



UNIVERSITY POLICY

SUBJECT:	PURCHASING SERVICES	TITLE:	WAIVER OF BIDS		
CATEGORY: Check One	Board of Trustees <input checked="" type="checkbox"/>	Presidential <input type="checkbox"/>	Functional <input type="checkbox"/>	School/Unit <input type="checkbox"/>	
Responsible Executive:	Vice President for Supply Chain Management		Responsible Office:	Supply Chain Management	
CODING:	00-01-60-10:00	ADOPTED:	03/20/07	AMENDED:	07/19/11
LAST REVIEWED: 07/19/11					

I. PURPOSE

To establish guidelines and procedures, and to define the responsibilities of University employees (as defined in Section IV, K. of the “Purchasing Process” policy), in connection with the initiating, processing and managing of Waivers of Bids for the procurement of goods and services (as defined in the “Purchasing Process” policy) by the University outside the public bidding process. This policy is intended to, and shall, supplement the “Purchasing Process” policy and does not in any way supersede any provision thereof.

II. ACCOUNTABILITY

Under the general oversight of the Board of Trustees, the President shall ensure compliance with this policy and New Jersey State statutory law concerning competitive bidding. The University Chief Financial Officer, Executive Vice President, Senior Vice Presidents, Deans, Presidents/CEOs of the Healthcare Units and Vice Presidents shall implement this policy.

III. APPLICABILITY

This policy shall apply to all UMDNJ employees in connection with the procurement of goods and services by purchase, lease or otherwise under the authority or acting on behalf of UMDNJ under contracts let without competitive bidding under waivers of bids.

IV. DEFINITIONS

- A. Bid Waiver – A request to procure a product, professional or technical service for which the dollar amount exceeds the established UMDNJ public bidding threshold as amended outside the public bidding process. Waiver criteria are governed by N.J.S.A. 52:34-9 and 52:34-10 and include narrow and limited exceptions to the open public bidding statutes enumerated under the University policy, Waiver of Bids. Generally, a bid waiver shall be granted on a one time basis for a specific item from a vendor and for a specific dollar amount.

- B. Blanket Waiver – A blanket waiver is granted for a recurring need and may include multiple items from multiple vendors to be procured within a specific Fiscal Year. It authorizes the University to procure a product, professional or technical service for which the dollar amount will exceed the threshold as amended outside the public bidding process. The Board of Trustees has authorized blanket waivers exclusively for: grant subcontracts, group purchasing organizations, organ transplants, blood products, and outside legal counsel.

V. COMPLIANCE

- A. Employees have a responsibility to prudently process waiver of bid requests for only those supplies or services needed for the effective operation of the University and properly exempt from the bidding requirements of the State Bidding Laws as set forth in EXHIBIT A and University policy as set forth herein and in the University policy, Purchasing Process, 00-01-60-05:00.
- B. No Department or UMNDJ employee shall commit or bind the University to a contract with a vendor without the required approval and authorization. All UMDNJ contracts with vendors are established and approved according to the procedure and standards established by State law and UMDNJ for contracting for the procurement of goods and/or services. All waiver contracts proposed by the Departments are subject to the requirements set forth in this policy on Waiver of Bids, the policy on the Purchasing Process, 00-01-60-05:00 as well as all other applicable State laws and UMDNJ policies.
- C. Any employee who fails to comply with the requirements of the UMDNJ policies regarding waiver of bids may be subject to appropriate personnel actions up to, and including, termination. Any party to this process that knowingly misrepresents information, or participates in such misrepresentation, and any party that fails to follow directions given regarding this process, may be held liable to the University for any sums of money due and owing to any vendor that provided goods or services to the University in reliance upon representations made by the UMDNJ employee. Instances of non-compliance with these procedures will be identified through ongoing monitoring of the process for appropriate action.

