



## INSTRUCTIONS ON HOW TO COMPLETE

### THE SOLE SOURCE JUSTIFICATION FORM FOR ALL SPONSERED RESEARCH RELATED PURCHASES

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Pursuant to the provision of the Federal Acquisition Regulations governing purchases under contracts issued by Federal agencies, the University must procure all goods and services with a value of **\$10,000** and above via competitive means whenever practical. The University may waive the competitive process and approve sole source procurement if the requestor can provide adequate justification that meets the criteria of FAR Part 6 – subpart 6.302 and the justification is provided according to 6.303.1-2 ([Part 6 - Competition Requirements | Acquisition.GOV](#)). **Refer to Appendix A for detailed information on contents requirements and approved applications for each of the sole source justifications listed below.**

**STEP 1: DETERMINE, USING THE LIST BELOW, IF THE INTENDED PURCHASE MEETS “FAR 6.303-2” CRITERIA FOR SOLE SOURCING. *If your purchase does not meet any of the criteria below, it does not qualify for a sole source justification.***

1. **\*Single Source:** Most common justifications include but are not limited to (see Appendix A):

- a) **Only one responsible source and no other supplies or services will satisfy Stevens’ requirements AND** the requested good(s) are available from one vendor only.
- b) **Compatibility/Warranty Compliance:**
- c) **Only one supplier can meet the specific delivery date requirement** and commitment made to the funding agency. (Supporting evidence must be provided)
- d) **Inadequate Competition** (Supporting evidence must be provided)

2. **Federal/Grant Authorization or Required by Statute:**

The federal funding agency has identified a sole provider for the service or good within the grant documents.

3. **Sourced via Cooperative bidding:**

Supporting documentation of Cooperative bidding for service/good and award to Vendor is attached to this request.

4. **Software License Renewal, Dues, Memberships, Subscriptions.**

5. **\*Unusual and Compelling Urgency (Supporting documentation must be provided).**

6. **International Agreement.**

7. **\*Engineering, Developmental, Research Capability, or Expert Services.**

8. **\*National Security.**

**STEP 2: COMPLETE THE SOLE SOURCE JUSTIFICATION APPROVAL REQUEST (attached)**

- a. Refer to Appendix A for required information/ contents to be included
- b. Complete the form in its entirety.
- c. Attach all supporting documents
- d. Obtain all necessary approvals / signatures.

**STEP 3: CREATE YOUR REQUISITION TO PURCHASE SERVICE / GOOD**

- a. Attach the fully completed and signed (by all parties) Sole Source form & supporting documents.



## REQUEST FORM FOR APPROVAL OF SOLE SOURCE JUSTIFICATION FOR SPONSORED RESEARCH PURCHASES - PAGE 1 OF 2

Stevens Institute of Technology requires that all material, equipment, and supplies be procured via competitive means when the amount of the purchase is **greater than \$10,000**. The competitive process may be waived if the requestor provides adequate justification for sole sourcing. Such justification must meet the criteria of **FAR 6.303-2** and the justification must be provided according to 6.303.1-2 (see Appendix A). The sole source justification must be completed in its entirety and must have all approval signatures prior to requisitioning the product/services.

**SECTION 1** Date: \_\_\_\_\_

Requestor: \_\_\_\_\_ Title: \_\_\_\_\_

Email: \_\_\_\_\_ Dept: \_\_\_\_\_ Phone: \_\_\_\_\_

Contractor/Supplier Name: \_\_\_\_\_

Funding Source (Federal, State, etc.): \_\_\_\_\_

**Purchase Amount**

\$

**1. What are you buying:** Provide the name and a full description of the good or service you intend to purchase.

**2. Type of Exemption:** check the appropriate exemption applicable to the product/service described in #1 above. **Exemption types marked with an Asterisk (#1, 5, 6, 7 and 8) require explanation on page 2 of the sole source form.**

- \*1. Single Source: This may include but is not limited to: further info is required under Section 2 of this form.**
  - i) Only one product meets the specifications and/ or capabilities necessary for the intended use **AND** the requested good is available from one vendor only.
  - ii) Compatibility/Warranty Compliance:  
Using goods/services other than those requested by the warranty would cause loss of warranty coverage and may also cause existing Stevens' equipment or software to malfunction, **AND** the requested goods/services are either only available from one vendor or vendor is specifically assigned to provide good/service by the manufacturer.
  - iii) Only one supplier can meet the specific delivery date requirement commitment made to the funding.  
- *Attach evidence that other vendors are unable to deliver in the required time.*
  - iv) Inadequate Competition:  
Previous attempts to procure good/service from multiple competent sources were unsuccessful.  
- *Attach evidence of attempts at obtaining other bids.*
- 2. Federal/Grant Authorization or Required by Statute:**  
The federal funding agency has identified a sole provider for the service or good within the grant documents.
- 3. Sourced via Cooperative bidding:**  
Supporting documentation of Cooperative bidding for service/good and award to Vendor is attached to this request.
- 4. Software License Renewal, Dues, Memberships, Subscriptions.**
- \*5. Unusual and Compelling Urgency (Supporting documentation must be provided).**
- 6. International Agreement.**
- \*7. Engineering, Developmental, Research Capability, or Expert Services.**
- \*8 National Security.**

