



## North Carolina Department of Commerce

### Contract Request and Justification Form

This form is to be completed by the requesting Division. It must be signed by the Division Head, the Secretary or Assistant Secretary who oversees the division and the Chief Fiscal Officer. No action will be taken by the Commerce Purchase and Contracts Office until the form is completed in its entirety. Uncompleted forms will be returned. This document will act as a stand alone document to justify the need or requirement of the requested contract.

All contract packages must include the Contract Request and Justification Form, the original Contractor's proposal or scope of work, a detailed budget, and if Personal Services Agreement, current resume.

If approved, the procurement of the service(s) will follow State procurement rules and regulations. The contract, in its final form, will be signed by the Contractor, the Division Head and the Assistant Secretary for Administration and will be returned to the Division Contract Administrator for distribution to the vendor and to enter into the e-procurement system.

Please type information:

#### Division Information

Name: \_\_\_\_\_

Division Contract Administrator: \_\_\_\_\_ Title: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

#### Type of Contract (check one)

- \_\_\_\_\_ Services Contract  
\_\_\_\_\_ Personal Services Agreement (PSA)

#### Type of Funding (check one)

- \_\_\_\_\_ State Funds  
\_\_\_\_\_ Federal Funds  
\_\_\_\_\_ Federal and State  
\_\_\_\_\_ Other

#### Contractor Information

Name of Firm/Individual Providing the Service: \_\_\_\_\_

Type of Contractor (check one)

Individual                       Private Profit                       Private Non Profit  
 State/ Local Government       University

Contractor Administrator: \_\_\_\_\_ Title: \_\_\_\_\_

Contractor Signature Authority: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Federal ID #: \_\_\_\_\_ or Social Security # (required for PSA): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Registered Vendor in E-Procurement?                       Yes                       No

Total Contract Compensation: \$ \_\_\_\_\_

Beginning Date: \_\_\_\_\_ Ending Date: \_\_\_\_\_

**Amendment Information**

Current Contract – EP # \_\_\_\_\_

Revising to **Scope of Work**

Revising **Contract Amount**

**Current Contract Total** \$ \_\_\_\_\_

Increasing by (+) \$ \_\_\_\_\_

Decreasing by (-) \$ \_\_\_\_\_

**Amended Contract Total** \$ \_\_\_\_\_

Revising **Contract Dates**

**Current** Contract Dates:

From \_\_\_\_\_ to \_\_\_\_\_

**Amended** Contract Dates:

From \_\_\_\_\_ to \_\_\_\_\_

**Reimbursement Information**

Will reimbursement be made for expenses (mileage, hotel, meals, etc.)? \_\_\_ Yes \_\_\_ No

If so, will reimbursement be made at state rates or actual expenses? \_\_\_\_\_

If actual, why? \_\_\_\_\_

\_\_\_\_\_

**Invoicing**

\_\_\_\_\_ Monthly \_\_\_\_\_ Quarterly \_\_\_\_\_ Yearly

\_\_\_\_\_ According to Project Deliverables/Deliverables Schedule  
(Attachment required)

\_\_\_\_\_ Other - Explain \_\_\_\_\_

**Funding Information:**

A. Availability of funds

\_\_\_\_\_ Funds Budgeted

\_\_\_\_\_ Funds Proposed

\_\_\_\_\_ Funds Proposed, Requires Realignment

\_\_\_\_\_ Funds Not Available

B. Fiscal year funding information. (Add/Delete Year lines as necessary.)

SFY	Co#	Account	Center	Amount	Federal	State	Other
09-10							
10-11							
11-12							
12-13							
			Total	\$	\$	\$	\$

**Justification**

1. The background of project, the need for the contract, and the objective of the contract.
2. State what the need for the service is and who benefits from the service.
3. What will the measurable results be and how will this project be evaluated to determine if the contract was successful?
4. What consequences will occur if the contract is not funded or executed?

5. After the contract completion, is it anticipated that the services will be needed on an ongoing basis? If yes, why?

**Procurement Method**

Check the appropriate box to identify the method used to select the contractor. If this is a personal service contract, move to section B.

