

# COLORADO CORRECTIONAL INDUSTRIES (CCi)

Section 17-24-111(1)(a) CRS requires that state agencies purchase office furniture and office systems from the Division of Correctional Industries. In applying this statute and administering this waiver process, the terms office furniture and office systems shall mean:

Those systems and furniture that, at the time the product requirement is communicated, are described in Division of Correctional Industries' catalogs and web site and are intended primarily for use in an office environment (including faculty offices, meeting rooms, conference rooms and at times classrooms).

## CCi Waiver Request

rev 4/2018

<b>TO: Paul Smith</b> Sales Director CCI c/o Cheryl Ahumada cheryl.ahumada@state.co.us (719) 226-4204 (719) 226-4220 fax	<b>FR: Requestor Name:</b> _____ <b>Agency Name:</b> _____ <b>Phone:</b> _____ <b>Fax:</b> _____ <b>Consulted with:</b> _____ CCI Representative/Contact Person Consulted With  <b>Date Submitted:</b> _____ <b>Total Pages:</b> _____  <b>Purchasing Agent Name:</b> _____ <b>PA Phone:</b> _____ <b>Purchasing Agent Signature:</b> _____ <b>PA FAX:</b> _____
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Submitting Agency's Purchasing Department must submit waiver request to CCI **after** signature approval. CCI response will be returned to Purchasing Department.

**Scope of Waiver Request (the following information is mandatory, missing information will delay your response):**

- Period of Time (Date Item/s Needed) \_\_\_\_\_
- Number of Items or Amount of Materials (Quantity) \_\_\_\_\_
- Complete Description & Specifications (Not Just Brand & Model Number) (Must be Attached)
- Quoted Unit Price \$ \_\_\_\_\_
- Quoted Total (overall) Price FOB Destination, including Assembly \$ \_\_\_\_\_
- Itemized Quotation Sheet(s) from Vendor to Support the Requested Items Above, Including Picture, Sketch, Design or Layout of Product(s) (Must be Attached)

Please review and respond to this **request for waiver** to purchase outside of the CCI mandatory awards (State Price Agreement #42500YY08M) for office furniture and office systems. In completing and submitting this waiver request as outlined in the procedure from the back of this form, I believe CCI cannot provide its goods or services:

- Check appropriate box:
- At a comparable level of quality, or unavailable features or \_\_\_\_\_
  - At a comparable price to that provided by the private sector; or \_\_\_\_\_
  - CCI cannot provide its goods or services in a timely manner. (Note: No waiver shall be granted based on timeliness unless CCI was given a reasonable time period to provide the goods or services, which must be at least equal to the time period offered to the private sector, including consultation, design & planning.)

If requestor has spoken directly with a CCI account representative in regards to this request and comparable CCI products **AND** completed all of the above noted information, CCI will answer this **request for waiver** within five (5) working days of receipt

\* \* \* **CCi** \* \* \*

Denied     Approved     Pending

**If Approved, Reason:**

- CCI Cannot Provide its Goods or Services At a Comparable Level of Quality, or Unavailable Features or
- CCI Cannot Provide its Goods or Services At a Comparable Price to that Provided by the Private Sector; or
- CCI Cannot Provide its Goods or Services in a Timely Manner.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## PROCEDURE

Agencies seeking a waiver from the statutory requirement to purchase office furniture and office systems from *CCi* shall:

1. Contact the agency's *CCi* sales representative to discuss the agency's needs and *CCi*'s ability to furnish the desired products prior to submitting or requesting a waiver;
2. Provide a completed waiver request form (See page 1 of this form), attach all supporting quotations and detailed specifications supplied from outside vendor of choice, then submit to receive written approval from the Parent agency's authorized purchasing director, or their appointed designee. Purchasing director will then forward packet to *CCi* via email and/or fax, as noted on the form. (Current address, e-mail, fax and phone numbers are available on *CCi*'s web site.)

Upon receipt of a waiver request, *CCi* will:

1. Review the request in accordance with the standards set forth herein, and grant, deny or pend the request within five working days or such other period of time as is agreed upon by *CCi* and the agency.
2. If the request is denied, *CCi* will state the basis for the denial, including a description of the product it offers that meets the specification, and will be available to answer questions about the product or the decision.
3. If the request is pending, *CCi* will state the basis for the pending and explain that a final response can be provided upon additional actions being completed by the requestor or *CCi*.
4. If the request is granted, the agency may proceed to purchase the office furniture or office systems in accordance with the requirements of the Procurement Code and the Procurement Rules.

If the request is denied, the agency may appeal *CCi*'s decision to the Executive Director, Department of Personnel & Administration (or delegate), through the State Purchasing Office. The appeal shall contain the original request, all supporting material, and *CCi*'s denial information. At the time the appeal is filed, the agency shall notify *CCi* of the appeal, and *CCi* may submit any additional information it considers relevant to support its decision. On request by the Department of Personnel and Administration, *CCi* shall provide additional information concerning the pricing of its products relative to any alternative products identified by the agency or institution (including delivery and set-up fees), the quality of its products, materials, and workmanship, differences in terms and conditions (including warranty provisions), means of insuring or mitigating the risk of late delivery (where that is an issue), and other information relevant to the DPA's certification that *CCi* can provide products of comparable quality and price in a timely manner.

The decision of the DPA Executive Director or his designee is final.

## STANDARDS

Based on §17-24-111(1)(a), to grant a waiver, *CCi* or DPA must find that either:

1. *CCi* cannot provide its goods or services
  - At a comparable level of quality, or
  - At a comparable price to that provided by the private sector; or
  - In a timely manner

Therefore, the waiver must be based on one or more of the above factors. Neither *CCi* nor DPA shall grant a waiver based on timeliness unless *CCi* was given a reasonable time period to provide the goods or services, which must be at least equal to the time period offered to the private sector.

The scope of the waiver shall clearly define the period of time, the number of items or amount of materials that can be purchased from the private sector, and a quoted total price FOB destination to include assembly. Any available picture, sketch, design or layout of products must be included with the waiver request. No waiver shall be deemed to extend to comparable materials or situations beyond the scope of the waiver.

## DEFINITIONS

Section 17-24-111(1)(a) states: "...State agencies may purchase goods and services from sources other than the division; except that office furniture and office systems shall be purchased from the division." Therefore, in applying this statute and administering this waiver process, the terms "office furniture" and "office systems" shall mean:

Those systems and furniture that, at the time the product requirement is communicated, are described in Division of Correctional Industries' catalogs and web site and may be intended primarily for use in an office environment (including faculty offices, meeting rooms, conference rooms and at times classrooms).