

Limited Tendering or Single Source Certificate

*Please note that each Limited Tendering or Single Source Certificate **must be pre-approved** and registered by Procurement, Contract and Risk, **prior to being completed and authorized by the required personnel.**

The procurement of goods, services, construction and renovation work at Laurentian University (whether by purchase, lease or rental) is governed by the University Policy on Purchasing, the Policy on Supply Chain Code of Ethics and Approval Authority Schedule. The Policies apply to all funding sources including operating, research, capital, ancillary and funds held in trust.

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.

Policy on Purchasing Exemptions

A Policy on Purchasing 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. These provisions are defined and listed on the Limited Tendering Exception or Non-Application Provision tables (**Schedule A and B respectively**) attached to this Form, and the applicability of the selected Exception(s) or Provision(s) must be justified with sufficient level of detail.

To be compliant with laws, regulations, public policy and Laurentian University's Policy on Purchasing, all acquisitions must be subject to competitive bidding. In rare, specific or exceptional circumstances, only one supplier or consultant **may be able, or capable**, of providing goods or services as per the provisions are defined and listed on the Limited Tendering Exception or Non-Application Provision tables (**Schedule A and B respectively**) attached to this Form. **A competitive bid cannot be completed for this acquisition for the reason noted and is supported by the rationale provided in the space below.**

Note: 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.

Definitions:

- **Single Source:** More than one supplier or distributor for a product exists in the market, however only one of those suppliers or distributors is able to meet specific requirements.
- **Limited Tendering:** Means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice under very specific circumstances.
- **Emergencies:** A circumstance in which an immediate purchase or procurement decision is necessary prevent a serious delay which could result in a danger to life, damage to property or the suspension of the provision of an

essential service. Failure to plan and allow sufficient time for a competitive procurement process does not constitute an unforeseeable situation of emergency.

Requesting Department Details

Name	Sandra Dorman	Title	
Department	Human Kinetics		
Telephone		Email	X1015

Purchase Details

Short Description of Purchase	A virtual reality ("VR") learning platform and VR custom software development		
Procurement Category	<input type="checkbox"/> Goods	<input checked="" type="checkbox"/> Services	<input type="checkbox"/> Construction
Purchasing Policy Exemption Category (Code A to AI)	Code : O		
Name of Recommended Supplier	Dark Slope Inc. 211-213 Sterling Rod. Toronto, ON M6R 2B2		
Total Estimated Purchase Value (over entire term of purchase)	\$ _____		
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.).		

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

Rationale: Explain why the Supplier requested is the only one that can satisfy the requirements, as well as why alternatives are unacceptable. Attach additional pages if necessary. ***Please note that each Limited Tendering or Single Source Certificate must be pre-approved and registered by Procurement, Contract and Risk, prior to being completed and authorized by the required personnel.**

ACAN Advance Contract Award Notice (ACAN)# 21-01 was issued on April 15, 2021, closed on April 30th, 2021, no submissions received

For "A virtual reality ("VR") learning platform and VR custom software development"

I understand and accept that the University's Policy on Purchasing requires 3 quotations from different suppliers (for goods or services valued in excess of \$10,000), or formal open competitive bids (for goods or services valued over \$100,000) and is structured to meet all Federal and Provincial laws that govern competitive bidding practices in Canada; and to protect both the University and the individual purchaser from liability that could result from a challenge to a contract award. Therefore, if competitive quotes are not solicited, a signed Limited Tendering or Single Source Certificate must be completed and forwarded to Procurement, Contract and Risk. I have attached the required back-up documentation in support of the selected condition(s), and I also acknowledge that the order has NOT been placed with the supplier until authorized to do so by the Director, Procurement, Contract and Risk.



