

City of Everett Purchasing Policy Excerpt (February, 2002)

SECTION 6.0 SOLE SOURCE OR PROPRIETARY PROCUREMENTS

Occasions may arise when competition among potential vendors is not possible for a particular procurement. These situations may occur: (a) when there is clearly and legitimately only one source capable of supplying the subject matter in a timely fashion; (b) when there are special facilities or market conditions that result in only one source, (c) in the event of [emergencies](#); and (d) when there is only one source capable of supplying the subject matter in a timely fashion such that seeking competitive prices would be impractical.

Purchases may be made directly from a sole source vendor without soliciting other bids or quotes.

In the event the material, equipment, supplies, or services are available from only one supplier, written documentation demonstrating the appropriateness of sole source procurement should be submitted to and approved by the purchasing manager. When the total expected cost exceeds fifty thousand (\$50,000), the city attorney will also approve sole source justifications. Except in the event of an [emergency](#), the contract and the basis for the exception from competitive procurement must be recorded and open to public inspection immediately after its award.

When the purchase exceeds seventy five thousand (\$75,000), the City Council may determine by resolution that there is only one source and authorize the purchasing manager to conduct negotiations as appropriate as to price, delivery, and terms. The resolution will recite the factual basis for the exception from competitive procurement. Such justification is subject to the approval of the Mayor/designee and the city attorney.



REQUEST FOR SOLE SOURCE

To: Purchasing Office

From: _____ / _____
Name of Department Head Dept./Division

Subject: Sole Source Request for the Purchase Of: _____

REQUESTED SUPPLIER: _____

REQUISITION NUMBER: _____ COST ESTIMATE: _____

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

STATEMENT OF NEED:

My department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justification as prepared by our department, to the attached review of available products/services and to my completed Purchase Requisition.

Requestor	Department Head
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected
_____ / _____ Signature of Requestor Date	_____ / _____ Signature of Dept. Head Date

If Purchase is \$10,000 or more:

If Purchase is \$50,000 or more:

Purchasing Manager	City Attorney
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected
_____ / _____ Signature of Purchasing Manager Date	_____ / _____ Signature of City Attorney Date

SOLE SOURCE JUSTIFICATION

Requisition Item: _____

Requisition Number: _____

Prior Purchase Order Number (if item had been approved previously): _____

1. Please describe the item and its function:

2. This is a sole source* because:

- sole provider of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)

3. What necessary features does this vendor provide which are not available from other vendors? Please be specific.

4. What steps were taken to verify that these features are not available elsewhere?

- Other brands/manufacturers were examined (please list phone numbers and names, and explain why these were not suitable)

- Other vendors were contacted (please list phone numbers and names, and explain why these were not suitable).

*Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.

**Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.



City of Seattle

SOLE SOURCE JUSTIFICATION

PURCHASING SERVICES

Attach to your Requisition or Vendor Contract Request and send to: SMT-41-12

Call 206-684-0444 for assistance

Your Name:	Your Department:
Your Phone:	Your Mail Stop:
Requested Vendor:	Cost Estimate:
Vendor's Address:	Vendor E-Mail:
Vendor Contact Name:	Vendor Phone:

1. Describe the product, service or system. Attach all information:

2. Here are eligible reasons for sole source. Check all boxes below that apply to your sole source situation and attach any useful documents to justify the sole source.

- Compatibility to existing City standard or to existing equipment, inventory, systems, data, programs or service.** Describe. List efforts to find other sources.
- Licensed or patented product with only one dealer.** Describe. Attach documentation if available, to confirm your source is the only dealer or supplier for this region.
- Authorized Service Provider, Repair and/or Warranty Services.** Describe.
- Unique design:** Requires unique features that are essential, aesthetic requirements, or not practical to match to existing design or equipment. Describe.
- Used item:** Surplus item bought through an auction, used or at a bargain price. Describe.
- Delivery Date:** Only one supplier can meet required delivery date: Describe and list efforts to find other suppliers to meet the delivery date.
- Project or Research Continuity:** Product, systems, services or data must comply with an ongoing project, research, data, testing or analysis. Results would be interrupted or compromised without continuity. Describe
- Requirement by Funding Source:** Lender, grantor (such as Federal government) or other provider of funds requires the specific product, service or system.
- Legal Monopoly:** Only one supplier, such as electricity, water, or sewage.
- Other:** Please describe:

