

Public Sector Buyer Frequently Asked Questions

1. What commitments are contained in CETA, CFTA and OQTCA?

Some key areas of Ontario's trade procurement commitments include:

- establishing a formal bid dispute process
- giving suppliers access to an independent, impartial administrative or judicial authority, as well as access to the remedies prescribed where applicable
- collecting and reporting of procurement statistics, number and value of contracts broken down by type of contract (e.g. goods, services, or construction).

Please review the applicable trade agreements for more information on procurement commitments.

2. Do the requirements in CETA supersede domestic trade agreements' requirements such as those in CFTA and OQTCA?

No. CETA, OQTCA, and CFTA, are separate agreements with their own requirements. One trade agreement cannot be said to supersede another. However, where there are differences in procurement-related trade obligations, the most liberalized trade agreement will apply. In other words, whichever trade agreement has the greater procurement coverage will apply.

3. Do the trade agreements' monetary thresholds refer to the value of the procurement for each transaction or the total yearly value?

The thresholds refer to the procurement value for each procurement contract and not the total yearly procurements conducted.

4. What happens if an entity does not comply with the trade agreement requirements?

There are risks associated with non-compliance for Ontario, Canada, and the procuring entities. For example, a trading partner could launch a formal dispute against Ontario or Canada or an entity that fails to conduct its procurement process in accordance with applicable trade agreement requirements could be asked to provide financial settlement to the supplier(s) that challenged the process.

5. We have a bid dispute resolution process that already meets trade agreement requirements; will we have to switch over to Ontario's streamlined bid dispute process when it is available?

No, this will not be required; although you may find it beneficial and cost efficient to have quick access to an independent body.

6. Are buying groups affected by the procurement commitments of the trade agreements?

Yes. The trade agreements specify how procurement must be conducted when a covered entity participates in a buying group. Members of a buying group specified in a trade agreement are expected to comply with the requirements of the procurement chapter of the applicable trade agreement. Any entity participating in a buying group may wish to review the applicable trade agreements to better understand buying group requirements.

7. Do trade agreements apply to the United States?

Yes. Although the U.S. is not a party to the CFTA, OQTCA, or CETA, they are party to the World Trade Organization's Government Procurement Agreement where similar rules apply.

8. Are procurements with respect to Aboriginal peoples exempt from these agreements?

Yes. Procurements with respect to Aboriginal peoples are exempt from the requirements of the trade agreements.

9. Will there be additional informational webinars that will cover procurement obligations in the trade agreements?

Yes, we will continue to provide implementation support as needed in support of Ontario's trade compliance including hosting webinars. In addition, we expect to provide guides and tools on this page to support your efforts to follow the trade agreements.