RUTGERS

WAIVER OF BID REQUEST
($50,000+)

PART I: PRELIMINARY QUESTIONS

Select a response for each question below which will assist units in ensuring that the proper preliminary checks were taken prior to submitting this form.

University Contract. Wherever possible, the University should procure goods and services from suppliers that have active contracts in place with Rutgers. Units are advised to check RU Marketplace or contact University Procurement Services.

Can the requested goods or services be provided under an existing University contract? ☐ **Yes** ☐ **No**

- If Yes, **STOP**. This form is not required**.**

Excess or Surplus Inventory. An excess or surplus inventory check should be done to assess opportunities to avoid purchasing new equipment and vehicles. Units should refer to the Rutgers Materials and Logistics webpage.

Has surplus equipment been considered as an alternative to this purchase by checking the excess or surplus inventory? ☐ **Yes** ☐ **No** ☐ **N/A**

Federally Funded. Will the unit utilize federal funds to finance this purchase? ☐ **Yes** ☐ **No**

Does this purchase involve any video surveillance products or telecommunications equipment and services involving federal monies? ☐ **Yes** ☐ **No**

Do you intend to purchase telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities); and/or video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology subsidiary or affiliate of such entities)? ☐ **Yes** ☐ **No**

Capital Asset. Is this a purchase of a capital asset (e.g. computer/lab equipment; vehicles; machinery; etc.)? ☐ **Yes** ☐ **No**

Small Business Participation. Rutgers encourages engagement with small and local businesses and is committed to providing them with equitable opportunities to compete for University contracts and bid solicitations. To identify small and local businesses, please refer to the U.S. Small Business Administration and State of New Jersey websites.

Have you solicited quotes or bids from a small business? ☐ **Yes** ☐ **No**

- If No, explain why not:

PART II: SUMMARY OF AWARD

Provide the supplier name, waiver of bid amount, and the specifications given to the supplier. **Attach to the RU Marketplace requisition a copy of the bid/proposal/quote received and summarize below.**

Supplier Name:	**Amount of Waiver Request:**

Detail the Specifications Provided to the Supplier (attach additional sheets, if necessary)**:**

If services are requested, the specification should include the description of the services to be performed and any deliverables. If goods are requested, the solicitation should include the specification of the goods requested. The specifications must be general in nature and not specify "brand name only," unless an equivalent good or service is acceptable. Any supplier who helped develop the specification should not be included in the solicitation, nor be awarded the contract.

PART III: WAIVER OF BID JUSTIFICATION

Select one or more of the procurement policy provisions below that allow an exception to the University's bidding requirements for procuring goods or services valued $50,000 or greater, followed by a Supporting Narrative. ***IF THE FEDERAL FUNDS BOX WAS CHECKED IN PART I ABOVE, ONLY SELECT FROM THE SHADED BOX.**

☐ **Sole Source**	Goods or services can only be provided from one supplier. Sole source requests must include a letter from the supplier certifying that its quoted price is equal to or less than that given to its most favored customers or other government agencies.
☐ **Inadequate Competition**	After solicitation of a number of potential sources, competition is determined to be inadequate. Bids were solicited and no responsive bid is received, or only a single responsive bid is received and is rejected. Provide copy of the RFP or informal bid request, non-one bid was received copy of the bid and reason it was rejected.
☐ **Public Exigency**	When life, safety or health of the public must be sustained through the immediate delivery of products or performance of services or a critical agency mandate, statutory or operational requirement must be fulfilled immediately.
☐ **Grant Requirement**	The awarding agency or pass-through entity expressly authorized non-competitive proposals in response to a written request from Rutgers University. If this supplier is required and specified the award, attach a copy of the award or requirement page.

☐ **Highly Unique or Specialized Services**	Professional Services: While the procurement of professional services should be conducted through a bid process, the requesting unit can demonstrate that such services, due to unique or special circumstances, can't be procured in this manner. A resume, CV or other details about the unique qualifications of this supplier must be attached hereto. Technical Services: Another supplier cannot be chosen because the supplier provides services in connection with the assembly, installation or servicing of equipment of a highly technical or specialized nature.
☐ **Leasing of Space**	The lease of space, buildings or real estate, as required to conduct the business of the University is not subject to the bid requirements of the procurement policy.
☐ **Demo Equipment**	This request is for the purchase of used or demonstration equipment, available at a lower-than-new cost. Provide the cost of the equipment if purchased new.
☐ **Proprietary Hardware / Software**	The requested upgrade to proprietary software or hardware is available only from this supplier, which performs the service only on a direct basis. Attach documentation supporting that the hardware or software is proprietary and that only this supplier can perform the requested upgrade.
☐ **Equipment Continuity**	The requesting unit seeks equipment that must be compatible with existing equipment and/or standardizing on equipment which is necessary to assure interchangeability of parts.
☐ **Pilot Project / Trial / Experiment**	If the department wishes to engage a specific supplier to test or experiment with new equipment or service(s). Selecting this justification requires execution of a product/service trial agreement before start of trial, pilot project or experiment.
☐ **Amendment / Change Order**	Amendment/Change Order requests, not covered under existing contract, where current supplier is best positioned based on skill, knowledge, familiarity with the project to provide the

	extra work resulting in a cost savings to the unit over the cost of a new supplier. This also includes amendments that result in an extension of the term due to the successor contract or bidding process being incomplete prior to expiration of the current contract.
☐ **Other Non-Sourceable**	The good or service cannot be purchased through a formal bid process due to: 1) A contract requiring a specific supplier; 2) Purchase under Medicaid 340b program; 3) Other pass-through purchase; 4) Emergency or generational procurement (contact UPS prior to submission).

