

Circumstances That Allow the Use of Direct Contracting	Examples of Acceptable Justifications
Where the value of the procurement is below USD 5,000	<p>This applies to low-valued goods, services or small works, or where exigency of need is such that the time and transaction cost involved in obtaining two (2) offers is not justified nor practical.</p> <p>Where the time, the circumstances, and the market conditions allow for a fast and easy generation of at least two (2) quotes, competitive selection using the Micro-Purchasing Canvass Form still remains the recommended process for of obtaining value for money.</p>
There is no competitive marketplace for the requirement	<p>a) Where a monopoly exists</p> <p>Where there are only two (2) players in the market, it is no longer a monopoly and comparison between the two suppliers/service providers should still be established.</p> <p>b) Where prices are fixed by national legislation and such fixed prices are in effect at the time of the procurement</p> <p>Where this situation exists, evidence of such legislation must be put on record each time the direct contracting modality is applied.</p> <p>c) Where the requirements involve proprietary product or service</p> <p>Where proprietary product or service is being procured, it must be established why other equivalent non-proprietary product or service will not meet the requirement.</p>
There has been a previous determination or there is a need for standardization	Compatibility and consistency with existing equipment, systems, or technologies may requires a specific brand model or type of goods or technology, whereby any change may have a direct impact on life cycle or sustainability for the end users
The proposed procurement is a cooperation with other organizations of the UN system	Cooperation with other organizations of the UN System may be pursued to meet the requirements of

		<p>UNDP, <u>provided</u> that the regulations and rules of those organizations are consistent with those of UNDP. Such cooperation may consist of :</p> <ul style="list-style-type: none"> <li>a) Carrying out common procurement actions together, or</li> <li>b) UNDP entering into contract by relying on a procurement decision of another organization, or</li> <li>c) UNDP requesting another UN organization to carry out procurement activities on its behalf.</li> </ul>
	<p>Offers for identical requirements have been obtained competitively within the past 12 months and the prices and conditions offered remain competitive</p>	<p>In applying this justification, all of the four (4) minimum conditions cited must be met :</p> <ul style="list-style-type: none"> <li>a) The requirements are identical;</li> <li>b) The previous purchase was a result of competitive process;</li> <li>c) The purchase, not the selection process, was made the past 12 months only; and</li> <li>d) Prices and conditions have remained the same in the last 12 months.</li> </ul>
	<p>The proposed procurement contract is for the purpose of purchasing or leasing property</p>	<p>A documented comparative process and value-for-money assessment may be waived if the primary criteria for the selection of the property are security and safety of personnel and assets.</p>
	<p>There is a genuine exigency for the requirement</p>	<p>The term “genuine exigency” refers to situations whereby the goods or services required comprise emergency interventions and therefore cannot be delayed, as it may result in the imminent loss or endangerment of human lives or the excessive damage to valuable properties, or will deter the delivery of basic human needs. This applies during times of natural disaster, health epidemic, or sudden onset of unforeseen crisis.</p> <p>Under no circumstance can “exigency” be used to justify cases of urgency arising from poor planning, poor oversight, delay in receipt of funding, among other possible circumstances that sound and proactive project management could have avoided.</p> <p>Procurement of goods or services which does not meet the “genuine exigency” criteria will not be considered for an exception to the competitive process, even if the context is an early recovery programme/project.</p>

	<p>The proposed contract is for relevant services that cannot be objectively evaluated</p>	<p>The goods or services required involve cutting-edge technology, or newly developed/not yet marketed methodologies where no possibility of comparison yet exists.</p>
	<p>The CPO has otherwise determined that formal solicitation will not yield satisfactory results</p>	<p>Documentation of the CPO to this effect must be on record</p>