



Frequently Asked Questions

1. What is a sole source?

A sole source procurement can be defined as any procurement/contract entered into without a competitive process, based on a verifiable justification that only one known source exists or that only one single supplier can fulfill the requirements.

2. What is not a sole source?

- A requirement for a particular proprietary product or service does not automatically justify a sole source procurement if there is more than one potential bidder or offeror for that item.
- A preference for a brand name product does not justify a sole source procurement.
- A good's or service's "uniqueness" alone may not qualify the producer or supplier of the good or service as a sole provider of a good or service.

3. What is a sole source based on compatibility?

This justification may be used if one of the following criteria exists:

- Compatibility with existing equipment: may be used if your products or services are being purchased to directly interface with or attach to equipment of the same manufacturer, and no other manufacturer's products will correctly interface with existing equipment.
- Upgrade of existing equipment: item required must be identical to equipment already in use by the end user, to insure compatibility of equipment, and that item is only available from one source;
- Continuity of research: may be used if the main purpose for acquiring equipment or supplies is to replicate specific experiments, using the exact products that produced the original results. You may also use this justification if you are collaborating with another researcher and can show that identical products are required to fulfill your part of the agreement.
- Original Equipment Manufacturer (OEM):
 - Maintenance or repair calls by the OEM are required for a piece of equipment, and the manufacturer does not have multiple agents to perform these services.
 - Replacement or spare parts are required from the OEM, and the OEM does not have distributors for those parts.

If one of the above criteria exists, complete sections I, II, IV, VI, and VII.

4. Do sole source requests need to be "posted" for public notice?

The Colorado State University Procurement Rules requires the purchasing agent make an attempt to identify competing vendors by placing a notice on the electronic solicitation notification system (ESNS) for not less than three (3) business days.

5. What happens if the purchasing agent receives a response to the notice?

If the response to the notice is from a qualified and responsible vendor who is able to meet the specifications identified in the notice, and who is not otherwise prohibited from bidding, the sole source method shall not be used.

6. Do you have a sample request for sole source I can review?

Please refer to pages 4 -6 of this document for a sample.



Request for Sole Source

This form is to be completed and submitted with supporting documentation with your requisition to request a sole source procurement. Inadequate justification or documentation for a request for sole source procurement will result in delays or a solicitation of bids. Completion of this form does not guarantee the approval of the procurement request. The Office of Procurement Services reserves the right to solicit competitive proposals, sealed bids, negotiate pricing or to solicit additional information and remains the final authority for any procurement.

Section I: Department Information

(Person to contact if Procurement Services has questions on this request)

Name:

Department Name:

Department Code (4 Digit):

Phone:

Email:

Is this on federal funds (53)? Yes No

If yes, do not complete this form. Please contact your purchasing agent for assistance.

Section II: Vendor Information

Vendor Name:

Sales Rep Name:

Phone:

Email:

Section III: Brand Specific Sole Source (Goods Only)

Is the identified brand/model available from more than one source (i.e., more than one dealer/distributor)?

Yes If yes, complete sections I, II, III, IV, and VII in its entirety.

No If no, complete sections I, II, IV, V, VI, and VII.

If yes, this will be conducted as a brand specific procurement. Please provide the company names of known sources of supply.

Section IV: Statement of Business Need

Describe in detail the good or service to be procured and how it meets your research or business need(s).

Section V: Required Features

Describe the unique features that make this product or service available only from this supplier. What unique design/performance features does this good or provider of service have that are essential to your research or other application? This is not a regurgitation of specifications.

Manufacturer/model of your existing equipment, if applicable.

Is this product or service proprietary? Yes No

If yes, provide documentation showing that the supplier has a patent, copyright, or other legal right which identifies the supplier as a sole source.

Section VI: Competing Brands

What other goods or providers of service were considered? Specify all brands/models of competitors' products or providers of service that were investigated and describe how they do not meet the listed Required Features for the research application.

Provide supportable evidence that due diligence has been performed in an objective market analysis and proof of fair and reasonable pricing.

Section VII: Conflict of Interest Statement

By typing my name below; I certify that all information is truthful, accurate and that there is no real or potential conflict of interest in recommending this good or service as a sole source procurement. In requesting this non-competitive procurement with this vendor, I certify that, to the best of my knowledge, neither the principals, directors, owners, employees nor business associates (including respective family members) of the vendor selected are employees of Colorado State University and/or any agency of the State of Colorado. Such vendors are restricted from contracting with CSU per Federal Uniform Guidance and C.R.S. 24-18-201.

Employee Name:

Date:



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Section I: Department Information

(Person to contact if Procurement Services has questions on this request)

Name: CSU Employee

Department Name: CSU Department

Department Code (4 Digit): 1234

Phone: 123-456-7890

Email: employee@ColoState.Edu

Is this on federal funds (53)? Yes No

If yes, do not complete this form. Please contact your purchasing agent for assistance.

Section II: Vendor Information

Vendor Name: ACME Corporation

Sales Rep Name: Marvin Acme

Phone: 123-456-7890

Email: marvin@acmecorporation.com

Section III: Brand Specific Sole Source (Goods Only)

Is the identified brand/model available from more than one source (i.e., more than one dealer/distributor)?

Yes If yes, complete this section and section IV in its entirety only.

No If no, complete sections IV, V, VI, and VII.

If yes, this will be conducted as a brand specific procurement. Please provide the company names of known sources of supply.

