

Waiving Supplier Diversity Certification Fees for Minority-Owned Business Enterprises

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**BLACK
URBANISM
TORONTO**

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POLICY REPORT

WITH SUPPORT FROM:



UNIVERSITY OF
TORONTO



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EXECUTIVE SUMMARY

Minority-owned enterprises face inequalities that threaten their ability to start and sustain business ventures. This is partly due to a lack of financial resources and robust social networks required to undertake entrepreneurial initiatives. One way the City of Toronto has sought to close this gap is through the adoption of its Social Procurement Program (SPP) in May 2016. The SPP is premised on creating jobs and stimulating economic growth across Toronto, particularly in underserved communities, by supporting enterprises led/owned by equity-seeking populations.

However, one of the largest barriers for minority-owned businesses in the social procurement process is the certification requirements imposed by the City. Businesses must pay costly annual certification fees from third-party organizations in order to be eligible to bid on City Contracts. This current process is inequitable and a hindrance for small businesses that are already faced with tight budgets, cost inflation, and reduced patronage due to COVID-19.

Based on an analysis of other cities' social procurement guidelines, this report presents three approaches through which to waive certification fees for diverse suppliers. In order to make the SPP more equitable, we recommend introducing a City Council motion directing the Economic and Community Development Committee to:

1. Amend the current framework to pursue one of these alternatives.
2. Undertake a Disparity Study to evaluate the SPP's efficacy at hiring minority-owned businesses.
3. Embed capacity-building opportunities throughout the SPP to enable small businesses to better navigate the procurement process.
4. Develop training for purchasers on hiring diverse suppliers and additional anti-bias, equity, and social impact procurement training programs.

A. CURRENT CONTEXT

This section briefly defines Social Procurement, summarizes its benefits in general, and reviews key barriers in its uptake in Toronto.

Social Procurement

Social procurement refers to how public and private entities can leverage their purchasing power to generate social value (LePage, 2014). Also referred to as supplier diversity, social procurement policies are useful mechanisms to **redistribute wealth by supporting businesses owned or led by equity-seeking populations such as women, Black, Indigenous and People of Color (BIPOC), and members of the LGBTQ2S community.**

General Benefits

Social procurement provides both key economic, social, and community development opportunities for the suppliers and purchasers involved, ultimately proving that economic growth and equity can go hand-in-hand.

1. **Economic:** Minority-owned businesses face additional barriers to accessing markets that jeopardize **their businesses' survival rates due to a lack of networks and discrimination (Institute for Gender and the Economy, 2020).** Social procurement is a valuable tool for levelling the playing field by “addressing place-based economic disadvantage” through creating new long-term employment opportunities and regenerating local economies (Mupanemunda, 2019, p.2).
2. **Social:** By “**advancing reconciliation, inclusion, equity and diversity**” in the municipal supply chain, it facilitates opportunities for skills training and economic independence for various underrepresented groups (City of Vancouver, n.d., p.3.; Mupanemunda, 2019).
3. **Community:** A key benefit influencing the uptake of social procurement, is its ability to boost **economic capacity, prosperity, and well-being in a community** (Canadian Centre for Diversity and Inclusion [CCDI], 2016; City of Vancouver, n.d.). So, for purchasers, it offers an opportunity to **share values and build trust with local populations**, while adapting their businesses to reflect the changing demographics of their host neighbourhoods (CCDI, 2016)

Overall, it also helps to increase flexibility in the supply chain, it can introduce additional competition that leads to more innovation and potentially higher quality goods and services, and it supports broader poverty reduction strategies (Institute for Gender and the Economy, 2020; Momentum, n.d.).

GENERAL BARRIERS IN TORONTO

Despite these benefits, there are barriers both on the supplier and purchaser side to the uptake in these programs, which are used by a range of types of organizations.

