SOLE SOURCE JUSTIFICATION

This form is required for all sole source procurement. If procurement is over $25,000, please complete and submit with your Purchase Requisition to Procurement Services. If procurement is $25,000 or less please retain in your departmental files and submit copy with BPA or P-Card report.

Sole Source Justification: Section 18-4-306, MCA, allows a contract to be awarded for a supply or service item without competition under certain circumstances. The required item must be available only from a single supplier. “Sole Source” is distinguishable from “Sole Brand” in that only one supplier is available to provide the supply or service. Circumstances which 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 Total Contract Value is $5,000 or less. The MSU-Bozeman Procurement Director and the AVP for Financial Services shall make the determination as to whether the procurement shall be made as a Sole Source.

Exempt from competitive procurement: Per ARM 2.5.301 & 2.5.604, the following items do not require Sole Source justification: (1) fees for employment of a registered professional engineer, surveyor, real estate appraiser, registered architect, physician, dentist, pharmacist, or other medical dental, or health care provider, (2) the purchase or commission of art for a museum or public display, (3) travel and per diem, (4) freight, (5) landfill charges, (6) pastoral services, (7) training & conference space rental and catering, (8) fresh fruits and vegetables, (9) food products produced in Montana, subject to the provisions of 18-4-132, MCA, (10) advertising placed in publications or on radio, television, or other electronic means (development, design, and distribution of the advertising are not included in this exception), (11) books and periodicals, (12) professional licenses, (13) dues to associations, (14) renewal of software license agreements; (15) purchase or renewal of maintenance agreements for software or hardware, and (16) publications available only from a single supplier.

1. Estimated Total Contract Value (cost) of Product or Service: $ 

2. Exempt from competitive procurement: If your purchase is exempt under any of the circumstances stated in the box above, please indicate applicable exemption and skip to Section 6.

3. Describe your required components, attributes, capabilities of product and/or service: For example: capacity, features, performance, size, compatibility.

Department Name: Date of Request:
Contact Name:
Contact Phone #:
Contact Email:

Commented [TC1]: These items are exempt from competitive procurement, but they are NOT exempt from contracting! If in doubt – contact Procurement.
Commented [TC2]: Insure you are using current form - #1 should be Estimated Total Contract Value.
Commented [TC3]: See second box from top for a list of exemptions.
Commented [TC4]: This should be a list of specifications you require and NOT a list of features you got off a pamphlet or website.
4. **Product / Service Supplier:**

   **Name of Supplier:**

   Is this product or service supplier specifically identified in the Sponsored Program grant/contract (pay from index 4W####)?  
   - [ ] Yes  
   - [ ] No

   **a)** If YES, attach a copy of the relevant pages of the OSP grant/contract documentation *(not just the budget page).*

   **b)** If NO, how was this manufacturer/service supplier selected?

   1) **Describe the market research you performed to reach this decision. This must be an objective search and not opinions or recommendations (i.e. web search, product literature, samples).**

   2) **List the other manufacturer/service suppliers, if any.**

   3) **Provide details on what required attributes/capabilities are not met by each of the other manufacturer products/service suppliers.**

5. **Sole Supplier Name:** Is the manufacturer/service supplier the only company that meets all of your required components, attributes, and/or capabilities of your product or service?  
   - [ ] Yes;  
   - [ ] No

   If NO, list all available suppliers. *If more than one supplier can be listed, then it is not Sole Source and must be competitively bid.*
6. **Conflict of Interest Statement:** Is there any real or potential Conflict of Interest with the University, Dept., or the Requestor in recommending this product and/or service as a Sole Source procurement. If you have a real or potential conflict of interest, please contact Procurement Services.

   ☐ Yes; ☐ No

7. **Determination:** By signing below, I certify that the information submitted on this form is complete and accurate. There is not conflict of interest. I understand that the Associate Vice President for Financial Services will make the final decision to approve or disapprove the Sole Source procurement for purchases exceeding $25,000.

Your Typed Name:    Title:    Date:

I certify to the best of my knowledge that the above statements are correct.

Requestor's Signature: ________________________________

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### REQUIRED FOR **SOLE SOURCE PURCHASES** WITH A TOTAL CONTRACT VALUE UNDER $25,000 ONLY

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Approval of Sole Source procurement – No Solicitation, use DPO/CSA or P-card to purchase.</td>
<td>Disapproval of Sole Source procurement – Issue Solicitation.</td>
</tr>
</tbody>
</table>

Authorized Department Procurement Person ___________________________ Date ___________________________

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### FOR PROCUREMENT SERVICES OFFICE USE ONLY

### REQUIRED FOR **SOLE SOURCE PURCHASES** WITH A TOTAL CONTRACT VALUE OVER $25,000 ONLY

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Approval of Sole Source procurement – No Solicitation, PO/Contract will be issued</td>
<td>Disapproval of Sole Source procurement.</td>
</tr>
</tbody>
</table>

Director of Procurement Services, Montana State University ___________________________ Date ___________________________

Associate VP for Financial Services, Montana State University ___________________________ Date ___________________________

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Commented [TC11]: If this is yes, then contact Procurement Services

Commented [TC12]: The should be someone who can attest that the information on the form is accurate and they do not have a conflict of interest

Commented [TC13]: This line is for sole sources with a total contract value under $25,000. This needs to be signed by someone other than the requestor above. This signatory must have completed procurement training and by signing they are attesting that sound rationale is used to justify this sole source. Procurement Services. Sound rationale must be objective (fact based) and CANNOT be things such as industry standard, quality provider, history with vendor, cost, or being local. If in doubt, Procurement Services will happily review the SSJ for you.

Commented [TC14]: Purchases over $25,000 require approval from the Director of Procurement and the AVP of Financial Services. These SSJ should be accompanied by a PD-1 Purchase Requisition.
### Laser-Based Spectroscopic Methane Analyzers for Field Use

<table>
<thead>
<tr>
<th>Required Components, Attributes and Capabilities</th>
<th>Los Gatos Research 915-0001</th>
<th>Los Gatos Research 908-0010</th>
<th>Picarro G2401</th>
<th>Picarro G2311-f</th>
<th>LI-COR Biosciences LI-7700</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sufficiently lightweight for 1-person portability in the field (&lt;18 kg)</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Useable on 12V battery power</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>High frequency data collection (10+ Hz)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Low power consumption (&lt;20 W)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Ethernet connectivity</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Detection range 0-25 ppm or greater</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Precision of 1ppb or better</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Open-path design (no pump or tubing required)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Self-cleaning optics</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Low-temperature (&lt;0°C) operational capability</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Plug-and-play integration with existing flux tower instrumentation</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Commented [TC15]: Alternate way to answer 4. b) 3)**