

TITLE: <b>POLICY AND PROCEDURES FOR SOLE SOURCE PROCUREMENTS EXCEEDING \$25,000</b>		PROCEDURE NO: 02-010
		SUBMITTED BY: Judy S. Carter Director of Purchasing
		APPROVED BY: Carlos A. Gimenez City Manager
EFFECTIVE DATE: OCTOBER, 2002	SUPERCEDES NO:	PAGE NO: PAGE 1 OF 4

**PURPOSE:** To establish policy and procedures for the acquisition of goods and services on a sole source basis.

**SCOPE:** The scope of this policy shall be limited only to the purchase of goods, equipment and services exceeding \$25,000 in accordance with City Code Section 18-92.

**AUTHORITY:** The Chief Procurement Officer has been delegated the authority to make a written determination that an award shall be made on a sole source basis. Such determination shall be made in writing and provide complete justification as to why no other sources of goods or services could be obtained to meet city's requirements. Such a determination shall require approval by the City Manager and ratification by the City Commission. Sole Source purchases for goods/equipment/service require approval by the Chief Procurement Officer prior to issuance a Purchase Order.

**POLICY:**

1. Conditions for Use  
As it is not practical for the City to use competitive bidding methods to secure goods or service if there is only one reasonable source of supply, sole source awards may be made as an exception to other methods under the following circumstances:

- a) Where the compatibility of equipment, accessories, or replacement parts permits one reasonable source of supply;
- b) Where the Goods or services available from a single source are needed for trial use or testing; and
- c) Where the unique and specialized expertise of one source of services is unlikely to be obtained from any other source

A request for a proprietary item does not justify a sole source procurement if there is more than one potential bidder for the item.

**DEFINITION:** Sole Source shall mean the only existing source of the good/equipment or service, which meets the needs of the city department/office/agency as, provided in Section 18-92 of the City Code.

**Procedures:**

1. Using department initially submits to the Chief Procurement Officer, the following:
  - a) A written request, providing complete justification as to why no other source of goods or services; can be obtained to meet the city's requirements **and:**

TITLE: <b>POLICY AND PROCEDURES FOR SOLE SOURCE PROCUREMENTS EXCEEDING \$25,000</b>		PROCEDURE NO: 02-010
		SUBMITTED BY: Judy S. Carter Director of Purchasing
		APPROVED BY: Carlos A. Gimenez City Manager
EFFECTIVE DATE: OCTOBER, 2002	SUPERCEDES NO:	PAGE NO: PAGE 2 OF 4

- b) A signed letter from the recommended vendor on its letterhead attesting that they are the sole source provider of goods or services; and the budget estimate for said commodity.
2. Upon receipt, Chief Procurement Officer assigns to Sr. Procurement Contracts Officer to initiate investigation of the sole source request and create file.
  3. Sr. Procurement Contracts Officer conducts research to determine if other viable vendors can provide same goods or services by contacting the requesting department; the recommended sole source supplier; other governmental agencies that may have purchased desired goods or service; and other sources as may be required.
  4. Upon completion of investigation, Sr. Procurement Contracts Officer submits written recommendation to the Chief Procurement Officer for final determination.
  5. Should the Sr. Procurement Contracts Officer **not** concur with the user's recommendation for a sole source procurement, a memo shall be forwarded to the Chief Procurement Officer indication reason(s) and recommendations for denial. Upon approval, copies are forwarded to user department and files maintained in Purchasing Department.
  6. Should the Sr. Procurement Contracts Officer concur with the user's recommendation for sole source procurement, a memo with supporting documentation detailing the goods/services and the justification as to why no other sources of goods or services could be obtained to meet the city's requirements is prepared and submitted to Chief Procurement Officer for approval.
  7. Upon written determination by the Chief Procurement Officer, the using department and Sr. Procurement Contracts Officer, under the supervisions of the Assistant Director of Purchasing, are authorized to conduct contract negotiations as to price, delivery, terms and conditions.
  8. Following completion of the negotiations, Chief Procurement Officer submits sole source determination to the City Manager for approval..
  9. Using department prepares and submits to Sr. Procurement Contracts officer, Public Hearing Notice and legislation support documentation, including Agenda cover memo and Resolution; budgetary approval.

TITLE: <b>POLICY AND PROCEDURES FOR SOLE SOURCE PROCUREMENTS EXCEEDING \$25,000</b>		PROCEDURE NO: 02-010
		SUBMITTED BY: Judy S. Carter Director of Purchasing
		APPROVED BY: Carlos A. Gimenez City Manager
EFFECTIVE DATE: OCTOBER, 2002	SUPERCEDES NO:	PAGE NO: PAGE 3 OF 4

10. Upon receipt, Sr. Procurement Contracts Officer prepare Agenda package, including the written determination by the Chief Procurement Officer to the Agenda Office for issuance of public notice in accordance with Sec. 18-92 and inclusion on the next available Agenda for Commission approval.
11. Upon notification the City intends to award a Sole-Source Contract exceeding \$25,000, the City Clerk's Office shall be publish at least once in a newspaper of general circulation in the city prior to Contract award, but in any event at least 15 calendar days shall intervene between the last date of publication and the date of award. Such notices shall state the intention to award a Sole-Source Contract, the nature of goods or services to be acquired, the name of the proposed Contractual Party, and the name and telephone number of a cognizant city official who may be contacted by other potential sources who feel they might be able to satisfy the city's requirements. A record of such notices and responses thereto shall be maintained in the Contract file along with the written determination required above, and a compilation of all Sole Source awards shall be maintained by the Chief Procurement Officer and shall include:
  - a. The name of the Sole-Source Contractual Party;
  - b. The nature of the Goods or services procured;
  - c. The reasons no other source could satisfy city requirements;
  - d. The amount and type of Contract; and
  - e. The identification number for each Contract file.
12. The City Commission approves or denies the sole source finding of the City Manager and Chief Procurement Officer.
13. If denied by the City Commission as a sole source, other methods of source selection are evaluated to determine the appropriate method to procure said goods or services.
14. If approved by the Commission, and the sole source acquisition is a commodity, in most cases no contract is required
15. Upon approval by the City Commission, the user enters a requisition for the sole source procurement. If the acquisition is for a service the user initiates the process for contract execution as approved by Law.
16. Should insurance be required, Sr. Procurement Contracts Officer shall work with the user to obtain from the Contractor all insurances required by Risk Manager for contract execution.

TITLE: <b>POLICY AND PROCEDURES FOR SOLE SOURCE PROCUREMENTS EXCEEDING \$25,000</b>		PROCEDURE NO: 02-010
		SUBMITTED BY: Judy S. Carter Director of Purchasing
		APPROVED BY: Carlos Gimenez City Manager
EFFECTIVE DATE: OCTOBER, 2002	SUPERCEDES NO:	PAGE NO: PAGE 4 OF 4

17. Following contract execution, user shall submit fully executed contract to the Sr. PCO. Sr. PCO will issue a Purchase Order and maintain a copy of Contract in the file.
18. User shall monitor Contractor performance, pursuant to the requirements of said contract or Purchase order.