



Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Purpose

The College is committed to maintaining high standards for performance based on fair, ethical, legal, environmental, and professional business practices. The College, its employees, and agents must procure goods and services in an open, fair and transparent manner, so that all transactions yield the optimal benefit to the College and comply with all applicable legal and regulatory requirements.

Definitions

Approval Authority Schedule (“AAS”): College policy that establishes levels of signing authority for Budget Managers, the President and the College’s Board of Governors.

Budget Manager/Approver: College administrator who is responsible for a departmental budget and the approval of procurements within the levels set forth in the College’s AAS.

Buying Groups: a group of two or more members that combines the purchasing requirements and activities of the members of the group into one joint procurement process.

College: means Cambrian College.

Construction: a service that has as its objective the realization by whatever means, of civil or building works.

Consulting Services: the provision of expertise or strategic advice that is presented for consideration and decision-making from external entities.

Contract: a legally binding agreement between two or more persons or parties.

Contractor: the individual, corporation, or partnership contracted with the purpose of performing the services or providing goods.

Direct Procurement: a procurement method whereby the procuring entity contracts a supplier or suppliers of its choice.

Goods: movable property, which includes raw materials, products, equipment, and other physical objects of every kind and description whether in solid, liquid, gaseous, or electronic form.

Invitational Procurement: a procurement method whereby the College invites a minimum of three (3) capable suppliers to submit a quote, bid or proposal. The College contracts with the highest rated supplier.

Limited Tendering: a procurement method whereby Cambrian contracts a supplier or suppliers of its choice in lieu of a competitive procurement process.

Members of the College: includes Board of Directors, senior executives and employees.

Minor Renovations: work that changes the interior arrangements or other physical characteristics of an existing facility or installed equipment.

Open Procurement: a procurement method whereby all interested parties may submit a tender or proposal.

Procurement Exemption: a limited tendering (including sole or single source) exception or non-

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

application provision of the Canadian Free Trade Agreement (“CFTA”), Canada-European Union Comprehensive, (“CETA”), Ontario-Québec Trade and Cooperation Agreement (“OQTCA”) or other regulations applicable that would apply to a particular procurement (See Appendix D).

Procurement Exemption Form: an internal form used to document procurement exemptions.

Purchase Requisition: an internal form used to authorize Purchasing Services to purchase goods or services on behalf of the originating department and to charge the same to their budget.

Purchase Order: a formal order to a supplier to purchase goods or services and a commitment from that supplier to supply the goods and services that meet the specified requirements, at an agreed to rate or price. Purchase orders are considered contracts.

RFx: the solicitation document used in the procurement process (e.g. request for proposal, tender, quote).

Services: all services, including construction, unless otherwise specified.

Statement of Non-compliance: a form used by the College to document rationale and approvals for all procurements where procurement policy was not followed.

Supplier: a person or group of persons that provides or could provide goods or services.

Application/ Scope

The Procurement Policy (the “policy”) applies to procurements from all College funds from all sources, including the operating, capital and ancillary funds and all other funds held in trust in whole or in part. The purchase or lease of real property (land and buildings) is not covered under this policy.

Policy Statements

1. General Procurement Rules

- a) The College must abide by all applicable laws, trade agreements and associated policies and procedures listed within this policy while conducting its procurement activities.
- b) Purchasing Services is the official contact for potential suppliers; therefore, staff are to direct to Purchasing Services all suppliers who have interest in doing business with the College.
- c) Purchasing Services determines the appropriate type of procurement and competition that best suits what is being purchased and what is required by law, regulation and/or applicable policies.
- d) All procurements must be approved prior to the procurement according to the levels of approvals as set out in the College’s Approval Authority Schedule.
 - a. i.e., goods may not be ordered nor services rendered until the Purchase Order has been approved and issued by Purchasing Services. Exceptions are goods that have been procured in accordance with the Corporate Card Policy.
- e) The College ensures appropriate segregation of duties for the functional procurement roles.
- f) All procurements must be for College business. Employees are prohibited from using the College’s procurement systems to obtain goods and services for personal use (refer

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

to Travel, Meal, & Hospitality Expense Policy for exceptions).

- g) If specified in external funding agreements (e.g., research and government), goods and/or services purchased for research activities or received from grant-making agencies, follow the funding agency's procurement policies and procedures. If not specified, the College's Procurement Policy applies.
- h) All purchases, commitments of funds and/or expenditures are subject to audit review.

