

## Sole Source Purchases

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*In accordance with Louisiana Procurement Code R.S. 39:1597*

Purchase Order is issued to Vendor.

### Overview

Sole source procurement is permitted without competition when, under applicable regulations, the Director of Purchasing or their designee (above the level of procurement officer) determines **in writing** that there is only **one source** for the required supply, service, or major repair item.

### Required Form:

Sole Source Proprietary Form must be completed and submitted with appropriate justification.

### Conditions for Use of Sole Source Procurement

1. **Justification by Budget Unit Head**

Any request from a Budget Unit Head to restrict procurement to a single vendor must be accompanied by a written explanation detailing **why no other source is suitable or acceptable** to meet the need.

2. **Single Source Requirement**

Sole source procurement is permissible **only** if the requirement is truly available from a **single supplier**.

*Note:* A proprietary item alone does **not** justify sole source procurement if more than one potential vendor or manufacturer exists.

### Examples of Acceptable Sole Source Circumstances

- **Compatibility Requirements**

When compatibility with existing equipment, accessories, or replacement parts is the **paramount consideration**.

- **Trial Use or Testing**

When an item from a sole supplier is required for **trial use** or **product testing**.

- **Resale Purposes**

When the procurement is for items intended for **resale**.

- **Public Utility Services**

When purchasing **public utility services** that are available from only one provider.

**NORTHWESTERN STATE UNIVERSITY**  
**SOLE SOURCE/PROPRIETARY PURCHASE**

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Requisition No.: \_\_\_\_\_ Department: \_\_\_\_\_

Indicate if sole source or proprietary:    Sole Source ☐    Proprietary ☐

Sole Source/Proprietary Product or Service: \_\_\_\_\_

Vendor name, address, email address, and telephone Number: \_\_\_\_\_

Sole source and proprietary purchases are allowed by the Louisiana Procurement Code (La. R.S. 39:1551 *et seq.*) when certain conditions exist. This form may be used to justify sole source or proprietary purchases for unique products, services or conditions or you may write a letter that addresses each point. This will become a part of the permanent record for this purchase.

A **sole source** justification represents a request from the end user for the Office of State Procurement to waive the bid process in accordance with La. R.S. 39:1597 and L.A.C. 34:I.901-907. For the purpose of this form, the particular item or service is available from only one supplier (usually the manufacturer) and is unique in that no other will be suitable or acceptable to meet the need.

A **proprietary** specification justification represents a request from the end user to limit the specification to describe a product proprietary to one supplier in accordance with La. R.S. 39:1655 and meets the definition and use described in L.A.C. 34:I.309. A proprietary purchase is similar to a sole source when no other product or service is suitable or acceptable to meet the need, but there is more than one potential bidder because the manufacturer has chosen to sell their product through multiple distributors. A proprietary purchase is considered competitive and the solicitation shall include language indicating the purchase has been approved as proprietary and not invite bids for equal products.

**1. Explain specification requirements and how or why ONLY the designated product/service meets the need. Cite the qualities/features that make this product or service unique in meeting the need.**

**2. Specifically name, by manufacturer and model or service provider, other products or services investigated (if fewer than two, explain).**

**3. State specifically why and how other products investigated are deficient in meeting the need.**

**4. Sole Source** - Obtain signed letterhead quotation and declaration of sole source from corporate marketing (not sales representative) stating product or service is not sold through distributors, attach a notarized or published price list or retail price verification for the item(s), and submit all documents to the NSU Purchasing Office.

**OR**

**Proprietary** – Submit this justification form with the Requisition to the NSU Purchasing Office.

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\_\_\_\_\_  
Signature and Title of Requisitioner

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Purchasing Approval signature (if required)