

## **Requirements for Waiver of the Competitive Solicitation Process** **(Standardization Transactions)**

### **Statutory Authority:**

**Sec. 4a-58. (Formerly Sec. 4-113). Standardization Committee. Waiver of bid or proposal requirement.** (a) There shall continue to be a Standardization Committee, which shall consist of the Commissioner of Administrative Services, the Comptroller or his designee, the Treasurer or his designee, and such administrative heads of state departments or their authorized agents as are designated for that duty by the Governor.

(b) Whenever an emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against, or because of unusual trade or market conditions, the Commissioner of Administrative Services, or, in the case of purchases, leases and contracts for information systems, information technology personal property and telecommunication systems, the Chief Information Officer, may, if it is in the best interests of the state, waive the competitive bid or proposal requirements set forth in section 4a-57. If any such procurement is estimated to cost fifty thousand dollars or more, such waiver shall be subject to the approval of the Standardization Committee. A statement of all purchases made under the provisions of this section shall be set forth in the annual report of the Commissioner of Administrative Services.

### **Justification Policy:**

- Along with their Core-10 Requisition (IT purchases, ITD-10), State Agencies must provide to DAS/Procurement Services a written document indicating explicitly why this product/service and only this product/service can satisfy the functional requirements as well as meeting the criteria of an “emergency”, a “sole-source” or an “unusual market condition” and the estimated costs.
- This document must explain why this product/service cannot be competitively solicited through the bid or RFP process.
- In the case of a “sole-source”, agency must include a letter from the proposed vendor indicating that they are the proprietary owner of the requested product/service, they are the sole distributor of the requested product/service, and the estimated cost of the product/services.
- Agencies must include what due diligence was conducted and alternative sources researched and why they do not meet the agency needs.
- A signature from the Agency Head (Commissioner or Executive Director) must be included indicating that he/she is aware of the request to waive the competitive process and concurs with the justification.