**NOTICE OF INTENT TO MAKE A LIMITED COMPETITIVE OR A NONCOMPETITIVE PURCHASE   
(February 2020)**

Agencies will use this template to notify the public of their intent to make a limited or noncompetitive purchase $10,000and over. This notice is intended to attempt to identify alternative sources or determine that a limited competitive or noncompetitive purchase is appropriate. See [N.D.C.C. § 54-44.4-05](http://www.legis.nd.gov/cencode/t54c44-4.pdf), [N.D.A.C. § 4-12-09-05](http://www.legis.nd.gov/information/acdata/pdf/4-12-09.pdf).

If agencies wish to make a limited or noncompetitive purchase $10,000 and over, they must request approval from the State Procurement Office. The purchasing agency must prepare an Alternate Procurement Request Form (SFN 51403) to request approval. Alternate Procurement Requests must be reviewed and approved by the State Procurement Office (SPO). The Alternate Procurement Request Form must contain factual evidence. The purchasing agency will submit a completed Alternate Procurement Request Form to the State Procurement Office using the [SPO Work Request System](https://www.nd.gov/omb/agency/procurement/procurement-office-work-request-system). Agencies that do not have access to the SPO Work Request System should email the Alternate Procurement Request Form to [infospo@nd.gov](mailto:infospo@nd.gov).

The State Procurement Office will review the Alternate Procurement Request and may instruct the purchasing agency to issue a notice of intent to make a limited or noncompetitive purchase (notice). If the purchasing agency is asked to issue a notice, the agency will use this template. The purchasing agency may also choose to issue a notice prior to submitting an Alternate Procurement Request Form to the State Procurement Office.

The notice must be issued using the SPO online system to an appropriate bidders list for the commodity or service being purchased. Additional known bidders should be added to the bidders list. The intended vendor identified in the notice must also be added to the bidders list. The notice response deadline should be a minimum of seven (7) calendar days after the date issued for interested parties to submit a response to the notice. When posting on the SPO online system, it is not necessary to input a deadline for written questions.

If an interested party responds to the notice, the purchasing agency shall evaluate the response and determine the appropriate action in accordance with [N.D.A.C. § 4-12-09-05, Subsection 7](http://www.legis.nd.gov/information/acdata/html/Title4.html). The purchasing agency may choose to consult the State Procurement Office for guidance if they receive a response to the notice.

If the purchasing agency does not receive a response to the notice by the response deadline, the agency will update the Alternate Procurement Request Form. Some suggested language that may be used to update the Alternate Procurement Form is provided below.

A notice of intent to make a (***Select One***: limited competitive ***or*** noncompetitive purchase), solicitation number ***XXX***, was issued on ***Insert Date*** using the SPO online system to an appropriate bidders list. The notice closed on ***Insert Date*** and no responses were received.

The purchasing agency will resubmit the updated Alternate Procurement Request Form and include the following supporting documentation: 1) the notice; 2) bidders list; and 3) SPO online email notification. The State Procurement Office will review the updated request. Submit the updated request using the SPO Work Request System, or by email to the assigned SPO Procurement Officer.

If the Alternate Procurement Request is approved, the agency must issue the award notice utilizing the SPO online system. Archive the solicitation on the SPO online system after you have issued the award.

If the Alternate Procurement Request Form is declined, the notice will need to be canceled, and the agency will need to conduct the appropriate procurement process. Contact the State Procurement Office at 701-328-2740 or [infospo@nd.gov](https://www.nd.gov/omb/sites/omb/files/documents/agency/purchasing/infospo@nd.gov) for assistance.

**NOTE: DELETE THESE INSTRUCTIONS BEFORE PRINTING**

**STATE OF NORTH DAKOTA**

**AGENCY OR INSTITUTION NAME**

**ADDRESS**

**CITY, STATE ZIP**

**NOTICE OF INTENT TO MAKE A**

**SELECT OPTION LIMITED COMPETITIVE PURCHASE**

**OR NONCOMPETITIVE PURCHASE**

Date

The State of North Dakota intends to make a purchase for which we believe there is (***Select One***: no competition ***or*** limited competition). The purpose of this notice is to determine if other sources are available and whether the procurement method is appropriate. An interested party who provides an alternative to the commodity or service is invited to submit a written response to the Procurement Officer by the response deadline.

PURCHASING AGENCY: Insert name

PURCHASE DESCRIPTION:

***Option 1 - Noncompetitive***

The State intends to make a noncompetitive purchase.

Insert a detailed description of the commodity or service you intend to purchase or whether you are trying to find viable alternatives. If you are looking to make a purchase, insert details regarding quantity and whether you will be entering into a contract (include period and any renewal/extension/renegotiation options.) If necessary, the detailed specifications can be included as an attachment (include a delivery location, if applicable). Be sure to include the required delivery date, completion date or any other key milestone dates.

***Option 2 - Limited***

The State intends to conduct a limited competitive purchase as follows: Insert the description of how competition is being limited (e.g. limiting to requiring a specific product brand that is sold through distributors, etc.)

Insert a detailed description of the commodity or service you intend to purchase or whether you are trying to find viable alternatives. If you are looking to make a purchase, insert details regarding quantity and whether you will be entering into a contract (include period and any renewal/extension/renegotiation options.) If necessary, the detailed specifications can be included as an attachment (include a delivery location, if applicable). Be sure to include the required delivery date, completion date or any other key milestone dates.

INTENDED SOURCE:

***Option 1 – Noncompetitive***

Insert the name and address of the intended vendor

***Option 2 – Limited***

Insert the name of the specific product brand or service type

PRICE:

***Option 1 – Noncompetitive***

Insert the total price (Commodity: entire amount of the purchase price including all shipping and handling and any other related charges, such as installation or maintenance agreements; Service: total price includes dollar value of the purchase, including the full term of the contract, including any possible extensions or renewals.)

***Option 2 – Limited***

Insert the estimated price range

JUSTIFICATION: Insert description of why it is in the best interest of the state to make this limited or noncompetitive purchase. If noncompetitive, include details on why you selected this vendor.

RESPONSE DEADLINE: Insert date and time (A minimum of seven calendar days after issue date.

* Example: Issued April 1. Response Deadline: April 8, 20XX at 5:00 PM CT

Response Instructions: Vendors must respond to the Procurement Officer in writing and include a description of the commodity or service being offered as an alternative. Include pricing, including any applicable shipping and handling. A response can be submitted by in person, by mail, or email.

If you have any questions, please contact the Procurement Officer before the response deadline.

Insert name

Procurement Officer

E-mail: Insert email

Telephone: Insert number

TTY Users call: 7-1-1