



Brand Name or Sole Source Justification

This form *must* be completed for procurements where the basis for the vendor selection is:

- 1) There is only one *specific* product or service that can reasonably meet your need.
- 2) There is only one vendor who can reasonably provide that product or service.

You MUST meet criteria #1 to have a *brand name* procurement.

You MUST meet BOTH criteria to have a *sole source* procurement.

Institution: AHEC CCD MSU Denver

PR# _____

Date of Request: _____

Requestor: _____

Requesting Department: _____

Contact Name: _____

Phone: _____ **FAX:** _____

E-Mail: _____

Before a decision can be made to approve your request for a sole source or brand name procurement, the following information is needed. Please provide all of the requested information on this form and submit it to the appropriate Purchasing Agent responsible for the procurement.

Vendor Name: _____

Vendor Contact: _____

Phone: _____ **FAX:** _____

Check one:

This is a recurring procurement from _____ (mm/yy) to _____ (mm/yy)
(cannot exceed 5 years);

OR

This is a one-time procurement for this product or service.

Estimated cost breakdown for term of sole source (attach proposal, if applicable):

Products \$ _____ and/or **Services** \$ _____

1) BACKGROUND STATEMENT – Provide information that would assist the reader in understanding the history (e.g., funding source, constraints, contractor's business, development of the product or service, ownership of product or service) of this purchase.

2) NEEDS STATEMENT – Describe in detail the product(s) and/or service(s) to be procured and how they meet your needs.

3) FEATURES REQUIREMENTS – What unique design or performance features does this product or service have that is essential to your requirements? Please provide a brief, yet technical explanation as to why these features are essential. Provide the manufacturer and model of your existing equipment. List the major features/capabilities of the product/service that are required:

4) COMPETING BRANDS INVESTIGATED – What other suppliers did you contact? (Please include names of all sales representatives contacted and their telephone numbers.) Did you consider other products or services with similar capabilities? Indicate the specific brands/models of competitors' products that were investigated and describe why, specifically, they do not meet some, or all, of the FEATURES REQUIREMENTS listed in Item #3. **Requestor needs to state that to the best of his/her knowledge, these are the only companies that make this type of equipment or provide this service.**

5) BRAND NAME –

Is the specific brand/model of product being recommended for procurement available from more than one source (i.e., dealers, distributors)? Yes No

If "Yes," this will be processed as a brand name. Please provide the company names of known sources:

6) CONFLICT OF INTEREST STATEMENT – The Requestor agrees that there is no real or potential conflict of interest in recommending this product and/or service as a brand name or sole source procurement. (NOTE: If you do have a real or potential conflict of interest, please contact the appropriate Purchasing Agent.)

CERTIFICATION: By signing below, you are certifying that the information submitted on this form is accurate. PROCUREMENT SERVICES will make the final determination of sole source or brand name.

Signature (Department)

Date

RESEARCH CONDUCTED BY PROCUREMENT SERVICES:

POSTED ON COLORADOVSS? Yes No If "Yes," Solicitation Number: _____

Related Comments (responses received, quantity, etc.):

DETERMINATION:

- Sole Source approved – purchase as requested.
- Brand Name approved – issue bid on a “no substitutes” basis.
- Not approved – issue solicitation using performance specifications.

RESULTING COMMITMENT DOCUMENT NUMBER: _____

Purchasing Agent Signature Date

Director of Purchasing (*or delegate*) Date

This approval is valid until _____ (*month/year*).

PROCUREMENT AND CONTRACT SERVICES | COST ANALYSIS CHECKLIST

This form must be completed for each purchase above \$10,000 for goods, and above \$25,000 for services where the purchase is sole source justified or only one bid/proposal has been received. One of the boxes below must be checked and an explanation must be provided in the space provided at the end of this checklist.

The price being paid for goods or services is fair and reasonable based on:

- Catalog or list price (or less) for STANDARD commercial item or service**
- Price compares favorably with price for a similar item**
- Market prices** – Where an item has an established market price, verification of an equal or lower price establishes the price to be fair and reasonable. *(For example, the purchase of metals, such as lead, gold, silver or commodities, such as grains.)*
- Special Governmental Pricing**
- Price Agreement**
- Professional Judgment** – The Purchasing Agent is familiar with marketplace for the particular goods and services at issue and knows that the price is fair and reasonable.
- Price set by law or regulation**
- Price is the same as another purchaser paid** – If the seller has no catalog, but has sold the same item to others in the recent past, the price can be determined to be fair and reasonable by verifying with those other purchasers what price they paid.
- Price compares favorably to price paid for the same item or service, or similar item or service of like complexity under a previous purchase order, taking inflation into account**
- Cost Analysis** – Cost analysis shall be completed when price analysis is inadequate to verify that prices are fair and reasonable.
- Other:** _____

Cost analysis is the review and evaluation of each element of a cost estimate and proposed profit or fee to determine reasonableness, allocability, and allowability. It is often used in conjunction with cost reimbursement contracts. Cost analysis should answer the following questions for the review and evaluation for any given cost element:

- ✓ Is the cost necessary to perform the work and allocable to the work?
- ✓ Is the cost necessary to operate the business?
- ✓ Does the offeror follow applicable regulations?
- ✓ Does the offeror have an acceptable accounting procedure?
- ✓ Is the cost allowable in accordance with grant guidelines?
- ✓ Would a prudent business person take this action in a competitive business environment?
- ✓ Is the profit or fee negotiated, if any, reasonable for the degree of risk involved in performance of the work and does not exceed the limitations?

Explanation of above-checked justification:
