

# **Operational Guidelines for Use of Enterprise-wide Vendor of Record Arrangements and Volume Licensing Agreements by OPS Clients and Non-OPS Clients**



Program and Policy Enablement Branch  
Supply Chain Ontario  
Ministry of Government and Consumer Services

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# OPERATIONAL GUIDELINES FOR USE OF ENTERPRISE-WIDE VENDOR OF RECORD ARRANGEMENTS AND VOLUME LICENSING AGREEMENTS BY OPS CLIENTS AND NON-OPS CLIENTS

**Effective date:** February 1, 2019

**Last revised date:** March 27, 2019

## **1.0 Interpretation**

1.1 Capitalized terms/acronyms used herein are defined in Appendix A.

## **2.0 Purpose**

2.1 To provide guidance on the use of Enterprise-wide VOR Arrangements and VLAs.

## **3.0 Application & Scope**

3.1 These guidelines cover the use of Enterprise-wide VOR Arrangements and VLAs by OPS Clients and Non-OPS Clients.

3.2 These guidelines do not cover:

- which organizations are required to use the Enterprise-wide VOR Arrangements and VLAs (which is determined by the organization's requirements under the Ontario Public Service Procurement Directive, if applicable);
- the use of ministry-specific VOR arrangements;
- the use of multi-ministry VOR arrangements; and
- the use of central common services.

## **4.0 General framework**

4.1 Enterprise-wide VOR Arrangements and VLAs are made available to some or all types of OPS Clients based on practical considerations. Enterprise-wide VOR Arrangements and VLAs may also be made available to some or all types of Non-OPS Clients based on practical considerations. For definitive information concerning use of a specific Enterprise-wide VOR Arrangement or VLA, organizations must consult the corresponding user guide posted on the Clients' Portal.

4.2 Where an Enterprise-wide VOR Arrangement or VLA has been made available to Non-OPS Clients, vendors are encouraged, but are not required to supply goods or services to Non-OPS Clients.

4.3 OPS Clients use Master Agreements. Non-OPS Clients use Separate Agreements. Note: Additional requirements may apply for use of certain Master Agreements; if an OPS Client does not meet these requirements, it would use a

Separate Agreement. For definitive information concerning use of a specific Enterprise-wide VOR Arrangement or VLA, organizations must consult the corresponding user guide posted on the Clients' Portal.

## **5.0 Roles & Responsibilities**

### **Supply Chain Ontario, Ministry of Government and Consumer Services**

- 5.1 Manages and supports the implementation of these guidelines.
- 5.2 Establishes Enterprise-wide VOR Arrangements and VLAs.
- 5.3 Manages the Clients' Portal, including registration.

### **OPS Clients and Non-OPS Clients**

- 5.4 Follow the process outlined in Section 6 to use the Enterprise-wide VOR Arrangements and VLAs.

### **Validating Bodies**

- 5.5 Confirm if organizations that believe that they are eligible under #5 of the definition of "OPS Clients" or under #1, 5, 11 or 12 of the definition of "Non-OPS Clients" meet the applicable definition, on an as-requested basis as outlined in Section 6 (additional guidance for Validating Bodies is available in Appendix B).

### **Vendors**

- 5.6 Follow the process outlined in Section 6 to enable use of the Enterprise-wide VOR Arrangements and VLAs.

## **6.0 Process to access Enterprise-wide VOR Arrangements and VLAs**

- 1. OPS Clients (with the exception of ministries) and Non-OPS Clients that are interested in viewing detailed information about the Enterprise-wide VOR Arrangements and VLAs [register](#) for access to the Clients' Portal.

Note: Organizations that believe that they are eligible under #5 of the definition of "OPS Clients" or under #1, 5, 11 or 12 of the definition of "Non-OPS Clients" are required to provide confirmation from their Validating Body that the organization meets the applicable definition during [registration](#). To obtain this confirmation memo, organizations direct their Validating Body to the [Operational Guidelines for Use of Enterprise-wide Vendor of Record Arrangements and Volume Licensing Agreements by OPS Clients and Non-OPS Clients](#). The Validating Body downloads the applicable confirmation memo template from Appendix B and issues the memo to the organization if it meets the applicable definition. It is recommended that organizations that are captured under #12 of the definition of "Non-OPS Clients" and

receive funding from multiple ministries obtain the memo from the ministry with whom they have the longest transfer payment agreement.