Section IV: Statement of Business Need

Describe in detail the good or service to be procured and how it meets your research or business need(s).

Our laboratory wishes to upgrade its DNA sequencing capability by replacing an old-generation instrument with new technology. As far as I know, there is only one commercially available instrument that meets all of our needs for enhancing the performance, throughput and flexibility of our DNA sequencing operation and the service we can provide to the CSU research community. The necessary features and their availability on various instruments are detailed here. The old technology depends on using a slab gel to separate DNA components, and a fresh gel must be

prepared each day that samples are run. Preparing such a gel takes several hours before samples can be run and involves handling toxic chemicals, most notably acrylamide. Once the gel analysis procedure has been completed, usually in an overnight run, we have raw data that are distorted by gel imperfections, and it is necessary for the technician to perform a painstaking manual procedure called "tracking the gel" before automated procedures can be employed to interpret the data as a DNA sequence. Detecting the DNA components in the gel is based on observing light of several different colors from several fluorescent chemical labels added to different DNA types. Our old instrument accomplishes this by using a set of optical filters mounted in a moving wheel and making one measurement for each color for each DNA type. The colors associated with different DNA types overlap and the filters necessarily reduce the amount of light available to the detector, so measurements are not as specific as we would like and light loss means reduced sensitivity. In addition, as improvements are made to the chemical procedures of DNA sequencing, the light colors change and the instrument must be updated by replacing the mechanical filter assembly.

Section V: Required Features

Describe the unique features that make this product or service available only from this supplier. What unique design/performance features does this good or provider of service have that are essential to your research or other application? This is not a regurgitation of specifications.

The preferred instrument incorporates two critical technology advances which are key to meeting the requirements. First is the shift away from the slab gel principle of operation to the much superior "capillary electrophoresis" principle. Capillary electrophoresis operates in a fully automated manner, eliminating the need to prepare gels and handle toxic acrylamide, thus significantly simplifying and expediting the overall analysis. Capillary electrophoresis is inherently a higher performance analytical technology than is gel electrophoresis, offering both better sensitivity and higher resolution. To the end user, who wants to have as much information as possible about the sequence of his DNA sample, this means data which are more useful because the accuracy of the sequence determination and the length of sequence that is characterized are both increased. Raw data from capillary electrophoresis are also directly amenable to automated interpretation, which eliminates the manual tracking step with its inherent error rate. Moving up to capillary electrophoresis provides throughput enhancement even more dramatic than the performance enhancement. For end users, obtaining more data in shorter time is an important convenience and a benefit to their overall project flexibility. Even apart from the hours gained by eliminating the effort of gel preparation and tracking, a 16-capillary system can run roughly twice as many samples in a 24 hour period as can a slab gel system. Furthermore, gel tracking must be done for all samples at the end of the run, so no data for any sample are available until the next day. With 16-channel capillary electrophoresis, data for 16 samples are available within about 2 hours. A second major technology advance is the replacement of fixed wavelength optical filters in the detection section with full spectrum detection. Not having filters means better detection sensitivity. Obtaining full spectra means that the overlapping light colors are deconvoluted by software, which produces better overall instrument resolution. This improved light detection system complements both the sensitivity and the resolution performance gains as discussed above for the capillary electrophoresis technique. Using software rather than physical filters provides the flexibility we need to keep up when improved chemical labels and techniques become available, which occurs every few years. Only a simple software upgrade is needed to take advantage of progress in chemical procedures.

Manufacturer/model of your existing equipment, if applicable.

Applied Biosystems (ABI)

Is this product or service proprietary? Yes No

If yes, provide documentation showing that the supplier has a patent, copyright, or other legal right which identifies the supplier as a sole source.

Section VI: Competing Brands

What other goods or providers of service were considered? Specify all brands/models of competitors' products or providers of service that were investigated and describe how they do not meet the listed Required Features for the research application.

There are four known vendors of DNA sequencers: LiCor, Beckman/Coulter, Amersham/Pharmacia and Applied Biosystems. LiCor manufactures only the old-technology slab gel systems, so does not offer any advantage over the instrument we are replacing. Beckman offers capillary technology, but coupled with the less desirable fixed wavelength filter detection. Furthermore, the Beckman instrument runs only eight capillaries simultaneously, which would effect no improvement over our current instrument in the number of samples that can be run in a day. Amersham can be purchased with simultaneous operation of 16 or more capillaries, but still uses the fixed filter detection scheme.

Provide supportable evidence that due diligence has been performed in an objective market analysis and proof of fair and reasonable pricing.

LiCor instrument cost is \$60,000. Beckman is \$90,000. I have tried several times without success to obtain a price quote from Amersham. Their main office refers me to a sales rep. Three calls to the rep have contacted an answering machine and none have been returned. I even spoke personally at a trade show with an Amersham sales person who specializes in other products, and even that has not generated a call from anyone who can give me a price.

The ABI 3100 from Applied Biosystems (\$116,000 including trade-in of our old instrument) does capillary electrophoresis with 16 capillaries simultaneously which will roughly double our daily sample capacity and improve turnaround time. It is the only commercial instrument with full spectrum detection. An important additional advantage is complete compatibility with the off-line software that both we and our clients are currently using to handle data after the initial processing.

Section VII: Conflict of Interest Statement

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Employee Name: CSU Employee

Date: 11/1/2018