 **DEPARTMENT OF ADMINISTRATIVE SERVICES (DAS)**

**Office of School Construction Grants & Review (OSCG&R)**

**BULLETIN**

 **Sole Source Bidding**

 **FORM SCG-3040**

C.G.S. Sec. 10-287 (b) (1) requires that all orders and contracts for school building construction receiving state assistance shall be awarded to the **lowest responsible qualified bidder**. The statute neither permits nor prohibits sole source bidding. Under Connecticut case law, the use of sole source specifications may be permissible when a determination has been made that the specification is in the best interest of the public, and is not done for the purpose of favoring one vendor over another so as to undermine the integrity of the competitive bidding process.

It is the responsibility of the district to provide the Office of School Construction Grants & Review (SCG) with the information necessary to show that the sole source specification is in the best interest of the public. The design team to either specify a minimum of three reasonable equal products, or use a performance specification that does not include the manufacturer’s name. Written documentation should be provided to the SCG detailing the need for the sole source specification, including a cost benefit analysis. Such documentation shall be submitted by the district to the SCG for review by the SCG Sole Source Committee. The review will consider, among other things, whether the sole source manufacturer or a related company assisted in the preparation of the specifications, which may result in the costs for that portion of the work being declared ineligible for reimbursement.

To evaluate a proprietary vendor as the sole source of for a particular product or service, the SCG Sole Source Committee requires documentation that supports the request, including:

1. What is the magnitude or estimated value of this request?
2. How does the total value of the request compare to the value of similar materials/services or work already in place?
3. What is the effect of the sole source request on the maintenance of the facility for the life of the building?
4. Will the proposed sole source item restrict maintenance to the named sole source provider or licensed subcontractor?
5. Will the proposed sole source equipment, materials or services make the district captive to pricing increases?
6. Can reasonable costs for service, additions and/or maintenance be addressed as part of the initial bidding?
7. Will a sole source contract make the availability of parts and maintenance more difficult in the future?
8. How cost effective is it to specify the sole source items?
9. How accessible is the equipment supplier and installation contractor to the district, following completion of construction?
10. Will the district be captive to excessively high costs for future changes to the work regarding alterations or additions?
11. Can the project be bid in such a way to lock in a price structure for future additions or revisions to the sole source item?
12. Are the materials/services available competitively and in similar quality from other suppliers in the Connecticut market?

Additionally, before the SCG can approve a sole source bidding request, the district’s design professionals must address the issue of whether the request for sole source specifications included evaluation of available technical alternatives, **and** discussions with suppliers, vendors, and installation contractors of potential competitive bidders.

The above documentation must be received from the district, or their design professionals, and reviewed by the SCG prior to bidding, so that the information is available if protests are registered during the Bidding Process. Emphasis must be noted that **competitors must have an opportunity to address these issues** before a decision bythe Sole Source Committee is made. The committee will review the sole source request and determine if the information provided meets the requirements. If they do not, you will be informed of those issues requiring additional information.

Note that a determination by the SCG Sole Source Committee is not legally binding on vendors or contractors. In the event that the sole source specification is successfully challenged as not being in the public interest, use of such specification thereafter may result in those costs being ineligible for reimbursement. It is important therefore, for the district to demonstrate through appropriate documentation that any sole source specification request is in the public interest.

N: Website migration/Sole Source Bidding

FORM SCG-3040 Rev. 5/29/17 KD