2. Successfully-registered organizations log in to the [Clients' Portal](#). For information concerning use of a specific Enterprise-wide VOR Arrangement or VLA, organizations consult the corresponding user guide (which contains relevant contact information) posted on the Clients' Portal. If the organization is interested in using an Enterprise-wide VOR Arrangement or VLA, it contacts vendors on the arrangement.
3. The vendor confirms the organization's eligibility to use the specific Enterprise-wide VOR Arrangement or VLA by checking the [list of successfully-registered OPS Clients and Non-OPS Clients](#) (where it is noted whether an organization is an OPS Client or a Non-OPS Client), against the [list of Enterprise-wide VOR Arrangements and VLAs](#) (where it is noted whether the arrangement is available to only OPS Clients or to OPS Clients and Non-OPS Clients).

Note: If the organization is eligible to use the specific Enterprise-wide VOR Arrangement or VLA, and it is appropriate for the organization to use a Separate Agreement (as determined by the user guide), the organization leads the development of a mutually agreeable Separate Agreement with the vendor. The organization can consult the Separate Agreement Best Practice Guide posted on the Clients' Portal for assistance in developing the agreement.

## **7.0 Contact information**

For questions concerning these guidelines, please contact:

Supply Chain Ontario

Ministry of Government and Consumer Services

Email: [BPSSupplyChain@ontario.ca](mailto:BPSSupplyChain@ontario.ca)

## Appendix A: Definitions

*For the purpose of the Enterprise-wide VOR and VLA program, the terms below have the prescribed meaning:*

**Clients' Portal:** A repository of information on all Enterprise-wide VOR Arrangements and VLAs. The portal can be accessed by OPS Clients and Non-OPS Clients upon successful [registration](#) and [login](#).

**Enterprise-wide Vendor of Record (VOR) Arrangement:** A procurement arrangement that authorizes one or more qualified vendors to provide goods or services for a defined time period with defined terms and conditions as set out in the Master Agreement. A list of these arrangements is available on the [Ministry of Government and Consumer Services website](#).

**Master Agreement:** The government's agreement with a vendor for the supply of goods or services under an Enterprise-wide VOR Arrangement or VLA.

**Non-OPS Clients:** The below types of eligible clients for use of Enterprise-wide VOR Arrangements and VLAs:

1. [Provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry does not assume legal liability in connection with procurement-related contracts executed by the provincial agency/organization.
2. Office of the Legislative Assembly of Ontario
3. [Independent Offices of the Legislative Assembly](#)
4. [Ontario municipalities](#)
5. Organizations\* that have a parent municipality in Ontario and to whom the municipality has delegated authority to deliver services on its behalf.  
\*Must be a not-for-profit or Non-share Capital Corporation, or any shareholders must be a municipality.
6. [Ontario public hospitals](#)
7. [Ontario school boards](#)
8. [Ontario public universities](#)
9. [Ontario public colleges](#)
10. [Ontario children's aid societies](#)
11. Every corporation\* controlled by one or more [designated broader public sector organizations](#) that exists solely or primarily for the purpose of purchasing goods or services for the designated broader public sector organization or organizations.  
\*Must be a not-for-profit or Non-share Capital Corporation.

12. Organizations\* that have an active transfer payment agreement with an Ontario ministry and that have not been assessed as “high risk” in the ministry’s transfer payment risk assessment.

\*Must be a not-for-profit or Non-share Capital Corporation.

**Non-share Capital Corporation:** An entity established under Part III of the [Corporations Act, R.S.O. 1990, c. C. 38.](#)

**Ontario Public Service (OPS) Clients:** The below types of eligible clients for use of Enterprise-wide VOR Arrangements and VLAs:

1. [Ministries](#)
2. Ministers’ offices
3. Cabinet Office
4. Office of the Premier
5. [Provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry assumes legal liability in connection with procurement-related contracts executed by the provincial agency/organization.