Sandra Dorman

Budget Authorization Signature

Name (Please Print)

May 12, 2021

Date

Department Head Signature

Name (Please Print)

Date



Tammy Eger
Name (Please Print)

*Authorized Signature from
Approval Authority Schedule

Date

***Please Note- Approval Authority Schedule Signatures as follows:**

Research: Vice-President, Research

Academic: Vice-President, Academic & Provost

Goods and Services: Vice-President of Administration or Associate Vice-President Financial Services

Allowable Non-Competitive Procurement Circumstances

Schedule A

Schedule A Part 1

CFTA Non-Application Exemptions -As per Article 504 Section 11 of the CFTA

	Code Type	CFTA Exception
<input type="checkbox"/>	A	public employment contracts;
<input type="checkbox"/>	B	non-legally binding agreements;
<input type="checkbox"/>	C	any form of assistance, such as grants, loans, equity infusions, guarantees, and fiscal incentives;
<input type="checkbox"/>	D	a contract awarded under a cooperation agreement between a Party and an international cooperation organization if the procurement is financed, in whole or in part, by the organization, only to the extent that the agreement includes rules for awarding contracts that differ from the obligations of this Chapter;
<input type="checkbox"/>	E	acquisition or rental of land, existing buildings, or other immovable property, or the rights thereon;
<input type="checkbox"/>	F	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 Parties where the same conditions prevail or are a disguised restriction on trade;
<input type="checkbox"/>	G	procurement or acquisition of: (i) fiscal agency or depository services; (ii) liquidation and management services for regulated financial institutions; or (iii) services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes, and other securities;
<input type="checkbox"/>	H	procurement of: (i) financial services respecting the management of government financial assets and liabilities (i.e. treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution; (ii) health services or social services; (iii) services that may, under applicable law, only be provided by licensed lawyers or notaries; or (iv) services of expert witnesses or factual witnesses used in court or legal proceedings;
<input type="checkbox"/>	I	procurement of goods or services: (i) financed primarily from donations that require the procurement to be conducted in a manner inconsistent with this Chapter;

		<p>(ii) by a procuring entity on behalf of an entity not covered by this Chapter;</p> <p>(iii) 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;</p> <p>(iv) by non-governmental bodies that exercise governmental authority delegated to them;</p> <p>(v) from philanthropic institutions, non-profit organizations, prison labour, or natural persons with disabilities;</p> <p>(vi) under a commercial agreement between a procuring entity which operates sporting or convention facilities and an entity not covered by this Chapter that contains provisions inconsistent with this Chapter;</p> <p>(vii) conducted for the specific purpose of providing international assistance, including development aid, provided that the procuring entity does not discriminate on the basis of origin or location within Canada of goods, services, or suppliers; or</p> <p>(viii) conducted:</p> <p>(A) under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project; or</p> <p>(B) under the particular procedure or condition of an international organization, or funded by international grants, loans, or other assistance, if the procedure or condition would be inconsistent with this Chapter.</p>
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Schedule A Part 2

CFTA Annex 520.1 Exceptions

	Code Type	CFTA Exception
<input type="checkbox"/>	J	<p>Annex 520.1 Section B of the CFTA does not apply to the procurement of:</p> <p>(l) of financial management consulting services of a confidential nature;</p> <p>(n) related to services provided by veterinarians;</p> <p>(p) services related to cadastral surveys on Canada Lands, pursuant to the Canada Lands Surveys Act, RSC 1985, c L-6, as amended;</p> <p>(q) public relations services;</p>
<input type="checkbox"/>	K	<p>Schedule of Ontario Procurement Exception.</p> <p>The CFTA does not apply procurement that targets poverty reduction for disadvantaged natural persons if the value of the procurement is below \$200,000. Note that the only exemptions are from article 507.1 and 509.1</p>

Schedule A Part 3

CFTA Limited Tendering Exemptions - As per Article 513

	Code Type	CFTA Exception
<input type="checkbox"/>	L	<p>if:</p> <p>(i) no tenders were submitted or no suppliers requested participation;</p> <p>(ii) no tenders that conform to the essential requirements of the tender</p>

