

7360 Noncompetitive Awards

(a)

Noncompetitive awards may be used by an AAA when the award of the contract is infeasible for competitive bid because one of the following conditions exist: (1) The item or service is available only from a single source. (2) There is a public exigency or emergency that will not permit a delay resulting from competitive solicitation. (3) After solicitation of a number of sources, competition is determined inadequate in accordance with (c). (4) The awarding agency as defined in 45 CFR 92.3 authorizes noncompetitive proposals.

(1)

The item or service is available only from a single source.

(2)

There is a public exigency or emergency that will not permit a delay resulting from competitive solicitation.

(3)

After solicitation of a number of sources, competition is determined inadequate in accordance with (c).

(4)

The awarding agency as defined in 45 CFR 92.3 authorizes noncompetitive proposals.

(b)

In the case of noncompetitive awards an AAA shall: (1) Verify all the proposed cost data and the projections of the data. (2) Evaluate the specific elements of costs and profit. (3) Maintain documentation to support the use of a noncompetitive award.

(1)

Verify all the proposed cost data and the projections of the data.

(2)

Evaluate the specific elements of costs and profit.

(3)

Maintain documentation to support the use of a noncompetitive award.

(c)

In the case of inadequate competition, an AAA shall: (1) Prior to making such a determination, examine all of the following factors. Whether: (A) Lack of response was due to inadequate dissemination or advertising. (B) The specifications in the IFB/RFP were too restrictive. (C) The time frame for the submission of bids/proposals was reasonable. (D) The required delivery or performance time was realistic. (2) Maintain the following documentation in support of the determination: (A) The procurement policy as it existed at the time of solicitation. (B) The methods used to publicize or solicit potential bidders. (C) A list of the organizations to which the IFB/RFP was distributed and/or potential sources which were contacted.

(1)

Prior to making such a determination, examine all of the following factors. Whether: (A) Lack of response was due to inadequate dissemination or advertising. (B) The specifications in the IFB/RFP were too restrictive. (C) The time frame for the submission of bids/proposals was reasonable. (D) The required delivery or performance time was

realistic.

(A)

Lack of response was due to inadequate dissemination or advertising.

(B)

The specifications in the IFB/RFP were too restrictive.

(C)

The time frame for the submission of bids/proposals was reasonable.

(D)

The required delivery or performance time was realistic.

(2)

Maintain the following documentation in support of the determination: (A) The procurement policy as it existed at the time of solicitation. (B) The methods used to publicize or solicit potential bidders. (C) A list of the organizations to which the IFB/RFP was distributed and/or potential sources which were contacted.

(A)

The procurement policy as it existed at the time of solicitation.

(B)

The methods used to publicize or solicit potential bidders.

(C)

A list of the organizations to which the IFB/RFP was distributed and/or potential sources which were contacted.

(d)

In addition to the circumstances specified in (a), an AAA shall be exempt from the competitive bid process when all of the following conditions exist: (1) The AAA is a governmental entity. A government entity may be an agency of a city or county or a Joint Powers Agreement Agency established pursuant to Sections 6500

through 6525 of the Government Code. (2) The prospective contractor is a government entity. (3) The goods or services to be procured from the intergovernmental contract will result in efficiency and economy. The AAA shall maintain documentation of the analysis supporting the decision that efficiency and economy will result.

(1)

The AAA is a governmental entity. A government entity may be an agency of a city or county or a Joint Powers Agreement Agency established pursuant to Sections 6500 through 6525 of the Government Code.

(2)

The prospective contractor is a government entity.

(3)

The goods or services to be procured from the intergovernmental contract will result in efficiency and economy. The AAA shall maintain documentation of the analysis supporting the decision that efficiency and economy will result.