

Online  
Learning at  
its Best!

# THE OSGOODE CERTIFICATE IN PUBLIC PROCUREMENT LAW: *The Rules in Practice*

*“Having been in public sector procurement for some time (8+ years) and taken formal education in public sector procurement before, I will say that this training is very good.”*

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 program** is designed by procurement professionals *for* procurement professionals. Build 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
- Identify the origin and application of key procurement rules

## PROGRAM DIRECTOR

Marilyn Brown  
LXM Law

## REGISTRATION DETAILS

October 21, 22, 28, 29 & 30, 2024  
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*

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

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

The public procurement process is complex and ever-changing, 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 environment 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 five-day interactive certificate program 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 leading experts in procurement law and practice. You will learn 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.**

*“The program content is very useful and I can immediately apply it to my work.”*

**Olena Shkarovska**  
Assistant Town Solicitor, Town of Innisfil

*“I truly enjoyed this course. Instructors were fantastic – very knowledgeable and willing to answer questions as they came up.”*

**Jermaine Chin**  
Procurement and Contract Specialist,  
Toronto Transit Commission (TTC)



This robust, foundational certificate program covers all major areas, including:

- Core principles and governing rules, including a comprehensive overview of the legal framework and trade treaties
- Judicially recommended best practices
- Evolving industry practices
- 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
- Effectively managing contract performance and supplier relations
- Public scrutiny, judicial inquiries and audits – what you need to know

*“The public procurement landscape is evolving very quickly in terms of new procurement methods combined with trade agreements and new legislation, making it very challenging for procurement teams to update their procedures and documents fast enough. This program provides educational information and a forum to discuss potential issues that may be unclear.”*

**Sharan Dosanjh**  
Durham Region Health Department, Manager, Health Information, Privacy & Security

## 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 share insights and get 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

**Umesh Kalia**

Manager Procurement Strategy and Operations, Procurement Office, Regional Municipality of York

**Sandra Lisi**

National Director of Business Development, Kinetic GPO

**Tharshini Markandaier**

Public Sector Procurement Executive

**Mike Pacholok**

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

**Rossllyn 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

**Rossllyn Young**

Chief Legal Officer, Legal Services, LCBO

## Past Attendees Say it Best!

*“Wonderful interactive course, instructors well equipped to answer questions.”*

*“Very interactive workshops, course content is very good.”*

*“The depth of experience and understanding of the speakers has been remarkable. I appreciate the real-life examples and practical guidance provided by the team.”*

*“[Speaking about the Day 5 panel] This was a wonderful way to end the course. Having an opportunity to ask questions of the experts was not only a great way of reinforcing what was taught, as well as getting to the particulars ... this course has helped to round out my experience and understanding.”*

*“I love the case-based approach!”*

*“I would not have had the opportunity to attend this program if I had to travel. Instead, I was able to access leading instructors and experts within the cost and travel restrictions of my organization.”*

*“While Marilyn is a remarkable speaker who retains the attention of her audience, the guest speakers brought a different perspective to the course, and offered a different perspective on procurement matters.”*

*“Great job Marilyn!”*

*“This program is well structured [and] provided a wide knowledge-base on the critical issues in public procurement.”*

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# Agenda

## MODULE 1

October 21, 2024  
9:00 a.m. – 4:30 p.m. ET  
**LEGAL PRINCIPLES AND GOVERNING RULES**

### **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

### **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.

“Marilyn is a clear and effective instructor, providing easy to understand guidance on complicated topics.”

## MODULE 2

October 22, 2024  
9:00 a.m. – 4:30 p.m. ET  
**LEGAL RISKS AND STICKY SITUATIONS**

### **Bid Disputes and Legal Challenges**

Depending on the nature of the purchaser and what rules apply to the particular procurement, non-compliance may result in:

- Contract law claims
- Judicial review applications
- Bid protest mechanism challenges
- Canadian International Trade Tribunal (CITT) complaints

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

- Non-competitive procurements
- 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.

“Very good program, quite interactive, concise reference content, instructor did an awesome job communicating course content.”

## MODULE 3

October 28, 2024  
9:00 a.m. – 4:30 p.m. ET  
**DEVELOPING THE PROCUREMENT STRATEGY**

### **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

“Marilyn was energetic, she explained the material well, and was very engaging.”

## MODULE 4

October 29, 2024

9:00 a.m. – 4:30 p.m. ET

### ADMINISTERING THE PROCESS AND MANAGING SUPPLIERS

#### 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”

#### 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

#### 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.

*“I love the case-based approach!”*

## MODULE 5

October 30, 2024

9:00 a.m. – 3:30 p.m. ET

### TYING IT ALL TOGETHER

#### Practical Experience with Non-Binding Procurement Processes

In this session, **Tharshini Markandaier**, Public Sector Procurement Executive, looks at the benefits of non-binding procurement processes. Topics covered include:

- Key features of a non-binding RFX framework
- Complying with public procurement requirements and administrative law
- Transparent, equal and fair disclosure of requirements
- Leveraging increased flexibility
- Enhancing vendor participation
- Managing risk
- Increasing stakeholder engagement

#### Public Scrutiny, Judicial Inquiries and Audits

The public expects transparency and accountability in respect of the expenditure of public funds. Public purchasers face significant risk of public scrutiny, judicial inquiries and audits when they engage in non-transparent procurement practices, such as:

- Non-competitive procurements
- Repeat awards to entrenched suppliers
- Awarded contracts that significantly/ repeatedly expand in scope and dollar value
- Conflicts of interest
- Political interference
- Backroom deals

## The Big Picture

In this session, Program Director Marilyn Brown will look at 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

### 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

##### Rosslyn Young

Chief Legal Officer and General Council, LCBO

#### Moderator

##### Marilyn Brown

LXM Law

### Exam Overview and Closing Remarks



## Registration Details

**Fee Per Delegate: \$4,295 + TAX**

**Newly licensed\*: \$2,147.50 + TAX**

**SCMAO members price: \$3,895 + TAX – save \$400**

**SCMAO insiders price: \$4,095 + 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 by **November 30, 2024**.

Register today at:

[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



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON): 31h 15m CPD (30h Substantive; 1h 15m Professionalism)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).



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

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