

To: Procurement & Contract Services
From:
Date:
Re: Exception From Competition Justification Memo

Proposed Supplier:

Goods or Services Requested:

Estimated Cost:

Fund Type:

Purchase Type (Check one):

- New Purchase (Complete pages 2-4; sign page 7)
- Amendment to Prior Purchase (Complete pages 2-6; sign page 7)

Related PO or Contract:

Relevant Policy: As informed by RCW 39.26.125, the [Business Policies and Procedures Manual](#) (“BPPM”) in Chapter 70 sets forth the university’s policy for exceptions from competition. *Exceptions from competition are discouraged because of the lack of competition, which creates the potential for higher prices and terms less favorable to the university.* However, state law and university policy nevertheless recognize that there are instances where direct negotiation with suppliers may be more efficient or is otherwise in the best interests of the university. Regardless of whether an exception from competition applies, Procurement and Contract Services requires a written quotation, bid, or proposed contract to substantiate the price, terms, and other details before an order may be approved.

[Questions begin on the next page.]

- d. Provide the timeline(s) within which work must be accomplished.

 - e. Other relevant information:
-
- 7. Is the department proposing this exception from competition purchase because of a geographic limitation? If the proposed supplier is the only source available in the geographical area, state the basis for this conclusion and the rationale for limiting the size of the geographical area selected.

 - 8. What are the consequences of not having this exception from competition request approved? Describe in detail the impact to the department and to services it provides if this exception from competition request is not approved.

 - 9. Since competition was not used as the means for procurement, how did the department conclude that the costs, fees, or rates negotiated are fair and reasonable? Please make a comparison with comparable purchases, use the results of a market survey, or employ some other appropriate means calculated to make such a determination.

Amendment to Prior Purchase Questions (if applicable):

1. State the rationale for executing an amendment or change order to an existing purchase rather than competitively procuring the goods and/or services and awarding a new contract. Include how executing the amendment or change order can most effectively achieve the department's purpose.
2. Are the proposed goods and/or services within the scope of the original purchase?
3. Explain why the goods and/or services were not included in the terms of the original purchase.
4. Explain what conditions have changed since the award and other applicable information that clearly justifies the decision to amend the purchase.

5. What are the consequences of not having this amendment approved? Describe in detail the impact to the department and to services it provides if this amendment is not approved.

6. Are rates the same as that negotiated under the original purchase?

[Required signatures follow on the next page.]

Recommended Action:

By signing below the signatories represent that they have reviewed and understand the applicable requirements found in BPPM Chapter 70. Having reviewed the requirements, they recommend that the university authorize an exception from competition purchase for the goods or services in question. They have completed this memo truthfully and accurately and understand that this memo may be posted to the [Washington Electronic Business Solution](#) (Washington’s vendor notification system) website and/or the WSU Procurement and Contract Services website and becomes part of official WSU records and is subject to audit and public record requests.

Instructions for Signing: This memo should be signed by two departmental / college representatives. It is recommended that one be an individual with technical knowledge of the purchase requirements and the other have budgetary authority for the purchase. Procurement & Contract Services will process memos with only one signature at its discretion.

Name:
Title:
Department:

Name:
Title:
Department:

FOR PROCUREMENT & CONTRACT SERVICES INTERNAL USE ONLY

Applicable exception from competition:

1. Emergency Contract – RCW 39.26.125(1)
2. Sole Source Contract – RCW 39.26.125(2)
3. Special Facilities, Services, or Market Conditions – RCW 39.26.125(4)
4. Client Service Contract – RCW 39.26.125(6)
5. Other Specific Contract or Class of Contract – RCW 39.26.125(7)
6. Contracts Where Service Cost is Washington State Agency Tariff – RCW 39.26.125(9)
7. Collaborative Research Contracts Where Sponsor Mandates Supplier – RCW 39.26.125(11)
8. Other Exception (Detail in comments below)

Posting to WEBS website is required or optional.

Posting to PACS website is required or optional.

Date Posted:

Request for competitive solicitation exemption is approved or denied.

Comments:

Recommended by:

Approved by: