

Non-Standard Procurements

“Non-Standard Procurement” means the acquisition of Deliverables through a process or method other than the process or method normally required for the type and value of the Deliverables. Non-Standard Procurement processes include:

- a) A “**Non-Competitive Procurement**”, where the Deliverables are acquired directly from a particular Supplier without conducting a Competitive Process when an Invitational Competition or an Open Competition would normally be required including consideration of unsolicited proposals; or
- b) A “**Limited Competition**”, where Bids are solicited from a limited number of Suppliers when an Open Competition would normally be required.

Non-Standard Procurements are only permitted if one or more of the following reasons as stated in the approval form apply to the Procurement.

Non-Standard Procurement Reason(s):

- A. A competitive Procurement process was conducted for the required Goods, Services or Construction and did not result in the receipt of any valid Bids.
- B. The Procurement is being conducted on behalf of an entity that is not covered by the BPS Procurement Directive or any trade agreement.
- C. Unforeseeable events have resulted in a situation where extreme urgency exists and the Goods, Services, or Construction could not be obtained in time through a competitive process.
- D. The Procurement is for additional deliveries by the original Supplier of Goods, Services or Construction that were not included in the initial Procurement if a change of Supplier for such additional Goods, Services or Construction: (The issuance of an ACAN may be required to support this reason.)
 - a. 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
 - b. would cause significant inconvenience or substantial duplication of costs for the City.
- E. It can be demonstrated that the Goods or Services can be supplied only by a particular Supplier and no alternative or substitute exists for the following reason(s): (The issuance of an ACAN may be required to support any of these reasons.)

1. There is an absence of competition for technical reasons.
2. The protection of patents, copyrights or other exclusive rights.
3. The supply is controlled by a Supplier that is a statutory monopoly.

F. The Procurement is for:

1. a work of art
2. a subscription to a newspaper, magazine, or other periodical.
3. maintenance of specialized Goods that must be maintained by the manufacturer.
4. work to be performed under a warranty or guarantee.
5. work to be performed on leased property and may be performed only by the lessor.

G. The Procurement is for:

1. Financial Services
2. Health services
3. Social services
4. Services provided by licensed lawyers or notaries
5. Services of expert witnesses or factual witnesses used in court or legal proceedings

H. The Procurement is for:

1. a prototype or 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;
2. Goods available under exceptionally advantageous circumstances that only arise in the very short term, such as liquidation, bankruptcy or receivership;
3. a Contract to be awarded to the winner of a design contest and the contest was organized in a fair and transparent manner and was advertised by publicly posted notice and participants were judged by an independent jury; or
4. Goods or consulting Services regarding matters of a confidential or privileged nature and the disclosure of those matters through a Competitive Process could reasonably be expected to compromise government confidentiality, result in the waiver of privilege, cause economic disruption or be contrary to the public interest.

- I. The Procurement is for:
 - 1. Goods intended for resale to the public
 - 2. Goods purchased on a commodity market
- J. The Goods and/or Services are to be procured from:
 - 1. Public body, Philanthropic institution, Prison labour, Persons with disabilities
 - 2. Non-profit organization [Not applicable to Procurements that are covered by CETA]
- K. The Procurement is otherwise exempt from Open Competition requirements under all applicable trade agreements and it is in the best interests of the City to proceed with a Non-Standard Procurement.