

## Exception to Bid

Exception: Exempt someone or something from a general rule or practice.

USNH requires competitive procurement to keep costs at a minimum and to give interested suppliers an equal opportunity to provide goods and services to USNH. In extraordinary circumstances the competitive bid process may be waived, and an exception approved, provided the requesting party can adequately justify the request. (Ref Policy: [http://www.unh.edu/purchasing/policy/6-001\\_revised.pdf](http://www.unh.edu/purchasing/policy/6-001_revised.pdf))

### **An exception to bid should be an anomaly and not the rule.**

Complete, detailed, and signed documentation should be attached to the exception request with all other supporting documentation (contract for services, quotes, evaluation matrix, etc.).

### **Procurement Thresholds**

Micro-Purchase Up to \$9,999	Micro-purchases should be awarded using best business practices, and competitive pricing from multiple suppliers should be used as a basis for award whenever possible.
Small Purchase \$10,000 to \$34,999	Small Purchases require the use of competitive procurement and require solicitation of at least two (2) written quotations with a preference for three.
Large Purchase \$35,000 to \$149,999	Large Purchases require Procurement Services to utilize full and open competitive procurement methods for formal procurement.
Strategic Procurement \$150,000 or greater cost	Large Purchases require Procurement Services to utilize full and open competitive procurement methods for formal procurement.

### **Exceptions to Competitive Procurement**

1. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
  - The item is available only from a single source (brand specific procurement does not qualify as a single source)
  - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
  - After solicitation of several sources, competition is determined inadequate.
  - When applicable, a federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
2. Procurement utilizing Group Purchasing Organization Contracts (GPO)  
GPO Contracts that are approved by USNH Procurement Services, are competitively bid, and meet the requirements set forth within this policy, may be used for procurements less than \$150,000.

## Process/Routing

1. The Hiring Administrator completes and signs the ETB and forwards it to the Business Unit Director for approval.
2. The Hiring Administrator or the Business Unit submits the Exception to Bid (ETB) Form and supporting documentation to Procurement Services through the TeamDynamix [form](#).
3. Procurement will review the ETB and approve or respond with additional questions.
4. The approved ETB will be assigned a reference number for tracking and will be added to the TeamDynamix ticket.\*
5. The Hiring Administrator or the Business Unit retrieves the approved ETB from the TeamDynamix ticket for their records.
6. The approved ETB is submitted by the Business Unit or Shopper as supporting documentation in the UShopNH cart/requisition:
  - a. Enter the ETB reference number in the comments field.
  - b. Enter a detailed description of the services to be rendered in the Item Field.
  - c. Enter Date(s) of service in Internal Notes.

\* ETBs under \$35,000 are not assigned a reference number. The requester shall retain the approved ETB for their records related to the transaction.

If the vendor is an Independent Contractor, the Independent Contractor Agreement ([ICA](#)) must be attached.

**UNIVERSITY SYSTEM OF NEW HAMPSHIRE  
EXCEPTION TO BID FORM (ETB)**

In accordance with USNH policy, the University System of New Hampshire must procure all material, equipment, supplies and services via competitive means whenever practical. However, in extraordinary circumstances the competitive bid process may be waived, and an exception approved, provided the requesting party can adequately justify the request. See Policy and instructions on cover page.

**SECTION: REASON FOR EXCEPTION (Check boxes as appropriate)**

- Sole Source:** The product and or service is unique, and the vendor is the only one from whom the product and or service can be purchased.
- Sole Acceptable Source:** The vendor, for reasons of expertise, is the only source that is acceptable.
- Sole Acceptable Brand:** The product, for reasons of standardization, quality, compatibility with existing equipment, specifications, or availability, is the only brand that is acceptable.
- Emergency Repair/Purchase:** The timeframe is critical, and a repair/purchase is required to maintain operations. (If prior approval from purchasing cannot be reasonably obtained, the business unit can authorize such purchases. However, the business unit has the responsibility to notify purchasing the next business day and provide justification for the exception to bid.)
- Upgrade to existing software.** Due to licensing restrictions, software is available only from the manufacturer.
- Used or demonstration equipment available at a lower-than-new cost.** (Provide copy of quote showing used vs. new pricing, warranty information and any other terms/conditions of sale.)
- Service Agreements and/or Repair Services/Parts are not available from any other source** except original equipment manufacturer or its designated service dealer.
- Grant Requirement.** The awarding agency or pass-through entity expressly authorized non-competitive proposals in response to written request from the college/university. If this supplier is required and specified in the award, attach a copy of the award or requirement page. A grant application specifying a supplier is not acceptable.
- Other:**

--

**SECTION II: JUSTIFICATION FORM** Failure to address all segments of Section II may result in the delay of your request. If needed, an additional sheet may be used for further and more detailed explanation.

Supplier Name:	Total Cost:
Description of Product or Services:	

I have thoroughly researched the purchase and determined that the exception is necessary based upon the following:

a.	The product or service is required to:
----	--

b.	The requested product is an integral repair part or accessory compatible with existing equipment.	
	Existing Equipment	
	Manufacturer/Model #/Age	
	Requested Equipment/Accessory/Part	
	Manufacturer/Model #	

c.	The requested product has unique design/performance specifications, which are essential to my research or other needs that is not available in comparable products.
	These capabilities are:

d.	The requested product is essential in maintaining experimental or administrative continuity.	
	Requested product is being used in continuing experiments.	
	Other investigators have used this product in similar research, and for comparability of results, it is required.	
	I have standardized on the requested product. The use of another would require considerable time and resources to evaluate.	

e.	Describe the efforts exercised to identify other sources to provide the required service or product. Compare products/services/features of all vendors/brands considered, detailing uniqueness of product/vendor selected.
----	--

f.	Following is a list of other vendors/brands considered for this purchase (Attach competitive quotes, analysis, emails, or other supporting documentation):
	The vendor/brand was selected over other vendor/brands because (cannot use cost as a basis):

**SECTION III: FUNDING SOURCE**

Is the expenditure funded?		Yes		No
Is the expenditure federally funded?		Yes		No

**SECTION IV: AUTHORIZED SIGNATURES**

(Attach all supporting documentation as stated in the instructions. Failure to provide all related documentation, may result in delay of processing the Exception request).

\_\_\_\_\_  
Requester Name

\_\_\_\_\_  
Business Unit Director (Required)

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Procurement Authority

\_\_\_\_\_  
Signature/Date

**PRODUCTS/SERVICES EXCEEDING \$75,000, REQUIRE ADDITIONAL SIGNATURES:**

- VP Finance and Administration by campus when fees exceed \$75,000.
- USNH Vice Chancellor signature required when fees exceed \$500,000.

\_\_\_\_\_  
VP Finance and Administration

\_\_\_\_\_  
Vice Chancellor

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Signature/Date