Signature of Requestor: _____

Date: _____

Poulsbo, Washington Resolution No. 94-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DECLARING THAT THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE KITSAP COUNTY FIRE CHIEF'S ASSOCIATION CREATES A SITUATION IN WHICH THE PURCHASE OF SUCH EQUIPMENT IS CLEARLY AND LEGITIMATELY LIMITED TO A SOLE SOURCE SUPPLIER WITHIN THE NEAR VICINITY, THAT THE EQUIPMENT IS SUBJECT TO SPECIAL MARKET CONDITIONS AND AUTHORIZING A SOLE SOURCE BID OR DIRECT NEGOTIATION WITH THE SUPPLIER OF THE STANDARDIZED EQUIPMENT.

WHEREAS, the Kitsap County Fire Chief's Association adopted Policy No. 94-1 regarding self contained breathing apparatus standardization establishing by its Appendix B and C a Countywide standard for the equipment described in the agreement as a mask mounted regulator (MMR) manufactured by a company described therein as MSA, and

WHEREAS, the City Council finds that there are only two manufactures of self contained breathing apparatuses (SCBA) supplying the Kitsap County market of fire departments, and WHEREAS, in the past the City has utilized a CCBA product manufactured by Survivair, and WHEREAS, standardization of breathing equipment is in the public interest by simplifying the training of firefighters, allowing the Kitsap County fire agencies to function more efficiently during mutual aid conditions, permitting the ordering of breathing apparatus and replacement parts in larger volume through an interlocal agreement or similar joint purchasing agreement and in the event of a future merger of the Poulsbo Fire Department with another fire agency, providing for a more cost effective method of utilization of existing equipment as well as its repair, and

WHEREAS, the City Council further finds that the MSA - MMR breathing apparatus has been the subject of "extensive study of all breathing apparatus including usability, cost, maintenance, and operations" by the Kitsap County Operations Chief, now, therefore, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Pursuant to the authorization provided by RCW 35.23.352(9) and based upon the preceding findings of fact indicating that the purchase of the MSA - MMR self contained breathing apparatus is clearly and legitimately limited to a sole source supply and that the purchase of the equipment is subject to special market conditions, the City Council of the City of Poulsbo hereby authorizes a sole source bid or direct negotiation in order to purchase MSA - MMR self contained breathing apparatus in order to replace existing apparatus of the department at such times and on such basis as the department deems appropriate until such time as the existing situation limiting purchasers to a sole source expires.

Section 2. The City's Fire Chief and Purchasing Agent are encouraged to work with the other fire agencies of Kitsap County in order to establish an interlocal agreement for the purchase of such equipment in quantity in conjunction with the other agencies. This authorization and direction shall extend to service contracts and/or repair parts as appropriate.

RESOLVED this 14th day of December 1994

APPROVED: MAYOR, RICHARD MITCHUSSON

ATTEST/AUTHENTICATED: CITY CLERK, KAROL JONES

RESOLUTION NO. 02-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT TOWNSEND,
WASHINGTON DECLARING HUGHES SUPPLY, INC. AS THE SOLE SUPPLIER OF
HYDRANTS, METERS AND REPLACEMENT PARTS FOR THE CITY WATER
SYSTEM**

WHEREAS, State law and the City's own purchasing ordinance requires purchases of materials and supplies over \$15,000 a year to be competitively bid; and

WHEREAS, the City must purchase hydrants and meters for its water system at a cost over the \$15,000 limit: and

WHEREAS, the City has found using one manufacturer for its hydrants and water meters has been more reliable and efficient; and

WHEREAS, there is only one distributor for these fire hydrants and water meters; and

WHEREAS, a competitive bidding process would likely only produce one bid; and

WHEREAS, RCW 35.23.352(9) authorizes sole source purchasing without calling for bids; and

WHEREAS, The statute requires a resolution by Council declaring an exemption from bidding under the sole source provision,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Townsend as follows: to declare Hughes Supply, Inc. the sole source for water meters fire hydrants and replacement parts for the city's public works department.

ADOPTED by the City Council of the City of Port Townsend at a regular meeting thereof, held this 4th day of February, 2002.

Kees Kolff, Mayor

Attest:

Approved as to form:

Pamela Kolacy, CMC
City Clerk

John Watts
City Attorney