regina	
Website	<a href="https://www.regina.ca/">https://www.regina.ca/</a>
Description	The City of Regina is the capital city of Saskatchewan. The population of the city is 230,000 people. The city provides support to a variety of different broader public sector organisations, including transit, police services, water, and waste management.
Annual Budget	\$460 million CAD/year (315.6 million EUR)
Publication Site	SaskTenders: <a href="https://sasktenders.ca/Content/Public/Search.aspx">https://sasktenders.ca/Content/Public/Search.aspx</a>
Opportunity Particulars	The city accepts submissions physically via courier or electronically via email.

Alberta – Edmonton	
Website	<a href="https://www.edmonton.ca/">https://www.edmonton.ca/</a>
Description	The City of Edmonton is the capital city of Alberta. The population of the city is 982,000 people. The city provides support to a variety of different broader public sector organisations such as utilities, police services, and public transit.
Annual Budget	\$3 billion CAD/year (2.1 billion EUR)
Publication Site	Alberta Purchasing Connection: <a href="http://www.purchasingconnection.ca/">http://www.purchasingconnection.ca/</a> ; BuildWorks Canada for construction procurement: <a href="https://buildworkscanada.com">https://buildworkscanada.com</a> ; SAP Ariba for full solicitation documents: <a href="https://service.ariba.com/">https://service.ariba.com/</a>
Opportunity Particulars	The city accepts electronic submissions via the SAP Ariba platform.

British Columbia – Metro Vancouver	
Website	<a href="http://www.metrovancouver.org/">http://www.metrovancouver.org/</a>
Description	Metro Vancouver is made up of the core City of Vancouver, along with 20 other municipalities and one treaty First nation. The City of Vancouver itself is made up of over 633,000 people and Metro Vancouver as a whole has a combined population of 2.5 million. Core services, such as water service, waste management, and housing fall under the jurisdiction of Metro Vancouver, whereas each municipality and the treaty First nation provide public transit services, including buses and ferries, as well as street maintenance.
Annual Budget	\$890.1 million CAD/year (610.6 million EUR)
Publication Site	All opportunities are published on the city publication site: <a href="https://bids.vancouver.ca/bidopp/openbid.htm">https://bids.vancouver.ca/bidopp/openbid.htm</a>
Opportunity Particulars	Metro Vancouver only accepts physical submissions as detailed in each opportunity.

## Useful Links and Resources

Government of Canada - Selling to provincial, territorial and municipal governments

<https://www.canada.ca/en/services/business/doing-business.html>

### Manitoba

Government of Manitoba

<https://www.gov.mb.ca/>

Procurement Services Branch – Government of Manitoba

<https://www.gov.mb.ca/finance/psb/>

Tenders – Government of Manitoba

<https://www.gov.mb.ca/tenders/index.html>

Manitoba Ombudsman – Government of Manitoba

<https://www.ombudsman.mb.ca/>

### Saskatchewan

Government of Saskatchewan

<https://www.saskatchewan.ca/>

Purchasing – Government of Saskatchewan

<https://www.saskatchewan.ca/government/doing-business-with-government>

SaskTenders – Government of Saskatchewan

<https://sasktenders.ca/content/public/Search.aspx>

Ombudsman Saskatchewan - Government of Saskatchewan

<https://www.ombudsman.sk.ca/>

### Alberta

Government of Alberta

<https://www.alberta.ca/index.aspx>

Contract opportunities with the Government of Alberta

<https://www.alberta.ca/contract-opportunities-with-the-government-of-alberta.aspx>

Alberta Purchasing Connection – Government of Alberta

<http://www.purchasingconnection.ca/>

Alberta Ombudsman

<https://www.ombudsman.ab.ca/>

## **British Columbia**

Government of British Columbia

<https://www2.gov.bc.ca/>

Procurement Services – Government of British Columbia

<https://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/support-services/procurement-services>

BC Bid – Government of British Columbia

<https://www.bcbid.gov.bc.ca/open.dll/welcome>

The Office of the Ombudsperson – Government of British Columbia

<https://www.bcombudsperson.ca/>



## CHAPTER 8 : THE TERRITORIES

### Government Structure

There are three territories in Canada: Nunavut, the Northwest Territories, and the Yukon. The territories represent 40% of Canada's land mass and only 3% of Canada's population. Due to the extreme geographical and financial challenges, a significant portion of the financial resources for the territories comes from the federal government, and therefore, there is a significant involvement of all levels of government in many procurement projects.

