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**SOLE SOURCE (NON-STANDARD) PROCUREMENT PROCESS REQUEST FORM**

ALL SOLE SOURCE / NON STANDARD PROCUREMENT PROCESS REQUESTS OVER $10,000, MUST BE PRE-APPROVED BY THE PURCHASING DEPARTMENT.

* A Sole Source Procurement is appropriate if Purchasing approves in writing that: (a) there is only one source for the procurement item; (b) compatibility/transitional costs (c) the procurement item is needed for trial use or testing to determine whether the procurement item will benefit the procurement unit; (d) additional exceptions to a standard procurement process identified by University Policies and Procedures.
* The following does not meet the requirements of a sole source procurement:
	+ An urgent or unexpected circumstance or requirement for a procurement item.
	+ The only supplier in Utah.
	+ Personal preference with a single supplier.
	+ Business needs alone do not meet the legal criteria for sole source purchase without also meeting one of the particular sole source criteria.
	+ Price, promo discounts, quote expiration, etc. (Final price is negotiated after sole source approval but is not considered as a sole source criteria).
* A Sole Source request for a purchase valued at $50,000 or more is publically posted on the Purchasing Department’s website for 7 consecutive days. This is required by the Utah Procurement Code and University Regulations to allow for public/supplier input.
* An emergency as defined by University Policy 3-100 as a threat to public health, welfare, safety, property, or other harm including risk of causing financial harm to the University or significantly disrupting University operations.Emergency procurement requests should be made directly to the Purchasing Department, 801-581-7241, and should not be made using this form.
* A contract awarded after Purchasing approval shall be negotiated by the Department with the contractor to ensure that the terms of the contract, including price and delivery, are in the best interest of the University of Utah.

**Part 1:**

Complete each section and provide the information requested.

|  |  |
| --- | --- |
| **Department Name:** |  |
| **Requisition Number:** |  |
| **Department Contact Person:** |  |
| **Department Contact phone number:** |  |
| **Department Contact email address:** |  |
| **Description of Product / Service:** |  |
| **Total Cost for the Purchase or Total Cost for Entire Term of the Contract:** |  |
| **Total Term of the Contract: Ex: One Time Purchase or 5 Year Contract. *Total Cost must be calculated for the full term.*** |  |
| **Supplier Name:** |  |
| **Supplier Quote/Scope of Work/Detailed Specifications are attached.** |  [x]  Yes |
| **Vendor has completed one of the University IT Questionnaires for software purchases (excludes maintenance and licensing renewal) and attached.** ***University IT Questionnaires*** [***click here***](https://it.utah.edu/tech-questionnaires.php) |  [ ]  Yes |
| **Conflict of Interest Disclosure:** Complete disclosure of all relevant outside relationships and interests must be included with this request. **Please select (A) or (B)** and, if appropriate, attach additional documentation as described below. Each decision-maker involved in directing the sole source selection to the vendor must fill out and sign a separate COI disclosure. Name: \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I confirm the following (select A or B):[x]  (A) 1. I am not an officer, director, agent, or employee of the recommended vendor.
2. I (and my spouse and minor children) do not have a Substantial Interest greater than $2,000 (exclusive of insurance policies and annuities) in the recommended vendor. “Substantial Interest” means the ownership of at least 10% of the outstanding capital stock of, or a 10% interest in, the recommended vendor.
3. I do not have a Significant Financial Interest (as defined by the University of Utah Policy 1-006: Individual Financial Conflict of Interest Policy) in the recommended vendor.

[ ]  (B) If I do have any of the interests or relationships described above in (A) in the recommended vendor, I confirm that I have formally disclosed those interests or relationships to the University through the Business Relationship Reporting (“BRR”) System available online through the Conflict of Interest Office’s website. <https://faculty.utah.edu/brr> (please attach a copy of the requester’s most recent BRR disclosure form). |
| **Part 2:** |  |
| **Define why there is only one source by checking all that apply below and completing the corresponding action at the right. SELECT ONE OPTION** |
|  [ ]  | There is only one source for the procurement item.  | **Complete section A** |
| [ ]  | This type of transaction includes compatibility/transitional costs from existing equipment, technology, software, accessories, replacement parts, or service, including professional services which are unreasonable or cost prohibitive. | **Complete section B** |
| [ ]  | A procurement item is needed for trial use or testing to determine whether the procurement item will benefit the business unit. | **Complete section C** |
| [ ]  | An exception to a standard procurement process requirements per University Procedure 3-100B or Regents Rule. | **Complete section D** |

