



## Mark Fecenko

### Partner

T 416.367.6711

F 416.367.6749

Toronto

[MFecenko@blg.com](mailto:MFecenko@blg.com)

[LinkedIn](#)

[Infrastructure](#)

[Information Technology](#)

[Health Informatics](#)

[Mergers & Acquisitions](#)

[Human Resources & Labour Relations](#)

[Commercial Transactions](#)

[Energy – Power](#)

[Health Care & Life Sciences](#)

[Intellectual Property](#)

[Cybersecurity, Privacy & Data Protection](#)

[Government Procurement](#)

[Technology](#)

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, "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
- 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
- Speaker, "Hospital Procurement of IT Products and Services," Government Procurement III: Headlining Issues, OBA, 2008
- Speaker, "Managing Transition and Reducing Risks on the EHR Journey: Tools and Rules of Thumb," COACH Fall Forum, 2008

## 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 & Recognitions

- Recognized in the 2024 and 2022 edition of *The Best Lawyers in Canada*® (Information Technology Law and Health Care Law)
- Recognized in the 2024 (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 2024 and previous editions of *Chambers Global – The World's Leading Lawyers for Business* (Information Technology)
- Recognized in the 2023 edition (and since 2022) edition of *Lexpert Special Edition: Technology & Health Sciences*
- Recognized in the 2021-2023 editions of *The Canadian Legal Lexpert*® *Directory* (Corporate Commercial Law), 2020-2024 editions (Computer & IT Law and Technology Transactions)
- Recognized in the 2023 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

---

### **BLG | Canada's Law Firm**

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](https://www.blg.com)

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.