

# BOBI Information Sheet

## Building Ontario Businesses Initiative (BOBI) Updates:

BOBI came into effect on January 1, 2024, for all aspects of the legislation – but is allowing a transition period to incorporate the new definition and exemptions, which must be implemented by April 1, 2024.

What is the definition of an Ontario Business?

An Ontario Business, for the purposes of the Act, must meet the following requirements:

1. The business is a supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Ontario.
2. The business either
  - has its headquarters or main office in Ontario, OR
  - has at least 250 full-time employees in Ontario at the time of the applicable procurement process.

For procurements **below** monetary thresholds in trade agreements:

- Below thresholds in applicable domestic trade agreements
  - BPS entities must procure goods and services from Ontario businesses wherever feasible

Organizations can take the above definitions of an Ontario Business and have the supplier, manufacturer, or distributor attest to meeting the definition of an Ontario Business when procuring goods or services below monetary thresholds in trade agreements.

For procurements **below** thresholds in applicable international trade agreements:

- BPS entities must procure goods and services from Ontario or Canadian businesses, wherever feasible

A Canadian Business is defined as:

- A commercial enterprise that is incorporated pursuant to the laws of Canada and which has ongoing business activities in Canada.

For procurements **above** monetary thresholds in trade agreements, domestic and international:

- BPS entities must use the following strategies, wherever feasible
  - Procure goods and services from Ontario businesses and businesses of Ontario's trading partners,
  - Apply weighted domestic criteria in procurement evaluations (e.g. vendors to demonstrate how they meet Ontario's environmental and labour standards), and
  - For procurements with an estimated value of \$50 million or more, include an Industrial Regional and Technology Benefit (IRTB) requirement for vendors. The IRTB requires vendors bidding on large procurements to detail how their proposals would provide local economic benefits for the province.

For procurements above monetary thresholds in trade agreements, domestic and international, BOBI-related questions **must** be included in your RFP's and these questions must be weighted from **25% to 40% of the total value of an RFP's scoring.** MMC has developed eight BOBI-related criteria for this approach to ensure compliance. Agencies may reach out to MMC for more information on these criteria.

**BOBI Exemptions (below the domestic trade thresholds, i.e. \$133.8K for goods & services/\$334.4K for construction):**

The following goods and services are not prescribed for the purposes of the Act:

1. A good or service required for an emergency.
2. A good or service procured pursuant to a standing offer, vendor of record arrangement or a multi-use list.
3. A good or service procured for commercial sale or resale or for use in the production of a good or service intended for commercial sale or resale.
4. The services of a lawyer, paralegal or notary public.
5. The services of an expert witness to be used in a court or legal proceeding.
6. A good or service that is not available from an Ontario business.