

# Procurement Method Report Sole Source / Inadequate Competition

Use this form for Procurements (purchases/orders) that are Sole Source or Inadequate Competition. (Note: this is not the same as a pre-bid contract, if the purchase is using a pre-bid contract please use the appropriate form.)

Subawardees shall accomplish **three (3)** requirements with this form: (1) identification of procurement method, (2) SAMS check, and (3) certification signature. (Project Manager's signature is adequate certification that competition was done, and that the Subawardee is complying with the most stringent procurement procedures.)

**Choose one procurement method:**                      **Federal**                      **State**                      **Local**

**Reminder:** Procurements must be conducted applying the most stringent of applicable procurement requirements (whether federal, state or local). Jurisdictions must adhere to their local requirements for all procurements if they are more stringent than those listed below.

**Subawardee:** \_\_\_\_\_

**Grant Award:** \_\_\_\_\_

## Procurement Method (per each Purchase/Order)

*This may include multiple invoices for each purchase or order.*

Sole Source/Inadequate Competition	
Vendor:	
Purchase Amount:	
<b>Justification for Vendor Selection</b> – Provide justification for Vendor Selection in the below box. Please <b>attach</b> any written supporting documents providing justification for vendor selection. Explanations of exemptions must contain findings of fact. Evidence must be included, consisting of material facts sufficient to independently determine that the findings of fact listed are true and accurate. Factual evidence may consist of written documents, records, supporting data, affidavits, or other information proving that the findings of fact are true and accurate. Itemized listings of findings of fact and material factual evidence should be included or attached.	

## System for Award Management (SAMS) report is required for selected vendor

SAMS Report is a Mandatory Subawardee Action	
	1. Check System for Award Management (SAM) for debarment/suspension.
	2. Print SAMS report page and attach to this form.

## Certification

I certify the above information is true and accurate. Documents related to this procurement are on file and available upon request.

\_\_\_\_\_  
Subawardee Project Manager's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

# Guidance for Procurement Method

(For reference purposes only)

## Single Source or Non-Competitive Evidence Guide

- Single source requests must be submitted with **written evidence to support the request.** (CFR 200.320(f))
- Per CFR 200.320(f), the written evidence must support an independent examination and determination of the material facts of the procurement – meaning that anyone should be able to pick up the file, read it, and understand why the decision was made as it was - and must address why:
  - There is a public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation (CFR 200.320(f) (2))
  - It is not practical to award a contract using a more competitive method. (CFR 200.300(f)(3))
  - Award of a single source contract is in the state's best interest. (CFR 200.300(f)(4))
- Examples of subject matter experts as used below could be a **program manager/director, division director, IT manager, or other high-level support staff for the program/project.**
- Evidence requirements can and will vary from request to request and the below is not intended to be an all-inclusive list.

### Proprietary Product or Service Least Complex

- ✓ Written testimony from the Program Manager and/or subject matter expert(s) clearly describing:
  - *Their name, title, and experience with the program and why this qualifies him/her to speak authoritatively on the matter.*
  - *Why the product or service is needed.*
  - *Why the proprietary product or service is the only one that will work for the program.*
  - *Quantified potential time and/or cost impacts if the product or service were not purchased, like:*
    - *Costs to transition to another product that outweigh any potential savings.*
    - *Investments made in the current product – training, specialized equipment, etc. – that would be lost.*
    - *Voiding existing equipment warranties or maintenance agreements.*
    - *Lack of compatibility.*
  - *Why using a competitive process is not practical.*
- ✓ Written testimony from the vendor clearly describing:
  - *They are the only source of the proprietary product or service.*
  - *They do not offer their product or service through dealers or resellers or, if they do, that the pricing through a dealer or reseller would be the same or higher.*
- ✓ Any documentation and/or records that support an existing agency standard.
- ✓ Copies of any previously approved documents directly related to the project.

### Unique Skill/Knowledge

- ✓ Documented research that demonstrates why it's not practical to compete the services. Web search results are often used.
- ✓ Online or newspaper posting stating the intent to award a single source contract, describing the services, and seeking additional vendors and results.
- ✓ Written testimony from the Program Manager and/or subject matter expert(s) clearly describing:
  - *Their name, title, and experience with the program and why this qualifies him/her to speak authoritatively on the matter.*
  - *Why the selected vendor's unique skills and/or knowledge is the best for the program.*
  - *Quantified potential time and/or cost impacts if a different vendor were selected, like:*
    - *Impacts to data/research already performed.*
    - *Taking longer to perform the work.*
    - *Needing X number of hours to come up to the same level of expertise as the requested vendor, costing the state Y amount more.*
  - *Why using a competitive process is not practical.*
- ✓ Written testimony from the vendor clearly describing their unique skill or knowledge and how they came to possess it. (Resume, CV, references, sample work, etc.)
- ✓ Written testimony from other vendors or third parties describing their inability to provide the same unique skill or knowledge and/or supporting the requested vendor.
- ✓ Copies of any previously approved documents directly related to the project.

## Guidance for Procurement Method

*(For reference purposes only)*

### **Sole Source OR a single vendor response to a non-competitive bid**

#### Subawardees Guidance:

##### Justification:

Must explain why vendor was chosen by completing Justification block must be filled out explain why vendor was chosen

##### Procurement Method:

Provide all written supporting documents providing justification of sole source or single vendor selection.

##### Award:

Must be within accordance of the specifications and award criteria in the solicitation to the responsive, responsible bidder and justification of sole source or single vendor selection.

##### Regulations: Code of Federal Regulations, State/ Local Procurement Rules

2 C.F.R. § 200.320 (f): Procurement by non-competitive proposals.

State/Local Procurement Rules

### **SAMS Report is a Mandatory Subawardee Action**

#### Subawardee Instruction:

Check the federally debarred/suspended vendors at System for Award Management at [www.sam.gov](http://www.sam.gov) prior to execution of any procurement or contract (regardless of amount).