

Last Updated March 2019:

Recommended Guidelines:

In order to best review your Sole Source Justification Form, it is recommended that each requestor provide, or have available upon request, the following:

- *All required specifications used to determine the vendor selected*
- *All communications, including emails, documenting the claims within the SSJ form*
- *A detailed account of the research conducted to qualify the supplier, good and/or service as a sole source*
- *A comparison table/matrix outlining the required specifications, all potential vendors, and how they meet or do not meet each required specification*

Sole Source Opportunities Under Uniform Guidance (Federal Awards)

Situation #1: What if a specific (named) vendor/product/model is required by the sponsor/funder in the special terms and conditions of my grant?

Answer: If the sponsor is requiring specific goods or services in order to receive the grant, this would be an acceptable sole source under UG. The requirement must be explicit in the terms and conditions.

Not Acceptable Sole Source Opportunities

Situation #2: I want to sole source a consultant for academic research. I have a strong professional relationship with the individual and the person is familiar with my work. He/She is also the top expert in their field. Is this a sole source?

Answer: Typically, this is NOT a sole source because it is nearly impossible to justify that one person is the ONLY person in the world able to perform the requested service. Often, the best we can justify is, they are the “best” qualified, which is not a legitimate sole source justification. However, if an individual is REQUIRED based on qualifications they possess, a sole source may be justified. The key to a successful justification is to explain in detail what the *required qualifications* are, *why these qualifications are necessary* for your research or educational purpose, and *how you verified* this is the only person qualified.

Poor Example:

Chris Consultant is needed to assist with my research. Chris is a world-renowned expert with vast experience with this type of work. No one is as good as Chris at this type of work. *(Chris may be “best” qualified but may not be the ONLY capable candidate. The recommended approach is to competitively evaluate Chris & at least 2 other candidates via informal or formal bid, selecting the best match.)*

Helpful Hints:

- An RFP or Informal Bid (if under \$250,000) to choose the “best” qualified individual or consultant is most times the better option.
- Be sure to focus on the unique qualifications – why is someone with those qualifications needed and why is X the **ONLY** person who meets those qualifications?

Situation #3: I found a good/service with an unbeatable price from a world-class supplier. It is 30% cheaper than anywhere else. Is this is a viable sole source?

Answer: No. Price alone is never a justification for a sole source. For federal grant under \$250,000 you should obtain 2 additional quotes, if the value is over \$250,000 a formal RFP is required, unless other factors support sole source.

Situation #4: If we perform a formal bid for a good/service and we have no responses to the bid, can I then sole source the vendor that I want?

Answer: Assuming a legitimate solicitation open to all potential vendors was attempted and documented. And, the specifications/scope of work detailed could not be considered “lockout” specs, it should qualify as a sole source justification.

Situation #5: What if I name a specific vendor in my proposal and the proposal is accepted? Is that justification for a sole source?

Answer: No, The UG exemption requires both (1) a written request by the grantee for a non-competitive purchase, and (2) the funding agency to “expressly authorize” approval of that request. A simple approval of a proposal without any expressed approval, and no mention of the non-competitive procurement in the proposal does not fit that criteria.

Potential “Gray Area” Sole Source Opportunities

Situation #6: What if a specific (named) vendor/consultant is included in the proposal and the request for a sole source exemption is stated clearly in the budget justification of the proposal, and the federal funding agency accepts the proposal, would that be a legitimate sole source justification?

Answer: Because of the newness of these requirements, it’s not yet clear whether approval of the proposal by the federal agency constitutes “expressly authorized” under the UG even when the request for a sole source exemption is clearly stated in the proposal. The University is monitoring this situation with our peers and national associations and will revise guidance accordingly.

When a request for an exemption is intended to be made to the federal agency and is known at time of proposal, investigators are encouraged to include in their proposal a clear justification for a sole source exemption. At time of award, SPS will assist the Principal Investigator with

securing permission from the funding agency which will reference the documentation that was in the proposal as part of the exception.

(Procurement Services and Sponsored Program Services will continue to monitor this situation with the government and will advise the research community accordingly)

Situation #7: I have been using this good/service for the last 10 years. I still need it for my research. Others could supply the necessary goods/service, but all of my research has this media/product and changing vendors could disrupt my research or previous work product results. Is this a viable sole source?

Answer: Procurement advises Principal Investigators to seek sponsor approval to not have to competitively source the good or service when critical to the research. Lot specific requirements may qualify for sole source, review with Procurement to verify.

Procurement recognizes the University's core mission of research and supports that mission in the best way possible. Procurement Services will continue to attempt to resolve with question with other peer institutions to ensure that research is not hindered by the new UG regulations.