### How to Respond to an Opportunity in the Territories

To respond to published bid opportunities, suppliers must typically follow the step-by-step process outlined in Chapter 2: Overview of Procurement Processes in Canada and as further defined in the specific solicitation opportunity.

### Publication Platforms

All procurement opportunities in the territories are published electronically, as well as in local newspapers in some regions. All three territories publish territorial opportunities on their central publication sites. Municipalities publish on their own websites or private publication sites.

Although the trade treaties contemplate free access to opportunities via electronic publication sites for suppliers, some privately run publication sites still require suppliers to pay for a subscription to the site in order to access opportunities.



The following is an overview of the various publication sites used by the territories:

Province	Level of Government	Publication Site Name	Cost to Suppliers	Publication Site Link
Nunavut	All territorial agencies	Nunavut Tenders	Free	<a href="https://www.nunavuttenders.ca/">https://www.nunavuttenders.ca/</a>
	Some territorial agencies and some municipalities	Local newspapers	Cost of Newspaper	N/A
	Some municipalities	published on own websites	Free	City/Town/Entity Websites
Northwest Territories	All territorial agencies	Contract Event Opportunities	Free	<a href="https://contracts.fin.gov.nt.ca/">https://contracts.fin.gov.nt.ca/</a>
	Some municipalities	published on own websites	Free	City/Town/Entity Websites
Yukon	All territorial agencies	Tender Management System	Free	<a href="https://apps.gov.yk.ca/tms/">https://apps.gov.yk.ca/tms/</a>
	Select municipalities	published on own websites	Free	City/Town/Entity Websites
Additional Publication Sites	Select municipalities	bids&tenders	Per Opportunity or Subscription Fee; Additional Fees Per Organisation May Apply	<a href="https://www.bidsandtenders.ca/">https://www.bidsandtenders.ca/</a>
	Select municipalities	Merx	Per Opportunity or Subscription Fee	<a href="https://www.merx.com/">https://www.merx.com/</a>
	Select municipalities	Biddingo.com	Subscription Fee	<a href="https://www.biddingo.com/">https://www.biddingo.com/</a>

## Final Considerations for Responding to Territorial Opportunities

When planning submissions, suppliers should consider the large and remote geography of the territories. As all territories and many municipalities only accept physical submissions, suppliers should plan their submissions to territorial organisations accordingly and note that courier deliveries are subject to greater delays than are typical in other parts of Canada due to more limited flights to these remote areas.

### **NUNAVUT**

Suppliers should note that Nunavut falls within three time zones: UTC -05:00 or Eastern Standard Time Zone; UTC -06:00 or Central Standard Time Zone; and UTC -07:00 or Mountain Standard Time Zone. Additionally, suppliers should note that all of Nunavut observes Daylight Saving Time.

### **NORTHWEST TERRITORIES**

Suppliers should note that the Northwest Territories falls within the UTC -07:00 or Mountain Standard Time Zone. When planning their submissions, suppliers should note that all of the Northwest Territories observes Daylight Saving Time.

### **YUKON**

When planning their submissions, suppliers should note that the Yukon falls within the UTC -08:00 or Pacific Standard Time Zone. Suppliers should also note that all of the Yukon observes Daylight Saving Time.

## Territorial Challenges and Remedies

Canada's territories have not established any specialised tribunals or courts for the formal adjudication of bid protest challenges. However, suppliers seeking formal remedies in relation to a bidding process, or more generally in relation to a government contract award decision, can avail themselves of court-based remedies that typically fall under commercial law-based lost profit damages and administrative law-based judicial review remedies summarised in Chapter 2: Overview of Procurement Processes in Canada.

