



1. DIRECT AWARDS OVERVIEW

Trade agreements identify the requirements that public institutions in Canada must abide by when purchasing goods or services. As a publicly funded institution, UVic is required by law to conduct public competitions for all major acquisitions of goods and services. UVic Purchasing Policy F5105 also requires a competitive process for all purchases over \$15,000. This promotes competition, provides a fair bidding platform for vendors, ensures that we make best use of public funds and attains best value for the university.

A Direct Award (DA) is the award of a supply or services contract without conducting an open, public competitive process to select the supplier, and are permitted only under certain exceptional circumstances. DA requests must meet at least one of the allowable exceptions to the competition requirements detailed in Section 2 and comply with [Purchasing Services Policy FM5105](#), [Signing Authority Policy FM5100](#), UVic's [Supplier Code of Conduct](#) and applicable trade agreements.

Requirements exceeding \$75,000 may require the publication of a public Notice of Intent (NOI) as a requirement under Trade Agreements depending on the exemption identified, and justification provided. NOIs allow potential suppliers to challenge an intended Direct Award. NOIs are developed in collaboration with the Requestor and Purchasing Services. Once drafted, they are required to be posted publicly for a minimum of ten (10) calendar days. If challenges are received, there may be a requirement for a secondary competitive process (e.g. RFP). An evaluation of NOI responses meeting selection criteria may also be required. Please allow sufficient time for the NOI process when submitting a DA request exceeding \$75,000.00.

2. PROCESS FOR DIRECT AWARDS BASED ON VALUE

When determining value and conducting market research, consider the total anticipated cost of all interdependent components of the product/service including maintenance, service fees, and any contract term extensions (e.g. is it a one time purchase or 3 year initial agreement with 2 year option to renew?).

Purchase Value (in CAD)	Direct Award Process Overview
Under \$5,000	<p>A Direct Award form is not required.</p> <p>If the request is for goods, proceed to purchase using C-Card OR Pay the invoice by submitting an invoice submission form. (more information is available on the AP Website).</p> <p>If the request is for services, obtain quote from vendor, submit a Web Requisition in FAST and Purchasing Services will assist with development of a Service Agreement.</p>
\$5,001 - \$14,999	<p>A Direct Award form is not required. Obtain quote from vendor.</p> <p>If the request is for goods, submit a Web Requisition in FAST and Purchasing Services will assist with issuing a Purchase Order.</p> <p>If the request is for services, submit a Web Requisition in FAST and Purchasing Services will assist with development of a Service Agreement.</p>
\$15,000 - \$75,000	<p>Conduct market research and obtain quote from desired vendor.</p> <p>Complete Direct Award Form and ensure both requested signatures are applied.</p> <p>Attach the completed form to your Web Requisition in FAST and Purchasing Services will assist with the issuance of a Purchase</p>



	Order or Service Agreement based on the requirement type.
Over \$75,000	Conduct market research. Reach out to your assigned Procurement Officer for guidance (link to directory below) Procurement Officer Directory

General inquiries regarding this process can be sent to purchase@uvic.ca OR contact your assigned Procurement Officer directly.



