



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 note: This document is submitted to the State Purchase and Contracts Office, State ITS Office and the Governor's Office as part of our request for approval from the appropriate agency. This document is also reviewed by the State Auditor's Office when necessary. Complete the form in its entirety and provide all supporting documentation as requested.

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 Non Profit
- State/ Local Government
- Private Profit
- University

Contractor Administrator: _____ Title: _____

Contractor Signature Authority: _____ Title: _____

Mailing Address: _____

Physical Address: _____

Phone #: _____ Fax #: _____

E-Mail Address: _____

Federal ID #: _____

Social Security # (required for PSA): _____ - _____ - _____

If an individual's social security number is used, payment shall not be made to a company, but directly to the owner of the Social Security Number. The individual must be registered in E-Procurement as an individual, not through a company,

Registered Vendor in E-Procurement? Yes No

Total Contract Compensation: \$ _____

Contract Dates:

(Please note a contract shall not begin prior to the contract being fully executed, approved by all approving entities and signed by both parties.

Beginning Date: _____

Ending Date: _____

Amendment Information

If a contract date has expired, the contract is considered terminated and shall not be resurrected and amended. A new contract shall be established, following the procurement methods used for the original contract. If the contract funding has been fully expended, the contract shall not be amended, it is also considered terminated because no funding is available for payment of services in the current contract and the contract is considered completed. Therefore, it is imperative that when considering contract amendments, ample time is allowed to process the amendment request, and funding remains in the original contract at all times.

The approval flow for amendments must follow the same method of the original contract unless special provisions are written in the original approval notification delegating the authority to the Department’s Purchasing Officer to amend the contract without additional approval. Usually this is not the case. We typically have to justify why we have not accomplished the goals requested in the original request.

If requesting an amendment because a job has not be completed within the time originally anticipated, provide explicit details in this document as to why the original contract and timelines were not met. What happened and what is the corrective action plan?

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
10-11							
11-12							
12-13							
			Total	\$	\$	\$	\$

CERTIFICATIONS/ GRANT DOCUMENTS/LETTER OF AWARD

If federal funding is used to fund this contract, what federal certifications are mandated to be included to be in this contract?

If state funding is used to fund this contract, what state certifications are mandated to be included in this contract?

Submit copies of the federal and/ or state requirements, and fully executed award letters with this contract request.

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. Provide a timeline of the deliverables expected throughout the life of the contract.
4. What will the measurable results be and how will this project be evaluated to determine if the contract was successful?
5. What consequences will occur if the contract is not funded or executed?
6. 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.

- 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, provide a current resume for the individual and copies of certifications which document how he/she is an expert in the area of work.

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/agpurman.htm> or refer to the attached page "Waiver of Competition".

Waiver: (State the waiver.)

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

C. Negotiation of Pricing:

1. Describe the negotiation process used to determine cost, include name of staff and phone number of the person responsible for the negotiation process. All final cost proposals must be submitted with this form on the company's formal letterhead with an original signature of the individual responsible for binding them to perform business with the State of North Carolina.

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

3. Commerce's Purchasing Manual may be accessed at the following address" <http://intranet.nccommerce.com/policies/manualdoc.pdf>. Helpful and important information regarding quotes and pricing can be found in this manual.



NC DEPARTMENT OF COMMERCE

Approvals for Intent To Contract

_____ Approved Denied
Division Director

_____ Approved Denied
Purchase and Contracts Officer

_____ Approved Denied
Secretary/Assistant Secretary

_____ Approved Denied
Chief Fiscal 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 predicated 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.

COMMENTS PAGE