2. Supply Chain Code of Ethics

- a) Individuals involved with purchasing or other procurement activities must comply with the Supply Chain Code of Ethics (Appendix A) and the laws of the Province of Ontario and the laws of Canada applicable therein.
- b) An individual must declare actual or potential conflicts by contacting Purchasing Services. Purchasing Services and the Vice President, Finance and Administration determines if there is an actual or potential conflict. In order to minimize the risk to the College, Purchasing Services takes the appropriate actions to remove from the process, the person who has a conflict from the related procurement activity.

3. Confidentiality

Participants in procurement activities must:

- a) sign a conflict of interest and non-disclosure agreement before participating in procurement evaluations; and
- b) keep all information regarding the transaction confidential, unless required to disclose information through a Freedom of Information and Protection of Privacy Act (FIPPA) request.

4. Procurement of Centrally Controlled Goods and Services

Procurement of centrally controlled goods and services (listed in Appendix B) must be procured by the managing department in accordance with its associated procedure.

5. Procurement Value

When estimating the value of a procurement, the cost must include the initial procurement price, value of any extensions or renewals, and all applicable fees, customs, shipping, duty, installation, maintenance, warranties, etc. *A division of requirements into multiple procurements to reduce the estimated value of a single procurement and avoid the application of the identified thresholds is not permitted.*

6. Methods of Procurement

The sanctioned methods of procurement (listed in Appendix C) must be followed, unless a Procurement Exemption has been identified and approved.

7. Revenue Generating Contracts

- a) Commercial contracts for goods or services that generate revenue for the College must be obtained by Purchasing Services in a fair, open and transparent manner with the goal of optimizing the value to the College.
- b) Where a revenue-generating contract is to be procured without competition, a Procurement Exemption Form must be completed to document the justification and approvals.

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

8. Collaborative Procurements

The College utilizes collaborative procurements where it is beneficial to do so and where the contract was established in accordance the laws, regulations and trade agreements applicable to the College.

9. Emergency Procurements

Emergency purchases are appropriate when there exists a threat to public safety or welfare under emergency conditions as defined in regulations; or, where there is a risk to the College's assets.

- a) Purchases that meet this definition are exempt from following the stated procurement methods listed in Appendix C.
- b) All emergency procurements must be approved in accordance with the AAS.

10. Exemptions to the Required Methods of Procurement (Limited Tendering)

- a) Limited tendering may be permitted provided – the procurement meets the criteria of the procurement exemption clauses defined and listed in Appendix D and E, and the applicability of the selected procurement exception(s); or, it is justified with sufficient level of detail and approved by the appropriate levels in accordance with the College's AAS.
- a) Procurements utilizing a procurement exemption must be coordinated through Purchasing Services.
- b) A Procurement Exemption Form must be completed and authorized prior to making a procurement commitment.
- c) All Procurements valued at \$100,000 or greater must be reported publically within 72 days of contract award via the College's current public bidding portal, regardless of the method of procurement.
- d) All procurements, subject to applicable trade agreements, must be reported annually to the CFTA's Internal Trade Secretariat.

11. Supplier Management

- a) Prior to engaging a supplier, the originating department verifies with the Purchasing Services department that it is a qualified supplier of the College.
- b) Suppliers must be deemed independent contractors and be approved by Purchasing Services before being added to the College's supplier list.

12. Open Competitive Procurement Requirements

When conducting open competitive procurements:

- a) Specifications and requirements of the procurement must:
 - not be prepared by, or with the advice of, an interested supplier;
 - focus on what it is to do, and not what it is;
 - not impose unnecessary restrictive conditions that limit supplier participation;
 - be based on international standards; and
 - be geographically neutral.
- b) RFX documents must include:
 - all pertinent information in order for a supplier to submit a responsive tender;
 - the evaluation methodology and criteria;

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

- a statement indicating applicable trade agreements;
 - a debriefing process; and
 - a bid protest and dispute process.
- c) RFX process must:
- be pre-approved by applicable budget managers in accordance with the AAS;
 - be open for a period of no less than 15 days for CFTA and up to 40 days for CETA;
 - be open for a period of no less than 30 days for complex/high risk procurements;
 - allow for a question/answer period; and
 - allow seven (7) days for a supplier to respond after the issuance of the last addenda.
- d) Evaluations must be:
- conducted in a fair and transparent manner;
 - conducted in accordance to the evaluation process documented in the RFX document; and
 - adequately documented.
- e) Contract negotiations must:
- be in compliance with the College's Contract Management Policy; and
 - follow the process that was indicated within the RFX document.
- f) Contract awards must be:
- given to the highest rated supplier; and
 - defensible.
- g) Notice of award must:
- be made available to the public within 72 days after award; and
 - offer a debriefing to unsuccessful participants.
- h) Debriefings must:
- be conducted in accordance with applicable trade agreements;
 - occur within 60 days after the notice of award;
 - provide unsuccessful suppliers with a level of information required by law; and
 - be adequately documented.
- i) Bid protests and disputes must be overseen by someone who is impartial and independent from the College.

