

### Annex 502.3

#### Procurement - Provisions for Entities of a Commercial or Industrial Nature or Those Which Have Been Granted Exclusive Rights by a Party

##### E. Exclusions

1. The following procurements shall be excluded from the provisions of this Annex:
  - (a) contracts between subsidiaries or affiliates of the same entity, or between an entity and any of its subsidiaries or affiliates, or between an entity and a general, limited or special partnership in which the entity has a majority or controlling interest, and contracts with a public body or non-profit organization;
  - (b) procurement intended for resale to the public or on behalf of an entity not covered by this Annex;
  - (c) contracts with the only supplier able to meet the bid requirements, including contracts 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;
  - (d) contracts with the only supplier able to ensure the continuation of guarantees or warranties;
  - (e) contracts for procuring cultural or artistic goods or services including goods and services relating to the creation, production, distribution or broadcasting of programming in Canada including co-productions, sports and news;
  - (f) contracts concluded where a situation of urgency is brought about by events unforeseeable by the entity;
  - (g) contracts for procuring services which, under applicable laws or regulations in the province of tender, can be provided only by the following authorized professional: physicians, dentists, nurses, pharmacists, veterinarians, engineers, architects, land surveyors, accountants, lawyers and notaries;
  - (h) contracts for procuring financial services for managing the entity's assets (including endowment funds) and liabilities, and accessory consulting and information services;
  - (i) contracts for procuring goods and services to be used outside Canada or for construction work outside Canada;
  - (j) goods or services regarding matters of a confidential, competitive or privileged nature, where disclosure of those matters could reasonably be expected to compromise confidentiality, cause economic disruption or otherwise be contrary to the public interest or the interests of the entity;

## Exclusions

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- (k) contracts financed under international cooperative agreements, only where such agreements include rules for awarding contracts;
- (l) contracts for goods purchased on a commodity market;
- (m) for the procurement of a prototype or 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;
- (n) for the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
- (o) contracts for the transportation of alcoholic products in bulk by sea or for the transportation of alcoholic products by air; and
- (p) advertising and public relations services.