

DISPUTE RESOLUTION SERVICES – WHAT TO EXPECT

What suppliers and federal organizations can expect from the Office of the Procurement Ombudsman (OPO)

OPO-BOA.GC.CA

Promoting fairness, openness and transparency in Federal procurement

WHAT ALTERNATIVE DISPUTE RESOLUTION (ADR) SERVICES DOES OPO OFFER?

Facilitation

An **informal** process in which a neutral, certified OPO mediator plays the role of intermediary by communicating with all parties to help each party understand the others' views.

Mediation

A more formal process in which a neutral, certified OPO mediator guides parties through a discussion to attempt to resolve their contract dispute and reach a mutually acceptable solution.

WHO CAN REQUEST ADR?

In addition to being a party to the contract, the requester must be one of the following:

A Canadian supplier

An international supplier with a place of business in Canada

A federal organization listed in schedules I, I.1 or II of the *Financial Administration Act*

The requester can submit a **written** request to OPO, including:

A brief summary of the issue(s)

A copy of the contract

The names of all parties to the contract, if known

HOW DO PARTIES CONSENT TO PARTICIPATE IN ADR?

Consent built into the contract

Depending on the terms of the contract, parties may have agreed in advance to participate in OPO's ADR process should ADR be requested.

Formally invited to participate

The Ombudsman will send a formal invitation to participate in the ADR process to all parties named in the contract.

WHAT NEXT STEPS CAN PARTIES EXPECT?

If all parties agree to participate in ADR

OPO will:

- draft a dispute resolution proposal and begin planning the logistics of the ADR session;
- contact each party in advance of the session to provide an overview of the process and answer questions; and
- provide a neutral, certified OPO mediator to lead the session, allowing parties to share their perspectives and discuss all potential solutions.

If a settlement is reached, all parties will sign a legally binding document, drafted by OPO.

If a settlement is not reached, the OPO mediator will record the progress made, identify potential next steps, and confirm if and how the parties intend to move forward.

If a party declines the invitation to participate in ADR

The ADR session will not take place.

OPO will:

- contact all parties that had accepted to inform them that the ADR session will not take place; and
- answer any remaining questions about the process.

On a case-by-case basis, OPO may still offer an informal facilitation service, or may proceed with ADR among the parties that had accepted should they wish to continue without the party or parties that declined.

For more information, please contact the **Office of the Procurement Ombudsman** at 1-866-734-5169 or visit our website at www.opo-boa.gc.ca.



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