**REQUEST FOR APPROVAL OF SOLE SOURCE JUSTIFICATION  
FOR SPONSORED RESEARCH PURCHASES**

**SECTION 2 ADDITIONAL REQUIRED INFORMATION**

**3. \*Additional Required Information (Refer to Appendix A for Instructions):**

If #1 "Single Source", #5 "Unusual and Compelling Urgency", #7 "Engineering, Developmental, Research Capability, or Expert Services, or #8 National Security was selected on page 1 of 2 of the justification from, you must provide information on market research or circumstances leading to sole sourcing.

**SECTION 3 REQUESTING DEPARTMENT APPROVAL SIGNATURES**

Signature approvals are required for all sole source purchases. SIGNATURES FROM TWO INDIVIDUALS ARE REQUIRED. IF THE PI IS ALSO THE DEPARTMENT HEAD, THE SECOND SIGNATURE MUST BE OBTAIN FROM AN INDIVIDUAL AT THE NEXT MANAGEMENT LEVEL.

YOUR SIGNATURE AFFIRMS THAT THE STATEMENTS BELOW ARE TRUE, AND ALSO AFFIRMS THAT NO OTHER MATERIAL FACT OR CONSIDERATION OFFERED/GIVEN HAS INFLUENCED THIS REQUEST FOR A SOLE SOURCE/PROPRIETARY PURCHASE.

- No employee/employer relationship exists (*IRS regulations and guidelines*).
- The cost for the product\service is within the range of like products/services.
- The vendor is not related to anyone who has authority over this purchase and has not been employed by Stevens within the past 12 calendar months (*Government Code; Section 2252.901*).
- Supplier has not been paid by Stevens to develop/recommend specifications or requirements (*Government Code; Section 2155.004*).

<b>#1 PI Name (Print Name)</b>	<b>Signature</b>	<b>Date</b>
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<b>#2 Department Head</b>	<b>Signature</b>	<b>Date</b>
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**SECTION 5 FINANCE APPROVAL SIGNATURES**

Approval from Finance is required for all purchases. Purchases of less than \$250K are approved by the Procurement Director or his designated representative, and purchases of \$250K and over are approved by the CFO or his designated representative.

<b>Procurement (-250K) -print name</b>	<b>Signature</b>	<b>Date</b>
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<b>CFO/AVP for Finance (250K+)- print name</b>	<b>Signature</b>	<b>Date</b>
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**APPENDIX A**  
**SOLE SOURCE JUSTIFICATION – SPONSORED RESEARCH PURCHASES**  
**Content Requirement and Correct Application for each Justification**

**6.303-2 INFORMATION REQUIREMENTS FOR THE JUSTIFICATION.**

(a) Each justification shall contain sufficient facts and rationale to justify the use of the specific good/service/supplier

(b) As a minimum, each justification, except those for sole-source contracts over \$25 million shall include the following information:

(1) Nature and/or description of the action being approved.

(2) A description of the supplies or services required to meet the needs (including the estimated value).

(3) An identification of the type of approved justification permitting other than full and open competition.

(4) A description of the proposed contractor's unique qualifications or the nature of the acquisition

(5) When applicable, a description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

(6) When applicable, a description of the market research conducted and the results or a statement of the reason market research was not conducted.

(7) Any other facts supporting the use of other than full and open competition.

(8) Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief (Approval Signature).

(c) Each justification shall include evidence supporting the sole source choice

(d) As a minimum, each justification for a sole-source 8(a) contract over \$25 million shall include the following information:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract (see [19.805-1](#)).

(3) A determination that the use of a sole-source contract is in the best interest of the agency concerned.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the head of the agency concerned shall specify for purposes of this section.

