

# State Purchasing Bureau Policy

## NOTICE

This guidance document is advisory in nature but is binding on the Nebraska Department of Administrative Services until amended. A guidance document does not include internal procedural documents that only affect the internal operations of the Department of Administrative Services and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. See Neb. Rev. Stat. § 84-901.03

**Policy No:** 23-06  
**Application:** Goods & Services  
**Subject:** Exceptions/Deviations & Direct Purchase Authority  
**Effective Date:** 11-20-2023

Purchasing state agencies must request an exception/deviation from the standard procurement procedures in the following circumstances:

1. When competitive bidding is not feasible for a purchasing state agency that needs a good with a value in excess of \$25,000 or a service with a value in excess of \$50,000;
2. When the solicitation must be advertised for fewer than 15 calendar days; or
3. When the competitive bidding for a good must be restricted.

Unless otherwise permitted by the State Purchasing Bureau ("SPB"), all exception or deviation requests must be at the beginning of the procurement process. The specific procedures for submitting an exception or deviation request are provided below.

### 1) **Sole Source**

Enter an O8 Requisition (services) or an OW Requisition (goods) in E1 and attach the following:

- a. Completed SPB Form GS-1
- b. Any supporting materials for SPB Form GS-1
  - i. NOTE: A letter from the vendor is only necessary if the sole source is based on single source distribution or proprietary reasons
- c. The terms and conditions of the purchase, including any terms and conditions desired by the vendor

### 2) **GSA**

Email [as.materieelpurchasing@nebraska.gov](mailto:as.materieelpurchasing@nebraska.gov) and include information as to what the agency desires to purchase off of the contract and whether the requested services or goods can be purchased from an existing contract. Attach the following information:

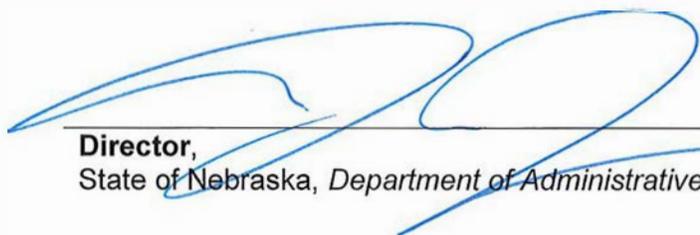
- a. The quote from the vendor
- b. Documentation of GSA pricing
- c. Any additional terms and conditions of the purchase

- 3) **Cooperative or Other Competitively Bid Contracts**  
Email [as.materielpurchasing@nebraska.gov](mailto:as.materielpurchasing@nebraska.gov) and include information about the contract from which the purchasing state agency desires to purchase and whether the requested services or goods can be purchased from an existing State of Nebraska contract.
- 4) **Restrictive Bidding (Goods Only)**  
The agency should seek restrictive bidding approval when the bidding is limited to certain brands or manufacturers. Enter in an OW in E1 and attach the following:
  - a. Completed SPB Form GS-1
  - b. Any supporting materials for SPB Form GS-1
    - i. NOTE: A letter from the vendor is only necessary if the sole source is based on single source distribution or proprietary reasons
- 5) **Emergency**
  - a. **Services** – Enter an O8 Requisition in E1 and attach the following:
    - i. Completed SPB Form GS-1
    - ii. Any supporting materials for SPB Form GS-1
    - iii. The executed emergency
  - b. **Goods** – Enter an OW Requisition in E1 and attach the following:
    - i. Completed SPB Form GS-1
    - ii. Any supporting materials for SPB Form GS-1, including Governor approval of the emergency
    - iii. The executed or proposed emergency contract or purchase documentation
- 6) **Other Circumstances**  
Email the Procurement Manager or the Materiel Administrator to discuss the contract prior to submitting a deviation request. The Materiel Division may require a completed SPB Form GS-1 and other documentation if an exception is permitted.
- 7) **Posting Less Than 15 Calendar Days**  
Enter an O8 Requisition (services) or an OW Requisition (goods) in E1 and attach the following:
  - a. Completed SPB Form GS-1
  - b. Any supporting materials for SPB Form GS-1
- 8) **Direct Purchase Authority (Goods Only)**  
Direct purchase authority (“DPA”) is appropriate when the interests of the state will be better served by the agency purchasing the item directly, rather than through the Materiel Division. DPA is not, in and of itself, permission to circumvent competitive bidding laws. If the agency cannot competitively bid the item, the agency should describe the reasons it cannot. To request direct purchase authority, please email the Materiel Administrator and/or the Materiel Administrative Manager or [as.materielpurchasing@nebraska.gov](mailto:as.materielpurchasing@nebraska.gov) with the following information:
  - a. A written explanation of why the interests of the State will be better served by the agency purchasing the item directly
  - b. The amount of purchase authority (spend) the agency is requesting
  - c. The amount of time the agency needs the authority (cannot exceed one year)

If an agency's authority has expired, the agency will need to follow this process again with an updated written explanation to renew the DPA.

In the event of a conflict between this policy and the procurement manual or applicable statute, the manual or statute shall control. Unless otherwise permitted by the Materiel Division, this policy is effective for deviations submitted on or after the Effective Date of this policy.

The foregoing policy is duly signed and executed on this 20<sup>th</sup> day of November, 2023.



**Director,**  
State of Nebraska, *Department of Administrative Services*

20NOV23

DATE



**Materiel Administrator,**  
State of Nebraska, *Department of Administrative Services*

11/20/23

DATE

