

NEW  
PROGRAM

# THE OSGOODE CERTIFICATE IN PUBLIC PROCUREMENT LAW

## *The Rules in Practice*

Inflation and budget constraints... Supply chain pressures... Post-pandemic fallout...

Procurement professionals are under scrutiny like never before.

Get the knowledge and skills you need to confidently handle today's most pressing challenges in public procurement law and practice.

This **practical, hands-on certificate** is designed by procurement professionals *for* procurement professionals. Get a robust foundation on critical rules so you can better manage time pressures, **business and legal risks**.

You will apply core concepts in **practical workshops** that examine widespread procurement challenges along with approaches and strategies for overcoming them. Specifically, you will:

- Develop a procurement strategy
- Handle a bid dispute
- Edit and review an RFx document

## PROGRAM DIRECTOR

Marilyn Brown  
LXM Law

## REGISTRATION DETAILS

April 17, 18, 25, 26 and  
May 1, 2023  
Online (Live)

### Can't make the date?

*Registration includes 120-day unlimited, online access to the recorded program.*

Register today at:

[osgoodepd.ca/  
procurement-cert](https://osgoodepd.ca/procurement-cert)

# The Osgoode Certificate in Public Procurement Law: *The Rules in Practice*

Interactive workshops will drill down into *the* issues that frequently come across your desk.

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The public procurement process is complex, ever evolving and the myriad rules governing public procurement in Canada flow from a variety of sources – international trade agreements, directives, policies, legislation, and the common law.

Canada's procurement industry is highly litigious, and suppliers and public purchasers need to be mindful of keeping up-to-date with this increasingly complex area or run the risk of serious legal and reputational consequences. Issues with increased supplier competition, demands for ever-increasing transparency, coupled with vigorous legal oversight can, for the uninitiated, result in significant legal liability.

Focused on the practical, this 5-day interactive certificate cuts through the legal maze and gives you the skills and knowledge you need to overcome the most pressing procurement challenges coming across your desk.

Working with real-life case scenarios, you will apply concepts in a zero-consequence, supportive learning environment and get individualized feedback from the leading experts in procurement law and practice. You will get tactics you can immediately use, along with valuable materials and resources you can refer to later.

**Don't miss your chance to build your professional network, enhance your skills and advance your career.**



## This robust, foundational Certificate covers all major areas, including:

- Core principles and governing rules, including a comprehensive overview of the legal framework and trade treaties
- Principles in strategic sourcing and the procurement process
- Best practices for managing risk, enhancing flexibility and accelerating timeframes in the procurement process
- How to develop an effective procurement strategy
- How to collaborate and participate in buying groups
- Effectively managing contract performance and supplier relations
- Critical trends and innovation in IT procurement
- Successfully managing internal stakeholder relationships
- Public scrutiny, judicial inquiries and audits – what you need to know
- Sustainable procurement and ESG – practical tips and strategies

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## Who Should Attend

- Procurement specialists and professionals
- Government procurement, legal and finance professionals
- Lawyers advising public sector purchasers
- Lawyers advising vendors to public purchasers
- Contract/project managers
- Board members, CEOs and finance, legal and procurement managers of public bodies, including municipal corporations, special purpose enterprises, hospitals, school boards and academic institutions
- Procurement policy advisors

Don't miss this opportunity to get insights, practical and strategic guidance from some of Canada's leading procurement professionals, including:

## Program Director



**Marilyn Brown**  
LXM Law

## Program Faculty

### **Marilyn Brown**

LXM Law

### **Marilyn Clarke**

LXM Law

### **Nadine Clément**

Senior Director, Application & Software Procurement Directorate, Public Services and Procurement Canada

### **Ann Dolan**

Executive Director Customer Care, Service New Brunswick

### **Robin Gallo**

Supervisor of Purchasing, Town of Innisfil, Ontario

### **Hillary Keirstead**

Manager, Policy & Program Planning, City of Toronto

### **Paul Lalonde**

Dentons

### **Sandra Lisi**

Interim Chief Procurement Officer, City of Toronto

### **Alexandra Logvin**

Fasken Martineau DuMoulin LLP, Ottawa

### **Nabila Abdul Malik**

Fasken Martineau DuMoulin LLP, Ottawa

### **Mike Pacholok**

Deputy City Clerk, Member Services and Program Support, City of Toronto

### **Sean Stephenson**

Dentons

### **Heather Tizzard**

Chief Procurement Officer, Public Procurement Agency, Government of Newfoundland and Labrador

