# Request for Sole Source

### What is a sole source?

**Frequently Asked Questions**

A sole source procurement can be defined as any procurement/contract entered into without a competitive process, based on a verifiable justification that only one known source exists or that only one single supplier can fulfill the requirements.

### What is not a sole source?

* + A requirement for a particular proprietary product or service does not automatically justify a sole source procurement if there is more than one potential bidder or offeror for that item.
  + A preference for a brand name product does not justify a sole source procurement.
  + A goad's or service's "uniqueness" alone may not qualify the producer or supplier of the good or service as a sole provider of a good or service.

### What is a sole source based on compatibility?

This justification may be used if one of the following criteria exists:

* + Compatibility with existing equipment: may be used if your products or services are being purchased to directly interface with or attach to equipment of the same manufacturer, and no other manufacturer's products will correctly interface with existing equipment.
  + Upgrade of existing equipment: item required must be identical to equipment already in use by the end user, to insure compatibility of equipment, and that item is only available from one source;
  + Continuity of research: may be used if the main purpose for acquiring equipment or supplies is to replicate specific experiments, using the exact products that produced the original results. You may also use this justification if you are collaborating with another researcher and can show that identical products are required to fulfill your part of the agreement.
  + Original Equipment Manufacturer (OEM):
    - Maintenance or repair calls by the OEM are required for a piece of equipment, and the manufacturer does not have multiple agents to perform these services.
    - Replacement or spare parts are required from the OEM, and the OEM does not have distributors for those parts.

If one of the above criteria exists, complete sections I, **11,** IV, VI, and VII.

### Do sole source requests need to be “posted" for public notice?

The Colorado State University Pueblo Procurement Rules requires the purchasing agent make an attempt to identify competing vendors by placing a notice on the electronic solicitation notification system (ESNS) for not less than three (3) business days.

### What happens if the purchasing agent receives a response to the notice?

If the response to the notice is from a qualified and responsible vendor who is able to meet the specifications identified in the notice, and who is not otherwise prohibited from bidding, the sole source method shall not be used.

### Do you have a sample request for sole source I can review?

Please refer to pages 4 -6 of this document for a sample.

# Request for Sole Source

This form is to be completed and submitted with supporting documentation with your requisition to request a sole source procurement. Inadequate justification or documentation for a request for sole source procurement will result in delays or a solicitation of bids. Completion of this form does not guarantee the approval of the procurement request. The Office of Procurement Services reserves the right to solicit competitive proposals, sealed bids, negotiate pricing or to solicit additional information and remains the final authority for any procurement.

## Section I: Department Information

(Person to contact if Procurement Services has questions on this request)

Name:

Department Name:

Phone: (719)549-

Email: @csupueblo.edu

Is this on federal funds (53)? Yes No

If yes, do not complete this form. Please contact your purchasing agent for assistance.

## Section II: Vendor Information

Vendor Name:

Rep Name:

Phone:

Email:

## Section III: Brand Specific Sole Source (Goods Only)

Is the identified brand/model available from more than one source (i.e., more than one dealer/distributor)? Yes [ ] If yes, complete this section and section IV in its entirety only.

No [ ] If no, complete sections IV, V, VI, and VII.

If yes, this will be conducted as a brand specific procurement. Please provide the company names of known sources of supply.

## Section IV: Statement of Business Need

Describe in detail the good or service to be procured and how it meets your research or business need(s).

## Section V: Required Features

Describe the unique features that make this product or service available only from this supplier. What unique design/performance features does this good or provider of service have that are essential to your research or other application? This is not a regurgitation of specifications.

Manufacturer/model of your existing equipment, if applicable.

Is this product or service proprietary? Yes No

If yes, provide documentation showing that the supplier has a patent, copyright, or other legal right which identifies the supplier as a sole source.

## Section VI: Competing Brands

What other goods or providers of service were considered? Specify all brands/models of competitors' products or providers of service that were investigated and describe how they do not meet the listed Required Features for the research application.

Provide supportable evidence that due diligence has been performed in an objective market analysis and proof of fair and reasonable pricing.

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## Section VII: Conflict of Interest Statement

*By typing my name below; I certify that all information is truthful, accurate and that there is no real or potential conflict of interest in recommending this good or service as a sole source procurement. In requesting this non-­ competitive procurement with this vendor, I certify that, to the best of my knowledge, neither the principals, directors, owners, employees nor are business associates (including respective family members) of the vendor selected employees of Colorado State University Pueblo and/or agency of the State of Colorado. Such vendors are restricted from contracting with CSU Pueblo per Federal Uniform Guidance and C.R.S. 24-18-201.*

Employee Name:

CSU Pueblo

Employee

Date: