

Gail Borden Public Library District Sole Source Policy

Gail Borden Public Library District (GBPLD) has established policies and procedures for purchasing conducted with federal funds that conform to applicable federal regulations including [2 CFR 200.318-327](#). The Gail Borden Public Library District Federal Procurement Policy outlines these policies and procedures. This policy supplements the procurement policy and provides specific criteria and requirements to be followed for noncompetitive procurement using federal funds.

Guidelines

It is GPLD policy to conduct procurement transactions in a manner providing full and open competition as required by federal regulations and the terms and conditions of the award. Noncompetitive procurement is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply, per [2 CFR 200.320](#):

1. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold (\$10,000 including shipping and handling but excluding tax); or
2. The procurement transaction can only be fulfilled by a single source; or
3. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation; or
4. The recipient or subrecipient requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or
5. After solicitation of several sources, competition is determined inadequate.

Sole Source Justification Criteria

A sole source justification is required for every proposed noncompetitive purchase over the micro-purchase threshold. The Chief Operating Officer or appropriate Division Chief managing the Project are responsible for providing and certifying as accurate and complete the necessary data to support their recommendation for other than full and open competition. This justification must be in writing, include supporting documentation, and be maintained in the procurement file.

The sole source justification should document the good faith effort made in searching for other suppliers, include a list of the unique technical specifications required of the product, and the companies that were contacted in the search for alternate sources. A sole source justification describes the steps taken to determine that the chosen supplier is the only source available for your product/service. The following list of criteria may be used in determining if a sole source situation exists:

1. Only one manufacturer makes the item meeting required specifications; that manufacturer only sells direct or exclusively through one regional/national distributor; describe the steps taken to determine only one source exists.
2. Item must be identical to equipment already in use to ensure compatibility with existing equipment or systems, and that item is only available from one source. Provide a previous PO number or equipment inventory tag number in your sole source justification.
3. Named in the award: The supplier is specifically named by the funding source award documents. Proposal documents are not considered an "award document".

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4. Maintenance or repair by the original equipment manufacturer (OEM) and the manufacturer does not have multiple agents to perform these services.
5. Replacement or spare parts are required from the OEM, and the OEM does not have distributors for those parts.
6. Patented items or copyrighted materials, which are only available from the patent or copyright holder.
7. The chosen consultant has unique expertise, background in a recognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination, or talent. The consultant has advanced or specialized knowledge, or expertise gained over an extensive period in a specialized field of experience.
8. A market survey has been conducted to determine whether other suppliers capable of satisfying the requirements exist. A list of all the suppliers contacted, along with the reason why each supplier could not meet the requirements should be provided with the sole source justification.

Procurement through a sole source purchase is not to be used to avoid competition. Administrative delay or lack of adequate advanced planning resulting in urgency does not justify a sole source purchase. Statements that a supplier has the best capability or offers the lowest price are also not bases for a sole source justification. Such determinations can only be made through full and open competitive processes. Rationale that the recommended source is the most highly qualified to perform but does not establish why other sources cannot perform is not an acceptable justification for sole source procurement.

A cost analysis that verifies the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit, is required for all procurements in which price competition is lacking, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalogue or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation. The cost analysis must be documented in writing and maintained in the procurement file.

Approval of Sole Source Procurement

Sole source justifications must be reviewed and approved by either Chief Executive Officer, the Chief Operating Officer of Facilities or the Chief Operating Officer of Library Services prior to an order being placed. The Director of Grants will consult the award document(s) and the terms and conditions of the award to determine if prior approval from the federal awarding agency is required. If necessary, federal agency approval will be obtained before the purchase is made. This approval will be maintained in the procurement file.

Responsibilities

The Chief Executive Officer or Chief Operating Officers will be responsible for ensuring compliance with all policies outlined above.

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