

ALTERNATE PROCUREMENT REQUEST

(September 2021)

INSTRUCTIONS TO REQUESTORS

North Dakota Century Code requires that State agencies and institutions make all purchases through full competition with fair and equal opportunity to all qualified vendors. NDUS institutions must prepare an Alternate Procurement (AP) Request when they plan to obtain less competition than required by purchasing thresholds or when there is an exception to the procurement process. There are some instances in which an AP Request is not required, such as purchases from government entities and state sources of supply. See below for goods and services that do not require an AP Request.

Limited and non-competitive procurements should only be used when truly necessary and authorized by state law or State Board of Higher Education (SBHE) Policy. Contact your institution's procurement office or Core Technology Services for assistance. If using federal funds or a grant, check whether the funding source has requirements around noncompetitive purchases.

Process and Approval Authority

Each institution may have unique processes for completing this document. Please check with your institution's procurement office for the correct steps to take. The Core Technology Services (CTS) chief procurement officer must approve all NDUS System Office and CTS Alternate Procurement Requests.

Notice of Intent to Make a Limited or Noncompetitive Purchase

Notice of intent to make a limited or non-competitive purchase may be issued to attempt to identify alternate sources for the needed commodity or service. A notice of intent must be issued when entering an approved cooperative agreement. Documentation must be retained in the institution's solicitation files. A notice template is available on the [CTS Procurement Management](#) website. The notice describes the required commodity or service thought to be available only from limited sources or one source, and it invites vendors to contact the procurement officer to propose an alternate source. Use the State Procurement Online system to issue the notice to the appropriate state bidders list and any other known potential bidders. For purchases requiring the Alternate Procurement form, attach the notice, bidders list, and/or any responses received to the Alternate Procurement form.

Determination Not Required - Exemptions

In accordance with [NDUS Procedure 803.1 \(5\)](#), Alternate Procurement determinations are not required for the following:

State Contracts	State contracts established by OMB.
Government Sources of Supply	Government entities, including but not limited to, OMB's Central Supply, Central Duplicating, and Surplus Property divisions, Roughrider Industries, Information Technology Department (ITD), Core Technology Services (CTS), Work Activity Centers, correctional institutions, 1033 Program, 1122 Program.
Cooperative Purchasing Agreements	Approved higher education cooperative purchase agreements. OMB cooperative purchase agreements are listed as State Contracts.
Statutory Exemptions	N.D.C.C. §54-12-08 - Legal counsel with attorneys not employed by the state. Commodities and services exempted under N.D.C.C. §54-44.4-02 .
OMB-approved Limited Competition and Non-Competitive Purchases	Commodities and services listed in N.D.A.C Chapter 4-12-09-01 .

DELETE THIS PAGE BEFORE SUBMISSION.

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North Dakota University System

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INSTITUTION INFORMATION

Institution/Entity		Date of the Request
Procurement Officer	Telephone	Email Address

PROCUREMENT TYPE *(check all that apply)*

☐ Noncompetitive Procurement
 ☐ Limited Competitive Procurement
 ☐ Other: Choose an item.

VENDOR INFORMATION

Vendor Name		Website
Contact Person	Telephone	Email Address

DESCRIPTION OF SERVICE OR COMMODITY

Describe exactly what is being purchased and the intended purpose. (Include manufacturer, brand, model, and other identifiers.)

MARKET RESEARCH, JUSTIFICATION, AND SUPPORTING DOCUMENTATION

Describe any market research that has been conducted and what other services or commodities exist. Explain WHY a fully competitive procurement process is impracticable or not in the best interest of the state. Factual evidence which is sufficient for the approver to independently determine that the justification is true and accurate **MUST** be provided. Factual evidence consisting of written documents, reports, supporting data, affidavits, patent or copyright information, research, or other information may be attached as supplemental information to this request.

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TOTAL COST

The total cost must include all contract renewal options, extension option, maintenance, support, hosting, travel, and any other costs which will be incurred during the life of the contract (e.g., \$10,000 per year with two (2) renewal options = \$30,000 Total Cost). Consider if this is a one-time purchase or if multiple purchases will be made (e.g., 4 units this year and 4 units next year).

CONTRACT INFORMATION *(recurring purchases only)*

Describe the contract period being contemplated. Attach any draft contracts, vendor quotes, or proposals.

Initial Contract Term

Number of Renewals

Extension Period

(Provide dates - e.g., 7/1/21-6/30/22)

(e.g., 2 at 12 months each)

(e.g., 6-month, 12-month)

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A renegotiation option would normally be used for a strategic solution/product, for example a critical line of business application that is expected to be used for an extended period of time and where it is in the state's best interest to have the ability to renegotiate the contract. Renegotiation occurs after completion of the initial term and any extensions and renewals.

Will a renegotiation option be included in the contract? ☐ Yes ☐ No

NOTICE OF INTENT TO MAKE A LIMITED OR NONCOMPETITIVE PURCHASE ISSUED *(if applicable)*

Attach a copy of the notice, bidders and SPO Online System solicitation notification email.

Responses Received: ☐ **NO**-None received ☐ **YES**-response(s) received. See actions below.

Attach vendor responses, communications, evaluations, and determinations. List vendor(s) below.

AUTHORITY FOR LIMITED OR NON-COMPETITIVE PROCUREMENT

Competition can be limited under the following NDUS Procedure provisions. Check the appropriate authority reference.

- ☐ The commodity or service is available from only one source. [N.D.C.C. § 54-44.4-05 (2)(a)]
- ☐ The commodity or service is for experimentation or trial. [N.D.C.C. § 54-44.4-05 (2)(b)]
- ☐ No acceptable bid or proposal was received pursuant to a competitive bidding or proposal process. [N.D.C.C. § 54-44.4-05 (2)(c)]
- ☐ Commodities are being purchased for over-the-counter resale. [N.D.C.C. § 54-44.4-05 (2)(d)]
- ☐ A used commodity is advantageous to the state and the commodity is available on short notice. [N.D.C.C. § 54-44.4-05 (2)(g)]
- ☐ The commodity is a component or replacement part for which there is not commercially available substitute and which can be obtained only from the manufacturer. [N.D.C.C. § 54-44.4-05 (2)(h)]
- ☐ Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment. [N.D.C.C. § 54-44.4-05 (2)(i)]
- ☐ The services or the circumstances are of such a nature that deviation from the procurement process is appropriate. [N.D.C.C. § 54-44.4-05 (2)(j)]
- ☐ Products or services exclusive to particular individuals or business entities are required, but competition for that proprietary product exists.
- ☐ Circumstances require that commodities or services be provided by vendors within a specific geographic area, such as equipment requiring local service, on-site service within a specific time, or delivery of ready mix concrete.
- ☐ It is determined that a competitive sealed bid or competitive sealed process is impracticable or not in the best interest of the state.

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PARTY INFORMATION

Requestor Name	
Requestor Title	
Requestor Signature	
Date	
Procurement Officer Signature	
Date	

Review

Approved: ☐ Yes ☐ No

If Applicable, Renegotiation Option Approval: ☐ Yes ☐ No

Comments:

Approving Official Name	
Title	
Signature	
Date	