1. **Purchasers:** A 2012 DiverseCity report on supplier diversity in the Greater Toronto Area (GTA) indicated that for employers/purchasers with and without established supplier diversity programs, one of the largest barriers they face is finding qualified minority-owned suppliers to select from (Larson, 2012). Ultimately, when implementing social procurement initiatives, purchasers must be explicit and strategic in developing their certification best practices: certification practices clarify which businesses should or should not be considered by purchasers (Larson, 2012).
2. **Suppliers:** Navigating the social procurement process can be complex, and small and medium-sized enterprises (SMEs) often do not have the (social and financial) capital and capacity to navigate the complexities of the social procurement process (e.g. Certification procedures and costs; tendering processes, late payments, etc.) or to compete for larger contracts against larger companies (Dragicevic & Ditta, 2016; Institute for Gender and the Economy, 2020; Mupanemunda, 2019). According to the DiverseCity report, suppliers also face barriers from purchasers due to:
 - A. **opportunism** from purchasers who “solicit bids from suppliers who have little chance of winning” (or from suppliers who overstate their qualifications) and/or;
 - B. **internal resistance** to changing suppliers or implementing supplier diversity programs (Larson, 2012, p.11).

Specific Barriers in The City of Toronto’s Social Procurement Program (SPP)

The SPP was implemented in 2016 with the goals of using Supply Chain Diversity and Workforce Development to create employment opportunities for individuals and businesses currently underrepresented in the workforce and the City’s vendor list (Dragicevic & Ditta, 2016).

According to the City, “a diverse supplier is a business that is at least 51 percent owned, managed and controlled by an equity-seeking community or social purpose enterprise” (City of Toronto, 2017, par. 5). These diverse suppliers are then able to submit bids for Departmental Purchase Orders ranging from \$3,000 to \$100,000.

However, in order to be considered as a diverse supplier, prospective businesses must get a certification from one of the five following certification organizations:

1. Canadian Aboriginal and Minority Supplier Council
2. WBE Canada, Certified Women Business Enterprises
3. Canadian Gay and Lesbian Chamber of Commerce
4. Canadian Council for Aboriginal Business
5. Inclusive Workplace Supply Council of Canada

The cost of obtaining and maintaining certification varies, depending on the SME's size and structure (see Table 1).

The high costs associated with obtaining certification (see Table 1), as well as the complexity of the procurement process, coupled with diverse suppliers' lack of resources and networks, pose high barriers for prospective businesses, who would benefit from the opportunities that participating in the SPP program offers (Institute for Gender and the Economy, 2020). These barriers undermine the SPP's mission of "providing equitable access to economic opportunities to people experiencing economic disadvantage, discrimination and/or barriers to equal opportunity" (City of Toronto, 2016, p.3).

Table 1. Diverse Supplier Certifier Membership Fees

Certifier Name	Membership Fees (as of January 2022)
Canadian Aboriginal and Minority Supplier Council	\$350 to \$750 per year
WBE Canada, Certified Women Business Enterprises	\$750 per year
Canadian Gay and Lesbian Chamber of Commerce	\$449 per year
Canadian Council for Aboriginal Business	\$350 to \$1,000 per year
Inclusive Workplace Supply Council of Canada	\$500 per year

B. SOLUTIONS

Strengthening supplier diversity requires embedding capacity-building opportunities into the procurement process **that both increase suppliers' access to bid opportunities and educate purchasers about the importance of supplier diversity**. Therefore, the following four solutions focus on both purchaser-side and supplier-side interventions to social procurement in order to dismantle the internal systemic barriers that limit the success of supplier diversity programs.

Supplier-Side Solutions

Recognizing that diverse supplier certification has been identified as a best practice, in order to lower the barriers to entry for prospective businesses, we recommend that the certification process for minority-led/owned businesses involve no direct cost to the business, i.e. be free.

We conducted a review of other cities' social procurement policies, and have identified three alternative frameworks that could be implemented to enable a fee-free certification process (see Figures 1-3 below). The City of Toronto could adopt one or more of the following strategies:

1. Provide in-house certification for diverse suppliers;
2. Ask the provincial government to implement province-wide certification for diverse suppliers; and/or
3. Allow diverse suppliers to self-declare their status.

