# SOLE SOURCE JUSTIFICATION GUIDANCE

# FOR PERSONAL SERVICE CONTRACTS

A contractor may be designated as the sole source for a personal service contract when that contractor is clearly and justifiably the only practicable source to provide the service. The justification is based on criteria set by state statute

* the unique nature of the service required;
* the contractor’s unique qualifications or expertise to provide the service; or
* the limited availability of service providers in the location where services are required.

Sole source contracts and amendments must be accompanied by documentation justifying the sole source procurement. The justification must present a comprehensive explanation of the circumstances surrounding the sole source decision and be signed by or emailed directly from the author. The documentation is to include the following:

1. **Specific Problem or Need**.
Identify and fully describe the specific problem, requirement, or need which the contract is intended to address and which makes the services necessary.
2. **Other Public Resources**.
Explain what effort has been taken to conclude: (a) that sufficient staffing or expertise is not available within the University to perform the service, and (b) that other qualified public resources are not available to perform the service more efficiently or more cost effectively.
3. **Competition Not Appropriate**.
Explain how the agency concluded that competitive procurement was not appropriate in this instance.
4. **Sole Source Criteria**.
Include a detailed explanation of the items below which are relevant to the sole source decision:
5. Unique nature of the service and/or the unique qualifications, abilities or expertise of the contractor to meet the agency needs. Unique service would be those which are highly specialized or one-of-a-kind. However, other factors which may be considered include past performance, cost-effectiveness (learning curve), and/or follow-up nature of the required services.**.**
6. Include any other special circumstances, which may be relevant such as confidential investigations, copyright restrictions, or time constraints. If time constraints are applicable, identify when the agency was on notice of the need for the services, the entity that imposed the constraints, explain the authority (if not obvious) of that entity to impose them, and provide the timelines within which work must be accomplished. **N/A**
7. Sole availability in the location required. If the proposed contractor is the only source available in the geographical area, state the basis for this conclusion and the rationale for limiting the size of the geographical area selected.
8. If the contract or amendment is being filed based on a cumulative sole source total of contracts awarded to the contractor in a fiscal year, include cost information on the other sole source contracts/amendments awarded during the fiscal year to this contractor. **N/A**
9. **Reasonableness of Costs**.
Since competition was not used as the means for procurement, explain how the agency concluded that the costs, fees, or rates negotiated are fair and reasonable. Either make a comparison with comparable contracts, use the results of a market survey, or employ some other appropriate means calculated to make such a determination.