**Non-Competitive Approval (NCA) Form[[1]](#footnote-1)**

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| PROCURING DEPARTMENT DOCUMENT REFERENCE # |  |
|  | *(To be assigned by Procuring Department)* |

**To:** xxxx, Title, Department

**From:** xxxx, Title, Department

**Date:** Month DD, YYYY

**Subject:** Non-Competitive Procurement Approval Sign-Off – [Vendor Name Purchase Description]

**Background**

*Provide an explanation of the good or service (what it is, how it is used, where it is used, why it is needed, who made the request). Describe the circumstances that have created this non-competitive situation and describe any risks or implications.*

**Justification**

*Clearly explain why bypassing the competitive process is necessary & justify why this exception is required. Provide details on market research & investigation done to confirm non-competitive status. If a renewal, explain how it was originally procured.*

**Actions Taken**

*Explain how the decision was reached and the budget impact given the non-competitive procurement circumstances.*

**Required Timing**

*State when the good or service is required (helps to ensure sign-offs completed in time).*

### Non-Competitive Approval (NCA) Form

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|  | What are you procuring: | | | | | | |  | | Goods | | | |  | | | Non-Consulting Services | | | | | | | | | | | | |  | Consulting Services[[2]](#footnote-2) | | | | | | | | | |
|  | 1. Goods: Is the Recommended Supplier the manufacturer? | | | | | | | | | | | | | | |  | | | Yes | | | | |  | | | No | | | | | |  | | N/A | | | | | |
|  | 1. Goods: Does the manufacturer sell the item(s) through distributors? | | | | | | | | | | | | | | |  | | | Yes | | | | |  | | | No | | | | | |  | | N/A | | | | | |
|  | 1. Equipment: Is the equipment being purchased net new or replacing existing equipment? | | | | | | | | | | | | | | |  | | | Net New | | | | |  | | | Replacement | | | | | |  | | N/A | | | | | |
|  | Specify the exception code: | | | | [Insert Exception Code] | | | | | | | | | | (see attached Schedule A – CFTA Exception Codes). | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Total Procurement Value: | | | $ XXX,XXX.XX | | | | | | | Contract Term: | | | | | | | | | | | [# years] | | | | | | | Extension: | | | [# years] | | | | | |  | | |
|  | *(Total Procurement Value should include all costs over the lifetime of the contract, for example, equipment, service, consumables, parts etc.)* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Are funds available within an approved budget? | | | | | | | | | | | |  | | | | Yes | | | |  | | No[[3]](#footnote-3) | | | | |  | | | | | | | | | | | | |
|  | Type of funds being spent: | | |  | | Operational | | |  | | | Capital | | | | |  | | | Donor /Trust | | | | | (Capital approval obtained: | | | | | | | | |  | | | Yes | |  | No) | |
|  | Operational Funds Amount | | $ XXX,XXX.XX | | | | | Capital Funds Amount | | | | | | | | | | $ XXX,XXX.XX | | | | | | | | Donor Funds Amount | | | | | | | | $ XXX,XXX.XX | | | | | | |
|  | Accounting Unit(s): | [Insert Accounting Unit] | | | | | | | | | | | | | | Account Code: | | | | | | | | | | [Insert Account Code] | | | | | | | | | |  | | | | |
|  | Name of Recommended Supplier: | | | | | | [Insert Supplier Name] | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | |

