 Waiver of 30% Contract Price Weighting Requirement

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| **Requesting Agency:** | |  | | | |
| **ORPIN Number:** |  | |  | **ORPIN Document Title:** |  | |

Under ORS 279B.060(3)(e) and (9)(a) a state Contracting Agency is required to give the proposed Contract price not less than thirty percent of the total weight that the agency gives to the total of all factors in the agency’s final evaluation of a Proposal. ORS 279B.060(9)(b), grants the director or other head of a state Contracting Agency the authority to waive the requirement if the director or agency head makes a determination that a waiver is in the best interest of the state Contracting Agency. The state Contracting Agency has determined that the waiver of the thirty-percent-to-contract-price weighting requirement in ORS 279B.060(3)(e) and (9)(a) is in the best interest of the agency based on one or more of the following factors pursuant to OAR 125-247-0260, 137-047-0260(6), & 137-047-0261(12):

**(a)** The requirement would unreasonably limit competition or would frustrate the procurement objectives.

**(b)** The long-term costs of acquiring, using, or maintaining the goods or services is a more important consideration than just the contract price. Evaluation of life cycle costing will yield a more accurate assessment of the overall cost to the agency or to the public.

**(c)** The value or results of a successfully performed contract or project are more important than the amount of direct payments under the contract.

**(d)** The adverse effects of project failure or of a failure in contract performance can be anticipated to significantly outweigh the contract price.

**(e)** The contract price for the development or production of a design, process, or business solution will be significantly less than the cost to the agency of implementing, operating, or maintaining the resulting design, process, or solution.

**(f)** The contract price for the development or production of a design, process, or business solution will be significantly less than the monetary value to the agency of the successful implementation or the successful operation of the resulting design, process, or solution.

**(g)** The savings to the agency from using the design, process, or solution from the contract will be more significant than the amount of the contract price.

**(h)** The consulting guidance or value-engineering assistance by the contractor could produce long-term savings for the agency or the public that will significantly exceed the contract price.

**(i)** The expertise, experience, or precision of the contractor is more critical to the agency’s procurement objectives than the direct contract price.

**(j)** Giving greater weight to the technical, standard, dimensional, or mathematical specifications, and lesser weight to contract price, will better ensure that the goods or services will be compatible with or will operate efficiently or effectively with components, equipment, parts, Services, or information technology with which the goods or services will be used, integrated, or coordinated.

**(k)** The contract is the first or early phase in a multiple phase project or in a multiple set of related contract solicitations and the results of the contract will significantly affect the agency’s costs in subsequent phases or solicitations.

**(l)** The agency will use serial negotiations or competitive simultaneous negotiations, and the weighting requirement would inhibit flexibility in negotiations or impede the ability to arrive at the most beneficial contract.

**(m)** The agency’s interest in achieving economy, efficiency, compatibility, or availability significantly outweighs the contract price.

**(n)** Other: Click here to enter text.

**Explanation of reason(s) for the waiver (per OAR 125-247-0260(3)(b)):**

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**Explain why the reason(s) for the waiver could not have practicably been addressed, resolved, or eliminated in the development of the Request for Proposals, or in evaluation stages conducted prior to the final evaluation of the Proposals (per OAR 125-247-0260(3)(b)):**

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**Approved by:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Head of Requesting Agency