### **Nick Xenos**

Executive Director, Treasury Board of Canada Secretariat

### **Rosslyn Young**

Chief Legal Officer, Legal Services, LCBO

## Advisory Board

### **Marilyn Clarke**

Partner, LXM Law

### **Mike Pacholok**

Deputy City Clerk, Member Services and Program Support, City of Toronto

### **Heather Tizzard**

Chief Procurement Officer, Public Procurement Agency, Government of Newfoundland and Labrador

### **Rosslyn Young**

Chief Legal Officer, Legal Services, LCBO

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# Agenda

## MODULE 1

April 17, 2023

9:00 a.m. – 4:30 p.m. ET

### OVERVIEW OF PUBLIC PROCUREMENT RULES AND RISKS

#### Core Principles and Governing Rules: An Overview

- Detailed description of core procurement principles
- The differences between public and private procurement – the key overriding considerations
- Sources of the governing rules

#### Overview of Canadian Procurement Law: Sources of Law

- Contract law/Administrative law/Tort law
- Contract A and non-binding formats
- Applicable legislation and directives – a cross country check-up

#### Trade Agreement Obligations

- Canadian Free Trade Agreement (CFTA)
- Canada – European Union Comprehensive Economic and Trade Agreement (CETA)
- Other International and regional Trade Agreements

#### Bid Disputes and Legal Challenges

- Contract law claims
- Judicial review
- Bid disputes

#### Interactive Workshop: Procurement Rule ‘Mashup’

Test your knowledge in this engaging session. From a list of rules, you will work with colleagues and instructors to identify the origin of the rule, geographical jurisdiction and sector application.

## MODULE 2

April 18, 2023

9:00 a.m. – 4:30 p.m. ET

### PUBLIC SCRUTINY AND LEGAL RISKS

#### Common Procurement Perils (and How to Avoid Them!)

- Non-competitive perils
- Restrictive requirements
- Biased specifications
- Public openings and “unofficial results”
- Non-compliant bids
- Over-budget bids
- Conflict of interest and unfair advantage
- Non-transparent evaluation
- Disqualification of bidders
- Supplier suspension

#### Interactive Workshop: Sticky Situations

Using sample fact scenarios (circulated in advance) this workshop will have you working through common procurement risks and reinforce tactics for handling bid disputes.

#### Public Scrutiny, Judicial Inquiries and Audits

##### Judicial Review of Trade Agreement Violations: A Case Study

Leading counsel Nabila Abdul Malik and Alexandra Logvin will explore and explain the decision in *Thales DIS Canada Inc. v Ontario (Ministry of Transportation)*, including its impact.

##### Protectionist Policies and Trade Agreement Tensions: A Case Study

Leading counsel Paul Lalonde and Sean Stephenson will explore and explain the decisions in *New West Partnership Bid Protest Mechanism Arbitration HWY-20126, Saskatchewan, West-Can Seal Coating Inc. v Ministry of Highways and Infrastructure for the Province of Saskatchewan*.

## MODULE 3

April 25, 2023

9:00 a.m. – 4:30 p.m. ET

### APPLYING THE RULES IN PRACTICE

#### Developing the Procurement Strategy

- Identifying requirements and assessing the market
- Recurring requirements
- Standardization
- Single or multi-phase project?
- Application of trade Agreements
- Direct award, invitational competition or public competition?
- Binding or non-binding?
- Negotiation?

#### Interactive Workshop: Scenarios and Strategies

Building upon the knowledge gleaned from the first part of the module, the morning session concludes with small, breakout groups where you will consider various scenarios and develop effective procurement strategies for each scenario.