VI. REFERENCE

Purchasing Process [00-01-60-05:00](#)

VII. POLICY

- A. Requirements:
 - 1. The University shall make every reasonable effort to optimize its purchasing activities by practicing due diligence in seeking competitive bids under the public bidding process, or when appropriate in obtaining competitive quotes, for the procurement of goods and services to support its operations.
 - 2. Bid waivers will only be used in limited circumstances and will only be permitted as outlined in the State Bidding Laws as provided in EXHIBIT A and University policy.
 - 3. The waiver of advertising (bid) process applies to all procurements that exceed the established UMDNJ public bidding threshold for a fiscal year. Departments are prohibited from dividing or splitting purchases to circumvent the UMDNJ policy that all procurements exceeding the established UMDNJ public bidding threshold in a fiscal year are:
 - a. to be publicly advertised;
 - b. to be obtained through an existing UMDNJ contract;
 - c. to be obtained through a State contract; or
 - d. to be obtained through an acceptable Group Purchasing Organization; or
 - e. if options (a), (b), (c) and (d) are not available, to be obtained through a waiver of advertising.
 - 4. Blanket waivers will only be permitted to procure products or services that fall within the following categories:
 - a. grant subcontracts
 - b. group purchasing organizations

- c. organ transplants
- d. blood products
- e. outside legal counsel
- f. animals for research purposes

- 5. All requests for bid waivers must follow the Bid Waiver procedure as set forth generally in the University policy, Purchasing Process, 00-01-60:05:00 and more specifically herein.
- 6. All requests for bid waivers must be initiated by using the Request for Waiver of Public Bid Form. See EXHIBIT B.

B. Responsibilities:

- 1. The Purchasing Services Department is responsible for:

posting, advertising and employing a competitive process for all procurement contracts to the extent it is feasible and economical to do so.
- 2. The requesting department is responsible for:
 - a. working in conjunction with the Bid Waiver Coordinator when preparing a waiver request to purchase goods and services that are excluded from public bidding under the State Bidding Laws as provided in EXHIBIT A.
 - b. making sure the Request for Waiver of Public Bid Form, EXHIBIT B, is fully completed by including justification, waiver category, vendor(s), specific items or services to be purchased, requested amount and a purchase requisition (where applicable).
 - c. submitting the waiver before the requested delivery date to give sufficient time for the waiver to go through all the required approval processes and for the Purchasing Services to obtain the required State compliance documentation from the vendor, and when applicable, to have the agreement submitted with the waiver finalized. See EXHIBIT C for Waiver Submission and Approval Process Timeline.
- 3. The department head is responsible for reviewing and authorizing the waiver request, and demonstrating the need for the good or service and attesting that the representations relating to the justification to waive public bidding are accurate.
- 4. The unit administrator (Vice President or Dean) is responsible for reviewing and approving the waiver request to ensure that the request is consistent and aligns with the unit's needs, and goals and direction and to ensure that the waiver request complies with UMDNJ procurement policy and procedure, **including the timely submission of the waiver request.**
- 5. The Bid Waiver Coordinator is responsible for:
 - a. working in conjunction with the requesting department to assist in the preparation of waiver requests.
 - b. reviewing and recommending either approval or disapproval of waiver requests based on State statutes, regulations, and an evaluation of propriety of the waiver of public bid and the necessity for the goods or services to be procured.

In the event that the Bid Waiver Coordinator finds that the purchase can be publicly bid, the requesting department will be notified and the

procurement will be referred to the Purchases Services Department. The Bid Waiver Coordinator will provide an explanation to the Department to facilitate an understanding of the public bidding process.

- c. maintaining a log of purchase orders charged against approved blanket waivers to ensure that the waiver criteria and the cumulative volume are within the approved dollar amount.
 - d. maintaining a log or file of those waiver requests that have been recommended for approval and those that are disapproved.
 - e. ensuring that all bid waivers and blanket waivers are submitted to the Finance Committee and to the Board of Trustees on recommendations of the Finance Committee, for considerations and approval before any contracts are let.
 - f. ensuring that blanket waivers are approved at least annually by the Board of Trustees.
6. Purchasing Services is responsible for contacting the vendor to obtain all required legal documents to process the waiver. The list of required documents is set forth on the website of the Purchasing Services Department.

