



HARRISBURG SCHOOL DISTRICT

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BUSINESS SERVICES

NON-COMPETITIVE METHOD (SOLE SOURCE) JUSTIFICATION FORM

In accordance with the OMB Uniform Guidance (UG), competitive methods of procurement are the preferred method for all procurement transactions. Under the UG, non-Federal entities must comply with the more restrictive of Federal, state, and entity-level requirements. While competitive methods of procurement are preferred, the UG allows for exceptions to when competitive methods of procurement are required. One exception to the requirement for following competitive methods of procurement is when the requirements for sole source procurement have been met. This form must be used by HSD Administrators as justification for a purchase from a single or sole source without open competition when the purchase is in excess of \$10,000 (or current small purchase threshold as published in the Federal Register).

The Non-Competitive Method (Sole Source) of procurement is to be used only as an exception when attempts to pursue competitive purchasing practices have failed **or** when it is determined there are circumstances where the sole source is appropriate, i.e., an item is only available from a single source, provision of FAPE, bundled services, etc. Suitability of sole source procurement must be examined on a case-by-case basis and ensure that the cost of the Sole Source are documented to be reasonable. The HSD Business Office will provide a final review of all Non-Competitive Procurement for appropriateness.

STEP 1: IDENTIFY WHY THE SOLE SOURCE METHOD IS JUSTIFIED.

(Please review the four reasons below and mark all that apply.)

REASON 1. The item is available only from a single source (check all that apply):

Exclusive Rights

Item or service under patent, copyright, or exclusive territory held by a single vendor.

Provision of Free Appropriate Public Education (FAPE)

Service provides the expertise, skills, environment, and or location required to ensure the delivery of FAPE.

Proximity of Service Site

Service is provided at a site that is a reasonable distance to commute or transport and is not available from any other provider in the region.

Consortia/Shared Services Approach

Services are provided through a consortium/shared services approach with the objective of participating in a cooperative effort and/or a pooling of resources to provide/secure services that meet the need and where the actual cost of services are shared/allocated across members/participants. *(CFR §200.318 (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.)*

Bundled Services

Service is appropriate or necessary to bundle and only one vendor is capable of providing all requested services. (Refer to "Updated PDE Guidance Concerning Use of Intergovernmental Agreements in Procurements Involving Federal Funds, Effective July 1, 2017" memo emailed on March 31, 2017.)

Exclusive Design

Item or service possesses a unique feature or capability critical in the use of the item or service and is not available from any other sources.

Unique Expertise

Individual or firm possesses necessary and/or provides necessary unique knowledge and expertise based on education, training, research and/or a published body of knowledge, i.e., the individual or firm is of national prominence and/or a thought leader in the particular subject area.

Exclusive Intellectual Property

Individual or firm possesses copyright, trademark, patent, design rights and/or provides unique capabilities or body of knowledge critical to the provision of the services required.

Replacement Equipment

The purchase is for equipment associated with the use of existing equipment where compatibility is essential for integrity of results.

Replacement Accessories

The purchase is for accessories sought for enhancement of existing equipment where compatibility with equipment from the original manufacturer is paramount.

Technical Service

The purchase is for technical services associated with the assembly, installation or servicing of equipment of a highly technical or specialized nature.

Continuation of Prior Work

Additional item, service or work required, but not known to have been needed when the original order was placed and is not feasible or practical to contract separately for the additional need.

Delivery Date

Only one supplier can meet the necessary delivery requirements; or

REASON 2. The public agency exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. An emergency exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes; or

REASON 3. The awarding agency or pass through entity expressly authorizes proposals in response to a written request from Harrisburg School District; or

REASON 4. After solicitation of a number of sources, HSD determines the competition is inadequate. Please document all sources contacted.

STEP 2: COMPLETE THE FOLLOWING INFORMATION CONCERNING THE PURCHASE.

1. Vendor Name:

2. Vendor Contact Name:

3. Vendor Contact Email:

4. Vendor Address:

5. Goods or services to be purchased:

6. Are there any other providers of these goods or services? (Please provide information regarding contractor selection/rejection)

7. State in definitive terms why this source is the only one who can provide the goods or services (rationale for the method of procurement):

8. Is the price determined to be reasonable?

9. If the price is determined to be reasonable, why is the price reasonable?

10. What is the basis for the contract price?

11. Additional information about the situation that is applicable to the rationale for this purchase method:

STEP 3: REQUEST A SOLE SOURCE LETTER (IF APPLICABLE) FROM THE VENDOR.

STEP 4: ATTACH THE HSD SOLE SOURCE JUSTIFICATION FORM, VENDOR PROPOSAL, AND VENDOR SOLE SOURCE LETTER (IF APPLICABLE) TO THE PURCHASE TRANSACTION OR CONTRACT.

STEP 5: SUBMIT COMPLETED FORM TO THE HSD BUSINESS OFFICE ALONG WITH TRANSACTION.

By signing this form, the Program Administrator initiating the transaction provides assurance that the form is complete and accurate and there are no known conflicts of interest as outlined in HSD Board Policy.

Prepared by:

Name: _____ **Date:** _____

Title: _____

Approver:

Name: _____ **Date:** _____

Title: _____