Furthermore, suppliers can avail themselves of less formal bid disputes processes. For example, the Yukon government recently established a new bid challenge process, which it describes as follows:

The bid challenge process was set up to allow bidders and proponents (contractors) an opportunity to voice complaints about the tendering process and to provide specific input on correcting any possible inconsistencies. **(See Contracting & Procurement Directive Part VIII)**

Detailed Information on the Bid Challenge Process can be found in <https://yukon.ca/sites/yukon.ca/files/hpw-bid-challenge-brochure-final-web.pdf>

The intent of this hearing process was to establish a non-adversarial opportunity for an impartial panel to review what happened and determine if:

- ★ the Contract and Procurement Regulation and Contracting and Procurement Directive had been breached in any way;
- ★ all bidders/proponents had been treated in a fair and consistent manner; and
- ★ the dispute could be resolved without the expense incurred through the court system.

This process contemplates the resolution of any dispute at the institutional



level, but also allows escalation to a 12-member bid challenge committee made up of private sector and government representatives that are empowered to conduct a hearing and, where breaches are found, to make recommendations for future improvements to the institution's future procurement processes. Further information regarding Yukon's bid challenge process is available at: <http://www.hpw.gov.yk.ca/csb/bid-challenge.html>.

Similarly, the Government of the Northwest Territories Procurement Guidelines establish an informal Vendor Complaint Process, but specify that this process is not an appeal mechanism and that no compensation is available to vendors under this process:

A Vendor Complaint Process ("VCP") is an integral part of a fair and open procurement policy. The [Government of Northwest Territories (GNWT)] VCP was developed as a method to handle vendor complaints and improve government procurement processes. The VCP allows the GNWT to handle vendor complaints in an organised, consistent manner, and to carry out analysis and reporting requirements in order to improve business processes.

The VCP is intended to provide eligible vendors with access to a consistent, fair, and timely process to deal with vendor complaints concerning GNWT procurement processes, and to identify ways to improve processes.

The VCP is limited to issues of procurement policy and procedures for GNWT departments. It is not intended to limit access to other complaint review processes. The VCP is not an appeal process, and no compensation will be awarded to a complainant under the VCP.

Suppliers should obtain situation-specific legal advice regarding the specific procedures and applicable remedies available under the informal bid protest mechanism established across Canada's territories.

## Territorial Procurement Process Examples

Nunavut – Department of Community and Government Services	
Website	<a href="https://www.gov.nu.ca/community-and-government-services">https://www.gov.nu.ca/community-and-government-services</a>
Mandate	Territorial department that works in partnership with community governments to assist meeting resident needs.
Annual Budget	\$1.9 billion CAD/year (1.3 billion EUR) (for whole territory)
Publication Site	Nunavut Tenders: <a href="https://www.nunavuttenders.ca/">https://www.nunavuttenders.ca/</a> ; and local newspapers
Opportunity Particulars	Opportunities are published on both the central territorial publication site and in local newspapers. The department accepts submissions physically via courier or by fax, or electronically via the Nunavut Tenders site.

Northwest Territories – Department of Infrastructure	
Website	<a href="https://www.inf.gov.nt.ca/en">https://www.inf.gov.nt.ca/en</a>
Mandate	Territorial department responsible for assessment, management, planning, and remediation of public infrastructure.
Annual Budget	\$78.5 million CAD/years (53.9 million EUR)
Publication Site	Contract Event Opportunities: <a href="https://contracts.fin.gov.nt.ca/psp/fsprdsp/SUPPLIER/ERP/c/GNT_SS.GNT_LOGIN.GBL">https://contracts.fin.gov.nt.ca/psp/fsprdsp/SUPPLIER/ERP/c/GNT_SS.GNT_LOGIN.GBL</a>
Opportunity Particulars	Most opportunities must be submitted electronically via the Contract Event Opportunities website.