- RFA       RFP       RFQ       Sole Source       Personal Services

**A. Personal Services Contract - Include current resume**

If this is a personal services contract, provide a description of the method used to select the contractor. Include information on how cost is determined as reasonable.

**B. Sole Source Contracts**

1. Enter waiver citation and justify selection.

*If this is a sole-source contract with a for-profit, not-for-profit, or individual, enter the applicable waiver and provide a justification for your selection. The Department of Commerce acknowledges the most common waivers of competition listed below. For a complete listing, refer to the Department of Administration, Division of Purchase & Contract, Purchase and Contract Manual, Chapter 5, Section .1401 – Waiver of Competition (.1401 Policy) or <http://www.doa.state.nc.us/PandC/aqpurman.htm> or refer to the attached page “Waiver of Competition”.*

Waiver: *(State the waiver.)*

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2. Justification: *(Explain, in detail, the reason the waiver applies to the project.)*

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**C. Negotiation of Pricing:**

1. Describe the negotiation process used to determine cost.

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2. How was the cost/fee charged by contractor determined as reasonable?

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**Approvals for Intent To Contract**

\_\_\_\_\_ Approved \_\_\_\_\_ Denied  
Division Director

\_\_\_\_\_ Approved \_\_\_\_\_ Denied  
Chief Fiscal Officer

\_\_\_\_\_ Approved \_\_\_\_\_ Denied  
Secretary/Assistant Secretary

\_\_\_\_\_ Approved \_\_\_\_\_ Denied  
Purchasing Officer

## **WAIVER OF COMPETITION:**

Under certain conditions, and otherwise if deemed to be in the public interest, competition may be waived. Conditions permitting waiver include, but are not limited to, the following:

1. Cases where performance or price competition are not available;
2. Where a needed product or service is available from only one source of supply;
3. Where emergency or pressing need is indicated;
4. Where competition has been solicited but no satisfactory offers received;
5. Where standardization or compatibility is the overriding consideration;
6. Where a donation predicates the source of supply;
7. Where personal or particular professional services are required;
8. Where a particular medical product or service, or prosthetic appliance is needed;
9. Where a product or service is needed for the blind or severely disabled and there are overriding considerations for its use;
10. Where additional products or services are needed to complete an ongoing job or task;
11. Where products are bought for "over the counter" resale;
12. Where a particular product or service is desired for educational, training, experimental, developmental or research work;
13. Where equipment is already installed, connected and in service, and it is determined advantageous to purchase it;
14. Where items are subject to rapid price fluctuation or immediate acceptance;
15. 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;
16. Where the amount of the purchase is too small to justify soliciting competition or where a purchase is being made and a satisfactory price is available from a previous contract;
17. Where the requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s);
18. Where a used item(s) is available on short notice and subject to prior sale.

Although competition may be waived for proper cause, its use is required wherever practicable. Where waiver is contemplated, agencies may negotiate with a potential vendor(s) in an effort to acquire the quality of commodity, service or printing needed at the best possible price, delivery, terms and conditions, when the expenditure is less than their respective benchmark or delegation.. A solicitation document requesting or inviting an offer(s) shall be issued, including standard language, terms and conditions issued by P&C. Under an emergency or pressing need situation, a solicitation document requesting or inviting an offer(s) shall be issued by the agency, including standard language, terms and conditions issued by P&C, unless circumstances prohibit their use. Negotiations may also be conducted with a potential vendor(s) for contracts exceeding an agency's benchmark or delegation, but are subject to the approval of P&C, except where otherwise permitted by rule.

If the dollar value of an agency contract exceeds ten thousand dollars (\$10,000), but is less than the agency's delegation, and the agency contemplates waiver of competition, then prior review by the Division is required, except were it qualifies as an emergency and time does not permit prior review. If the dollar value of a university contract exceeds ten thousand dollars (\$10,000), but is less than the university's delegation, and the university contemplates waiver of competition, then prior review by the Division may be requested by the university. The agency shall, or the university may, submit their request for this review via a requisition (or in some other acceptable format), which shall include a description of the requirement, the amount of the expenditure, the recommended vendor, and the justification for the waiver; and shall provide any additional documentation and justification deemed necessary by the SPO for conducting a thorough review.