



# ALTERNATE PROCUREMENT (AP) REQUEST

OFFICE OF MANAGEMENT AND BUDGET  
SHARED SERVICES - STATE PROCUREMENT OFFICE  
SFN 51403 (07-2024)

## Submit Completed Request:

- 1) [SPO Work Request System](#), or
- 2) Email to: [infospo@nd.gov](mailto:infospo@nd.gov)

An Alternate Procurement (AP) Request must be submitted to Office of Management and Budget (OMB) State Procurement when obtaining less competition than is required by the purchasing thresholds. An AP Request is not required for purchases from government entities, state sources of supply, and goods and services exempted under [NDCC § 54-44.4-02](#), [NDAC § 4-12-01-04](#), or [NDAC § 4-12-09](#). Contact your assigned OMB State Procurement Officer for assistance. Review and approval by North Dakota Information Technology (NDIT) may be required, in accordance with [NDIT guidelines](#).

## AGENCY INFORMATION

Agency Name		Date of Request
Procurement Officer	Telephone Number	Email Address

## PROCUREMENT TYPE

Check all that apply

☐ Noncompetitive Procurement    ☐ Limited Competitive Procurement    ☐ Contract Amendment Exception

☐ Purchase from Another Government Entity's Contract    ☐ Formal Sealed Competitive Process Exemption

☐ IT Contract Renegotiation with Contract Amendment Exception (IT contracts with renegotiations do not require an AP unless a change is being made). See [Guidelines to IT Procurement](#).

☐ Competition attempted, but no acceptable bid or proposal was received. Attach the solicitation, bidders list, any responses received, and evaluation documents.

## NOTICE OF INTENT TO MAKE A LIMITED OR NONCOMPETITIVE PURCHASE ISSUED (if applicable)

Attach a copy of the Notice, Bidders List, and SPO Online System solicitation notification email.

Notice of Intent
<input type="checkbox"/> A purchasing entity issued a Notice of Intent to Make a Limited or Noncompetitive Purchase to determine if other sources are available and if such an award is appropriate.
<input type="checkbox"/> OMB required the purchasing entity to issue a notice to determine if such an award is appropriate.
Responses Received
<input type="checkbox"/> No - none received <input type="checkbox"/> Yes - response(s) received, see actions below
Attach vendor responses, communications, evaluations, and determinations. List vendor(s) below.

## VENDOR INFORMATION

Vendor Name		Website
Contact Person	Telephone Number	Email Address

## DESCRIPTION OF SERVICE, COMMODITY, OR IT SOLUTION

Describe exactly what is being purchased and the intended purpose (include manufacturer, brand, model, and other identifiers). If an existing IT solution, provide a description of what is currently implemented and what is being contemplated.

**TOTAL COST AND REQUESTED AP EXPIRATION DATE**

Total cost is based on the purchase description (e.g. Single item purchase of \$30,000 with 5 units this biennium, totaling \$150,000. Contract with 3 renewals at \$20,000 per year equals \$80,000 total cost).
Describe the proposed contract period and renewal/extension options.
Requested AP Expiration Date (if applicable)

**MARKET RESEARCH, JUSTIFICATION, AND SUPPORTING DOCUMENTATION**

Explain why a fully competitive procurement process is impracticable or not in the best interest of the state. Provide factual evidence such as written documents, reports, supporting data, affidavits, patent or copyright information, research, or other information that may be attached to this request. Attach any available draft contracts, vendor quotes, or proposals.
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INFORMATION TECHNOLOGY AND THIRD-PARTY RISK MANAGEMENT (TPRM) QUESTIONS

An IT Review is mandatory for all new and existing IT solutions, services, or hardware at the time of acquisition or contract execution, unless explicitly excluded. See: <https://www.ndit.nd.gov/governance/it-review>

The following items do NOT require an IT Review:

- a. End-User Compute Devices via State Contract (Desktop, laptop, tablets, ...)
- b. End-User Device Peripherals (Monitors, keyboard, mouse, webcam, cables, ...)
- c. Printers and Scanners via State Contract
- d. Cellphones, not including hotspots or other cellular-connected devices

