

State of Vermont - State Fiscal Recovery Funds Noncompetitive Procurement Justification Form

The [Uniform Guidance](#) requires non-Federal entities using State Fiscal Recovery (SFR) Funds to have and use documented procurement procedures, consistent with State and local laws and regulations and the standards of 2 CFR 200.318-327 for the acquisition of property or services required under a Federal award or subaward. A non-Federal entity's documented procurement procedures must conform to the procurement standards identified in those sections.

In general, all procurement transactions for the acquisition of property or services required under a Federal award, including SFR funds, must be conducted in a manner providing full and open competition. However, in limited circumstances, it may be necessary and appropriate to undertake noncompetitive procurement. This form may be used by subrecipients of the State to document the facts and circumstances that justify noncompetitive procurement. Please submit supporting documentation to demonstrate the circumstances documented in this form.

The State's use of this form is optional, and is intended to collect information and supporting documentation from SFR subrecipients to authorize noncompetitive procurement, where appropriate, in alignment with [2 CFR 200.320 \(c\)\(4\)](#). Sole source authorizations will only be granted in cases of domestic procurement. The use of the form does not override any existing forms, policies, or procedures that state agencies and departments follow.

Entity Applying for Authorization:

Contact Name:

Contact Email:

For entities using SFR funds, 2 CFR 200.320(c) permits noncompetitive procurement only if one or more of the following circumstances apply:

- Micro-purchase.** If the aggregate dollar amount of the acquisition of property or services is less than the subrecipient's micro-purchase threshold (which is based on the subrecipient's own documented policies, and which cannot exceed \$10,000 without written authorization), then competitive procurement is not required. Subrecipients should consider the aggregate dollar amount, and not break a single procurement into multiple smaller purchases in order to qualify for this treatment.

Aggregate dollar amount: \$

Notes:



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- Single source.** The item is available only from a single source. This may be the case, for example, for specific items that are only available directly from their manufacturer. However, subrecipients are advised that 2 CFR 200.319(b)(6) specifically prohibits actions that unduly restrict competition, such as specifying a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement. When selecting this justification, subrecipients should clearly document why no other source is capable (e.g., time of delivery or quality of product) of meeting the needs of the solicitation, and how competition is not being unduly restricted.

Name of vendor:

Please explain how the service or product is only available from this vendor:

- Public Exigency / Emergency.** The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation. In addition to documenting the actual declared state of emergency or other exigent circumstances, care should be taken to explain how the nature of the emergency makes it impractical or imprudent to delay the procurement action and requires prompt action. This option should only be selected when absolutely necessary, as emergency purchases frequently result in substantially higher costs the non-Federal entity.

Nature of emergency:

Please explain how the nature of the emergency makes it impractical or imprudent to delay the procurement action:



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- Pre-authorized.** The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity. If the State approves a grant application that specifically identifies a contractor or vendor by name, then no further procurement activities are required.

Pre-authorized vendor:

Notes:

- Inadequate competition.** After solicitation of a number of sources, competition is determined inadequate. If the non-Federal entity has attempted to obtain competitive quotes, but did not receive at least two responsive bids, then it is acceptable to award the procurement to the sole responsive bidder. However, non-Federal entities are encouraged to actively seek ways to obtain additional bids by contacting prospective bidders and publishing requests for proposals in trade publications or other places that are likely to attract the attention of qualified bidders.

Date of last attempt:

Please explain how competition was determined inadequate:



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For State Agency or Department Use Only

Decision and rationale regarding authorization of noncompetitive procurement:

Signature and date:

