Waiver of Competition / Single or Sole Source Request

Emergency / Pressing Need

Although competition may be waived for proper cause, competition is required wherever and whenever possible.

In purchasing, single sourcing takes place when only one supplier for the required item is available, whereas with sole sourcing a particular supplier is purposefully chosen by the buying organization, even when other suppliers are available (Larson and Kulchitsky, 1998; Van Weele, 2010).

Submit this form and a justification of the questions below with your requisition in uShop. The waiver should be considered and approved by your Business Officer and Department Head prior to submitting. Once submitted with your requisition, the waiver will be reviewed by the Purchasing Specialist and Director of Purchasing.

1. Definitions

**Competition:** exists when the available market for the goods or services to be acquired consists of more than one responsible vendor that is qualified and willing to submit an Offer (01 NCAC 05A.0112). The purpose of soliciting offers is both to seek and to obtain competition. Where only a single offer is received or, otherwise, where reasonable and available competition is not obtained, the reason shall be ascertained and made a matter or record (01 NCAC 05B.0312).

**Emergency Situations:** means unforeseen circumstances that endanger lives, property, or the continuation of a vital program, as determined by the purchasing agency Director, and that can be rectified only by immediate purchases or rental of Goods or Services. 01 NCAC 05A.0112

**Pressing Need:** means a need arising from unforeseen causes outside the State’s control, including delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, which can be satisfied only by immediate purchase or rental of goods or services. 01 NCAC 05A.112

**Single Source:** A procurement decision whereby purchases are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available (NIGP Dictionary).

**Sole Source:** A non-competitive method of procurement used when only one supplier possesses the unique ability or capability to meet the particular requirements of the entity or because only one supplier is practicably available (NIGP Dictionary). The individual making the selection shall provide a written justification attached with this document explaining why only this supplier can fulfill the requirement.

2. Funds

Funds from Different Sources (01 NCAC 05B.1505)

(a) All public funds irrespective of source, whether special, federal, local, gifts, bequests, receipts, fees, or State appropriated, used for the purchase, rental, lease, installment purchase and lease/purchase of commodities, printing and services shall be handled under the provisions of Article 3 of G.S. 143 and in accordance with rules adopted pursuant thereto by the Division of Purchase and Contract.

3. Purchases for Across Counter Resale

Purchases for Across the Counter Resale (01 NCAC 05B.1508)

All purchases of items for use by agencies, even if channeled through bookstores or other internal supply sources, including stockrooms and warehouses, are to be in accordance with rules adopted by the Secretary.
Waiver of Competition Request

Competition may be waived under certain conditions, and if deemed to be in UNCW’s best interest. Conditions permitting waiver include the following. Please note that these are subject to review and acceptance by Purchasing and additional documentation may be required:

Check all that apply …. 

☐ Where performance or price competition is not available;  
☐ Where a needed product or service is available from only one source of supply;  
☐ Where emergency action is indicated;  
☐ Where competition has been solicited but no satisfactory offers received;  
☐ Where standardization or compatibility is the overriding consideration;  
☐ Where a donation predicates the source of supply;  
☐ Where personal or particular professional services are required;  
☐ Where a particular medical product or service, or prosthetic appliance is needed;  
☐ Where a product or service is needed for the blind or severely disabled and there are overriding considerations for its use;  
☐ Where additional products or services are needed to complete an ongoing job or task;  
☐ Where products are bought for “over the counter” resale;  
☐ Where a particular product or service is desired for educational training, experimental, developmental or research work;  
☐ Where equipment is already installed, connected and in service, and it is determined advantageous to purchase it;  
☐ Where items are subject to rapid price fluctuation or immediate acceptance;  
☐ 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;  
☐ Where a purchase is being made and a satisfactory price is available from a previous contract;  
☐ Where the requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s);  
☐ Where a used item(s) is available on short notice and subject to prior sale.

Additional information for why this acquisition is single/sole source or emergency/pressing need.

Please Check One

☐ Single Source  
☐ Sole Source  
☐ Emergency Need  
☐ Pressing Need
Vendor Name:
Vendor Address:

Description of the good or service requested and estimated cost:

Why this good or service cannot be obtained from another provider?

What aspects of this good or service is superior to and not offered with other comparable products?

Why acquiring this good or service from the requested vendor is in the best interest of the University?

Why is this a Pressing Need or Emergency Requirement? How/Can this be prevented in the future?

Signature of Requester:        Date:
Department:

As Department Head and Business Officer for this Department/Division, I certify the information presented is accurate and request approval of this Waiver of Competitive Bid or Single/Sole Source purchase.

Department Head:        Date:
Business Officer:        Date: