**Treasury Board Questions for Sole Source**

Do Not Substitute – Laboratory Equipment

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| Is the proposed sole source contract linked to a previous procurement and strategy for obtaining additional quantities and/or in-service support?  If yes, what was the approved strategy? | No. However, this purchase request will include a procurement strategy to obtain additional quantities in upcoming years. |
| Notwithstanding the approved strategy, is it feasible and/or affordable to compete the requirement? | Yes, we are willing to compete as a Sole Source, No Substitute. |
| If not, provide the related rationale in terms of cost, schedule, etc. | We require this specific instrument, and there is more than one seller  so we would like to compete this as a Sole Source, No Substitute as this mill is used across the department for various test methods including Falling number, DON, and Wet gluten. Particle size distribution is critical for the accuracy of these analyses.  For example, the  For example, Falling number AACC 56-81.04 standard method specifies the use of a sample mill to produce meal with particle size distribution as follows: 500 m, 0–10%; 210 m but 500 m, 25–40%; 210m, 75–50%. The LM3100 mill has been used in all lab locations for over 10 years and has consistently achieved the effectiveness required. Any other mill will require extensive evaluation before it is approved for operation. In addition, it is more efficient to maintain consistency with the type of mill used. Operating different types of mill for the same process will require additional training, create room for errors and inefficiencies which may lead to inconsistencies in test accuracy and precision and negatively impact service standards. |
| Does the Vendor or its approved distributors have exclusive ownership of, and rights to use, the intellectual property (IP) for the goods or services in question? If yes, provide details. What rights, if any, does the Crown have to use the IP? | No, xxxxx is the OEM, but there other sellers. |
| Are there legal and/or regulatory  considerations precluding open competition for this good or service? If yes, provide details. | Yes, this mill is used in the department for falling number and wet gluten analysis as per AACC 56-81.04 and AACC 38-12.01 standard method, respectively, as well as various other sample preparation needs. |
| Are there alternative sources of supply for the same or equivalent materiel/support? If no, explain. | No; For falling number, wet gluten and other analysis the lab performs, the particle size of grain is a critical factor in the accuracy of the test. This mill is the accepted mill for these methods and will ensure continuity and consistency in our quality programs. |
| If yes, what other options were considered and why were they not recommended? | n/a |
| Is the proposal related to commonality / compatibility with existing equipment? If yes, what are the operational costs / implications of managing multiple versions? | Yes, we currently own and operates multiple LM3100’s in all lab locations.  This model is the same version as the models currently owned by the us as such will ensure continuity and consistency in the quality program and minimize negative impacts to operations including operating costs. |
| Explain why the price is fair and reasonable; describe how price support was obtained; and summarize negotiations. | Price quote attached. Quote incudes a 10% discount which makes the purchase in line with pricing from procurement of the same equipment a year ago. In addition, procurement will be made through PSPC, who will ensure the best value for Canada. |
| Are there any other factors that have led to a recommendation for a non-competitive process? If yes, provide details and rationale. | No |
| What is the likelihood of an amendment or follow-on contract to the same person? | There is a possibility for additional quantities in upcoming years as existing units reach the end of their life cycle. |
| Describe the efforts taken to identify a variety of suppliers and explain any impact the Trade Agreement thresholds or TB Contracts Directive contract entry/amendment limits will have on the proposed procurement strategy. | Our department is subject to CFTA, CETA, Canada-Chile and CPTPP. CGC is WTO exempt. |
| Given the nature of your organization's mandate, describe any efforts taken to put in place long-term procurement arrangements to address similar requirements/activities in future (e.g., establish standing offer). | We would like to add an option to purchase up to 8 additional units over the next two years from contract award to deal with replacements or additional operational needs. |