

REQUEST TO WAIVE BIDDING REQUIREMENTS

A request to waive the bidding requirements may be submitted when it is apparent that a needed product or service is uniquely available from only one source, or for all practical purposes, it is justifiably in the best interest of the County to forego traditional procurement methods.

Please review the criteria herein. If you feel your request meets the criteria, follow the instructions in filling out the form and attach it to your requisition. If the request is accepted by Procurement Services, the requisition can be expedited without the normal bidding requirements. Contacting Procurement Services early on in the procurement cycle is encouraged.

Procurement Services recognizes that departments often invest a great deal of time and effort in selecting a source or brand, prior to submitting a requisition to Procurement. Even though the department's review process prior to the submittal of a requisition may be sound, the lack of an effective means of communication between the Buyer and requesting departments can lead to lost time in completing the acquisition of a product or service. It will remain our responsibility to advise you when a particular competitive review process may both serve the County better and/or be required by the County's governing ordinance.

In order for us to accept a request to waive bidding requirements, the form must be signed by an authorized department representative. This certification will remain on file for audit purposes.

The employee submitting the waiver form must disclose in writing whether or not he/she has an actual, or potential, conflict of interest. County employees who have a business relationship with, or financial interest in, the recommended vendor must disclose the conflict of interest. Any employee with an actual, or potential, conflict of interest may not participate in the purchase decision.

This is an internal County review process. Departments are requested to use discretion in their discussion with vendors, so as to not compromise any competitive advantage the Buyer may utilize regardless of the acceptance or rejection of the request.

The Purchasing Agent, or authorized designee, will determine whether the justification is appropriate. Requests for exception must be supported by factual statements that will pass an audit.

The following factors DO NOT apply to sole source/sole brand requests and should not be included. They will not be considered and will result in rejection or delay of your request.

- 1. Personal preference for product or vendor.**
- 2. Cost, vendor performance, and local service (these may be considered award factors in competitive bidding).**
- 3. Features which exceed the minimum department requirements.**

COUNTY OF VENTURA
GENERAL SERVICES AGENCY
PROCUREMENT SERVICES

REQUEST TO WAIVE BIDDING REQUIREMENTS

RX # _____

Estimated Total Cost: \$ _____

Item Description: _____

This form must accompany the purchase requisition document whenever an exception to the competitive bidding process is requested. Bidding requirements/thresholds can be found at:
http://vcweb/gsa/procurement/docs/Procurement_Thresholds_Guide_1.htm

INSTRUCTIONS

Please check all applicable categories below and provide additional information where indicated.

Sole Brand-No Substitutes:

The requested product has unique design/performance specifications or quality requirements that are not available in comparable products - only a single "brand/model" will meet the department's technical/functional requirements. For example, only the *Brand X* disinfectant meets the EPA's regulations for non-toxicity. *Brand X* is available through several distributors. *Brand X* would be considered a "sole brand" but not necessarily a sole source. If Brand X is not available from various vendors/distributors it would also be considered a sole source.

- Compatibility – has to match with existing equipment.

Explain why matching is required – use separate sheet if needed.

- Software upgrade/enhancement to existing software (i.e., adding modules to existing software).

Provide product name, year purchased, current version and new version.

- Unique product features, design, functionality, or technology not available from any other source. (On a separate sheet, provide detailed answers to the following questions. Failure to provide a complete response, including a lack of adequate and thorough research, could result in rejection or delay of your request.)

Describe the unique performance factors of the product/service specified.

Why are these specific factors required?

Describe, in detail, how research was conducted in identifying this particular product or vendor/supplier. Include a list of vendors contacted, date contact was made, and the reason the other vendors' product was not acceptable.

Sole Source or Sole Service Provider:

- Product is available only from one distributor, or direct from manufacturer.

Explain how this was determined.

- Continuity of service, or vendor expertise. (On a separate sheet, provide detailed answers to the following items. Failure to provide a complete response could result in a justification which is inadequate and may result in rejection or delay of your request.)

Explain why a particular expertise, or particular level of expertise, is critical.

Provide evidence that this contractor is the only source which has the required expertise.

Define the impact in terms of feasibility, time, and cost of educating another contractor to obtain that same level of expertise.

Describe, in detail, how research was conducted in identifying this particular vendor/supplier. Include a list of vendors contacted, date contact was made, and the reason the other vendors' qualifications were not adequate or acceptable.

Describe how the cost was determined to be reasonable. Note: A sole source cannot be based on cost. However, is it important that costs be customary and reasonable - particularly due to the lack of a competitive process.

I HEREBY CERTIFY THAT:

- 1) I am an approved department representative and am aware of the County's requirements for competitive bidding, as well as the criteria for justification for sole source/brand purchasing.
- 2) I have gathered the required technical information and have made a concerted effort to review comparable and/or equal equipment.
- 3) There is validity as to the information contained herein.
- 4) There is justification for sole source/sole brand purchasing noted above as it meets the County's criteria.
- 5) A sole source/brand purchase in this case would withstand a possible audit or a vendor's protest. [Should the waiver be challenged, my agency will be responsible for any, and all, charges \(county counsel/litigation/ court awarded damages\) incurred in defending against such protest.](#)

Signature

Date

Printed Name

Department Name

Title

Purchasing Approvals

Buyer Comments:

Verified/benchmarked cost _____

Piggyback availability checked _____

Are there any Federal funding requirements? _____Y/N

If yes, explain how the requirements were met.

Approved by:

Buyer

Date

Reviewed by:

Supervisor

Date

Procurement Services Manager

Date

**DISCLOSURE STATEMENT TO ACCOMPANY
REQUEST TO WAIVE BIDDING REQUIREMENTS**

Each individual involved in evaluating and/or in making a recommendation to purchase must complete, sign, and submit a Disclosure Statement with the applicable purchase document. Filing an annual statement of economic interest does not exempt an employee from this requirement. (Attach additional information if necessary.)

1. Please list any income or gifts you received from this company during the past 12 months:

2. Please list any financial interests (stocks, shares, investments, etc.) you have in this company:

3. Do you have any other type of business relationship with this company?

No _____ If yes, please describe _____

4. To the best of your knowledge, does any member of your departmental staff have a business relationship with this company?

No _____ If yes, provide name, title and description of relationship _____

5. Do you or any of your near relatives have any financial interest in this company?

6. Please provide any additional information you believe should be disclosed at this time:

7. I certify that the above information is true:

Signature

Printed Name

Title

Date