



Procurement activities must reflect the University's commitment to open, transparent, and non-discriminatory access to all suppliers as required by the Canadian Free Trade Agreement (CFTA), the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), the Trade and Cooperation Agreement between Ontario and Quebec (OQTCA), as well as to achieve and demonstrate value for money as required by the Ontario Broader Public Sector (BPS) Procurement Directive.

The procurement of goods, services, construction and renovation work at the University of Toronto (whether by purchase, lease or rental) is governed by the University Procurement Policy (which includes the above) as well as the Code of Ethics and Approval Authority Schedule. The Policy applies to all funding sources including operating, research, capital, ancillary and funds held in trust. To meet these regulatory obligations, the University has established dollar thresholds which require either invitational or open competitive procurement.

Procurement Policy Exemptions

There may be circumstances where neither invitational nor open competitive procurement can be used as the procurement method. A Procurement Policy Exemption may be permitted provided it meets the criteria in a Limited Tendering (including Sole or Single Source) Exception or Non-Application Provision of the CFTA, CETA, OQTCA or other regulations applicable to the University of Toronto as introduced from time to time. These provisions are defined and listed on the Limited Tendering Exception or Non-Application Provision tables (Table 1 and 2 respectively) attached to this Form, and the **applicability of the selected Exception(s) or Provision(s) must be justified with sufficient level of detail** in Sections 3 through 5. This Justification Form must be completed with the necessary one-over-one sign-off (Section 6 and/or 7) **before** an award is made to any Supplier.

At certain dollar thresholds this Justification Form must be reviewed by Procurement Services; for more information, including how to complete the form, see this [related article](#).

Public Disclosure Requirements

Trade Agreements require that if a Limited Tendering exception is used, the conditions and circumstances that justified its use be published and reported as follows:

1. Contract award and value will be published on the Procurement Services website within 72 days of contract signing; and
2. Contract awards and values will be reported to the Province of Ontario on an annual basis. This report will be prepared by Procurement Services on behalf of the University

Regardless of procurement method or total purchase value, the University has an obligation to comply with the Accessibility for Ontarians with Disabilities Act (AODA). Under the AODA, the University is required to incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities. Please be mindful of this obligation and give due consideration to this requirement.

When accessibility cannot be accommodated, the reason must be recorded and kept with the procurement decision. See [Procurement and the AODA](#) for more information.

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Requesting Department Details

Name - Job Title

Department

Email

Phone

2

Purchase Details

Short description of purchase

Recommended Supplier

Category

- Goods Consulting
- Services Construction

Check box if **CFI Funded**:

Total Estimated Value (CAD)*

* Pre-tax, includes full contract term, extension options, warranties, maintenance, training etc.

Contract Term*

Start Date

End Date

* Covering full term of engagement. For one-time-only payments, leave End Date blank.

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Background

Describe the good, service or construction: what it is, how and where it's used, why it's needed, and how it fits with your departmental/research objectives. If available, **attach relevant documentation** (e.g. copies of current/previous agreements, quotes, Purchase Order# etc.).

Procurement Policy Exemption & Justification

Procurement Policy Exemption

Justification

Detail how the above selected exemption applies to this procurement. Explain why **ONLY** the selected supplier can meet the requirements while others cannot.

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Demonstrated Value

Describe the process used to obtain value for money, and attach evidence of actions taken. These may include internet searches, negotiated discounts off list price, acknowledgements from suppliers that the price offered is comparable to similar purchases from other clients, benchmarking from other organizations, professional advice, etc.

[Empty text area for demonstrating value]

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Acknowledgement

I am aware of the requirements of the University's Procurement Policy including its Code of Ethics and Approval Authority Schedule. I am comfortable that the required due diligence was conducted and I authorize this Procurement Policy Exemption request.

Budget Owner Signature	Name	Job Title	Date

One-Level Higher Signature	Name	Job Title	Date

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University President Authorization (For Consulting Services Only)

President's Signature	Name	Date

Note: The President of the University must authorize all non-competitive procurements for consulting services, regardless of dollar value.