### Yukon – Yukon Housing Corporation

Website	<a href="https://yukon.ca/en/housing-and-property">https://yukon.ca/en/housing-and-property</a>
Mandate	A territorial corporation that provides social housing, supports homeowners, and assist in meeting energy efficiency and accessibility needs.
Annual Budget	\$6 million CAD/year (4.1 million EUR)
Publication Site	Tender Management System: <a href="https://apps.gov.yk.ca/tms/">https://apps.gov.yk.ca/tms/</a>
Opportunity Particulars	The corporation accepts physical submissions via courier.

## Territorial City Procurement Process Examples

### Nunavut – Iqaluit

Website	<a href="https://www.iqaluit.ca/city-hall">https://www.iqaluit.ca/city-hall</a>
Description	The City of Iqaluit is the capital of Nunavut. The population of the city is 7,800 people. The city provides support to a variety of different broader public sector organisations, including transit, police services, water, and waste management.
Annual Budget	\$66 million CAD/year (45.3 million EUR)
Publication Site	City of Iqaluit Website: <a href="https://www.iqaluit.ca/business/tenders-proposals">https://www.iqaluit.ca/business/tenders-proposals</a> ; and Merx: <a href="https://www.merx.com/">https://www.merx.com/</a>
Opportunity Particulars	The city accepts electronic submissions via Merx.

Northwest Territories – Yellowknife	
Website	<a href="https://www.yellowknife.ca/en/index.asp">https://www.yellowknife.ca/en/index.asp</a>
Description	The City of Yellowknife is the capital of Northwest Territories. The population of the city is 20,000 people. The city provides support to a variety of different broader public sector organisations, including transit, police services, water, and waste management.
Annual Budget	\$88.51 million CAD/year (60.8 million EUR)
Publication Site	bids&tenders: <a href="https://yellowknife.bidsandtenders.ca/Module/Tenders/en">https://yellowknife.bidsandtenders.ca/Module/Tenders/en</a>
Opportunity Particulars	There is a charge to register on the city's tender site. The city accepts submissions physically via courier or electronically via email.

Yukon – Whitehorse	
Website	<a href="https://www.whitehorse.ca/">https://www.whitehorse.ca/</a>
Description	The City of Whitehorse is the capital of the Yukon. The population of the city is 26,000 people. The city provides support to a variety of different broader public sector organisations such as utilities, police services, and public transit.
Annual Budget	\$81 million CAD/year (55.6 million EUR)
Publication Site	Whitehorse Bonfire Portal: <a href="https://whitehorse.bonfirehub.ca/portal/?tab=openOpportunities">https://whitehorse.bonfirehub.ca/portal/?tab=openOpportunities</a>
Opportunity Particulars	The city accepts electronic submissions via its Bonfire platform.



## Useful Links and Resources

Government of Canada - Selling to provincial, territorial and municipal governments

<https://www.canada.ca/en/services/business/doing-business.html>

### Nunavut

Government of Nunavut

<https://gov.nu.ca/>

Procurement, Logistics and Contract Support – Government of Nunavut

<https://www.gov.nu.ca/procurement-and-contract-services>

Request for Tenders/Proposals – Government of Nunavut

<https://www.nunavuttenders.ca/>

### Northwest Territories

Government of Northwest Territories

<https://www.gov.nt.ca/>

Procurement Shared Services – Government of Northwest Territories

<https://www.inf.gov.nt.ca/en/services/procurement-shared-services>

Contract Event Opportunities – Government of Northwest Territories

<https://contracts.fin.gov.nt.ca/>

### Yukon

Government of Yukon

<https://yukon.ca/>

Government Contracts – Government of Yukon

<https://yukon.ca/en/government-contracts>

Tender Management System – Government of Yukon

<https://apps.gov.yk.ca/tms/>





The European Union  
[www.europa.eu](http://www.europa.eu)

The European Commission  
[www.ec.europa.eu](http://www.ec.europa.eu)

Delegation of the European Union to Canada  
[www.eeas.europa.eu delegations/canada](http://www.eeas.europa.eu/delegations/canada)

Twitter  
[@EUinCanada](https://twitter.com/EUinCanada)