**Separate Agreement:** An organization’s own agreement with a vendor for the supply of goods or services under an Enterprise-wide VOR Arrangement or VLA.

**Terms of Use:** In order to be able to access the Clients’ Portal and use the Enterprise-wide VOR Arrangements and VLAs, OPS Clients and Non-OPS Clients must acknowledge/agree to the [Terms of Use](#) during registration.

**Validating Bodies:** The bodies listed below that confirm if organizations that believe that they are eligible under #5 of the definition of “OPS Clients” or under #1, 5, 11 or 12 of the definition of “Non-OPS Clients” meet the applicable definition:

Organization	Validating Body
<b>Organizations captured under #5 of the definition of “OPS Clients”</b>	Ministry program area that administers the Memorandum of Understanding or similar agreement
<b>Organizations captured under #1 of the definition of “Non-OPS Clients”</b>	Ministry program area that administers the Memorandum of Understanding or similar agreement
<b>Organizations captured under #5 of the definition of “Non-OPS Clients”</b>	Parent municipality

Organization	Validating Body
<b>Organizations captured under #11 of the definition of “Non-OPS Clients”</b>	One of the following members: <ul style="list-style-type: none"> <li>• <a href="#">Ontario public hospital</a></li> <li>• <a href="#">Ontario school board</a></li> <li>• <a href="#">Ontario public university</a></li> <li>• <a href="#">Ontario public college</a></li> <li>• <a href="#">Ontario children's aid society</a></li> </ul>
<b>Organizations captured under #12 of the definition of “Non-OPS Clients”</b>	Ministry program area that administers the transfer payment agreement

**Volume Licensing Agreement (VLA):** A software licensing program that software publishers provide to large customers. A list of these arrangements is available on the [Ministry of Government and Consumer Services website](#).



## **Appendix B: Confirmation memo templates**

*Note: The [Operational Guidelines for Use of Enterprise-wide Vendor of Record Arrangements and Volume Licensing Agreements by OPS Clients and Non-OPS Clients](#) should always be consulted for the most current version of the confirmation memo templates.*

### **For organizations captured under #5 of the definition of “OPS Clients”**

The below memo should be issued to [provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry assumes legal liability in connection with procurement-related contracts executed by the provincial agency/organization.

#### [Memo for OPS Clients #5](#)

### **For organizations captured under #1 of the definition of “Non-OPS Clients”**

The below memo should be issued to [provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry does not assume legal liability in connection with procurement-related contracts executed by the provincial agency/organization.

#### [Memo for Non-OPS Clients #1](#)

### **For organizations captured under #5 of the definition of “Non-OPS Clients”**

The below memo should be issued to not-for-profit municipal entities.

#### [Memo for Non-OPS Clients #5](#)

### **For organizations captured under #11 of the definition of “Non-OPS Clients”**

The below memo should be issued to not-for-profit buying groups, group purchasing organizations, shared service organizations and other similar organizations.

#### [Memo for Non-OPS Clients #11](#)

### **For organizations captured under #12 of the definition of “Non-OPS Clients”**

The below memo should be issued to not-for-profit ministry transfer payment recipients that have not been assessed as “high risk” in the ministry’s transfer payment risk assessment.

