Policy 1-00 17.1 - Sole-Source / Sole-Brand Purchases

Sole-Brand Purchases

A Sole-Brand solicitation is a competitive solicitation which includes specifications restricting offered goods to a specific manufacturer or owner’s brand. Before making a determination that only one specific brand of goods will meet GSU’s critical business requirements, research must be conducted to determine if other brands exist which can also satisfy procurement requirements in a timely manner. Sound procurement practice requires that a Sole-Brand solicitation be used only when it is the last justifiable option, and not as an attempt to contract for a favored brand of goods. An example of the appropriate use of the Sole-Brand justification may include certain situations where a specific piece of equipment is needed to match existing equipment or is a replacement. If the desired good is only available from one source, then the Sole-Brand solicitation is not applicable and the purchase should be handled following Sole-Source requirements.

A valid Sole-Brand justification allows the procurement professional to process a competitive solicitation with the insertion of "No Substitute" after the good is specified by brand name, model number, or some other designation identifying a specific good of a manufacturer.

To submit a request for a Sole-Brand solicitation, Departments must first complete form SPD-PS019 Sole-Brand Justification Form. Purchasing will post the completed form as an attachment with the solicitation. A Sole-Brand solicitation is a competitive solicitation and the procurement professional must comply with all other requirements regarding posting and processing a competitive solicitation.

Procedure

Sole-Brand justification will be acquired from the department, and should state why the particular item is needed and why no other brands/models will be acceptable.

- **Request Number:** Provide the Purchase Requisition or Purchase Order Number.
- **Proposed Source:** Provide the name and telephone number of the supplier (service) or manufacturer (item).
- **Scope of Work:** Provide the information to establish the context of the Sole-Brand, for example, the function of the item or service. Indicate where and how the item or service is to be used, operational environment, previous experience or history, etc. Use layman’s terms to identify any efforts made to locate other possible sources such as review of Thomas Register, Industry Organizations, Internet searches, Consultants, RFIs, Buyers Laboratory, Advertisements in Industry Publications, contact with Procurement Specialist, etc.
- **Sole-Brand Justification:** Some requirements may need to be provided by a certain manufacturer (for example: “to match existing uniforms”). Use this block to explain why only a particular style, type or manufacturer is acceptable. A request for “Sole-Brand” does not eliminate bidding requirements, as the item may be available from more than one supplier.

Sole-Source Purchases

Based on market analysis, departments and purchasing may determine only one supplier is capable of providing the needed goods or services. This is referred to as a Sole-Source purchase. Sole-Source purchases must be distinguished from Sole-Brand purchases in which more than one supplier is capable of providing the specific item.
Justifying Sole-Source Purchases

For purchases with a value of $5,000.00 or more, Sole-Source purchases are prohibited unless the department establishes justification why the needed goods or services should not be procured through open competition. Any additional information that the Department has that will help them make the case that an item should be so designated should be forwarded with the form to Purchasing. Sound procurement practice requires that a Sole-Source purchase occur when it is the only option and not as an attempt to contract with a favored service provider or for a favored good. Departments must complete form SPD-PS020 Sole-Source Intent to Award Justification. Purchasing will publicly post the Sole-Source Intent to Award form for five (5) business days.

**Note:** For commodities, departments must also obtain and submit a Sole-Source letter from the original equipment manufacturer.

In the event the Sole-Source determination is not successfully challenged/protested by other vendors, GSU Purchasing will proceed directly to contract award. GSU Purchasing must post a Notice of Award to the Georgia Procurement Registry, indicating the contract award amount.

Departments must use the current Sole-Source/Sole-Brand Forms to request a Sole-Source/Sole-Brand designation.

Each Sole-Source/Sole-Brand request is unique and must have original signatures. The use of generic statements, pre-filled forms, and/or photocopies of previously provided forms is not an acceptable practice.