

## Attachment 1

### Chapter 195, Procurement

#### **SCHEDULE B, PROVISIONS IN RESPONSE TO THE *BUY ONTARIO ACT (PUBLIC SECTOR PROCUREMENT), 2025***

195-B1.1 Effective period.

- A. The amendments to Chapter 195, Procurement, contained in this Schedule B shall be in force and effect at any time when O. Reg 54/26, Prescribed Public Sector Entities, prescribes the City, its local boards and municipal services corporations as public sector entities for purposes of the *Buy Ontario Act, (Public Sector Procurement), 2025*, and directs the actions described in Schedule B to this by-law.

195-B1.2. Definitions.

Section 2.1 of Chapter 195, Procurement, is amended as follows:

- A. by deleting the definition of “Best Value” in section 2.1 and replacing it with the following definition:

BEST VALUE - The optimal balance of performance and cost determined in accordance with pre-determined evaluation criteria disclosed in a solicitation for the purpose of making an award. For competitive procurements best value is represented by the highest ranked bid, which may include, for request for proposals the highest scoring bid, and for request for tenders and request for quotations, the lowest cost bid meeting technical specifications and supplier qualifications, taking into account any evaluation advantages or commitments required by the *Buy Ontario Act, (Public Sector Procurement), 2025*.

- B. by deleting the definition of “Evaluation Criteria” in section 2.1 and replacing it with the following definition:

EVALUATION CRITERIA - The criteria set out in a notice of intended procurement or solicitation which may include but are not limited to supplier qualifications, price and other cost or value factors, quality, technical merit, environmental characteristics, negotiable commercial terms such as terms of delivery, and criteria required by any applicable Directives issued under the *Buy Ontario Act (Public Sector Procurement), 2025*.

- C. by adding the following definitions to section 2.1:

CANADIAN-MADE GOOD - A good that meets any one of the following criteria:

- wholly manufactured or originating in Canada
- at least 51% of the total direct costs of producing or manufacturing the good have been incurred in Canada
- labelled as “Made in Canada” or “Product of Canada”

CANADIAN SERVICE - A service wholly provided by individuals (natural persons) located in Canada.

CONSTRUCTION – For capital infrastructure procurements under any applicable Directives issued under the *Buy Ontario Act (Public Sector Procurement), 2025*, construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement.

DOMESTIC SUPPLY CHAIN PLAN - The plan that must be included by suppliers for new procurements under the applicable Directive under the *Buy Ontario Act (Public Sector Procurement), 2025* as part of a bid for a capital infrastructure procurement, which outlines the major goods and/or services, where they are sourced, and the value of the major goods and/or services.

MADE-IN-ONTARIO VEHICLE - A vehicle that is manufactured in Ontario and contains the number "2" as the first digit of the Vehicle Identification Number (VIN).

MAJOR GOODS - Durable materials, systems or components that are essential to ensuring the operational readiness or performance of the deliverable, and include:

- structural materials: concrete, steel and other metals, lumber, stone, aggregates
- building envelope components: windows, glass, roofing systems, bricks
- mechanical and electrical systems: HVAC units, generators, elevators
- specialty items: prefabricated panels, major fixtures
- fixtures, furniture and equipment
- transit fleet vehicles

ONTARIO SERVICE - A service wholly provided by individuals (natural persons) located in Ontario.

ONTARIO VEHICLE PRODUCER - An Original Equipment Manufacturer (OEM) that sells vehicles and would meet the threshold of 1,500 annualized jobs across their Ontario footprint of active and/or planned fully and partially owned vehicle assembly and plants.

ONTARIO-MADE GOOD - A good that meets any one of the following criteria:

- wholly manufactured or originating in Ontario
- at least 51% of the total direct costs of producing or manufacturing the good have been incurred in Ontario.

195-B1.4. General duties and responsibilities of Chief Procurement Officer

- A. § 195-3.1(E)(2) is amended by adding “or B” immediately after the words “Schedule A”;
- B. § 195-3.1(E)(9) is amended by adding Subsection (10) as follows:

- (10) Developing and including measures in solicitations, as required by any applicable Directives issued under the *Buy Ontario Act (Public Sector Procurement), 2025*, including to prefer bids with Ontario-Made Goods and Ontario Services, followed by Canadian-Made Goods and Canadian Services, and to lease and purchase Ontario-Made Vehicles, followed by vehicles from Ontario Vehicle Producers, as required by the applicable Directives.

195-B1.5. “Buy Ontario and Buy Canadian” measures

§ 195-6.3 of Schedule “A” is amended by adding Subsections 6.3.4, 6.3.5 and 6.3.6 to Schedule “A” to this Chapter as follows:

- 6.3.4. Notwithstanding the requirements in Sections 6.3.1. and 6.3.2 of Schedule A, the applicable Directives issued under the *Buy Ontario Act (Public Sector Procurement), 2025* respecting fleet vehicles, including but not limited to Ontario-Made Vehicles and vehicles from Ontario Vehicle Producers, shall apply to new procurements for fleet vehicles.
- 6.3.5. Notwithstanding the requirements in Sections 6.3.1. and 6.3.2 of Schedule A, for capital infrastructure procurements below \$347,400 for construction and below \$139,000 for goods and services, the applicable Directives issued under the *Buy Ontario Act (Public Sector Procurement), 2025*, including but not limited to the preference for Ontario-Made Goods and Services, shall apply to new procurements for capital infrastructure below these monetary thresholds.
- 6.3.6. Notwithstanding the requirements in Sections 6.3.1 and 6.3.2 of Schedule A, for capital infrastructure procurements at or above \$347,400 for construction and at or above \$139,000 for goods and services, the applicable Directives issued under the *Buy Ontario Act (Public Sector Procurement), 2025*, including but not limited to the preference for Ontario-Made Goods and Services followed by Canadian-Made Goods and Services, shall apply to new procurements for capital infrastructure at or above these monetary thresholds.
- 6.3.7. All procurements undertaken under Sections 6.3.4, 6.3.5, and 6.3.6 shall be conducted and contracts executed in accordance with the applicable authority for procurements as set out in the Chapter and in Chapter 71, Financial Control.

195-B1.9. Conflict with policies and procedures.

If there is a conflict or inconsistency between the Chapter, Schedule A and this Schedule B, this Schedule B shall govern and take precedence.

