



Sole Source Justification Form

Sole source items are those items which perform a certain function for which no other items are known to exist. In a highly technological society patents or a clearly superior and unique product may perform a specific function that limits you to a sole source. If it is economically advantageous to use such a product you should, however, it should not be used as a method to avoid a competitive process. Justification for specifying such items is extremely important and should be clearly stipulated in the sole source form.

District policy states that orders in the amount of \$5,000 or higher must be competitively quoted or bid unless the order is justified as a sole source. Public Contract code section 3400 also describes the need to competitively bid but also leaves room for the justification of sole source. The District shall make a written determination of the basis for the decision and the selection of the contractor it then shall be submitted to the Board of Trustees for approval. Justification for specifying such items is extremely important and must be in sufficient detail.

Competitive bidding is an impractical method for sole source items. Sole source acquisitions must be justified in sufficient detail to explain the basis for suspending the usual competitive procurement process.

The following represents factors that might justify sole source:

- Products where compatibility with existing systems, equipment, or accessories are absolutely necessary for function, serviceability, warranty, or cost
- For public utilities and services
- Rental of certain facilities in which location is an important factor
- Does independent research through internet searches or discussions with subject matter experts corroborate that the item is available only from a soul source?
- Does the request demonstrate the uniqueness of items or services to be procured form the proposed contractor or vendor (e.g., compatibility or patent issues, etc.)?
- Does the request demonstrate and support how it determined that the item or service is only available from one source (e.g., market survey results, independent agency research, patented or proprietary system)?
- Does the request demonstrate a significant need for contractor's expertise linked to the current project (e.g., knowledge of project management, responsiveness, experience of contractor personnel, and/or prior work on earlier phases of project)?
- Is there a public emergency such as a natural disaster or catastrophic event? Has there been a declared state of emergency in which these goods and services will be needed?
- Does the request adequately describe the efforts to competitively contract for this item? For example were requests for proposals or bids conducted and what was the nature of the responses?
- Does the request adequately describe the efforts to ensure the contract pricing is fair and reasonable?
- Does the request ensure there is no conflict of interest with the proposed vendor?



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If competitive quotes were secured, please submit them to Purchasing. Competitive quotes are the best way to show that the price is "fair and reasonable." If competitive quotes were not secured, then there should be an explanation of the method used to determine the reasonableness of the price and technical reason for selecting the suggested supplier, in accordance with the above legal requirements.

Completion of this form does not guarantee an automatic approval of the "sole source" justification. Purchasing will make the determination if it is a justifiable sole source purchase. Please complete the following (additional pages may be attached for further documentation).

Purchase Requisition # _____ **Date:** _____

Requestors Name: _____ Phone: _____

Department: _____ E-mail: _____

Requesters Signature _____

Dean's signature: _____

The description and unique characteristics of the item or items I am requesting are: _____

I am requesting this purchase as a sole source because (check if applicable)

- Vendor is sole provider of licensed or patented good or service
- Matches or is compatible with my existing equipment:
 - SJDC ASSET # _____ Serial # _____
 - As a replacement or repair part as an accessory or option
 - To match existing equipment (Standard based on approved Resolution by Board of Trustees)
 - As a component to be interfaced with the existing equipment
- Vendor is a sole provider of factory-authorized warranty service
- Maintenance is from the original equipment manufacturer

Buyer's Sole Source verification research/results

- Confirmed (specify or attach backup documents)
- Denied (specify reason for denial)

Buyer's name: _____ Date: _____

Purchasing Manager _____ Date: _____