

## 6. EXEMPTIONS TO COMPETITIVE BIDDING

In accordance with the [AM Item 10.2](#), competition may be waived and proposed contracts or purchase orders negotiated directly **only** if justified under the following circumstances:

### Waiver Conditions - Guidance for Applying

<p>(i) When the value of the contract is below the monetary threshold established for competitive bidding (i.e. USD 2,500);</p>	<ul style="list-style-type: none"> <li>- Direct Single Source procurement applies for values less than USD 2,500.</li> <li>- Value for money has to be ascertained.</li> </ul>
<p>(ii) When there is no competitive marketplace for the requirement, such as where monopoly exists, where prices are fixed by legislation or regulatory bodies, or where the requirement involves proprietary product or service;</p>	<ul style="list-style-type: none"> <li>- Prices or rates are fixed by national legislation or regulatory bodies, e.g. in cases of state monopoly or tariffs. In order to justify fixed prices or rates, the name of the regulatory body or law that controls rates or established prices must be indicated in each request for award and current price/rate schedule be provided.</li> </ul>
<p>(iii) When current standardization makes competition impracticable;</p>	<ul style="list-style-type: none"> <li>- Standardization shall be acceptable when goods, equipment or technology already purchased from a supplier or contractor, determines that additional supplies must be procured from that supplier or contractor, or because of the need for compatibility with existing goods, equipment or technology. The effectiveness of the original procurement in meeting the needs of UNESCO, the limited size of the proposed procurement in relation to the original contract, the reasonableness of the price and the unsuitability of alternatives to the goods in question shall always be taken into account and justified.</li> </ul>
<p>(iv) When the proposed contract is the result of cooperation with other organizations of the United Nations system, including the World Bank Group;</p>	<ul style="list-style-type: none"> <li>- Cooperation with a UN Agency or public international organization, such as the Development Bank, in respect of procurement activities, including those for a government, which is also a recipient of UNESCO assistance, may be authorized in appropriate cases. In these cases, UNESCO may in its action rely on the correctness and outcome of the procurement procedures of the entity concerned (e.g. use of system wide Long-Term Agreement (LTA). Also depending on the implementation modality agreed upon, the procurement activities undertaken by the recipient government under 'One UN / Delivering as One' may qualify for such cooperation.</li> </ul>
<p>(v) When, within a period of six months, a formal solicitation has not produced satisfactory results;</p>	<ul style="list-style-type: none"> <li>- Often relates to a situation where, in spite of special efforts made in market research/ sourcing and identification of needs with sufficient lead-time given for bidders to respond, only one offer is received. Provide evidence to document why the previous solicitation did not generate any competition and that a new solicitation would not produce satisfactory results.</li> </ul>
<p>(vi) When offers for identical requirements have been obtained competitively, in accordance with rules set out in this Item, within a twelve month period, and the prices and conditions offered remain competitive;</p>	<ul style="list-style-type: none"> <li>- Provide evidence to document that formal solicitation in accordance with the AM Item 10.2 have taken place.</li> <li>- For goods where the price fluctuates rapidly the competitiveness of the price should always be properly justified.</li> </ul>
<p>(vii) When the proposed contract is for the purchase or lease of real property and market conditions do not allow for effective competition;</p>	<ul style="list-style-type: none"> <li>- Provide evidence of such market conditions.</li> </ul>
<p>(viii) When the exigencies of the requirement (e.g. emergency situations or <i>force majeure</i>) do not permit the delay attendant upon the issuance of the solicitations documents;</p>	<ul style="list-style-type: none"> <li>- The exigencies of service must be beyond the control of UNESCO i.e. emergency situations or situations of <i>force majeure</i>, or other urgencies which are not due to lack of planning or slow administrative process within UNESCO, its beneficiaries or partners.</li> </ul>
<p>(ix) When the proposed contract relates to obtaining services that cannot be objectively evaluated and where the requirement is such that the criteria for the evaluation of the competitiveness of bids or proposals are difficult to establish (e.g. production of artwork or film).</p>	<ul style="list-style-type: none"> <li>- Provide evidence to document that a formal solicitation for such services would not produce satisfactory results.</li> </ul>