



**5. How was the price determined to be fair and reasonable? (Emphasis should be on the need and reasonableness of the cost.)**

**6. Has this noncompetitive procurement been authorized by the awarding agency?**

**7. What are the consequences of not purchasing the good/service for contracting with the proposed supplier/contractor? Describe in detail the impact to the department and to the program if the sole source is not approved.**

**SECTION 3: Certification**

*I am aware of the State of California requirements for competitive bidding and the established criteria for justification of sole brand and sole source purchases. As an authorized department representative, I have gathered the required technical information and have made a concentrated effort to review comparable products for this purchase. This is documented in this justification. I hereby certify the validity of the information and feel confident this justification for sole brand/sole source meets the State’s criteria and would withstand an audit by the State Board of Control or a vendor protest. The below signature certifies that an acceptable and reasonable cost price analysis has occurred as required by Uniform Guidance (2 CFR 200).*

<i>Requestor’s Signature:</i>	<i>Date:</i>
<i>Requestor’s Name:</i>	<i>Phone:</i>
<i>Department Name:</i>	<i>Email:</i>

**Procurement Use Only:**

*Procurement to approve up to \$100,000.00. Vice President Administration must approve \$100,000 or more. Chancellor’s Office must approve \$250,000.00 or more.*

**Approved**

**Disapproved**

<i>Director, Contract Services and Procurement Signature:</i>	<i>Date:</i>
<i>VP Administration &amp; Finance Signature:</i>	<i>Date:</i>
<i>Chancellor’s Office :</i>	<i>Date:</i>

Note: The State requires that CSUM purchase on a public competitive bid basis and award orders to the lowest responsible bidder meeting specifications. Sole source procurement is permissible only when a determination has been made and approved in writing, that only one source exists for the required product or service in accordance with the requirements set forth in the CSU Integrated CSU Administrative Manual, Section 5206.100 and 5206.200.

### **Sole Brand Guidelines**

**Sole Brand items** have unique performance features not found in other items **but are available on the open market** from multiple sources.

Sole Brand purchasing is an exception to the procurement policies. Such requests should **not** be made unless you are certain there is a valid requirement and adequate documentation to qualify for this exception. The brand name product is:

1. Unique and essential to the CSU's requirements, thereby precluding consideration of a product manufactured by another company, **or**
2. Required to match other similar product already procured through a competitive process and the use of an alternate product would cause the CSU to incur substantial additional costs, and you provide specific information regarding the equipment you are matching.

In order for Procurement to consider a request for **Sole Brand**, the justification form must be completed and signed. This justification, if approved, will remain on file in purchasing for review by the State Auditors.

**Factors which do not apply to sole brand:** The following should **not** be included in your justification as they **will not be considered**:

1. Personal preference for product or vendor.
2. Cost, vendor performance, local service, maintenance and delivery. (These may be considered award factors in competitive bidding.)
3. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for **unique factors**.
4. Lack of advanced planning.
5. The statement "**No Substitution**" will not be considered without completion of the justification form.

### **Sole Source Guidelines**

**Sole Source items** have unique performance features not found in other items **and are available only** from a single manufacturer/dealer with exclusive distribution rights.

Sole Source purchasing is an exception to the procurement policies. Such requests should **not** be made unless you are certain there is a valid requirement and adequate documentation to qualify for this exception. The sole source request must clearly demonstrate:

1. There is only one source or only one supplier that can provide the goods or services in accordance with the requirements of the CSU.
2. Addition of new work that was not within the scope of or incidental to the original contract scope of work, either as part of the base contract or as an option, requires sole source justification and approval.
3. To **match and intermember** is an acceptable justification of sole source when you provide specific information regarding the equipment you are matching.

In order for Procurement to consider a request for Sole Brand, the justification form must be completed and signed. This justification, if approved, will remain on file in purchasing for review by the State Auditors.

**Factors which do not apply to sole source:** The following should **not** be included in your justification as they **will not be considered**:

1. Personal preference for product or vendor.
2. Lack of advanced planning.
3. Concerns related to the amount of funds available for the acquisition of the goods or services (e.g. funds will expire).
4. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors.
5. The statement "**No Substitution**" will not be considered without completion of the justification form.

Note: If you need assistance in completing your justification, please contact the Procurement or Sponsored Programs.