# University of North Carolina at Chapel Hill

*Guidelines for Writing Sole Source/Brand Specific Justifications*

1. **PURPOSE**: State law requires the University to obtain competition for purchases whenever possible, except for small order purchases and products purchased which are currently covered by a State Term, University Term, or Consortium Contract. For this reason, we try to use performance-based specifications to describe what we intend to purchase. When our requirements can only be met by a specific product or vendor, we must have documentation in our purchasing files to show a rationale for not obtaining full and open competition. This “sole source” or “brand specific” justification must accompany the requisition which is sent to the University’s Purchasing Office.
2. **SOLE SOURCE JUSTIFICATIONS**: A sole source procurement is authorized when there is only one source available for the goods or services required. The justification should include the following:  
   1. Equipment/service you wish to purchase and why.
   2. When specific features are vital to support research work, please state the technical specifications that make the equipment unique.
   3. When standardization/compatibility is the overriding consideration, please state what equipment you are currently using and explain rationale to maintain compatibility.
   4. Name of suggested supplier.
   5. Names of at least two other manufacturers/suppliers (if applicable) that you have checked with and why their product does not meet your needs.
3. **BRAND SPECIFIC JUSTIFICATIONS**: A brand specific procurement is authorized when a requirement can only be met by the exact specifications offered by a particular piece of equipment made by a manufacturer. Even with a brand specific justification, competition is often available, so a competitive bid can be obtained from several sources for that brand of item. The justification should include the following:  
   1. Brand of equipment you wish to purchase and why it is singularly able to meet your needs and no other brand can do so.
   2. When specific features are vital to support research work, please state the technical specifications that make the brand unique.
   3. When standardization/compatibility is the overriding consideration, please state the brand of equipment you are currently using and explain rationale to maintain compatibility.
   4. Names of sources that distribute that particular brand of equipment.
4. **EXAMPLES OF JUSTIFICATIONS:**

**Sole Source Justification**: We wish to purchase a mass spectrometer with a probe length of 11.3”, which is the longest probe available. The probe length and its large acceptance angle are two critical specifications required for my research. This is the only product that has the features necessary to support my research work. No other probes come close to meeting these requirements. Quintronix is the manufacturer and the only company from which this probe is available.

# Brand Specific Justification: We wish to purchase a RADVision L2W-323 multimedia gateway to match our existing equipment. We already have a RADVision control infrastructure in place for existing similar gateways, gatekeepers and multipoint control units and require a new gateway that will integrate Seamlessly with that environment. The PRI interface of this unit is necessary to achieve the call density required for our application. Therefore, RADVision is the only brand that will be acceptable for our needs.

**What does a proper justification look like?**

Under the specific conditions listed in 01 NCAC 05B .1401, or otherwise justified in the public interest by the SPO competition may be waived. Those situations in which a waiver is possible are listed on the 708\_1\_3f-Waiver of Competition Form and ***must be documented with a signed and dated request*** and signed and dated approval if needed. When seeking the waiver, the request must identify those ***specific facts or circumstances that support a waiver***; simply repeating the language of the applicable category is not sufficient.

**(Very) Poor justification:** Vendor Y is the only available source of supply for Brand X.

**Example Good Justification Statement 1:**

The agency lab performs critical analyses for the presence of minute amounts of certain chemicals, and the instruments used must be very precise and well-calibrated. In order to give predictable results across samples, the lab has standardized on Brand X spectrometers and currently uses 7 in its facility. The Brand X manufacturer will warrant the accuracy of its equipment only if it is sold and serviced by an authorized dealer. Vendor Y is the only authorized dealer within 500 miles. Due to the cost of travel and the short response time required if repairs are needed, Vendor Y is the only dealer that can provide service for an economically reasonable price. Attached are service cost estimates for Vendor Y and the next two closest authorized dealers.

**Example Good Justification Statement 2:**

This statement provides sole source justification for the product with (Company Name Here) to provide (supplies, equipment, or service(s)) this is a highly specialized device and proper service (including diagnosis and repair) can only be provided by manufacturer representatives with specific training. Other companies do provide this (supply, equipment, or service) and their quotes were evaluated (see attached). Company “A, B, & C” meet all of the requested requirement’s however if we use company B & C (this will void the warranty of our current equipment) or (other reason here) or (Company A has a patent on the specific item and is the only supplier available). Please let me know if there are any questions.

**Example Good Justification Statement 3:**

Our Pediatric Cardiac Catheterization Laboratory is requesting the purchase of the Widget Velocity Mapping System from Smith Medical. This system is needed to replace our existing Widget Classic System which is approaching end of life. Compatibility of the mapping system with our current Cardiac Ablation Generator purchased in 2011 is a primary consideration for this purchase. Smith Medical provides the technology for the two systems to be compatible for patient safety and successful procedure intervention.

Other companies make a similar mapping system; however, the Widget Velocity system allows the physician the ability to select from various ablation catheters and not limited to one company's products. The Widget mapping system is designed to be patient specific to maximize patient care. The competitor’s version of this system does not offer this selective form of care in treating various pathways. Widget Velocity does have a patent and is only available for purchase through Smith Medical. The Widget Velocity mapping system provides EP physicians with a 3D image and timing maps of the electrical impulses in various arrhythmias.

Since the Widget Velocity system is a 3D mapping system, it allows the physician to use less radiation and less time in adjusting catheters as well as the visualization of the ablations given. The 3D imaging truly provides an addition illustration of the heart structure that greatly assists physicians in the treatment of extra electrical pathways in the heart-it all boils down to advanced patient care and safety. In addition, this system allows the use of the cryoablation catheter necessary to prevent heart block for septal ablation as well as AV node ablation in young children. The competitor product does not have this flexibility and is not compatible with cryoablation.

Please consider this a sole source request as no comparative or competitive quotations can be obtained. Smith Medical is the sole manufacturer and exclusive distributor of this product.