

Operational Guidelines for Use of Enterprise-wide Vendor of Record Arrangements and Volume Licensing Agreements by OPS Clients and Non-OPS Clients



Program and Policy Enablement Branch
Supply Chain Ontario
Ministry of Government and Consumer Services

TABLE OF CONTENTS

1.0	Interpretation.....	2
2.0	Purpose	2
3.0	Application & Scope	2
4.0	General framework	2
5.0	Roles & Responsibilities	3
6.0	Process to access Enterprise-wide VOR Arrangements and VLAs	3
7.0	Contact information.....	4
	Appendix A: Definitions	5
	Appendix B: Confirmation memo templates	8
	Appendix C: Revisions to program coverage as of February 1, 2019.....	9
	Appendix D: Revisions to guidelines.....	11

OPERATIONAL GUIDELINES FOR USE OF ENTERPRISE-WIDE VENDOR OF RECORD ARRANGEMENTS AND VOLUME LICENSING AGREEMENTS BY OPS CLIENTS AND NON-OPS CLIENTS

Effective date: February 1, 2019

Last revised date: March 27, 2019

1.0 Interpretation

1.1 Capitalized terms/acronyms used herein are defined in Appendix A.

2.0 Purpose

2.1 To provide guidance on the use of Enterprise-wide VOR Arrangements and VLAs.

3.0 Application & Scope

3.1 These guidelines cover the use of Enterprise-wide VOR Arrangements and VLAs by OPS Clients and Non-OPS Clients.

3.2 These guidelines do not cover:

- which organizations are required to use the Enterprise-wide VOR Arrangements and VLAs (which is determined by the organization's requirements under the Ontario Public Service Procurement Directive, if applicable);
- the use of ministry-specific VOR arrangements;
- the use of multi-ministry VOR arrangements; and
- the use of central common services.

4.0 General framework

4.1 Enterprise-wide VOR Arrangements and VLAs are made available to some or all types of OPS Clients based on practical considerations. Enterprise-wide VOR Arrangements and VLAs may also be made available to some or all types of Non-OPS Clients based on practical considerations. For definitive information concerning use of a specific Enterprise-wide VOR Arrangement or VLA, organizations must consult the corresponding user guide posted on the Clients' Portal.

4.2 Where an Enterprise-wide VOR Arrangement or VLA has been made available to Non-OPS Clients, vendors are encouraged, but are not required to supply goods or services to Non-OPS Clients.

4.3 OPS Clients use Master Agreements. Non-OPS Clients use Separate Agreements. Note: Additional requirements may apply for use of certain Master Agreements; if an OPS Client does not meet these requirements, it would use a

Separate Agreement. For definitive information concerning use of a specific Enterprise-wide VOR Arrangement or VLA, organizations must consult the corresponding user guide posted on the Clients' Portal.

5.0 Roles & Responsibilities

Supply Chain Ontario, Ministry of Government and Consumer Services

- 5.1 Manages and supports the implementation of these guidelines.
- 5.2 Establishes Enterprise-wide VOR Arrangements and VLAs.
- 5.3 Manages the Clients' Portal, including registration.

OPS Clients and Non-OPS Clients

- 5.4 Follow the process outlined in Section 6 to use the Enterprise-wide VOR Arrangements and VLAs.

Validating Bodies

- 5.5 Confirm if organizations that believe that they are eligible under #5 of the definition of "OPS Clients" or under #1, 5, 11 or 12 of the definition of "Non-OPS Clients" meet the applicable definition, on an as-requested basis as outlined in Section 6 (additional guidance for Validating Bodies is available in Appendix B).

Vendors

- 5.6 Follow the process outlined in Section 6 to enable use of the Enterprise-wide VOR Arrangements and VLAs.

6.0 Process to access Enterprise-wide VOR Arrangements and VLAs

- 1. OPS Clients (with the exception of ministries) and Non-OPS Clients that are interested in viewing detailed information about the Enterprise-wide VOR Arrangements and VLAs [register](#) for access to the Clients' Portal.

