

**[INSTRUCTIONS FOR COMPLETING THIS FORM ARE IN RED AND BRACKETS. PLEASE COMPLETE EVERY FIELD AND DELETE ALL INSTRUCTIONS INCLUDING THE BRACKETS. This form is to be used for institutions to provide justification of purchases (over $50,000) from only one supplier because of its uniqueness. NOTE: Institution MUST still advertise for public notice for 2 weeks]**

# SINGLE SOURCE EXCEPTION TO BOARD POLICY

THIS AGREEMENT is between the State of Minnesota, acting through its **Board of Trustees of the Minnesota State Colleges and Universities**, on behalf of [Insert Name of College/University/System Office and Division Name] and [Insert Vendor's Full Name and address].

## Requester Information

|  |  |  |
| --- | --- | --- |
| Name of College/University: | Contact Name: | Job Title |
| Division/Department: | Email: | Phone: |

## Proposed Contract Vendor Information

|  |  |  |
| --- | --- | --- |
| Company Name | Contact Name: | Job Title |
| Address: | Email: | Phone: |

## Request Information

Please attach required documents, such as solicitation, supplier quote, proposal or professional service contract.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Request Date: | Request Delivery Date: | Quoted Price | | Requisition # | |
| Describe Attachments |  | | | | |
| New Request: | One Time Purchase  Blanket Order/Time Period | | | | |
| Amending Existing Request  [Complete this section each time you are amending an existing single source PO bringing the total amount over $50,000] | PO # | | Current PO Amount: | | |
| Change Order/Amendment # | | Amounted Added | | Total Amount: |

**BASIS FOR REQUEST FOR EXCEPTION TO PURCHASING POLICY:** Please indicate below the justification for this request for Single Source by completing Part A, B, and/or C.

**[NOTE: The following are unlikely to be sufficient single source justifications**: personal preference for a product or vendor, perception that the vendor is the best qualified (this should be determined through a competitive process), lack of planning resulting in limited time to conduct a competitive procurement, past or existing relationship with a vendor, special incentive or deal offered (can be assessed in open and competitive solicitation), and/or convenience.]

## Part A. Justification Exceptions to Bidding

Describe in ‘Justification for Single Source’ section below. [If using this option, skip Part C. Part D is required for all exception requests.]

|  |  |  |
| --- | --- | --- |
| **No.** | **Justification** | **Description** |
| 1 | Equipment that requires brand compatibility with existing equipment or supplies and is available only from manufacturer or sole authorized distributor. |  |
| 2 | GRANTS. Funding source or granting agency specified a single supplier (attach documentation) |  |
| 3 | Bookstore resale services (up to $500,000 – per Procedure 5.14.5, Part 4, Subp. D(3)) |  |
| 4 | Food service resale services (up to $500,000 – per Procedure 5.14.5, Part 4, Subp. D(3)) |  |
| 5 | Service available only from another governmental agency or public entity or (2) required by law to be provided by another governmental entity (Inter- or Intra-Agency) |  |
| 6 | Service/maintenance agreements with the original manufacturer/developer for equipment and software. If beyond 5 years, go to Part A. 12. |  |
| 7 | Software license renewals and software upgrades available only from developer. This includes adding licenses to an existing license agreement. If beyond 5 years, go to Part A. 12. |  |
| 8 | Legislation or appropriation mandates use of contract vendor (legislation attached) |  |
| 9 | Warranty voided if service provided by other contract vendor |  |
| 10 | Entertainers, lecturers, speakers and honoraria |  |
| 11 | Annual utility services where no competition exists or where rates are fixed by law or ordinance (up to $500,000 – per Procedure 5.14.5, Part 4, Subpart D(3)) |  |
| 12 | Other: **Must complete Justification for Single Source, Part C, and Part D** |  |

## Part B. Emergency Justifiable Exceptions to Bidding.

Describe in ‘Justification for Single Source’ section below. [if using this option, skip Part C. Part D are required for all exception requests.]

|  |  |  |
| --- | --- | --- |
| **No.** | **Justification** | **Description** |
| **1** | A threat to health, welfare, safety. |  |
| **2** | A significant loss to the College/University. |  |
| **3** | A failure to provide core services to College/University students/faculty/staff. |  |
| **4** | Emergency equipment repairs and parts or emergency facility repairs and parts under $100,000. (**Note:** The emergency/urgency cannot be caused by department's own lack of planning.) |  |
| **JUSTIFICATION FOR SINGLE SOURCE:** THIS PROCUREMENT IS A SINGLE SOURCE BECAUSE (attach additional page if needed): | | |

