

## **APPENDIX C**

### **Excepted Items from Competitive Requirements**

The goods and services as set forth below are of such nature and value as to be considered impracticable to seek through competitive procedures or have proven to be available only from a single source and are hereby declared exempt from competitive procurement procedures within the limitations set forth in this section. The purchasing agent, in consultation with the county attorney's office, may amend this list from time-to-time without prior approval of the board of supervisors.

The following constitute the list of goods and services exempted from requirements for competition:

1. Accreditation and Testing: Accreditation fees and academic testing services.
2. Athletic Fees: Fees associated with participation in athletic tournaments and events including registration and associated fees for all athletic events.
3. Athletic Officials/Referees: Umpires, referees, and other sports officials to officiate competitive athletic and sporting events sponsored by Albemarle County or Albemarle County Public Schools. The services include observing the play, detecting infractions of rules, and imposing penalties established by the rules and regulations of the various sports.
4. Books, printed materials, reprints and subscriptions: Books, printed materials, and subscriptions (print or electronic), and pre-recorded audio and video material (in any media), when only available from the publisher or producer. Justification must be prepared by the using department or entity to document verification of exclusivity. Documentation must include an independent search for other sources of materials. An online search is acceptable, but justification must be sufficient and specific enough to verify and reproduce the search.
5. Grant programs: Grant programs that specify a specific product or service provider that is required for receipt of the grant.
6. Donations/gifts: Donations that specify a specific product or service provider that is required as a condition of the donation.
7. Consulting: Academic/research consulting services not exceeding \$100,000. This exemption is limited to services provided by an individual academician with specific qualifications not generally available in the marketplace and who is employed by a public or private institution of

higher education or a subject matter expert employed by a research institute. This exemption does not apply to consulting services generally. Justification must be prepared by the using department or entity to document verification of exclusivity.

8. Copyright/Royalty Fees: Purchase of the exclusive legal right to display, perform, reproduce, publish, sell, or distribute the matter and form of something (as a literary, musical, artistic work, or performing rights organization).
9. Dues and Professional Licenses: Professional organization membership dues, fees to maintain professional licenses, and professional memberships that are unique organizations and have no counterpart.
10. Equipment, Used, or Surplus: Single purchases of used or surplus equipment, excluding vehicles. This exemption is not applicable to aggregate purchases of more than a single item.
11. Honoraria/Entertainment: Payment for a one-time service (e.g., making a speech), not exceeding \$30,000, provided by a contractor such as authors, speakers, lecturers, musicians, performing artists.
12. License Agreements: License agreements with the owner of the source code for existing software currently in use, to include instructional software.
13. Maintenance Agreements: Subsequent maintenance agreements with the owner of the proprietary source code for previously purchased software currently in use and manufacturer of sophisticated medical, scientific, or engineering equipment that remains in service with Albemarle County or School Board.
14. Media Purchases: Advertisements and legal notices such as in newspapers, magazines, journals, radio, television, etc.
15. Sporting Events/Entertainment: Tickets to sporting events or entertainment, including but not limited to movie or theme park tickets.
16. Training:
  - a. Training Provided by Professional Organization: Classes, workshops, or conferences provided by a professional organization. This exemption is limited to organizations that are associated with professional accreditation or certification.
  - b. Specialized Training: Training that is specialized, proprietary, and not typically available to the general public. Specialized technical training provided by a vendor for their equipment is included in this

category. Justification must be prepared by the using department or entity to document verification of exclusivity.