

The procurement of goods, services, construction and renovation work at Saint Mary's University (whether by purchase, lease or rental) is governed by the University Procurement Policies, which includes the Purchase Thresholds and Ethical Practices. The Policies apply to all funding sources including operating, research, capital, special projects, 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), as well as to achieve and demonstrate value for money, as required by the Nova Scotia Public Sector Procurement Directive.

To meet these regulatory obligations, the University has established dollar thresholds which require written quotes, competitive quotes, invitational competitive procurement OR open competitive procurement. Where no formal contractual arrangement exists, the anticipated value of the goods, services or construction (including all possible extension periods) will determine the procurement process.

Please refer to **Policy 4-1027 - Purchasing Thresholds** for appropriate procurement method.

## Procurement Policy Exemptions

There may be circumstances where neither competitive quotes, competitive invitational process, nor open competitive procurement can be used as the procurement method for purchases at or exceeding \$10,000. Procurement Policy Exemption may be permitted provided it meets the criteria in a Limited Tendering Exception of the CFTA, CETA, (including Sole or Single Source) or other regulations applicable to Saint Mary's University, as introduced from time to time. These provisions are listed in the Limited Tendering Exception List on page 5 and the **applicability of the selected Limited Tendering Exception(s) must be justified with sufficient level of detail in Sections 3 through 5.**

This Justification Form must be completed with the necessary authorizing signature (Section 6, page 4) BEFORE an award is made to any Supplier. Once authorized, and for purchases at or exceeding \$10,000, this Justification Form must be submitted to Procure to Pay Services with a Purchase Requisition and supporting documents for processing, tracking and reporting purposes, where required by applicable trade agreements.

## Disclosure Requirement

If a Limited Tendering Exception is used, the conditions and circumstances that justified its use must be publicly disclosed, along with the total value of the award, if it is at or exceeds \$121,200 for Goods & Services or \$302,9000 for Construction. This information will be centrally collected, posted and reported by Procurement Services on behalf of the University.

**Before proceeding with a Limited Tender Purchase, please refer to Policy 4-1026 Limited Tender Justification Policy.**

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## Requesting Department Details

Name \_\_\_\_\_ Title \_\_\_\_\_

Department \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

2

## Purchase Details

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

Procurement Category \_\_\_\_\_ Goods \_\_\_\_\_ Services \_\_\_\_\_ Construction \_\_\_\_\_

Limited Tendering Exception – Indicate the applicable code from the [list on page 5](#) (e.g.: LT 1, etc.)

Name of Recommended Supplier \_\_\_\_\_

Total Estimated Purchase Value (Pre-tax, including full contract term with all possible extension options, warranties, maintenance, training, delivery, etc.) \$ \_\_\_\_\_

Is this a CFI Grant funded project? \_\_\_\_\_ Yes \_\_\_\_\_ No

Currency \_\_\_\_\_ (e.g. USD, CAD, etc.)

Procurement Frequency \_\_\_\_\_ One-Time Only \_\_\_\_\_ Ongoing

If ongoing, anticipated time for completion of all related procurements \_\_\_\_\_

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## Background *(If additional space is needed, attach an additional page referencing Section #3)*

Describe the good, service or construction: what is it, 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, previous purchase order #, etc.).

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**Justification** *(If additional space is needed, attach an additional page referencing Section #4)*

Describe in detail how and why the selected Limited Tendering Exception (Section 2 ) applies to this procurement

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**Demonstrated Value** *(If additional space is needed, attach an additional page referencing Section #5)*

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.

**Acknowledgement**

*I am aware of the requirements of the University's Procurement Policies including its Ethical Practices policy. I am comfortable that the required due diligence was conducted. I acknowledge no instructions have been provided to the Supplier to begin work. I authorize this Procurement Policy Exemption Request.*

\_\_\_\_\_  
Name (Dean/Sr. Director/SMG Member)  
(Type/Print)

\_\_\_\_\_  
Title (Type/Print)

\_\_\_\_\_  
Department (Type/Print)

\_\_\_\_\_  
Review/Comments (Dean/Sr. Director/SMG Member)

\_\_\_\_\_  
Signature (Dean/Sr. Director/SMG Member)  
(Sign or Digital Signature/Date)

\_\_\_\_\_  
Date

**For Procure to Pay Services Use Only\***

Vetted by:

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Posted

\_\_\_\_\_  
P2P Rep Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\* Vetting of this form by Procure to Pay Services is for review and tracking purposes only and does not constitute approval or authorization of a Procurement Policy Exemption.

## Limited Tendering Exception List

### **LT 1 - Emergency**

Insofar as is strictly necessary where, for reasons of urgency brought about by events unforeseeable by the university, the goods, services or construction could not be obtained in time using an open competition (not failure to plan).

### **LT 2 - Confidentiality**

Where 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 confidentiality.

### **LT 3 - Compatibility**

To ensure compatibility with existing products, or to maintain specialized products that must be maintained by the Manufacturer of those products or its representative.

### **LT 4 - Patents, copyrights, or other exclusive rights**

To ensure the protection of patents, copyrights, or other exclusive rights.

### **LT 5 - Absence of competition for technical reasons**

Due to an absence of competition for technical reasons.

### **LT 6 - Monopoly**

For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly.

### **LT 7 - Commodity market**

For goods purchased on a commodity market.

### **LT 8 - Leased building**

For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.

### **LT 9 - Warranty**

For work to be performed on a property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work.

### **LT 10 - Research**

Where 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.

### **LT 11 - Advantageous circumstances**

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 purchase from regular suppliers.

### **LT 12 - Original art**

The requirement is for a work of art.

### **LT 13 - Design contest**

Where a contract is awarded to a winner of a design contest provided the contest has been organized in a manner consistent with the principles of this policy, in particular related to the publication of tender notices; and the participants are judged by an independent jury with a view to a design contract being awarded to a winner.

### **LT 14 - Subscriptions to periodicals (all)**

For the procurement of subscriptions to newspapers, magazines, or other periodicals.

### **LT 15 - Additional deliveries**

For additional deliveries by the original supplier of goods, or services that were not included in the initial procurement where a change of supplier for such additional goods, services or construction 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 would cause significant inconvenience or substantial duplication of costs for the University.