Unless there is a separate agreement between UMDNJ and the vendor, the vendor must agree to the UMDNJ Standard Terms and Conditions by executing and returning to the buyer the executed signature page of the UMDNJ Standard Terms and Conditions, <http://www.umdnj.edu/purchweb/standard/index.htm>.

7. Both the Purchasing Services and the requesting department are responsible for maintaining records of all purchasing transactions in accordance with University policy, Records Management, 00-01-10-50:00, to document the department's efforts to obtain the best goods and services for the University on the most favorable terms and conditions.
8. The Office of Legal Management is responsible for review of waiver requests for form and legality and to safeguard the University's interests.
9. The Vice President for Information Services and Technology is responsible for ensuring systems compatibility and for approving all requests for rental or purchase of data processing or telecommunications equipment, software, or services. The Vice President for Information Services and Technology shall also review all sole source IT requests and advise the Bid Waiver Coordinator on the merits of the request under the sole source advertising exemption set forth under N.J.S.A. 52:34-10(c).
10. The Vice President for Research is responsible for reviewing sole source research equipment requests and advising if such requests satisfy the criteria for a sole source advertising exemption set forth under N.J.S.A. 52-34-10(c).
11. The Vice President for Supply Chain Management is responsible for approving waiver requests if it is determined that the requested goods or services properly fit within one of the exclusions under the State Bidding Laws as provided in EXHIBIT A.

VIII. PROCEDURE

A. Waiver of Bids Request Process

Performed by:

Requesting Department, Department Head, Vice President, Dean (Vice President and Dean hereinafter collectively referred to as the “Unit Administrator”)

Bid Waiver Coordinator

Action Taken:

1. Identifies a need for a product or service whose dollar value will exceed the established UMDNJ public bidding threshold as amended that needs to be procured outside the public bidding process and provides a scope of work or item description as appropriate.
2. Consults the Bid Waiver Coordinator for guidance.
3. Is responsible for the management of it’s contracts and the timely submission of all waiver requests.
4. Reviews the need and refines scope of work or item description, as needed
 - Identifies any possible alternate products/ vendors/sources including state sources, and will consult with the Office of Supplier Diversity and Vendor Development to identify set-aside vendor(s).
 - Consults with Vice President for Supply Chain Management to determine if the waiver request should be publicly advertised.
 - Gathers information from any other departments that might have pertinent information regarding this request.
 - In the case of sole source requests, verifies the Department’s claim of a single source of supply.
 - Determines whether the appropriate waiver is being requested for the products or services being procured.
 - Writes a memorandum of justification for invoking the exception to be certified by the President.
 - Consults with Contracts Management as necessary to confirm past vendor performance.
5. Advises the Requesting Department of the appropriate course of action. In the event that the Bid Waiver Coordinator finds that the procurement can be publicly bid, the Bid Waiver Coordinator will notify the Requesting Department and also refer the procurement to the Director of Purchasing Services for assignment to a staff member. If the Bid Waiver request is to be processed, advises the assigned buyer to contact the vendor to begin obtaining all legally required compliance documents.

Performed by:

Requesting Department, Department
Head, Unit Administrator

Action Taken:

6. Prepares a case for the Waiver (using the information provided by the Bid Waiver Coordinator) by submitting:
 - a. Completed and signed Request for Waiver of Public Bid Form; with Department Head endorsement and appropriate Unit Administrator's authorization. Unit Administrator is either the Dean or Vice President for school or unit.
 - b. Completed Executive Summary (See outline below):
 - i. Purpose of the waiver.
 - ii. Goods and/or services to be purchased.
 - iii. Identity of vendor (name, address, etc).
 - iv. List of vendors contacted and quotes received (if applicable).
 - v. Justification for using the waiver process (set forth all reasons why the procurement can not be obtained through public advertisement, an existing UMDNJ contract or a State contract).
State contracts may be reviewed at: <http://www.state.nj.us/treasury/purchase/contracts.htm>.
 - vi. Citations of the applicable statutory provision(s) that exempt(s) the procurement from the public advertising process.
e.g. IST or IT justification for sole source IT procurements.
 - vii. Consequences to the department if the waiver request is denied.
 - viii. Duration of the contract.
 - ix. When goods or services are needed.
 - x. If the department has received in whole or in part the needed goods and/or services, the Department must explain in detail the reason the waiver request was not submitted before the goods/and or services were delivered to the Department and the measures undertaken by the Department to prevent a reoccurrence of procuring goods and services before obtaining required procurement approvals and to manage all department procurements in compliance with UMDNJ procurement policy and procedure.
 - c. Proposed vendor agreement/contract/license if applicable to the procurement request;
 - d. Public Exigency/Emergency waivers under statutory exemption N.J.S.A. 52:34-10b that exceed \$100,000 require a certification from the department Head on the nature and circumstances of the emergency, and the measures taken by the department to address the emergency.
 - e. Vendor invoice-verification from the vendor of pricing for goods and/or services under the waiver. Pricing should be cumulative and should breakdown cost of each task or good to be supplied under the procurement.