		<p>documentation were submitted;</p> <p>(iii) no suppliers satisfied the conditions for participation; or</p> <p>(iv) the submitted tenders were collusive, provided that the requirements of the tender documentation are not substantially modified;</p>
<input type="checkbox"/>	M	<p>if the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:</p> <p>(i) the requirement is for a work of art;</p> <p>(ii) the protection of patents, copyrights, or other exclusive rights;</p> <p>(iii) due to an absence of competition for technical reasons;</p> <p>(iv) the supply of goods or services is controlled by a supplier that is a statutory monopoly;</p> <p>(v) to ensure compatibility with existing goods, or to maintain specialized goods that must be maintained by the manufacturer of those goods or its representative;</p> <p>(vi) work is 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;</p> <p>(vii) work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor; or</p> <p>(viii) the procurement is for subscriptions to newspapers, magazines, or other periodicals;</p>
<input type="checkbox"/>	N	<p>for additional deliveries by the original supplier of goods or services that were not included in the initial procurement, if a change of supplier for such additional goods or services:</p> <p>(i) 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</p> <p>(ii) would cause significant inconvenience or substantial duplication of costs for the procuring entity;</p>
<input type="checkbox"/>	O	<p>if strictly necessary, and for reasons of urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering;</p>
<input type="checkbox"/>	P	<p>for goods purchased on a commodity market;</p>
<input type="checkbox"/>	Q	<p>if a procuring entity procures a prototype or a first good or service that is developed in the course of, and for, a particular contract for research, experiment, study, or original development. Original development of a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs;</p>
<input type="checkbox"/>	R	<p>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;</p>
<input type="checkbox"/>	S	<p>if a contract is awarded to a winner of a design contest provided that:</p> <p>(i) the contest has been organized in a manner that is consistent with the principles of this Chapter, in particular relating to the publication of a tender notice; and</p> <p>(ii) the participants are judged by an independent jury with a view to</p>

		a design contract being awarded to a winner; or
<input type="checkbox"/>	T	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.

Allowable Non-Competitive Procurement Circumstances

Schedule B

Schedule B Part 1

CETA Exemptions Non-Application Exemptions - As per Article 19.2.3

	Code Type	CETA Exception
<input type="checkbox"/>	AA	the acquisition or rental of land, existing buildings or other immovable property or the rights thereon;
<input type="checkbox"/>	AB	non-contractual agreements or any form of assistance that a Party provides, including cooperative agreements, grants, loans, equity infusions, guarantees and fiscal incentives;
<input type="checkbox"/>	AC	the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;
<input type="checkbox"/>	AD	public employment contracts;
<input type="checkbox"/>	AE	procurement conducted: <ul style="list-style-type: none"> (i) for the specific purpose of providing international assistance, including development aid; (ii) under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project; or (iii) under the particular procedure or condition of an international organization, or funded by international grants, loans or other assistance if the applicable procedure or condition would be inconsistent with this Chapter.

Schedule B Part 2

CETA Non-Application Exemptions

	Code Type	CETA Exception
<input type="checkbox"/>	AF	As per Article 19.3 – Security and general exceptions <p>Subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between Parties where the same conditions prevail or a disguised restriction on international trade, nothing in this Chapter shall be construed to prevent a Party from imposing or enforcing measures:</p>

		<ul style="list-style-type: none"> (i) necessary to protect public morals, order or safety (ii) necessary to protect human, animal or plant life or health (iii) necessary to protect intellectual property; or (iv) relating to goods or services of persons with disabilities, of philanthropic institutions or of prison labour.
<input type="checkbox"/>	AG	<p>As per Annex 19-7</p> <p>any measure adopted or maintained with respect to Aboriginal peoples, nor to set asides for aboriginal businesses; existing aboriginal or treaty rights of any of the Aboriginal peoples of Canada protected by section 35 of the <i>Constitution Act</i>, 1982 are not affected by this Chapter;</p>

Schedule B Part 3

CETA Limited Tendering Applications

As per Section 19.12, CETA also allows for Limited Tendering. The exemptions are the same as the exemption provided for in the CFTA with the following exceptions.

	Code Type	CETA Exception
<input type="checkbox"/>	AH	<p>if the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:</p> <ul style="list-style-type: none"> (i) the requirement is for a work of art; (ii) the protection of patents, copyrights, or other exclusive rights; (iii) due to an absence of competition for technical reasons;
<input type="checkbox"/>	AI	<p>only when strictly necessary if, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering;</p>