To: Procurement & Contract Services
From:
Date:
Re: Sole Source Justification Memo

Proposed Supplier:

Goods or Services Requested:

Estimated Cost:

Fund Type:

Purchase Type (Check one):

☐ New Purchase (Complete pages 3-5; sign page 8)

☐ Amendment to Prior Purchase (Complete pages 3-7; sign page 8)

Related PO or Contract:

This Sole Source Justification Form must be completed by the department or business unit before seeking to acquire goods or services through this non-competitive process. Submitting the form does not guarantee that the Justification will be approved. Please review the University's Non-Competitive Purchases Policy for more information. (RCW 39.26.010)

Definitions: "Sole source" means a contractor providing goods or services of such a unique nature or sole availability at the location required that the contractor is clearly and justifiably the only practicable source to provide the goods or services. Additional definitions are provided in the following guidance document: Guidance for Writing Sole Source Justifications

Relevant Policy: The Business Policies and Procedures Manual ("BPPM") in Chapter 70 sets forth the university's policy for sole source purchases. Sole source purchases are discouraged because of the lack of competition, which creates the potential for higher prices and terms less favorable to the university. BPPM 70.01 requires the submission of sole source memo when such a purchase is requested. Procurement and Contract Services additionally requires a written quotation, bid, or proposed contract to substantiate the price, terms, and other details before an order may be approved.

Justification: The justification for the sole source purchase should set forth the bases for not making the purchase through a competitive process. Sole source justification may exist when the good or service is (i) only available from one source, (ii) unique, special, or involves specific professional or technical expertise; (iii) compatible with existing equipment or systems, (iv) an addition to limited or proprietary

systems like increase in licenses, updates, specialized replacement parts, etc., (v) limited or available within specific geographical boundaries or sales territories. You should also describe attempts to facilitate competition, locate other sources, and other actions you took before deciding that acquisition via sole source was necessary. In preparing the justification, consider the following:

- A requirement for a particular proprietary good or service is insufficient justification if there is more than one potential supplier for that good or service.
- The cost of a good or service alone is not sufficient justification.
- Personal or professional preference cannot serve as a justification.
- All justifications must be based on objective, verifiable criteria, or information.
- Administrative delay or lack of adequate planning resulting in urgency does not justify a Sole Source Justification
- Statements that a supplier has the best capability or offers the lowest price are not bases for an SSJ. Such determinations can only be made through full and open competitive processes.

Approval: Procurement reviews the Form to determine whether the sole source request is sufficiently justified. If approved, the request will be processed. If denied, you (i) must acquire the good or service through a competitive process (i.e., formal or informal competition) or (ii) resubmit the Form to provide further justification.

[Questions begin on the next page.]

Justification Questions:

1. What kind of market research did the department conduct to conclude that alternative sources were inappropriate or unavailable (such as business contacted, trade publications reviewed, internet searches, etc.)?

2. What is the business need or problem that requires this purchase?

3. Describe the unique features, qualifications, abilities, or expertise of the contractor proposed for this sole source purchase.

4. Are there any costs saved and/or risks mitigated by purchasing from this supplier (project continuity, compatibility, learning curve, cost to change suppliers, etc.)? If so, please describe.

5. Is the department proposing this sole source purchase because of special circumstances such as copyright restrictions, patent restrictions, national security restrictions, etc.? If so, please describe.

6. Is the department proposing this sole source purchase because of unavoidable, critical time delays or issues that prevented the department from completing this acquisition using a competitive process? If so, please answer the following:
    a. When was the department on notice of the need for the goods and/or service?

    b. When did efforts to identify suppliers begin?

    c. What entity (if any) is imposing time constraints, and explain the authority of that entity to impose them?

d. Provide the timeline(s) within which work must be accomplished.

e. Other relevant information:

7. Is the department proposing this sole source purchase because of a geographic limitation? If the proposed supplier is the only source available in the geographical area, state the basis for this conclusion and the rationale for limiting the size of the geographical area selected.

8. What are the consequences of not having this sole source request approved? Describe in detail the impact to the department and to services it provides if this sole source request is not approved.

9. Since competition was not used as the means for procurement, how did the department conclude that the costs, fees, or rates negotiated are fair and reasonable? Please make a comparison with comparable purchases, use the results of a market survey, or employ some other appropriate means calculated to make such a determination.

Amendment to Prior Purchase Questions (if applicable):

1. State the rationale for executing an amendment or change order to an existing purchase rather than competitively procuring the goods and/or services and awarding a new contract. Include how executing the amendment or change order can most effectively achieve the department's purpose.

2. Are the proposed goods and/or services within the scope of the original purchase?

3. Explain why the goods and/or services were not included in the terms of the original purchase.

4. Explain what conditions have changed since the award and other applicable information that clearly justifies the decision to amend the purchase.

5. What are the consequences of not having this amendment approved? Describe in detail the impact to the department and to services it provides if this amendment is not approved.

6. Are rates the same as that negotiated under the original purchase?

[Required signatures follow on the next page.]

Instructions for Signing: This memo should be signed by two departmental / college representatives. It is recommended that one be an individual with technical knowledge of the purchase requirements and the other have budgetary authority for the purchase. Procurement & Contract Services will process memos with only one signature at its discretion.

Recommended Action:

By signing below the signatories represent that they have reviewed and understand the applicable requirements found in BPPM Chapter 70. Having reviewed the requirements, they recommend that the university authorize a sole source purchase for the goods or services in question. They have completed this memo truthfully and accurately and understand that this memo may be posted to the Washington Electronic Business Solution (Washington's vendor notification system) website and/or the WSU Procurement and Contract Services website and becomes part of official WSU records and is subject to audit and public record requests.

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Name:

Title:

Department:

_____

Name:

Title:

Department:

FOR PROCUREMENT & CONTRACT SERVICES INTERNAL USE ONLY

Posting to WEBS website is ☐ required or ☐ optional.

Posting to PACS website is ☐ required or ☐ optional.

Date Posted:

Request for competitive solicitation exemption is ☐ approved or ☐ denied.

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Procurement & Contract Services