Sole Source Purchases

Purpose

This procedure is issued to provide University departments with guidance when obtaining goods or services, $5,000 and over, when competitive bids or quotes are only available from one source.

Policy

This procedure is issued in accordance with The University of Texas at El Paso Procurement Operating Procedures. Competition may be waived if a purchase of goods or services over $5,000 qualifies as:

- Consultant Services
- Unique, proprietary, available only from a single source, or designated to be compatible with existing installation, facility, or location.

Procedures

1. When requesting approval on a Sole Source, consider the following:
   - Describe any substantial risks that could not be overcome if the product or service was procured from another vendor.
   - List the specific feature(s) or characteristic(s) that are required which are unique to the goods or services.
   - Reasonable price - Even though there may be good reason for a Sole Source, we enter into a purchase contract only after determining that the University will be paying reasonable prices. Documented price comparisons, discounts off published price lists, buyers knowledge of market, Fair Trade Laws and other cost-price analysis determine if the price is reasonable.
   - Brand or trade names - When a department determines that only a specific brand, trade name, item, or proprietary service will properly satisfy their requirements, a description of the technical features that make that product or service uniquely suitable, must be included.
   - Extenuating circumstances - When the prime-sponsoring agency or governing law directs that the services be precluded obtaining formal competition, the purchase may qualify for use of electronic Sole Source Form.
   - Consultants - Agreements for independent consulting services are subject to the requirement for competition if the contract exceeds $25,000. If competition is not sought, a completed electronic Sole Source Form should be submitted.

   Note: You must provide a thorough and complete response to all the considerations. You may attach additional pages to the form.

2. To request use of Sole Source:
   - Complete the electronic Sole Source Form available in Miner Mall.
   - Submit the electronic form so that it may route to the appropriate Department Approvers.
   - Form will then route electronically to the Purchasing Department for final approval.
   - If you have any questions regarding the use of this form, please contact your purchasing representative or call ext. 5601. To contact your Buyer, please see “Who's My Buyer?”

Applicability

This administrative procedure applies to all university departments.
Definitions

**Competitive Bid** - The process of inviting and obtaining bids from competing sources in response to advertised competitive specifications, by which an award is made to the lowest and best bidder meeting the specifications. The process contemplates giving potential bidders a reasonable opportunity to bid, and requires that all bidders be placed on the same plane of equality. Each bidder must bid on the same advertised specifications, terms, and conditions in all the items and parts of a contract. The purpose of competitive bidding is to stimulate competition, prevent favoritism, and secure the best goods and services at the lowest practicable price, for the benefit of the State. Competitive bidding cannot occur where contract specifications, terms, or conditions prevent or unduly restrict competition, favor a particular vendor, or increase the cost of goods or services without providing a corresponding benefit to the state.

**Responsible Party**

Director, Purchasing & General Services

Last updated: October 1, 2012