**Complete all fields in your selected section(s) below. Requests with missing information will be returned to requestor for completion.**

## Section A: ONLY ONE SUPPLIER

|  |  |
| --- | --- |
| 1. | Explain in detail why the service or product is only available from a single supplier. For equipment, please define in detail the proprietary specifications and how they apply to your intended use. **\*\*\*Explanation must include a statement that the requester validates this is the only source.** |
|  |  |
| 2. | Explain why variations or modifications cannot be made to the product/service in order to allow for competition. |
|  |  |
| 3. | Explain the market research performed to make the sole source recommendation? |
|  |  |
| 4. | List the names of other similar vendors contacted, contact person(s), and a summary of their response, if there is only one source for the procurement item.  |
|  |  |

## Section B: COMPATIBILITY /TRANSITIONAL COSTS

|  |  |
| --- | --- |
| 1. | Describe the existing equipment, technology, software, accessories, replacement parts, or service, hereafter referred to as “equipment”, with which this purchase must be compatible; include original purchase price and date of purchase for the existing equipment. |
|  |       |
| 2. | Please supply the following: |
|  | a. | Requisition number and/or PO number for the existing equipment       |
|  | b. | Asset number(s) for the existing equipment       |
| 3. | What is the actual or estimated remaining life expectancy of the existing equipment? |
|  |       |
| 4. | What are the estimated transitional costs for moving to new equipment? (please see Utah State Code 63G-6a-802: <https://le.utah.gov/xcode/Title63G/Chapter6A/63G-6a-S103.html?v=C63G-6a-S103_2017050920170701> for definition of transitional costs) |
|  |       |
| 5. | A cost benefit analysis that demonstrates that the estimated transitional costs from section B.4 are unreasonable or cost-prohibitive is required. Please provide an explanation in the row below or as an attachment.  |
|  |       |

## Section C: A PROCUREMENT ITEM IS NEEDED FOR TRIAL USE OR TESTING TO DETERMINE WHETHER THE PROCUREMENT ITEM WILL BENEFIT THE BUSINESS UNIT

|  |  |
| --- | --- |
| 1. | Why is the trial use or testing necessary? (Explain the purpose of the trial use or testing of the procurement item.) |
|  |       |
| 2. | What is the anticipated end result of the trial or test? |
|  |       |
| 3. | Do any other similar vendors provide this product or service? If yes, list the company names. |
|  |       |
|  | a. | Will their products be tested? |
|  |       |
| 4. | What criteria were used to choose this vendor? |
|  |       |
| 5. | What is the scope, size, timeframe desired, and location of the test or trial? |
|  |       |
| 6. | Contracts for trial and testing must follow the criteria listed in Utah State Law 63G-6a-802.3 (see below).  [ ]  Yes |
| 7. | The period for a trial use or testing of a procurement item under a trial use contract may not exceed 24 months, unless the procurement officer provides a written exception documenting the reason for a longer period*. Note: Contact the purchasing department when trial period is almost over or has ended for further procurement requirements if the trial product or similar product is desired.*   [ ]  Yes |

## Section D ADDITIONAL EXCEPTIONS/CIRCUMSTANCES IN WHICH THE STANDARD PROCUREMENT PROCESS IS IMPRACTICAL. NO PUBLIC POSTING IS REQUIRED PER BOARD OF REGENTS RULE R571-8 or UNIVERSITY OF UTAH PROCEDURE 3-100C.

