

SOLE OR SINGLE SOURCE CERTIFICATE

Briefing Note

To: xxxxxxx, Vice President

From: xxxx, Title, Department

Date: xxxx

Subject: Non-Competitive Procurement – Sole/Single Source Certificate

Background

Explanation of the good or service (what it is, how it is used, where it is used, why it is needed, who made the request) and how it fits with organizational objectives. Describe the circumstances that have created this situation. Describe any risks or implications.

Justification

Clearly explain why bypassing the competitive process is necessary and justify why this exception is required. Provide details on what due diligence was performed to confirm the situation.

If this is a renewal, explain how the original decision was made (i.e., how this good or service was selected).

Actions Taken

Explain the cost/benefit analysis (if applicable) including details of the value proposition for the organization given the non-competitive procurement circumstances.

Required Timing

State when the good or service is required (helps to ensure sign-offs completed in time).

Please attach the Non-Competitive Procurement Approval Form signed by the Department Head and the Purchasing Manager (Procurement) before Assistant Vice-President Finance & HR sign-off



Non Competitive Procurement Approval Form (Goods/Non-Consulting Services)

- 1. Identify non-competitive procurement type: Sole Sourcing Single Sourcing
 Non-Application
- 2. What are you procuring: Goods Non-Consulting Services
- 3. Specify the exception code: _____ (see attached Appendix – Exception Codes)
- 4. Total Procurement Value: _____ Contract Base Term & Extension: _____
- 5. Name of Recommended Supplier: _____
- 6. Has the Recommend Supplier previously received a non-competitive award? _____
- 7. Has the requesting department previously asked for a non-competitive award? _____
- 8. Goods: a) Is the Recommended Supplier the manufacturer? Yes No N/A
b) Does the manufacturer sell the item(s) through distributors? Yes No N/A
- 9. Services: Is there a ceiling on the contract value? Yes No

ACKNOWLEDGEMENT

I am aware of the Organization’s competitive procurement process and criteria for approving non-competitive sourcing. I am comfortable the necessary due diligence has been conducted to support the recommendation. I have fairly and clearly outlined the background, justification, actions taken and required timing of this purchase in the briefing note.

Briefing note prepared by: Name: _____

Title: _____ Department: _____

Signature: _____ Date: _____

APPROVAL SIGNATURES

First Sign-Off: Department Dean

Name: _____ Signature: _____ Date: _____

Second Sign-Off: Procurement

Name: _____ Signature: _____ Date: _____

Final Sign-Off: Assistant Vice-President, Finance & HR

Name: _____ Signature: _____ Date: _____

Non-Competitive Procurement Approval Form (Consulting Services)

1. Identify non-competitive procurement type: Sole Sourcing Single Sourcing
 Non-Application

2. What are you procuring: Consulting Services

3. Specify the exception code: _____ (see attached Appendix – Exception Codes)

4. Total Procurement Value: _____ Contract Base Term & Extension: _____

5. Name of Recommended Supplier: _____

6. Has the Recommend Supplier previously received a non-competitive award? _____

7. Has the requesting Department previously asked for a non-competitive award? _____

8. Services: Is there a ceiling on the contract value? Yes No

ACKNOWLEDGEMENT

I am aware of the Organization's competitive procurement process and criteria for approving non-competitive sourcing. I am comfortable the necessary due diligence has been conducted to support the recommendation. I have fairly and clearly outlined the background, justification, actions taken and required timing of this purchase in the briefing note.

Briefing note prepared by: Name: _____

Title: _____ Department: _____

Signature: _____ Date: _____

APPROVAL SIGNATURES

First Sign-Off: Department Head

Name: _____ Signature: _____ Date: _____

Second Sign-Off: Procurement

Name: _____ Signature: _____ Date: _____

Third Sign-Off: Assistant Vice-President, Finance & HR

Name: _____ Signature: _____ Date: _____

President must sign off for non-competitive award for consulting services < \$1 million
Board must sign off for non-competitive award for consulting services >= \$1 million

Final Sign-Off: President or Board

Name: _____ Signature: _____ Date: _____

Non-Competitive Procurement Approval Form – Exception Codes

Sole Source

- a. To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licences, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;
- b. Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;
- c. For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
- d. For the purchase of goods on a commodity market;
- e. For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;
- f. For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- g. For a contract to be awarded to the winner of a design contest;
- h. For the procurement of a prototype of a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases;
- i. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
- j. For the procurement of original works of art;
- k. For the procurement of subscriptions to newspapers, magazines or other periodicals; and
- l. For the procurement of real property.

Single Source

- a. Where an unforeseeable situation of urgency exists and the goods or services cannot be obtained in time by means of open procurement procedures;
Failure to plan and allow sufficient time for a competitive procurement process does not constitute an unforeseeable situation of urgency.
- b. Where goods or 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, cause economic disruption or otherwise be contrary to the public interest;
- c. Where a contract is to be awarded under a cooperation agreement that is financed, in whole or in part, by an international cooperation organization, only to the extent that the agreement between the entity and the organization includes rules for awarding contracts that differ from the obligations set out in the Directive;
- d. Where construction materials are to be purchased and it can be demonstrated that transportation costs or technical considerations impose geographic limits on the available supply base, specifically in the case of sand, stone, gravel, asphalt, compound and pre-mixed concrete for use in the construction or repair of roads;
- e. Where compliance with the open tendering provisions set out in the Directive would interfere with the entities' ability to maintain security or order or to protect human, animal or plant life or health; and
- f. In the absence of a receipt of any bids in response to a call for proposals or tenders made in accordance with the Directive.

Non-Application

- a. Procurement of goods intended for resale to the public;
- b. Contracts with a public body or a non-profit organization;
- c. Procurement of goods and services purchased on behalf of an entity that is out of scope of the Directive;
- d. Procurement from philanthropic institutions, prison labour or persons with disabilities;
- e. Procurement of any goods the inter-provincial movement of which is restricted by laws not inconsistent with the trade agreements;
- f. Procurement of goods and services that is financed primarily from donations that are subject to conditions that are inconsistent with the Directive;
- g. Procurement of goods and services related to cultural or artistic fields and computer software for educational purposes;
- h. Procurement of services that in Ontario may, by legislation or regulation, be provided only by any of the following licensed professionals: medical doctors, dentists, nurses, pharmacists, veterinarians, engineers, land surveyors, architects, accountants, lawyers and notaries;
- i. Procurement of services of financial analysts or the management of investments by organizations who have such functions as a primary purpose;
- j. Procurement of financial services respecting the management of financial assets and liabilities (i.e., treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution;
- k. Procurement of goods and services for use outside Canada as well as construction work done outside Canada; and
- l. Health services and social services.