

Buy Ontario Procurement Directive, Capital Infrastructure

- MTO Implementation

Purpose

- To review the implementation of Buy Ontario Procurement Directive for Capital Infrastructure on MTO construction contracts.

Buy Ontario Procurement Directive (BOPD)

- The Buy Ontario Act officially came into effect December 11, 2025.
- The Buy Ontario Procurement Directive, including Capital Infrastructure came into effect April 13, 2026.
- The directive establishes requirements for ministries to prioritize Ontario and Canadian goods and services in procurements. It also incorporates related initiatives—the Building Ontario Businesses Initiative and the Procurement Restriction Policy—into a single Directive.
- The Contract Management Office (CMO) with Procurement Solutions led the implementation of the Capital Infrastructure requirements of the directive.

BOPD Requirements for Capital Infrastructure

- Government entities must include the following in their procurement documents:
 - A list of each major good and service required for the deliverables being procured.
 - A requirement for vendors to submit a Domestic Supply Chain Plan that identifies, at a minimum, the source of each of the listed major goods and services.
 - Select a domestic supply chain model (Evaluate the Domestic Supply Chain Plan or have the Contractor make a **Domestic Supply Chain Commitment**)

“Construction” means construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement.

Incorporating BOPD Capital Infrastructure Requirements - MTO

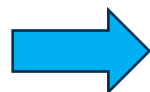
Created a Notice to Bidders (NTB) that includes:

Item
Domestic Supply Chain Plan Contractor to provide source of each of the listed major goods and services.
Domestic Supply Chain Commitment The NTB includes a declaration that the Contractor commits that not less than 51% of the total bid value is Ontario or Canadian-Made Goods and Services.
Requirements During Construction Contractor to update their Domestic Supply Chain with any supply chain changes prior to goods and service being delivered to site.

Domestic Supply Chain Plan example

Sample Resurfacing Contract

Item #	Spec. Code	A/B/C	Item Description	Unit	Qty	Unit Price	Total
1	0305-0015 SP	C	Granular Sealing (m2)	m2	28561	\$7.60	\$217,063.60
2	0308-0010 SP	C	Tack Coat	m2	331816	\$0.45	\$149,317.20
3	0313-1430	C	SMA 12.5 - 40 mm Lift Thickness	m2	3184	\$19.00	\$60,496.00
4	0313-1431	C	SMA 12.5 - 50 mm Lift Thickness	m2	291180	\$22.00	\$6,405,960.00
5	0313-1545	C	Superpave 12.5FC 2 - 40 mm Lift Thickness	m2	1018	\$18.00	\$18,324.00
6	0313-1546	C	Superpave 12.5FC 2 - 50 mm Lift Thickness	m2	13165	\$20.00	\$263,300.00
7	0313-1547	C	Superpave 12.5FC 2 - 60 mm Lift Thickness	m2	23269	\$24.00	\$558,456.00
8	0314-0071	C	Granular A	t	1450	\$42.00	\$60,900.00
9	9999-9059	C	Gritting of Stone Mastic Asphalt	m2	265992	\$0.30	\$79,797.60
10	0342-0140	C	Shoulder Rumble Strips - Asphalt	m	46652	\$1.10	\$51,317.20
11	0510-3137	C	Removal of Asphalt Pavement, Partial-Depth	m2	331436	\$2.90	\$961,164.40
12	0704-0025	C	Post Mounted Delineators	each	212	\$136.00	\$28,832.00
13	0706-0012 SP	C	Portable Variable Message Sign, Relocation	each	10	\$630.00	\$6,300.00
14	0706-0013 SP	C	Portable Variable Message Sign (Temporary)	each	2	\$4,250.00	\$8,500.00
15	0706-0015	C	Temporary Traffic Control Signs	lump sum	1	\$247,264.00	\$247,264.00
16	0706-0045	C	Road Closing/Restriction Notice Signs (TC-64)	each	6	\$691.00	\$4,146.00
17	0710-0010 SP	C	Pavement Marking	m	58860	\$1.50	\$88,290.00
18	0710-0030 SP	C	Pavement Marking, Durable	m	4267	\$6.00	\$25,602.00



Domestic Supply Chain Plan

Goods Category (Permanent Only)	Sources of Goods & Services (Note 1)
Total Supplied Granulars (e.g., Granular A, Granular B)	
Total Supplied Hot Mix Asphalt (e.g., Superpave 12.5 FC2, Superpave 19.0)	
Precast Concrete Elements (e.g., girders, box culverts, bridge elements)	
Total Supplied Concrete (cast-in-place)	
Total Supplied Steel Reinforcement for concrete (e.g., carbon, stainless for cast-in-place)	
Structural Steel for Bridges	
Sign Supports Structures (e.g., tri-cord, cantilever)	
Pipe Culverts/Sewers (e.g., plastic, concrete, metal)	
Electrical, ATMS (e.g., poles, wire, controllers)	
Steel Beam Guide Rail Systems and Energy attenuators	
*	
Note: 1. To be completed by the bidder/Contractor. All goods categories shall be addressed. Insert "N/A" where a category is not applicable.	

