MEMORANDUM

TO: BCS Vendors

FROM: Edward McMullen
Director of Purchasing

DATE: September 15, 2023

RE: Sole Source Requirement

The Alabama Bid Law (Title 16-13B-7) states that no county or city Board of Education may specify the purchase of good or services from a sole source, unless:

1. The Board of Education can document that the Sole Source product or service is of an indispensable nature, no other product or service can meet it’s needs, all other viable alternatives have been explored, and it has been determined that only this product or service will fulfill the function for which the product is needed. Frivolous features will not be considered.
2. No other vendor offers substantially equivalent goods or services that can accomplish the purpose for which the goods or services are required.
3. All information substantiating the use of a Sole Source specification is documented in writing and is filed into the project files.

Examples of acceptable exceptions from the Competitive Procurement process may include:

1. Only one known source exists for supplies or services as determined by document research.
2. No other reasonable alternative source exists that meets the district requirement.
3. Only one source meets the business needs of the district (e.g., Infrastructure compatibility, unique feature to meet the district’s need, etc.).

What is not a Sole Source Procurement?

1. A district requirement for a particular proprietary product or service does not automatically justify a sole source procurement if there is more than one potential bidder or offeror for that item or equivalent.
2. A particular brand name does not justify a Sole Source procurement.
3. A good or service uniqueness alone may not qualify for the producer or supplier as a sole source, particularly if the unique feature is not, one essential to the district’s operation.
4. An emergency condition does not, by definition, create a Sole Source justification.

If there is additional documented information/justification that you may have to support your request to satisfy the sole source requirement, as stated in the Alabama Bid Law, please forward to the attention of the Director of Purchasing, Edward McMullen at emcullen@bhm.k12.al.us.