



# Spring Independent School District

## Sole Source Justification Form

### Section A – General Information and Instructions

<b>General Description of Goods to be Purchased:</b>  	
<b>Vendor Name and Vendor's Primary Contact Information:</b>  Vendor Name: _____  Contact Name: _____  Contact Phone/Email: _____	<b>Requesting School/Department:</b>  
	<b>Date Form Completed:</b>  
	<b>School/Department Contact Name and Phone Extension:</b>  Contact Name: _____  Phone Extension: _____
New Purchase <input type="checkbox"/> or Ongoing Purchase/Renewal <input type="checkbox"/>	<b>Estimated Annual Cost:</b>  
	<b>Budget Code:</b>  
If an ongoing purchase/renewal, what were the prior year <u>annual</u> expenditures? \$_____.	
Does the purchase request for this ongoing purchase/renewal represent an increase or a decrease in price? (Please explain in detail)	

**Instructions:** Completion of this form is required in advance of all Sole Source purchases in excess of \$10,000.00. In addition, a Sole Source letter on company letterhead must be obtained from the vendor and included with this form. If this document is for the purchase or renewal of software, this justification shall remain valid for two additional years, at which time a new justification must be submitted to justify any future renewals.

**Definition:** Sole Source means that the item to be purchased is only available from one source (one vendor). In accordance with the Purchasing module of the Texas Education Agency's (TEA) Financial Accountability System Resource Guide (FASRG),

*"To be a bona fide exemption to the Texas Education Code District purchasing law requirements, there must be no other like items available for purchase that would serve the same purpose or function, and only one price for the product because of exclusive distribution or marketing rights."*

**Regulation:** In accordance with Texas Education Code Section 44.031 (Purchasing Contracts), Subsection (j), compliance with the competitive procurement methods listed in Texas Education Code 44.031(a) is not required for purchases that are available from only one source if such purchases meet one of the following established criteria:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

**NOTE:** The sole source exception shall not apply to mainframe data processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

## **Section B – Sole Source Certification**

I hereby certify that **Only One** source (vendor) exists for the required product (“sole source”).

Indicate which of the following criteria apply to this purchase which supports the sole source claim (check all that apply):

An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.

A film, manuscript, or book.

A utility service, including electricity, gas, or water.

A captive replacement part or component for equipment. **[This justification document shall remain valid for two additional years, at which time a new Sole Source Justification document must be submitted to justify any future renewals.]**

**REMINDER:** The sole source exception shall not apply to mainframe data processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

## **Section C – Due Diligence:**

The Requesting Department must complete this form in its entirety, affirming that the product to be purchased is, to the best of its knowledge, sold exclusively by the recommended vendor and that no other like products exist in the market that would serve the same purpose or function. Texas Law requires that the decision to purchase sole source products be justified. This form is a justification of the need for something that is unique about the product that precludes competition.

1. In ‘layman’s terms’, describe the purpose or function of the required product.

2. If the particular product was not available or could not be procured, what would be the substantial risks for the department? How would the department proceed with its work?

3. Identification of the unique feature(s) or characteristic(s) and specification(s) of the requested product that will serve as the basis for the sole source justification.

4. An explanation of the need for the unique specifications. This explanation must address the critical importance of the unique specifications related to the intended use of the product.

5. Provide evidence of the research that was completed, identifying all other sources that were evaluated (including the names, manufacturers, model numbers, etc.) and the reason they were found to be unsatisfactory for the intended use or in meeting project goals. Attach copies of all information collected from other vendors. Sufficient detail must be included to show that the marketplace has been canvassed to locate acceptable competitive products. This section must relate to the explanation of need for the unique specifications and should serve to support a finding that the stated need cannot be met with competing products.

6. Will this purchase obligate Spring ISD to a particular vendor/provider for future purchases? Either in terms of maintenance that only this vendor will be able to perform and/or if we purchase this item; will Spring ISD need more “like” items or services in the future to match this one?

7. Describe the actions the department will take to overcome the present barriers to competition prior to any future procurement of this product.

8. What will be the estimated cost for this purchase, explain why the suggested price for this product is considered to be fair and reasonable.

**Section D - APPROVAL:**

Name of the person who prepared this request and justification:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Department: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby certify that the above request and Justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Chief

Procurement Approval: A good faith review of available vendors for the request noted on this form has been completed.

\_\_\_\_\_ Date: \_\_\_\_\_

Signature - Executive Director, Procurement Services

Approved as to funding/business terms.

\_\_\_\_\_ Date: \_\_\_\_\_

Signature - Chief Financial Officer

Superintendent of Schools: I hereby approve the above request and justification.

\_\_\_\_\_ Date: \_\_\_\_\_

Superintendent of Schools