

## **Sole Source/Sole Acceptable Brand Transactions (from the CSUS Procurement Manual)**

The requirement that goods and services be obtained through competitive bids or quotations does not apply when the acquisition of the goods or services may be justified as a "Sole Source" or "Sole Acceptable Brand" purchase. A Sole Source acquisition occurs when there exists only one vendor from which particular goods or services can be purchased. A "Sole Acceptable Brand or Model" (a/k/a "no substitute") acquisition occurs when products or services similar to those required may exist, but the product or service required, for reasons of standardization, quality, compatibility with existing equipment, specifications, technical features, expertise, etc., is the only brand acceptable to the requester or the University. Note that "Sole Acceptable Brand" products or services may be available from more than one source and, if so, the acquisition of such products or services may be subject to competitive bidding. Sole Source/Sole Acceptable Brand acquisitions should be rare exceptions, and not standard practice.

Sole Source/Sole Acceptable Brand transactions may be based on the following:

- Evidence of extraordinary or unusual trade or market conditions or contingencies that preclude the availability of qualified alternative vendors.
- Necessity of acquiring a proprietary item which must be compatible with existing equipment or systems and which is available only from the original manufacturer.
- Necessity of acquiring items possessing specific features essential for the completion of the task or project at hand and which are available from only one source.
- Change of brands or manufacturers would compromise the continuity and integrity of the project.
- Necessity of acquiring unique or specialized goods or services supplied by a vendor who has the exclusive right to manufacture and/or sell such items or provide such services. The vendor may be requested to produce a letter on its letterhead verifying its exclusive right to sell their own product or, in a protected sales territory, a certain manufacturer's product.

The following **will not** validate sole source/sole acceptable brand procurement:

- Departmental preference for a specific vendor, product, or service.
- Budgetary considerations or constraints.
- Historical precedence or a claim of best price. Only current competitive bidding in the open market substantiates best possible pricing.

A request to engage in a Sole Source/Sole Acceptable Brand purchase must be accompanied by the following:

- A statement to the effect that the requester has thoroughly researched the purchase and to the best of his/her knowledge and belief, the good or service is the only one to fit the particular need.
- A detailed explanation of the requester's needs.
- A detailed description of the good or service, its purpose, and what it is about the product/service that makes it unique.
- A list of the other brands/services considered and an explanation as to why they will not meet the requester's needs.
- A description of the efforts made by the requester to determine that the cost for the good or service is not out of line with current market pricing for similar goods or services.

It is the responsibility of the Vice Chancellor for Finance and Administration, Vice President for Finance and Administration, Chief Financial Officer, or his or her designee to determine whether a purchase may proceed as a Sole Source/Sole Acceptable Brand acquisition or must be made through competitive bids or quotations, as applicable.