Oversight Requirements

The Contract Administrator shall:

- Obtain from MTO the Contractor's initial Domestic Supply Chain Plan.
- Include an agenda item at the Start up meeting.
- Include a standing item at monthly meetings to discuss changes from the initial submission.
- Verify that the Contractor is updating their Domestic Supply Chain Plan prior to the Goods and Services being delivered to site.
- Verify that the Contractor is following their Domestic Supply Chain Plan
- In the event of non-compliance:
 - Immediately document the non-compliance.
 - Immediately notify the Contractor in writing to remind them of their responsibilities to update their Plan
 - Immediately notify MTO, in writing including actions the Contractor is taking to remedy the issue.
 - Confirm that corrective actions are implemented
 - Discuss any progressive actions with CSA for repeated failures or where corrective measures are not implemented by the Contractor.

MTO Implementation Schedule

- Fully compliant by April 13 for all newly advertised Design Bid Build contracts.
- Contract language for Design Builds and Construction Manager/General Contractor to be finalized by April 30, 2026, with any contracts advertised on and after April 13th captured via addendum.
- Maintenance to incorporate requirements for in-scope capital to be compliant prior to 1st contact being advertised.

Questions?



Appendix – NTB Submission Requirements

TABLE 1

Domestic Supply Chain Plan

Goods Category (Permanent Only)	Sources of Goods & Services (Note 1)
Total Supplied Granulars (e.g., Granular A, Granular B)	
Total Supplied Hot Mix Asphalt (e.g., Superpave 12.5 FC2, Superpave 19.0)	
Precast Concrete Elements (e.g., girders, box culverts, bridge elements)	
Total Supplied Concrete (cast-in-place)	
Total Supplied Steel Reinforcement for concrete (e.g., carbon, stainless for cast-in-place)	
Structural Steel for Bridges	
Sign Supports Structures (e.g., tri-cord, cantilever)	
Pipe Culverts/Sewers (e.g., plastic, concrete, metal)	
Electrical, ATMS (e.g., poles, wire, controllers)	
Steel Beam Guide Rail Systems and Energy attenuators	
*	
Note: 1. To be completed by the bidder/Contractor. All goods categories shall be addressed. Insert "N/A" where a category is not applicable.	

[* Designer Fill-In for Table 1, See Notes to Designer].

2.0 SUBMISSION REQUIREMENTS

2.1 Bidders Requirements

Bidders shall complete and submit the following:

- Domestic Supply Chain Plan: bidders shall complete the source for each of the goods and services listed in Table 1.
- Declaration of Ontario or Canadian-Made Goods and Services: bidders shall confirm that not less than 51% of the total bid value is Ontario or Canadian-Made Goods and Services. If less than 51% of the total bid value is Ontario or Canadian-Made Goods and Services, then the Bid is considered non-compliant.

The completed Domestic Supply Chain Plan and Declaration shall be submitted, in PDF format to contracttendering@ontario.ca by the three low bidders within 24 hours of publishing of the summary bids.

The ministry, in its sole discretion, shall have the right to reject any bid in the event that it determines:

- A bidder has made a misrepresentation regarding the requirements of this Special Provision; and/or
- A bidder fails to submit the declaration as noted above; and/or
- A bidder fails to submit the Domestic Supply Chain Plan.

2.2 Contractor Requirements

Throughout the Contract the Contractor shall submit updated Domestic Supply Chain Plans with any supply chain changes prior to the goods and services being delivered to the site, ensuring that not less than 51% of the total bid value is Ontario or Canadian-Made goods and services. Failure to maintain and submit updated Domestic Supply Chain Plans throughout the Contract may result in administrative action.

Appendix

Declaration of Ontario or Canadian-Made Goods and Services ("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 information provided in Table 1: Domestic Supply Chain Plan is quoted in utmost good faith, without collusive arrangement or agreement with any other person or partnership or corporation. The Bidder expressly warrants that they are not party or privy to any deceitful tendering to mislead the Owner into accepting their information. Providing false information may lead to the Bidder's submission being declared as non-compliant and the removal of their original bid from further consideration.
 - and
 - ☐ not less than 51% of the total bid value is Ontario or Canadian-Made Goods and Services and agree that if the proportion of Ontario or Canadian-Made Goods and Services are less than 51% of the total bid value then the submitted bid shall be deemed non-compliant and that the submission shall be disqualified.

Appendix -Buy Ontario Directive – Definitions

“Canadian-Made Good” means a good that meets any one of the following criteria:

- Is wholly manufactured or originating in Canada,
- At least 51% of the total direct costs of producing or manufacturing the good have been incurred in Canada, or
- Is labelled as “Made in Canada” or “Product of Canada”.

“Ontario-Made Good” means a good that meets any one of the following criteria:

- It is wholly manufactured or originating in Ontario, or
- At least 51% of the total direct costs of producing or manufacturing the good have been incurred in Ontario.

Appendix - Buy Ontario Directive – Definitions

“Major goods” means durable materials, systems or components that are essential to ensuring the operational readiness or performance of the deliverable, and include:

- Structural materials: Concrete, steel and other metals, lumber, stone, aggregates
- Building envelope components: Windows, glass, roofing systems, bricks
- Mechanical and electrical systems: HVAC units, generators, elevators
- Specialty items: Prefabricated panels, major fixtures
- Fixtures, furniture and equipment
- Transit fleet vehicles