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Dufferin County council grapples with uncertainty surrounding the Buy Ontairo Act

Written By JAMES MATTHEWS

Queen's Park has rolled out legislation to govern public sector buying without clearly defining the parameters of those rules.

Ontario Bill 72, the Buy Ontario Act, which governs public-sector procurement, is intended to strengthen provincial authority over public-sector procurement and to prioritize the purchase of Ontario- and Canadian-made goods and services.

It establishes a broader, enforceable framework that applies to government entities and designated broader public-sector organizations, including municipalities.

The Buy Ontario Act authorizes the provincial Management Board of Cabinet to issue binding procurement directives and establishes mechanisms for compliance, review, and enforcement. Municipalities and other public-sector entities are expected to comply with these directives once issued, with potential financial consequences for non-compliance.

County Councillor Fred Nix, who is also Mono's deputy mayor, said there's much that's vague about the legislation. Mono might be looking to buy an electric truck for municipal use. To his knowledge, he said, electric pickup trucks are not made in Ontario.

?When we need a light duty pickup truck and we go to buy an electric one, do we know if this Act will prevent us from doing that?? he said.

?We don't know the answer to that,? Nix said. ?That's the concern I have.?

Chris Hasson, the county's procurement manager, said the legislation is indeed vague. He said the county is being asked to adjust the scorecards used to weigh bids from companies to give Ontario-based ones an advantage.

They're being asked to adjust scoring and pricing and to allow for a 10 per cent increase if it is a higher bid for a product.

?So the score cards are going to reflect an Ontario/Canadian made product first,? Hasson said.

Basically, it is ?manipulating scoring to allow for Canadian or Ontario made products,? he said.

?If there's no electric pickup trucks made in Ontario, maybe the score card doesn't even apply,? Nix said.

Confusion didn't abate for Nix, and Hasson said many public-sector purchasers share it. The province is rolling something out without clearly defined rules and details, he said.

Bill 72 may have several implications for municipal procurement. The legislation will so far reduce local buying flexibility through binding provincial directives that may limit municipal discretion in procurement decision-making.

Municipalities may be required to verify vendor eligibility, track compliance, and document exceptions. That may increase administrative burden, particularly for smaller or rural municipalities.

Preference requirements may reduce competition in certain procurements and may increase costs or extend project timelines, particularly for capital and infrastructure projects.

Municipal procurement is already subject to domestic and international trade agreements. Rigid Buy Ontario requirements may

create uncertainty or conflict where federally funded projects or trade obligations apply.

And the legislation gives the provincial government the ability to withhold funding for non-compliance. That introduces financial risk even through technical or inadvertent procurement errors.

?All I can say is stay tuned,? Hasson said. ?Right now it is very vague.?

Councillor Philip Rentsch, Grand Valley's deputy mayor, said he doesn't understand why the new rules should cost purchasers an extra 10 per cent.

Hasson said that's an estimate of a cost increase for local manufacturing.