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V-11.9 Waiver of Bid Requirements

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(Amended 7/18)

Effective July 2018, this policy has been revised. For the most current version without redlining, return to [V-11.9](#).

The Purchasing Department has sole discretion to waive competitive bidding requirements in certain situations, including but not limited to:

- a. Immediate need. It can be demonstrated without question that the requiring department could not have foreseen the required purchase in sufficient time for normal purchasing procedures to be used.
- b. Emergency need. Life will be endangered, property will be destroyed, or considerable cost will be incurred because of events beyond the control of the department if the procurement is not completed without delay. **An emergency includes but is not limited to one of these conditions:**
 - (1) In which an immediate or emergency need exists for the item or service because of events and circumstances not reasonably foreseeable.
 - (2) Critical to sustaining patient care or human life, maintaining critical equipment or services, or similar.
 - (3) In which there is a need to protect the health, safety, or welfare of persons occupying or visiting a public property.
 - (4) In which the University must act to preserve critical services or programs.
 - (5) Purchases that are considered time sensitive and would result in increased costs due to delay or the inability to continue to provide necessary services to patients, students, public, etc.

The University will submit a quarterly summary of emergency purchases over \$50,000 to the Chief Operating Officer, Board of Regents, State of Iowa.

- c. Sole source. There is only one person or firm that can provide the requirement. No other known person or firm is available with an equivalent service or supply. Departments must complete a sole source

justification form (see <https://uiowa.edu/eforms/>) and receive approval from Purchasing prior to commencing the purchase process.

In order to justify a sole source purchase, one or more the following criteria must be substantiated in support of the justification:

(1) Compatibility with existing equipment. This justification may be used if the goods or services are being purchased to directly interface with or attach to equipment of the same manufacturer, and no other manufacturer's goods will correctly interface with existing equipment.

(2) Compatibility for instructional purposes. This justification may be used if the goods are being purchased to supplement existing equipment in a classroom. The goods must match the existing equipment and is being purchased to provide uniformity for instructional purposes.

(3) Compatibility for research. This justification may be used if the main purpose for acquiring equipment or supplies is to replicate specific experiments, using the exact goods that produced the original results. You may also use this justification if you are collaborating with another researcher and can show that identical goods are required to fulfill your part of the research grant or contract.

(4) Only one supplier can be identified to supply compliant goods or services. In limited cases, only one supplier may exist to provide particular goods or services. When providing a justification based on the availability of one supplier, the goods or services must be defined in generic terms. Specifying patented products or processes, when not necessary to meet functional requirements, is not acceptable as a sole source justification. Justifications can be accepted more readily by providing information regarding attempts to locate other suppliers, such as letters, informal quotations, or telephone contacts.

d. Noncompetitive justification. The following may be reasons for using noncompetitive procurement methods:

(1) Patent rights, copyrights, secret processes, or control of basic raw materials may preclude competition, although they do not in and of themselves always justify using noncompetitive procurement.

(2) Bids have been solicited and no responsive bid (conforming to the central requirements of the solicitation) has been received.

