

SMALL BUSINESS FIRST WAIVER

(Non-Award Justification Form)

— For non-federally funded purchases \geq \$10,000 and \leq \$250,000 —

This Waiver must be completed by the requesting Department for all applicable non-construction and non-federally funded purchases valued \geq \$10,000 and \leq \$250,000 annually (excluding tax, but including shipping), to substantiate the appropriateness of awarding to a non-Small Business (SB) or Disabled Veteran Business Enterprise (DVBE). (Review the *Small Business First Waiver Completion Instructions* prior to completing Waiver.)

Waiver Exemptions. The following purchase and/or agreement types are exempt from the *Small Business First* policy and **do not** require a waiver: sole source, unique professional services, emergency purchases; purchases through existing strategically sourced agreements; federally funded purchases; design and construction purchases; interagency contracts; federal/local government contracts; research sub-awards; higher education institution contracts; concessions; revenue/reimbursement contracts; and medical and patient care contracts.

The *Small Business First* policy does not apply to circumstances where Federal, grant, court decision, or court order requirements dictate how funds can be expended.

Wherever possible, purchases should be made through existing strategically sourced agreements. These purchases are not required to go through the *Small Business First* program.

I. GENERAL INFORMATION

Requisition #: _____ Dollar Amount: _____

Campus Department: _____

Brief Scope of Work:

II. WAIVER JUSTIFICATION

A. Select or identify the relevant portals and systems that were searched to locate SB/DVBEs to meet the Scope of Work requirements for this purchase:

[Explorer Professional](#)

[Cal eProcure](#)

Other: _____

B. List below the relevant UNSPSC, NAICS or other code(s), licenses or keyword(s) used to search for SB/DVBEs to meet the Scope of Work requirements for this opportunity:

C. **Reason for Waiver Request (choose one).** Select below the primary reason for this Waiver request. Provide a narrative in Section D. to further detail the justification for this request based on the primary reason selected.

- 1 –No or insufficient # of SB/DVBE suppliers identified
- 2 -Goods/services offered by only one supplier
- 3 -Quality of material or service is substandard
- 4 -Suppliers found but unable to perform work
- 5 -Unable to obtain enough valid quotes
- 6 -Supplier did not want to become a certified SB or DVBE
- 7 -No supplier in needed service area
- 8 -Choosing SB/DVBE would disrupt business operations
- 9 -No supplier response
- 10 -Other, as specified in justification

Attach any relevant documentation to support this Waiver justification. Documentation examples include: failed solicitations; correspondence from the manufacturer, supplier, program; documentation of Small Business Officer assistance; documentation of supplier search/bidders list; past procurement data search or previous contract information; or evidence of SB/DVBE recruitment efforts.

D. **Justification Narrative.** Detail below the unique circumstances and/or specifications that support the Reason for Waiver Request selected above. This narrative must clearly state why awarding to a non-SB/DVBE is the only means of meeting the requirements of the Scope of Work. **NOTE:** Pre-work with the selected supplier to customize the equipment or service, thereby excluding competition, is not an allowable justification. Price and brand names are not allowable justifications.

III. REPRESENTATION

By signing below, I hereby certify the foregoing is true and correct to the best of my knowledge.

Dept. Responsible Party Signature: _____ Date: _____

Dept. Responsible Party Name: _____ Email/Phone: _____

Dept. Responsible Party Title: _____

IV. WAIVER APPROVAL

Policy Exception Authority Signature: _____ Date: _____

Policy Exception Authority Name: _____ Email/Phone: _____

Policy Exception Authority Title: _____