

PROPRIETARY PROCUREMENTS

Policy Title: Proprietary Procurements

Policy Type: Administrative

Policy Number: #43-21 (2014)

Approved: 04/03/2015

Responsible Office: Procurement Services

Responsible Executive: Vice President for Finance and Administration

Applies to: University Employees

POLICY STATEMENT

The University has established policy governing proprietary procurements.

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DEFINITIONS

None

CONTACT(S)

Procurement Services officially interprets this policy. The Vice President for Finance and Administration is responsible for obtaining approval for any revisions as required by BOV Policy #01 (2014) Creating and Maintaining Policies <https://www.nsu.edu/policy-library/bov-policy> through the appropriate governance structures. Questions regarding this policy should be directed to Procurement Services.

STAKEHOLDER(S)

University Community

PROPRIETARY PROCUREMENTS POLICY CONTENTS

Proprietary restricts acceptable products or services to one or more manufacturers or contractors. A common example would be the use of a “brand name” specification that would exclude the consideration of proposed “equals”. Proprietary items are available for purchase from several different sources and may be susceptible to competition.

User departments and activities may submit proprietary justifications to Procurement Services when the desired product or services:

- Must be compatible with or is an integral component of existing equipment
- Is needed to support a specific need or a program
- Is covered by a patent or copyright
- Must yield absolute continuity of results
- Must be identical in all respects to existing equipment or products being used
- Is substantially superior to all available similar products
- The user has extensive training or experience and the use of a similar piece of equipment would require considerable reorientation, training or labor to utilize

EDUCATION AND COMPLIANCE

The intent of this policy is to inform and provide guidance to campus departments and activities on the proprietary method of procurement and the determinations for how to use proprietary specification and the difference between a sole source procurement and a proprietary procurement. Training will be provided on an annual basis and will be incorporated as part of Procurement Services annual training workshops.

PUBLICATION

This policy shall be widely published or distributed to the University community. To ensure timely publication and distribution thereof, the Responsible Executive will make every effort to:

- Communicate the policy in writing, electronically, or otherwise, to the University community, including current and prospective students within 14 days of approval;
- Submit this policy for inclusion in the online Policy Library within 14 days of approval;
- Post the policy on the related webpages; and
- Educate and train all stakeholders and appropriate audiences on the policy’s content as necessary

REVIEW SCHEDULE

- Next Scheduled Review: 12/07/2024
- Approval by, date: President, 04/03/2015
- Revision History: 07/01/1995, 07/01/2014, 04/03/2015, 10/06/2016; 12/07/2017; 04/05/21

- Supersedes: Procurement Services Policy and Procedures No. 8

RELATED DOCUMENTS

There are no related documents associated with this policy

FORMS

There are no forms associated with this policy.