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| **ACKNOWLEDGEMENT** | | | | | | |
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| I am aware of Unity Health Toronto’s competitive procurement process and the circumstances in which non-competitive procurement, including single and sole sourcing, may be used. I am comfortable that the necessary due diligence has been conducted to support the recommendation for non-competitive procurement. To the best of my knowledge, I have fairly and clearly outlined the background, justification, value for money and required timing of this procurement in the briefing note. I am further aware that any non-competitive procurement must be exception-based only. | | | | | | |
|  | Name: | [Insert Name] | | | |  |
| Title: | [Insert Title] |  | Department: | [Insert Department] |
| Signature: |  | Date: |  |
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| **Non-Competitive Procurement Approval Authority – Goods & Non-Consulting Services** | | | | | | | | | |
| **Procurement Value** | **Hospital Approval Authority** | | | | **Research Approval Authority** | | | | |
| **Section #1**  $25,000 - $99,999.99  Signatures to be obtained in sequential order | **1) Responsible Director** | | | | **1) Director of Research Operations** | | | | |
| Name: |  | |  | Name: |  | | |  |
| Signature: |  | |  | Signature: |  | | |  |
| Date: |  | |  | Date: |  | | |  |
| Together with; | | | | Together with; | | | | |
| **2) Senior Director, Chief Supply Chain Officer** | | | | **2) Senior Director, Chief Supply Chain Officer** | | | | |
| Name: |  | |  | Name: |  | | |  |
| Signature: |  | |  | Signature: |  | | |  |
| Date: |  | |  | Date: |  | | |  |
| Together with; | | | | Together with; | | | | |
| **3) CFO** | | | | **3) CFO** | | | | |
| Name: |  | |  | Name: |  | |  | |
| Signature: |  | |  | Signature: |  | |  | |
| Date: |  | |  | Date: |  | |  | |
|  | |  |  |  | |  |  | |
| **Section #2**  ≥ $100,000  All signatures in Section 1  are required prior to the  completion of Section 2 | **4) VP / EVP** | | | | **4) VP of Research** | | | | |
| Name: |  | |  | Name: |  | |  | |
| Signature: |  | |  | Signature: |  | |  | |
| Date: |  | |  | Date: |  | |  | |
|  | | | |  | | | | |
| **Section #3**  ≥ $250,000  All signatures in Sections 1 & Sections 2 are required prior to the completion of Section 3. | **5) President and CEO** | | | | **5) President and CEO** | | | | |
| Name: |  | |  | Name: |  | |  | |
| Signature: |  | |  | Signature: |  | |  | |
| Date: |  | |  | Date: |  | |  | |
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| **Non-Competitive Procurement Approval Authority – CONSULTING SERVICES** | | | | | | | | | |
| **Procurement Value** | **Hospital Approval Authority** | | | | **Research Approval Authority** | | | | |
| **Section #1**  $0 - $999,999.99  Signatures to be obtained in sequential order | **1) Responsible Director** | | | | **1) Director of Research Operations** | | | | |
| Name: |  | |  | Name: |  | | |  |
| Signature: |  | |  | Signature: |  | | |  |
| Date: |  | |  | Date: |  | | |  |
| Together with; | | | | Together with; | | | | |
| **2) Senior Director, Chief Supply Chain Officer** | | | | **2) Senior Director, Chief Supply Chain Officer** | | | | |
| Name: |  | |  | Name: |  | | |  |
| Signature: |  | |  | Signature: |  | | |  |
| Date: |  | |  | Date: |  | | |  |
| Together with; | | | | Together with; | | | | |
| **3) CFO** | | | | **3) CFO or DEPUTY CFO** | | | | |
| Name: |  | |  | Name: |  | | |  |
| Signature: |  | |  | Signature: |  | | |  |
| Date: |  | |  | Date: |  | | |  |
| Together with; | | | | Together with; | | | | |
| **4) VP / EVP** | | | | **4) VP of Research** | | | | |
| Name: |  | |  | Name: |  | | |  |
| Signature: |  | |  | Signature: |  | | |  |
| Date: |  | |  | Date: |  | | |  |
| Together with; | | | | Together with; | | | | |
| **5) President and CEO** | | | | **5) President and CEO** | | | | |
| Name: |  | |  | Name: |  | | |  |
| Signature: |  | |  | Signature: |  | | |  |
| Date: |  | |  | Date: |  | | |  |
|  | | | |  | | | | |
| **Section #2**  ≥ $1,000,000 | a) All signatures in Section 1 are required to be completed prior to Section 2 being completed. | | | | a) All signatures in Section 1 are required to be completed prior to Section 2 being completed. | | | | |
| b) A copy of the Board of Directors meeting minutes should accompany this document in addition to the approval email. | | | | b) A copy of the Board of Directors meeting minutes should accompany this document in addition to the approval email. | | | | |
| **Board of Directors** | | | | **Board of Directors** | | | | |
| Date of Approval : | |  |  | Date of Approval : | | |  |  |
|  | | | |  | |  | | |

