

# Rule Exception Request

Use this document to request changes to Central Procurement Office templates, policies, or other procurement documents or to modify the “necessary contract clauses” identified in Tenn. Comp. R. & Reg. 0690-03-01-.17 (“CPO Rule 17”). Complete this document in conformity with CPO Rule 17, which is available [here](#). Send the completed document in PDF format to: [Agsprs.Agsprs@tn.gov](mailto:Agsprs.Agsprs@tn.gov). All Rule Exception Requests are subject to review and approval by the Chief Procurement Officer. Rule Exception Requests that propose to modify any of CPO Rule 17’s necessary contract clauses shall be subject to review and approval by the Comptroller of the Treasury. Note: Any change to the template language regarding the Limitation of Contractor’s Liability shall be submitted using the Limitation of Contractor’s Liability Request.

<p><b>APPROVED</b></p>   <hr/> <p>CHIEF PROCUREMENT OFFICER</p>	<p><b>APPROVED</b></p>   <hr/> <p>COMPTROLLER OF THE TREASURY</p>
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<b>Agency request tracking #</b>	
<b>1. Procuring Agency</b>	General Services
<b>2. Edison contract ID #</b>	TBD upon award of ITB
<b>3. Contractor or Grantee</b>	TBD upon award of ITB
<b>4. Contract’s Effective Date</b>	TBD upon award of ITB
<b>5. Contract or grant contract’s Term</b> (with ALL options to extend exercised)	Sixty (60 )months
<b>6. Contract’s Maximum Liability</b> (with ALL options to extend exercised)	\$ 49,000,000.00
<p><b>1. Citation and explanation of the rule(s)</b> for which the exception is requested</p> <p>5.4.4. Special Terms and Conditions - Solicitations.</p> <p>The Central Procurement Office, in consultation with the affected State Agency, shall prescribe all special terms and conditions to be used in a solicitation in accordance with the Rules or Central Procurement Office Policy. Changes to the special terms and conditions may require additional State approvals in accordance with Section 5.15.3. of this Manual.</p>	
<p><b>2. Description of requested changes</b></p> <p>1.1. Option to Award by Category. The State may award a single contract for all category catalogs to the respondent whose response meets the requirements and criteria in this ITB at the lowest cost. Alternatively, the State may award a separate contract for each category catalog. Market Basket totals are only used for evaluation purposes only.</p> <p>Categories and associated catalogs are:</p> <ul style="list-style-type: none"> <li>• Commercial Cleaning and Janitorial</li> <li>• General Industrial</li> <li>• HVAC and Refrigeration</li> <li>• Lighting and Electrical</li> <li>• Plumbing</li> <li>• Safety</li> <li>• Security</li> <li>• Industrial Hand Tools/Supplies</li> </ul>	

- Plumbing Fixtures
- Lighting

A category market basket and catalog must be bid in order for that category to be awarded. Additionally respondents must bid all sub-categories in the associated catalog to be considered for an award for the category unless otherwise specified

**3. Justification**

The revised terms and conditions do not contain as many award criteria options and so this customized award criteria was modeled off of the "old" Edison configurator to accommodate the unique circumstances of this procurement. This contract is one where the option to award by category is in the best interest of the State because hundreds of items will be available for the agencies. It is impractical to evaluate each possible line item. The proposed Award option will allow the state to select the best price for each category.

Multiple contract awards is authorized under Tenn. Code Ann. § 12-3-305.

**Signature of Agency head or designee and date**