Overview of the Delegated Waiver of Advertising Process

Procurement Services

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MONTCLAIR STATE UNIVERSITY

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What is a Waiver of Advertising?

A Waiver of Advertising is a procurement method that allows the University to purchase goods and services without issuing a publicly advertised RFP when:

- The aggregate value of the purchase exceeds the relevant bid threshold ($119,800 for general goods and services or $42,600 for Public Works projects)
- The purchase must qualify under one of the statutory exemptions to public bidding
  - The List of Exemptions By Statute to Publicly Advertised Bids on the Waivers of Advertising page can help to identify the correct category

Common Examples of Waiver Categories:

- Professional Services requiring a license (e.g., attorneys, architects)
- Information Technology (software, hardware, SaaS, IT subscriptions)
- Library Materials (books, databases, subscriptions)
- Sole Source Supplier

Delegated Waiver of Advertising Process Overview

Departments may oversee the procurement process for procurements classified as waivers of advertising. The department manages the competitive procurement process in this instance, including:

1. Obtaining a minimum of three (3) proposals or quotes unless the purchase qualifies as a sole source or another exempt category
   - A Scope of Work or Specifications that clearly outline the project requirements should be used to obtain the proposals
2. Providing a summary of the procurement process, including the evaluation process completed and the rationale for supplier selection
3. Collection of all compliance requirements (such as a BRC, etc.)
   - The Waiver of Advertising page outlines these requirements

Note: *It is recommended that the Department reach out to Procurement Services before proceeding to help determine if it is beneficial for Procurement to manage the competitive process on the Department's behalf.*

Waiver of Advertising Managed by Procurement Services

- The Strategic Sourcing Team within Procurement Services can assist with issuing a competitive request for proposals or quotes.
  - This can add value to the process by ensuring an additional review of the Scope of Work / Specifications and the pricing model to help ensure they are measurable, monitorable, and enforceable, helping the department achieve its project goals.
  - Procurement Services will act as a liaison for the competitive process, collect all forms and requirements through this process, and assist with contract award execution.
  - Select the "Goods & Services Sourcing (formally G&S Bid Initiation Form) Request Type from the WSS Business Purchases to initiate the process.
- *Refer to the Bidding Training for additional information.*

Delegated Waiver Request Initiation Procedures

- **Select the "Delegated Waiver / BOT Request (formally WoA Form including any related contract)" Request Type from the WSS Business Purchases page within Workday Strategic Sourcing (WSS) to initiate the process.**
  - This applies to all waiver request types, including new requests, increases/amendments, or renewals, as well as requests over the BOT approval amount of $850,000 if they are managed by the Department.
- The Intake process within WSS directs the end user to a Project Details page that outlines the information required to submit a delegated waiver of advertising or BOT request.

Note: *If the request includes a contract, submit it through this process. Do not submit a separate contract request; Procurement Services will review it in a single workflow.*

Workday Strategic Sourcing (WSS) Attachments Required

The following attachments must be provided as part of the Delegated Waiver of Advertising Request in WSS, as applicable:

1. Procurement Process Documents: Attach the 3 + proposals, the Scope of Work, the evaluation process, and the rationale for the selected supplier (in limited circumstances, a sole source justification will suffice, which is provided as part of the intake process)
2. Compliance Paperwork: If the supplier compliance items are not current within Workday Core, attach any supplier compliance documents as required
3. Supplier Onboarding: If the supplier is not in Workday, complete the "Create Supplier Request" within Workday to initiate the onboarding process prior to submitting the request
   - *Refer to the Supplier Create Training for additional information.*
4. Contract-related materials: If there is a contract or agreement that requires a signature, attach the contract document along with the signed or redlined Terms & Conditions
   - *Refer to the Procurement Contracts Training for additional information.*

Procurement Services Initial Delegated Waiver Request Review

Once the documents are submitted within WSS to Procurement Services, the reviewer will:

1. Review the Request and verify the Procurement Process was completed and sufficient information was provided
2. Ensure the supplier is compliant with all State requirements (BRC, C51, AAC)
3. Review the contract documents, as applicable
4. Review all other materials, ensuring compliance with University policies
5. Begin drafting a resolution document to be used as the formal approval of the request

Delegated Waiver or BOT Request Approval Routing

After Procurement Services completes the initial review, the Project Request will be routed within WSS for request-level approvals through an automated workflow, including:

- The requesting Department's Vice President, other approvals as required (IT for SaaS, etc.), Procurement Services, any ad-hoc approvals as required, and the appropriate signatory for approval.

Once the Project Request has been approved by all required individuals, Procurement Services will create or edit a related Contract within WSS and route it for any approvals, as required.

- If a contract requires a signature, the approvals may include University Counsel (Legal) review and approval of the contract documents. Once approvals are obtained, Procurement Services will route the contract for signature to the appropriate signatories.
- Note: A Contract is created within WSS for tracking purposes even if there is no contract required (when the supplier is accepting a Purchase Order in lieu of an executed contract).

Waiver of Advertising and BOT Approval Thresholds

Approval and/or Contract Signatory Authority*	General Contract Value	Public Works Contract Value
VP for Finance & Treasurer: Approves purchases pursuant to a Waiver of Advertising**	$119,800 - $199,999	$39,400 - $199,999
Chief Operating Officer: Approves purchases pursuant to a Waiver of Advertising**	$200,000 - $499,999	
University President: Approves purchases pursuant to a Waiver of Advertising**	$500,000 - $849,999	
BOT: Board of Trustees must approve purchases, regardless of methodology***	$850,000 and above	

* Procurement Services will route all waivers of advertising and/or contracts for approval.

** Waivers of Advertising under $850,000 can be approved on a rolling basis and will be reported to the Board of Trustees at the following meeting.

*** BOT submission deadlines are listed at the Waiver of Advertising page procurement-services/procurement-resources/waiver-advertising approximately four (4) weeks before the BOT meeting. Procurement Services will oversee any initial BOT approval request for procurements that it manages. The President signs contracts at this threshold after BOT approval.

Waiver/Contract Approval & Repository

After all approvals have been obtained, the contract related to the waiver of advertising will be stored within WSS, where it will be accessible to the end user, including:

- The approved resolution document, including the assigned resolution number
- The fully executed contract documents (if applicable)
- Contract metadata including the spend amount, status (active, expired, etc.), start and end dates, and other relevant information.
- Automatic notifications when a contract is within 30, 60, or 90 days of expiration.
- The contract within WSS may be integrated with Workday Core through the creation of a "Supplier Contract", streamlining the requisition process by ensuring the contract is tied to the payment and tracking spend against the contract.

Questions?