**Restricted Competition Justification Form**



Purchasing Department

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|  |  |
| --- | --- |
| Good or Service:       | Proposed Vendor:       |
| Requesting Dept:        | Requisition No:       |

Please indicate if this is a Sole Source, Single Source or Proprietary Source:

 [ ]  Sole Source [ ]  Single Source [ ]  Proprietary Source

1. Please justify the need for the specific product or service requested by advising information such as; Is this the only product/service that can meet the department’s needs? What is it that makes the product or services unique and why is this the only source you can utilize?

If a Sole or Single Source;

2. How was it determined that this vendor is the only supplier of this product or service?

3. Why the price is considered reasonable?

4. What efforts were made to get the best possible price for the taxpayers?

I certify that the above statements are true and complete to the best of my knowledge.

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Requestor signature Title Date

Approved by:

Regulation/Exemption cited: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 Asst. Univ. Purchasing Agent / Buyer Date

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 Asst. Director, Purchasing /Chief Buyer Date

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 Director of Purchasing / Purchasing Agent Date

[ ]  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Chief Purchasing Officer / Administrator Date

 **Sole, Single and Proprietary Source**



 **Justification Instructions**

Typically, some form of competitive procurement is required to obtain goods and services. If competition is to be restricted, or not utilized, the facts and justification supporting this must be documented in detail. Justification must be based upon unique technical or performance characteristics. Personal preference for certain brands or products does not adequately justify limiting competition.

**Key Points**

1. If the procurement is between $500 and $5000, and processed on a LVPO or PCard, justification must be attached to on-line LV requisition or the submitted with the PCard documentation.
2. If procurement is in excess of $5000, justification must be submitted to the Purchasing department along with the corresponding on-line college requisition.

**Definitions**

1. **Sole Source:**

A sole source procurement is a procurement where only one source is practicably available for the goods or services required. The purpose of the written sole source determination is to show that competition is not practical because there are specific needs that can only be met by one source (i.e. it is proprietary). Additionally, competition is not available in a sole source procurement thus distinguishing it from a proprietary procurement where a product is restricted to that of one manufacturer, but may be available for purchase from multiple sources. In addition, in sole source procurements, written documentation must be provided to demonstrate that the proposed price is deemed to be fair and reasonable.

The sole source determination and written documentation demonstrating that the proposed price is fair and reasonable must be submitted to the Purchasing Department with the purchase requisition. Upon receipt of such documentation, a sole source request may be granted.

Although all sole source specifications are proprietary, all proprietary specifications are not sole source. Proprietary items may be available from several distributors through competitive bidding; however, competition has been restricted to this group of suppliers.

1. **Single Source:**

A Single Source procurement is one in which two or more vendors can supply the commodity, technology and/or perform the services required, but the department selects one vendor over the others for reasons such as expertise or previous experience with similar contracts. Circumstances leading an agency to select this method of procurement may include, for example, a department’s need for a specific consultant firm where a number of firms are available to perform the work. In such a case, the department can demonstrate a rational basis for selecting a single vendor because of specific factors such as past experience with a particular issue, familiarity with specific department operations, experience with similar projects at other

agencies or at other levels of government, demonstrated expertise, or capacity and willingness to respond to the situation. Please keep in mind however that artificially splitting work into amounts below the requirement for competition, to then later justify this as reason to proceed with a single source for consistency or experience, is not allowable.

1. **Proprietary (No Brand Substitute) Specification:**

A proprietary procurement is a procurement where the desired good/service must be restricted to one manufacturer and justified accordingly for reasons such as it is an integral component of existing equipment or products; is necessary to support a specific need of a program; must yield absolute continuity of results, or is one with which a user has extensive experience, and the use of any other similar piece of equipment would require considerable reorientation and training. In such cases, an equitable evaluation of comparable products and/or services must be made and documented by the requester which shows that rejection of other products is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product or service requested and a listing of those sources which were considered as alternates must be provided. Upon receipt of such documentation, a proprietary request may be granted and competition will be obtained among the distributors/providers.

Although all sole source specifications are proprietary, all proprietary specifications are not sole source. Proprietary items may be available from several distributors through competitive bidding; however, competition has been restricted to this group of suppliers and in the case of products; the competitive request will stipulate that there is “No Brand/Model Substitute” allowed.

**Instructions**

1. Complete and print the [form](http://www.purchasing.ri.gov/agency/forms/solesource.doc). The form is in MSWord forms format.
2. Provide complete information. Forms lacking sufficient detail cannot be approved.
3. Sign and date the form and attach it to the requisition.

**Things to Think About**:

* Past satisfaction with a vendor is not always and appropriate argument for a noncompetitive award. Other vendors would like the opportunity to prove themselves and may be able to provide better pricing and better service.
* Sometimes it takes more time and is more difficult to try to justify a sole source than simply subjecting a purchase to a competitive process and demonstrating that only one vendor will respond.
* Although a particular brand and model have been selected, there may be more than one dealer authorized to sell a product.
* Delegated authority with a payee for one service or commodity may not apply to other services or commodities.
* Extending a contract beyond the term provided in the contract constitutes a sole source award which must be authorized.
* Continuation of Free or Demo products is not an acceptable justification if there was no competition initially that was also authorized by Purchasing.