REQUEST FOR SOLE SOURCE/SOLE BRAND EXEMPTION

General Information

Sole Source/Sole Brand purchases are not encouraged. However, should there be a need for obtaining an exemption from competitive bidding to purchase sole source/sole brand materials, equipment, work or services, the requirements of the California State University Policy Manual for Contracting & Procurement, and California Public Contract Codes MUST be adhered to.

The criteria for Sole Source/Sole Brand approval is an appropriate justification that will meet the State’s requirements and withstand a State Board of Control audit.

The requester and/or department head must sign and attach a Sole Source/Sole Brand Certification Statement to the detailed justification.

Sole Source/Sole Brand requests are subject to the requirements of Disabled Veteran Enterprise (DVBE) Participation Requirements.

Sole Source/Sole Brand requests are also subject to the approval of the Procurement and Contracts Unit and the Director of Procurement and Contract Services.

In the case of Sole Source/Sole Brand requests exceeding $250,000 or greater, approval must be obtained by the Chancellor’s Office CS&P prior to execution of contract.

The following types of justification are NOT considered appropriate:

- Personal Preference

- Competitive bidding criteria such as:
  - Cost
  - Vendor Performance
  - Local Service
• Over specification of an item beyond minimum requirements of actual need and basic use

• Requests for “no substitution” submitted without a formal Sole Source/Sole Brand justification Requests

The types of Sole Source/Sole Brand purchases that CAN be exempted from competitive bidding are listed below, providing there is a full and complete justification.

• Requirements with unique performance factors

• Requirements with unique utilization

• Requirements that inter-member with existing equipment

• Purchases of proprietary goods/services

• An emergency involving public health, welfare or safety

WRITING A JUSTIFICATION

In writing a Sole Source/Sole Brand justification, specific information is required by the State and MUST be provided. Failure to give an adequate response to the following questions may result in rejection of an exemption and/or delay in processing your request.

• What are the unique performance/utilization factors?

• Why are these factors required?

• What other products/sources have been considered, rejected, and why?

• If a Sole Brand only item, can it be obtained from multiple sources?

• If an inter-member Sole Source/Sole Brand, provide a description of currently owned equipment to which the sole source item(s) is to interface.

• Does this equipment meet your minimum requirements and why? Could an equivalent perform the same functions?
• What would be the impact should the campus purchase alternate products?

These questions reflect the need for detailed cost impact analysis, market surveys and comparisons when writing a sole Source justification.

OBTAINING SIGNATURES

In order for the Procurement and contracts Unit to except a request for a Sole Source/Sole Brand exemption, the attached Certification Statement, with a full justification, must be signed by the appropriate department Representative and a Dean or Administrator. These documents must be attached to the requisition when it is submitted to the Procurement and contracts Unit. Procurement will obtain all further required signatures of approval.

If the exemption is not granted, the department will be notified and given the opportunity to further justify the request.

REFERENCE: California State University Policy Manual for Contracting & Procurement Sections 206, 206.01, 206.02

Public Contract Code 10318, Executive Order 667
SOLE SOURCE/SOLE BRAND

Certification Statement

I am aware that the state has requirements for competitive bidding and criteria for justification for Sole Source/Sole Brand purchasing. As an approved department representative, I have gathered the required technical information and have made a concentrated effort to review comparable/equal equipment. This is documented in this justification. I hereby certify as to the validity of the information and feel confident this justification for Sole Source/Sole Brand meets the State’s criteria and would withstand an audit by the State Board of Control or vendor protest.

____________________________________  _______________________________________
Department Representative              Approving Official/
                      Department Head

____________________________________  _______________________________________
Buyer Approval                                    Director,
Procurement & Contract Services            Procurement & Contract Services