



UNIVERSITY of WISCONSIN

GREEN BAY

Purchasing Policy and Procedure Number PPP 4

Non-Competitive Purchases (Sole Source) Dated: 11/01/2004

POLICY

State of Wisconsin purchasing policy states that the competitive bidding process is the preferred method for purchasing supplies or services and is to be used in every case unless it can be determined, and justified, that competitive bidding is neither practical on a given procurement, nor in the best interest of the University. A waiver of the bidding process must be requested on a case-by-case basis.

1. UW-Green Bay Purchasing has authority to waive the competitive process for transactions up to \$25,000.00.
2. Wisconsin law stipulates that only the Governor may waive the competitive bid process for transactions over \$25,000.00.

When requesting a non-competitive purchase over \$25,000.00, additional information and justification will be required. UW-Green Bay Purchasing, UW System Administration, the State Bureau of Procurement, or the Governor's staff may ask for additional information during the process. Unless an emergency situation exists, a Governor's waiver takes from 6 to 8 weeks to be approved or denied. Use the competitive process whenever possible to minimize delays.

PROCEDURE

Non-competitive purchases may be made when necessary and appropriate. Generally, the criteria are that the item(s) or service(s) is not available from any other source or that an emergency situation exists.

1. **PREPARE THE NON-COMPETITIVE PURCHASE REQUEST FORM** Check the reason(s) for the request and provide justification for requesting a non-competitive purchase. Supply sufficient detail as Purchasing will need the necessary information on file to justify the use of a waiver instead of competitive bidding. Purchasing will approve or deny a waiver of competitive bidding on a case-by-case basis.
2. **UNAVAILABLE FROM ANY OTHER SOURCE** List all contacts and efforts made to verify the unavailability of item from other vendors. A minimum of 2 other contacts must be made. In the case of supplies or equipment, particular attention should be given to the manufacturer/dealer network. While a product may be produced by only one manufacturer, that same product may be distributed by several different dealers. (Desire to use a specific manufacturer or brand is not acceptable sole source justification.)

2.1 Include the following for each contact:

- Contact's first and last name.
- Company Name.
- Telephone number, with area code.
- Date contacted.
- Relationship to item or service, i.e. dealer, manufacturer, broker, consultant.

2.1.1 Describe in detail the unique aspect or nature of the item(s) or service that precludes bidding. Compatibility with existing as follows:

- Attachment must fit equipment/equipment must fit attachments.
- Must match existing item such as dye lots for carpeting, colors of painted surfaces.
- Unforeseen need for additional quantities of a specific integral component or material for an ongoing experiment. Use of an alternate may put the experiment at risk.
- Purchase of other manufacturer's supplies or accessories may void existing warranties.
- Purchase of product allows for interchangeability of parts and accessories.

2.1.2 EMERGENCY. Include an explanation of the situation. In most cases, some attempt at competitive bidding is feasible and appropriate.

2.1.3 An emergency purchase situation is one which threatens public health, safety or welfare. ALL the following conditions must exist for it to be defined as an emergency: a.) was unforeseen; calls for immediate action; cannot be responded to using established procurement methods; or b.) exists as the result of proclamation by the governor. Examples of emergency repairs include:

- An unexpected repair of a machine if necessary
- Damage caused by weather
- A threat to health, safety or welfare

2.1.4 The following are not acceptable criteria for an emergency non-competitive purchase: Expiration of funds; administrative delay or confusion in processing the necessary paperwork for purchasing approval, including expiration of a previously received quotation.