**The State of Utah requires private entities classified as subrecipients on a sponsored program to follow state procurement code.**

**Compliance with state procurement code requires private entity subrecipient sole source requests over $5,000 to be pre-approved by Utah State University Purchasing Services.**

**SPONSORED PROJECT PROPOSAL INFORMATION**

**USU PRINCIPAL INVESTIGATOR (PI):**

**PI E-MAIL ADDRESSS:**

**USU PROPOSAL TITLE:**

**PRIME SPONSOR:**

**INSTITUTIONAL PROPOSAL #:**

**PRIVATE ENTITY SUBRECIPIENT INFORMATION**

**PRIVATE ENTITY SUBRECIPIENT:**

**CONTACT PERSON:**

**EMAIL ADDRESS:**

**COMPLETE ADDRESS INCLUDING ZIP CODE:**

**SUBAWARD BUDGET AMOUNT:**

**Private Entity Subrecipient Type:**

[ ]  Corporation [ ]  Partnership

[ ]  Proprietorship/Individual [ ]  Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PRIVATE ENTITY SUBRECIPIENT SOLE SOURCE JUSTIFICATION**

The sole source justification is based on the scope of work of the private entity subrecipient. Provide specific justification for selecting the private entity subrecipient at the prime award proposal stage on a sole source basis by answering the following questions (if additional space is required, attach a separate sheet of a paper):

1. Based on what expertise or resource was this particular private entity subrecipient selected to perform this work?

1. Why is this particular private entity subrecipient’s expertise or resource critical to the project?

1. Could this be reasonably modified to allow for competition?

[ ]  YES [ ]  NO

**CONFLICT OF INTEREST**

Does the PI or Key Personnel on the project have any personal, financial, or fiduciary relationship with the private entity subrecipient?

[ ]  YES [ ]  NO

If you answered yes, you must complete and/or update your Conflict of Interest disclosure in Kuali.

**APPROVALS**

 **PI Signature Date Sponsored Programs Signature Date**

 **USU Purchasing Services Signature Date**

**STATE OF UTAH DIVISION OF PURCHASING CODE**

**STATE OF UTAH**

**Division of Purchasing**

**Utah Administrative Code R33-8-101a: Sole Source Contract Awards (**[**http://www.rules.utah.gov/publicat/code/r033/r033-008.htm#T2)**](http://www.rules.utah.gov/publicat/code/r033/r033-003.htm%29)

## [R33-8-101a. Sole Source Contract Awards.](http://www.rules.utah.gov/publicat/code/r033/r033-008.htm#E2)

**(1) The underlying purposes and policies of the Utah Procurement Code are to ensure the fair and equitable treatment of all persons who deal with the procurement system and to foster effective broad-based competition within the free enterprise system. The most effective way to achieve this is by conducting a standard procurement process whenever public funds are expended for a procurement item. Sole source contract awards do not involve a standard procurement process and should only be used when justified after reasonable research has been conducted to determine if there are other available sources and an analysis has been conducted to determine if a sole source award is cost justified.**

**(2) Circumstances for which a sole source contract award may be justified include procurements for:**

**(a) A procurement item for which there is no comparable product or service, such as a one-of-a-kind item available from only one vendor;**

**(b) A component or replacement part for which there is no commercially available substitute, and which can be obtained only directly from the manufacturer; or**

**(c) An exclusive maintenance, service, or warranty agreement.**

**(3) Prior to awarding a sole source contract, the chief procurement officer or head of a procurement unit with independent procurement authority shall, whenever practicable, conduct a price analysis in accordance with Section R33-12-603.**

**(4) An urgent or unexpected circumstance or requirement for a procurement item does not justify the award of a contract without engaging in a standard procurement process.**

**The determination as to whether a procurement shall be made as a sole source shall be made by the procurement officer. The officer may specify the application of the determination and its duration. In cases of reasonable doubt, competition should be solicited. Any request by a using agency (department) that a procurement be restricted to one potential contractor shall be accompanied by an explanation as to why no other will be suitable or acceptable to meet the need.**