



New Hampshire

Department of Education

New Hampshire Department of Education ESEA Noncompetitive Procurement Request Process and Form

Bureau of Instructional Support

Office of ESEA Programs

25 Hall Street

Concord, NH 03301

Purpose

The purpose of this document is to provide all stakeholders with information regarding the New Hampshire Department of Education (NHED), Office of ESEA Programs noncompetitive procurement process and subsequent request form.

Guidance

Per 2 CFR § 200.320 (C) there are specific circumstances in which noncompetitive procurement can be used. One or more of the following circumstances must apply;

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (currently \$10,000),
 - If the acquisition of a good or service is below \$10,000, the local education agency (LEA) does not need to compete.
2. The item is available only from a single source,
 - In the rare case that a good or service is only available from one source, then the LEA does not need to compete.
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - In order to be considered a public emergency, the state would have to be in a state of emergency i.e. due to a pandemic, natural disaster, etc.
4. The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity;
 - In the event the LEA does not wish to seek quotes or formally bid and does not meet one of the other noncompetitive requirements, a request can be made to NHED by submitting a noncompetitive request form (see Appendix A).
 - Requests are handled on a case-by-case basis.
 - The LEA must receive a response to their request by NHED in order to move forward with noncompetitive procurement, unless one of the other requirements is met.
 - If the request is approved, the approval document must be uploaded in the Grants Management System (GMS) to the appropriate grant for which the request was made.
 - A request for use of noncompetitive procurement does not guarantee federal compliance nor is it a guarantee that the request will be approved. All procurement activities are subject to monitoring.
 - Noncompetitive justification must go beyond an established relationship with the vendor. The sole reasoning of an existing relationship with a vendor will result in the request being denied.
 - Acceptable noncompetitive justification includes, but is not limited to; continuity of services provided to students, service providers are limited based on geographical location, the vendor has a level of familiarity with the product that constitutes continued work, etc.
5. After solicitation of a number of sources, competition is determined inadequate.
 - In the event the LEA goes out to bid, but only receive one adequate response, the LEA may elect to select that vendor for goods or services without any further action.
 - The LEA does not need to seek out approval from NHED if this circumstance applies.

Per 2 CFR § 200.334 the request, form, supporting documentation, and NHED's response must be maintained for record retention purposes.



Request to Use Noncompetitive Procurement

This form shall be used in the event an LEA wishes to make a request to NHED for noncompetitive procurement and does not meet one of the other four circumstances according to 2 CFR 200.320 (C). This written request shall demonstrate due diligence to meet full and open competition requirements, supporting documentation, and a fully executed form. The submission of this form does not guarantee approval. Please submit the fully executed document with supporting documentation to your federal grant program contact.

District Name: _____

SAU #: _____

Grant Contact Name and Title: _____

Grant Contact Email: _____

Grant Contact Phone: _____

Grant Name and Year: Choose an item. _____

Grant Activity #: _____

Grant Activity Narrative:

Please insert your activity narrative here that aligns with the activity number provided above.

The LEA must demonstrate the need for noncompetitive procurement by providing a narrative below:

Insert narrative here. Attach additional supporting documentation/narrative if additional space is needed.

I, on behalf of the LEA listed above, certify that the information provided in this document is true and understand that this request does not guarantee federal compliance and that all federal procurements are subject to monitoring.

Printed Name and Title	Signature	Date
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NHED Use Only

I, on behalf of NHED, certify that I have reviewed the noncompetitive request above and have determined the LEA:

- Has made sufficient justification to not compete regarding the above-mentioned activity.
 - This document will be fully executed and returned to the LEA noting approval. The LEA must upload this document to GMS under the appropriate grant.

- Has not made sufficient justification to not compete regarding the above-mentioned activity.
 - This document will be fully executed and returned to the LEA noting it has been denied. The LEA must revise their justification or ensure that a competitive procurement process is met.

Printed Name and Title	Signature	Date
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For questions, please reach out to your federal program manager contact.