Performed by:

Action Taken:

- f. Requisition for the procurement.
- For purchases over \$100,000, the Requesting Department shall submit an electronic copy of the Executive Summary to the Office of Legal Management and the Vice President of Supply Chain Management.
7. Forwards the Waiver request and the purchase requisition to the unit's Business Manager.
- Business Manager
8. Encumbers the funds.
9. Forwards the Waiver request and the purchase requisition to the Bid Waiver Coordinator, verifying the existence and source of funding.
- Bid Waiver Coordinator
10. Reviews all documentation supplied by the Requesting Department. Contacts the Department if information is insufficient, incomplete or incorrect and provides direction as to what must be done.
11. Once all documentation is complete and deemed acceptable and approved by the Bid Waiver Coordinator, logs-in the Waiver request and assigns it to a buyer. Forwards waiver request to buyer for processing.
12. Reviews the Waiver request and the purchase requisition against a specific checklist of approval criteria.
13. If additional justification or clarification is required, returns the Waiver request to the Requesting Department with copies to the Department Head and Unit Administrator.
- (a) Obtain Vice President of Research Dean approval for sole source research equipment requests
 - (b) Make certain that departmental IT or IS&T verify sole source for IT requests
- Requesting Department
14. Submits the revised Waiver request to the Bid Waiver Coordinator. (See Step 10)
- Bid Waiver Coordinator
15. If applicable, reviews the resubmitted Waiver request against a specific checklist of approval criteria.
16. Submits to Vice President of Supply Chain Management, for review and approval.
- Vice President of Supply Chain Management
17. Reviews and approves waiver request. Returns to Bid Waiver Coordinator for further processing.
- Bid Waiver Coordinator
18. Submits waiver request to Office of Legal Management for approval of the form and legality of the Waiver request.

Performed by:

Action Taken:

Legal Management

19. Reviews and notifies the Director of Purchasing Services of its approval/disapproval of the form and legality of the Waiver request.
20. If the Waiver amount is \$100,000 or greater, Legal Management will arrange to have the contract placed on the agenda of the Finance Committee and the agenda of the Board of Trustees.

Senior Vice President for Administration

21. Upon approval of the form and legality of the Waiver request by the Office of Legal Management, reviews and approves/disapproves the Waiver request with copies to the Department Head and Unit Administrator.
22. Certifies that the circumstances warrant waiver of public bid and the necessity for the goods or services to be procured.
23. If the Waiver amount is \$50,000 or over, forwards the Waiver request to the Chief Financial Officer and the President for review and approval.

University Chief Financial Officer

24. Reviews and approves Waivers \$50,000 or over and reports the approval or disapproval to the Bid Waiver Coordinator and the Vice President of Supply Chain Management.
25. Certifies that the circumstances warrant waiver of public bid and the necessity for the goods or services to be procured.
26. If the Waiver amount is \$100,000 or over, forwards the Waiver request to the Board of Trustees for review and approval.

President

27. Reviews and approves Waivers \$50,000 and over and reports the approval or disapproval to the Bid Waiver Coordinator and the Vice President, Supply Chain Management.
28. Certifies that the circumstances warrant waiver of public bid and the necessity for the goods or services to be procured.

