



## Mark Fecenko

Partner

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Mark has a comprehensive technology law practice, focusing on **competitive** and **innovation procurement, outsourcing** and **technology**. His clients span both the private and public sector, covering the healthcare, IT, higher education, municipal, biotechnology and energy sectors.

Mark negotiates biotechnology and life science-related joint ventures and investments in both the private and public sectors. This includes:

- negotiations regarding the provision and operation of automated laboratory facilities
- license agreements for biotechnological innovations
- the development and exploitation of bioinformatics databases

Prior to his legal career, Mark graduated from the Canadian Armed Forces RESO program, and commissioned as a combat engineering officer.

Mark provides legal services through a Law Corporation.

## Experience

- Regularly assists groups of hospitals across Ontario in the acquisition of hospital information systems and related governance agreements among them
- Regularly advises the MASH sector, government agencies and others on public procurements to comply with Ontario and Canadian law and related trade agreements
- Regularly negotiates major IT and business process outsourcing arrangements for the MASH sector and others

## Insights & Events

- Author, "Amendments to the BPS Procurement Directive effective January 1, 2024", BLG Article, December 2023
- Co-author, "[Broader Public Sector Procurement: A Procurement Professional's Guide](#)", *LexisNexis*, July 13, 2021
- Author, "CFTA and CETA: Ten "Tips" for Ontario Broader Public Sector Entities", BLG Article, July 2017
- Author, "The CFTA And Innovation Procurement — A Primer For Broader Public Sector Entities In The Healthcare Sector", BLG Article, June 2017
- Author, "Intellectual Property in Secured Transactions," LLM Thesis, Osgoode Hall Law School, 1999
- Author, "The Procurement Challenge for Hospital Boards: Reconciling the BPS Procurement Directive, Innovation Procurement and eHealth 2.0," Ontario Hospital Association, Governance Centre of Excellence Magazine, June 2016
- Co-Author, "Kyer and Fecenko on computer-related agreements: a practical guide," 2nd Edition, Butterworths, 1997
- Speaker, "Selected Issues in the Context of IT Procurement," Procurement Seminar, Niagara Health System, 2015
- Speaker, "An Executive Perspective," Procurement Seminar, Ontario Telemedicine Network, 2014
- Speaker, "Capital Equipment Procurement: Big Risk, Big Dollar, and Big Results," St. Joseph's Health System, 2014
- Speaker, "IT Procurement and Service Provision in the Ontario Health Sector — Risk and Liability," HIROC (Healthcare Insurance Reciprocal of Canada), 2014
- Speaker, "Providing Practical Advice on the Fly," Procurement Seminar, Ontario Telemedicine Network, 2014
- Speaker, "Selected Issues in the Context of IT Procurement," Procurement Seminar, Healthcare Materials Management Services, 2014
- Author, "Procuring A Health Information System: Avoiding the \$300 Million Lawsuit," *Health Informatics (COACH) Magazine*, 2013
- Speaker, "Cross your T's and Dot Your I's: Tips and Strategies to Survive in Today's World of Increased Public Scrutiny," St. Joseph's Health System, 2013
- Speaker, "Procurement Seminar: Providing Practical Advice on the Fly," Grand River Hospital, 2013
- Speaker, "Health IT Procurement Best Practices," Canada's Health Informatics Executive Forum Conference, 2012
- Author, "Ontario Hospital Procurement 2.0: Ten Things Ontario Public Hospitals Need To Do," *Health Informatics (COACH) Magazine*, 2011
- Author, "Hospital Procurement — Findings of the Auditor General's Report and Bill 122," 2010
- Author, "Ontario Supply Chain Guideline," 2010
- Author, "Public Hospital Procurement — Broader Public Sector Accountability Act, 2010 (Bill 122)," 2010

- Presenter, "Hospital Procurement & Guidelines," Webinar, Ontario Hospital Association, 2010
- Speaker, "Navigating the Legal Perspective on Procurement," Ontario Hospital Association, 2010
- Author, "E-Health Public Procurement in Turbulent Times," Health Informatics (COACH) Magazine, 2009
- Author, "Success Factors for Selection, Implementation and Management," Smart Metering, 2009

## Beyond Our Walls

### Professional Involvement

- Member, Canadian Bar Association
- Member, Canadian Organization for the Advancement of Computers in Health (COACH)
- Member, Digital Health Canada
- Member, Canada's Health Informatics Executive Forum
- Member, International Association of Privacy Professionals

## Awards & Recognition

- Recognized in the 2025 edition (and since 2022) of *The Best Lawyers in Canada*® (Information Technology Law and Health Care Law)
- Recognized in the 2025 (and since 2018) editions of *Chambers Canada – Canada's Leading Lawyers for Business* (Information Technology - Nationwide; Public Procurement - Nationwide)
  - **Information Technology:** *Mark Fecenko is based in Toronto and is experienced in handling a multitude of software-related contract negotiations for public sector bodies, including health industry. He also offers expertise in procurement and cloud solutions projects.*
  - Recognized in the 2023 edition of the *Legal 500 Canada* as a Leading individual (Technology)
  - **Information Technology/Public Procurement:** *"Mark is deeply knowledgeable and excellent at communicating to ensure expectations are clear and met."*
  - **Public Procurement:** *He is sought out for his specialisation in the provision of IT service procurement, particularly in relation to the healthcare industry.*
- Recognized in the 2025 *Lexology Index: Projects & Procurement* (formerly *Who's Who Legal*)
- Recognized in the 2024 and previous editions of *Chambers Global – The World's Leading Lawyers for Business* (Information Technology)
- Recognized in the 2025 edition (and since 2022) edition of *Lexpert Special Edition: Technology*
- Recognized in the 2024 edition (and since 2022) edition of *Lexpert Special Edition: Health Sciences*
- Recognized in the 2021-2023 editions of *The Canadian Legal Lexpert® Directory* (Corporate Commercial Law), 2020-2024-2025 editions (Computer & IT Law and Technology Transactions)
- Recognized in the 2024 edition (and since 2022) of *Who's Who Legal: Canada* (Government Contracts)
- Recognized in the 2021 edition of *Lexpert Special Edition: Health Sciences*
- Recognized in the 2022, 2021 and 2019 edition of *Chambers Canada – Canada's Leading Lawyers for Business* (procurement – Recognized Practitioner)
- Recognized in the 2021 and 2020 edition of *Lexpert Special Edition: Technology*
- Recognized by *Lexology* for the Client Choice Award in 2013 and 2016 (Information Technology)
- Recipient of the 2014 *Corporate International Magazine Global Award* for "IT Lawyer of the Year Canada"
- Recognized by the 2018 Client Choice Awards as the exclusive winner in the Healthcare & Life Sciences category in Ontario

- Recognized by the 2019 and 2017 Client Choice Awards as the exclusive winner in the Projects & Procurement category in Ontario
- Recognized by the 2013 and 2016 Client Choice Awards as the exclusive winner in the IT and Internet category in Ontario

## Bar Admission & Education

- Ontario, 1989
- Joint LLB/MBA, Osgoode Hall Law School, 1987
- LLM, Osgoode Hall Law School, 1999
- B.Sc., McGill University, 1983
- Six Sigma and Lean Six Sigma Green Belt, Villanova University, 2013
- Lean Six Sigma Black Belt, Villanova University, 2013

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