**DIRECT AWARD JUSTIFICATION & APPROVAL FORM**

|  |  |  |  |
| --- | --- | --- | --- |
| **IMPORTANT NOTES TO BE READ BEFORE COMPLETING THIS FORM**  Under Procurement Law, 2016, all procurements must follow the principles of open and fair competition to obtain best value for money. Any request for direct award justification that conflicts with these competition principles will be subject to various levels of internal and external scrutiny with the possibility of legal challenge, for example, from a supplier.  **Direct Award Justification is not therefore something that can be taken lightly.**    This Form is to be completed for all direct awards (non-competed) requirements. Direct Award action must be formally agreed in advance by the Public Procurement Committee (PPC) for contract values of KYD$250,000 or above. The PPC will not approve retrospective direct award requests. | | | |
| **Originating Department/Ministry:** | | **Date:** | |
| **Value of Procurement (KYD):** | | **Proposed Vendor:** | |
| Category of requirement: | | | |
| Infrastructure Education Community Services Repair/Maintenance Consumables  **Please state**  Health Agriculture  Tourism/Culture Consultancy Temp Labour  Estates/Works IT  Security Other: | | | |
| **QUESTION** | | **RESPONSE** | |
| Is the proposed sole source contract linked to a previous procurement? | |  | |
| Notwithstanding the approved strategy, is it feasible and/or affordable to compete the requirement? | |  | |
| If not, provide the related rationale in terms of cost, schedule, etc. | |  | |
| Does the Vendor or its approved distributors have exclusive ownership of the goods or services in question? If yes, provide details. | |  | |
| Are there legal and/or regulatory considerations precluding open competition for this good or service? If yes, provide details. | |  | |
| Are there alternative sources of supply for the same or equivalent materiel/support? If no, explain. | |  | |
| Identify which exception to the competitive process as per the [**Direct Award Process document**](https://www.procure.gov.ky/direct-award-process) applies to this procurement. | | Regulation 5(1)(insert appropriate letter) & paste associated wording | |
| Explain why the price is fair and reasonable; describe how price support was obtained; and summarize negotiations. | |  | |
| Are there any other factors that have led to a recommendation for a non-competitive process? If yes, provide details and rationale. | |  | |
| (a) What is the likelihood of an amendment or follow-on contract to the same person? | |  | |
| (b) Given the nature of your organization's mandate, describe any efforts taken to put in place long-term procurement arrangements to address similar requirements/activities in future. | |  | |
| **Justification Support:** In addition to answering the questions above, **an approved business case is required to support this application if the value of the direct award is KYD$100,000 or greater.** Also, please provide all relevant supporting documentation attached if necessary as an Annex. This can include technical, commercial and value for money issues that can show a rigorous due diligence process has been followed. | | | |
|  | | | |
| **Prepared/Recommended By:** | | | |
| Name: | Signature: | | |
| **Approved By (CO/CEO):** | | | |
| Name: | Signature: | | |
|  | | |
|  | | |