

University Of Massachusetts Lowell	
Date: July 01, 2001	Section:2.3
Subject: Sole Source, Sole Acceptable Source/Brand	

Departments are also referred to the sections on *Contracting for Services*; **Section 3.5**; *Equipment and Software Maintenance including Licenses*, *Software*, **Section 3.16**; *Equipment, Rental/Lease/Lease- Purchase of, and the Rental and Lease of Space*, **Section 3.15**; and *Contracting for Labor and Materials*, **Section 3.4**, for complete information and instructions for those types of procurements.

Note that the section on *Contracting for Services*, **Section 3.5**, has a different set of processing parameters for sole source, sole acceptable source/brand, which takes precedence over the following:

1. **SOLE SOURCE:** A "Sole source" purchase means that the product/service is unique and that the vendor, to the best of the requester's knowledge and belief, based upon thorough research, is the only one in the world from whom the product/service can be obtained.
 - a. Sole source Purchase Orders/Requests that exceed \$5,000 shall be accompanied by a current, original written quotation from the vendor and a justification and/or an explanation from the requester written on the *Documentation Form for Sole Source, Sole Acceptable Source/Brand*. **Such justifications shall be written and signed by the end user/requester (the individual who claims the purchase is sole source/brand). The form shall be countersigned by the Account Administrator, if other than the requester.**

All such sole source justifications/quotations are subject to the review of the Comptroller, or his/her designee, who may request additional documentation/justification from the requester, and approve or disapprove the request.

- b. **Justifications for Sole Source** shall include the following: (1) a statement to the effect that the requester has thoroughly researched the purchase, and to the best of the requester's knowledge and belief, based upon thorough research, the vendor for the product/service is the only one in the world from whom the product/service can be purchased; (2) a detailed explanation of what the product/service is, its purpose, and what it is about the product/service that makes it unique. As a general rule, the greater the value of the product/service, the more detail that is required to justify sole source.

- c. Sole source justifications should be written in lay terminology, as much as possible, so that they can be understood by those individuals who will review them. However, if unique technical features or accuracy are the basis for sole source, the justification must so include.
2. **SOLE ACCEPTABLE SOURCE/BRAND:** A "Sole Acceptable Source/Brand" purchase means that similar types of products/ services may exist, but that the vendor/brand, for reasons of expertise, and/or standardization, quality, compatibility with existing equipment, specifications, or availability, is the only source/brand that is acceptable to the requester or the University.
- a. **Sole brand** may be available from more than one source of supply and, if so, shall be competitively bid to those sources in accordance with the University's purchasing policy established for the particular type of procurement. (See the section on Policies and Procedures for Competitive Bid Procurements, **Section 2.2**) Justification for Sole Brand shall be written on the *Documentation Form for Sole Source, Sole Acceptable Source/Brand*.
 - b. Such a Purchase Order/Request in excess of \$5,000 shall be justified, in detail and in writing, to the Comptroller, or his/her designee, who may request additional documentation/justification from the requester, and approve or disapprove the request.
 - c. The justification/explanation shall be written on the Documentation Form for Sole Source, Sole Acceptable Source/Brand, and shall be accompanied by a requisition and an original written quotation from the vendor. Such justifications shall be written and signed by the end user/requester (the individual who claims the purchase is sole acceptable source/ brand). The form shall be countersigned by the Account Administrator, if other than the requester.
 - d. **Justifications for Sole Acceptable Source/Brand** shall include the following: (1) a statement to the effect that the requester has thoroughly researched the purchase and that the vendor/brand is the only acceptable vendor/brand to fit the particular need; (2) a detailed explanation of the particular need; (3) a list of the other vendors/brands considered; (4) why the vendor/brand was selected over other vendors/ brands, including a detailed comparison of features, if applicable; (5) what the requester has done by way of cost comparison to determine that the charge is not out of line with the current market pricing for the product/service.

3. "Best price" alone cannot be used as a basis for sole source; e.g., "We checked around, and this is the best price." If the product/service is available from more than one source of supply, "best price" must be determined as outlined in the section entitled, Competitive Bid Procurements, Policies and Procedures for, Section 2.2.

4. **QUOTES:** All quotations shall be current, (less than 30 days) and shall be legible. Such quotations shall appear on the vendor's letterhead, and shall not be marked (written on) by anyone other than the vendor. If other terms and conditions are referenced on the face of the quote, they must be included. Original faxed quotes are acceptable, provided they have been signed by the vendor, and/or appear on the vendor's letterhead.