SUPPORTING NARRATIVE. *Provide a written narrative explaining why the procurement of the requested goods or services cannot be obtained through either an informal or formal bid process. Attach additional sheets, if necessary.* *If the amount of this request is $250,000 or greater AND the *Federal Funds* box was checked in Part I above, a price or cost analysis must be completed and attached. For further clarification and instructions refer to the University Procurement Services webpage.

PART IV: ADDITIONAL QUESTIONS & REQUIRED DOCUMENTS

Based upon the goods or services being procured, select a response for each question below indicating whether additional University forms and/or documents are required prior to issuance of a purchase order.

Lease/Buy. Financing this purchase through a lease should be considered where appropriate.

If procuring equipment or vehicles, have you performed an analysis of lease versus other alternatives? ☐ **Yes** ☐ **No** ☐ **N/A**

**For further clarification and instructions contact University Procurement Services.*

Independent Contractor or Employee Determination (ICED). Is the supplier providing professional services? ☐ **Yes** ☐ **No**

- If Yes, have you attached the completed ICED Form? ☐ **Yes** ☐ **No**

**For further clarification and instructions on ICED refer to the University Tax Services webpage.*

WAIVER OF BID REQUEST
($50,000+)

Protected Information. Will the Supplier create, obtain, transmit, use, maintain, process, or dispose of social security data, credit card data, student data, financial data, protected health information (PHI) or General Data Protection Regulation (GDPR) information? ☐ **Yes** ☐ **No**

Business Associate Agreement. Will there be an exchange of protected health information (PHI) with the supplier? ☐ **Yes** ☐ **No**

- If Yes, in the Requisition (located under *General*) have you checked "Yes" in the BAA field and attached the completed Business Associate Agreement (BAA)? ☐ **Yes** ☐ **No**

**For further clarification and instructions on the BAA refer to the University Ethics & Compliance webpage.*

Third Party Risk Assessment (TPRA). Will the supplier need to use, process, transmit, store or reproduce University data? ☐ **Yes** ☐ **No**

- If Yes, have you attached the completed TPRA report from OIT? ☐ **Yes** ☐ **No**

**For further clarification and instructions on the TPRA refer to the University Information Protection and Security webpage.*

Accessibility Purchasing Form. Is this an electronic and information technology-based purchase? ☐ **Yes** ☐ **No**

- If Yes, Rutgers requires you to complete the Accessibility Purchasing Form. This is not a required document for this Waiver of Bid. Users will receive an acknowledgement from OIT.

**For further clarification and instructions on the Accessibility Purchasing Form, refer to the University Office of Information Technology webpage.*

Facility/Construction Requirements. Is this engagement a facilities/construction-based project? ☐ **Yes** ☐ **No**

- If Yes, have you attached the supplier's Public Works Registration? ☐ **Yes** ☐ **No**

Do any of the following apply to your engagement? *(check if applicable)*

- ☐ Special utility hook-up (electric, gas, sewage, water)
- ☐ Conditioned air (controlled humidity, ventilation, dry filtered air, compressed air, etc.)
- ☐ Special foundation, lighting, ventilation, vacuum or steam connection etc.
- ☐ Disassembling and reassembling by FOS/Physical Plant
- ☐ Will toxic, flammable, or radioactive materials be used?
- ☐ Will this equipment weigh more than 80 pounds per square foot?
- ☐ Will existing room alterations be needed to adapt and/or admit the equipment?

- If any of these apply, have you attached the completed Project Request Form? ☐ **Yes** ☐ **No**
- If any of these apply, have you received written approval from your facilities manager? ☐ **Yes** ☐ **No**

University Communications and Marketing Requirements. The University has strict standards for Rutgers' logos, signatures and marks in all University communications, marketing initiatives, and university-authorized products.

Will the supplier be using Rutgers' logo, signature and/or marks? ☐ **Yes** ☐ **No**

Will the purchase require ad review? ☐ **Yes** ☐ **No**

- If Yes to either question, the unit should refer to the University Communications and Marketing webpage for further clarification and instructions on branding, trademark and licensing, and/or advertising review and approval.

New Contract. Did the awarded supplier propose a new contract? ☐ **Yes** ☐ **No**

- If Yes, please attach a copy of the proposed supplier contract.

Department Requestor:	**Department:**
Business Unit:	**Date completed:**