1) Provide in-house certification for diverse suppliers

Instead of certification being obtained by a third party, the City would provide certification to eligible businesses. Some examples of cities that use this approach are Gold Coast (AUS), Memphis (USA), New York City (USA), Boston (USA), Syracuse (USA), Cincinnati (USA), Chicago (USA), and Baltimore (USA). This can be a stand-alone option (e.g. Memphis) or an additional option.



Figure 1

Case Study: New York's Social Procurement Approach

Location: New York City, New York, USA

Program Name: Minority and Women-owned Business Enterprise (M/WBE) Certification Program

Target Diverse Suppliers: Minority and women-owned businesses

Approach: City-level certification

Process: M/WBE certification is free, is valid for five years, and businesses must submit a form each year reaffirming that they are still an eligible M/WBE business. Certified businesses are then placed in the NYC Online Directory of Certified Businesses and get access to capacity- building opportunities such as consultations, networking events, and customized courses (City of New York, n.d.).

2) Ask the provincial government to implement certification for diverse suppliers

Instead of certification being obtained by a third party, the province would provide certification to eligible businesses throughout the province. Some examples of cities that use this approach are San Francisco (USA), Seattle (USA), Boston (USA), and Los Angeles (USA). This can be a stand-alone option (e.g. San Francisco, where they rely solely on the state of California's certification) or an additional option to city-level certification (e.g. Los Angeles, where both city and state-level certifications are possible) (See Figure 2 for a Case Study on Boston).

