

Single Source Award and Sole Source Award Justification and Public Notice Form

Statutory Authority: Pursuant to *Marshall University Board of Governors Policy No. FA-9 Purchasing Policy, 2.1.17*, the University may award a contract directly to a vendor without competitive bidding if certain requirements are met. Those requirements include documenting justification to support a Sole Source Award or a Single Source Award, along with public notice for a period of no less than five (5) business days.

Vendor Interest: Any Vendor interested and able to provide the commodity or service in question must make their interest known, prior to the deadline published in *Bonfire*, and in the local newspaper of largest circulation, by expressing such interest in writing to the Office of Purchasing identified as the appropriate contact in *Bonfire and/or the public advertisement*. If interest is expressed and deemed to be valid by the Office of Purchasing, this Sole/Single Award will be converted to a competitive bid.

The Department as identified below intends to make a Single Source Award or Sole Source Award. The support for the Single Source Award or Sole Source Award, and any additional documentation has been included in this form or as an attachment.

Single Source Award or Sole Source Award Information:

Department: _____

Purchasing Liaison:

Date of Request:

SINGLE SOURCE AWARD:

Definition: Single Source: A non-competitive method of procurement used when two or more Vendors can supply the commodity, technology and/or perform the services required by a department, but the department selects one vendor over the others for reasons such as expertise or previous experience with similar contracts. Circumstances leading a Department to select this method of procurement may include, for example, a department's need for a specific consultant firm where several 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 experience with a particular issue, familiarity with specific department operations, experience with similar projects at other departments or at other levels of government, demonstrated expertise, or capacity and willingness to respond to the situation.

Single Source Vendor; (Requires a letter from Vendor; must be specific to this purchase and must include reason(s) why it is a single source. This letter must be signed and dated by the Vendor)

Vendor Contact Name, Email Address and Phone Number:

Please provide the following documentation:

1) The circumstances leading to the selection of the Vendor, including the alternatives considered.

- ☐ Single Source compatibility requirement: e.g., parts replacement/equipment, warranty requirements, software upgrades, etc.; Describe the commodity you have now and how the request must match with the existing:

- ☐ Single Source Exclusive Rights/Government Grant/Official Document: e.g., patent, copyright, proprietary and unavailable from any other resource;

SINGLE SOURCE AWARD CONT.:

☐ No other source would be willing or able to replace the existing source without a detrimental effect on the Department (Please describe the detrimental effect in detail):

☐ Other: (Please describe):

2) The rationale for selecting the specific vendor.

3) The basis upon which it is determined the cost is reasonable, and how this conclusion was reached.

**4) If requesting software as a single source, is this software as a service (SaaS /
Subscribeware / Rentalware)?**

_____ N/A _____ Yes _____ No

NOTE: Justification showing that the Single Source Award is in the best interest of the University must be included and a copy of any proposed contract documents.

SOLE SOURCE AWARD:

Sole Source: A non-competitive method of procurement used when only one Vendor can supply the commodities, technology and/or perform the services required by a department.

Sole Source Vendor; (Requires a letter from manufacturer; must be specific to this purchase and must include reason(s) why it is sole source. This letter must be signed and dated by the Vendor)

Vendor Contact Name, Email Address and Phone Number:

Please provide the following documentation:

- 1) The unique nature of the requirements. Department must state technical reason(s) why no other product can be used (this information will be used to prepare for the public advertisement):

☐ Sole Source Unique Nature: e.g., Continuation of Services (*provide previous P.O.*); Research, etc. (*provide specific qualifying factors ex. unique knowledge, experience, or technical capabilities*):

- 2) The basis upon which it was determined that there is only one known vendor able to meet the need, i.e., the steps taken to identify potential competitors.

☐ Competition is not available from any other source: (If this item is selected answer the question below.)

The Department attempted to identify other sources by:

SOLE SOURCE AWARD CONT.:

- 3) The basis upon which the department determined the cost to be reasonable, i.e., “fair market price” that could be anticipated had normal competitive conditions existed, and how that conclusion was reached.

- 4) If requesting software as a sole source, is this software as a service (SaaS / Subscribeware / Rentalware)?

_____ N/A _____ Yes _____ No

NOTE: Justification showing that the Sole Source Award is in the best interest of the University must be included and a copy of any proposed contract documents.

ADDITIONAL INFORMATION REQUIRED FOR SINGLE/SOLE SOURCE AWARD POSTING:

A. A time-period by which delivery must be made or performance must occur:

B. The price that will be paid for the commodity or service (include vendor's signature, title, and date on quote):

C. Any limitations that a competing vendor would need to satisfy:

Printed Name of Requestor/ Title

Date

Signature

Printed Name of Department Authority/ Title

Date

Signature

For Office of Purchasing's Use Only

☐ Request to Award Single/Sole Source Approved

☐ Request to Award Single/Sole Source Award Denied

Director of Purchasing / Designee Signature

Date