



# MONTANA DEPARTMENT OF ADMINISTRATION

## Director's Office

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## Sole Source Procurement Justification

[18-4-306, Montana Code Annotated](#), allows a contract to be awarded for a supply or service item without competition under certain circumstances. The required item must be available from a single supplier. Circumstances that could necessitate a sole source procurement are (1) the compatibility of current services or equipment, accessories, or replacement parts; (2) there is no existent equivalent product; or (3) only one source is acceptable or suitable for the supply or service item.

Sole Source procedures do not apply if the item is less than \$10,000. The determination as to whether a procurement shall be made as a sole source shall be made by the State Procurement Services Division (SPSD) unless specifically authorized in the agency delegation agreement, [ARM 2.5.604](#).

Sole Source requests over \$100,000 must have an Intent to Sole Source (ISS) publicly posted for a minimum of ten business days before submitting a justification. A request by a state agency to SPSPD must be accompanied by this form and include a signed and dated quote. The following items do not require sole source justification: (a) professional licenses; (b) dues to associations; (c) renewal of software license agreements; (d) purchase or renewal of maintenance agreements for software or hardware. The purchase or renewal of a software subscription agreement or the addition of new major functional capabilities or services is not considered purchase or renewal of a maintenance agreement for software or hardware and such items cannot be purchased directly by an agency without sole source approval or another approved procurement method; and (5) publications available only from a single supplier.

Is this a request for a Tier Two Exception for the Contract Engagement Proposal (CEP)?

Yes   No

Is this a request for a Tier Two Exception for the Master Contract for Environmental Services?

Yes   No

Is this a request for a new contract?

Yes   No

Is this request for a contract renewal?

Yes   No

If no, proceed to question #1.

If yes, provide the following information:

Contract Name: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Original TCV Submitted: \_\_\_\_\_

Contract Expiration Date: \_\_\_\_\_

\*Renewal request must be received no less than 30 days prior to contract execution.

Contract Renewal – Describe what, if any, modifications are taking place within this renewal/amendment.

1. Department: \_\_\_\_\_

2. Name of product or service: \_\_\_\_\_

3. Name of product manufacturer: \_\_\_\_\_

4. Estimated cost of purchase: \_\_\_\_\_

5. Expected length of contract: \_\_\_\_\_

In accordance with ARM 2.5.604, any modification, extension, or renewal to an existing sole source contract requires the agency to provide the division with a new justification form.

6. Intent to Sole Source (ISS) solicitation number (if applicable): \_\_\_\_\_

7. What evaluation of other product suppliers or service providers was made? Provide names, addresses, and all other applicable documentation.

8. What makes this product or service unique and unavailable from other sources?

9. How did you determine that there was only one source for the product or service?

10. Attached dated quote.

11. **Conflict of Interest Declaration-** I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any responses or involved respondent in return for favorable consideration. I have no preconceived position on the relative merits of any of the submitted responses, nor have I established a personal preference or position on the worth or standing of any respondent participating in this action.

Signature of requestor: \_\_\_\_\_  
Date

Signature of Agency Procurement Officer: \_\_\_\_\_  
Date