

\_\_\_\_\_ School District  
**NON-COMPETITIVE METHOD (SOLE SOURCE) JUSTIFICATION FORM**

The U.S. Office of Management and Budget ("OMB") Uniform Grants Guidance ("UGG") provides rules that apply when non-federal agencies (such as school districts) use federal funds to make purchases.

Under the UGG, for procurement amounts above OMB's "micro-purchase" threshold (currently \$3,500), competitive methods of procurement are required unless (a) one of four "sole source" exceptions applies, and (b) there is no state or school district prohibition to sole source procurement.

This Non-Competitive Method (Sole Source) Justification Form has been developed as a tool for the school district, to help ensure that any sole source procurement by the school district complies with the UGG.

The school district's business manager must approve this completed Form before a sole source purchase may occur that involves federal funds. The Pennsylvania Department of Education has stressed that under the UGG, the suitability of sole source procurement must be evaluated on a case-by-case basis, and the cost of any sole source procurement must be documented to be reasonable.

There are Four Steps identified below to be completed as part of this Form.

**STEP 1: CONFIRM THAT PENNSYLVANIA PUBLIC SCHOOL CODE SECTION 807.1 ("Purchase of supplies"), PENNSYLVANIA PUBLIC SCHOOL CODE SECTION 751 ("Work to be done on contracts let on bids") AND SCHOOL BOARD POLICY DO NOT PROHIBIT THIS SOLE SOURCE PROCUREMENT.**

Confirming there is no Pennsylvania or Board Policy prohibition to this sole source procurement.

**STEP 2: IDENTIFY WHY THE SOLE SOURCE METHOD IS JUSTIFIED.**

*(Please review the four reasons below and mark all that apply.)*

**REASON 1.** The item is available only from a single source for one or more of the following reasons (check all that apply under Reason 1):

**Exclusive Rights**

Item or service under patent, copyright, or exclusive territory held by a single vendor.

**Provision of Free Appropriate Public Education (FAPE)**

Service provides the expertise, skills, environment, and or location required to ensure the delivery of FAPE.

**Proximity of Service Site**

Service is provided at only one site that is within a reasonable distance.

**Consortia/Shared Services Approach**

Services are provided through a consortium/shared services approach with the objective of participating in a cooperative effort and/or a pooling of resources to provide/secure services that meet the need and where the actual cost of services are shared/allocated across

members/participants. (CFR §200.318 (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.)

**Bundled Services**

Service is appropriate or necessary to bundle and only one vendor is capable of providing all requested services. (Refer to "Updated PDE Guidance Concerning Use of Intergovernmental Agreements in Procurements Involving Federal Funds, Effective July 1, 2017" memo emailed on March 31, 2017.)

**Exclusive Design**

Item or service possesses a unique feature or capability critical in the use of the item or service and is not available from any other sources.

**Unique Expertise**

Individual or firm possesses necessary and/or provides necessary unique knowledge and expertise based on education, training, research and/or a published body of knowledge, i.e., the individual or firm is of national prominence and/or a thought leader in the particular subject area.

**Exclusive Intellectual Property**

Individual or firm possesses copyright, trademark, patent, design rights and/or provides unique capabilities or body of knowledge critical to the provision of the services required.

**Replacement Equipment**

The purchase is for equipment associated with the use of existing equipment where compatibility is essential for integrity of results.

**Replacement Accessories**

The purchase is for accessories sought for enhancement of existing equipment where compatibility with equipment from the original manufacturer is paramount.

**Technical Service**

The purchase is for technical services associated with the assembly, installation or servicing of equipment of a highly technical or specialized nature.

**Continuation of Prior Work**

Additional item, service or work required, but not known to have been needed when the original order was placed and is not feasible or practical to contract separately for the additional need.

**Delivery Date**

Only one supplier can meet the necessary delivery requirements.

**Other Reason That Item is Available Only from a Single Source**

Explain: \_\_\_\_\_; or

- REASON 2. The public agency exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. An emergency exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes; or**

- REASON 3.** The federal agency (or pass-through entity) awarding the federal funds has expressly authorized sole source procurement in response to a written request from the school district; or
- REASON 4.** After solicitation of a number of sources, the school district determines that competition for the procurement is inadequate. Please document all sources contacted.

**STEP 3: COMPLETE THE FOLLOWING INFORMATION CONCERNING THE PURCHASE.**

1. Vendor Name:
2. Vendor Contact Name:
3. Vendor Contact Email:
4. Vendor Address:
5. Goods or services to be purchased:
6. Are there any other providers of these goods or services? (Please provide information regarding contractor selection/rejection)
7. State in definitive terms why this source is the only one who can provide the goods or services (rationale for the method of procurement):
8. Is the price determined to be reasonable?
9. If the price is determined to be reasonable, why is the price reasonable?
10. What is the basis for the contract price?
11. Additional information about the situation that is applicable to the rationale for this purchase method:

**STEP 4: SUBMIT COMPLETED FORM AND VENDOR'S PROPOSAL TO BUSINESS MANAGER**

**By signing this form, the individual initiating the transaction provides assurance that the form is complete and accurate and there are no known conflicts of interest as outlined in Board Policy.**

**Prepared by:**

**Name:** \_\_\_\_\_

**Title:**

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

**Approved by:**

**Name:** \_\_\_\_\_

**Title:**

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