



OFFICE OF PLANNING AND BUDGET

Brian P. Kemp
Governor

Richard Dunn
Director

Non-Competitive Procurement Justification State Fiscal Recovery Funds

This information is provided by the Georgia Governor's Office of Planning and Budget (OPB) to serve as a resource for subrecipients contemplating a non-competitive contractual relationship with a contractor under an award, where the contracted cost exceeds the micro purchase threshold. Non-competitive procurement justifications should include adequate information and supporting documentation (e.g.: cost analysis, quotes, etc.) to address the elements below, where applicable, and be documented on the form provided in **Exhibit A**. The content herein serves only as a supplement to procurement requirements found at [2CFR §200.318](#), and acceptance of a non-competitive procurement justification lies exclusively with the U.S. Department of the Treasury.

Item Only Available Through a Single Source

- ✓ Does independent research through internet searches or discussions with subject matter experts corroborate that the item is available only from a single source?
- ✓ Does the request demonstrate the uniqueness of items or services to be procured from the proposed contractor or contractor (e.g., compatibility or patent issues, etc.)?
- ✓ Does the request demonstrate and support how it determined that the item or service is only available from one source (e.g., market survey results, independent agency research, patented or proprietary system)?
- ✓ Does the request demonstrate a significant need for contractor's expertise linked to the current project (e.g., knowledge of project management, responsiveness, experience of contractor personnel, and/or prior work on earlier phases of project)?
- ✗ Please note that schedule alone does not constitute an emergency/exigent condition for the purposes of justifying a non-competitive procurement.

Inadequate Competition

- ✓ Does the request adequately describe the efforts to competitively contract for this item? For example, were requests for proposals or bids conducted and what was the nature of the responses?

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- ✓ Does the request demonstrate that a cost reasonableness analysis was performed and documented to justify that the costs would reasonably reflect equal to or better market conditions had the project been competitively procured?
- ✓ Does the request provide results of a market survey to determine competition on availability or explain why no survey was conducted?
- ✓ Does the request contain a written justification supporting why the item is only available through a single source, including steps taken determine the item is only available through a single source?

Conflict of Interest / Suitability / Procurement Standards

- ✓ Does the request ensure there is no conflict of interest with the proposed contractor?
- ✓ Does the request indicate that the System for Award Management (SAM) was checked and that the proposed contractor has not been prohibited from receiving federal funds?
- ✓ Does the request include evidence that the procurement will be competed in compliance with the organization's procurement policies and the procurement standards outlined in the Uniform Guidance, including the required contract provisions?

Documentation and Approvals

- ✓ Does the request contain a detailed, written justification for the noncompetitive contract?
- ✓ Does the written justification contain evidence of review and approval by those charged with governance (Stakeholders, Council, Board of Directors, Senior Management)?

Resources

[Important Documents | Governor's Office of Planning and Budget \(georgia.gov\)](#)

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>

Questions to GeorgiaGrants@rsmus.com

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Exhibit A – Non-Competitive Procurement Justification Form

Subrecipient Name	
Grant ID	
Date	
Value of noncompetitive contract	
Scope of noncompetitive contract	
Name of contractor	

1. Describe the facts and circumstances which led to the subrecipient's determination that the non-competitive contract is justified. (e.g. Internet research, publications, market evaluation, consultations, etc.). List all sources identified and investigated to determine that no other source exists for similar products capable of meeting requirement. *Please limit your response to 500 words.*

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Non-Competitive Procurement Justification Form - continued

2. Describe activities performed by the subrecipient to determine that costs associated with the non-competitive contract are fair and reasonable. (e.g. independent cost estimate, research, past experience, etc.). *Please limit your response to 500 words.*

3. Describe procedures performed by the subrecipient to confirm that no conflicts of interest exist between the contractor and the subrecipient and / or its key stakeholders. *Please limit your response to 500 words.*

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Non-Competitive Procurement Justification Form – continued

4. Describe the process by which the subrecipient obtained approval for the noncompetitive contract by those charged with governance at your organization (e.g. Stakeholders, Council, Board of Directors, Senior Management). Please include a link or an attachment to your non-competitive procurement justification submission evidencing approvals obtained. *Please limit your response to 500 words.*

5. Describe any other diligence activities performed by the subrecipient in acquisition of the noncompetitive contract. *Please limit your response to 500 words.*

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