

**Sec. 4a-52-15. Sole source procurement**

(a) Sole source procurement is not permissible unless a requirement is available from only a single supplier. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror for that item. The following are examples of circumstances which could necessitate sole source procurement:

- (1) where the compatibility of equipment, accessories, or replacement parts is the paramount consideration;
- (2) where a sole supplier's item is needed for trial use or testing;
- (3) where a sole supplier's item is to be produced for resale;
- (4) where public utility services are to be procured.

The determination as to whether a procurement shall be made as a sole source shall be made by the Commissioner.

Such determination and the basis therefor shall be in writing. The Commissioner may specify the application and the duration of its effectiveness. In cases of reasonable doubt, competition should be solicited. Any request by a purchasing agency that a procurement be restricted to one potential contractor shall be accompanied by an explanation as to why no other will be suitable or acceptable to meet the need.

(b) The Commissioner shall conduct negotiations, as appropriate, as to price, delivery, and terms, in regard to sole source procurements.

(c) A record of sole source procurements shall be maintained that lists:

- (1) each contractor's name;
- (2) the amount and type of each contract;
- (3) the supplies, materials, equipment or contractual services procured under each contract; and, inspection only after the award of the contract.
- (4) the identification number of each contract file.

(Effective September 1, 1992)