



# Fact Sheet

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## Sole Source Justification

### What is “sole source” procurement?

Sole source, or procurement by noncompetitive proposals, is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Sole source procurements must adhere to the standards set forth in the Uniform Administrative Requirements, 28 CFR § 66.36 or 28 CFR § 70 (as applicable).

### When is sole source approval required by the COPS Office?

A grant recipient must request written approval from the COPS Office for sole source procurements in excess of \$100,000 prior to purchasing equipment, technology or services, obligating funding for a contract, or entering into a contract with grant funds. For the purchase of equipment, technology or services under a COPS grant award, grant recipients must follow their own policies and procedures on procurement as long as those requirements conform to the federal procurement requirements set forth in 28 CFR § 66.36 and 28 CFR § 70 (as applicable). A sole source justification request should be submitted if a grant recipient determines that the award of a contract through a competitive process is infeasible, and if one or more of the following circumstances apply:

1. The item/service is available only from one source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; or
3. Competition is determined inadequate after solicitation of a number of sources.

### What documentation must be submitted to the COPS Office for sole source approval?

Requests for sole source procurements of equipment, technology, or services in excess of \$100,000 must be submitted to the COPS Office in writing, confirming that the award of the contract through full and open competition is infeasible. Please note that a justification must be submitted for each vendor providing goods or services in excess of \$100,000.

To ensure that all of the necessary information is included and submitted to the COPS Office, the following checklist can be used when preparing your agency’s sole source request:

- Letterhead** – The sole source request must be signed by an authorized representative and submitted on grantee department letterhead, and must include the agency ORI and the grant number for which the approval is being sought. The request should also include the following information:
- Section I. Description of Project** – A brief description of the project, the amount to be designated for the sole source procurement, and the purpose of the contract.

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**Section II. Reason for Request**

1. An explanation as to why full and open competition is infeasible (e.g., why it is necessary to contract in a noncompetitive manner) and
2. Which *one (or more)* of the three required categories identified below applies to the requested sole source procurement transaction(s).
  - The item/service is available only from one source;
  - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; and/or
  - Competition is determined inadequate after solicitation of a number of sources.

**Section III. Supporting Documentation** – The information below should support the applicable category(ies) identified in Section II.

1. If the item/service is available only from one source, please include the following:
  - » Uniqueness of items/services to be procured from the proposed contractor or vendor (compatibility, patent issues, etc.);
  - » How the agency determined that the item/service is only available from one source (e.g., market survey results, independent agency research, patented or proprietary system, etc.);
  - » Explanation of need for contractor's expertise linked to the current project (e.g., knowledge of project management, responsiveness, experience of contractor personnel, prior work on earlier phases of project, etc.); and/or
  - » Any additional information that would support the case.
2. If the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation, please include the following:
  - » Explanation of the specific public emergency;
  - » Impact on project if deadline/dates are not met;
  - » When the contractual coverage is required by your department and why; and/or
  - » Any additional information that would support the case.
3. If competition is determined inadequate after solicitation of a number of sources, please include the following:
  - » Results of a market survey to determine competition availability;
  - » If no survey is conducted, please explain why not; and/or
  - » Any additional information that would support the case.

**Section IV. Best Interest Statement** – A statement declaring that this action/choice is in the best interest of the agency.

Failure to provide all of the necessary information will delay the processing of your request. Your agency will be contacted if any of the identified information is missing or if additional supporting documentation is required. The COPS Office will notify your agency in writing after completion of the review.

Please be advised that conflicts of interest are prohibited under the procurement standards set forth in 28 CFR § 66 and 28 CFR § 70.

**Contact COPS**

If you have any questions regarding the federal requirements that guide procurement procedures, please contact your COPS Grant Program Specialist or program point of contact.

For more information about COPS Office programs and resources, please call the COPS Office Response Center at 800.421.6770, or visit COPS Online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).