

# Sole Source

## The University of Alabama in Huntsville

### *Sole Source Justification*

#### **Requirements**

Section 41-16-20 of the Alabama Code Federal requirements of the Office of Management Budget (OMB circular A110 & A133) mandates that all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property, involving \$75,000.00 or more made on behalf of the University of Alabama in Huntsville be let by free and open competitive bidding by sealed bids. However, in rare and unusual cases the Associate Vice President of Finance & Business Services or the Director of Procurement & Business Services may waive the competitive bid process and approve a sole source purchase. Completion of this sole source justification form is required for appropriate review.

#### **Definition**

Sole Source is procurement in which only one vendor is capable of supplying the commodity or service. This may occur when the goods or services are specialized or unique in character. Written Justification must be provided. 'Sole' means 'the one and only'.

#### **Sole Source Justification**

The declaration of a "sole source" purchase must be exercised judicially and always with good faith. The goods or services "uniqueness" alone cannot qualify the producer or supplier of the good or service as a "sole service" of a good or service under Alabama's competitive bidding laws.

**A Sole Source Justification** must show that an equitable evaluation of comparable products has been made and that rejection of unsuitable products is based on technical deficiencies or a combination of other reasons. In cases where no other comparable source is known, whether at the manufacturer or distributor level, technical description of the product must be provided which is adequate to allow Procurement to make a thorough search and evaluation. It is important to remember that a sole source justification cannot be based on quality or price, since quality is subjective and price must be evaluated via competitive bidding.

**If any of the exception(s) below describe the reasoning for this purchase, thus eliminating competition, proceed to complete the Sole Source Justification:**

Product or service is unique  
Available from only one sole source  
Compatibility of equipment or supplies (list equipment)  
Item specifically required for use in conjunction with grant or contract  
Requirement is of a proprietary nature

Approximately five business days are required to evaluate and process a sole source request. You are asked to consider this when submitting a request, and allow sufficient time prior to deadlines (quote expiration, grant expiration, etc.) for the sole source request to be evaluated.

[Sole Source Justification Form](#) (PDF fillable format)