13. Procurement Contract Management and Payment of Invoices

- a) The Purchasing Services department collaborates with originating departments to manage all commercial-related contracts.
- b) Contracts must be approved in accordance with the College's AAS.
- c) Contractor performance must be managed responsibly and effectively.
- d) Contractors must be held accountable for their obligations.
- e) Contractor performance issues must be addressed and processed in accordance with applicable procedures and specific dispute resolution processes contained within the contract.
- f) Originating departments engage the Purchasing Services department when disputes or

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

service issues require escalations.

- g) Payments are made in accordance with provisions of the related contract. All invoices contain detailed information sufficient to warrant payment.
- h) With respect to the provision of services, the College must:
 - Establish clearly defined milestones and deliverables. The contract terms should include objectives, background, scope, constraints, staff responsibilities, specific deliverables, timelines, progress reporting, approval requirements, and knowledge transfer requirements;
 - Ensure the supplier has adequate insurances;
 - Establish expense claim and reimbursement rules, ensuring that all expenses are claimed in accordance with these rules and in compliance with the Broader Public Sector Expenses Directive; and
 - Ensure that expenses are claimed and reimbursed only where a contract explicitly provides for reimbursement of expenses.

14. Accessibility for Ontarians with Disabilities Act (AODA)

- a) The College incorporates accessibility criteria and features when purchasing goods, services, or facilities, in accordance with sections five (5) and six (6) of Ontario Regulation 191/11: Integrated Accessibility Standards.
- b) All staff shall consider the barriers of students and employees with disabilities and seek options to fit everyone's needs.
- c) If it is not practicable to incorporate accessibility criteria and features when purchasing/acquiring goods, services or facilities, an explanation must be prepared as to why accessibility features were not included.

15. Documentation and Record Retention

- a) Procurement records, regardless of whether they are in electronic or paper formats, must be retained as per the applicable sections of the College's Records Management Policy and other legislative, legal or policy requirements.
- b) Electronic images of College records must comply with Canadian General Standards Board (CGSB) standards, in particular, CAN/CGSB-72.34.
- c) Documents that are approved to be destroyed must be disposed of in a manner that safeguards the confidentiality of the information they contain.

16. Procurement Policy Non-Compliance

- a) Non-compliance of the procurement policy requirements are dealt with on a case-by-case basis by the Manager of Purchasing Services. Actions stemming from this type of review may require mandatory training of this policy or reporting to a higher authority.
- b) Non-compliant procurements that used limited tendering require approval of a Statement of Non-compliance in order to proceed with payment and for audit purposes.

Responsibilities and Accountability

Members of the College and Agents:

- Are familiar with and adhere to this policy and applicable procedures.



Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Senior Team:

- Ensure compliance with all applicable laws governing this policy.

Purchasing Services:

- Provide leadership and guidance to the College to operate an effective and efficient procurement system.
- Provide assistance, consultation, and advice on materials management, specifications, and contract administration.
- Manage the corporate procurement service to ensure best value for expenditures and develop procurement strategies to optimize external spend, procurement and related contributions.
- Establish term contracts for goods and services that provide a fixed cost for all departments to ensure cost savings and resources expended.
- Provide value-added input into projects on an on-going basis by assisting with document writing, reviewing documents, assisting with review of bid submissions and evaluation to ensure a fair and open procurement process.
- Establish comprehensive materials management policies, regulations, procedures, and processes in order to establish a process that effectively and efficiently manages the supply of goods and services.

Budget Manager/Approvers:

- Determine the procurements required for their area.
- Effectively plan all major procurements in order to ensure that:
 - Appropriate consultation with internal stakeholders who may be impacted by the proposed purchase is conducted;
 - Appropriate level of approvals are acquired prior to proceeding with purchase;
 - Purchasing Services is involved in the procurement at the planning stage to ascertain that;
 - The proper procurement method can take place;
 - The College receives the maximum value per dollar spend, and;
 - Activities related to our core business objectives are not at risk.
- Develop accurate, adequate and non-discriminatory specifications, scope of work or statement of requirements.
- Provide budget and accounting information containing sufficient funds to cover the estimated cost of the acquisition.
- Assist in evaluating proposals, quotes and offers.
- Manage contracts they are responsible for in accordance with applicable policies, procedures and best practices.

