

### Limited Tendering Request Form

The University of Guelph Purchasing Policy governs procurement of all goods and services and contains provisions for limited tendering according to all applicable trade treaties. The University is required to publicly post details of contracts awarded with a value of over \$100K that are procured using limited tendering provisions, and to report such purchasing annually to Supply Ontario (the provincial entity responsible for procurement by BPS entities).

#### Definitions

Limited Tendering – a procurement method where selection of suppliers is limited in accordance with the Canadian Free Trade Agreement (CFTA) Article 513, and/or the Canadian European Comprehensive Economic Trade Agreement (CETA) Article 19.12

Emergency Purchase – circumstances under which immediate purchases of goods and/or services are necessary to prevent a serious delay which could cause a **danger to life, damage to property or suspension of the provision of an essential service**. Failure to plan for sufficient time to conduct competitive processes is specifically called out in the trade agreements as an unacceptable definition of an emergency purchase or unforeseen situation of urgency.

Value Splitting – the total value of the order must not be split or reduced to avoid a competitive process or the requirement for either quotes or approvals.

#### Approval Authority

Limited tendering purchases must be approved by an authorized signatory **one level above the level required by the Purchasing Policy**. Authorization must be obtained prior to making a commitment to the supplier except for emergency purchases, in which case approval must be provided as soon after the emergency is managed as possible.

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#### CONFLICT OF INTEREST – to be completed and signed by the requestor:

I confirm that I have read and understand the University of Guelph [Conflict of Interest Policy](#) and the [Purchasing Policy](#) including the Code of Ethics. I certify that there is no actual or apparent conflict of interest related to this purchase by either the requestor or approvers.

Name		Position & Department	
Signature		Date Signed	

A competitive process cannot be run for the purchase outlined below for the reason\`s shown in the chart below and supported by the following rationale.

Check **ONE** box that **BEST** describes the reason for a single or sole source procurement

<ul style="list-style-type: none"> <li><input type="checkbox"/> CFTA 513 (a)(i) No tenders were submitted</li> <li><input type="checkbox"/> CFTA 513 (a)(ii) No tenders conform to essential requirements</li> <li><input type="checkbox"/> CFTA 513 (a)(iii) No suppliers satisfied the conditions for participation</li> <li><input type="checkbox"/> CFTA 513 (a)(iv) The submissions were collusive</li> <li><input type="checkbox"/> CFTA 513 (b)(i) For the procurement of original works of art</li> <li><input type="checkbox"/> CFTA 513(b)(ii) To protect patents, copyrights, or other exclusive rights</li> <li><input type="checkbox"/> CFTA 513 (b)(iii) Where there is an absence of competition for technical reasons</li> <li><input type="checkbox"/> CFTA 513 (b)(iv) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly</li> <li><input type="checkbox"/> CFTA 513 (b)(v) To ensure compatibility with existing products, or to maintain specialized products that must be maintained by the manufacturer or its representative</li> <li><input type="checkbox"/> CFTA 513 (b)(vi) 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</li> <li><input type="checkbox"/> CFTA 513 (b)(vii) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor</li> <li><input type="checkbox"/> CFTA 513 (b)(viii) For the procurement of subscriptions to newspapers, magazines or other periodicals</li> <li><input type="checkbox"/> CFTA 513 (c) For additional deliveries by the original supplier of goods or services not included in original procurement, if change of supplier cannot be made for economic or technical reasons, or if change would cause significant, documented inconvenience or substantial duplication of costs, if changed</li> <li><input type="checkbox"/> CFTA 513 (e) For the purchase of goods on a commodity market</li> <li><input type="checkbox"/> CFTA 513 (f) 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</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> CFTA 513 (g) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases</li> <li><input type="checkbox"/> CFTA 513 (h) For a contract to be awarded to the winner of a design contest</li> <li><input type="checkbox"/> CFTA 513 (i) 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</li> </ul> <p><b>NON-APPLICATION</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> CFTA 504 2(b) goods or services for commercial sale or resale or for production of goods for resale</li> <li><input type="checkbox"/> CFTA 504 11 (e) For the procurement of real property</li> <li><input type="checkbox"/> CFTA 504 11 (h) procurement of health or social services</li> <li><input type="checkbox"/> CFTA 504 (i)(i) Purchases financed primarily by donations that require procurement to be conducted in a manner inconsistent with Chapter 504</li> <li><input type="checkbox"/> CFTA 504 (i)(v) From philanthropic institutions, non-profits, prison labour, or persons with disabilities</li> <li><input type="checkbox"/> CFTA 303 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</li> <li><input type="checkbox"/> CFTA 513 (a) In the absence of a receipt of any bids in response to a call for proposals or tenders made in accordance with the Directive or no tenders conform to essential requirements or were collusive</li> </ul> <p><b>EMERGENCY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> CFTA 513 (d) If strictly necessary where an unforeseeable situation of urgency exists and the goods or services cannot be obtained in time using open procurement processes;</li> </ul> <p><b>Failure to allow sufficient time for a competitive procurement process does not constitute an unforeseeable situation of urgency.</b></p>
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Product or Service Description	Recommended Supplier Name & Purchase Value
<p>Rationale – explain why the supplier requested is the only one that can satisfy the requirements and why alternatives if available are not acceptable. Attach additional pages if necessary. (NOTE – Justification should be around expected outcomes of the purchase rather than technical specifications.)</p>	

**Approval Authority**

By submitting this form I understand and accept the Purchasing Policy and Conflict of Interest Policy. I also acknowledge that the order has not been sent to the supplier and will not be until authorized by Purchasing Services. Approval must be one level above the normal departmental approval based on total value of the purchase.	
<b>Name</b>	<b>Position &amp; Department</b>
<b>Signature</b>	<b>Date Signed</b>

**Purchasing Approval**

<b>Name</b>	<b>Position &amp; Department</b>
<b>Signature</b>	<b>Date Signed</b>