

Noncompetitive Procurement:

Guidelines and Documentation



At a Glance:

- Non-competitive procurement can be used when goods or services are needed immediately during a public emergency which doesn't allow time for a competitive solicitation. This procurement method can be used to quickly replace unexpected contract gaps with alternate sources or products.
- SFAs may negotiate directly with one vendor instead of soliciting multiple quotes, bids, or proposals.
- Noncompetitive procurement can be used for both one-time and recurring purchases.
- Contracts created under noncompetitive procurement must have a duration of one year or less.
- SFAs do not need to request a waiver or receive State agency approval to utilize noncompetitive procurement.

Documentation Requirements:

SFAs are required to document their justification for using noncompetitive procurement consistent with procurement regulations 2 CFR 200.318(i), which includes an explanation of the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract price.

1. Documentation to support the use of noncompetitive procurement – any written communication received by the current vendor showing that they are no longer able to fulfil the terms of the existing contract (*ie, cancellation of contract, or notification that they are no longer able to consistently deliver product(s).*)
2. Documentation supporting the noncompetitive procurement process –
 - a. Information on the goods and supplies being procured, including the estimated quantity and dollar value of the emergency procurement.
 - b. How the emergency procurement was handled (*i.e., obtained through negotiation, phone, email, etc*). If you are receiving prices from multiple vendors, document which vendors were contacted, the price they quoted, and which vendor was awarded the contract.
 - c. Note that documentation does not need to be specially created for this purpose; materials created as part of the purchase will suffice if they contain the necessary information.
 - d. Note that documentation is required for each noncompetitive procurement process, not each item procured.

Though use of this template is not required, CDE has provided an example of how an SFA may track their noncompetitive procurement processes on the next page. If you have any questions or need additional support, please contact Jenny Herman (Herman_J@cde.state.co.us, or 720-812-3119).



Noncompetitive Procurement Tracking Chart

Product(s) Needed ^a	Documentation from current vendor that they are no longer able to fulfill contract ^b	Estimated quantity of product needed	Estimated dollar amount of product needed	Vendor Name ^c	Vendor Contact Method	Vendor Price Quote

a - List products here. Documentation must be kept for each noncompetitive procurement process, not product - consolidating items in a noncompetitive procurement process can alleviate additional recordkeeping.

b - Maintain documentation which shows why you are undergoing a noncompetitive procurement process (ie, email from existing vendor that product is no longer available).

c - If multiple vendors are contacted, make sure you document each vendor, not just the vendor who was awarded the contract.