Facilities Management:

- Administer contracts for all building modification and building services on behalf of the College.
- Provide the information and approvals necessary for any requirements that involve the building modifications and related services initiated by other College departments and administer contracts where necessary.
- Manage the procurement process for all furniture.



Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Information Technology:

- Procure all information and communication technology (ICT) equipment on behalf of the College.

Marketing:

- Procure all advertising, promotional or branded (logo) items on behalf of the College.

Accounts Payable:

- Ensure all receipt and invoice records are complete and accurate and match the Purchase Order before processing payment.
- Process payment in accordance with payment schedules defined in the contract.
- Follow-up on any discrepancies in a timely manner.

Related Guides & Procedures

Procurement Standard Operating Procedures (“SOP”):

General Procedures

- New Supplier Set-up
- Direct Procurement
- Information Technology Procurement
- Marketing Procurement
- Furniture Procurement
- Samples and Trials of Goods
- Goods Deliveries and Receiving
- Returns of Goods
- Customs Clearing
- Accounts Payable
- Purchase Order Changes (Change Order)
- Contract Amendment
- Collaborative Procurement
- Contract Administration & Performance Management

Software Application Related Instructions & Procedures

- Requisition Entry & Management
- P1 Approval and Delegation

Internal Procedures (Purchasing Services)

- Requisition/Purchase Order Processing
- Insurance & WSIB Management
- Purchase Order Management
- Contract Management List Maintenance
- Financial year-End
- Invitational Competitive Procurement
- Open Competitive Procurement
- Limited Tendering Procurement
- Contract Formation & Execution

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

- Debriefing
- Dispute Resolution
- Conflict of Interest
- Procurement Policy Non-Compliance
- Procurement Reporting

Guides/Lists:

- Determining Working Relationship (Contractor vs. Employee)
- Competitive Procurement
- RFX Determination
- Contract Types
- Evaluation
- Procurement Requirement Development
- Pricing Structures
- Competitive Procurement Checklist
- Exemption Clause List

Forms:

- Procurement Exemption Form
- Conflict of Interest Declaration
- Statement of Non-Compliance

Related Policies / Directives / Regulations

College Policies:

- Approval Authority Schedule
- Corporate Card
- Contract Management
- Conflict of Interest
- Records Retention

Government Binding Directives:

- Ministry of Training, Colleges and Universities – Minister’s Binding Policy Directive: Governance and Accountability Framework
- Ministry of Government and Consumer Services’ Broader Public Sector Procurement Directive, issued by the Management Board of Cabinet

Laws & Regulations:

- *Sale of Goods Act*, R.S.O. 1990, c. S.1
- *Retail Sales Tax Act*, R.S.O. 1990, c. R.31
- *Consumer Protection Act*, 2002 S.O. 2002, c.30, Sched. A
- *Fairness in Procurement Act*, 2018 S.O. 2018, c.4
- *Broader Public Sector Accountability Act*, 2010, S.O. 2010, c.25
- *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31
- *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11
- *Construction Act*, R.S.O. 1990, c. C.30
- *Employment Standards Act*, 2000, S.O. 2000, c. 41

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

- *Electronic Commerce Act, 2000, S.O. 2000, c. 17*
- *Competition Act, R.S.C. 1985, c. C-34*
- *Ontario College of Trades and Apprenticeship Act, 2009, S.O. 2009, c. 22*
- *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*

Trade Agreements:

- Canadian Free Trade Agreement (CFTA)
- <http://s3.documentcloud.org/documents/3540155/CFTA-Consolidated-Text-Final-English.pdf>
- Ontario-Quebec Trade and Cooperation Agreement (OQTCA)
<https://www.ontario.ca/document/trade-and-cooperation-agreement-between-ontario-and-quebec-0>
- Comprehensive Economic and Trade Agreement (CETA)
<http://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/19.aspx?lang=eng>

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Appendix A: Ontario Broader Public Sector (BPS) Supply Chain Code of Ethics

Goal: To ensure an ethical, professional and accountable BPS supply chain.

I. Personal Integrity and Professionalism

Individuals involved with Supply Chain Activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all Supply Chain Activities within and between BPS organizations, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.

