

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE JUSTIFICATION FOR NON-COMPETITIVE (ALSO KNOWN AS SOLE SOURCE) PURCHASES AND CONTRACTS FORM

Sole Source Procurement-Sole source purchases are made only when items are unique and possess specific characteristics that can be filled by only one source. The vendor must furnish a letter indicating that it is the sole source and the letter must be signed by an authorized company representative.

Proprietary Purchase - A proprietary product is one that is manufactured and marketed by a person or persons having the exclusive right to manufacture and sell the product. Marketing is generally controlled by franchises that may include competitive sales at wholesale or retail levels. When it is found that bids may be obtained from different franchises, bid invitations must be issued unless the estimated purchase is less than \$10,000.

If your purchase appears to meet the definition of a sole source procurement, then please read the following and complete the form. If your purchase is a proprietary purchase, then please complete the proprietary purchase form. Generally, if a particular purchase can be obtained from only one vendor, then the purchase is sole source. If the item can be purchased from more than one vendor then the purchase is proprietary.

In addition to the Justification for Non-Competitive Purchases and Contracts form, the following additional documentation may also be required as a part of the request:

- A letter from the Supplier, which details the basis for non-competitive procurement, based upon the factors listed below.
- Letter(s) from business and industry which supports the purchase of a particular good or service as industry or business standard.
- A letter from the manufacturer specifying their distribution practices, i.e. available only directly or through distributors.

(Note: All letters mentioned in this section are to be provided on the originator's company letterhead and must be signed by an authorized official of the company.)

Factors to be considered in sole source and proprietary purchases include the following:

1. Whether the vendor possesses exclusive and/or predominant capabilities or the items contain a patented feature providing superior utility not obtainable from similar products.
2. Whether the product or service is unique and easily established as one of a kind.
3. Whether the program requirements can be modified so that competitive products or services may be used.
4. Whether the product is available from only one source and not merchandised through wholesalers, jobbers, and retailers.
5. Whether items must be interchangeable or compatible with in-place items.
6. Whether the cost of conversion, including but not limited to disruption, re-training, and replacement precludes bidding competitively.
7. Whether the product is to be used in an instructional setting and the intent is to provide instruction on the specific product or diversity of products.
8. For personal, professional and consultant services, whether the use of non-competitive negotiation is in the best interests of the institution. (F&A Rule 0620-3-3-.03)
9. Other justifications as approved by the Chancellor, President, Director.

Only authorized sole source may be procured utilizing non-competitive negotiation.

WALTERS STATE COMMUNITY COLLEGE

JUSTIFICATION FOR NON-COMPETITIVE (ALSO KNOWN AS SOLE SOURCE) PURCHASES AND CONTRACTS

Letter from vendor must be attached to form before form will be reviewed.

Requisition/Purchase Order # _____

- (1) Description of service to be acquired:

- (2) Explanation of the need for or requirement placed on the procuring institution to acquire the service:

- (3) Name and address of the proposed contractor's principal owner(s):

- (4) Evidence that the proposed contractor has experience in providing the same or similar service and evidence of the length of time the contractor has provided the same or similar service:

- (5) Explanation of whether the service was ever bought by the procuring institution in the past, and if so, what method was used to acquire it and who was the contractor:

- (6) Description of procuring institution's efforts to used existing institutional employees and resources or, in the alternative, to identify reasonable, competitive, procurement alternatives (rather than to use non-competitive negotiation):

- (7) Justification of why the state institution should acquire the service through non- competitive negotiation (list the applicable factor(s) from Section XXIV(B) of TBR Polcy No. 4:02:10:00):

Recommend Approval:

Requested By/Title

Requested By, Vice President

C. Renee Jarnigan, Assistant Director of Fixed Assets and Purchasing

Dr. Mark Hurst, Vice-President for Business Affairs

Approved:

Dr. Tony Miksa, President