## 6.302 APPLICATIONS FOR EACH JUSTIFICATION TYPE

### 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

- 1) Supplies or services may be considered to be available from only one source if the source has submitted an unsolicited research proposal that-
  - (A) Demonstrates a unique and innovative concept (see definition at [2.101](#)), or, demonstrates a unique capability of the source to provide the particular research services proposed;
  - (B) Offers a concept or services not otherwise available to Stevens;
- 2) Supplies may be deemed to be available only from the original source in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment, including major components thereof, when it is likely that award to any other source would result in-
  - (A) Substantial duplication of cost to Stevens that is not expected to be recovered through competition; or
  - (B) Unacceptable delays in fulfilling Stevens' requirements.
- 3) When there is a reasonable basis to conclude that Stevens' minimum needs can only be satisfied by unique supplies or services available from only one source or only one supplier with unique capabilities; or the existence of limited rights in data, patent rights, copyrights, or secret processes; the control of basic raw material; or similar circumstances, make the supplies and services available from only one source (however, the mere existence of such rights or circumstances does not in and of itself justify the use of these authorities).
- 4) When acquiring utility services circumstances may dictate that only one supplier can furnish the service; or when the contemplated contract is for construction of a part of a utility system and the utility company itself is the only source available to work on the system.
- 5) When the Department's head has determined in accordance with standardization program that only specified makes and models of technical equipment and parts will satisfy the department's needs for additional units or replacement items, and only one source is available.

### 6.302-2 Unusual and compelling urgency.

When Stevens' need for the supplies or services is of such an unusual and compelling urgency that Stevens would be seriously injured, financial or other, unless Research is permitted to sole source.

### 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services.

Full and open competition need not be provided for when it is necessary to award the contract to a particular source or sources in order-

- (i) To maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization;
- (ii) To establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center; or
- (iii) To acquire the services of an expert or neutral person for any current or anticipated litigation or dispute.

### Application Examples.

- (i) Keep vital facilities or suppliers in business or make them available in the event of a national emergency;
- (ii) Train a selected supplier in the furnishing of critical supplies or services, prevent the loss of a supplier's ability and employees' skills, or maintain active engineering, research, or development work;
- (iii) Maintain properly balanced sources of supply for meeting the requirements of acquisition programs in the interest of industrial mobilization (when the quantity required is substantially larger than the quantity that must be awarded in order to meet the objectives of this authority, that portion not required to meet such objectives will be acquired by providing for full and open competition, as appropriate, under this part);
- (iv) Establish or maintain an essential capability for theoretical analyses, exploratory studies, or experiments in any field of science or technology;
- (v) Establish or maintain an essential capability for engineering or developmental work calling for the practical application of investigative findings and theories of a scientific or technical nature; or
- (vi) Contract for supplies or services as are necessary incident to paragraph (b)(2)(i) or (ii) of this section.
- (vii) Acquire the services of an expert to use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving Stevens in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, whether or not the expert is expected to testify. Examples of such services include, but are not limited to:
  - (A) Assisting in the analysis, presentation, or defense of any claim or request for adjustment to contract terms and conditions, whether asserted by a contractor or Stevens, which is in litigation or dispute, or is anticipated to result in dispute or litigation before any court, administrative tribunal, or agency; or
  - (B) Participating in any part of an alternative dispute resolution process, including but not limited to evaluators, fact finders, or witnesses, regardless of whether the expert is expected to testify; or
  - (C) A neutral person, *e.g.*, mediators or arbitrators, to facilitate the resolution of issues in an alternative dispute resolution process.

### **6.302-4 International agreement.**

Full and open competition need not be provided for when precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or the written directions of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government.

(a) *Application.* This may be used in circumstances such as-

- (1) When a contemplated acquisition is to be reimbursed by a foreign country that requires that the product be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance; or
- (2) When a contemplated acquisition is for services to be performed, or supplies to be used, in the sovereign territory of another country and the terms of a treaty or agreement specify or limit the sources to be solicited.

**6.302-5 Authorized or required by statute.**

(A) Full and open competition need not be provided for when—

(i) A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source; or

(ii) Steven's need is for a brand name commercial product for authorized resale.

Application. This authority may be used when statutes, such as the following, expressly authorize or require that acquisition be made from a specified source or through another agency:

(B) When the work provided for in the contract is a continuation of the work performed by the specified entity under a preceding contract; or

(C) To any contract requiring the National Academy of Sciences to investigate, examine, or experiment upon any subject of science or art of significance to an executive agency and to report on those matters to the Congress or any agency of the Federal Government.

**6.302-6 National security.**

Full and open competition need not be provided for when the disclosure of the agency's needs would compromise the national security unless Stevens is permitted to limit the number of sources from which it solicits bids or proposals.

Application. This authority may be used for any acquisition when disclosure of Stevens' needs would compromise the national security (*e.g.*, would violate security requirements); it shall not be used merely because the acquisition is classified, or merely because access to classified matter will be necessary to submit a proposal or to perform the contract.