

Attachment 5 – Non-Application Criteria

The following does not apply to the requirements set out in the guidelines:

- (a) public employment contracts;
- (b) non-legally binding agreements;
- (c) any form of assistance, such as grants, loans, guarantees, and financial incentives;
- (d) a contract awarded under a cooperation agreement with an international cooperation organization if the procurement is financed, in whole or in part, by that organization, only to the extent that the agreement includes rules for awarding contracts that differ from the obligations of the CFTA;
- (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 for non-Ontario vendors or are a disguised restriction on trade;
- (g) procurement or acquisition of:
 - (i) fiscal agency or depository services;
 - (ii) liquidation and management services for regulated financial institutions; or
 - (iii) services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes, and other securities;
- (h) procurement of:
 - (i) financial services respecting the management of TRCA financial assets and liabilities (i.e. treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution;
 - (ii) health services or social services;
 - (iii) services that may, under applicable law, only be provided by licensed lawyers or notaries; or
 - (iv) services of expert witnesses or factual witnesses used in court or legal proceedings; or
- (i) procurement of goods or services:

- (i) financed primarily from donations that require the procurement to be conducted in a manner inconsistent with the CFTA;
- (ii) by TRCA on behalf of an entity not covered by the CFTA;
- (iii) between one government body or enterprise and another government body or enterprise;
- (iv) from philanthropic institutions, non-profit organizations, prison labour, or natural persons with disabilities; or
- (v) under a commercial agreement between a procuring entity which operates sporting or convention facilities and an entity not covered by the guidelines that contains provisions inconsistent with the guidelines.