Finance Committee

29. Reviews and approves all Waiver requests over \$100,000 and reports the approval or disapproval to the Bid Waiver Coordinator and the Vice President of Supply Chain Management and recommends approvals to the Board of Trustees.

Board of Trustees

30. Considers all Waiver requests for approval or rejection on the recommendation of the Finance Committee.

University Chief Financial Officer

31. Upon receipt of approved/disapproved Waivers from the Office of the President, Finance Committee or Board of Trustees, transmits approved waivers to the Bid Waiver Coordinator for distribution to the Purchasing Services Buyer, and contacts the Requesting Department in the case of waivers that are disapproved by the Office of the President.

Performed by:

Purchasing Services Buyer

Action Taken:

32. Processes the purchase requisition.
33. Obtains all required vendor compliance or assures all required vendor compliance is already in place.
34. Processes contract with vendor. Works with Legal Management and vendor as necessary. Assures contract is executed by both UMDNJ and vendor. If no contract, assures vendor signs/approves UMDNJ standard terms and conditions.
35. Issues a purchase order to the vendor.
36. Monitors expenditures to ensure that the approved Waiver amount is not exceeded.

IX. EMERGENCY WAIVER PROCEDURE

N.J.S.A. 52:34-10(b) provides an exception to the advertised procurement process when the Department is confronted with a public exigency or public emergency. Exigent/emergent circumstances are imminent life, health and safety threats to the public, including UMDNJ personnel, and property. This procedure will expedite the processing and handling of emergency procurement requests.

- A. If a Department is confronted with an emergency situation the Department shall:
 1. Contact the Purchasing Services Department or the Bid Waiver Coordinator to determine if there is an existing UMDNJ or State contract, which could provide the needed goods or services.
 2. If there are no UMDNJ or State contracts available to address the situation, provide an Executive Summary with sufficient detail to justify the need for an emergency procurement.
 3. Provide three (3) vendor quotes for the work to be performed unless circumstances prevent the department from obtaining the 3 quotes. The vendor quotes or invoices shall:
 - a. list tasks to be performed and/or goods to be provided;
 - b. unit or task cost;
 - c. identity of the vendor (name, address, contact information, etc.); and
 - d. anticipated completion or delivery date
- B. If the Bid Waiver Coordinator, after consulting with the Purchasing Department ascertains that there is no existing State contract or UMDNJ contract for the required services and/or products, determines that an emergency procurement is justified, the Bid Waiver Coordinator, after complying with the procedure set forth herein, will request the Vice President of Supply Chain Management to authorize a Purchase Order up to \$17,400 to allow the vendor to commence work and/or delivery to begin to address the emergency situation.
- C. Upon granting the emergency waiver request, the Bid Waiver Coordinator shall issue a letter to the contractor informing the contractor that it will not be paid the balance of funds due until the waiver request has received all required approvals and complied with all the requirements, including the filing of required contracting documents and/or compliance forms, of the standard waiver procedure.
- D. For emergency waivers under \$50,000 in the aggregate, the Bid Waiver Coordinator has the authority to conditionally approve emergency procurements provided the Bid Waiver Coordinator:

1. Obtains the authority of the Vice President of Supply Chain management to issue a purchase order of not more than \$17,400 to begin delivery of goods and/or performance of services to address the emergency; and
 2. Provides twenty-four (24) hour notice to the Senior Vice President of Administration, and the Chief Financial Officer, and the Vice President of Supply Chain Management, before authorizing the Department to proceed with the procurement.
 3. Request the Vice President of Supply Change Management to authorize a purchase order not to exceed \$17,400 to commence the emergency work
- E. For requests over \$50,000 and up to \$100,000, the Bid Waiver Coordinator shall:
1. Obtains the authority of the Vice President of Supply Chain Management to issue a purchase order of not more than \$17,400 to begin delivery of goods and/or performance of services to address the emergency; and
 2. Obtains the approval of the Senior Vice President of Administration, the University Chief Financial Officer, and the President of the UMDNJ before authorizing the Department to proceed with the emergency procurement.
 3. Request the Vice President of Supply Chain Management to authorize a purchase order not to exceed \$17,400 to commence the emergency work
- F. The Department must submit all the required waiver documentation to the Bid Waiver Coordinator within three (3) business days of the authorization. If the department fails to comply with the 3 day rule, notice shall be provided to the President and the Office of Ethics and Compliance on the Department's failure to comply with emergency waiver procedure.
- G. Public Exigency/Emergency waivers under statutory exemption N.J.S.A. 52:34-10b that exceed \$100,000 require a certification from the Department Head on the nature and circumstances of the emergency, and the measures taken by the department to address the emergency.
- H. Notwithstanding the conditional approval and authorization of an emergency procurement, the emergency waiver request must still comply with the requirements and procedure governing all waiver requests. Such requirements include by way of example, submission of Request for Waiver of Public Bid form, requisition for the purchase, appropriate approvals, and the contractor supplying all required compliance documentation.
- X. EXHIBITS
- A. New Jersey State Bidding Laws
 - B. Request for Waiver of Bid Form
 - C. Waiver Submission and Approval Process Timeline