TABLE 1: Limited Tendering Exception Codes (Single Source Sole Source)

Limited Tendering means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice, provided it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against suppliers. A procuring entity may use limited tendering under any of the circumstances described in the table below.

Code	Short description	Full description
LTE-A-i:	No suppliers submitted quotations or tenders	No tenders or quotations were submitted or no suppliers requested participation.
LTE-A-ii:	No submissions conform to essential requirements	No tenders or quotations that conform to the essential requirements of the tender or quotation documentation were submitted.
LTE-B-i:	Work of art	Can only be supplied by a particular supplier and no reasonable alternative exists because the requirement is a work of art.
LTE-B-ii:	Protection of patents or other exclusive rights	Can only be supplied by a particular supplier and no reasonable alternative exists to protect patents, copyrights, or other exclusive rights.
LTE-B-iii:	Absence of competition for technical reasons	Can only be supplied by a particular supplier and no reasonable alternative exists to due to absence of competition for technical reasons.
LTE-B-v:	Ensure compatibility with existing goods	Can only be supplied by a particular supplier and no reasonable alternative exists to ensure compatibility with existing goods or to maintain specialized goods that must be maintained by the manufacturer or its representative.
LTE-B-vii:	Work performed on a leased property	Work can only be supplied by a particular supplier and no reasonable alternative exists when the work is performed on leased building or related property, or portions thereof, that may be performed only by the lessor.
LTE-C:	Additional deliveries by original supplier	For additional deliveries by the original supplier not included in the initial procurement, if a change of supplier for such additional goods/services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement AND would cause significant inconvenience or substantial duplication of costs.
LTE-D:	Urgency (due to unforeseeable events)	If strictly necessary, and for reasons of urgency brought about by unforeseeable events, the goods/services could not be obtained in time.
LTE-F:	Based on prototype	For a prototype or a first good/service developed for a particular contract for research, experiment, study, or original development.
LTE-G:	Exceptionally advantageous conditions	For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine purchases from regular suppliers.
LTE-I:	Regarding matters of confidential or privileged nature	If goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, result in the waiver of privilege, cause economic disruption, or otherwise be contrary to the public interest.

TABLE 2: Non-Application Provisions

Non-Application Provisions are provisions that exempt a given procurement from the application of the government procurement chapter obligations of the applicable agreement (CFTA, CETA or OQTCA), as described in the table below.

Code	Short description	Full description
NAP-E:	Acquisition/rental of immovable property	Acquisition or rental of land, existing buildings, or other immovable property, or the rights thereon.
NAP-F:	Protection of intellectual property	Measures necessary to protect intellectual property, provided that the measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between the Parties where the same conditions prevail or are a disguised restriction on trade.
NAP-H-i:	Financial services related to government assets and liabilities	Procurement of financial services respecting the management of government financial assets and liabilities (i.e., treasury operations), including ancillary advisory and services, whether delivered by a financial institution information.
NAP-H-ii:	Health services or social services	Procurement of health services or social services.
NAP-H-iii:	Legal services provided only by licensed lawyers or notaries	Procurement of services that may, under applicable law, only be provided by licensed lawyers or notaries.
NAP-I-i:	Financed by donations	Procurement of goods/services financed primarily from donations.
NAP-I-iii:	From other government entities	Procurement of goods/services between enterprises that are controlled by or affiliated with the same enterprise, or between one government body or enterprise and another government body or enterprise.
NAP-I-v:	From philanthropic, non-profit etc. organizations	Procurement of goods/services from philanthropic institutions, non-profit organizations, prison labour, or natural persons with disabilities.
NAP-J:	From Aboriginal peoples	Procurement with respect to Aboriginal peoples.
NAP-K:	For commercial sale or resale	The acquisition of a goods/services or any combination thereof, procured with a view to commercial sale or resale, or for use in the production or supply of a good/service for commercial sale or resale.
NAP-L:	Affinity programs, sponsorships, memberships	Participation in any commercial arrangements where the University is not acquiring any goods or services such as affinity programs, sponsorships, and memberships.