



GUIDE TO SUBMITTING SOLE SOURCE JUSTIFICATIONS

Definition of Sole Source Procurement: Sole source procurement refers to those purchases where there is only one supplier that can provide the product you wish to purchase. Usually these are unique products that cannot be found anywhere, however, only through one supplier/manufacturer (ex., a proprietary designed).

By submitting a Sole Source Justification request, you, as the Requestor, acknowledge that the requested item is the only acceptable material, product, thing, or service that can ensure the District's academic, curriculum and/or research meets the standards advocated by an identified academic standard (center or organization) and enables students to learn and participate in the field of said academic study, curriculum and/or research.

What Constitutes a Valid Sole Source Justification? The simple answer is: It must contain the facts that show there is only one source of supply for your purchase requirement. If your requirement is available from more than one source, it is not considered a sole source.

The Requester must furnish the following on the Sole Source Justification Form:

1. State the specific features or performance specifications that are essential or required. (i.e., Exterior / interior size or dimensions are only acceptable as justification if the space available is critical.) Please note: Sole source justifications, written by the vendor / manufacturer, are not acceptable; the Requester must complete the Sole Source Justification form.
2. The Requester must specify the names of vendors who can furnish similar products and which of these vendors were contacted, along with a description of the essential requirement(s) that other vendors cannot furnish.
3. If your requirements involve purchasing a commodity that must be compatible with existing equipment and is available from only one source of supply, the Requester must specifically explain this in the Sole Source Justification form and furnish the previous purchase order number(s) for the existing equipment.
4. A written quote must be furnished, which indicates what discount(s) the District is receiving. A quote indicating a discount does not negate the Buyer from performing a price analysis. If the discount amount or percentage is not given on the quote, the Buyer may need to contact the vendor for that information in order to complete a price analysis. (e.g., All purchases over \$10,000 or greater require three quotes – See Board Administrative Procedure AP 3140). These requirements must be satisfied prior to a purchase order being issued.

Please remember that what the Requester would like to have does not constitute adequate justification for a sole source. A Requester's preference for one vendor/product following market studies, quotations, demonstrations / testing, does not constitute a sole source.



FOOTHILL-DE ANZA
Community College District

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Next Steps:

- Complete the Sole Source Justification Form.
 - [Sole Source Justification Form Over Bid Limit](#)
 - [Sole Source Justification Form Under Bid Limit](#)
- Submit a Banner requisition for the requested item.
- Buyer will conduct a thorough market analysis/research to ensure no other vendor/product is available.
- Buyer will submit a Request for Quotes via PlanetBids.
- If no responses, and research from Buyer presents the request to be a true Sole Source, Buyer will work with Requester to submit a Board Agenda Item to ensure proper protocol is legally met and approved by the District's Board.

Bidding and Proposals

Purchase requests that meet or exceed the [bid threshold](#) may require Purchasing to request bids from other vendors. If any of those other vendors reply with a bid that meets the essential requirements supplied by the Requester, Purchasing must then proceed with an Advertised Competitive Bid Process. See 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.
- 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).
- Note: The timeline for an Advertised Competitive Bid could take up to 90 – 120 days; depending on complexity of the purchase.

We understand how complex a Sole Source Justification request can be. We strongly suggest that you please contact the Director, Purchasing, Contracts & Risk Management at x6166 if you have further questions concerning sole sourcing.