

State Procurement Vendor Pool Contract Competition Matrix

Effective August 1, 2025, N.D.C.C. § [54-44.4-13.2](#) and the [State Procurement Vendor Pool Guidelines](#) apply to all Office of Management and Budget, state agency and institution vendor pool contracts and purchases thereunder. Contact the State Procurement Office at 701-328-1726 or infospo@nd.gov for questions regarding these guidelines. See [State Procurement Vendor Pool Guidelines](#)

Vendor Pool Competition Thresholds – August 1, 2025	
Direct Purchase Less than \$250,000	<ul style="list-style-type: none"> • Prepare a statement of work for the entire project describing the services needed, which may include multiple projects or services for a time not to exceed the Primary Contract term. • Do not use a vendor pool if there is not sufficient time on the Primary Contract to complete the work under a Secondary Contract. • Obtain at least one bid or proposal from a contractor within the vendor pool. • If the price is fair, reasonable, and less than \$250,000, the state agency or institution may purchase directly from a contractor in the pool. • If the price is close to or over \$250,000 and possible amendments/change orders could make the statement of work exceed the \$250,000 competition threshold, conduct a competitive process to avoid a potential violation of circumventing competition. • Rotate business to vendor pool contractors on an equitable basis, then spend to Primary Contractors may cumulatively exceed \$250,000 during the Vendor Pool Contract period without being considered serial, noncompetitive purchases to circumvent competition. <ul style="list-style-type: none"> ○ If repeated, direct purchases to one vendor pool contractor will exceed \$250,000 over time, conduct a competitive process to avoid a violation of the prohibition against serial noncompetitive purchases to circumvent competition requirements. ○ It is acceptable to treat infrequent, unanticipated noncompetitive purchases under \$250,000 as separate transactions. • A Primary Contractor may be awarded competitive Secondary Contracts/Work Orders that cumulatively exceed \$250,000, if a secondary competitive process is performed as described below. There is no cap on spend provided a fully competitive process was used, except for Major IT project requirements. See IT Procurement Guidelines.
Competition Required \$250,000 and over	<ul style="list-style-type: none"> • Do not use a Vendor Pool Contract if there is not enough time remaining on the Primary Contract term to complete the work; instead conduct a solicitation for needed services. • Do not use a Vendor Pool Contract if the services needed will create an ongoing requirement for support, maintenance, or future iterations of work beyond the Primary Contract term period. Conduct a fully competitive solicitation not using a Vendor Pool Contract that describes the needed work and on-going service and support. • Solicit secondary competition from all Primary Contractors within the vendor pool using a competitive Work Order Process. A statement of work may include multiple projects or services for a time period, not to exceed the primary contract term. • There is no spending limit on spend on Secondary Contracts awarded under a fully competitive process. • Document solicitation method used, Primary Contractors solicited, amendments, responses received, evaluation, and basis for award.
Contract-Specific Competition Threshold	<ul style="list-style-type: none"> • The State Procurement Office, a state agency, or institution may establish a secondary competition threshold lower than \$250,000, without an Alternate Procurement vendor pool competition exception approval. For example, some OMB state contracts require secondary competition less than \$250,000. A request to obtain less competition than the lower contract-specific competition requirements must be submitted through the Alternate Procurement process.
Alternate Procurement Request approval of exceptions	<ul style="list-style-type: none"> • The Alternate Procurement process is used to request an exemption from Vendor Pool Contract term limits and competition thresholds. • State agency Alternate Procurements must be approved by the State Procurement Office. Higher Education Alternate Procurements must be approved by the institution's designated approver.
Information Technology	Information Technology laws, guidelines and review/procedures apply to state agencies and institutions establishing a Vendor Pool (Primary Contract) or seeking to award a Secondary Contract under a Vendor Pool Contract. See Guidelines to IT Procurement.