



REQUEST FOR SOLE SOURCE

To: Purchasing Office

From: _____ / _____
Name of Department Head Dept./Division

Subject: Sole Source Request for the Purchase Of: _____

REQUESTED SUPPLIER: _____

REQUISITION NUMBER: _____ COST ESTIMATE: _____

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

STATEMENT OF NEED:

My department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justification as prepared by our department, to the attached review of available products/services and to my completed Purchase Requisition.

Requestor	Department Head
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected
_____ / _____ Signature of Requestor Date	_____ / _____ Signature of Dept. Head Date

If Purchase is \$10,000 or more:

If Purchase is \$50,000 or more:

Purchasing Manager	City Attorney
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected
_____ / _____ Signature of Purchasing Manager Date	_____ / _____ Signature of City Attorney Date

SOLE SOURCE JUSTIFICATION

Requisition Item: _____

Requisition Number: _____

Prior Purchase Order Number (if item had been approved previously): _____

1. Please describe the item and its function:

2. This is a sole source* because:

- sole provider of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)

3. What necessary features does this vendor provide which are not available from other vendors? Please be specific.

4. What steps were taken to verify that these features are not available elsewhere?

- Other brands/manufacturers were examined (please list phone numbers and names, and explain why these were not suitable)

- Other vendors were contacted (please list phone numbers and names, and explain why these were not suitable).

*Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.

**Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.

Everett Purchasing Policy Excerpt (April 2012)

SECTION 9.0 . UNIFORM EXCEPTIONS

Occasions may arise when competition among potential vendors is not possible for a particular procurement. These situations may occur: (a) in the event of emergencies and (b) where a sole source of procurement is available. In these situations, purchases may be made directly from a vendor with limited competition or without soliciting other bids or quotes, as the situation requires.

9.1 – Emergencies

Competitive bidding is not required when an emergency exists; however, in making emergency purchases, an effort will be made to include the level of competition that is practical under the circumstances.

An emergency means unforeseen circumstances beyond the control of the municipality that either: (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

9.1.1 – Declaration of Emergency

If an emergency exists, and time permits, the Mayor/designee or department director will seek a resolution from Council that will: (a) declare an emergency situation exists; (b) waive competitive requirements; and (c) authorize the award, on behalf of the City, of all contracts necessary to address the emergency situation, including, but not limited to, architectural and engineering services.

If an emergency exists and time does not permit seeking the City Council's approval, the Mayor or his/her designee may declare an emergency situation to exist, waive competitive requirements, and award contracts on behalf of the City.

If an emergency exists and both the Mayor/designee and the City Council are not available to declare an emergency a department director may declare an emergency situation to exist, waive competitive requirements, and award contracts on behalf of the City.

9.1.2 – Ratification of All Emergency Procurements

The department director will submit a memo to Administration, reciting the facts that constituted the emergency, enumerating the purchases and their costs, and requesting that the waiver of competitive bid requirements be ratified. Acceptance of the ratification is subject to the approval of the Mayor/designee and the City Attorney.

9.1.3 – Ratification of Emergency Procurements of \$100,000 or More

Within fourteen (14) days of the award of an emergency procurement contract over \$100,000, which has been approved by the Mayor/designee and the City Attorney, the department director will seek further City Council ratification. The department director will present City Council with a resolution reciting the facts constituting the emergency, enumerating the purchases and their costs, and ratifying the waiver of competitive requirements.

9.2 – SOLE SOURCE OR PROPRIETARY PROCUREMENTS

Sole source procurements may be made directly from a sole source vendor without soliciting other bids or quotes where (a) there is clearly and legitimately only one source capable of supplying the subject matter in a timely fashion or (b) there are special facilities or market conditions that result in only one source.

In the event the equipment, materials, supplies, or services are available from only one supplier, a complete Request for Sole Source Form should be submitted to Purchasing, providing written documentation demonstrating the appropriateness of sole source procurement.

For proposed purchases up to five thousand dollars (\$5,000), the Mayor/designee or department director may make the determination that there is only one source available. Every justification for sole source procurement over five thousand dollars (\$5,000), must be approved by the Purchasing Manager. When a proposed sole source purchase exceeds one hundred thousand dollars (\$100,000), the Purchasing Manager must seek the City Council's approval, by resolution, that there is only one source and authorizing the Purchasing Manager to conduct negotiations as appropriate as to price, delivery, and terms. The resolution will recite the factual basis for the exception from competitive procurement.

To the extent possible, the contract and the basis for the exception from competitive procurement should be recorded and open to public inspection immediately after its award.