



Washington State Department of Enterprise Services

POLICY # DES-125-03	DIRECT BUY PROCUREMENTS/PURCHASES (RCW 39.26.125)
Purpose:	This policy provides the following information: <ol style="list-style-type: none"> 1) An established dollar threshold in which agencies may acquire goods and services directly from a vendor without requiring a competitive process. 2) Implementation requirements, guidelines, and exemptions for direct buy purchases.
Enabling Legislation: RCW 39.26.125 (3)	Beginning January 1, 2013, the Department of Enterprise Services (DES) director is required to establish policies for direct buy purchases/procurements. Direct buy purchases are exempt from competitive solicitation requirements.
Direct Buy Purchase Authorization:	Effective January 1, 2013, agencies are authorized to purchase goods and services up to a cost of \$10,000 (excluding sales tax) directly from a vendor and without competition. In addition, agencies are authorized to purchase goods and services up to a cost of \$13,000 (excluding sales tax) directly from a vendor and without competition if the purchase is being made from a microbusiness, minibusiness, or small business as those terms are defined by RCW 39.26.010 (17), (18) and (21).
Additional Requirements:	<ol style="list-style-type: none"> 1) Agencies must use existing “qualified master contracts” before engaging in a direct buy. Only when an existing qualified master contract cannot justifiably satisfy agency needs may the agency make a direct buy purchase. 2) Agencies are encouraged to buy from in-state small businesses to include certified minority, women and veteran owned businesses. 3) Unless otherwise exempt, procurements that exceed the direct buy limit must be competitively awarded, unless otherwise exempt from competition. 4) Agencies may not unbundle or manipulate a purchase to have the purchase qualify as a direct buy procurement to avoid using a competitive process.
Information Technology Procurements:	All applicable information technology related procurements must conform to OCIO Policy #121 . Agencies may need to coordinate with their assigned OCIO consultant . DES will also be available to assist agencies.

Compliance:	Agencies are to exercise sound professional judgment in implementing direct buy. An agency's record of compliance with the direct buy policy will be a factor in an agency's risk assessment.
Definitions:	<p>“<u>Direct Buy</u>” means a procurement not requiring a competitive process.</p> <p>“<u>Qualified Master Contracts</u>” means:</p> <ol style="list-style-type: none"> 1) DES Master Contracts. 2) Cooperative contracts that conform to all applicable Washington State procurement laws, rules, policies and trade agreements. DES will maintain a list of cooperative contracts that meet state requirements.
Best Practice	Agencies should monitor repetitive purchases. When warranted, agencies should pursue an aggregated buy or notify DES of a potential master contract opportunity.