Note: Organizations that believe that they are eligible under #5 of the definition of "OPS Clients" or under #1, 5, 11 or 12 of the definition of "Non-OPS Clients" are required to provide confirmation from their Validating Body that the organization meets the applicable definition during [registration](#). To obtain this confirmation memo, organizations direct their Validating Body to the [Operational Guidelines for Use of Enterprise-wide Vendor of Record Arrangements and Volume Licensing Agreements by OPS Clients and Non-OPS Clients](#). The Validating Body downloads the applicable confirmation memo template from Appendix B and issues the memo to the organization if it meets the applicable definition. It is recommended that organizations that are captured under #12 of the definition of "Non-OPS Clients" and

receive funding from multiple ministries obtain the memo from the ministry with whom they have the longest transfer payment agreement.

2. Successfully-registered organizations log in to the [Clients' Portal](#). For information concerning use of a specific Enterprise-wide VOR Arrangement or VLA, organizations consult the corresponding user guide (which contains relevant contact information) posted on the Clients' Portal. If the organization is interested in using an Enterprise-wide VOR Arrangement or VLA, it contacts vendors on the arrangement.
3. The vendor confirms the organization's eligibility to use the specific Enterprise-wide VOR Arrangement or VLA by checking the [list of successfully-registered OPS Clients and Non-OPS Clients](#) (where it is noted whether an organization is an OPS Client or a Non-OPS Client), against the [list of Enterprise-wide VOR Arrangements and VLAs](#) (where it is noted whether the arrangement is available to only OPS Clients or to OPS Clients and Non-OPS Clients).

Note: If the organization is eligible to use the specific Enterprise-wide VOR Arrangement or VLA, and it is appropriate for the organization to use a Separate Agreement (as determined by the user guide), the organization leads the development of a mutually agreeable Separate Agreement with the vendor. The organization can consult the Separate Agreement Best Practice Guide posted on the Clients' Portal for assistance in developing the agreement.

7.0 Contact information

For questions concerning these guidelines, please contact:

Supply Chain Ontario

Ministry of Government and Consumer Services

Email: BPSSupplyChain@ontario.ca

Appendix A: Definitions

For the purpose of the Enterprise-wide VOR and VLA program, the terms below have the prescribed meaning:

Clients' Portal: A repository of information on all Enterprise-wide VOR Arrangements and VLAs. The portal can be accessed by OPS Clients and Non-OPS Clients upon successful [registration](#) and [login](#).

Enterprise-wide Vendor of Record (VOR) Arrangement: A procurement arrangement that authorizes one or more qualified vendors to provide goods or services for a defined time period with defined terms and conditions as set out in the Master Agreement. A list of these arrangements is available on the [Ministry of Government and Consumer Services website](#).

Master Agreement: The government's agreement with a vendor for the supply of goods or services under an Enterprise-wide VOR Arrangement or VLA.

Non-OPS Clients: The below types of eligible clients for use of Enterprise-wide VOR Arrangements and VLAs:

1. [Provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry does not assume legal liability in connection with procurement-related contracts executed by the provincial agency/organization.
2. Office of the Legislative Assembly of Ontario
3. [Independent Offices of the Legislative Assembly](#)
4. [Ontario municipalities](#)
5. Organizations* that have a parent municipality in Ontario and to whom the municipality has delegated authority to deliver services on its behalf.
*Must be a not-for-profit or Non-share Capital Corporation, or any shareholders must be a municipality.
6. [Ontario public hospitals](#)
7. [Ontario school boards](#)
8. [Ontario public universities](#)
9. [Ontario public colleges](#)
10. [Ontario children's aid societies](#)
11. Every corporation* controlled by one or more [designated broader public sector organizations](#) that exists solely or primarily for the purpose of purchasing goods or services for the designated broader public sector organization or organizations.
*Must be a not-for-profit or Non-share Capital Corporation.