**SCHEDULE A: CFTA Exception Codes**

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| **1. Non-Application Exceptions** |  | **2. Limited Tendering Exceptions** |
| 1A. Public employment contracts.  1B. Non-legally binding agreements.  1C. Any form of assistance, such as grants, loans, equity infusions, guarantees, and fiscal incentives.  1D. Contracts 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 CFTA.  1E. Acquisition or rental of land, existing buildings, or other immovable property, or the rights thereon.  1F. 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 Parties where the same conditions prevail or are a disguised restriction on trade.  1G. Procurement or acquisition of fiscal agency or depository services.  1H. Procurement or acquisition of liquidation and management services for regulated financial institutions  1I. Procurement or acquisition of services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes, and other securities.  1J. Procurement of 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  1K. Procurement of health services or social services.  1L. Procurement of services that may, under applicable law, only be provided by licensed lawyers or notaries.  1M. Procurement of services of expert witnesses or factual witnesses used in court or legal proceedings.  1N. Procurement of goods or services financed primarily from donations that require the procurement to be conducted in a manner inconsistent with CFTA.  1O. Procurement of goods or services by a procuring entity on behalf of an entity not covered by CFTA  1P. Procurement of goods or services 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  1Q. Procurement of goods or services by non-governmental bodies that exercise governmental authority delegated to them.  1R. Procurement of goods or services from philanthropic institutions, non-profit organizations, prison labour, or natural persons with disabilities  1S. Procurement of goods or services under a commercial agreement between a procuring entity which operates sporting or convention facilities and an entity not covered by CFTA that contains provisions inconsistent with CFTA.  1T. Procurement of goods or services 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.  1U. Procurement of goods or services conducted 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.  1V. Procurement of goods or services conducted 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 CFTA. |  | 2A. In the absence of a receipt of any submitted tenders were submitted or where no suppliers requested participation.  2B. In the absence of a receipt of any submitted tenders that conform to the essential requirements of the tender documentation.  2C. Where no suppliers satisfied the conditions for participation.  2D. Where the submitted tenders were collusive, provided that the requirements of the tender documentation are not substantially modified.  2E. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist because the requirement is for a work of art.  2F. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist due to the protection of patents, copyrights, or other exclusive rights.  2G. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist due to an absence of competition for technical reasons.  2H. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist because the supply of goods or services is controlled by a supplier that is a statutory monopoly.  2I. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exists and to ensure compatibility with existing goods, or to maintain specialized goods that must be maintained by the manufacturer of those goods or its representative.  2J. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exists and to ensure compatibility with existing goods because the 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.  2K. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exists and to ensure compatibility with existing goods because the work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor.  2L. The goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exists and to ensure compatibility with existing goods because the procurement is for subscriptions to newspapers, magazines, or other periodicals.  2M. 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 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 would cause significant inconvenience or substantial duplication of costs for the procuring entity.  2N. 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.  2O. For goods purchased on a commodity market.  2P. 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.  2Q. 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.  2R. If a contract is awarded to a winner of a design contest provided that 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 the participants are judged by an independent jury with a view to a design contract being awarded to a winner.  2S. 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. |

**SCHEDULE B: Consulting Definitions**

* “**Consultant**” or “**Consulting Service Provider**” or “**CSP**” means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making.
* “**Consulting Services**” means the provision or expertise or strategic advice that is presented for consideration and decision-making.
* “**Non-Consulting Service Provider**” or “**NCSP**” means an individual or entity that contract to provide services, other than Consulting Services, to another individual or entity. Examples include “consultants” such as property brokers, head hunters and trainers.

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| **Table 1. Comparison of CSPs and NCSPs in different practice areas.** | | |
|  | **CSP** | **NCSP** |
| **Communications** | An individual or organization is engaged to develop a communications strategy. | An individual or organization is engaged to develop a newsletter. |
| **Training** | An individual is engaged to develop a training plan for the organization. | An individual is engaged to develop and deliver a specific training program. |
| **Professional Services** | An architect is engaged to develop a ten year strategy. | An architect is engaged to design a specific building. |
| **IT** | An organization is engaged to develop an IT strategy. | An individual is engaged to create a data base that will support an IT implementation. |
| **Operations** | An individual or organization is engaged to assess operational performance. | An individual or organization is engaged to implement process improvements on specific operational processes. |
| **Executive Management** | An individual is engaged to advise the executive team on communicating to the media. | An individual is engaged to facilitate executive team building sessions. |

**Are the desired services Consulting Services?**

Whether services in question are deemed Consulting Services should be determined by the nature of the service being procured and not by the designated profession being represented. Consulting Services typically involve one or more of the following:

* expert advice and guidance;
* assessment without implementation;
* strategic advice, thinking, guidance or plans; and
* consideration and/or decision making.

Examples of Consulting Services include:

* **Management Consulting** (i.e., helping improve performance, primarily through the analysis of existing problems and development of plans for improvement. This includes organizational change management assistance and strategy development);
* **Information Technology Consulting** (i.e., advisory services that help clients assess different technology strategies, including aligning their technology strategy with their business or process strategy);
* **Technical Consulting** (i.e., strategic advice related to actuarial science, appraisal, community planning, employment/placement, engineering, health sciences, interior design, realty, social sciences);
* **Policy Consulting** (i.e., the provision of advisory services to provide policy options, analysis and evaluation); and
* **Communication Consulting** (i.e., the provision of strategy and advice in conveying information through various channels and media).

1. TO BE COMPLETED BY THE END USER DEPARTMENT. For guidance on how to complete this form please refer to the NCA Procedures available on the SMH Procurement Services Intranet page

   [↑](#footnote-ref-1)
2. See Schedule B – Consulting Definitions [↑](#footnote-ref-2)
3. 2 See Schedule B – Consulting Definitions

   If there are no funds available from an approved budget, approval must be obtained from one approval level higher [↑](#footnote-ref-3)