

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, due to 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. In addition, the using agency shall provide written justification from the vendor demonstrating that they are the sole manufacturer, sole distributor or sole authorized service agent. All justifications shall be sent electronically to the executive director of OPS for prior approval of all purchases in excess of the agency's single quote small purchase authority 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. 200 KAR 5:309(5).
2. **Patented equipment.**
3. **Proprietary equipment and supplies.** Items that must be compatible with existing equipment or systems and which are available from one source only.
4. **Equipment lease or rental, excluding passenger vehicles. (Repealed 2016)**
5. **Proprietary service and maintenance agreements.** Preventative, scheduled and unscheduled maintenance or service agreements with either 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. An electronic statement describing the function of the professional society or national organization as it relates to the agency's authorized function in state government is required. Prior approval from OPS is not required.
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.** 200 KAR 5:309(15).

Relates to: KRS 45A.095(1); 200 KAR 5:309