

Subject: List of Purchases Exempt from Competition

Date: April 2, 2026

Background and Purpose: University Policies and Procedure Manual (“UPPM”) Chapter 70, as informed by RCW 39.26 and RCW 28B.10.029, governs Purchasing at Washington State University. Chapter 70.01 of the UPPM provides General Purchasing Information regarding purchasing at the university. Section 4.3 of Chapter 70.01 of the UPPM notes that, consistent with state law, Purchasing Services maintains a list of purchases that the university has deemed exempt from competition requirements that may otherwise apply. This document memorializes the exemptions that Purchasing Services maintains as of the date above.

Exemption List:

1. Exceptions to the competitive solicitation requirement, listed under RCW 39.26.125.
2. Original Equipment Manufacturer (OEM) maintenance service contracts and parts purchases when procured directly from the OEM or the OEM authorized provider.
3. Software maintenance and support services when procured from the proprietary owner of the software, or from the sole OEM designated reseller. This exemption does not apply if there is more than one OEM designated reseller.
4. Additional software licenses for solutions that were acquired through a competitive process, provided the additional licenses are equivalent in scope to the licenses that were included in the original purchase.
5. Agreements where the vendor is specifically named in the grant, grant proposal or by legislation. A copy of the grant, supporting grant documentation, or the legislation where the vendor is named is required.
6. Inter-agency and inter-local agreements.
7. Client Service contracts involving the direct provision of services to university clients. Includes contracted instructors teaching credited or non-credited courses. A client is someone the university has the statutory obligation to serve or protect. A justification as to why a particular vendor was chosen and is in the best interest of the client and/or university may be requested.
8. Agreements for medical, surgical, and dental decisions made by licensed medical professionals.
9. Postal and freight services.
10. Utilities such as garbage, heat, sewer, cable television, power, water, fire protection, internet, and recycle services.
11. Contracts and purchases related to professional development such as conferences, seminars, professional licenses and memberships, professional organizations, and professional publications. This may include: registration, booth/room rentals, facilities, and directly related conference services and materials.
12. Replacement or repair of rental equipment when required by the rental agreement.
13. Mass media services (e.g. newspapers, journals, television, radio, or billboards) only when no comparable competition exists for reaching the target audience with the intended media type.
14. Used goods to include equipment, vehicles and furniture when no comparable competition exists.

15. Payment of invoices from 3rd party building owners for facilities maintenance or improvements conducted by the building owner. Such expenses must be in accordance with the lease agreement.
16. Training on equipment that comes from the OEM or OEM certified trainer when incidental to the overall cost of the equipment (10% or less of the equipment cost).
17. Publications, subscriptions and information service directories in print or electronic format. Does not include software subscriptions.
18. Accreditation and Certification Testing services when the entity providing the accreditation or service is justifiably the recognized authority.
19. Materials, supplies, equipment, or other items for resale other than to the university or other public agencies. (RCW 39.26.100)
20. Specialized equipment, and instructional and research materials, for the university's own use. (RCW 39.26.100)
21. Miscellaneous fees including: Court imposed fees, Fees for obtaining records, Costs associated with review boards, Juries and directly related materials and services, Court ordered attorney fees, Out of court settlement costs, Title insurance, Registration/cancellation fees, Transfer fees or other transaction fees, Customs and brokerage fees and duties associated with procurement of goods from foreign countries where such costs are not paid by shipper, Permits or licenses issued by a governmental agency.
22. Purchases involving special facilities, services, or market conditions, in which instances of direct negotiation is in the best interest of the state, upon approval by the Director of Procurement & Contracts Services or a delegated designee.
23. Other specific contracts or classes or groups of contracts may be exempted from the competitive solicitation process when the Director of Procurement & Contract Services determines that a competitive solicitation process is not appropriate or cost-effective.