

PURPOSE & INSTRUCTIONS

THE PURPOSE of this form is to confirm the requesting unit has taken the necessary steps and provided documentation to demonstrate the appropriate justification for the requested procurement in accordance with [University Policy](#) and applicable Federal, State and local laws, regulations, codes and ordinances.

THIS FORM MUST BE COMPLETED WHEN A UNIT SEEKS TO PROCURE GOODS OR SERVICES WITH A TOTAL VALUE OF \$10,000 OR GREATER IN SITUATIONS WHERE COMPETITION IS RESTRICTED OR LIMITED IN SUCH A MANNER THAT IT PRECLUDES THE UNIVERSITY FROM OBTAINING INFORMAL OR FORMAL BIDS/PROPOSALS/QUOTES

PLEASE BE ADVISED:

- Wherever possible, units should procure goods and services from suppliers that have active contracts in place with the University of Delaware. If the unit is utilizing an existing UD contract, check the Method of Engagement prior to completing this form.
- If the unit has procured the requested goods or services by solicitation of bids/proposals/quotes, this form is **NOT** required.
- No employee, officer, or agent may participate in the selection, award, or administration of a contract if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of their immediate family, their partner, or an organization which employs or is about to employ any of the parties indicated as part of this engagement, has a financial or other interest in or a tangible personal benefit from a supplier considered for a contract.

THIS COMPLETED FORM MUST BE SUBMITTED WITH AN UD EXCHANGE NON-CATALOG REQUEST AS AN [INTERNAL ATTACHMENT](#)

IN ADDITION, PLEASE ATTACH A COPY OF ANY PROPOSED AGREEMENT PRESENTED BY THE SUPPLIER

PLEASE BE FURTHER ADVISED that Procurement Services must review this form PRIOR to issuance of any purchase order and may require additional information.

PLEASE BE FURTHER ADVISED by submitting and approving the requisition this form is attached to, you certify that the below information and justification has been thoroughly reviewed and accurate.

PART I: SUMMARY OF ENGAGEMENT

Detail the Specifications Provided to the Supplier (attach additional sheets, if necessary):

If services are requested, the specification should include the description of the services to be performed and any deliverables. If goods are requested, the solicitation should include the specification of the goods requested. The specifications must be general in nature and not specify "brand name only," unless an equivalent good or service is acceptable. Any supplier who helped develop the specification should not be included in the solicitation, nor be awarded the contract.

PART II: WAIVER OF BID JUSTIFICATION

Select one or more of the procurement policy provisions below that allows an exception to the University's bidding requirements for procuring goods or services valued \$10,000 or greater, followed by a Supporting Narrative. ***IF FEDERAL FUNDS ARE BEING USED FOR THIS PURCHASE, SELECT ONLY ONE OF THE FIRST FOUR JUSTIFICATIONS.**

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| <p>1. <input type="checkbox"/> Sole Source</p> | <p>Goods or services can only be provided from one supplier. Sole source requests must include a letter from the supplier certifying that its quoted price is equal to or less than that given to its most favored customers or other government agencies.</p> |
| <p>2. <input type="checkbox"/> Inadequate Competition</p> | <p>After solicitation of a number of potential sources, competition is determined to be inadequate. Bids were solicited and, no responsive bid is received, or only a single responsive bid is received and is rejected. Provide copy of RFP or informal bid request, non-responsive answers, and, if one bid was received copy of the bid and reason for why it was rejected.</p> |
| <p>3. <input type="checkbox"/> Public Exigency</p> | <p>When life, safety or health of the public must be sustained through the immediate delivery of products or performance of services or a critical agency mandate, statutory or operational requirement must be fulfilled immediately.</p> |
| <p>4. <input type="checkbox"/> Grant Requirement</p> | <p>The awarding agency or pass-through entity expressly authorized non-competitive proposals in response to written request from the University of Delaware. If this supplier is required and specified in the award, attach a copy of the award or requirement page.</p> |
| <p>5. <input type="checkbox"/> Highly Unique or Specialized Services</p> | <p>a. <u>Professional Services</u>: While the procurement of professional services should be conducted through a bid process, the requesting unit can demonstrate that such services, due to unique or special circumstances, can't be procured in this manner. A resume, CV or other details about the unique qualifications of this supplier must be attached hereto.</p> <p>b. <u>Technical Services</u>: Another supplier cannot be chosen because the supplier provides services in connection with the assembly, installation or servicing of equipment of a highly technical or specialized nature.</p> |

6. <input type="checkbox"/> Leasing of Space	The lease of space, buildings or real estate, as required to conduct the business of the University is not subject to the bid requirements of the procurement policy.
7. <input type="checkbox"/> Demo Equipment	This request is for the purchase of used or demonstration equipment, available at a lower-than-new cost. Provide cost for price of equipment, if purchased as new.
8. <input type="checkbox"/> Proprietary Hardware / Software	The requested upgrade to proprietary software or hardware is available only from this supplier, which performs the service only on a direct basis. Attach documentation supporting that the hardware or software is proprietary and that only this supplier can perform the requested upgrade.
9. <input type="checkbox"/> Equipment Continuity	The requesting unit seeks equipment that must be compatible with existing equipment and/or standardizing on equipment which is necessary to assure interchangeability of parts.
10. <input type="checkbox"/> Pilot Project / Trial / Experiment	If the department wishes to engage a specific supplier to test or experiment with new equipment or service(s). Selecting this justification requires execution of a product/service trial agreement before start of trial, pilot project or experiment.
11. <input type="checkbox"/> Amendment / Change Order	Amendment/Change Order requests not covered under existing contract, where current supplier is best positioned based on skill, knowledge, familiarity with the project to provide the extra work resulting in a cost savings to the unit over the cost of a new supplier. This also includes amendments that result in an extension of the term due to the successor contract or bidding process being incomplete prior to expiration of the current contract.

PART III: SUPPORTING NARRATIVE

SUPPORTING NARRATIVE. *Provide a written narrative explaining why the procurement of the requested goods or services cannot be obtained through either an informal or formal bid process. Attach additional sheets, if necessary.*

*Per [Uniform Guidance](#), if the amount of this request is \$250,000 or greater AND the *Federal Funds* are being used, a price or cost analysis must also be completed and attached. Examples of methods of providing this documentation include: documenting a.) cost analysis efforts; b) market research; c) screenshots, emails, and/or catalog prices; d) price information obtained from peer institutions who have purchased same or similar items; e) prices of similar items.