October 3, 2014

Mr. Les Cross
Ontario School Bus Association (OSBA)
3401 Wolfedale Road
Mississauga ON L5C 1V8

Dear Mr. Cross,

I am writing to provide you with an update to the Premier’s letter to OSBA dated June 2, 2014. I am pleased to inform you that we are moving forward with the independent review of competitive procurement processes for student transportation as was committed to by the Premier. The review will have two intended purposes: a review of current competitive procurement practices and student transportation Requests For Proposals (RFPs) that have been issued since December 31, 2011, to identify best business practices and opportunities for improvement in competitive procurement of student transportation in Ontario; and to explore options other than RFPs for competitive procurement of student transportation that are in compliance with the Broader Public Sector Procurement Directive (BPSPD) for the consideration of the school board sector in Ontario. The review will begin in October 2014 with expected completion by December 2014.

This review will be chaired by Mr. Colin Campbell, retired Justice of the Ontario Superior Court. For 31 years, Mr. Campbell’s general litigation practice was primarily in the civil and corporate commercial fields at all levels of courts and before regulatory tribunals across Canada including numerous appearances before the Supreme Court of Canada. The Chair will have the responsibility of overseeing the review process and the work of the Expert Panel; the Chair will ensure impartiality, openness, and transparency of the review process. The two members of the Expert Panel are Leo Gotlieb and Paul Emanuelli. Both members are public procurement experts who had provided support to the Student Transportation Competitive Procurement Task Force in 2011. Their background knowledge and understanding of the core issues for this review will help significantly in meeting the target completion date of December 2014.

During the review, the Expert Panel will consult with stakeholders in the student transportation sector, including but not limited to: school bus operator associations, school bus operators with no affiliations, school board business officials, procurement managers, transportation consortia managers, and other groups or individuals as may be determined by the review team.
I encourage you and your members to use the stakeholder consultation process to share your thoughts on issues, opportunities for improvement, and potential alternative competitive procurement processes. All stakeholder groups’ perspectives will be taken into consideration in an equitable review process.

The Expert Panel will analyze the feedback from the consultation, and identify any best business practices, suggestions for improvement, as well as other competitive procurement options. Any suggestions advanced by the Expert Panel must be in full compliance with the BPSPD and must be easily understood and practical for implementation. The Expert Panel must also take into consideration the diversity in school boards’ resource capacities and the local conditions across the province. The Ministry of Government and Consumer Services will still have an important role to play as they will assist in reviewing the findings of this independent review to ensure that recommendations are compliant with the BPSPD before the reviewers present the report to me.

I must also reiterate that the review of current competitive procurement practices and RFPs issued by school boards or consortia does not imply that the RFPs were flawed or were non-compliant with the BPSPD. In addition, the consideration of alternative competitive procurement options that are compliant with the BPSPD does not override the principle that school boards are self-governing bodies and ultimately responsible for making their own procurement decisions. As a result, any recommendations identified by the reviewers cannot be made mandatory.

In closing, I hope you and your members will work with the independent reviewers and make full use of this opportunity to address the issues that the school bus industry may have in order to continue the shift towards competitive procurement.

Sincerely,

Liz Sandals
Minister

c: The Honourable Colin Campbell Q.C.
   Independent Review Chair
   Leo Gotlieb
   Independent Review Expert Panel
   Paul Emanuelli
   Independent Review Expert Panel