## Instructions: Check the applicable box and provide the requested documentation.

|  |  |
| --- | --- |
| [ ]  | **D1. Conference venues.** Includes associated meals and entertainment at said venues. Include quote, date and location, University business purpose, names of those in attendance if 10 or under, or in excess of 10 include description and number of attendees, and vendor agreement. Conference travel expenses, including registrations, are processed through Travel Services. |
|  |       |
| [ ]  | **D2. Guest Lecturers.** Including entertainers, performers, and convocations. State which type and include quote/agreement. |
|  |       |
| [ ]  | **D3. Original Equipment Manufacturer (OEM) Parts.** Includes OEM parts, supplies, maintenance, and service, when determined to be in the best interest of the University. Explain below why the OEM is in the best interest of the University. |
|  |       |
| [ ]  | **D4. Donation or Sponsorship Specified Supplier.** A procurement item from a specific supplier, service provider, or contractor that is a condition of a donation(s) or sponsorship(s) that will fund the cost of the supply, service, or construction item. Neither State funds nor institutional funds may be added to the donation or sponsorship in order to make an award. Include donation or sponsorship document. |
|  |       |
| [ ]  | **D5. Unique research materials.** Such as radioactive isotopes, or unique specimens, but does not include equipment. Include explanation below and attach an applicable quote. |
|  |       |
| [ ]  | **D6. Instructional materials.** Or other items for curriculum purposes based on pedagogical need and academic freedom of professors and instructors. Include explanation below. Include quote.  |
|  |       |
|  | a. | Is the identical material or item available from multiple sources? If yes, list the company names of sources so quote process can be completed. |
|  |       |
| [ ]  | **D7. Membership fees**. Includes membership fees, conference registrations, seminars, subscriptions to intellectual content. Include quote.  |
|  |       |
| [ ]  | **D8. Used equipment**. Purchase has been determined to be more practical or advantageous to the institution. Include quote.  |
|  |       |
| [ ]  | **D9. Advertising Services.** Placement services in magazines, journals, newspapers, radio, television, online, buses, billboards, or similar. State which type and include quote. |
|  |       |
| [ ]  | **D10. Library Journals and Periodicals.** Including printed, online, rare books, seminars, subscriptions to intellectual content and journal subscriptions. State which type and include quote. |
|  |       |
| [ ]  | **D11. Athletic Game Guarantees.** Including athletic game associated expenses. Include agreement or explanation. |
|  |       |
| [ ]  | **D12. Broadcasting rights.** Including television programming, and associated fees. State which and include quote. |
|  |       |
| [ ]  | **D13. Original works of art.** Include quote. |
|  |       |
| [ ]  | **D14. Study Abroad.** Including travel expenses. Include quote. |
|  |       |
| [ ]  | **D15. Travel.** Group travel such as hotels. Include Quote. Individual business travel and group travel airfare is handled by the Travel Office.  |
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| [ ]  | **D16. Sub-recipients of Sponsored Projects.** Sub-recipients identified by name and contributing to the scope of work for the project.  |
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| [ ]  | **D17. Supplies and/or Services Required by the National Collegiate Athletic Association (NCAA).** Includes the institution’s athletic conference. Include quote.  |
|  |       |
| [ ]  | **D18. Institutional Sponsorships.** Sponsorships of third parties. Include agreement. |
|  |       |
| [ ]  | **D19. Grant Specified Supplier.** A procurement item from a specific supplier, service provider, or contractor that is a condition of a grant that will fund the cost of the supply, service or construction item. Include grant. |
|  |       |
| [ ]  | **D20. Publications.** Includes publications of an article, manuscript, research paper, etc., in a professional journal, periodical, or other source. Include agreement or quote. |
|  |       |
| [ ]  | **D21. Business Meals, Catering and/or Entertainment per Rule R3-011A Meal/ Incentive Awards/ Flowers/Retirement Gifts.** Include the date and location of the activity, purpose with respect to University business and names of those in attendance, or if in excess of 10, general description & approximate number attending. |
|  |       |
|  | **For Purchasing Use Only** |
| [ ]  |       |

**Reference State of Utah Procurement Code, 63G‑6a‑802.**   Award of contract without competition ‑‑ Notice ‑‑ Extension of contract without engaging in standard procurement process. [**Click Here**](http://le.utah.gov/xcode/Title63G/Chapter6a/63G-6a-S802.html) for Website Link to 63G-6a-802

**Reference University Purchasing Policies, Rules, and Procedures including R3-100B.**

[**Click Here**](https://fbs.admin.utah.edu/purchasing/university-purchasing-policies-rules-and-procedures/) **for Website Link to Purchasing Policies, Rules, and Procedures**

**May 2022**