

# SINGLE SOURCE EXCEPTION TO BOARD POLICY

THIS AGREEMENT is between the State of Minnesota, acting through its **Board of Trustees of the Minnesota State Colleges and Universities**, on behalf of Saint Cloud State University.

## Requester Information

|  |  |  |
| --- | --- | --- |
| Name of College/University: | Contact Name: | Title: |
| Saint Cloud State University |  |  |
| Division/Department: | Email: | Phone: |
|  |  |  |

## Proposed Contract Vendor Information

|  |  |  |
| --- | --- | --- |
| Company Name | Contact Name: | Title: |
|  |  |  |
| Address: | Email: | Phone: |
|  |  |  |

## Request Information

Please attach required documents, such as solicitation, supplier quote, proposal or professional service contract.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Request Date: | Request Delivery Date: | Quoted Price: | | Requisition #: | |
|  |  |  | |  | |
| Describe Attachments |  | | | | |
| New Request: | One Time Purchase Blanket Order/Time Period | | | | |
| Amending Existing Request  [Complete this section each time you are amending an existing single source PO bringing the total amount over $50,000] | PO # | | Current PO Amount: | | |
|  | |  | | |
| Change Order/Amendment # | | Amounted Added | | Total Amount: |
|  | |  | |  |

**BASIS FOR REQUEST FOR EXCEPTION TO PURCHASING POLICY:** Please indicate below the justification for this request for Single Source by completing Part A, B, and/or C.

## Part A. Justification Exceptions to Bidding

Describe in ‘Justification for Single Source’ section below.

|  |  |  |
| --- | --- | --- |
| **No.** | **Justification** | **Description** |
| 1 | Equipment that requires brand compatibility with existing equipment or supplies and is available only from manufacturer or sole authorized distributor. |  |
| 2 | GRANTS. Funding source or granting agency specified a single supplier (attach documentation) |  |
| 3 | Bookstore resale services (up to $500,000 – per Procedure 5.14.5, Part 4, Subp. D(3)) |  |
| 4 | Food service resale services (up to $500,000 – per Procedure 5.14.5, Part 4, Subp. D(3)) |  |
| 5 | Service available only from another governmental agency or public entity or (2) required by law to be provided by another governmental entity (Inter- or Intra-Agency) |  |
| 6 | Service/maintenance agreements with the original manufacturer/developer for equipment and software. If beyond 5 years, go to Part A. 12. |  |
| 7 | Software license renewals and software upgrades available only from developer. This includes adding licenses to an existing license agreement. If beyond 5 years, go to Part A. 12. |  |
| 8 | Legislation or appropriation mandates use of contract vendor (legislation attached) |  |
| 9 | Warranty voided if service provided by other contract vendor |  |
| 10 | Entertainers, lecturers, speakers and honoraria |  |
| 11 | Annual utility services where no competition exists or where rates are fixed by law or ordinance (up to $500,000 – per Procedure 5.14.5, Part 4, Subpart D(3)) |  |
| 12 | Other: **Must complete Justification for Single Source, Part C, and Part D** |  |

## Part B. Emergency Justifiable Exceptions to Bidding.

Describe in ‘Justification for Single Source’ section below.

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| --- | --- | --- |
| **No.** | **Justification** | **Description** |
| **1** | A threat to health, welfare, safety. |  |
| **2** | A significant loss to the College/University. |  |
| **3** | A failure to provide core services to College/University students/faculty/staff. |  |
| **4** | Emergency equipment repairs and parts or emergency facility repairs and parts under $100,000. (**Note:** The emergency/urgency cannot be caused by department's own lack of planning.) |  |
| **JUSTIFICATION FOR SINGLE SOURCE:** THIS PROCUREMENT IS A SINGLE SOURCE BECAUSE (attach additional page if needed): | | |

## Part C. SEARCH [required only for Part A. #12]

Minnesota Statute § 16C.02 subdivision 18 states: "Single source" means an acquisition where, **after a search,** only one supplier is determined to be reasonably available for the required product, service, or construction item.