12. Organizations* that have an active transfer payment agreement with an Ontario ministry and that have not been assessed as “high risk” in the ministry’s transfer payment risk assessment.

*Must be a not-for-profit or Non-share Capital Corporation.

Non-share Capital Corporation: An entity established under Part III of the [Corporations Act, R.S.O. 1990, c. C. 38](#).

Ontario Public Service (OPS) Clients: The below types of eligible clients for use of Enterprise-wide VOR Arrangements and VLAs:

1. [Ministries](#)
2. Ministers’ offices
3. Cabinet Office
4. Office of the Premier
5. [Provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry assumes legal liability in connection with procurement-related contracts executed by the provincial agency/organization.

Separate Agreement: An organization’s own agreement with a vendor for the supply of goods or services under an Enterprise-wide VOR Arrangement or VLA.

Terms of Use: In order to be able to access the Clients’ Portal and use the Enterprise-wide VOR Arrangements and VLAs, OPS Clients and Non-OPS Clients must acknowledge/agree to the [Terms of Use](#) during registration.

Validating Bodies: The bodies listed below that confirm if organizations that believe that they are eligible under #5 of the definition of “OPS Clients” or under #1, 5, 11 or 12 of the definition of “Non-OPS Clients” meet the applicable definition:

Organization	Validating Body
Organizations captured under #5 of the definition of “OPS Clients”	Ministry program area that administers the Memorandum of Understanding or similar agreement
Organizations captured under #1 of the definition of “Non-OPS Clients”	Ministry program area that administers the Memorandum of Understanding or similar agreement
Organizations captured under #5 of the definition of “Non-OPS Clients”	Parent municipality

Organization	Validating Body
Organizations captured under #11 of the definition of “Non-OPS Clients”	One of the following members: <ul style="list-style-type: none"> • Ontario public hospital • Ontario school board • Ontario public university • Ontario public college • Ontario children's aid society
Organizations captured under #12 of the definition of “Non-OPS Clients”	Ministry program area that administers the transfer payment agreement

Volume Licensing Agreement (VLA): A software licensing program that software publishers provide to large customers. A list of these arrangements is available on the [Ministry of Government and Consumer Services website](#).

Appendix B: Confirmation memo templates

Note: The [Operational Guidelines for Use of Enterprise-wide Vendor of Record Arrangements and Volume Licensing Agreements by OPS Clients and Non-OPS Clients](#) should always be consulted for the most current version of the confirmation memo templates.

For organizations captured under #5 of the definition of “OPS Clients”

The below memo should be issued to [provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry assumes legal liability in connection with procurement-related contracts executed by the provincial agency/organization.

[Memo for OPS Clients #5](#)

For organizations captured under #1 of the definition of “Non-OPS Clients”

The below memo should be issued to [provincial agencies](#) and any [other organizations](#) that have an active Memorandum of Understanding or similar agreement with an Ontario ministry, for whom the oversight ministry does not assume legal liability in connection with procurement-related contracts executed by the provincial agency/organization.

[Memo for Non-OPS Clients #1](#)

For organizations captured under #5 of the definition of “Non-OPS Clients”

The below memo should be issued to not-for-profit municipal entities.

[Memo for Non-OPS Clients #5](#)

For organizations captured under #11 of the definition of “Non-OPS Clients”

The below memo should be issued to not-for-profit buying groups, group purchasing organizations, shared service organizations and other similar organizations.

[Memo for Non-OPS Clients #11](#)

For organizations captured under #12 of the definition of “Non-OPS Clients”

The below memo should be issued to not-for-profit ministry transfer payment recipients that have not been assessed as “high risk” in the ministry’s transfer payment risk assessment.

