

Bid Waiver

Requesting Department: _____ Date of Request: _____

Requisition No.: _____ Vendor Name: _____

Requisition Amount: _____

Bid Waivers over \$100,000 shall require the approval of the Board of Finance.

Bid waiver is requested in accordance with the Purchasing Ordinance, per Section (select one):

- | | | | | | |
|--|--|---|---|---|---|
| <input type="checkbox"/> Critical emergency purchase Sec. 23-18.3A | <input type="checkbox"/> Reasonable/qualified or unique source Sec. 23-18.3B(1)(a) | <input type="checkbox"/> Special source Sec. 23-18.3B(1)(b) | <input type="checkbox"/> Time is critical Sec. 23-18.3B(1)(c) | <input type="checkbox"/> Formal procurement would cost more/be inefficient/disruptive Sec. 23-18.3B(1)(d) | <input type="checkbox"/> Cost is federal or state regulated Sec. 23-18.3B(1)(e) |
|--|--|---|---|---|---|

What are you buying? (attach additional sheets if necessary)

For bid waivers requested per Section 23-18.3B(1)(a), (b), (c) or (d) – is this the lowest cost/most cost effective provider? If not, why were they selected? (attach quotes or proposals - attach additional sheets if necessary)

What is the justification for a bid waiver? (attach additional sheets if necessary)

I, the undersigned, hereby certify that this request is made in full compliance with Article II, Sec. 23 (Rev. 2014) of the Stamford Code of Ordinances, that the funding for this request has been duly appropriated, that the above justification/information is accurate and complete to the best of my knowledge, and that I have no personal or business interests relative to this request.

Attached hereto is the above referenced requisition together with an appropriate explanation. I attest that it is in the public's best interest to waive the competitive process and your authorization is hereby requested.

Department Head Certification _____ Date _____

Approval	Purchasing Agent			Date
	Director of Administration			
	Mayor			

If required - Board of Finance date of approval _____

Bid Waiver

Justification guidance

- For requests made per **Section 23-18.3 A**: The Purchasing Ordinance, in Sec. 23-15, defines Critical emergency purchases as those purchases of goods or services which, if not purchased or ordered immediately, can result in injury or damage to human life or property. This shall include all goods or services needed on an emergency basis to comply with federal, state or local public health, safety or housing codes and emergency repair of city-owned property, buildings, infrastructure, equipment and vehicles. Requests approved per **Section 23-18.3 A** are rare. It is often more appropriate to cite **Section 23-18.3 B(1)(c)**.
- All bid waivers per Section 23-18.3 B(1) shall include price quotations from three (3) vendors, if available. This specifically applies to bid waivers requested per Section 23-18.3 B(1)(c) and Section 23-18.3 B(1)(d).
- For requests made per **Section 23-18.3 B(1)(a) or Section 23-18.3B(1)(b)**
 - Explain what makes this vendor/product unique to the application. Do not just explain why you want to use this vendor/product.
 - If you claim the vendor is a sole source, provide a “sole source” letter from the vendor.
- **Software** – the Purchasing Ordinance classifies software as a “good.”
 - If you are requesting a bid waiver for an annual maintenance fee for software you have in place and have used for many years cite **Section 23-18.3 B(1)(d)**
 - If you are requesting a bid waiver for a new Software as a service (SaaS) cite **Sec. 23-18.3B(1)(a)**. Explain how this SaaS is more like a professional service, then a “good” and why the chosen vendor offers a superior service with unique features i.e. there may be similar software on the market, but it lacks key features that are critical to the needs of the City.

Sec. 23-18.3. - Waivers of competitive bid process or competitive proposal process.^[22]

A. Critical emergency purchases.

- (1) Critical emergency purchases, as defined above, may be made by waiving the competitive bid or proposal process. Emergency procurement shall be limited to those supplies, services or construction items necessary to meet the emergency. Said purchases shall be authorized by the appropriate department head or designee with the written consent of the Mayor or the Director of Administration if the Mayor is unavailable.
- (2) Written certification of the emergency and the reason for the selection of the particular supplier, signed by the department head or designee, shall be submitted to the purchasing agent, the Director of Administration and the Mayor within five (5) working days of the authorization of the waiver and shall be made a part of the purchase file.
- (3) Notification of all such emergency purchases shall be made to the Board of Finance and Board of Representatives within two (2) weeks of authorization.

B. Other purchases made by a waiver of bid or proposal process.

- (1) Purchases of goods and services, other than critical emergency purchases, may be made by waiving the bid or proposal process for the following reasons:
 - (a) Only one (1) reasonable or qualified source can be identified. This shall include situations where only one (1) vendor or provider is manufacturer authorized or certified or where parts are available only through a single distributorship.
 - (b) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will provide a lower cost than that which would result from a bid process.
 - (c) Time is a critical factor.
 - (d) A bid or proposal process would result in substantially higher costs to the city or inefficient use of personnel or cause disruption to city operations.
 - (e) Prices of goods or services are federal or state regulated.
- (2) Such purchases shall require the written certification of the reason for the waiver, signed by the department head, and the written approval of the purchasing agent, the Director of Administration and the Mayor. Purchases over one hundred thousand dollars (\$100,000.00) shall require the approval of the Board of Finance.
- (3) Sole source bid and proposal waivers shall clearly document that only one (1) reasonable or qualified source exists. Bid waivers for other reasons shall include price quotations sought from three (3) vendors, if available. All waiver documentation shall be made a part of the purchase or contract file.
- (4) A written record of all waivers of the competitive bid or proposal process shall be kept by the purchasing agent and be included in the quarterly report. This record shall include the reasons why a bid waiver was used.

Footnotes:
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Amended 2-1-1999 by Ord. No. 865; 11-5-2014 by Ord. No. 1177.