Does your IT purchase fall into any of the above categories?	
<input type="checkbox"/> Yes - Does Not Require IT Review <input type="checkbox"/> No - Submit Request (see below)	
If your IT purchase does not fall in the above list, a ServiceNow, <a href="#">IT Review Request</a> must be submitted.	
<input type="checkbox"/> IT Review request submitted - List ServiceNow Request Item (RITM) number: _____	
Include the following documentation in the IT Review Request (if available):	
<ul style="list-style-type: none"><li>a. Solution Documentation</li><li>b. Statement of Work</li><li>c. Contract</li></ul>	
The IT review process can take up to four (4) weeks dependent upon responsiveness of stakeholders.	
Have you submitted an IT Solution Questionnaire?	
<input type="checkbox"/> Yes <input type="checkbox"/> No - Go to <a href="#">IT Solutions Questionnaire</a> and complete the questionnaire.	
Anticipated Purchase Date	

APPROVALS  
(internal use only)

NDIT APPROVAL (if required)

Date Approved	
Conditional Right to Proceed	
<input type="checkbox"/> Approval of any exemption(s) prior to contract execution identified by the IT review process.	
<input type="checkbox"/> Security/Third Party Review	
<input type="checkbox"/> Review of contract draft by IT Procurement prior to contract execution.	
Date of Conditional Right to Proceed	
<b>Note:</b> Agency can proceed with negotiations on the purchase but cannot purchase or execute a contract until final approval is received. Non-compliance shall be reported to the Office of the State Auditor.	
NDIT Comments	
NDIT Representative Name	Signature
	Date

OMB STATE PROCUREMENT APPROVAL (\$10,000 and over)

Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	Expiration Date (if applicable)
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AUTHORITY FOR LIMITED OR NONCOMPETITIVE PROCUREMENT

Competition can be limited under the following NDCC or NDAC provisions. Check the appropriate authority reference(s).

☐ The commodity or service is available from only one source. [NDCC § 54-44.4-05 (4)(a)]

☐ The commodity or service is for experimentation or trial. [NDCC § 54-44.4-05 (4)(b)]

☐ No acceptable bid or proposal was received pursuant to a competitive bidding or competitive proposal process. [NDCC § 54-44.4-05 (4)(c) and NDAC § 4-12-11-08]

☐ Commodities are being purchased for over-the-counter resale. [NDCC § 54-44.4-05 (4)(d)]

☐ A used commodity is advantageous to the state and the commodity is available on short notice. [NDCC § 54-44.4-05 (4)(g)]

☐ The commodity is a component or replacement part for which there is not commercially available substitute and which can be obtained only from the manufacturer. [NDCC § 54-44.4-05 (4)(h)]

☐ Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment. [NDCC § 54-44.4-05 (4)(i)]

☐ The agency provides documentation indicating that the services or the circumstances are of such a nature that deviation from the procurement procedure is appropriate. [NDCC § 54-44.4-05 (4)(j)]

☐ Recurring support costs associated with implemented information technology solutions, including licensing, service agreements, maintenance, and subscriptions for software as a service, platform as a service, and infrastructure as a service. [NDCC § 54-44.4-05 (4)(k)]

☐ Contracts for specialized equipment, machinery, and materials required for manufacturing, production, and distribution by North Dakota Mill and Elevator Association under section 54-18-02. [NDCC § 54-44.4-05 (4)(l)]

☐ Purchases of copyrighted printed and electronic books, periodicals, subscriptions to publications, subscriptions to information services, prerecorded audio and video materials, state library materials, and state library online resources. [NDCC § 54-44.4-05 (4)(m)]

☐ Products or services exclusive to particular individuals or business entities are required, but competition for that proprietary product exists. [NDAC § 4-12-09-02 (1)(a)]

☐ Circumstances require that commodities or services be provided by vendors within a specific geographic area, such as equipment requiring local service, on-site service within a specific time, or delivery of ready mix concrete. [NDAC § 4-12-09-02 (1)(b)]

☐ It is determined that a competitive sealed bid or competitive sealed process is impracticable or not in the best interest of the state. [NDAC § 4-12-09-02 (1)(c)]

☐ The commodity or service is available from another government entity's contract. [NDCC § 54-44.4-13]

NOTE: Attach a copy of the contract. OMB State Procurement Office approval is required regardless of the dollar amount.

Comments

OMB Representative Name	Signature	Date
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