II. Accountability and Transparency

Supply Chain Activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money. All participants must ensure that public sector resources are used in a responsible, efficient and effective manner.

III. Compliance and Continuous Improvement

Individuals involved with purchasing or other Supply Chain Activities must comply with this Code of Ethics and the laws of Canada and Ontario. Individuals should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Appendix B: Centrally Controlled Goods, Services & Construction

Commodity	Managing Department	Associated Procedure
Paper (standard white copier) Logo Stationary & Envelopes	Shipping & Receiving	Pick-up or call for delivery and your budget will be charged.
Information and Communication Technology (ICT) Equipment	Information Technology	Procurement Standard Operating Procedure (SOP) - Information Technology Procurement
Furniture	Facilities Management	Procurement SOP - Furniture Procurement
Marketing Materials (branded), Printed Publications, Advertising/Communications and Signage	Marketing	Procurement SOP - Marketing Materials Procurement
Shredding Services	Facilities Management	Submit a Facilities Management Work Request in myCambrian
Hazardous Waste Removal	Facilities Management	Submit a Facilities Management Work Request in myCambrian
Building Maintenance	Facilities Management	Submit a Facilities Management Work Request in myCambrian
Building Renovations/Modifications	Facilities Management	Consult with the Manager, Public Safety & Renovations
Fixtures (Blinds, Lighting, etc.)	Facilities Management	Submit a Facilities Management Work Request in myCambrian
Construction	Facilities Management	Consult with the Director, Facilities Management



**CAMBRIAN
COLLEGE**

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Appendix C: Methods of Procurement

Procurement Type	Procurement Value*	Procurement Method	Associated Policy/Procedure	Area of Responsibility
Goods & Services	Up to \$100	Direct Procurement via. Petty Cash	SOP - Accounts Payable	Budget Manager
	Up to \$3000	Direct Procurement via. Purchasing Card – See	Corporate Card Policy & Procedure	
	Up to \$9,999	Direct Procurement via. Purchase Requisition	SOP – Direct Procurement	
	\$10,000 < \$100,000	Invitational Procurement	Contact Purchasing Services	Purchasing Services
\$100,000 or greater	Open procurement that satisfies applicable trade agreements	Contact Purchasing Services		
Minor Renovations/Construction/ Construction Related Services (i.e. Electrical, plumbing, paintings Services)	\$0 < \$25,000	Direct Procurement via. Purchase Requisition	SOP – Direct Procurement	Facilities Management
	\$25,000 < Approx. \$100,000	Invitational Procurement	Contact Purchasing Services	Purchasing Services
	\$100,000 or greater	Open procurement that satisfies applicable trade agreements	Contact Purchasing Services	
Consulting Services	\$0 < \$100,000	Invitational Procurement	Contact Purchasing Services	Purchasing Services
	\$100,000 or greater	Open procurement that satisfies applicable trade agreements	Contact Purchasing Services	

*Thresholds are adjusted for inflation annually. Contact Purchasing Services for exact value.

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Appendix D: Procurement Exemptions - \$100,000 & greater

Cambrian College may only utilize the following exemptions in the below table for procurements valued at \$100,000 or greater. The Procurement Exemption Form must be completed and approved as per the AAS.

CFTA/OQTCA:

- Non-Application: Article 504.11
- Limited Tendering: Article 513 and Annex 520.1 (Schedule of Ontario)
- General Exceptions: Article 800

CETA:

- General Scope and Coverage: Article 19.2
- General Notes: Annex 19-7 (Sub-Central Government Entities)
- Limited Tendering: Article 19.12

Definitions	
Limited Tendering Exceptions under CFTA Article 513, CETA Article 19.12, OQTCA 9.14	<i>Limited Tendering means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice, provided 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 under any of the circumstances described in TABLE 1. Limited Tendering now includes Sole or Single Source as defined below.</i>
Sole Source	<i>Non-competitive process used to acquire goods or services from a specific supplier because there are no other suppliers available or capable of providing the required goods or services.</i>
Single Source	<i>Non-competitive process used to acquire goods or services from a specific supplier, even though there may be more than one supplier capable of delivering the same goods or services.</i>
Non-Application Provisions under CFTA, CETA and OQTCA	<i>Non-Application Provisions are provisions that exempt a given procurement from the application of the government procurement chapter obligations of the applicable agreement (CFTA, CETA or OQTCA.) These are described in TABLE 2.</i>
TABLE 1: Limited Tendering Exceptions (Single Source & Sole Source)	
A	<ul style="list-style-type: none"> i. If no tenders or quotations were submitted or no suppliers requested participation; ii. If no tenders or quotations that conform to the essential requirements of the tender or quotation documentation were submitted; iii. If no suppliers satisfied the conditions for participation; iv. If the submitted tenders were collusive
B	<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; iv. the supply of goods or services is controlled by a supplier that is a statutory monopoly (Not

