

# Ector County Independent School District

## Sole Source Affidavit

An item can be purchased without the benefit of a competitive process if the purchase complies with Section 44.031(j) of the Texas Education Code. An item is considered "sole source" if **there is no other like item available in the marketplace that would serve the same purpose or function, and only one price for the product because of exclusive distribution or marketing rights.** **Please read above definition before completing affidavit. Only complete if this applies to your company.**

Tex. Educ. Code §44.031(j) states: Without complying with §44.031(a), the Board of Trustees of a school district may purchase an item that is available from **only one source** including:

- (1) an item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
- (2) a film, manuscript, or book;
- (3) a utility service, including electricity, gas, or water, and
- (4) a captive replacement part or component for equipment.

Note: The exceptions provided by Subsection 44.031(j) do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

**By signing below, I confirm that I have reviewed Section 44.031 of the Texas Education Code, and hereby represent and certify that our product (described below) is a "sole source" item pursuant to Section 44.031(j) of the Texas Education Code. [Note: the item below must be described without brand names, trademarks or other proprietary designations.]**

\_\_\_\_\_

In addition, we certify that no suspension or debarment is in place, which would preclude receiving a federally funded contract.

Company \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Email Address \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Title \_\_\_\_\_

**SUBSCRIBED AND SWORN to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_**

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
Printed Name

(Seal)

\_\_\_\_\_  
Date Commission Expires

**Notice: A person commits a felony if s/he knowingly makes a false entry in a governmental record. Texas Penal Code, section 37.10.**

**Ector County Independent School District  
Sole Source Affidavit**

**BEFORE ME**, the undersigned official, on this day, personally appeared \_\_\_\_\_,  
A person known to me to be the person whose signature appears below, who after being duly sworn upon his oath  
deposed and said:

1. My name is \_\_\_\_\_. I am over the age of 18, have never been convicted of  
a felony, and am competent to sign this affidavit.

2. I am an authorized representative of the following company or firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The above-named company or firm is the only provider of the following sole source item (*Note: the item  
must be described without brand names, trademarks or other proprietary designations*):  
\_\_\_\_\_  
\_\_\_\_\_

4. Relative to the item identified above, I hereby represent and certify that:
- a. There is no other like item available for purchase that would serve the same purpose or function;
  - b. There is only one price for the item because of exclusive distribution or marketing rights;
  - c. If the item is protected by a patent, copyright, secret process or monopoly, competition in providing the  
item is precluded by the existence of a patent, copyright, secret process or monopoly;
  - d. The item is not mainframe data-processing equipment or peripheral attachments; and
  - e. No suspension or debarment is in place, which would preclude receiving a federally funded contract.

\_\_\_\_\_  
(Signature)

**SUBSCRIBED AND SWORN** to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Notary Public, State of \_\_\_\_\_)

\_\_\_\_\_  
(Printed Name)

(Seal)

\_\_\_\_\_  
(Date Commission Expires)

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