



Request for Use of the Noncompetitive Method of Procurement and/or Sole Source Justification

What is the noncompetitive method of procurement?

The district must follow the Federal Procurement Standards as set forth in 2 CFR § 200.320 (f) in Uniform Administrative Requirements. Noncompetitive proposals and procurements are only permitted when one (1) or more of the following applies:

1. The aggregate dollar amount does not exceed the micro-purchase threshold of \$10,000.
2. The item is only available from a single source (sole source procurement*).
3. A public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation.
4. The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
5. After solicitation of a number of sources, competition is determined inadequate.

*What does not qualify as sole source?

Items and services that available from more than one source, will disqualify an item or service from being considered sole source. Although a specific brand and model or service may only be available from a single supplier, if there is a comparable brand and model or service available, the item and service may not be considered sole source. Although there might be a preference for a specific brand and model, or service provider, if a like brand and model, or other service provider, can provide the same function and performance as those preferred, it would not be considered sole source, i.e., it is not unique in its ability to provide an adequate solution.

If a manufacturer or provider allows multiple resellers to sell the specific brand and model, or provide the service, the item and/or service would not be considered sole source.

Written Justification Needed for Noncompetitive Method of Procurement

Written documentation and justification will be required for all noncompetitive methods of procurement and sole source procurements, especially those involving the purchase of goods and services using Federal funds.

Requests for the use of noncompetitive methods of procurement and sole source procurements must be approved by the Director of Purchasing & Supply Management and the Director of Federal Programs (Federal funds) or their designees.

The request for sole source approval must be submitted on the Sole Source Justification Request form and attached to the REQ.

Questions? Contact: Kurt Frentzel, SFO, Director of Purchasing & Supply Management, frentzel.kurt@unionps.org, ext. 6177

Form Instructions

1. Complete the attached form and email to Kurt Frentzel at frentzel.kurt@unionps.org.
2. Some research or solicitations for quotes may be required to validate that the purchase meets one or more of the noncompetitive method criteria.
3. Keep all documentation related to your research.
4. Supplier sole source letters must be attached.
5. The person completing the form must sign and date the form before submitting it.
6. If approved, you will receive the form back from the Director of Purchasing. The signed form must be uploaded as a PDF attachment to the REQ.
7. Approval of the procurement is valid only for the REQ referenced on the form.



Request for Use of the Noncompetitive Method of Procurement and/or Sole Source Justification Form

Complete this form and submit it to the Director of Purchasing & Supply Management prior to obtaining a proposal or quote. Attach a copy of the approved sole source justification to the REQ.

Department/School:	Department of Hope-Guidance-Social and Emotional Learning		
Description of project, product or service considered for sole source: Student Success and Survey Software as a Service			
Supplier/Contractor:	Panorama Education	REQ #:	
Funding Source: (Project Code)		Est. Project Amount:	
Timeline for the project/implementation:			
Why is it necessary to purchase the product or service using the noncompetitive procurement process?			
Which of following (one or more) circumstances applies to your request for sole source procurement? (Click on the box to add X.)			
☐ 1. The aggregate annual contract amount will be less than \$10,000 (district-wide). ☐ 2. The item or service is only available from one source (If checked, complete information below.) ☐ 3. A public emergency or exigency exists which will not permit or will delay the use of the competitive solicitation process. (If checked, additional explanation and rationale will be required.) ☐ 4. Competition was determined inadequate after soliciting a number of sources. (Documentation will be required.) ☐ 5. The pass-through agency, e.g., SDE, has waived the Federal procurement requirements in writing for this purchase. (Documentation will be required.)			
If box ☒ # 2. is selected above, please furnish an explanation to a. through d. below. If box 2. is not selected, skip to information pertaining to boxes 1., 3., 4., 5. Below.			
2. a. Describe (below) the uniqueness of the items or services to be purchased from the proposed contractor and vendor, including any compatibility or patent issues.			
2.b. Is the product and/or service linked to, or associated with, previously standardized curriculum or equipment across the district? Describe the curriculum, implementation time, and explain where it is standardized, e.g., the program was implemented in 2021 at all elementary schools.			



2.c. How did you determine the item or service is only available from one source (e.g., through market research, independent research, patented product, copyrighted, proprietary system)? Specify sources and survey results? (A sole source letter will not be sufficient.)

2.d. Is this purchase a continuation of an existing or current project/program that requires the expertise, and/or knowledge of the curriculum, the program and prior history with the contractor/company? Within your explanation describe when the curriculum was implemented, how is it used, where is it used, why can't the district use a different supplier.

If boxes ☒ 1, 3, 4, 5, are selected provide an explanation with supporting documentation.

Sole Source Letter Requirement

Attach a sole source letter from the original author, publisher, manufacturer. The sole source letter from the manufacturer, publisher, or author, holding the product patent, copyright, etc. to the item and service, must: (1) State that the item or service is exclusively and only available for purchase directly from itself or the named exclusive seller on the proposal. The manufacturer cannot sell it directly and sell it through one or more distributors or resellers, i.e., there is only one source. (2) Clearly identify the item(s) and service(s) to which the exclusive sole source claim to apply. (3) Explain how the company owns the exclusive rights to the items and services, (4) explain how the items and/or products are unique and exclusive to the company.

Additional Requirements: ☒ Debarment/SAM.gov compliance form

☒ Termination for convenience clause must be added to the agreement if cost of service is over \$10,000.

Prepared and submitted by:

Department	Name	Signature	Date
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Sole Source Approval by Purchasing & Federal Programs

Purchasing Department ☐ Approved ☐ Rejected

Director's Signature	Date
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Federal Programs ☐ Approved ☐ Rejected

Director's Signature	Date
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Rationale for Acceptance, Rejection, Restrictions or Comments:

Action Needed:

The supplier/contractor's sole source letter must be attached.