

## Limited Tendering Form Guidelines

**\*To be used on an exception-only basis\***

*“Organizations may conduct non-competitive procurement in circumstances provided that they do not do so for the purposes of avoiding competition between suppliers or to discriminate against suppliers.” (Broader Public Sector Guidelines 2011)*

The College recognizes that certain goods or services may only be available from one source (i.e. sole/single source supplier). In these cases, a competitive bidding process may not be possible. The Broader Public Sector Guidelines allow for such exceptions and in these instances a Limited Tendering Form (LTF) must be completed.

So, to start and level-set and review the details of the overall procurement guidelines, please refer to Chart 1 which details the proper procurement method and dollar thresholds.

**Chart 1**

<b>Goods and Services*</b>	<b>Procurement Method</b>
Up to \$2,500	College Purchasing Card (P-Card- Credit Card) or Workday purchase requisition
\$2,500 - \$24,999	Workday purchase requisition, minimum of one written quote required
\$25,000 - \$99,999	Three [3] written quotes required
\$100,000 and over	Open Competitive Procurement, following Broader Public Sector Guidelines

If you are unable to conform to one of the methods listed in Chart 1, you may proceed to using the Non-competitive Procurement Method and use a Limited Tendering Form. **There are very specific reasons where a Limited Tendering Form can be used.** These reasons are listed in Appendix A. If your justification does not align well with one of the Exception Codes listed in Appendix A, you will be challenged and your form will be returned for additional information.

When a Limited Tendering Form (LTF) is required, according to the above guidelines, please refer to Chart 2 for approval requirements.

**Chart 2**

<b>Non-Competitive Procurement*</b>	<b>Approvals / Signatures Required on the LTF</b>
	<b>All Limited Tendering Forms Must be signed by Procurement</b>
\$25,000 to \$99,999	Director / Dean AND Department Vice President
\$100,000 and over	Director / Dean AND Department Vice President, AND Vice President of Finance AND President

\*All amounts are before taxes, are in Canadian dollars and must include the TOTAL amount of the anticipated spend. As an example, if the anticipated spend is \$60,000 per year but the contract is for a two-year period, this would require an Open Competitive Procurement Method since the total spend, and the College's commitment would be over the \$100,000 threshold.

If there is a previous LTF on file, where the funds have been depleted, and the contract needs to be increased or extended, an additional LTF is required for the additional spending. The numbering convention will be maintained e.g. if the original LTF was number 20-55, the revised LTF will be 20-55A.

Procurement does not publish or make the Limited Tendering Form available on its website. Since this is an **exception only** process, your specific requirements should be discussed with any member of the Procurement team prior to submitting the Limited Tendering Form. If it is determined that your exception is valid, then the most current version of the form will be provided. The form is self-explanatory and includes instructions.

To summarize:

1. Review the Procurement methods listed in Chart 1.
2. If you are unable to conform to the requirements in Chart 1, then review the Exception Codes listed in Appendix A.
3. [Contact a member of the Procurement team](#) to discuss your specific needs and request the latest version of the Limited Tendering Form.
4. Complete the LTF and provide it to Procurement with department level approval. Procurement will review, sign off and forward to the Vice President, Finance and Administration and the President, if required.
5. After the form has been fully approved, Procurement will return a copy to the originator. This form must be attached as backup to the purchase requisition in Workday.

If you have questions or issues in completing the form please contact the Procurement Team at [purchasing@algonquincollege.com](mailto:purchasing@algonquincollege.com).

## **Appendix A**

### **Limited Tendering – Exception Codes**

Where:

- a) Provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against suppliers of any other Party or protects its own suppliers, a procuring entity may use limited tendering in the following circumstances:
- (i) no tenders were submitted or no suppliers requested participation;
  - (ii) no tenders that conform to the essential requirements of the tender documentation were submitted;
  - (iii) no suppliers satisfied the conditions for participation; or
  - (iv) the submitted tenders were collusive.
- b) Where 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:
- (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;
  - (iv) the supply of goods or services is controlled by a supplier that is a statutory monopoly;
  - (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;
  - (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;
  - (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
  - (viii) the procurement is for subscriptions to newspapers, magazines, or other periodicals;
- c) Where 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:
- (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
  - (ii) would cause significant inconvenience or substantial duplication of costs for the procuring entity;
- (d) 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;
- (e) for goods purchased on a commodity market;
- (f) 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;
- (g) 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;

- (h) if a contract is awarded to a winner of a design contest provided that:
  - (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
  - (ii) the participants are judged by an independent jury with a view to a design contract being awarded to a winner; or
  - (iii) 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.