

## **NOTICE TO BIDDER – Procurement Restriction (U.S. Businesses)**

---

Special Provision No. CMOB 0012

May 2025

---

For the purposes of this Special Provision, the following definition applies:

**U.S. business** means a supplier, manufacturer, or distributor of any business structure (includes a sole proprietorship, partnership, corporation, or other business structure) that:

1. has its headquarters or main office located in the United States (U.S.), and
2. has fewer than 250 full-time employees in Canada at the time of the applicable procurement process.

If a Bidder is a subsidiary of another corporation, part 1 of the definition above is met if that Bidder is controlled by a corporation that has its headquarters or main office located in the U.S.

A Bidder's eligibility must be demonstrated before a Bid may be accepted. Bidders must not be a U.S. Business, as defined in this Special Provision. Bidders shall submit a *Declaration for Bidders Interested in Doing Business with the Government of Ontario* (attached below).

The declaration shall be submitted, in PDF format, to the Qualification Control Unit ([QualificationControl@ontario.ca](mailto:QualificationControl@ontario.ca)) at the time of submission of Tender Registration Form, or Non-Qualified Tender Registration Form, or Bid Intent.

The ministry, in its sole discretion, shall have the right to reject any Bid in the event that it determines: (a) a Bidder has made a misrepresentation regarding the requirements of this Special Provision; (b) a Bidder is a "U.S. business" as that term is defined in this Special Provision; and/or (c) a Bidder fails to submit the declaration as noted above.

## Declaration for Bidders Interested in Doing Business with the Government of Ontario ("Declaration")

Agreement/Contract Number: \_\_\_\_\_

### IN THE MATTER OF Ministry of Transportation AND IN THE MATTER OF the Bidder

(For the purposes of this declaration, the term "Bidder" shall also include Service Providers and Proponents.)

\_\_\_\_\_  
Full legal name of the Bidder ("Bidder")

I, the undersigned,

\_\_\_\_\_  
Full name of the Bidder's representative

### DECLARE, that

1. I have signing authority on behalf of the Bidder;
2. I confirm that I have performed a complete due diligence of all relevant facts for the drafting of this Declaration and that I have personal knowledge of said facts; and
3. I am duly authorized to confirm that the Bidder is:

☐ a U.S. business, is defined as the following:

**U.S. business** means a supplier, manufacturer, or distributor of any business structure (includes a sole proprietorship, partnership, corporation, or other business structure) that:

1. has its headquarters or main office in the U.S., and
2. has fewer than 250 full-time employees in Canada at the time of tendering this Contract.

If a Bidder is a subsidiary of another corporation, part 1 of the definition above is met if that Bidder is controlled by a corporation that has its headquarters or main office located in the U.S.

or

☐ not a U.S. business.

### AND I HAVE SIGNED

In

\_\_\_\_\_  
City

\_\_\_\_\_  
Province/State

\_\_\_\_\_  
Country

This

of

\_\_\_\_\_  
Day

\_\_\_\_\_  
Month

\_\_\_\_\_  
Year

\_\_\_\_\_  
Signature, Job Title

WARRANT: All contracts.