

## Sole Source / Sole Brand Justification Form

**Definition:** A "sole source" procurement can be defined as any contract entered into without a competitive process, based on a justification that (a) only one known source exists or (b) that only one single supplier can fulfill the requirements. Although Oklahoma does not permit non-competitive procurements by statute, exceptions are allowed where competition is not feasible.

Unjustified, non-competitive procurements are not permitted under the Board of Regents Oklahoma State University and the A&M Systems policy. State statutes permit legitimate sole source contracting on the basis of administrative efficiency but there are serious penalties for improper use. **Statutes defining penalties are included below:**

**Oklahoma Statutes 74 O.S. § 85.45j. Sole Source or Sole Brand Acquisition**

(A) 4. Any chief administrative officer of a state agency affirming the certification required by this subsection who knows the information to be false shall be deemed guilty of perjury and upon conviction shall be punished by fine or by imprisonment or both fine and imprisonment pursuant to law. Upon conviction or upon entering a plea of nolo contendere pursuant to this paragraph, the chief administrative officer shall immediately forfeit his or her position and shall be ineligible for appointment to or employment in the state service for a period of five (5) years after entering a plea of nolo contendere or being convicted.

**Examples of acceptable exceptions from the competitive procurement process may include:**

1. Only one known source exists for supplies or services as determined by documented research;
2. No other reasonable alternative source exists that meets the departmental requirements;
3. Only one source meets the business needs of the department (e.g., compatibility, unique feature to meet the business need backed up with factual information in the certificate.
4. Procurement of public utility services or exclusive service areas.

**Justification documentation may include information such as:**

1. A description and factual information documenting unique features, proprietary deliverables or abilities, that prohibit competition;
2. Documented research conducted to verify the supplier as the only known source.
3. A high level description of the marketplace to include distributors, dealers, resellers, etc.
4. Known compatibility issues with any other solution that could be proposed.
5. Critical timing issues that will result in a loss greater than that which a competitive bid would contribute.

### OSU and A&M Source/Sole Brand Certification Guidelines (Patterned after OMES-CP-PIM-99-03)

Type	Reason For Sole Source / Sole Brand	Certification Must Clearly:
1	Only a specified make, model, or brand will meet departmental needs, even though other makes, models, or brands are available from multiple suppliers. A brand name description or other purchase description to specify a particular brand name, product, or feature of a product, peculiar to one manufacturer does not provide for full and open competition regardless of the number of suppliers solicited. This restricts competition in that only vendors able to supply a specified make, model, or brand are permitted to compete.	State why the specified makes, models, or unique services are absolutely essential to departmental requirements.
2	Market research clearly shows that there is only one responsible supplier and it can be demonstrated that no other supplies or services will satisfy departmental requirements.	State why the specified makes, models, or unique services are absolutely essential to the University's / Unit's requirements, and what market research was accomplished to clearly establish that only one vendor can supply the

3	Requirement is for additional units or replacement parts of specified makes and models of technical equipment and only one vendor is available.	supplies or services, copyright material.	State why the specified makes and models are absolutely essential to the University's / Unit's requirements, and what market research was accomplished to clearly establish that only one vendor can supply the supplies or services.
4	Department needs to purchase supplies or services from the original supplier in the case of a follow-on contract and award to any other supplier would result in substantial duplication of costs that would not be recovered through competition, or in unacceptable delays in fulfilling departmental requirements.	Provide data, estimated cost and how costs were derived, extent of delay and impact of delay, and other rationale as to the extent and nature of the harm to the department. Are the same supplier personnel available from last project to work on this project?	
5	Purchase of a brand name commercial item that will be used for authorized resale.	No additional information needed.	
6	Agency has an unusual and compelling urgency for supplies or services and the department would be seriously injured unless the agency is permitted to limit the number of vendors from which it solicits bid/proposals (i.e. - existing software).	Provide data, estimated cost and how those costs were derived, and other rationale as to the extent and nature of the harm to the department (Justification may be prepared and approved within a reasonable time after contract award when preparation and approval prior to award would unreasonably delay the acquisitions.).	

### Sole Source / Sole Brand

Using the guidelines provided above, select the Sole Source type below which best describes your purchases.

**Acquisition Type**

Sole Source  
 Sole Brand

**Sole Source Type**

1  
 2  
 3  
 4  
 5  
 6

### Certification

**Name of purchaser, person, or end user of the item(s) requested (Not the name of the department):** Steven Hartson

**Certificate:** *(Board of Regents for OSU and the A&M Systems policy 30:10-01-02, section 7)*

**I, the above named purchaser or end user of the products herein described, affirm we will not accept nor pay for any items not included and described in this requisition and certificate. I understand that the**

**authorization of this certification, knowing such information to be false, may subject me to punishment for perjury.**

**Certification:**

**I, the above named purchaser or end user, hereby affirm that the services or products to be purchased pursuant to this request adhere to the Sole Source type selected above to the best of my knowledge:**

*Is the only person or business entity which is singularly or peculiarly qualified to provide such services or products, and if a product is the only brand name which is singularly or peculiarly unique, for the following reason(s):*

**Describe in detail how the purchase meets the criteria for the Sole Source type selected, as described in the chart above. Your description should address the information outlined in the table above under the "Certification Must Clearly" column.**

1. Their system is configured to provide the optimal processor speed, core count, and RAM needed for their PD and Byonic software applications for our research.
2. The system comes custom installed, so that all of the software nodes and nests are properly communicating with existing equipment.

**Additional Information**

The following is a brief description of all efforts which were made to verify that the services or products to be purchased pursuant to the provisions of this request qualify as a sole source or sole product acquisition:

**Attached Documentation:**

Upload any supporting documentation as justification to the Sole Source type selected from the chart above.

Internal Attachments

**Product Information**

<b>Supplier</b>	Thermo Electron North Amer Llc
<b>Fulfillment Address</b>	PO Purchase Order 1: (preferred) 5225 Verona Rd Madison, WI 53711 US
Supplier Phone	+1 608-276-6100
<b>Distribution</b>	
The system will distribute purchase orders using the method(s) indicated below:	
Fax	+1 561-688-8731
Manual	
<b>Product Description</b>	SW, PROTEOME DISCOVERER 2.2 BASE&QUAN, SW, BYONIC FROM PROTEIN METRICS, COMPUTER, HP Z840 ZD3.2 64GB/512 PC
<b>Catalog No.</b>	1
<b>Packaging</b>	1 EA - Each
<b>Quantity</b>	1
<b>Unit Cost</b>	31,962.53

**Need Help?**

Please contact the Purchasing Department for assistance with this form or questions regarding State statutes or Board of Regents policies.

**Total** 31,962.53