

Department of Contracts & Procurement

DEPARTMENTAL CERTIFICATIONS AND APPROVALS

I am aware of State of California and CSU requirements for competitive bidding and the necessity for providing justification for limiting or eliminating opportunities for vendors who would like to do business with the State. I certify that the required technical information has been gathered and that a concentrated effort was made to review all comparable products and sources for this purchase/service as documented. I hereby certify the validity of the information contained herein and feel confident the justification meets the State's criteria and will withstand a vendor protest or audits by the State Auditor General or other agencies.

Requestor: _____
SIGNATURE PRINT NAME DATE EXT.

Dean/Chair/Administrator: _____
SIGNATURE PRINT NAME DATE EXT.

Department Name: _____

PROCUREMENT & OTHER CAMPUS APPROVALS

Contracts & Procurement Approval: _____
(required on all) SIGNATURE PRINT NAME DATE

VP for Administration and Finance Approval: _____
(required \$100K & over) SIGNATURE PRINT NAME DATE

Chancellor's Office Approval: _____
(required \$250K & over) SIGNATURE PRINT NAME DATE



Department of Contracts & Procurement

The drafting or application of specifications or solicitation requirements for goods or services that are unnecessarily restrictive in such a manner as to limit, directly or indirectly, competition to a single brand or single source does not provide for full and open competition, regardless of the number of sources solicited, and is prohibited. A “brand name or equal” is a competitive process that allows bidders to propose equivalent items.

This form must be completed when a request is made for a non-competitive purchase and the specifications limit the bidding to one source and/or one brand or trade name, the ordering department must include a written justification containing the following information:

- a. The unique performance factors of the product specified.
- b. Why these factors are required.
- c. What other products have been evaluated, rejected, and why (Attach market survey: list of vendors contacted including their names, addresses and phone numbers, and price quotes, a minimum of three vendors must be contacted; reference: Government Code 14781, 14807 and PCC 10301.)

If the justification submitted is not sufficient, the requisition will be returned to the ordering department requesting additional information. Submission of this justification form does not indicate automatic approval. It is not approved until all appropriate signatures are obtained.

You should be aware that in the event of a protest, the individuals signing the certification on the justification form may be required to provide further proof of the validity of the justification.

DEFINITIONS

SOLE SOURCE: Item is available from only one vendor. Item is one-of-a-kind and is not sold through distributors. Manufacturer is the sole distributor.

SOLE BRAND: Various vendors can supply the specified model and brand, and competitive bids will be solicited for the request brand only.

CRITERIA

- a. There is only one known source that provides service or only one manufacturer who makes the item meeting salient specifications; that manufacturer sells direct/exclusively through one regional/national representative only;
- b. As a result, the item required must be identical to the equipment already in use by the end user, to ensure compatibility of the equipment, and that item must be obtained from a single source; the same principle applies to the continuation of research.
- c. Collaborative project - The supplier is designated by the funding source, inter-agency agreement, or clinical trials where identical equipment is required for research compatibility and continuity.
- d. A patent or copyrighted item that can only be obtained from the patent or copyright holder.
- e. It is a medical decision by a medical professional, when a particular brand is needed for patient care, and the manufacturer does not have multiple distributors.
- f. Having expertise, experience, or training in a recognized field of endeavor, whose outcome may primarily depend on the individual's imagination, ingenuity, or talent. An expert consultant has advanced or specialized knowledge or expertise accumulated over a substantial period of time in a specialized field of expertise.

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.