#### Preparing the RFX

- Bidder instructions
- Process terms
- Disclosure duties
- Scope of work and pricing tables
- Mandatory requirements
- Evaluation criteria
- Non-biased specifications

#### Administering the Competitive Process

- Communicating effectively with bidders
- Handling bid irregularities
- Clarification and rectification
- Scoring the rated criteria
- Incorporating active evaluation phases

- Considering references
- Finalizing the contract
- Debriefing unsuccessful bidders – “dos and don’ts”

## MODULE 4

April 26, 2023

9:00 a.m. – 4:30 p.m. ET

### STRATEGIES AND INNOVATION

#### Strategic Sourcing

- What is strategic sourcing and how does it differ from conventional purchasing?
- Potential benefits and potential pitfalls
- Tips and tools for successfully implementing strategic sourcing in your organization

#### Innovation in IT Procurement

- Why does IT procurement play a vital role in the strategic and operational goals of an organization?
- Best practices in IT procurement – what you need to know
- Creating effective benchmarks to monitor the performance of IT metrics and key performance indicators

#### Collaboration and Participation in Buying Groups

#### Managing Contract Performance and Supplier Relations

Partnering with third party suppliers, service providers and other organizations has the potential advantage of lower costs, greater efficiency and better customer service. On the other hand, managing these relationships can at times prove problematical and costly. In this session we look at best practices for managing and improving performance.

#### Sustainable Procurement: Panel Discussion

It has been said that procurement and the supply chain can have the greatest impact on the planet. Our expert panel will focus on practical tips and strategies that will help organizations to make the most sustainable purchasing decisions.

#### Panelists

##### Hillary Keirstead

Manager, Policy & Program Planning, City of Toronto

##### Nick Xenos

Executive Director, Treasury Board of Canada Secretariat

#### Moderator

##### Mike Pacholok

Deputy City Clerk, Member Services and Program Support, City of Toronto

## MODULE 5

May 1, 2023

9:00 a.m. – 3:30 p.m. ET

### TYING IT ALL TOGETHER

#### The Big Picture

In this session, Program Director Marilyn Brown will look the importance of viewing procurement decisions with a broad perspective, including:

- Comprehensive recap of core topics covered in days 1-4
- How to apply the principles in a common-sense manner
- Tactics and practical solutions to avoid getting “bogged down” in all the rules

#### Managing Internal Stakeholder Relations

- Identifying and prioritizing key internal stakeholders
- Understanding stakeholder needs

- Tips and tools for ensuring alignment
- Effective communication to stakeholders – the need for consistency and transparency and their importance in building trust

#### Learn from the Experts: Open Mic Forum

For the final session of the program, you will get the chance to learn from our Advisory Board and get your questions answered. Don’t miss this unique opportunity to learn from and engage with these experienced experts. These Q & A sessions are consistently an excellent and valuable learning opportunity.

#### Panelists

##### Marilyn Clarke

Partner LXM Law

##### Mike Pacholok

Deputy City Clerk, Member Services and Program Support, City of Toronto

##### Heather Tizzard

Chief Procurement Officer, Public Procurement Agency, Government of Newfoundland and Labrador

##### Rosslyn Young

Chief Legal Officer and General Council, LCBO

#### Moderator

##### Marilyn Brown

LXM Law

#### Exam Overview and Closing Remarks

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## Registration Details

**Fee Per Delegate: \$3,995 + TAX**

**Newly licensed\*: \$1,997.50 + TAX**

**SCMAO members price: \$3,595 + TAX (save \$400)**

**SCMAO insiders price: \$3,795 + TAX (save \$200)**

*\*This fee applies to newly licensed regulated professionals within the past 2 years*

Fees include online attendance, electronic materials, and technical support. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details.

### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days' notice, a \$150 administration fee will apply. No other refund is available.

### For Further Program-Related Information, Please Contact:

David Thomas, Program Lawyer at 416.270.7316 or email [dthomas@osgoode.yorku.ca](mailto:dthomas@osgoode.yorku.ca)

## Certificate Requirements

To receive **The Osgoode Certificate in Public Procurement Law: The Rules in Practice**, you must view all program modules (either live or archived) and pass the post-program multiple choice assessment.

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[osgoodepd.ca/procurement-cert](http://osgoodepd.ca/procurement-cert)

 **Email:** [osgoodepd@osgoode.yorku.ca](mailto:osgoodepd@osgoode.yorku.ca)

 **Phone:** 416 597 9724

 **Mail:** 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



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Eligible CPD Hours – LSO (ON): 30h 25m CPD (29h 10m Substantive; 1h 15m Professionalism)



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This certificate has been accredited by the SCMAO for 15 CPD Credits

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