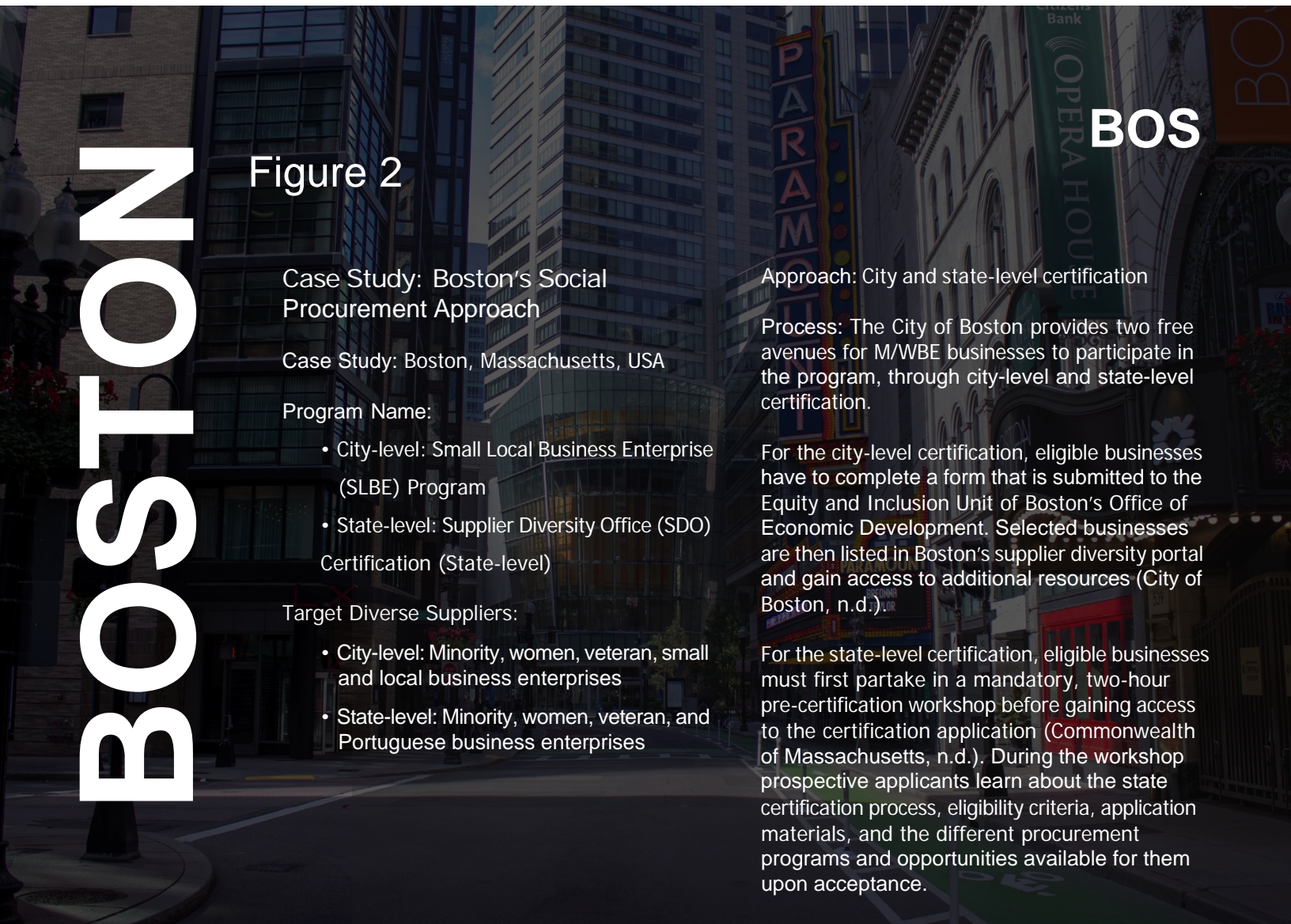


Figure 2

Case Study: Boston's Social Procurement Approach

Case Study: Boston, Massachusetts, USA

Program Name:

- City-level: Small Local Business Enterprise (SLBE) Program
- State-level: Supplier Diversity Office (SDO) Certification (State-level)

Target Diverse Suppliers:

- City-level: Minority, women, veteran, small and local business enterprises
- State-level: Minority, women, veteran, and Portuguese business enterprises

Approach: City and state-level certification

Process: The City of Boston provides two free avenues for M/WBE businesses to participate in the program, through city-level and state-level certification.

For the city-level certification, eligible businesses have to complete a form that is submitted to the Equity and Inclusion Unit of Boston's Office of Economic Development. Selected businesses are then listed in Boston's supplier diversity portal and gain access to additional resources (City of Boston, n.d.).

For the state-level certification, eligible businesses must first partake in a mandatory, two-hour pre-certification workshop before gaining access to the certification application (Commonwealth of Massachusetts, n.d.). During the workshop prospective applicants learn about the state certification process, eligibility criteria, application materials, and the different procurement programs and opportunities available for them upon acceptance.

3) Allow diverse suppliers to self-declare their status

Instead of requiring certification to participate in the SPP program, eligible suppliers will be able to self-declare their eligibility directly with the City. This can be a stand-alone option or an additional option to state-level certification as is done in Seattle (see Figure 3) and in several cities in British Columbia such as Vancouver, Victoria, and Qualicum Beach (Reeve Consulting, 2021).

SEATTLE

Figure 3

SEA

Case Study: Case Study: Seattle's Social Procurement Approach

Location: Seattle, Washington, USA

Program Name: Minority and Women-owned Business Enterprise (M/WBE) Certification Program

Target Diverse Suppliers:

- City-level: Minority and women-owned businesses
- State-level: Minority, women or a socially and economically disadvantaged (DBE) people

Approach: Self-declaration (city-level) and state-level certification

Process: The City of Seattle provides two avenues for M/WBE businesses to participate in the program, through free self-declaration and paid state-level certification (City of Seattle, n.d.b). For the free city-level certification, eligible businesses that have at least 51 percent minority or women ownership can self-declare their M/WBE status directly upon registering on the City's Online Business Directory. Once approved, businesses listed on the directory are then eligible to bid on city contracts.

