



STATE OF ARKANSAS
**Department of Finance
and Administration**

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Memorandum

To: State Purchasing Agents
From: Joseph A. Giddis, Director
Date: August 10, 2006
Subject: Policy Directive on Sole Source Procurements

ACA 19-11-232 provides the legal basis for sole source procurements. Regulations R1:19-11-232 and R2: 19-11-232 provides the requirements for requesting a sole source designation. In addition to those references this memorandum establishes guidance for agencies requesting approval of sole source purchases. Sole source requests will not be processed without proper justification and compliance with the statutes, regulations and this policy.

Letters of justification are to be forwarded on agency letterhead addressed to the Director of State Procurement. The agency Director, CFO, Deputy Director or Administrator must review and sign each sole source justification letter. Sole source justification must be processed through the agency purchasing agent to the Office of State Procurement. Specific information should include detailed answers to the following questions:

1. What method(s) were used to determine that a lack of responsible competition exists for this service or commodity?
2. Why is this service or commodity needed?
3. How was it determined that this service, provider or commodity has exclusive processes or properties?
4. Can requirements be modified so that the services or commodity can be competitively bid? If not, why?
5. Are there patent, copyright or proprietary rights which make the required service or commodity unavailable from other sources?
6. What would the agency do if the service or commodity were no longer available?
7. Detail any program considerations, which make the use of a "Sole Source" critical to the successful completion of the task(s).

Purchases for \$5K or under are processed as small orders. Purchases between \$5K and 25K should be processed as a quote bid unless they are bona fide sole source purchases which involve hidden damages, copyrighted materials or compatibility issues that exclude all possibility of competitive bidding. Sole source purchases exceeding \$25,000 must include a current EO 98-04 Disclosure form