3.0 APPLICABILITY

A. General Applicability

These rules apply to all goods and services procured by and through the University regardless of funding source. For the avoidance of doubt, these rules do not apply to transactions where University funds are not expended nor to contracts that are solely revenue producing.

B. Exclusions

The following situations are excluded from the competitive procurement requirements included in these rules. Other than as mentioned in item 7 below, purchases using Sponsored Program Funds and Research Funds are not subject to this Exclusions section:

1. The procurement is for a construction contract as delegated from State Buildings to the Office of Planning and Construction.
2. The procurement is between the University and a public entity including any agency of a federal, state, county or municipal government, a school district or other special district.
3. The procurement is for services provided by architects, engineers, landscape architects, industrial hygienists or land surveyors. (See C.R.S. §§ 24-30-1401 through 24-30-1407).
4. The procurement is for specialized professional services for speaking engagements or teaching or research services.
5. The procurement is for contracts and expenditures for litigation or other legal expenses, including experts, mediators, court reporters, process servers, witness fees, and attorney services.
6. The procurement is for a vendor’s item procured for resale.
7. The procurement of services from a specific vendor has been approved in advance by the contracts or grants officer and is necessary to comply with the specific terms and conditions of a sponsored project grant or contract.
8. The procurement is for the lease, sale, purchase, transfer, disposal or any other transaction involving an interest in real property.
9. The procurement is for an employment contract.
10. The procurement is for insurance policies for the University and its employees.
11. The procurement is for a defined contribution plan administrator and/or record keeper.
12. The procurement is for travel related expense (e.g., airfare, accommodations, conference events, charter transportation).
13. The procurement is for a publicly regulated utility (e.g., water, electricity, natural gas).
14. The procurement is for display, performance, or use of work of art, works of entertainment, literary works, magazine subscriptions, museum collections, music, film, or other copyrighted materials specific to the purpose of the procuring department.
15. The procurement is for library collections in all formats, including books, periodicals, serials, electronic resources, multimedia/streaming video, etc.
16. The procurement is for advertising such as in a newspaper, magazine, television commercial, radio advertisement, outdoor advertising, indoor
display, social media, or other media outlet where the University brand or programs are being advertised to a specific consumer segment.

17. The procurement is for used or pre-owned equipment or vehicles, provided that the purchasing agent has determined that competition is not practical or would not be advantageous to the University. Such purchases require cost or price analysis, certificate of working order and warranty unless waived by the Assistant Vice President of Business Operations.

18. The procurement is for component parts that are specific to existing equipment, software that is specific to existing equipment, or maintenance that can only be provided by the manufacture of the existing equipment.

19. The procurement is for dues and/or memberships.

20. The procurement is for tuition, registration, or fees charged for trainings, classes, conferences and seminars.

21. The procurement is for software license renewals, software maintenance, and upgrades to existing software used by the University.

Notwithstanding the foregoing exceptions from formal competition, the purchasing agent may require a reasonable method of competition, price or value comparison, or negotiation in order to assure that (i) the goods or services to be obtained will reasonably meet the University’s bona fide requirements; (ii) the award of University business to a vendor or contractor is fair to all concerned; and (iii) known or perceived conflicts of interest are avoided or mitigated in accordance with applicable laws.

C. Waiver Process

The Assistant Vice President of Business Operations, in his or her sole discretion, may grant the request of a waiver, allowing procurement rule(s) to be waived in special circumstances. The waiver request shall include evidence that due diligence was exercised in receiving the best deal for the University and provides a benefit to the University at least equal to the cost and risk of not conducting a solicitation. The Assistant Vice President of Business Operations must ensure there is no evidence that waiving the rule(s) will allow for any unethical conduct or undue preference to a specific vendor(s).