

# Eastern Connecticut State University

## Sole Source Justification Form

**Sole Source/Sole Acceptable Brand Transactions:** The requirement that goods and services be obtained through competitive bids or quotations does not apply when the acquisition of the goods or services may be justified as a "Sole Source" or "Sole Acceptable Brand" purchase.

- A "Sole Source" acquisition occurs when there exists only one vendor from which particular goods or services can be purchased.
- A "Sole Acceptable Brand or Model" (a/k/a "no substitute") acquisition occurs when products or services similar to those required may exist, but the product or service required, for reasons of standardization, quality, compatibility with existing equipment, specifications, technical features, expertise, etc., is the only brand acceptable to the requestor or campus.
- Note that "Sole Acceptable Brand" products or services may be available from more than one source and if so, the acquisition of such products or services may be subject to competitive bidding. Sole Source/Sole Acceptable Brand acquisitions should be rare exceptions and not standard practice.
- ***Be advised that price is NEVER a valid claim for sole source justification.***

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**Before beginning:** If the value of the purchase for this request is less \$100,000.00, providing two (2) additional quotes for comparable goods/services will expedite the process of finding a sourcing solution to satisfy the needs. For more information, see Section 2.4 of the procurement manual. Additionally, for IT software and hardware purchases, reseller agreements may exist to help expedite the procurement of certain items. For question please contact Procurement, at purchasing@easternct.edu before initiating a Sole Source request for more information on these options.

**Instructions:** To request a sole source exemption to competitive bidding requirements:

1. Select only one (1) option, either Section 2A (Non-Federal Funds) or Section 2B (Federal Funds) of this form, depending on the funding source.
2. The Sole Source Justification Form must be executed by a manager who will use or oversee the use of the requested goods/services.
3. Please attach the completed form and supporting documentation to the purchase requisition and email it to Procurement, Contracting, and Compliance at purchasing@easternct.edu for review and approval.
4. Attach a sole source letter from the vendor.

**NOTE:** Sparse or incomplete information will require greater investigation by Procurement, Contracting, and Compliance, resulting in a less expedient resolution to the campus needs. The more information included in each section, the better.

### **SECTION 1** GENERAL INFORMATION

Date: \_\_\_\_\_

Requestor Name: \_\_\_\_\_ Title: \_\_\_\_\_

Email: \_\_\_\_\_ Dept: \_\_\_\_\_ Phone: \_\_\_\_\_

Contractor/Supplier Name: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

If applicable, provide equipment or supplies: Manufacturer Name: \_\_\_\_\_

Model # \_\_\_\_\_

Contractor/Supplier Representative: \_\_\_\_\_ Email: \_\_\_\_\_

What is the campus buying? Provide a complete description of the goods or services the campus wants to purchase from the contractor/supplier named above. (If necessary, provide additional sheets.)

**Section 2 – SOLE SOURCE INFORMATION**

A sole source exemption from competitive bidding requirements may be justified due to a requirement or exclusivity. Use only one (1) option, either Section 2A (Non-Federal Funds) or Section 2B (Federal Funds) of this Section 2, as determined by the funding source.

**Section 2A** Non-Federally Funded Sole Source Justification:

Select only one (1) option within this **Section 2A** that describes this non-federally funded sole source (see additional information in the Note section below):

Sole Source/Sole Acceptable Brand based on Section 2.4 of the Procurement Manual. Choose one (1) option below:

- 1.  Particular goods or services can be purchased from only one vendor.

List all sources identified and investigated to determine that no other source exists for similar products or services capable of meeting the requirements. If necessary, provide additional sheets.

**OR**

- 2.  Products or services similar to those required may exist, but the product or service required, for reasons of standardization, quality, compatibility with existing equipment, specifications, technical features, or expertise is the only brand acceptable to the requestor or campus.

Please provide a description of features or capabilities unique to the vendor/brand being requested as it relates to the campus program and/or project requirements. If necessary, provide additional sheets.

**Note:** Sole Source/Sole Acceptable Brand transactions may be based on the following:

- i. Evidence of extraordinary or unusual trade or market conditions or contingencies that preclude the availability of qualified alternative vendors.
- ii. Necessity of acquiring a proprietary item that must be compatible with existing equipment or systems and which is available only from the original manufacturer.
- iii. Necessity of acquiring items possessing specific features essential for the completion of the task or project at hand and which are available from only one source. Change of brands or manufacturers would compromise the continuity and integrity of the project.
- iv. Necessity of acquiring unique or specialized goods or services supplied by a vendor who has the exclusive right to manufacture and/or sell such items or provide such services. The vendor may be requested to produce a letter on its letterhead verifying its exclusive right to sell their own product or, in a protected sales territory, a certain manufacturer's product.

The following will not validate Sole Source/Sole Acceptable Brand procurement:

- i. Departmental preference for a specific vendor, product, or service.
- ii. Budgetary considerations or constraints.
- iii. Historical precedence or a claim of best price. Only current competitive bidding in the open market substantiates best possible pricing.

***Be advised that price is NEVER a valid claim for sole source justification.***

**SECTION 2B** Federally Funded Sole Source Justification: Please choose from one of the following options:

- Single Source: This may include, but is not limited to:
  - i) Only one product meets the specifications and/or capabilities necessary for the intended use, **AND** the requested goods/services are only available from one vendor.
  - ii) Compatibility/Warranty/Compliance:  
Using goods/services other than those requested would cause existing CSCU equipment or software to function improperly or would cause CSCU to lose warranty coverage for existing equipment or software that could only be replaced at a significant cost, **AND** the requested goods/services are only available from one vendor.
  - iii) Only the vendor that can meet the delivery requirement to fulfill an established commitment to the funding agency **AND** supporting documentation of required dates is provided.

Federal Authorization:

The federal funding agency has expressly authorized the non-competitive procurement of this good/service after a written request by CSCU. Grant documentation is required.

Inadequate Competition:  
Previous procurement attempts from multiple sources did not result in a successful, competent vendor/supplier.  
Supporting documentation of previous procurement solicitation is attached.

Other (please explain) \_\_\_\_\_

**SECTION 3** Campus Certification:

1. I certify that neither I, nor my cohabitating partner, nor any member of my immediate family, nor a business with which I or any of these individuals am/are associated (i) has a financial or other interest in this vendor or (ii) will derive a monetary gain or other tangible personal benefits as a result of the proposed contract with this vendor.
2. To the best of my knowledge, I certify that no other person associated with this sole source has a conflict of interest, as stated in Section 3.1.
3. By signing below, I hereby certify that, to the best of my knowledge, the information contained in this Sole Source Justification is accurate.

\_\_\_\_\_  
Requestor/Principal Investigator (PI) (Print)

\_\_\_\_\_  
Requestor/Principal Investigator (PI) Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor (Print)

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

**SECTION 4** Procurement Acknowledgment:

I hereby concur with the campus' determination to move forward with this sole source purchase.

This request is  Approved or  Denied.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date