

Procedure P3-100E Pre-Solicitation Market Research-Communication with Vendors. Revision #0. Effective date: July 1, 2022

I. Purpose and Scope

A. Purpose.

This procedure addresses the process for University Organizational Units to conduct market research when exploring a potential purchase in a manner that promotes fairness and is intended to avoid conflicts of interest.

B. Scope.

This procedure applies to all University of Utah and University of Utah Hospitals and Clinics purchases that are governed by the Utah Code Title 63G, Chapter 6a, Utah Procurement Code that require a formal solicitation process such as a bid or request for proposals (RFP).

II. Definitions

The definitions provided in Policy 3-100 apply for this procedure.

III. Procedure

A. Pre-solicitation Market Research

1. An Organizational Unit exploring a potential purchase should identify the University business purpose for the purchase before conducting pre-solicitation market research.
2. If an Organizational Unit elects to contact vendors it shall contact multiple vendors and provide the same limited opportunity to each vendor to respond to any informal market research inquiry.
3. The Purchasing Department may provide research support and tools, including publicly posting a Request for Information before issuing a procurement solicitation.

4. Persons involved in drafting a solicitation may not rely solely on specifications, information, or materials supplied by a single vendor.
 - a. This provision does not prohibit an Organizational Unit from hiring a consultant to assist with a solicitation process.
 - b. A consultant hired to assist with a solicitation process may not participate in responding to the resulting University solicitation unless the director of procurement or designee determines that compelling extenuating circumstances exist.

5. An Organizational Unit may not provide a vendor significantly more University-provided information or access than any other vendor during the market research phase. For example, if an Organizational Unit meets with or permits one vendor to provide a presentation or demonstration, the Organizational Unit shall allow a reasonable number of other vendors the same opportunity.
 - a. Subsection (5) does not prohibit an Organizational Unit from continuing to engage with an existing contracted vendor in the normal course of business in relation to existing agreements.
 - b. If the director of purchasing or designee finds there has been a violation of Subsection (5), a vendor that received significantly more University-information or access may be disqualified from participation in the solicitation.

6. Examples or templates of solicitations may be a useful resource in drafting a solicitation.
 - a. If an Organizational Unit accesses solicitations issued by other entities or higher education institutions, the Organizational Unit shall request the solicitations directly from other entities or higher education institutions without the involvement of any vendor that may respond to the solicitation.

7. After completion of market research, Organizational Units are encouraged to Review Rule R3-100B regarding solicitation processes and to contact Purchasing with questions before writing a solicitation.

IV—VII Regulations Resource Information.

User Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Policies/ Rules.
 - 1. Policy 3-100 University Procurement
- B. Procedures, Guidelines, and Forms. [*reserved*]
- C. Other Related Resources. [*reserved*]

V. References

- A. R1-006E: Individual Financial Conflict of Interest in Transactions

VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owners (primary contact person for questions and advice): Director of Procurement & Contracting Services

VII. History

Renumbering Not Applicable

Revision History.

- A. Current version. Revision 0