

Procurement Record (Justification)
for Single Source Single Source and Sole Source Purchases

A "sole source" procurement, as defined by New York State law, is one in which only one vendor can supply the product or service required.

A "single source" purchase, as defined by New York State law, is one in which although two or more vendors/resellers can supply a required product or service, there are material and substantial reasons to prefer one vendor over the others. Such reasons include the need to upgrade current equipment or to obtain software from the original manufacturer or to select a consultant for a particular expertise.

It is the Purchasing Department's responsibility to review and approve of all sole source and single source purchases and to ensure that the procurement record includes "material and substantial reasons" for the single source or sole source purchase.

The procurement record for all sole source and single source purchases must:

1. state clearly the specific elements that differentiate the selected vendor/product in a way that the College requires and in what way no other vendor/product can provide;
2. identify the other vendors/products considered;
3. describe (if single source procurement) how the vendor was selected from the pool of vendors who also provide the product/service;
4. the specific reasons for selecting this vendor instead of the others -- describe how the product/service uniquely meets the College's needs and how selecting this vendor is in the best interests of the College; and
5. the basis upon which the College determined that the vendor's price is reasonable (as required for all purchases).

Please note that all purchases made using a single source/sole source procurement method are subject to greater scrutiny, by the State and by the public, since this procurement method is one that could be used to circumvent other procurement methods that can appear to be more open, fair, and transparent. The "justification" for purchases made using the single source/sole source procurement method must be beyond reproach and send a clear message to all prospective vendors that the College has an open and transparent process that allows all who show interest the opportunity to investigate and participate in procurement opportunities.

The following are some questions that can be helpful to ascertain whether a (software) product could be considered for a sole source or single source procurement:

1. Does the manufacturer publish the names of partners or resellers on their website?
2. Is the manufacturer a subsidiary of another company? Can that other company sell the product/service?
3. Is there a state contract or other government contract available for the purchase of the product/service? If so, does that contract list the names of value added resellers?

4. Is the product, in the form(at) requested, available for purchase from more than one vendor, but access to the product is more convenient from one source over another?
5. Is the product, in the form(at) requested, available for purchase from more than one vendor, but the product is more convenient for purchase from one vendor over another because it is bundled with that particular vendor's product for use with that particular vendor's product?
6. Is the period of time necessary to complete a project already in progress with a particular vendor shorter than the time it will take to complete a procurement?
7. Can it be determined if the product/service is available for sale from multiple vendors from an internet search?