



In accordance with the following CA State requirements:

- Public Contract Code section 20651 states that a community college district is required to competitively bid any purchase of equipment with a contract value over bid threshold.<sup>1</sup>
- California law provides that, “Where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply” (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694), and that public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve the purposes of competitive bidding. (*Los Angeles Dredging Company v. City of Long Beach* (1930) 2 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 63.

If Requester deems its request to be a true Sole Source, Requester must provide a minimum of one (1) competitive quote that indicates discount(s) District is receiving along with completed Sole Source Justification form to Purchasing for review and approval. Competitive quotes are the best way to show that the price is “fair and reasonable”. If competitive quotes were not secured, then there should be an explanation of the method used to determine the reasonableness of the price and technical reasons for selecting the suggested supplier. Completion of this form does not guarantee an automatic approval of the “Sole Source” justification. Purchasing will make the determination if it is a justifiable sole source purchase and support a recommendation for the board of trustees to take action to approve a contract . Please complete the following (additional pages may be attached for further documentation):

|                              |                                      |
|------------------------------|--------------------------------------|
| Purchase Requisition # _____ | Date: _____                          |
| Requester’s Name: _____      | Phone: _____                         |
| Department: _____            | E-mail: _____                        |
| Requester’s Signature _____  | Administrator/Dean’s Signature _____ |

**NOTE: Sole Source Justification form must be submitted to the Purchasing Department for review and final approval no later than 5 working days before board agenda items are due for the upcoming meeting. (See Guide to Submitting Sole Source Justification for details on process and timeline).**

**I am requesting this purchase as a sole source because (check if applies):**

- Vendor is sole provider of licensed or patented goods or services
- Match existing/compatible with my existing equipment:
  - ASSET # \_\_\_\_\_ Serial # \_\_\_\_\_
  - As a replacement or repair part  to match existing equipment (standards)
  - As an accessory or option
  - As a component to be interfaced with the existing equipment
- Vendor is a sole provider of factory-authorized warranty service
- Maintenance is from the original equipment manufacturer

**The purchase will be used for:**

- Classroom/teaching  
Name of Academic, Currulum and/or Program: \_\_\_\_\_
- Maintenance/repair
- Other (specify) \_\_\_\_\_

<sup>1</sup> Bid Threshold per PCC §20651: <http://purchasing.fhda.edu/bid-threshold/index.html>



The purchase will meet the standards advocated by the following (provide the name(s) of center/organization): \_\_\_\_\_

What are the unique performance factors of the product specified (list each factor individually with an explanation of its purpose?)

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

Why are these specific factors required?

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

Names of other Vendors who can furnish similar products:

| Vendor Name | Essential Requirement(s) Vendor Unable to Provide |
|-------------|---|
| _____       | _____   |
| _____       | _____   |
| _____       | _____   |

What other products have been examined and rejected and why?

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

Why is the acquisition restricted to this good/service/supplier?

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

Provide the background of events leading to this acquisition.

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



**Describe the uniqueness of the acquisition (why was the good/service/supplier chosen?)**

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**What other Community College Districts have utilized this vendor as a Sole Source Purchase?**

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**What are the consequence of not purchasing the good/service or contracting with the proposed supplier?**

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**What market research was conducted to substantiate no competition, including evaluation of other items considered?** (Provide a narrative of your efforts to identify other similar or appropriate goods/services, including a summary of how the department concluded that such alternatives are either inappropriate or unavailable, the names, phone numbers and addresses of suppliers contacted and the reasons for not considering them must be included or an explanation of why the survey or effort to identify other goods/services was not performed. Be sure to specify the reasons for not meeting specifications.)

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**Please describe and provide estimates and methodology for total ownership costs that will be required each year beyond this initial acquisition.**

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**Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.**

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**What are the consequences of not having this sole source approved and going out for full and open competition?** (Describe in detail the impact to the department and to the programs)

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***Purchasing Department Use Only***

**Buyer's Sole Source verification research/results:**

\_\_\_\_\_ Confirmed (specify or attach backup documents)      \_\_\_\_\_ Denied (specify reason for denial)

Request for Quotes submitted date (Public Purchase): \_\_\_\_\_

Responses? Y  No

List responses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Verified other Community College Districts that have utilized vendor as sole source

If responses ID'd as in-adequate, submit draft of Sole Source Justification Board Resolution and Communication to Requester for Board approval on: \_\_\_\_\_ (Month)

Buyer's name: \_\_\_\_\_ Date: \_\_\_\_\_

Purchasing Director: \_\_\_\_\_ Date: \_\_\_\_\_



**ATTACHMENT 1- GENERAL SPECIFICATIONS**

List the general specifications for your Sole Source Justification request.

NOTE: Do not provide specifications from a specific vendor as this can disadvantage & limit the number of vendors who could provide a bid. It is imperative that the District demonstrates a fair and impartial competitive acquisition process.