

Exception Codes

The following Exception Codes are the valid options available for use in submitting a request for a [Limited Tendering Exception](#). Limited Tendering is a non-competitive procurement method whereby the procuring entity engages a Vendor or Vendors of its choice without engaging in [Invitational or Open Competitive processes](#) as outlined by the [Procurement Policy](#). Limited Tendering may not be used for the purpose of avoiding competition among Vendors or in a manner that discriminates against Vendors of any other Party or protects its own Vendors.

Need help? Email ProcurementServices@carleton.ca.

Section 1 – Applicable Trade Obligations

- (1) Comprehensive Economic and Trade Agreement (CETA), Article 19.12
- (2) Canadian Free Trade Agreement (CFTA), Article 513
- (3) Ontario-Québec Trade and Cooperation Agreement, Article 9.14

Section 2 – Definitions

- (1) Limited Tendering Exceptions (Section 3.1): may be used when:
 - (a) Single Source: there may be more than one Vendor capable of delivering the same goods or services but an Exception Code applies, or
 - (b) Sole Source: because there are no other Vendors available or capable of providing the required goods or services.
- (2) Non-application Provisions (Section 3.2): exempt a given procurement from the application of the obligations of the applicable agreement, provided the [Total Procurement Value](#) is within the requirements as outlined by the relevant Trade Obligation.
- (3) Quotation: submission from a Vendor in response to an [Invitational Competitive Procurement](#).
- (4) Tender: submission from a Vendor in response to an [Open Competitive Procurement](#).

Section 3 – Exception Codes

3.1 Single Source & Sole Source Codes

Exception Code	Description
SS-1	<p>When an Invitational or Open Competitive Procurement was undertaken, but:</p> <ul style="list-style-type: none"> 1.1 No Tenders or Quotations were submitted, or no Vendors requested participation. 1.2 No Tenders or Quotations that conform to the essential requirements of the Tender or Quotation documentation were submitted, provided the requirements of the tender documentation are not substantially modified. 1.3 No Vendors satisfied the conditions for participation, provided the requirements of the tender documentation are not substantially modified. Contact Procurement Services for guidance. <p>In any of the above cases, the exception is only available provided the requirements of the tender documentation are not substantially modified.</p>
SS-2	<p>If the goods or services can be supplied only by a particular Vendor, and no reasonable alternative or substitute good or services exist for any of the following reasons:</p> <ul style="list-style-type: none"> 2.1 The requirement is for a work of art; 2.2 The protection of patents, copyrights, or other exclusive rights; 2.3 Due to an absence of competition for technical reasons; 2.4 The supply of goods or services is controlled by a vendor that is a statutory monopoly (Not available under CETA or the OQTCA. Contact Procurement Services for guidance); 2.5 To ensure compatibility with existing goods or to maintain specialized goods that must be maintained by the manufacturer if those goods or its representative (Not available under CETA or the OQTCA. Contact Procurement Services for guidance); 2.6 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. Contact Procurement Services for guidance); 2.7 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. Contact Procurement Services for guidance); 2.8 The procurement is for subscriptions to newspapers, magazines, or other periodicals (Not available under CETA or the OQTCA. Contact Procurement Services for guidance);

Exception Code	Description
SS-3	For additional deliveries by the original Vendor of goods or services that were not included in the initial procurement, if a change of Vendor 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. Both (i) and (ii) must apply and be described in the Justification of the Limited Tendering Justification Form.
SS-4	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. A failure to plan and allow sufficient time for a competitive procurement does not constitute an unforeseeable situation or urgency.
SS-5	For goods purchased on a commodity market.
SS-6	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.
SS-7	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 vendors.
SS-8	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 the applicable Trade Obligation, 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. Contact Procurement Services for guidance.
SS-9	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. A Non-application Provision under OQTCa. Contact Procurement Services for guidance).

3.2 Non-application Provision Codes

Exception Code	Description
NA-1	Public employment contracts (Contact Human Resources for guidance).
NA-2	Non-legally binding agreements (Contact Procurement Services for guidance).
NA-3	Any form of assistance such as grants, loans, equity infusions, guarantees, and fiscal incentives (“Grants” refers to granting of money by Carleton University. It does not refer to the spending of granting money - i.e. research grants).
NA-4	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 (Not available under CETA or OQTCA. Contact Procurement Services for guidance).
NA-5	Acquisition or rental of land, existing buildings, or other immovable property, or the rights thereon.
NA-6	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.
NA-7	Not applicable for Carleton University.
NA-8	<p>Procurement of:</p> <p>8.1 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);</p> <p>8.2 health services (Contact Procurement Services for guidance) 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);</p> <p>8.3 services that may, under applicable law, only be provided by licensed lawyers or notaries;</p> <p>8.4 services of expert witnesses or factual witnesses used in court or legal proceedings (Not available under OQTCA. Contact Procurement Services for guidance);</p>

Exception Code	Description
NA-9	<p>Procurement of goods or services:</p> <p>9.1 financed primarily from donations that require the procurement to be conducted in a manner inconsistent with Chapter 5 of CFTA (Not available under CETA. Contact Procurement Services for guidance);</p> <p>9.2 by a procuring entity on behalf of an entity not covered by Chapter 5 of CFTA/Chapter 19 of CETA/Chapter 9 of OQTCA (Contact Procurement Services for guidance);</p> <p>9.3 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>9.4 Not applicable for Carleton University;</p> <p>9.5 from philanthropic institutions, non-profit organizations, prison labour, or natural persons with disabilities (Not available under CETA. Contact Procurement Services for guidance);</p> <p>9.6 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. Contact Procurement Services for guidance);</p> <p>9.7 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 vendors; or</p> <p>9.8 Conducted:</p> <p>A) Not applicable for Carleton University; 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 Chapter 5 of CFTA;</p>
NA-10	Procurement with respect to Aboriginal peoples.