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*Financial Administration Act*  
*Regulation respecting the promise and awarding of grants*  
*Cities and Towns Act*  
*Regulation respecting municipalized Public Transport Services*  
*Municipal Code of Québec*  
*Act respecting the Communauté urbaine de Montréal*  
*Act respecting the Communauté urbaine de l'Outaouais*  
*Act respecting the Communauté urbaine de Québec*  
*Act respecting the Conseil métropolitain de transport en commun*  
*Act respecting intermunicipal boards of transport in the area of Montréal*  
*Act respecting municipal and intermunicipal transit corporations*  
*Act respecting the Société de transport de la rive-sud de Montréal*  
*Act respecting the Société de transport de la Ville de Laval*  
*Charter of the City of Montreal*  
*Act respecting the Société d'habitation du Québec*  
*By-law respecting housing*  
*Education Act*  
*Regulation respecting construction contracts for immovables of school boards*  
*General and Vocational Colleges Act*  
*Regulation respecting contracts for the construction of immovables of general and vocational colleges*  
*Act respecting educational institutions at the university level*  
*University Investments Act*  
*Act respecting health services and social services*  
*Regulation respecting the application of the Act respecting health services and social services*  
*Regulation respecting building construction by establishments, regional councils and the Corporation d'hébergement du Québec*

## **Ontario**

*Municipal Affairs Act*  
*Municipal Act*  
*Regional Municipalities Act*  
*District Municipality of Muskoka Act*  
*County of Oxford Act*  
*Regional Municipality of Durham Act*  
*Regional Municipality of Haldimand-Norfolk Act*  
*Regional Municipality of Halton Act*  
*Regional Municipality of Hamilton-Wentworth Act*  
*Regional Municipality of Niagara Act*  
*Regional Municipality of Ottawa-Carleton Act*  
*Regional Municipality of Peel Act*  
*Regional Municipality of Sudbury Act*

*Regional Municipality of Waterloo*  
*Regional Municipality of York*  
*Education Act*  
*Ministry of Colleges and Universities Act*  
*Degree Granting Act*  
*Public Hospitals Act*  
*Mental Health Act*  
*Private Hospitals Act*  
*Developmental Services Act*  
*Young Offenders Act*  
*Provincial Offences Act*

## **Manitoba**

*The City of Winnipeg Act*  
*The Municipal Act*  
*The Local Government Districts Act*  
*The Northern Affairs Act*  
*The Colleges Act*  
*The Education Administration Act*  
*The University of Manitoba Act*  
*The Public Schools Act*  
*The Brandon University Act*  
*The University of Winnipeg Act*  
*The Child and Family Services Act*  
*The Social Services Administration Act*  
*The Vulnerable Persons Living With A Mental Disability Act*  
*The Health Services Insurance Act*  
*Hospitals Designation Regulation 47/93*  
*Health Care Facilities Designation Regulation 61/93*  
*Personal Care Homes Designation Regulation 59/93*  
*The Regional Health Authorities Act*  
*The Regional Health Authorities Establishment Regulation 207/97*

## **Saskatchewan**

*Education Act*  
*University of Saskatchewan Act*  
*University of Regina Act*  
*Regional Colleges Act*  
*Saskatchewan Institute of Applied Sciences and Technology Act*  
*Health Districts Act*  
*Rural Municipality Act*  
*Urban Municipality Act*  
*Northern Municipalities Act*  
*The Lloydminster Charter*

## **Alberta**

*Municipal Government Act*

*Colleges Act*

*Technical Institutes Act*

*Universities Act*

*School Act*

*Regional Health Authorities Act*

*Hospitals Act*

*Nursing Homes Act*

*Public Health Act*

*Provincial Mental Health Advisory Board Regulation*

*Cancer Programs Act*

## **British Columbia**

Does not adhere to Annex 502.4

## **Northwest Territories**

*Arctic College Act*

*Charter Communities Act*

*Cities, Towns And Villages Act*

*Education Act*

*Hamlets Act*

*Hospital Insurance And Health And Social Services Administration Act*

*Public Health Act*

## **Yukon**

Does not adhere to Annex 502.4

## **Canada**

Not applicable

## Appendix "B"

### **Discriminatory Practices**

For the purposes of D3, discriminatory procurement practices which are not allowed under this Annex include, but are not limited to:

- (a) registration requirements and restrictions on calls for bids based upon the location of a supplier and its subcontractors, or the place where the goods or services are produced and, generally, qualification procedures that discriminate between suppliers by province of origin;
- (b) the biasing of specifications in favour of, or against, a particular good or service for the purpose of circumventing this Annex;
- (c) the timing of bid opening and closing dates so as to prevent qualified suppliers from submitting bids;
- (d) the specification of quantities and delivery schedules of a scale and frequency that may reasonably be judged as deliberately designed to prevent qualified suppliers from meeting the requirements of the procurement;
- (e) the division of required quantities or the diversion of budgetary funds to subsidiary agencies in a manner designed to circumvent this Annex;
- (f) the consideration, in evaluating bids, of provincial content or economic benefits that favour a supplier or good of one of the participating Provinces;
- (g) the giving of preference to selected bids after bids have been submitted and without any mention of the intended preference in the tender documents;
- (h) the use of price discounts or preferential margins to favour suppliers of one Province;
- (i) the unjustifiable exclusion of a qualified supplier from bidding;
- (j) the requirement that a construction contractor or subcontractor use workers, materials or suppliers of materials originating from the Province where the work is being carried out.

## **Appendix "C"**

### **Exceptions - Circumstances for Exclusions**

The following are the exceptions for the purposes of paragraph I(1):

- (a) where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures;
- (b) where 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, cause economic disruption or otherwise be contrary to the public interest;
- (c) where a contract is to be awarded under a cooperation agreement that is financed, in whole or in part, by an international cooperation organization, only to the extent that the agreement between the entity and the organization includes rules for awarding contracts that differ from the obligations set out in this Annex;
- (d) where construction materials are to be purchased and it can be demonstrated that transportation costs or technical considerations impose geographic limits on the available supply base, specifically in the case of sand, stone, gravel, asphalt, compound and pre-mixed concrete for use in the construction or repair of roads;
- (e) where compliance with the open tendering provisions set out in this Annex would interfere with the entities' ability to maintain security or order or to protect human, animal or plant life or health; and
- (f) in the absence of a receipt of any bids in response to a call for tenders made in accordance with this Annex.

## **Appendix "D"**

### **Exceptions - Circumstances for Sole Supplier Procurement**

The following are the exceptions for the purposes of paragraph I(2):

- (a) to ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licences, copyright and patent

rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;

- (b) where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;
- (c) for the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
- (d) for the purchase of goods on a commodity market;
- (e) for work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;
- (f) for work 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;
- (g) for a contract to be awarded to the winner of a design contest;
- (h) for the procurement of a prototype of a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases;
- (i) for the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
- (j) for the procurement of original works of art;
- (k) for the procurement of subscriptions to newspapers, magazines or other periodicals; and
- (l) for the procurement of real property.