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

	<p>available under CETA or the OQTCA);</p> <ul style="list-style-type: none"> 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 (Not available under CETA or the OQTCA); 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 (Not available under CETA or the OQTCA); vii. work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor (Not available under CETA or the OQTCA); viii. the procurement is for subscriptions to newspapers, magazines, or other periodicals (Not available under CETA or the OQTCA);
C	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: (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 (<i>Both (i) and (ii) must apply</i>);
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 (<i>A failure to plan and allow sufficient time for a competitive procurement does not constitute an unforeseeable situation or urgency</i>);
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;
I	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 (Not available under CETA. It is a non-application provision under OQTCA).
TABLE 2: Non-Application Provisions	
A	Public employment contracts (Contact Human Resources for guidance);
B	Non-legally binding agreements;
C	Any form of assistance such as grants, loans, equity infusions, guarantees, and fiscal incentives ("Grants" refers to granting of money by the College. It does not refer to the spending of granting money - i.e. research grants);
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

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

	that the agreement includes rules for awarding contracts that differ from the obligations of Chapter 5 of CFTA (Not available under CETA or OQTCA.);
E	Acquisition or rental of land, existing buildings, or other immovable property, or the rights thereon;
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 the Parties where the same conditions prevail or are a disguised restriction on trade;
G	Procurement or acquisition of: <ul style="list-style-type: none"> i. fiscal agency or depository services (Not applicable for the College); ii. liquidation and management services for regulated financial institutions (Not applicable for the College); iii. services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes and other securities (Not applicable for the College);
H	Procurement of: <ul style="list-style-type: none"> 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 (“Financial service” means any service or product of a financial nature and a service incidental or auxiliary to a service of financial nature, and includes: deposit taking; loan and investment services; insurance; estate, trust and agency services; securities; and all forms of financial or market intermediation including the distribution of financial products); ii. health services or social services (“Social services” generally includes the following services to the extent that they are established or maintained for a public purpose: income security or insurance; social security or insurance; social welfare; public education; public training, health, and child care); iii. services that may, under applicable law, only be provided by licensed lawyers or notaries; iv. services of expert witnesses or factual witnesses used in court or legal proceedings (Not available under OQTCA);
I	Procurement of goods or services: <ul style="list-style-type: none"> i. financed primarily from donations that require the procurement to be conducted in a manner inconsistent with Chapter 5 of CFTA (Not available under CETA); ii. by a procuring entity on behalf of an entity not covered by Chapter 5 of CFTA/Chapter 19 of CETA/Chapter 9 of OQTCA; 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; iv. by non-governmental bodies that exercise governmental authority delegated to them (Not applicable for the College); v. from philanthropic institutions, non-profit organizations, prison labour, or natural persons with disabilities (Not available under CETA); vi. under a commercial agreement between a procuring entity which operates sporting or convention facilities and an entity not covered by Chapter 5 of CFTA that contains provisions inconsistent with Chapter 5 of CFTA (Not available under CETA or OQTCA); 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; viii. Conducted: <ul style="list-style-type: none"> 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 (Not applicable for the College);

Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

	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 Chapter 5 of CFTA;
J	Procurement with respect to Aboriginal peoples.



Procurement Policy

Date Approved: January 2019

Effective Date: April 1, 2019

Date Reviewed: Fall 2018

Replaces: Procurement Policy 2014

Appendix E: Procurement Exemptions - under \$100,000

In addition to exemptions granted by CFTA, OQTCA and CETA in Appendix D, Cambrian College may utilize the following exemptions for goods and services valued under \$100,000 without the requirement for a Procurement Exemption Form (Note: all other procurements using an exemption must be documented using the Procurement Exemption Form).

The following can be paid directly by Accounts Payable without the issuance of a Purchase Order.

1. Literature - Books, Magazines, Periodicals, etc.
2. Training and Education – Accreditation, Conferences, Courses, Conventions, Memberships, Seminars etc.
3. Marketing - Media advertising related services.
4. Legal Services – performed by a lawyer.
5. Commodities/Utilities - Items such as postage, water, sewage, hydro, and gas.
6. Audit and Banking Services