#### [Memo for Non-OPS Clients #12](#)

**Appendix C: Revisions to program coverage as of February 1, 2019**

Previous language	Revision
<p><i>For the purpose of VOR access the Ontario Public Service (OPS) includes:</i></p> <ul style="list-style-type: none"> <li>• <i>All Ministries;</i></li> <li>• <i>Advisory, Regulatory, Adjudicative Agencies as classified under Management Board of Cabinet’s Agency Establishment and Accountability Directive;</i></li> <li>• <i>Any entity of the Province of Ontario that is required to follow the OPS Procurement Directive or its predecessors in full through an agreement with their oversight ministry; and</i></li> <li>• <i>Any entity designated by Ministry of Government and Consumer Services, from time to time, as an OPS Entity.</i></li> </ul>	<p>“OPS Clients” term and definition introduced to replace previous language.</p>
<p><i>For the purpose of VOR access for VORs created <u>after</u> November 2013, Provincially Funded Organizations (PFOs) include:</i>  <i>In addition to Ontario Government ministries, four types of public sector organizations have been identified and entitled to use the enterprise-wide VOR arrangements at their option upon approval from their funding ministry.</i></p> <ol style="list-style-type: none"> <li>1. <i>Select classified, non-classified and hydro entities (referred to as Other Included Entities in the Management Board of Cabinet Procurement Directive);</i></li> <li>2. <i>Legislative Assembly;</i></li> <li>3. <i>Municipalities, colleges, universities, school boards, hospitals, Community Care Access Centres, Children's Aid Societies and shared service organizations; and</i></li> <li>4. <i>Other transfer payment recipient organizations.</i></li> </ol> <p><i>For the purpose of VOR access for VORs created <u>before</u> November 2013, the Broader Public Sector (BPS) means:</i></p> <ol style="list-style-type: none"> <li>1. <i>Select classified, non-classified and hydro entities (referred to as Other Included Entities in the Management Board of Cabinet Procurement Directive);</i></li> <li>2. <i>Legislative Assembly</i></li> <li>3. <i>Municipalities</i> <ul style="list-style-type: none"> <li>• <i>Every municipality in Ontario as defined in the Municipal Affairs Act and the Municipal Act;</i></li> </ul> </li> </ol>	<p>“Non-OPS Clients” term and definition introduced to replace previous language.</p>

Previous language	Revision
<ul style="list-style-type: none"> <li>• <i>Every regional municipality in Ontario as defined in the Regional Municipalities Act;</i></li> <li>• <i>The District Municipality of Muskoka as described in the District Municipality of Muskoka Act; and,</i></li> <li>• <i>Every local board in Ontario as defined in the Municipal Affairs Act and the Municipal Act</i></li> </ul> <p><i>Information regarding municipalities can be found at <a href="#">Ministry of Municipal Affairs and Housing</a>;</i></p> <p>4. <i>Academic Institutions</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Every university in Ontario</a>;</li> <li>• <a href="#">Every college of applied art and technology in Ontario</a>; and</li> <li>• <i>Every post secondary institution in Ontario. The enrollments of which are used to calculate annual operating grant entitlements.</i></li> </ul> <p><i>Information regarding academic institutions can be found at:</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Ministry of Education</a></li> <li>• <a href="#">Ministry of Training, Colleges and Universities</a></li> </ul> <p>5. <i>School Boards</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Every school board in Ontario</a> as defined in the Education Act.</li> </ul> <p>6. <i>Health Care Providers</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Every hospital</a> listed in the Schedule to the Classification of Hospitals Regulations made under the Public Hospitals Act;</li> <li>• <i>Every private hospital operated under the authority of a licence issued under the <a href="#">Private Hospitals Act</a> including:</i> <ul style="list-style-type: none"> <li>• <a href="#">Community Health Centres</a>; and,</li> <li>• <a href="#">Community Care Access Locations</a></li> </ul> </li> </ul> <p><i>Information regarding health care providers can be found at:</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Ministry of Health and Long-Term Care</a></li> </ul> <p>7. <i>Other transfer payment recipient organizations upon approval from their funding ministry.</i></p>	

## Appendix D: Revisions to guidelines

<b>Date</b>	<b>Section</b>	<b>Revision</b>
March 1, 2019	Section 7: Contact information	Contact information changed.
March 1, 2019	Appendix A: Definitions	Hyperlinks for Ontario public hospitals and Ontario ministries changed.
March 27, 2019	Appendix A: Definitions	Definitions of “OPS Clients” #5 and “Non-OPS Clients” #1 modified.
March 27, 2019	Appendix B: Confirmation memo templates	Confirmation memo templates modified.