By Direction of the President:

SIGNATURE ON FILE

Vice President for Supply Chain Management

EXHIBIT A
NEW JERSEY STATE LAWS

52:34-9. Subject matter making advertising unnecessary under s 52:34-8

Any such purchase, contract or agreement may be made, negotiated, or awarded when the subject matter thereof consists of:

- (a) services to be performed by the contractor personally which are (a) of a technical and professional nature, or (b) to be performed under the supervision of the Director of the Division of Purchase and Property and paid for on a time basis; or
- (b) the purchase of perishable foods or subsistence supplies; or
- (c) the lease of such office space, office machinery, specialized equipment, buildings or real property as may be required for the conduct of the State's business; or
- (d) the acquisition of any real property by gift, grant, purchase or any other lawful manner in the name of and for the use of the State for the purpose of the administration of the State's business in accordance with appropriations made therefore when moneys are required for the acquisition; or
- (e) supplies or services as to which the bid prices after advertising therefore are not reasonable or have not been independently arrived at in open competition; provided, that no negotiated purchase, contract or agreement may be entered into under the paragraph after the rejection of all bids received unless (a) notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given by the Director of the Division of Purchase and Property to each responsible bidder, (b) the negotiated price is lower than the lowest rejected bid price of a responsible bidder, and (c) such negotiated price is the lowest negotiated price offered by any responsible supplier.

52:34-10. Circumstances under which advertising is unnecessary under s 52:34-8

Any such purchase, contract or agreement may be made, negotiated or awarded when:

- (a) the purchase is to be made from, or the contract to be made with, the Federal or any State Government or any agency or political subdivision thereof; or
- (b) the public exigency requires the immediate delivery of the articles or performance of the service, or Homeland Security or other purchases of goods and services, which cannot be publicly advertised because of an overriding safety or security concern, or a critical agency mandate, statutory or operational requirement must be fulfilled immediately; (POOR PLANNING DOES NOT CONSTITUTE PUBLIC EXIGENCY) or
- (c) only 1 source of supply is available; or
- (d) more favorable terms can be obtained from a primary source of supply at a reduced cost, which results from the elimination of intermediaries, i.e. distributors, dealers and jobbers. It can also be sued when special or spot purchases are attainable at reduced cost or with more favorable delivery schedules when such are needed; or
- (e) articles of wearing apparel are to be purchased which are styled or seasonal in character; or
- (f) commodities traded on a national commodity exchange are to be purchased and fluctuations of the market require immediate action; or
- (g) the equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest.

EXHIBIT A (continued)
NEW JERSEY STATE LAWS

52:34-10.6

Any purchase of equipment, goods or services related to homeland security and domestic preparedness that is paid for or reimbursed by federal funds awarded by the U.S. Department of Homeland Security or other federal agency, from vendors participating a federal procurement program established by a federal department or agency or the purchase has been approved by the State Treasurer in consultation with the New Jersey Domestic Security Preparedness Task Force. Or, a purchasing agreement entered into by the Director, Division of Purchase and Property with one or more states, or political subdivisions or compact agencies thereof, for the purchase of such equipment, goods, or services to meet the domestic preparedness and homeland security needs of the State.

