Non-Competitive Bid Request

**Proprietary Source Justification Instructions**

State of Rhode Island, Department of Administration

Division of Purchases

One Capitol Hill, Providence Rhode Island, 02908 [www.purchasing.ri.gov (](http://www.purchasing.ri.gov/)401) 584-8100

Competitive procurement is the preferred method to obtain goods and services. If competition is to be restricted, or not utilized, the facts and justification supporting this must be documented in detail. Justification must be based upon unique technical or performance characteristics. Personal preference for certain brands or products does not adequately justify limiting competition.

**Key Points**

1. If the procurement is $2,500 or below, neither competition nor Sole Source or Proprietary justification is required to be submitted to the Division of Purchases but must be maintained within the agency.

2. If a procurement is considered to be Sole Source or Proprietary and is estimated to be above $2,500, Sole Source/Proprietary Procurement justification must be submitted to the Division of Purchases along with the corresponding requisition.

**Definition**

**Proprietary Specification:** A proprietary procurement is a procurement where the desired good/service must be restricted to one manufacturer because the good/service is compatible with or is an integral component of existing equipment or

products; is necessary to support a specific need of a program; is covered by patent or copyright; must yield absolute continuity of results, or is one with which a user has extensive experience, and the use of any other similar piece of equipment would require considerable reorientation and training. In such cases, an equitable

evaluation of comparable products and/or services must be made and documented

by the requester which shows that rejection of other products is based solely on their failure to meet that need. In cases where no other comparable source can be

identified, a technical description of the product or service requested and a listing of those sources which were considered as alternates must be provided. Upon receipt of such documentation, a proprietary request may be granted and competition will be obtained among the distributors which carry the manufacturer's product.

Although all sole source specifications are proprietary, all proprietary specifications are not sole source. Proprietary items may be available from several distributors through competitive bidding; however, competition has been restricted to this group of suppliers.

**Instructions**

1. Complete and print the form on the next page.

2. Provide complete information. Forms lacking sufficient detail cannot be approved.

3. Sign and date the form and attach it to the purchase requisition.

Revised: 9/20/2005 Pursuant to [Rhode Island General Laws § 37-2-21](http://www.rilin.state.ri.us/Statutes/TITLE37/37-2/37-2-21.HTM)

|  |  |
| --- | --- |
| Good or Service: | Proposed Vendor: |
| Requesting Agency: | Requisition No: |

1. Explain why this is the only product/service that can meet the agency’s needs.

2. Is this part of an integrable system?  yes  no

3. Why is the offered price considered reasonable?  
What efforts have been made to negotiate the best price for this non-competitive purchase?

I certify that the above statements are true and complete to the best of my knowledge.

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Requestor Name Title Date

Approved by:

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Buyer Date

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Chief Buyer Date

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Administrator Date

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Purchasing Agent Date