## Part C. SEARCH [required only for Part A. #12]

Minnesota Statute § 16C.02 subdivision 18 states: "Single source" means an acquisition where, **after a search,** only one supplier is determined to be reasonably available for the required product, service, or construction item.

|  |  |
| --- | --- |
| A search was conducted consisting of: (check all that apply):  Internet search  Market research / other vendors contacted  Publishing a two-week notice (example on p.5)  Other: | **RESULTS**  AFTER THE SEARCH…  no alternatives were identified  no alternatives were deemed acceptable because (explain below): |
| **Describe the search in detail:** | |

## Part D. PRICE [required for all exception requests]

Minnesota Statute § 16C.10 subdivision 1 states: The solicitation process described in this chapter is not required when there is clearly and legitimately only a single source for the goods and services and [college/university/system office] has determined that the price has been fairly and reasonably established.

|  |  |
| --- | --- |
| **Price has been fairly and reasonably established by:**  Comparison to previous comparable purchase  Independent estimate  Market survey | Comparison to public sector contract pricing  Discount off published catalog pricing  Other, explain: |
| **Describe methodology and results (attach any written supporting data, e.g., survey or market analysis):** | |

The rest of this page intentionally left blank. Signature page to follow.

[WHEN FINALIZING DOCUMENT, FORMAT DOCUMENT SO THE ENTIRE SIGNATURE PAGE REMAINS ON THE LAST PAGE]

# CERTIFICATION FROM REQUESTER

The undersigned states that he/she has prepared the above documentation and that the facts and data set forth are complete and accurate to the best of the undersigned's knowledge and belief.

CONFLICT OF INTEREST: The Requester certifies that to Requester's knowledge, no elected or appointed official or employee of Minnesota State has benefited or will benefit financially or materially from this award.

|  |  |
| --- | --- |
| **Person Requesting the Single Source Status (signature required)**. By signing this document, I certify that the statements in the Certification section above are true. | |
| **Signature:** | Date |
| Printed Name | Phone No. |
| Title | E-mail |

|  |  |
| --- | --- |
| **College/University/System Office Delegated Approval Authority.** By signing this document, I certify that the statements in the Certification section above are true. | |
| **Signature:** | Date |
| Printed Name | Phone No. |
| Title | E-mail |

|  |
| --- |
| **Approved**:  A one-time special delegation to process this Single Source acquisition. Any terms and conditions proposed by vendor must be reviewed by Minnesota State Office of General Counsel and/or State of MN Attorney General’s Office. |
| **Not Approved**:  **Reason:** |

|  |  |
| --- | --- |
| **College/University/System Office CFO or Delegate (signature required)** | |
| **Signature:** | Date |
| Printed Name | Phone No. |
| Title | E-mail |



**EXAMPLE OF A PUBLIC NOTICE (TWO WEEKS)**

# PUBLIC NOTICE

**PURCHASING AGENCY:** Minnesota State Institution

**TITLE:** Name of Project

**REFERENCE #:** RCIDNameofprojectYear

**RESPONSE TO THIS SOLICITATION IS DUE NO LATER THAN** 6/15/2021 **AT** 2:00 p.m. Central Time

**SHIP TO INFORMATION:**

Minnesota State Institution

123 Anywhere St.

Somewhere, MN 55155

Email Address

**TO RECEIVE A PRINTED COPY OF THE SOLICITATION, call:** Happy Buyer at xxx.xxx.xxxx or contact at happy.buyer@minnstate.edu, **Attn:** Happy Buyer.

**NOTES:** This is a single source posting notification; there are no solicitation documents. [Insert Name of College/University/System Office and Division Name] intends to enter into 12-month maintenance and support agreement with Company Name. Company Name provides the first level of support for the Software Solution 1 which includes three main components/products; Z Software, X Software and the W Client Manager with Software Solution 1 Reports. The integration of the software products into a cohesive set of applications has been designed specifically for the [Insert Name of College/University/System Office and Division Name]. For this reason, this renewal has been deemed a single source due to inability to receive the mandatory support from a 3rd party vendor. If anyone has any concerns regarding this single source opportunity you must contact Happy Buyer via e-mail to happy.buyer@minnstate.edu before 06/15/21 AT 2:00 p.m. Central Time. Note: All correspondence must include reference number.

**Date This Solicitation Was Posted:** 6/1/2021 10:36:46 a.m. Central Time