1. Purpose

The purpose of this regulation is to provide information to the campus community regarding the usage of waivers in the procurement of goods and services, as well as in the procurement of goods and services in an emergency.

2. Scope

This regulation applies to all faculty and staff who procure goods and service on behalf of the University.

3. Waivers

3.1 Under certain conditions, and otherwise if deemed to be in the public interest, competition may be waived. Those conditions are as follows:

3.1.1 Where performance or price competition are not available;

3.1.2 Where a needed product or service is available from only one source of supply;

3.1.3 Where emergency or pressing need is indicated;

3.1.4 Where competition has been solicited but no satisfactory offers received;

3.1.5 Where standardization or compatibility is the overriding consideration;

3.1.6 Where a donation predicates the source of supply;
3.1.7 Where personal or particular professional services are required;

3.1.8 Where a particular medical product or service, or prosthetic appliance is needed;

3.1.9 Where a product or service is needed for the blind or severely disabled and there are overriding considerations for its use;

3.1.10 Where additional products or services are needed to complete an ongoing job or task;

3.1.11 Where products are bought for "over the counter" resale;

3.1.12 Where a particular product or service is desired for educational, training, experimental, developmental or research work;

3.1.13 Where equipment is already installed, connected and in service, and it is determined advantageous to purchase it;

3.1.14 Where items are subject to rapid price fluctuation or immediate acceptance;

3.1.15 Where there is evidence of resale price maintenance or other control of prices, lawful or unlawful, or collusion on the part of companies which thwarts normal competitive procedures;

3.1.16 Where the amount of the purchase is too small to justify soliciting competition or where a purchase is being made and a satisfactory price is available from a previous contract;

3.1.17 Where the requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s);

3.1.18 Where a used item(s) is available on short notice and subject to prior sale.

3.1.2 If a waiver is granted, agencies may negotiate with the potential vendor(s) in an effort to acquire the quality of commodity, service or printing needed at the best possible price, delivery, terms and conditions, when the expenditure is less than the agency’s delegation.

4. Emergencies

Under an emergency or pressing need situation, a solicitation document requesting or inviting an offer(s) shall be issued by the agency (NCCU) instead of the NC Department of Administration - Division of Purchase and Contract (P&C), and shall include the standard language, terms and conditions issued by P&C, unless circumstances prohibit their use. Negotiations may also be conducted with a potential vendor(s) for contracts exceeding an agency's delegation, but are subject to the approval of P&C, except where otherwise permitted by rule.

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