

University of Georgia Procurement Office

Guide to Sole Brand & Sole Source

**Use and Application:** This guide is applicable in the following situation: 1) Purchase is \$25,000 or greater, 2) A statewide or agency contract is not being utilized, and 3) the items must be purchased in a manner that restricts competition (sole brand/sole source).

Please Note:

- A Sole Brand/Sole Source form must be filled out by the requesting department, not a vendor.
- If there is a mandatory statewide contract for the goods/services being requested, Procurement may need to submit a waiver to State Purchasing prior to approving a sole brand or sole source to a non-contract vendor.
- This process is not applicable to construction and public works services. These are handled via a separate process.

**Qualifications for a Sole Brand:** In order to be considered a sole brand, only one brand is acceptable but is available from more than one source. Usually, a Sole Brand requires competitive bidding.

**Qualifications for a Sole Source:** In order to be considered a sole source, the vendor from which the goods/services are being requested must be the only source for those goods/services that meet the requesting department's needs. For example: the manufacturer does not have authorized distributors/re-sellers; a vendor is the only authorized provider for the manufacturer; or the distributors/resellers have exclusive rights for customers in a given territory. Sole source justifications may require a public posting (minimum posting period is 5 business days), under which time frame a non-selected vendor may file a protest. Procurement will require end user support and involvement in responding to all protests.

**Helpful Tips in Preparing a Sole Brand/Sole Source Form:**

Exclusive or Unique Capabilities	<ul style="list-style-type: none"><li>• Example 1: Only one supplier can satisfy the technical requirements because of unique technical competence or expertise.  NOTE: The procurement professional must ensure the technical requirements are valid and verifiable.</li><li>• Example 2: Only one supplier possesses patents or exclusive rights to manufacture or to furnish the item or service.</li></ul>
Excessive Cost	<ul style="list-style-type: none"><li>• Example 3: Only one supplier can furnish the services because of the supplier's previous state entity experience and having an alternative source duplicating these capabilities would result in excessive costs to the state entity.  NOTE: Excessive costs must be quantified.</li><li>• Example 4: The item does not satisfy any of the justifications noted above, but the use of any other vendor's goods/services would result in excessive costs to the state entity.  NOTE: Excessive costs must be quantified.</li></ul>

**Checklist for Sole Brand/Sole Source Purchases:**

The table below is a visual tool for the required documents, the division of responsibilities between the requesting departments and Procurement, and the chronological order of the Sole Brand/Sole Source purchasing process:

<b>Department Responsibility</b>	<b>Section 1. When submitting the requisition in UGAmart, please include:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> <b>Sole Brand/Sole Source Form</b> (add hyperlink to form)</li><li><input type="checkbox"/> <b>Vendor Contact Information.</b> The name and email address of the vendor contact so that Procurement Staff can contact them directly.</li><li><input type="checkbox"/> <b>Quote</b> obtained from the preferred vendor and any applicable terms and conditions.</li></ul>
<b>Procurement Responsibility</b>	<b>Section 2. Procurement staff conducts a review of the information provided by the department, coordinates posting, if applicable, and reviews/negotiates Terms and Conditions. Procurement staff may need to obtain the following documents from the vendors, depending on what is being purchased, its dollar value, and the funding source:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> <b>Immigration and Security Form</b> (also known as E-verify Contractor Affidavit)</li><li><input type="checkbox"/> <b>Department of Revenue approval</b> (also known as Tax Compliance Form approval)</li><li><input type="checkbox"/> <b>Federal Debarment Form</b></li><li><input type="checkbox"/> <b>Certificate of Insurance</b></li></ul>