

**The University requires this form for all sole source purchasing over the Direct Buy Limit of \$10,000 as outlined below. Incomplete answers may delay processing.**

**Guidelines:**

- ➡ A sole source justification is required for every purchase over the Direct Buy Limit (\$10,000 including shipping and handling, but excluding tax) unless the purchase is being made from an existing contract, the supplier is specifically named in the funding source award, or the purchase is being competitively solicited.
- ➡ Sole source cannot be based on quality or preference.
- ➡ Sole Source Statement cannot be provided/written by the supplier.
- ➡ Sole source cannot be based on price comparisons as it indicates the existence of a competitive marketplace, please reach out to Procurement and they will work with you on issuing a competitive solicitation.

Today's Date: \_\_\_\_\_

Supplier Name: \_\_\_\_\_ Supplier Email: \_\_\_\_\_

**I. Total dollar amount to be spent (including shipping and handling, but exclusive of tax) and the period of performance.**

Total Spend: \$ \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

**II. What is the source of funding for the purchase?**

☐ State Funds    ☐ Federal Funds    ☐ Gift Funds    ☐ Research Funds    ☐ Other Funds

Please note all related Worktags: \_\_\_\_\_  
\_\_\_\_\_

**III. What is the purpose of this purchase (please be as specific as possible)?**

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**IV. Specific Problem or Need**

- a) Identify and fully describe the specific problem, requirement or need which the purchase is intended to address:

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b) What makes the service necessary?

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c) Describe how the services are critical or essential to department operations or whether the services are mandated or authorized by the state legislature:

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**V. Competition Not Appropriate**

a) Is the supplier **specifically named** to provide this service by the funding source or granting agency?

☐ YES ☐ NO

If YES, attach a copy of the document page showing where the supplier is so named.

b) Explain how the agency concluded that competitive procurement was not appropriate in this instance:

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**VI. Sole Source Criteria:**

Check **ALL** that apply **AND** provide an explanation for each box checked below:

☐ **One-of-a-kind** - The service has no competitive equivalent: what is the unique one-of-a-kind service provided by the supplier?

Explain: \_\_\_\_\_

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☐ **Unique to Requirement** – Supplier has unique abilities, education & expertise to meet UW’s needs.

Explain: \_\_\_\_\_

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☐ **Cost Effective** – Learning curve for new vendor would not be cost effective.

Explain: \_\_\_\_\_

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- ☐ **Past Performance** – Has performed same or similar services for department in the past.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ **Special Circumstances** – Confidential investigations, copyright restrictions, etc.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ **Time Constraints** – Supplier can meet necessary purchase timeline requirements.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ **Geographic** – Supplier available in geographic area.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ **Research Continuity** - Service is needed to maintain research continuity and is available from ONLY ONE supplier.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **VII. Reasonableness of Cost (breakdown of supplier hourly rate)**

Since competition was not used as the means for procurement, explain how the agency concluded that the costs, fees, or rates are fair and reasonable.

*\*Make a rate comparison with comparable purchases or use the results of a market survey or employ some other appropriate means calculated to make such a determination.*

\_\_\_\_\_  
\_\_\_\_\_

Suppliers hourly rate is \$\_\_\_\_\_

**VIII. Current or Former State Employees (RCW 42.52, Ethics if Public Service Act)**

- a) Is the supplier, or any of the supplier's staff that are servicing the purchase agreement CURRENT state employees?

☐ YES ☐ NO

If YES, provide details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b) Is the supplier, or any of the supplier's staff that are servicing the purchase agreement FORMER state employees?

*(Within 2 years from the Purchase Start Date)*

☐ YES ☐ NO

If YES, provide details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IX. Intent to Sole Source State-Funded Purchase:**

**Sole Source Advertisement – For Purchases \$10,000 and above (STATE FUNDS ONLY)**

*OFM Requirement: Placing a Public Advertisement of "Intent to Sole Source" a minimum of five business days before the purchase start date.*

Per Office of Financial Management (OFM) directive, sole source purchases that are over the Direct Buy Limit **must be publicly advertised** on the UW website for 10 days, and on the State's WEBS website for 5 days before the purchase may be made. The supplier **may not** begin work until the advertisement period has passed. In the absence of any other offeror, the UW may proceed with the contracting phase.

**X. Submitted By:**

The information provided is true and accurate for this decision and may be used for audit documentation:

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Date**

## **Sole Source Statement and Ethics**

Individuals writing sole source statements need to understand that the statements carry weight like a perjury statement. Section 42.20.040 of the Revised Code of Washington (R.C.W.) discusses public employees making false reports. It states, "Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor." And R.C.W. Section 42.20.050 states "Every public officer who, being authorized by law to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing containing any statement which he [or she] knows to be false, in a case where the punishment thereof is not expressly prescribed by law, shall be guilty of a gross misdemeanor."

## **Sole Source Justification Criteria**

A Sole Source justification describes 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 sole source situation exists:

1. Only one manufacturer makes the item meet required specifications; that manufacturer only sells direct or exclusively through one regional/national distributor; Describe the steps taken to determine only one source exists.
2. The item must be identical to equipment already in use to ensure compatibility with existing equipment or systems, and that item is only available from one source. Provide a previous po number or equipment inventory tag number in your sole source justification.
3. Named in award: Supplier is specifically named by the funding source award documents, inter-agency agreement, or clinical trials agreement. Proposal documents are not considered an "award document".
4. Maintenance or repair by the original equipment manufacturer (OEM) and the manufacturer does not have multiple agents to perform these services.
5. Replacement or spare parts are required from the OEM, and the OEM does not have distributors for those parts.
6. Patented items or copyrighted materials, which are only available from the patent or copyright holder.
7. A medical/surgical decision by a medical/dental professional, where a specific brand is required for patient care, and the manufacturer has no distributors for the product.
8. Consultants only: The chosen 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 in a specialized field of experience.
9. A Market Survey has been conducted to determine whether other suppliers capable of satisfying the requirements exist. A list of all the suppliers contacted, along with the reasons why each supplier could not meet the requirements should be provided with the sole source justification.

**Federally funded** sole source purchases are limited to the following categories:

- the item is available only from a single source - describe the steps taken to determine there are no other suppliers
- the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
- after solicitation of a number of sources, competition is deemed inadequate

**Note:** An item being a “sole brand” or “sole manufacturer” does not automatically qualify as 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 department should verify whether the manufacturer has multiple distributors. If the manufacturer does have multiple distributors, competition should be sought, Procurement Services can work with you on a competitive solicitation.

### **State-Funded Sole Source Purchases**

Sole source purchases over the direct buy limit and made with state-appropriated funds require advance approval by the State of Washington Department of Enterprise Services (DES). This approval process is in addition to the UW's approval process. DES requires a minimum of 10 days to review and approve a sole source purchase. Procurement Services staff cannot expedite the DES review process. Be prepared to allow a minimum of two additional weeks for the process if state funds are used. State funded sole sources must also be publicly advertised on the UW website for 10 days, and on the State's WEBS website for five days, before the purchase may be made.

The following are examples of exemptions from the State's sole source rules. They are **NOT** exemptions from UW sole source rules:

- OEM maintenance service contracts purchased from the OEM (original equipment manufacturer)
- Professional development conferences, seminars, professional licenses
- If more than 50% of the funding for a purchase is from non-state appropriated funds