**EXHIBIT B
REQUEST FOR WAIVER OF PUBLIC BID FORM**



University of Medicine and Dentistry of New Jersey

WAIVER # _____
BUYER: _____

Request for Waiver of Public Bid

Instructions: Complete all items in Part 1. Refer to Policy #00-01-01-60:10 for statutory citations
POOR PLANNING DOES NOT CONSTITUTE PUBLIC EXIGENCY

Part 1- Must be Completed by Requesting Department

1. Using Department	2. Contact Person/Phone/e-mail	
3. Suggested Vendor (Name and Address)	4. Statutory Citation	5. Delivery Date
	6. Index	7. Account
	8. Total Amount Requested	9. Requisition #

10. Provide a brief, concise summary of nature and purpose of waiver. Explain what attempts were made to obtain competition. Attach all proposals, quotation, etc. received.

Check List for Waiver Requests	Yes	No	14. Department Certification:
11. Is a vendor proposal (s) attached detailing the scope of work or item description, including an explanation of rates/prices?			I certify to the accuracy of the above statements and request a Waiver of Public Bid
12. Confirming/Unauthorized Waiver?			Signature of Requestor Date
13. Have goods or services been received/performed? If yes, provide a justification signed by Department Head.			Print Name of Requestor: _____
			Signature of Department Head Date
			Print Name of Department Head: _____

Signature of Unit Administrator **Date**

Print Name of Unit Administrator: _____

Bid Waiver Coordinator:

Vice President for Supply Chain Management **Date**

Legal: this waiver is approved as to legal form

Legal Management **Date**

Chief Financial Officer **Date**
\$50,000 and above

Senior Vice President for Administration **Date**
\$27,500 and above

President **Date**
\$50,000 and above

Note: Waiver requests over \$100,00 are subject to the review and approval of the UMDNJ Board of Trustees

EXHIBIT C

Waiver Submission and Approval Process Timeline

- A. Internally, the waiver process must begin six (6) to nine (9) months before the expiration of the current waiver or contract or before the services and/or products are needed;
- B. For first time waiver requests, the Bid Waiver Coordinator should be contacted as soon as there is a perceived need for the goods and/or services;
- C. During this period, the Department must contact the Bid Waiver Coordinator to determine if a bid waiver is permitted or if the procurement is subject to another procurement method (advertised bid, GPO contract, State contract, or grant/subcontract waiver). Providing the Bid Waiver Coordinator with timely notice will allow sufficient time to investigate the merits of the waiver request;
- D. The end users must use this time to address contract issues associated with waiver request. Such issues include, but are not limited to, evaluating the end user's business need(s), obtaining vendor quote or agreement, negotiations with the vendor and address any other matter concerning the procurement process under the waiver;
- E. The time period should allow sufficient time for deliberative review and consideration of the waiver request by all executive management approvers. Executive management approval of the waiver request could take approximately from thirty (30) to sixty (60) days depending on the amount and the nature of the waiver request.
- F. In addition, note that all waiver requests above \$100,000 require Board of Trustee approval. The Board of Trustees meets once a month except in August. All waiver requests requiring Board of Trustee approval must be submitted as complete no later than the twelfth (12th) day of the month preceding the month that the waiver will be submitted to the Board of Trustees; and
- G. Remember, earlier is better.
- H. Violations of UMDNJ procurement policy and procedure:
 - 1. It is a violation of UMDNJ Policy if goods and/or services are obtained or received before there is authority in place under UMDNJ procurement policy and procedure.
 - 2. Violations will be reported to the Dean or Sr. Vice President responsible for the requesting School or Business Unit. In addition, violations may be reported to the Office of Ethics and Compliance.
- I. Late Waiver Submissions:
 - 1. Requestor must provide a detailed explanation within the Executive Summary submitted with the waiver package regarding the late waiver submission. Requestor must set forth specifically the reason(s) for the late waiver submission.
 - 2. The requestor must also identify with the Executive Summary the changes implemented by the department or unit to better manage and administer its contracts, including waiver requests.