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| --- | --- |
| A search was conducted consisting of: (check all that apply):  Internet search  Market research / other vendors contacted  Publishing a two-week notice (example on p.5)  Other: | **RESULTS**  AFTER THE SEARCH…  no alternatives were identified  no alternatives were deemed acceptable because (explain below): |
| **Describe the search in detail:** | |

## Part D. PRICE [required for all exception requests]

Minnesota Statute § 16C.10 subdivision 1 states: The solicitation process described in this chapter is not required when there is clearly and legitimately only a single source for the goods and services and [college/university/system office] has determined that the price has been fairly and reasonably established.

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| --- | --- |
| **Price has been fairly and reasonably established by:**  Comparison to previous comparable purchase  Independent estimate  Market survey | Comparison to public sector contract pricing  Discount off published catalog pricing  Other, explain: |
| **Describe methodology and results (attach any written supporting data, e.g., survey or market analysis):** | |

The rest of this page intentionally left blank. Signature page to follow.

# CERTIFICATION FROM REQUESTER

The undersigned states that he/she has prepared the above documentation and that the facts and data set forth are complete and accurate to the best of the undersigned's knowledge and belief.

CONFLICT OF INTEREST: The Requester certifies that to Requester's knowledge, no elected or appointed official or employee of Minnesota State has benefited or will benefit financially or materially from this award.

|  |  |
| --- | --- |
| **Person Requesting the Single Source Status (signature required)**. By signing this document, I certify that the statements in the Certification section above are true. | |
| **Signature:** | Date |
| Printed Name | Phone No. |
| Title | E-mail |

|  |  |
| --- | --- |
| **College/University/System Office Delegated Approval Authority.** By signing this document, I certify that the statements in the Certification section above are true. | |
| **Signature:** | Date |
| Printed Name | Phone No. |
| Title | E-mail |

|  |
| --- |
| **Approved**:  A one-time special delegation to process this Single Source acquisition. Any terms and conditions proposed by vendor must be reviewed by Minnesota State Office of General Counsel and/or State of MN Attorney General’s Office. |
| **Not Approved**:  **Reason:** |

|  |  |
| --- | --- |
| **College/University/System Office CFO or Delegate (signature required)** | |
| **Signature:** | Date |
| Printed Name | Phone No. |
| Title | E-mail |



**EXAMPLE OF A PUBLIC NOTICE (TWO WEEKS)**

# PUBLIC NOTICE

**PURCHASING AGENCY:** Minnesota State Institution

**TITLE:** Name of Project

**REFERENCE #:** RCIDNameofprojectYear

**RESPONSE TO THIS SOLICITATION IS DUE NO LATER THAN** 6/15/2021 **AT** 2:00 p.m. Central Time

**SHIP TO INFORMATION:**

Minnesota State Institution

123 Anywhere St.

Somewhere, MN 55155

Email Address  
  
**NOTES:** This is a single source posting notification; there are no solicitation documents. [Insert Name of College/University/System Office and Division Name] intends to enter into 12-month maintenance and support agreement with Company Name. Company Name provides the first level of support for the Software Solution 1 which includes three main components/products; Z Software, X Software and the W Client Manager with Software Solution 1 Reports. The integration of the software products into a cohesive set of applications has been designed specifically for the [Insert Name of College/University/System Office and Division Name]. For this reason, this renewal has been deemed a single source due to inability to receive the mandatory support from a 3rd party vendor. If anyone has any concerns regarding this single source opportunity you must contact Happy Buyer via e-mail to happy.buyer@minnstate.edu before 06/15/21 AT 2:00 p.m. Central Time. Note: All correspondence must include reference number.

**Date This Solicitation Was Posted:** 6/1/2021 10:36:46 a.m. Central Time