

# Procurement 101

## Required Procurement Documents



### **Sole-Source Justification and Waiver of Competition**

**WHAT ARE THESE?** The Waiver of Competition form and the Sole-Source letter are documents created by the customer to request a waiver from the State of North Carolina procurement regulations on bidding for procurements in excess of \$5,000.

**WHY ARE THEY NEEDED?** The Waiver of Competition form, when supported by a valid customer statement justifying the sole-source, are used by procurement officials to justify a customer's request for a variation from the State's requirement for full and open competition for all State procurements. NC Administrative Code 01 NCAC 05B.1401 provides 17 exemptions from the requirement for full and open competition.

**EFFECT ON PROCUREMENT TIMELINE?** (up to three weeks) If the proper documentation is sent in with the purchase requisition there is no delay in time. But if the required documentation is not sent in with the requisition and the buyer has to request the documents, it could add up to an additional three weeks in procuring the goods or services while the department's business office tries to acquire these documents.

### **Data Access Questionnaire**

**WHAT IS IT?** The Data Access Questionnaire captures the information necessary for Purchasing Services to determine if sensitive information is involved in the procurement, or if ITS will be involved either for initial setup or ongoing maintenance.

**WHY IS IT NEEDED?** The Data Access Questionnaire provides information on vendor access to data containing individual medical, financial and/or personally identifiable information, payment card processing or student records. It also provides information on whether ITS will need to be involved in initial setup or ongoing maintenance.

**EFFECT ON PROCUREMENT TIMELINE?** (up to three months) ITS Security must approve any vendor who will access, transmit or store sensitive University data. ITS Security's review can take up to three months, depending on the type of data being collected and the vendor involved.

**WHO TO CONTACT?** For questions and status updates, please contact ITS Security at 919-445-9393 with your help ticket number. You can also send an email to [security@unc.edu](mailto:security@unc.edu) with your issue and help ticket information.

### **Business Associate Agreement**

**WHAT IS IT?** The Business Associate (BA) is a person who, or entity that, performs a function or service for a HIPPA-Covered Entity (CE) for the benefit of the CE (e.g. analytics, accounting and training), and where the work function involves access to, transmission of, or storage of the CE's Protected Health Information (PHI). The circumstances surrounding a particular arrangement will vary. Sometimes the University can serve as the CE or the BA. The Business Associate Agreement is a document that defines the relationship, roles and responsibilities of a BA and a CE for safeguarding PHI in compliance with HIPPA.

**WHY IS IT NEEDED?** Both a BA and a CE are directly liable for HIPPA violations and impermissible disclosures of PHI. The terms within a Business Associate Agreement determine how the parties choose to contract for that liability.

**EFFECT ON PROCUREMENT TIMELINE?** (up to three weeks) A requestor's failure to include a properly filled Business Associate Agreement will result in a delay equal to the time required for the purchasing agent to notify the requestor, the requestor to return the Business Associate Agreement back to the purchasing agent, and the vendor to agree to the Business Associate Agreement terms. If the vendor does not agree, the Privacy Office must review and negotiate with the vendor. This can take up to an additional three weeks.

**WHO TO CONTACT?** For questions and status updates please send an email to [privacy@unc.edu](mailto:privacy@unc.edu) with your issue and help ticket information.

