

# NON-COMPETITIVE (SINGLE/SOLE SOURCE) PROCUREMENT JUSTIFICATION FORM

The procurement of goods, services, construction and renovation work at the University of Toronto is governed by its Procurement Policy, which includes the Code of Ethics and Approval Authority Schedule. It is applicable to all funding sources including operating, research, capital, ancillary and funds held in trust. To achieve and demonstrate value for money, the competitive procurement process should be used when acquiring goods, services and construction.

Non-competitive procurement may only be used in circumstances outlined in the exemption, exception or non-application clauses of the Agreement on Internal Trade (AIT) or other legislation as introduced from time to time. These clauses are listed on page 4 of this form, and the applicability of the selected clauses must be justified in Sections 3 through 5.

Regardless of procurement method (i.e. competitive or non-competitive), the University has an obligation to comply with the Accessibility for Ontarians with Disabilities Act (AODA). Under the AODA we are required to incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities. When accessibility is not an option, the reason must be recorded and kept with the procurement decision.

This document must be completed with the necessary one-over-one sign-off before an award is made to any Supplier. It must be retained by the department and readily available for audit purposes.

**1**

## Requesting Department Details

Name _____	Title _____
Department _____	_____
Telephone _____	Email _____

**2**

## Purchase Details

PR# (if applicable) \_\_\_\_\_

Short description of the purchase \_\_\_\_\_

Procurement Category     
      Goods     
      Services     
      Consulting Services     
      Construction

Non-Competitive Procurement Type     
      Sole Source     
      Single Source     
      Non-Application of AIT

Referring to [page 4](#) of this form, indicate the applicable code (A, B, C etc):

Recommended Supplier \_\_\_\_\_

Total Estimated Purchase Value \_\_\_\_\_     
     Is this a CFI funded project?    Yes    No

Procurement Frequency     
      One-Time-Only    Ongoing     
     If *Ongoing*, anticipated time for completion of all related procurements \_\_\_\_\_

Is the Supplier also the Manufacturer?     
      Yes    No    N/A

Does the Manufacturer sell through Distributor(s)?     
      Yes    No    N/A

Is there more than one Distributor?     
      Yes    No    N/A

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**Background** *(Links the need to the circumstances that gave rise to it)*

Describe the good or service: 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.).

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**Justification** *(Links the circumstance to the allowable exemption, exception or non-application clause)*

Describe how the selected exemption, exception or non-application clause applies to this procurement. It is important to highlight why **ONLY** the selected Supplier can meet the requirements while others cannot.

5

**Demonstrated Value** (Required particularly for CFI funded purchases, but also a requirement of the Broader Public

Sector Procurement Directive as value for money is typically demonstrated through a competitive procurement process)

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.

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**Acknowledgement**

*I am aware of the University's [Procurement Policy](#) and criteria for approving Non-Competitive procurements. I am comfortable the necessary due diligence has been conducted based on the Background, Justification and Demonstrated Value of this procurement as noted above. I have attached the required supporting documentation, and **acknowledge no instructions have been provided to the Supplier to begin work.***

\_\_\_\_\_   
 Budget Owner Signature

\_\_\_\_\_   
 Name

\_\_\_\_\_   
 Title

\_\_\_\_\_   
 Date

\_\_\_\_\_   
 One-Level Higher Signature

\_\_\_\_\_   
 Name

\_\_\_\_\_   
 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.

**For Procurement Services Use Only**

Form Number: \_\_\_\_\_

Ongoing

Reviewer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

OTO

# Allowable Non-Competitive Procurement Circumstances

Code	Sole Source	Code	Single Source	Code	Non-Application (AIT)
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	A	Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures; <b>Failure to plan and allow sufficient time for a competitive procurement process does not constitute an unforeseeable situation of urgency</b>	A	Procurement of goods intended for resale to the public
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	B	Where goods, services or construction 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	B	Contracts with a public body or a non-profit organization
C	For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly	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 AIT	C	Procurement of goods, services or construction purchased on behalf of an entity that is out of scope of the AIT
D	For the purchase of goods on a commodity market	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	D	Procurement from philanthropic institutions, prison labour or persons with disabilities
E	For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor	E	Where compliance with the open tendering provisions set out in the AIT would interfere with the entities' ability to maintain security or order or to protect human, animal or plant life or health	E	Procurement of any goods the inter-provincial movement of which is restricted by laws not inconsistent with the AIT
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	F	In the absence of a receipt of any bids in response to a call for proposals or tenders made in accordance with the AIT.	F	Procurement of goods, services or construction that is financed primarily from donations that are subject to conditions that are inconsistent with the AIT
G	For a contract to be awarded to the winner of a design contest		<p><b>Definitions</b></p> <p><b>Sole Source</b> Non-Competitive process used to acquire goods or services from a specific Supplier because there are no other Suppliers available or capable of providing the required goods or services.</p> <p><b>Single Source</b> Non-Competitive process used to acquire goods or services from a specific Supplier even though there may be more than one Supplier capable of delivering the same goods or services.</p> <p><b>Non-Application of AIT</b> The Agreement on Internal Trade offers a number of clauses that permit non-competitive procurement.</p>	G	Procurement of goods, services or construction related to cultural or artistic fields and computer software for educational purposes
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			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	For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases			I	Procurement of services of financial analysts or the management of investments by organizations who have such functions as a primary purpose
J	For the procurement of original works of art			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	For the procurement of subscriptions to newspapers, magazines or other periodicals			K	Procurement of goods, services or construction for use outside Canada as well as construction work done outside Canada
L	For the procurement of real property.			L	Health services and social services
				M	Advertising in various media.