[Memo for Non-OPS Clients #12](#)

Appendix C: Revisions to program coverage as of February 1, 2019

Previous language	Revision
<p><i>For the purpose of VOR access the Ontario Public Service (OPS) includes:</i></p> <ul style="list-style-type: none"> • <i>All Ministries;</i> • <i>Advisory, Regulatory, Adjudicative Agencies as classified under Management Board of Cabinet’s Agency Establishment and Accountability Directive;</i> • <i>Any entity of the Province of Ontario that is required to follow the OPS Procurement Directive or its predecessors in full through an agreement with their oversight ministry; and</i> • <i>Any entity designated by Ministry of Government and Consumer Services, from time to time, as an OPS Entity.</i> 	<p>“OPS Clients” term and definition introduced to replace previous language.</p>
<p><i>For the purpose of VOR access for VORs created <u>after</u> November 2013, Provincially Funded Organizations (PFOs) include:</i> <i>In addition to Ontario Government ministries, four types of public sector organizations have been identified and entitled to use the enterprise-wide VOR arrangements at their option upon approval from their funding ministry.</i></p> <ol style="list-style-type: none"> 1. <i>Select classified, non-classified and hydro entities (referred to as Other Included Entities in the Management Board of Cabinet Procurement Directive);</i> 2. <i>Legislative Assembly;</i> 3. <i>Municipalities, colleges, universities, school boards, hospitals, Community Care Access Centres, Children's Aid Societies and shared service organizations; and</i> 4. <i>Other transfer payment recipient organizations.</i> <p><i>For the purpose of VOR access for VORs created <u>before</u> November 2013, the Broader Public Sector (BPS) means:</i></p> <ol style="list-style-type: none"> 1. <i>Select classified, non-classified and hydro entities (referred to as Other Included Entities in the Management Board of Cabinet Procurement Directive);</i> 2. <i>Legislative Assembly</i> 3. <i>Municipalities</i> <ul style="list-style-type: none"> • <i>Every municipality in Ontario as defined in the Municipal Affairs Act and the Municipal Act;</i> 	<p>“Non-OPS Clients” term and definition introduced to replace previous language.</p>

Previous language	Revision
<ul style="list-style-type: none"> • <i>Every regional municipality in Ontario as defined in the Regional Municipalities Act;</i> • <i>The District Municipality of Muskoka as described in the District Municipality of Muskoka Act; and,</i> • <i>Every local board in Ontario as defined in the Municipal Affairs Act and the Municipal Act</i> <p><i>Information regarding municipalities can be found at Ministry of Municipal Affairs and Housing;</i></p> <p>4. <i>Academic Institutions</i></p> <ul style="list-style-type: none"> • Every university in Ontario; • Every college of applied art and technology in Ontario; and • <i>Every post secondary institution in Ontario. The enrollments of which are used to calculate annual operating grant entitlements.</i> <p><i>Information regarding academic institutions can be found at:</i></p> <ul style="list-style-type: none"> • Ministry of Education • Ministry of Training, Colleges and Universities <p>5. <i>School Boards</i></p> <ul style="list-style-type: none"> • Every school board in Ontario as defined in the Education Act. <p>6. <i>Health Care Providers</i></p> <ul style="list-style-type: none"> • Every hospital listed in the Schedule to the Classification of Hospitals Regulations made under the Public Hospitals Act; • <i>Every private hospital operated under the authority of a licence issued under the Private Hospitals Act including:</i> <ul style="list-style-type: none"> • Community Health Centres; and, • Community Care Access Locations <p><i>Information regarding health care providers can be found at:</i></p> <ul style="list-style-type: none"> • Ministry of Health and Long-Term Care <p>7. <i>Other transfer payment recipient organizations upon approval from their funding ministry.</i></p>	

Appendix D: Revisions to guidelines

Date	Section	Revision
March 1, 2019	Section 7: Contact information	Contact information changed.
March 1, 2019	Appendix A: Definitions	Hyperlinks for Ontario public hospitals and Ontario ministries changed.
March 27, 2019	Appendix A: Definitions	Definitions of “OPS Clients” #5 and “Non-OPS Clients” #1 modified.
March 27, 2019	Appendix B: Confirmation memo templates	Confirmation memo templates modified.