3. EXEMPTIONS TO THE REQUIREMENT FOR PUBLIC COMPETITION

Type	Description
No Alternate Supplier Exists (Sole Source)	<p>Only one supplier is capable of supplying the goods for one of the following reasons:</p> <ul style="list-style-type: none"> only one supplier can meet the technical specifications of the good or service; requested good is an original work of art; and/or the requested good is protected by a patent, copyrights, or other exclusive rights. <p>Please note that any technical specifications or specializations must be developed based on genuine project work requirements; the requirements must directly facilitate necessary project outcomes.</p> <p>May Include:</p> <ul style="list-style-type: none"> highly-specialized equipment for particular operational needs where only one manufacturer and seller exists. <p>Does NOT Include:</p> <ul style="list-style-type: none"> familiarity or positive experience with the existing supplier; having an existing relationship with a supplier; commercial contracts with research partners; renewing a contract to avoid effort of a competition; service or repair by a recommended third party; and preference for a particular supplier. <p>Guiding Questions:</p> <ul style="list-style-type: none"> Can I get this product from another manufacturer? Is there another vendor that can provide this service? Is the product an original item?
Original or Entrenched Supplier	<p>The requested good or service is an additional delivery by an original Supplier which is intended as replacement parts or installations, and a change of Supplier would cause significant inconvenience or substantial duplication of costs.</p> <p>Please note that cost of changing Suppliers is not in itself a justification for a Direct Award – alternate Suppliers may be willing to absorb that cost.</p> <p>May Include:</p> <ul style="list-style-type: none"> supply of parts or additional equipment for a proprietary system available only from one seller; service or repair of equipment by original equipment manufacturer; and/or equipment that adds to an existing fleet where interchangeability of parts is a significant savings. <p>Does NOT Include:</p> <ul style="list-style-type: none"> familiarity or positive experience with the existing supplier; having an existing relationship with a supplier; commercial contracts with research partners; renewing a contract to avoid effort of a competition; service or repair by a third party; and preference for a particular supplier. <p>Guiding Questions:</p> <ul style="list-style-type: none"> Can I get this product from another manufacturer? Does this product add to an existing item?



<p>Extreme Unforeseeable Urgency</p>	<p>This exemption applies in situations of unforeseen emergency, i.e., circumstances that could not have been predicted in advance. The unforeseeable emergency must result in immediate need that does not allow enough time for the normal solicitation processes. This exemption can only be used for urgent situations that your department deems unforeseeable.</p> <p>May Include:</p> <ul style="list-style-type: none"> • disruption of supply chain due to external factors, catastrophe, failure of equipment, contract termination due to breach by an existing Supplier; • unforeseen circumstances that pose risk to health and safety. <p>Does NOT Include:</p> <ul style="list-style-type: none"> • insufficient planning ahead for procurement; • an essential contract is about to expire; • urgency created by internal deadlines; • unspent funding coming up to expiry; and • failure to account for routine maintenance; <p>Guiding Questions:</p> <ul style="list-style-type: none"> • Are you in a situation of unforeseen emergency that requires an immediate solution? (e.g., a supplier you receive regular shipments from suddenly goes out of business and you need a temporary replacement while we go to market). • Are you looking for a temporary supplier replacement?
<p>Prototype for Research</p>	<p>The first product or service has been or will be developed at UVic's request in the course of an experiment, study, or original development.</p> <p>May Include:</p> <ul style="list-style-type: none"> • development of instruments or components for research. <p>Does NOT Include:</p> <ul style="list-style-type: none"> • a product/service developed in the course of and for a particular contract for research, experiment, study, or original development; and • production runs following the development of a prototype. <p>Guiding Questions:</p> <ul style="list-style-type: none"> • Is the product developed for use in a contract for research? • Is the product a custom manufactured item for research, experiment, study, or original development?
<p>Design Contest</p>	<p>This exemption applies if the request is for the procurement of goods created in a preceding design contest. The contest must have been organized in a manner that is consistent with principles relating to the publication of a tender notice, and the participants must be judged by an independent jury with the intent that a contract be awarded to the winner.</p> <p>May Include:</p> <ul style="list-style-type: none"> • a product that was designed and judged in the course of a contest. <p>Does NOT Include:</p> <ul style="list-style-type: none"> • a product that was created outside the contest context. <p>Guiding Questions:</p> <ul style="list-style-type: none"> • Was the product designed for use in a particular contest?



Exceptional Advantage	<p>This exemption applies where exceptionally advantageous conditions arise in the very short-term. Exceptional advantage scenarios include unusual disposals, which occur when companies go out of business. These provide an opportunity for one-time minimal-cost purchases.</p> <p>May Include:</p> <ul style="list-style-type: none">• Close out sales;• Specially negotiated second-hand sales; and• Bulk purchase of discontinued items; <p>Does NOT Include:</p> <ul style="list-style-type: none">• Negotiated discounts on stock items; and• Routine sales. <p>Guiding Questions:</p> <ul style="list-style-type: none">• Is this a one-time limited opportunity with significant benefits?
Other	<p>If you believe only one supplier can meet your requirements for reasons other than those described above, or you are in doubt as to whether your request meets the requirements, contact your Purchasing Officer, or Purchasing Services via purchase@uvic.ca.</p>