

HOW TO WRITE A JUSTIFICATION MEMORANDUM

Non Form

The Justification Memorandum is not a specific form. The term is used to reference a memo or letter which must be prepared by a requesting department to justify the purchase of certain items or the use of a specific purchasing method. The specific instances requiring the use of a Justification Memorandum are described below.

Good Explanation

A Justification Memorandum may be in any format and should be brief and concise. It should be addressed to the applicable purchasing agent (if known) in the Purchasing Department and should contain a thorough explanation for the request. The Justification Memorandum should always reference the applicable Small Purchase or Purchase Requisition number.

Guidelines

Each Justification Memorandum is prepared for a unique situation; and therefore, the information necessary in each is different. The following are general guidelines for writing a justification memorandum:

1. **PURPOSE:** State law requires the University to obtain competition for purchases whenever possible. For this reason, we normally use generic specifications to describe what we intend to purchase. Except for small order purchases and products which are currently on State Term Contracts, when our requirements can only be met by a specific product or vendor, we must have documentation in our purchasing files to show a rationale for not obtaining competitive quotes/bids from multiple vendors. This "brand-specific" and/or "vendor-specific" (single source) justification must be sent to the University's Purchasing Department, referencing the Purchase Requisition number.
2. **BRAND-SPECIFIC JUSTIFICATIONS:** Brand-specific rationale cannot be used unless the requirement can only be met by the exact specifications offered by a particular piece of equipment made by the manufacturer. These items are generally more expensive since they often-times contain additional features. Generic specifications encourage competition. They should be used wherever possible. A brand-specific justification must explain why the product is singularly able to meet the requirements of the user and conclusively support the determination that no other product can fulfill the user's needs. Brand-specific rationale may include:
 - a. **Compatibility:** When justifying the use of a specific brand on the basis of compatibility, you must conclusively explain that the requested brand is the only one which is compatible with the existing equipment or the only one which will support planned expansions or additions to the equipment. An example of this might be the use of a specified brand of computer because all the computers in the office or network are of that type and to use other brands would require cumbersome and inefficient software modifications or additional interface equipment. In the case of networks, standardization can be the basis for compatibility as different hardware and software configurations can make learning and actual use much more difficult.
 - b. **Proven Equipment or Supplies for Research/Operations:** This rationale is a bit more challenging to conclusively prove, however it can be used when the equipment/supplies are critical to maintaining a stabilizing factor in ongoing research or operational efforts. Any determination written to support this rationale must document the likelihood that by introducing another brand of equipment/supplies, an unsuitable or new variable in the operating environment or the research protocol would occur.
 - c. **Repair/Warranty/Technical Support Available On Campus :** This can be used for equipment which needs to be quickly repaired or equipment for which the user needs accessible technical support from on-campus organizations such as EOSC, ADP or OIT. When using this rationale you must state that this same support is not available for other suitable brands or models.
3. **VENDOR-SPECIFIC (Single Source) JUSTIFICATIONS:** Because there are so many vendors who are capable

of supplying the same goods and services, unless the manufacturer is the only authorized supplier of the product, it is very difficult to conclusively document the need for a specific vendor. Sometimes you can limit vendors to the local area by providing specifications which include quick service response times. However, it is much more difficult to conclude that a particular vendor offers a "unique service" not offered by any other vendor. If you feel that a specified vendor has that "unique service" you must document it fully.

Photocopiers

NON-CONTRACT PHOTOCOPIERS: In addition to a justification memorandum, a Justification Fact Sheet must be submitted with each requisition that asks for a non-State Term Contract photocopier.

WAIVER OF COMPETITIVE BIDDING

Under certain conditions and upon the endorsement of the appropriate authority (Purchasing or State Purchase and Contract), items may be waived to a particular vendor. Per the Administrative Code, Section .1401, conditions permitting waiver include but are not limited to:

1. Performance or price competition are not available.
2. A needed product or service is available from only one source of supply.
3. Emergency action or pressing need is indicated.
4. Competition has been solicited but no satisfactory offers received.
5. Standardization or compatibility is the overriding consideration.
6. A donation predicates the source of supply.
7. Personal or certain professional services are required.
8. A particular medical product or prosthetic appliance is needed.
9. A product or service is needed for the blind or severely disabled and there are overriding considerations for its use
10. Additional products or services are needed to complete an ongoing job or task.
11. Products are bought for "over the counter" resale.
12. A particular product or service is desired for educational, training, experimental, developmental or research work.
13. Equipment is already installed, connected and in service, and it is determined advantageous to purchase it.
14. Evidence of resale price maintenance or the control of prices, lawful or unlawful, or collusion on the part of bidders which thwarts normal bidding procedures.
15. The amount of the purchase is too small to justify soliciting competition or where a small purchase is being made and a satisfactory price is available from a previous contract (University Small Purchase Rules - \$0 - \$5000)
16. The requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s).
17. A used item(s) is available on short notice and subject to prior sale.