

West Virginia University
Procurement, Contracting and Payment Services (PCPS)

Single or Sole Source Justification Form

University Policies:

WVU Procurement Manual Section 5.28 permits, under certain conditions, purchases of goods or services from a sole source without soliciting bids from multiple sources.

The University recognizes that special circumstances may not support the use of competitive bidding. In these situations, sole source purchases may be an acceptable alternative.

Sole source purchases are an exception to the competitive bidding, and must always be in writing. PCPS will approve a sole source purchase on a case-by-case basis.

Definitions:

Single source is a term used to designate that a product or service must, for specific and justifiable reasons, be purchased from one specified supplier. Single source procurement may be used when one of the following conditions exists:

- The requested product is an integral part or accessory to existing equipment.
- The service requested is for existing equipment which can only be completed by the original manufacturer or manufacturer's designated service provider.
- The requested product or service has unique design, performance, and/or quality specifications that are essential to a particular research protocol or teaching needs and are not available in comparable products.
- The requested product or service is essential in maintaining research continuity.
- The requested service or system requires a supplier with unique skills or experience.

Sole source is a term used to designate that only one supplier exists that is capable of providing a particular product or service.

Process:

The Single or Sole Source Justification Form shall accompany any request for a purchase where:

- the purchase exceeds \$50,000, and
- the purchase is not covered by an existing contract or price agreement.

Furnish the necessary explanation and documentation as noted on the form. The requestor and the appropriate approver (i.e. a dean, department director, or department chairperson) must co-sign this document. Forward the form and supporting documentation to the Procurement Department for review and approval.

Evaluation:

For single and sole source purchases, University departments are responsible for evaluating alternative sources of supply and documenting the reasons that the purchase will be directed to a particular supplier or service provider when alternative sources are available. **University departments also are responsible for verifying that prices paid for single and sole source purchases are fair and reasonable.**

PCPS determines whether a directed or sole source justification is reasonable based on one or more of these criteria:

- The requestor has investigated and documented his/her evaluation of potential alternate sources of supply for the requested product and/or service.
- The requestor's documentation explains how similar products and/or services cannot meet the required specifications.
- The requestor has documented that a good faith effort has been made to identify other sources.

If the purchase meets the criteria for Single or Sole Source, a representative from the PCPS Department will authorize the purchase. If the purchase does not meet the criteria or the PCPS Department's representative needs additional information, the PCPS Department will note that on the Single or Sole Source Justification Form and return the form to the requesting department.

Requirements for Federal Research Grants and Contracts

Research grants and contracts from the Federal government have additional contractual requirements related to purchasing. Research Administrators and Principal Investigators are responsible for identifying and complying with any additional purchasing provisions, such as the Uniform Guidance (2 CFR 200) and Federal Acquisition Regulations, that may be included in the terms of their research grants and contracts. The Purchasing Services Department is available to provide assistance in complying with any additional research contract purchasing provisions.

Per section 200.319 (f) of the Uniform Guidance:

Procurement by noncompetitive proposals.

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source;*
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;*
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or*
- (4) After solicitation of a number of sources, competition is determined inadequate.*

Purpose of this form: To communicate and document the reason for recommending a supplier where competitive bidding was not used.

Description of Product and/or Service: (Limit of 1500 characters)

Name of Supplier:

Date:

Please select the reason for recommending the above-named supplier:

The requested product is an integral part or accessory to existing equipment.

The service requested is for existing equipment, which can only be completed by the original manufacturer, or a manufacturer's designated service provider.

The requested product or service has unique design, performance, and/or quality specifications that are essential to a particular research protocol or teaching needs and are not available in comparable products.

The requested product or service is essential in maintaining research continuity in the following manners (check all that apply).

Requested product is being used in continuing research experiments

For comparability of research results, I require the same product

This good/service has been identified and approved in this research grant contract –

Sponsored Award (Yes/No)

Sponsored Award Number:

The requested service requires a supplier that can demonstrate unique skills or experience.

Only one supplier is capable of providing supplies or services.

A federal agency has expressly authorized a sole source supplier based upon a written request from the University. (Attach copy of written authorization.)

Emergency – The goods or services are needed to correct or prevent an emergency health, environmental or safety hazard; special or time sensitive events; and/or emergency repair or replacement of existing equipment essential for daily operations.

Other information to support Sole Source purchase.

Please note - in accordance with the federal government's Uniform Guidance, all requests using federal grant funds for over \$150,000 to purchase through a sole source will require a detailed cost breakdown from the supplier including the requested profit.

Additional Information (Required Irrespective of Reason Selected):

Please explain why other suppliers were excluded from the evaluation. Attach additional sheets if necessary.

If compatibility with existing equipment is your reason for recommending the supplier, provide the following information about the existing equipment.

Description: (Limit of 750 characters)

Manufacturer & Model No.: (Limit of 500 characters)

Other Suppliers Contacted: Note all other suppliers considered for this product or service. Include the reason why the product or service was not acceptable. Attach additional sheets if necessary.

a) Supplier:

Contact Name & Phone #:

Product/Service Description: (Limit of 750 characters)

Technical Deficiency: (Limit of 500 characters)

b) Supplier:

Contact Name & Phone #:

Product/Service Description: (Limit of 750 characters)

Technical Deficiency: (Limit of 500 characters)

Authorization:

Printed or Typed Name of **Requester**

Signature of **Requester**

Printed or Typed Name, Title, and Department of Dean, ***Department Chairperson, or Department Director**

Signature of **Dean, *Department Chairperson, or Department Director**

Printed or Typed Name of **Procurement Official**

Signature of Procurement Official

I certify that I am in compliance with the University's conflict of interest policies Office of Technology Transfer Policies, West Virginia University IRB SOPs, WVU-HR-18 (Hiring of Relatives), Disclosure of Interest in Research Form. I have no potential conflicts to disclose and understand and accept my obligation to disclose in a timely fashion any interest a Related Person or I may have in a proposed University transaction. The above information is an accurate and current statement of all my reportable outside interests and activities, to the best of my knowledge.