

Sole Source Procurements ^[1]

CU has two types of Sole Source procurements, those that are **excluded** from Procurement Rule under the definition of a Standard Sole Source category and those procurements where there is **only one supplier** who can provide the Good or Service needed by CU ([see Procurement Rule Section IV](#) ^[2]).

For Standard Sole Source procurements, the Procurement Department has determined that it is in the best interest of the University to not bid certain routine purchases. If the purchase is for a category on the Standard Sole Source list, then you do not need to complete the Sole Source form online. If your purchase qualifies as a standard sole source, a sole source form in Marketplace is not required.

A regular sole source is a purchase that, to the best of the requestor's knowledge, can only be provided by one supplier. Similar types of goods and services may exist from other suppliers that may not be considered acceptable to CU. These reasons may include, but are not limited to expertise, standardization, quality, compatibility with existing equipment, specifications, and/or availability.

Standard Sole Source Categories:

1. The order of reprints or page charges when the supplier holds the copyright for the material.
2. Entertainment services
3. Official Functions to include travel services, conferences services, and catering
4. Advertising or ad placement services
5. Maps that are published by the supplier.
6. Guest lecturer services
7. Films or videotapes for resale that are to be shown to the general public.
8. Films or videotapes from the movie house that is the only distributor of the film or videotape.
9. Books
10. Slides
11. Mailing lists
12. Preceptor services
13. Medical services
14. Leasing real property
15. Payments to entities as the result of an award from a department or other entity, usually to conduct research.
16. Chemicals, biochemicals, radioactive materials, enzymes, typing trays, etc.
17. Journal, magazine or other subscriptions, including the publication of faculty and staff work in a journal or magazine.
18. Category no longer applicable, numbering preserved.
19. Software maintenance, this includes the right to enhancements and upgrades to the

software being maintained.

20. Equipment maintenance where the supplier requires the equipment to be maintained by the manufacturer.
21. Laboratory animals
22. Educational study abroad programs
23. Spaceflight parts
24. Continuing medical education programs
25. Legal services
26. Art pieces
27. Research-based equipment from auction.

Determining if a single or sole source situation exists

The following list of criteria may be used in determining if a single or sole source situation exists:

1. Only one manufacturer makes the item meeting salient specifications; that manufacturer only sells direct/exclusively through one regional/national representative;
2. Item required must be identical to equipment already in use by the end user, to ensure compatibility of equipment, and that item is only available from one source; same reasoning applied in the continuation of research situation.
3. Collaborative project- Supplier is named by the funding source, inter-agency agreement or clinical trials where the identical equipment is required for compatibility and continuity of research.
4. Maintenance or repair calls by the original equipment manufacturer (OEM) are required for a piece of equipment, and the manufacturer does not have multiple agents to perform these services.
5. Replacement or spare parts are required from the OEM, and the OEM does not have distributors for those parts.
6. Patented items or copyrighted materials, which are only available from the patent or copyright holder.
7. A medical/surgical decision by a medical/dental professional, where a specific brand is required for patient care, and the manufacturer has no multiple distributors for the product.
8. Unique expertise, background in recognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination, or talent. Consultant has advanced or specialized knowledge, or expertise gained over an extensive period of time in a specialized field of experience.

Note: An item being a “sole brand” or a “sole manufacturer” does not automatically qualify to be a “sole source”. Many manufacturers sell their products through distributors. Therefore, even if a purchase is identified as a valid “sole brand” or “sole manufacturer”, the requester should verify whether the manufacturer has multiple distributors. If the manufacturer does have multiple distributors, competition should be sought among the distributors.

If your purchase qualifies as a standard sole source, a sole source form in Marketplace **is not** required. However, if you believe you have a sole source procurement that does not fit into a Standard Sole Source category above, you must complete the Sole Source form in Marketplace. Instructions for completing this form can be found below:

CU Marketplace: Using the Sole Source Procurement Form ^[3]

Source URL:<https://www.cu.edu/psc/procurement/sole-source-procurements>

Links

[1] <https://www.cu.edu/psc/procurement/sole-source-procurements>

[2] <https://www.cu.edu/psc/policies/procurement-rules> [3] <https://pschelp.cu.edu/s/article/CU-Marketplace-Using-the-Sole-Source-Procurement-Form>