



Broader Public Sector Procurement: Where Are We Now?

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Agenda

1. Housekeeping
2. Where Are We?
3. Where Should Your Organization Be?
4. What Questions Are We Hearing From You?
5. Questions and Answers

Where Are We?

- My assumptions
 - Working familiarity with BPSAA and PD
 - Don't need/want much history/basics
- Big picture observations: PD
 - Process dominated/"buy" secondary
 - "One size fits all"
 - "Only Contract A produces competition"
- Politically driven
 - Process compliance
 - "Check the box" measurement
 - Process accountability

ASSUMES PROCESS WILL OBTAIN VFM

Where Are We?

- BPSAA
 - Force of law: ups the ante
 - Enables MBC “directives”
 - Two issued so far
 - Now, 6 weeks in
- “Procurement Directive”
 - Replaces and changes BPSSG
 - For better and not for better
- Expenses Directive
 - Expense limits/rules

CONCENTRATE ON PROCUREMENT

Where Are We?

- Ontario Buys providing support
 - BPS PD Guidebook
 - “road show”
- Guidebook
 - Helpful in some places (like VOR)
 - Other places rigid
 - Downplays AIT
 - Stresses Contract A
 - Downplays alternative model (7.2.16)

“DIRECTIVE PREVAILS”

Where Are We?

- Changes from BPSSG
 - All hospitals in (private too)
 - Sanctions clarified
 - Consultant rules
 - More AIT applies
 - Non Contract A recognized (barely)
 - Dispute mechanism clarified
 - PFOs come in January 1, 2012
 - Insulation from liability (BPSAA Section 22)

ALL THIS AND FIPPA TOO!

Where Are We?

- Will PD work?
 - Long term, yes
 - Short term, “WIP”
- You can shape it
 - Feedback to OB
 - Feedback to LHIN

**ALREADY CAUSING CHANGE:
INTERPRETATION - CONSULTANT**

Where Should Your Organization Be?

- For “Procurement Directive”, I assume
- “Supply Chain Code of Ethics”
 - Formally adopted
 - Available and visible
 - Well understood
- “Procurement Policies & Procedures” (25)
 - Reasonably well understood
 - Implemented or in the course of implementation

DIRECTIVE PART OF “H-SAA”: AUTOMATICALLY

Where Should Your Organization Be?

- Reviewing/revising procurement policy
 - PD is a minimum
 - If policy more strict, consider why

DON'T TIE YOUR HOSPITAL IN KNOTS!

Where Should Your Organization Be?

- Treat Contract A like a contract
 - State intention (yes or no)
 - Create more owner discretion/protection
 - Forgiveness of minor sins (use “may”)
 - Requests for information
 - Right to negotiate
 - Limit of liability
 - One way arbitration

FAIR = WHAT'S IN THE RFP

Where Should Your Organization Be?

- Guidebook creates eight PPP groups
- Guidebook elaborates PPP req'mts
- Consider PD #25
 - Suggests N/M/A (consent)
 - Differs from AIT and from PD
 - Not sure practical
 - Favour dispute officer and optional arbitration

WORK IN PROGRESS

What Questions Are We Hearing From You?

- What's a consultant?
 - PD definition
 - AIT non-application
 - “road show” redefinition
 - Architect as planner
 - Architect as designer

What Questions Are We Hearing From You?

- How to handle long term relationships?
 - Probably, service providers/troubleshooters/techies
 - Report if a “consultant” (BPSAA, Sn. 5)
 - Consider defining term of “contract”
 - Then procure per PD

SOME RISK

What Questions Are We Hearing From You?

- Where does the Guidebook fit?
 - PD prevails
 - Attempts to elaborate/interpret
 - More restrictive than PD
 - very committed to Contract A

What Questions Are We Hearing From You?

- How do we handle non-competitive procurement?
 - Assessment of AIT exceptions, exemptions and non-application (Annex 502.4)
 - Sole source (product compatibility)
 - Single source (urgency)
 - Non-application (between NF Profit)
 - Comply with AAS

What Questions Are We Hearing From You?

- How does the PD fit with our procurement policies?
 - Analyze for non-compliance W/PD
 - Amend to address deficient areas
 - Consider relaxing stricter provisions

NOT A SIMPLE EXERCISE

What Questions Are We Hearing From You?

- How does the VOR process work?
 - Guidebook is helpful (GB 10.3.3.3.1)
 - Basically, prequalification
 - Second procurement simpler/narrower
 - Not helpful for prevenient contracts

Questions & Answers

VANCOUVER

CALGARY

EDMONTON

SASKATOON

REGINA

LONDON

KITCHENER – WATERLOO

GUELPH

TORONTO

MARKHAM

MONTRÉAL

