A sole source purchase means that only one supplier, to the best of the End User’s knowledge and belief, based upon thorough **research**, is capable of providing the required product or service. Similar types of goods and services may exist, but only one supplier, for reasons of expertise, and/or standardization, quality, compatibility with existing equipment, specifications, or availability, is the only source that is acceptable to meet a specific need.

A sole brand is a purchasing situation in which only one brand of equipment/supply will meet the needs of the end user.

Guidelines:

* A sole source purchase is a method of **non-competitive** acquisition. It is not to be used to avoid competition to award a favored supplier.
* A sole source justification is required for every desired **non-competitive** purchase over $4,999.99 unless the purchase is being made from an existing State of Georgia, agency (CSU), or publicly sourced contract. As there may be exceptions or different requirements set by federal and state funding or by grant requirements, please check with the CSU Procurement Services before filling out the Sole Source/Brand Form.
* Sole source justifications must be approved by Procurement Services prior to an order being placed.
* Price cannot be used as a factor in determining if a sole source exists because it indicates the existence of a competitive marketplace.
* Do NOT use word such as “we selected,” “a committee chose,” or “better than;” these all suggest that an informal procurement process was used to select the products and/or services.
* The Supplier cannot fill out the Sole Source/Brand Form. Please remember emails can be subject to [**state**](https://law.georgia.gov/key-issues/open-government/law) and [**federal**](https://www.foia.gov/) public records acts.

**Sole Source/Brand Justification Criteria**

End User must describe the steps taken to determine that the chosen supplier is the only source available for your product/service. The following list of criteria may be used in determining if a single or sole source/brand situation exists:

1. Only one manufacturer makes the item meeting required specifications; that manufacturer only sells direct/exclusively through one regional/national representative.
2. Item required must be identical to equipment already in use by the end user, to insure compatibility of equipment, and that item is only available from one source.
3. Maintenance or repair by the original equipment manufacturer (OEM) are required for a piece of equipment, and the manufacturer does not have multiple agents to perform these services.
4. Replacement or spare parts are required from the OEM, and the OEM does not have distributors for those parts.
5. Patented items or copyrighted materials, which are only available from the patent or copyright holder.
6. Desired Consultants: The Consultant has unique expertise, background in recognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination, or talent.  Consultant has advanced or specialized knowledge, or expertise gained over an extensive period of time in a specialized field of experience. End User must explain why consulting services cannot be provided by another consultant.

**Note:** An item being a “sole brand” or a “sole manufacturer” does not automatically qualify to be a “sole source”. Many manufacturers sell their products through distributors. Therefore, even if a purchase is identified as a valid “sole brand” or “sole manufacturer”, the End User must verify whether the manufacturer has multiple distributors. If the manufacturer does have multiple distributors, competition must be sought among the distributors

**What is NOT a Sole Source/Brand?**

* An item or service deemed to be the “best” fit for a specific purpose (by going through a process to determine what is “best” you are actually conducting a procurement process).
* An item or service that is a “really good deal” – a supplier giving a great price for a short time, or only has one item available that we won’t get if we don’t place an order immediately or in the very near future.

**Is My Desired Product or Service Exempt from the Public Solicitation Process?**

* Has the product or service been publicly solicited and awarded by a public agency, non-profit organization, or an approved cooperative purchasing Group?
* Is the [**product and/or service**](https://doas.ga.gov/assets/State%20Purchasing/NEADocumentLibrary/NIGPExemptList.pdf) exempted by the State of Georgia?
* Please check with CSU Procurement Services before filling out the Sole Source/Brand Form.

**Once the above section is reviewed, delete the above highlighted section and fill out the below Sole Source Brand Form.**

|  |  |
| --- | --- |
| **Sole Source/Brand Justification Form** | |
| **Request Information** | |
| **Date of Request: Tuesday, January 11, 2022** | |
| **Procurement Department Information** | |
| **State Entity Name: Clayton State University** | |
| **State Entity Code: 52800** | |
| **Procurement Agent:** | |
| **Procurement Agent E-Mail Address:** | **Telephone:** |
| **CUPO: Matthew Shiver** | |
| **CUPO e-Mail: matthewshiver@clayton.edu** | **Telephone: 678-466-4280** |
| **Request Submitted By** | |
| **Name:** | |
| **Department and Job Title:** | |
| **e-Mail Address:** | |
| **Request Details** | |
| **Sole-Source: Any contract entered into without a competitive solicitation process, based on a justification that only one known source exits or that only one single supplier can fulfill the requirements of the University.**  **Sole-Brand: A purchasing situation in which only one brand of equipment/supply, etc. will meet the requirements of the University.**  **Identify efforts made to locate other possible sources. DO NOT SAY “SEE ATTACHED.”** | |
| **Desired Supplier Name:** | **Telephone:** |
| **Desired Supplier Contact:** |
| **Scope of Work:**  **Provide a detailed description of commodities/services to be provided. Also, include the following details: exact or estimated quantity, per unit price, and the total estimated value of the open contract to include the estimated quantity X unit price (if the exact quantities are not known). DO NOT SAY “SEE ATTACHED.”** | |
| **Complete the Following: (For justifying a Sole Source/Sole Brand)** | |
| **Provide an explanation why only a particular style, model, type or manufacturer is required (i.e. why the commodity is the only commodity which will meet the needs of the University). DO NOT SAY “SEE ATTACHED.”** | |
| **Sole Source/Brand Letter from Original Equipment Manufacturer Explaining Why Their Products and/or Services Are Proprietary (required): Attached** | |
| **Exclusive Capability:**  **Provide a detailed description of proposed source’s unique capabilities and/or personnel to perform the work and why this is the only source.** | |

|  |
| --- |
| **To Be Used for Procurement Records Only** |
| **CONTRACT #:**  **CONTRACT NAME:** |
| **If Publicly Solicited, Number of Protests:** |
| **Outcome:**  **Awarded Sole-Source**  **Issued PO / Contract PO #:**  **Not Awarded / Competitively Bid Bid #: Award PO #:** |
|  |