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**Full Implementation of Procurement Provisions of the British Columbia – Alberta Trade, Investment, and Labour Mobility Agreement (TILMA)**

RE: The TILMA will apply to school boards on April 1, 2009.

TILMA is the latest in a series of agreements between B.C. and Alberta that began with the October 2003 Alberta – B.C. Protocol of Cooperation. TILMA's final provisions are the result of extensive consultations with the British Columbia School Trustees Association (BCSTA) as well as the BC School District Secretary-Treasurer's Association (BCSDSTA). Broader consultations also included local governments, professional purchasing groups, ministries, regulatory bodies, and business groups. Other provinces, territories and the federal government were advised; country-wide consultations were initiated by the Agreement on Internal Trade (AIT) Ministerial Committee of Ministers on Internal Trade. Within the B.C. government, the Procurement Council was consulted regarding the procurement implications of TILMA.

TILMA is a comprehensive domestic trade agreement that applies to government activities such as legislation, regulations, standards, policies, procedures and guidelines that affect trade, investment and labour mobility. Procurement is one of the areas affected; therefore changes may be required to the purchasing policies of your organization.

***Key Messages:***

*These changes are effective 1 April 2009:*

1. As under the AIT, advertising must be posted on BC Bid or any other electronic system. Thresholds for advertising of goods, services and construction solicitations have been reduced under TILMA:

	AIT	TILMA
Goods	\$100,000	\$75,000
Services	\$100,000	\$75,000
Construction	\$250,000	\$200,000

Procurement opportunity notices requiring national responses must still be advertised nationally using existing AIT procurement thresholds. Those requiring Alberta-only responses must be advertised using new TILMA thresholds. Other

supplemental means of advertising may be used in addition to BC Bid or any other electronic system.

2. Solicitations for the services of architects and engineers are now covered under TILMA and must be openly tendered.

***AIT Exemptions superseded by TILMA as of April 1, 2007:***

Implementation of TILMA results in removal of certain exemption provisions of AIT Article 506.11: (c) which exempts contracts funded in whole or part by an international cooperation organization; and (d) which provides for exemption of construction materials for use in the construction or repair of roads, specifically sand, stone, gravel, asphalt compound and pre-mixed concrete. These will now be covered by the provisions of TILMA.

The implementation of TILMA also results in the elimination of the exclusion for the following services in the AIT. These will now be covered by the provisions of TILMA:

- Services of licensed professionals such as architects, engineers, veterinarians, land surveyors, and accountants;
- Transportation services provided by locally-owned trucks for hauling aggregate on highway construction projects; and
- Advertising and public relations services.

***Dispute Resolution Options for Procurement under Consideration:***

Procurements subject to the provisions of TILMA may be challenged under its general Dispute Resolution Procedures. However, BC and Alberta have agreed to consider options to improve the dispute settlement process for procurement, including the development of an effective bid protest mechanism. Until such time as agreement is reached between the two Provinces, the monetary award provisions of TILMA do not apply.

***Land use and Zoning:***

All Land-use measures (e.g., zoning decisions) are excluded from the TILMA, provided they treat residents from British Columbia and Alberta the same (i.e., they must be non-discriminatory).

***Procurement Exceptions:***

1. Treasury Services (the procurement of certain financial products and services);
2. TILMA carries over the AIT's exceptions in procurement such as:

- From non-profits
- Only one supplier meets requirements
- Unforeseeable situation of urgency
- Confidentiality
- Lawyers/notaries services

Which procurement tools are still allowed under TILMA?

So long as they are non-discriminatory:

- Pre-qualified lists of suppliers
- Purchasing co-ops, buying groups
- Long-term supply contracts
- Specifications for service (e.g., time, maintenance)

A copy of the complete TILMA agreement and other supporting documents can be accessed at:

[www.tilma.ca](http://www.tilma.ca) and on the Ministry of Small Business, Technology and Economic Development's website at <http://www.gov.bc.ca/tted/>

**Contact:**

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