

## Updated **Schedule B – Non-Standard Procurements**

This policy does not apply with respect to competitive Procurement requirements, and in such cases, Procurement can be conducted as a Non-Standard Procurement, when:

- (a) 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):
  - i. there is an absence of competition for technical reasons;
  - ii. patents, copyrights, or other exclusive rights must be protected.
- (b) goods or consulting services regarding matters of a confidential or privileged nature and the disclosure of those matters through an Open Competition could reasonably be expected to compromise government confidentiality, result in the waiver of privilege, cause economic disruption, or be contrary to the public interest;
- (c) 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;
- (d) goods available under exceptionally advantageous circumstances that arise only in the very short term, such as resale of used equipment, liquidation, bankruptcy, or receivership;
- (e) unforeseeable events have resulted in a situation where extreme urgency exists and the goods or services could not be obtained in time through an Open Competition - Note: the Department Lead must clearly identify and explain the unforeseeable events that brought about the urgency; failure to plan for and proceed with a Procurement in a timely manner will not be considered a valid reason for a Non-Standard Procurement;
- (f) the Procurement Value is below the Open Competition Threshold and it is in the best interests of the Town to proceed with a Non-Standard Procurement - Note: the Department Lead must clearly explain why it is in the Town's best interest to proceed with a Non-Standard Procurement rather than an Invitational Competition;
- (g) the Procurement is otherwise exempt from Open Competition requirements under all applicable trade agreements, so long as the Supplier's country is Acting in Good Faith of Trade Treaties, and it is in the best interests of the Town to proceed with a Non-Standard Procurement - Note: the Department Lead must indicate the specific section(s) of the applicable trade agreements that provide for the exemption and clearly

explain why it is in the Town's best interest to proceed with a Non-Standard Procurement rather than an Open Competition;

(h) the Procurement is to be awarded under a Piggyback arrangement, as permitted under this policy;

(i) there cannot be a change made to the existing Supplier due to economic or technical reasons, software licenses/maintenance/services, or installations procured under the initial procurement;

(j) there cannot be a change made to the existing Supplier due to a significant inconvenience or substantial duplication of costs for the Town;

(k) the Procurement is for an offer to buy-out equipment or extend a rental contract that may be beneficial to the Town;

(l) the Procurement is due to a Contract termination/expiry/or other reason, and Deliverables are Purchased for a short interim period to meet immediate recurring business requirements while a related Procurement process is initiated for a longer-term supply of the same Deliverables;

(m) an Open Competition was conducted for the required Deliverables and did not result in the receipt of any valid Bids in accordance with this policy.