Purchaser-Side Solutions

4) Provide training for purchasers on hiring diverse suppliers and additional anti-bias, equity, and social impact procurement training programs

Purchasers bias poses a challenge to implementing processes to support and select diverse suppliers. Individuals in these purchasers' roles, may see an increased risk with smaller organizations and inherent bias towards larger organizations being "more successful" (LePage, 2014). There is flexibility in the purchaser's role that allows them to make decisions that impact the procurement process. This is a systemic issue that can be traced to the history of a "narrow talent pipeline" of predominantly white males from finance and engineering backgrounds (Gartner, 2021). This in turn has established a culture of purchasers that make decisions solely on price, quality and risk avoidance (LePage, 2014).

The Social Procurement Canada Report highlights the importance of organizational support for social impact procurement. The City plays a critical role without the commitment from leadership that "builds commitment across the organizations that are responsible for purchasing" (LePage, 2014). **The City should look into providing additional training for purchasers to have more knowledge of anti-bias, equity, and social impact procurement training programs** (see Figure 4).



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Figure 4

Case Study: Case Study: Saskatoon's Social Procurement Approach

Location: Saskatoon, Saskatchewan, Canada

Program Name: Triple Bottom Line (TBL)

Approach: Self-declaration (city-level) and state-level certification

Process: In 2020, the City of Saskatchewan implemented their C08-001 Triple Bottom Line Policy and TBL Decision-Making Tool to help the City and other external organizations and businesses to make decisions that have a positive social, environmental, and economic benefit. Along with the policy, the City developed a free Equity Toolkit to educate City employees on designing projects and programming that have equitable outcomes (City of Saskatoon, n.d.c.).

C. RECOMMENDATIONS

Propose a motion directing the City of Toronto to:

1. Study and determine best pathway for creating fee-free certification for minority-owned businesses

We recommend the introduction of a City Council motion which directs the Economic and Community Development Committee to explore and study the above-reviewed options for amending the City procurement **processes and policies, to create a fee-free certification process for minority-owned businesses.**

A similar process was conducted in 2014 when City Council adopted a motion to consider amending the City's procurement processes to improve the numbers of Indigenous people being hired for City contracts and to develop a report to be submitted to the Aboriginal Affairs Committee (City of Toronto, 2014).

Removing the fees for certification is a critical first step in creating an SPP process that supports rather than restricts the successful growth of minority-owned businesses in the City.

2. Conduct a Disparity Study on the City of Toronto's SPP

The motion should also request that a Disparity Study be conducted. Disparity Studies investigate target **businesses' (typically M/WBEs) utilization of a city's social procurement process, and examine the availability and capacity of these target businesses to bid on City contracts.**

Any discrepancies revealed in the findings and the resulting recommendations are then used by the city to improve the equitability of the social procurement program overall. Such studies engage with local businesses and ascertain their views about how effectively the social procurement process functions.

The City should conduct a Disparity Study on the SPP in order to evaluate how effective the program is at providing opportunities to Toronto-based minority-owned businesses, and outline how the program can be better tailored to their needs.

To that end, previous research conducted by the University of Toronto's Community Economies Lab (2021) on third-party supplier diversity certification requirements preliminarily identified additional challenges faced by minority-owned businesses:

- A. **The documentation and qualification processes** (ex. site visits, proof of education, proof of citizenship, etc.) **required to prove a business' legitimacy and/or business owner's experience can be burdensome and stigmatizing; and**
- B. **The lack of certification opportunities available** for businesses who share licenses and permits **undermines the informal networks and collective resources that allow some of these minority-owned businesses to operate in the first place.**

More research is required to understand the full impact that the current processes have on Toronto-based minority-owned businesses. A Disparity Study not only provides an excellent way to assess this impact, but also **offers a means by which to communicate directly with businesses to better understand their "pain points" and to increase supplier diversity in the City (Institute for Gender and the Economy, 2020).**

The following cities are using such studies or similar strategies to reform their social procurement processes:

