

**FAP 111-10-00**

**COMPETITIVE BIDDING EXCEPTIONS: SOLE SOURCE**

A procurement shall be exempt from competitive bidding if there is only one (1) known capable supplier of a commodity or service, occasioned by the unique nature of the requirement, supplier, or market condition. The following items have been specifically determined to be exempt from bidding provided the using agency supports the purchase by written justification clearly substantiating the fact that the sole source item is the only item that will meet the needs of the agency. Prior approval of the electronically sent justification by the executive director of the Office of Material and Procurement Services is required for all purchases over \$5,000 or the agency's single quote small purchase authority, whichever is less, for the items listed below:

1. **Instructional materials, equipment, supplies, or services.** An electronic statement describing the need in relation to a particular program is required. Items commonly covered by this policy include classroom and training aids such as films, special books, maps, tests and testing services.
2. **Patented equipment.** An electronic statement describing the need in relation to a particular service or equipment that justifies the procurement on a noncompetitive basis is required.
3. **Proprietary equipment and supplies.** Items that must be compatible with existing equipment or systems and which are available from one source only. An electronic statement describing the need in relation to a particular existing system or piece of equipment that justifies the procurement on a noncompetitive basis is required. The Office of Material and Procurement Services shall make the final determination as to whether:
  - a. the equipment or supplies are proprietary; and
  - b. the amount exceeds the lesser of \$5,000 or the agency's designated single-quote small purchase limit.
4. **Equipment lease or rental, excluding passenger vehicles.**
5. **Proprietary service and maintenance agreements.** Preventative, scheduled, and unscheduled maintenance or service agreements with either manufacturer or authorized service agent. Justification shall identify provider as manufacturer or authorized service agent.
6. **Dues and organizational fees.** Fees payable to a professional society or national organization engaged in established activities related to the agency's authorized function in state government. Payment of an individual employee's dues to local organizations is not authorized under this policy.
7. **Computer software that is copyrighted and available from only one source.** Copyrighted software, if only that software will meet the need of the application. See FAP 111-15-00 for other approval requirements.
8. **Other commodities, equipment and services available from only one source.** All purchases in excess of agency small purchase authority shall receive prior approval of the executive director of the Office of Material and Procurement Services.

{KRS 45A.095 (1)}  
(200 KAR 5:309)