

Attachment 6 – Limited Tendering Criteria

Limited tendering may occur for the following circumstances, however, TRCA may elect to conduct a competitive process for transparency, best value, or other reasons. Consult with Procurement and Legal Services if you are unsure if one of these scenarios exists.

 Mandatory consultation with Procurement and Legal Services is required prior to initiating a limited tendering process.

Scenario		Example	Notes
(a) If conducted a procurement process in accordance with the Procurement Policy and provided that the requirements of the original competitive procurement documentation are not substantially modified:	(i) No bids were submitted, or no vendors requested participation;		
	(ii) no bids that conform to the essential requirements of the solicitation documentation were submitted;	TRCA has asked for A and the proponent is proposing B.	Can be used for when none of the bids have met the minimum scoring requirements in an RFP process or all of the bids have been disqualified. Not to be used because TRCA is unhappy with the bids, or unhappy with the prices and want to re-scope.
	(iii) no bids satisfied the conditions for participation; or	No bidders attend a mandatory bidders meeting or no bidders had specific certification that is required.	
	(iv) the submitted bids were collusive.	In bidding for public sector construction work, construction firms would collude in setting artificially high prices. Firms would decide which contracts they	When rival firms agree to work together by setting higher prices in order to make higher profits.

		wanted, and rivals would bid purposefully high price.	
(b) if the goods or services can be supplied only by a particular vendor and no reasonable alternative or substitute goods or services exist for any of the following reasons:	(i) the requirement is for a work of art;	A painting by famous painter.	Does not apply to massively produced works of art (e.g. Ikea art).
	(ii) the protection of patents, copyrights, or other exclusive rights;	IT software.	
	(iii) due to an absence of competition for technical reasons;	Purchase of rain or stream gauge equipment or certain hydraulic modelling services.	
	(iv) the supply of goods or services is controlled by a vendor that is a statutory monopoly;	Utilities (Bell, Toronto Hydro, Rogers), or the LCBO.	Cannot be legally purchased elsewhere.
	(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;	A piece of equipment won't function unless the part is replaced or maintenance occurs by the manufacturer or its representative.	Does not apply to services.
	(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 work;		
	(vii) work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor; or	Quadreal is retained to provide roof repairs at 101 Exchange Ave.	
	(viii) the procurement is for subscriptions to newspapers, magazines, or other periodicals.		
(c) For additional deliveries by the original vendor of goods or services that were not included in the initial solicitation, if a change of vendor	(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software,	Further improvements to LID tool.	Allowed to go back to the original scope provider but internal justification is needed as to why it wasn't included in the

for such additional goods or services:	services, or installations procured under the initial procurement; and		original scope. Primarily used for IT procurement.
	(ii) would cause significant inconvenience or substantial duplication of costs for TRCA.	Contractor is already on site and doing work and there is another slope failure and additional work is required - this would reduce duplication of mobilization costs.	During consultation, the scope, risk, value, relativity to the project, and the circumstances arising will be examined.
(d) if strictly necessary, and for reasons of urgency brought about by events unforeseeable by TRCA, the goods or services could not be obtained in time using an open competitive procurement;		Natural disasters, EOC is activated, roof is blown off one of our residential rental properties (includes work associated with insurance claims).	Emergency, not to be used for poor planning.
(e) for goods purchased on a commodity market;		Wheat, coffee, sugar, fruit, coco, precious metals.	Not for manufactured products.
(f) if TRCA 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 ¹ ;		TRCA is approached to trial a new product or 3D printing services to create a unique product or part for a piece of equipment.	Not used for a pilot project.
(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 vendors;		A supplier is going out of business due to bankruptcy or other circumstances and there is a deep discounted sale.	

¹ 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.

(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 the CFTA, in particular relating to the publication of a tender notice; and		Cannot limit the contest to Province of Ontario. Does not apply to design charrette, or design build.
	(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 competitive procurement 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 ² .		TRCA requires a consultant to deal with an HR issue.	

² In using limited tendering under this paragraph (i), compliance with Article 516 of the CFTA (Transparency of Procurement Information) is also not required (e.g., the procuring entity is not required to post award information).