| **SINGLE SOURCE (non-compliance) WAIVER REQUEST (SSW)** |
| --- |

**GUIDANCE ON USAGE**

1. All Procurement activity must follow the guidelines and regulations laid out in the University of Kent [Procurement Regulations](https://www.kent.ac.uk/finance-staff/docs/procurement/The%20University%20of%20Kent%20Procurement%20Regulations%20November%202019%20Final%20Version.pdf). Competition enhances value, service and innovation, and minimises the perception and likelihood of partiality, bribery and fraud.
2. This process must not be used to avoid the administrative inconvenience of a tender or request for quote process.
3. SSWs apply where there is no plan to invite competition for spend which is £10,000 and above. It does not apply where appropriate competition has been properly sought but insufficient suppliers have submitted a response.
4. This form should be submitted in circumstances where you are unable to comply with the Procurement Regulations and before making any commitment to any supplier.
5. SSWs are **not** automatically approved and may be declined dependent upon the circumstances. Please contact the Procurement Department if you have any queries.
6. The use of SSWs is for **exceptional circumstances** where you cannot obtain multiple quotes, or there are not multiple suppliers, or where a genuine emergency exists. You must provide an explanation as to why this route is being taken and implications should approval be declined.

**ACCEPTABLE “EXCEPTIONAL CIRCUMSTANCES”**

Procurement will apply the following guidance to submissions and authorisation granted where it is proven:

* That a genuine emergency situation exists (where it could not have been predicted)
* That there is clear evidence the goods, services or works are of a specialist technical, artistic or proprietary nature, and no other suitable suppliers are available
* That there is only one supplier in the market capable of providing the service, goods or works (e.g. an artistic performance, owner of intellectual property rights or patents, or similar) such that there is no benefit to be gained from competition
* For reasons of systems or software licence support or compatibility
* The requirement covers land acquisition or disposal
* Where a specific or limited supplier base is specified on a grant funding application
* There are other circumstances which are genuinely exceptional or unusual

**UNACCEPTABLE “EXCEPTIONAL CIRCUMSTANCE”**

“Exceptional circumstances” are unlikely to exist where it is claimed that only one firm is capable of supplying if;

* there is no evidence of reasonable research of the market supporting this
* the opportunity was not advertised on the University’s e-tendering portal
* the requirement was written specifically to exclude competition
* an evaluation took place prior to competition being sought that excluded potential suppliers
* urgent requirement if the timescales were within the University’s control. ***Failure to adequately plan or act is not sufficient justification to avoid competition.***.

**PROCESS**

1. Once this form is completed by the Requestor it must be authorised in accordance with the University’s Financial Authority Limits. Only when all necessary approvals and comments have been received should the document (with all comments and supporting information and evidence) be forwarded for authorisation by Procurement.
2. Procurement will then review and advise. Approval will be granted only by the Head of Procurement, or in their absence, a delegated representative.
3. Following comment from the Budget Holder and Procurement, it is the Requestor who has completed the SSW who takes sole responsibility for the decision to pursue a non-competitive process and has taken the view that on balance, the business risks outweigh the procurement risks.

|  |
| --- |
| **SINGLE SOURCE (non-compliance) WAIVER REQUEST (SSW)** |

| **REQUESTOR:** |  | **SIGNATURE:** |  |
| --- | --- | --- | --- |
| **DEPARTMENT:** |  | **DATE:** |  |
| **RECOMMENDATIONS:** |
| *Comments from Requestor:* |
| Click or tap here to enter text. |

|  |
| --- |
| 1. **BACKGROUND AND HISTORY**
 |
| *Including background of how the requirement came about and any incumbent suppliers. If the requirement is already being met, please detail the current situation and attach any relevant supporting documentation, emails, etc.* |
| Click or tap here to enter text. |
| 1. **DETAILS OF THE REQUIREMENT:**
 |
| *Summary of what is required and why detailing the deliverable, the purpose for which it will be used or benefit to the University.*  |
| Click or tap here to enter text. |
| 1. **FUTURE REQUIREMENTS**
 |
| *Please outline if this is a one off purchase or if you anticipate future requirements and how these future requirements may be procured.* |
| Click or tap here to enter text. |
| 1. **SUPPLIER DETAILS/CONTRACT DURATION:**
 |
| ***Supplier:*** | Click or tap here to enter text. |
| ***Contract Duration:*** | Click or tap here to enter text. |
| ***Contract Start Date:*** | Click or tap here to enter text. |
| ***Contract End Date:***  | Click or tap here to enter text. |
| ***Total Cost:*** | Click or tap here to enter text. |
| *Evidence to be attached such as quotes/renewals etc.* |
| 1. **OPTIONS:**
 |
| *Use this section to state the options open to the University, giving clearly argued reasons for the chosen route and why other options should not be followed.*  |
| 1. Do nothing Click or tap here to enter text. |
| 2. Seek competitive quotes/tenders Click or tap here to enter text. |
| 3. Use a framework Click or tap here to enter text. |
| 4. Single Supplier (non-compliance) Waiver Click or tap here to enter text. |
| 1. **RISKS AND LEGAL IMPACT:**
 |
| *Use this section to identify the risks of proceeding with a SSW instead of following required route as determined by the University’s Procurement Regulations.* |
| Click or tap here to enter text. |
| 1. **BUSINESS IMPACT**
 |
| *Use this section to identify the business impact should this request be declined.* |
| Click or tap here to enter text. |
| 1. **DETAILED COSTS:**
 |
| *Identify ALL costs associated with the required solution in this section (including all on-costs).*  |
| Click or tap here to enter text. |

|  |
| --- |
| 1. **APPROVAL SECTION:**
 |
| * 1. **BUDGET HOLDER APPROVAL: (Budget Holder and Requestor cannot be the same person).**
 |
| *Comments from Budget Holder:* |
| Click or tap here to enter text. |
| I hereby confirm that I have the financial authority and permissions to authorise this SSW. **Signed:****Name:** Click or tap here to enter text.**Position:** Click or tap here to enter text.**Date:** Click or tap here to enter text. |
| * 1. **FINANCE DIRECTOR/EG APPROVAL: (Refer to the University’s Financial Authority Limits)**
 |
| *Comments:* |
| Click or tap here to enter text. |
| I hereby confirm that I have the financial authority and permissions to authorise this SSW. **Signed:****Name:** Click or tap here to enter text.**Position:** Click or tap here to enter text.**Date:** Click or tap here to enter text. |
| * 1. **PROCUREMENT APPROVAL:**

**To be completed by Head of Procurement or their delegate, and dated.**  |
| **Signed:****Name:** Click or tap here to enter text.**Position:** Click or tap here to enter text.**Date:** Click or tap here to enter text. |
| **PLEASE INCLUDE AN AUTHORISED COPY OF THIS WITH ANY REQUISITION OR PURCHASE ORDER TO ENSURE APPROVAL IS NOT UNDULY DELAYED.**  |