



Date Issued: June 12, 2009
Date Last Revised: December 15, 2010

CHAPTER 15. Categorical Exemptions

Table of Contents

CHAPTER 15. Categorical Exemptions	15-1
15.1 Policy	15-2
15.2 Use of Categorical Exemptions	15-2
15.3 Sources for Exempt Goods or Services.....	15-2
15.4 Procurement Methods for Categorical Exemptions	15-2
15.4.1 Categorical Exemption of Small Purchases	15-2
15.4.2 Categorical Exemption of Large Purchases	15-3
15.4.3 Determination of Price Reasonableness	15-3



15.1 Policy

Goods or services determined to be categorically exempt may be purchased without competition.

15.2 Use of Categorical Exemptions

The use of any categorical exemption will be at a fair and reasonable price and approved in writing by the Contracting Officer. The below goods or services are categorically exempt and may be purchased without competition:

1. Purchase, rent, or lease of land or other interest in real property
2. Memberships, films, manuscripts, publications, and educational services
3. Personal property sold at an auction by a licensed auctioneer
4. Personal property or services provided by another public entity, agency, or authority
5. Legal services
6. Research programs
7. Advertisements in newspapers or other publications
8. Intergovernmental agreements and cooperative agreements with other institutions where the primary purpose is not the purchase of goods, services, or construction services
9. Travel services
10. The following services provided by the Metropolitan Washington Council of Governments:
 - (1) Services and equipment related to pollution control measures and water quality management required by the Blue Plains Intermunicipal Agreement;
 - (2) Studies, including modeling and water sampling for the purpose of validating assumptions on the effect of pollutants discharged into the Potomac River and its tributaries by wastewater treatment facilities; and
 - (3) Specialized security equipment for detection of chemical, biological and radiological contaminants in the waterways.

15.3 Sources for Exempt Goods or Services

Market research appropriate to the circumstances of the procurement will be conducted to determine the availability and number of sources for categorically exempt goods or services.

15.4 Procurement Methods for Categorical Exemptions

Categorically exempt goods or services are not subject to the competitive procurement requirements of Section 5331 of the Authority's procurement regulations and will be procured using procedures appropriate for the particular procurement. Legal services, research programs, and travel services may be procured using competitive procurement methods when determined to be in the Authority's best interest.

15.4.1 Categorical Exemption of Small Purchases

A simplified procedure shall be used for procurements exempt under this chapter where the estimated value is below the large purchase threshold unless the Contracting Officer determines that another method, such as noncompetitive negotiation, will achieve better value. A quotation or price offer shall be obtained and a purchase order will be issued.



15.4.2 Categorical Exemption of Large Purchases

An acquisition plan including an independent cost estimate shall be prepared for categorically exempt purchases where the estimated value is greater than the large purchase threshold; the simplicity or complexity of the plan shall be appropriate to the specific procurement. Noncompetitive negotiation shall be used for procurements exempt under this Chapter where the estimated value is greater than the large purchase threshold unless the Contracting Officer determines that another method, such as a simplified or limited competition procedure, will achieve better value. Noncompetitive negotiation includes a Request for Proposal (RFP), the submission of the proposal to the Authority in response to the RFP, and evaluation of the proposal. The strengths, deficiencies, significant weaknesses, and risks relative to the Authority's needs or the proposer's potential shall be documented in the contract file supporting proposal evaluation. At the conclusion of discussions, all price and other revisions to the proposal, if any, shall be submitted by the proposer in writing.

15.4.3 Determination of Price Reasonableness

Before award of any categorically exempt procurement, the proposed price must be determined to be fair and reasonable using the method most appropriate to the procurement.