

Auburn University

Procurement and Business Services

Sole Source Justification

Pursuant to **Section 41-16-51 of the Alabama Code**, the University must procure all material, equipment, supplies and services via competitive means whenever practicable. However, Procurement may waive the competitive process and approve sole source purchases provided the requestor can adequately justify its use. Procurement judges the reasonability of sole source purchases based on the requestor's investigation, evaluation and documentation of alternate sources of supply and that rejection of similar products is based solely on their failure to meet specific and necessary specifications. In cases where an alternate supplier for a similar product cannot be identified, the requestor must document that a good faith effort has been made in seeking other sources. A listing of the unique technical specifications required of the product and the potential companies that were contacted in the search for alternate sources is necessary. Procurement may use this information in companies conducting its own market search. Sole source justification cannot be based on quality or price. Quality can be a subjective evaluation based on opinion. Public procurement law requires price considerations be evaluated via competitive bidding.

Please complete the Following (Print or Type):

eReq Number: _____ Date: _____ Estimated Cost: \$ _____

Department: _____

Requestor's Name: _____ Phone #: _____

Requestor's email: _____

Requested Vendor:

Company Name: _____

Contact Name: _____

Is the recommended company the manufacturer? Yes No

Does the manufacturer sell the item(s) through distributors Yes No (If there are multiple distributors, then this is not a sole source.)

Complete the Following Checklist

A specific contractor/vendor is the only source of the required item because (check all that apply):

This is specialized software (only one vendor can provide.)

The required items are **proprietary** (patents, exclusive rights to distribute, trademarks/ copyrights etc.) to the vendor; if so, provide documentation.

To be compatible or interchangeable with existing hardware/software

The requested product is essential in maintaining experimental or administrative continuity.

Existing equipment _____ **Age/Current Value \$** _____ **PO #** _____

For continuity of research, continuing experiments, standardization, other investigators have used it for similar research.

This is a renewal; Terms of Renewal: Year _____ of a _____ Year Agreement

If this is new software please provide: **AU software approval, signed agreement if available and list all reasons why this software is the only one that can meet your needs.**

Single/Sole Source Rationale

Explain why the recommended company is the only company that can meet the requirement. Address the following:

- **What technical specifications, capabilities (e.g. technological superiority, performance risks, standardization, continued experiments, etc.) exist to give the recommended company a significant advantage over any other company who can sell this product or complete this job?**

It is important to adequately address key reasons for awarding an order without soliciting competitive bids. The rationale must be clear and convincing, avoiding generalities and unsupported conclusions.

In a brief explanation, provide supporting evidence for the conclusion; other sources and products considered should be listed, along with an explanation of why they are unable to meet the requirements.

Conflict of Interest: It is the intention of Auburn University that its employees conduct the affairs of the University in accordance with the highest ethical, legal, and moral standards. An employee must not be in a position to make a decision for the University if his or her personal, professional, or economic interests may be directly influenced or affected by the outcome.

To the best of your knowledge, is/does the individual who selected the vendor, an immediate or extended family member, employed by, acting as a consultant, or have a financial interest in/for the vendor?

YES NO

ACKNOWLEDGEMENT

This section must be completed.

I acknowledge the University's requirements for soliciting competitive bids for purchases over \$75,000 and the criteria for justification for Sole Source purchases. I have gathered the required technical information, have made a concerted effort to review comparable/equal equipment/software, and further affirm that there is no conflict of interest involved in the selection made.

Full Name of Principle Investigator:

Date:

Signature:

Department Head:

Date:

Signature: