



## SMALL BUSINESS FIRST WAIVER

For non-Federally funded purchases  $\geq$ \$10,000 and  $\leq$ \$250,000

– Form Completion Instructions –

**Small Business First Policy:** [UC Policy BUS-43](#) requires that all non-construction and non-federally funded purchases between  $\geq$ \$10,000 and  $\leq$ \$250,000 annually (excluding tax but including shipping) that cannot be procured via an existing strategically sources agreement, must be awarded to a certified Small Business (SB) or Disabled Veteran Business Enterprise (DVBE), wherever practicable.

**Before using this Waiver:** Please review the [Small Business First webpage](#) for the [Small Business First Process Map](#) and additional training resources. Where possible, purchases should be made through existing [contracted suppliers and strategically sourced agreements](#) which are not required to go through the Small Business First (SB1st) program. If a contracted supplier is not utilized, the purchasing department should first try to [use these SB/DVBE search platforms](#) to identify a SB/DVBE in the desired commodity or our [list of certified onboarded vendors](#). UCI accepts the following [certifications](#). Please contact [smallbusiness@uci.edu](mailto:smallbusiness@uci.edu) for help in finding a SB/DVBE.

**Waiver Exemptions. These purchases and/or agreement types are exempt from the Small Business First policy and *do not* require a waiver:**

- **Sole Source/Unique Professional Services/Emergency purchases:**
  - **Sole Source:** Either 'one-of-a-kind' – specific features essential for task or project completion; available from only one source in the world. Or 'match existing' – specific proprietary item(s) compatible with existing equipment/systems and change of brand/manufacture would compromise continuity and integrity of project.
  - **Unique Professional/Personal Services:** Specific unique qualifications selected supplier will provide.
  - **Emergency:** Failure to act immediately may result in significant bodily harm, loss or damage of property, violation of law, or cause significant liability to University or University community.
- **Purchases through existing [strategically sourced agreements](#):** An existing agreement competitively bid via RFP at systemwide or campus level; these include existing agreements for hotel and event spaces, catering, entertainment and travel partnerships, etc.
- **Federally funded purchases:** These fall under [Federal requirements](#).
- **Design & Construction:** All contracts, bids and purchases governed by [UC Facilities Manual](#) for compliance are exempt. **However, Design & Construction-related purchases governed by procurement compliance must adhere to SB1st program** (Ex: facility maintenance, equipment purchase, etc.).
- **Interagency Agreements:** Agreements with government agencies (Ex: CalFire, Transit Authorities, Utilities, Waste & Recycling agencies, etc.) take precedence.
- **Federal/local Government Agreements:** Agreements with cities, counties, Federal governments fall under existing guidelines for those government agencies.
- **Research Sub-awards:** These are governed by existing underlying agreements.
- **Higher education institution agreements:** Agreements between UC and other higher education institutions to provide specialized services needed by other institutions (Ex: biological testing, data analysis, technical advisors, specialized research services, etc.).
- **Concessions:** Agreements giving suppliers rights/licenses to operate in university locations

(usually contracts with food/drink/apparel vendors).

- **Revenue/reimbursement contracts:** Revenue generation agreements – not usually considered a typical procurement contract (Ex: Service Core services; fabrication, design, developing tools for research; stores/cafes/brands revenue sharing; Pepsi Bottling, Peet’s Coffee, etc.).
- **Medical and patient care contracts:** Typically, medication/prescriptions, medical devices, etc.

**This Waiver should be used:** When a purchasing part must make an award to a non-SB or DVBE where an award to a SB/DVBE would otherwise be required. Instances where the Small Business first program may not be feasible or when contracting with businesses other than a certified SB or DVBE is justified may include but are not limited to:

- Industries where at least two (2) SBs or two (2) DVBEs are not available.
- Business needs dictate requirements that cannot be met by SB or DVBE.

**Waiver requirements.** The entire Waiver must be completed by the responsible requesting party prior to submission for approval. Per [UC Policy BUS-43](#), the Small Business First Waiver must be approved by the Procurement Policy Exception Authority (or designee) at UC Irvine before making a purchase or contracting with a company that is not an SB/DVBE. (NOTE: non-Federally funded awards to SB/DVBEs over \$100,000 must also be reported to the [Source Selection & Price Reasonableness form](#).)

UC policy requires applicable awards not made to SB/DVBEs be documented for audit purposes. Requisitions/POs are the system of record for campus procurement and the supporting documentation must be attached for the compliance and audit preparedness.

Non-Federally funded goods and services above \$10,000 must be purchased in compliance with the [California Public Contract Code](#) (PCC) and UC policies, including the UC Small Business First policy. UC must use its own documented procurement procedures which reflect applicable State laws and regulations, provided that the procurements conform to applicable Federal law and standards. Federally funded purchases in part or in whole are exempt from this program, but it is encouraged that the University utilize the SB1st program wherever practicable.

## I. COMPLETING THE WAIVER

This section outlines basic instructions for completing the form. Terms used below are defined more fully in Section II – DEFINITIONS.

- A. **General Information:** [This section must be completed for every form](#). This section collects relevant information on the specific contract or purchase opportunity that is being submitted for one-time exception from the Small Business First program.

- **Requisition #:** initiate a new requisition in KFS or enter “PALCard” if paying by PALCard
- **Dollar Amount:** the estimated value of the purchase or contract for award (excluding tax but including shipping)
- **Campus Department:** the department requesting the good and/or service
- **Supplier:** name of the supplier whom the work is being awarded

- B. Reason for Waiver Request:** *This section must be completed for every form.* This section documents the main reason for needing a Waiver. Select the primary reason this waiver is being requested (you may only choose one).
- C. Justification Narrative:** *This section must be completed for every form.* Including a detailed narrative describing why an award cannot be made to a SB or DVBE that aligns with the Reason for Waiver Request (Section B above). Outline the steps take to find a SB or DVBE and any other pertinent information to support why this waiver is needed. (NOTE: Pre-work with the selected supplier to customize the equipment or service, thereby excluding competition, is not an allowable justification.)
- D. Attach Relevant Documentation.** Include evidence of SB/DVBE recruitment efforts, small business search results, failed solicitations, correspondence with potential suppliers, the Small Business team, past procurement data search, or previous contact information, etc.
- E. Representation.** *This section must be completed for every form.*
- This form must be signed by the Responsible Requesting Part in the Campus department authorized to accept responsibility for the information provided in this form, as well as responsible for the funds used in this transaction.
  - Please be sure you provide all the information requested in this section so the questions about this form may be directed to the appropriate person(s).
- F. Waiver Approval.** *This section must be completed prior to award.*
- This Waiver is subject to approval by the delegated UCI Procurement Policy Exemption Authority: Doreen Tannenbaum.
  - Refer to Section II – DEFINITIONS below for details on “Policy Exemption Authority.”