

Use this form whenever a specific brand product is required and no other alternative brand is acceptable or when a specific vendor is required and no other vendor is available and/or acceptable. Upload completed form, as part of your backup documentation, with your [Requisition](#) in [FTS](#). See page 2 for additional information. pur

### Type of Justification

Check only one box below. See page 2 for additional information.

**Sole Brand Justification:** The item being requested has unique performance features not found in other items but is available on the open market from multiple sources.

**Sole Source Justification:** The item being requested has unique performance features not found in other items and is available only from a single manufacturer or from a single dealer with exclusive distribution rights.

### Additional Supporting Information

All questions below must be fully completed to support sole brand or sole sources procurement. Please attach an additional sheet if more space is needed. See page 2 for additional information.

**What is the particular product and/or vendor chosen?**

**What are the unique performance features of the product you have specified that are not available from any other brand/product? Please list the features and be specific.**

**Why are these specific performance features required to perform its intended function?**

**What other comparable models currently available have been examined and why were they rejected? Please provide brand name, model and vendor name and state specific reasons.**

### Certification

*I am aware of the State of California requirements for competitive bidding and have the established criteria for justification of sole brand purchases. As an authorized department representative, I have gathered the required technical information and have made a concentrated effort to review comparable products for this purchase. This is documented in this justification. I hereby certify the validity of the information and feel confident this justification for sole brand meets the State's criteria and would withstand an audit by the State Board of Control or a vendor protest.*

Requestor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Requestor Name (print): \_\_\_\_\_ Requisition Number: \_\_\_\_\_

Department : \_\_\_\_\_ Phone: \_\_\_\_\_

### Procurement Use Only

Approved  Disapproved

Buyer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Note: The State requires that San José State University purchase on a public competitive bid basis and award orders to the lowest responsible bidder meeting specifications.*

### **Sole Brand Guidelines**

Sole brand items have unique performance features not found in other items but are available on the open market from multiple sources.

Sole brand Purchasing is an exception to the procurement policies. Such requests should not be made unless you are certain there is a valid requirement and adequate documentation to qualify for this exception. The brand name procurement request must clearly demonstrate that the acquisition of the brand name product is:

1. Unique and essential to the CSU's requirements, thereby precluding consideration of a product manufactured by another company, or
2. Required to match other similar product already in place and the use of an alternate product would cause the CSU to incur substantial additional costs, and you provide specific information regarding the equipment you are matching.

In order for Contracts & Procurement Services to consider a request for Sole Brand, the justification form must be completed and signed. This justification, if approved, will remain on file in Procurement for review by the State Auditors.

### **Factors which do not apply to the sole brand**

The following should not be considered in your justification as they will not be considered and only tend to confuse the evaluation process:

1. Personal preference for product or vendor
2. Cost, vendor performance, local service, maintenance and delivery. (These may be considered award factors in the competitive bidding.)
3. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors.
4. The statement, *No Substitution*, will not be considered without completion of the justification form.

### **Sole Source Guidelines**

Sole source items have unique performance features not found in other items and are available only from a single manufacturer/dealer with exclusive distribution rights.

Sole Source Purchasing is an exception to the procurement policies. Such requests should not be made unless you are certain there is a valid requirement and adequate documentation to qualify for this exception. The sole source request must clearly demonstrate:

1. That there is only one source or only one supplier that can provide the goods or services in accordance with the requirements of the CSU.
2. The existence of limited rights in data patent rights, copyrights or secret processes make the supplies or services available from only one source. (Note: the mere existence of such rights or circumstances does not in and of itself justify sole source procurement.)
3. Addition of new work was not within the scope of or incidental to, the original contract scope of work, either as part of the base contract or as an option, is subject to sole source requirements.
4. To match and intermember is an acceptable justification of sole source when you provide specific information regarding the equipment you are matching.

In order for Contracts & Procurement Services to consider a request for Sole Source, the justification form must be completed and signed. This justification, if approved, will remain on file in Procurement for review by the State Auditors.

**Factors which do not apply to sole source**

The following should not be included in you justification as they will not be considered and only tend to confuse the evaluation process:

1. Personal preference for product or vendor
2. Lack of advance planning
3. Concerns related to the amount of funds available (e.g. funds will expire) to the University or activity.
4. Cost, vendor, performance, local service, maintenance and delivery. (These may be considered award factors in competitive bidding.)
5. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors.
6. The statement, *No Substitution*, will not be considered without completion of the justification form.

*If you need assistance in completing your justification, please call Contracts & Procurement Services at 924-1558 and ask to speak to the buyer assigned to the commodity you are requesting.*