- A. **The City of Seattle began their Disparity Study in Fall 2021 to “ensure that WMBEs have equal access to contracting opportunities and that the City of Seattle’s contracting equity and inclusion efforts are legally defensible and administratively successful” (City of Seattle, n.d.a).** The study will also assess the impacts of **COVID-19 and other market disruptors that disproportionately burden M/WBEs (City of Seattle, n.d.b.).**
- B. **The City of Boston is in the process of determining how to make their SLBE program more equitable and address the systemic barriers impeding economic development for businesses owned by people of colour and women (BBC Research & Consulting, n.d.). As a result, it ran a Disparity Study from 2018 to 2021 that found disparities between both the number of contracts awarded to M/WBEs (i.e. M/WBE utilization) and the availability of M/WBEs to fulfill them (i.e. M/WBE availability).** The study engaged 570 businesses whose insights informed the final recommendations for improving the program overall.
- C. **The City of Saskatoon in 2018 undertook a review of their procurement process and developed best practices on Social and Indigenous procurement. The feedback and recommendations acquired from their engagement workshops helped inform the new procurement manual, templates, contracts, and draft purchasing policy. Additional engagement sessions are being planned to address how to integrate more sustainable practices into their procurement process (City of Saskatoon, n.d.b.).**

3. Embed capacity-building opportunities throughout the SPP

The motion should also direct the City to embed capacity-building opportunities throughout the social procurement process to make it easier for diverse suppliers to partake in the program.

Capacity-building is integral to increasing supplier diversity. Research by the Institute for Gender and the Economy (2020) states that “supplier diversity programs will not be effective without building capacity in the small businesses themselves” (p.6). Providing capacity-building opportunities where small businesses can **either improve their skills, knowledge and/or networks aligns with recommendations from the City of Boston’s disparity study and the City of Toronto’s own 2016 report to City Council on how to improve the SPP (BBC Research & Consulting, n.d; City of Toronto, 2016).**

Capacity-building opportunities can come in the form of training sessions, workshops, mentoring services, and networking opportunities that provide SMEs with the tools to improve their businesses to successfully access the **SPP’s various opportunities. But most importantly, it should also include resources that make the SPP procedures and policies easier to understand, follow, and access.** Making the social procurement process easier to navigate for diverse suppliers is another key component of increasing supplier diversity.

For example, the following cities are using this strategy to make their social procurement processes easier to navigate:

- A. **The City of Boston conducts a Pathways to City Contracting workshop series, to engage businesses and locals about how they can get City contracts (City of Boston, n.d.).**
- B. **The City of Seattle hosts Doing Business with the City workshops that teach prospective businesses about the procurement process (Alzeer, n.d.).**
- C. **The City of Saskatoon social procurement webpage provides potential suppliers and purchasers with a free manual, templates (for contracts, request for proposals, request of quotations etc.), and access to Biddingo (the City’s bidding platform) which provides suppliers with additional training opportunities. For Indigenous suppliers specifically, the City offers a City of Saskatoon Procurement 101 webinar that walks suppliers through Saskatoon’s social procurement process (City of Saskatoon, n.d.a.).**

4. Provide equity training for purchasers

Strong supplier diversity requires providing training opportunities that not only improve suppliers' capacity but change the organizational cultures of purchasers to be more inclusive and invested in running effective supplier diversity programming (Institute for Gender and the Economy, 2020).

We thus recommend that on top of providing easily accessible resources such as webinars and toolkits (see Figure 4) that can educate purchasers' about the importance of social procurement, the motion should provide for greater dedicated training for purchasers, i.e. City agencies themselves.

For example, the following organizations offer social procurement training for purchasers that the City could model their programming after:

- A. **Buy Social Canada runs a series of paid training programs for both suppliers and purchasers. Purchasers can also earn a Professional Certificate where they learn best practices and how to integrate social procurement into their current organizational processes (Buy Social Canada, n.d.).**
- B. **British Columbia Social Procurement Initiative (BCSPI) provides training and virtual events tailored to teaching institutional partners and governments how to implement social procurement. Their training modules are available for free for their membership, and non-members can access the webinars and events for a fee (British Columbia Social Procurement Initiative, n.d.).**

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