

The Governments of Ontario and Québec agree to add the following Appendix E to the Agreement on the Opening of Public Procurement for Ontario and Québec, signed May 3, 1994:

Appendix E - Broader Public Sector Procurement of Goods and Services

1. Pursuant to section 15.1 of the Agreement on the Opening of Public Procurement for Ontario and Québec ("the Agreement"), this Appendix extends, subject to the following provisions, the application of the Agreement to supply and services contracts of Broader Public Sector entities listed in paragraph 1.2 of Appendix C ("covered entities").
2. Subject to the exclusions of paragraph 1.2 of Appendix A, the Agreement applies to supply contracts of \$100,000 or more concluded by covered entities. Subject to the exclusions of paragraph 1.2 of Appendix B, the Agreement applies to services contracts of \$100,000 or more concluded by covered entities. For contracts below these thresholds, covered entities will, within the bounds of an efficient procurement process, respect the spirit of the agreement and make best efforts to use non-discriminatory procurement procedures.
3. The Parties recognize that transparency of procurement procedures and access for all suppliers to public procurement opportunities can best be achieved through the widespread adoption of electronic advertising systems. Accordingly, the Parties agree to establish by no later than May 1, 1997 an electronic advertising system or systems for covered entities that will be equally accessible to all Ontario and Québec suppliers. After that date, covered entities will begin to use these systems for covered procurements, and after January 1, 1998, all covered entities will use these systems for all covered procurements. Between the date that this Appendix is signed and January 1, 1998, covered entities may use another accessible electronic system, such as the Internet, or an existing electronic advertising system, or a daily newspaper.
4. Only paragraphs 4.4 to 4.6 and 4.9 to 4.12 of section 4 (Tendering Procedures) of the Agreement apply to covered entities. The references to paragraph 4.2 in paragraphs 4.9 and 4.10 will be limited to use of electronic advertising systems in accordance with paragraph 3 above.
5. Covered entities will document their procurement procedures, and provide this information to suppliers or Parties upon request.
6. Covered entities participating in collective buying groups will ensure that the activities of such groups are carried out in a manner consistent with the provisions of this agreement.
7. Notwithstanding paragraph 7.5 of the Agreement, the Parties will not be required to report on supply and services procurement by covered entities. The Parties will continue to provide annual reports on construction procurement by these entities. Reports on entities' supply and services contracts advertised electronically will be available through the electronic advertising system.

8. Section 9 (Dispute Resolution) of the Agreement is subject to the following provisions. When a supplier has a complaint about a specific contract decision, the first recourse for the supplier will be through the non-judiciary complaint process of the covered entity involved. If a supplier, after completing the complaint process of that entity, continues to believe that the entity has not adhered to the provisions of the Agreement, the supplier may register a complaint with the designated contact of the Party where the supplier is located.
9. If a Party has received recurring complaints from suppliers about a specific covered entity, or if a Party agrees that there is merit in an individual supplier's complaint, that Party may inform the other Party. Both Parties will make every effort to work with affected suppliers and entities to resolve the complaints in a satisfactory manner.
10. If no resolution is possible through the process outlined in paragraphs 8 and 9 above, a Party may request to have the complaints proceed to an expert panel as provided for in Section 9 of the Agreement.
11. Covered entities will document their complaint process and provide this information to suppliers or Parties upon request.
12. Covered entities and Parties will work toward the development of guidelines for standard terms and conditions for bid documents, and standard procedures for bid protests. Entities will report to their respective provinces on the progress made within two years of the coming into effect of this Appendix. The Parties will exchange information on the outcome of this work.
13. The Parties agree to review the application to the procurements of covered entities of section 6 (Exceptional Circumstances) of the Agreement and will conclude such a review within two years of the coming into effect of this Appendix. If as a result both Parties agree that there is no justification for section 6, it will no longer apply to the procurements of covered entities.
14. This Appendix comes into effect on May 1, 1997.

The Premiers have signed the amendments to the Agreement on the Opening of Public Procurement for Ontario and Québec on behalf of their respective Governments, in Québec City on May 30, 1996.

Michael D. Harris
Premier of Ontario

Lucien Bouchard
Premier Ministre du Québec