

123:5-3-0706 Release of a government ordering office from purchasing requirements.

(A) A government ordering office may apply for a new waiver from the requirement to procure a particular product or service or a category of products or services on a form provided, and in the manner prescribed by the office.

(B) The administrator may grant a government ordering office a waiver from the requirement to procure a particular product or service or a category of products or services if the administrator determines:

(1) There is no qualified nonprofit agency or a qualified nonprofit agency represented by an agent available or willing to provide the requested product or service; or

(2) There is a qualified nonprofit agency or qualified nonprofit agency represented by an agent, that is willing to provide the requested product or service, but is not qualified or capable to provide that product or service; or

(3) The government ordering office is or has been dissatisfied with substantially similar or same products or services provided by a willing qualified nonprofit agency or the qualified nonprofit agency represented by an agent and has reported its dissatisfaction to the office or the office possesses specific information indicating such dissatisfaction, or

(4) The government ordering office made a good faith effort to reach agreement with the willing qualified nonprofit agency or an agent representing a qualified nonprofit agency regarding price, terms and specifications but could not reach such agreement.

(C) The administrator may deny the request for waiver. If denied, the government ordering office may submit its request to the Director of Administrative Services. The Director's determination shall be final.