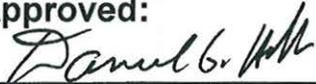


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|---|--|
| Subject: Sole-Source Purchases Over the Formal Bid Limit | Number: 3-3 |
| | Date Issued/Revised: June 1, 2002 |
| Responsible Department: GSD—Purchasing | Approved:  |

Policy

In the event that there is one, and only one, source for a product in excess of the formal bid limit, a sole-source contract may be used.

Procedure

When a department wishes to purchase a product over the formal bid limit from a "sole source" without competitive bidding, a sole-source resolution is to be prepared and submitted with a Council agenda item. In order to establish a legal basis for a sole-source exception, the following statements and findings must be made and set forth in every sole-source resolution:

1. A statement describing every unique or specialized feature of the product in question.
2. A statement of why the department requires that the product in question has such unique or specialized features (i.e., a statement of why a product without such features would not meet the department's needs).
3. A description of the department's efforts to locate all possible suppliers of such product.
4. A statement that, in spite of its efforts, the department has been able to locate only one supplier of the product in question.
5. A statement that indicates the ultimate cost of the product and the process used to determine the cost of the product.
6. A finding that it is, therefore, proper for the City to dispense with the competitive bidding requirement in this instance and to authorize the Purchasing Manager to purchase the product in question under the sole-source exception.

A copy of the draft agenda item, sole-source resolution and matrix showing comparisons of features between manufacturers/suppliers (see attached sample) shall be submitted to the Purchasing Manager for review and processing prior to placement on the Council agenda. The Purchasing Manager will obtain a quote from the vendor and forward the documentation, with a recommendation, to the City Attorney's Office for review and recommendation.

An example of a sole-source resolution may be obtained from the Purchasing Division.

**City of Fresno
Comparison Chart**

Sample

Division/Department: Fire Department

Equipment: Self-Contained Breathing Apparatus (SCBA's)

| Features | Manufacturer A Availability | Manufacturer B Availability | Manufacturer C Availability | Manufacturer D Availability |
|--|--|--|--|--|
| 1. Low Air Whistle Warning Device with various frequencies | No | Yes | No | No |
| 2. Second-stage Regulator | | | | |
| a. Detachable from face mask in any position | Yes | Yes | No | No |
| b. Detachable with gloves on | No | Yes | No | No |
| Total Cost: | \$xxxxx | \$xxxxx | \$xxxxx | \$xxxxx |
| Explanation of Features | | | | |

1. Manufacturer B offers a low air whistle warning device which has a warbling sound feature that enables the wearer to hear the warning device at various frequencies. This is an important safety feature to the wearer because some firefighters have hearing loss to certain frequencies. Manufacturers A, C, and D only offer a low air whistle warning device with one frequency. With a single frequency warning device, a firefighter may not hear the warning sound due to a particular frequency used. This could result in serious consequences to the firefighter.

2. Manufacturer B offers a Second Stage Regulator that is detachable from the face mask in any position. This is an important safety feature because it allows the wearer to connect or disconnect the regulator from the face mask without requiring it to be lined up with notches or slots. Furthermore, this Regulator can be connected or disconnected while wearing safety gloves. Manufacturers C and D require the regulator to be lined up with notches or slots in order to connect or disconnect the regulator. This creates a safety concern because it is more timely and difficult to connect or disconnect the regulator under emergency conditions, and is especially a concern when operating in low light or smokey conditions. Furthermore, the regulator offered by Manufacturers C and D cannot be removed while wearing gloves. Manufacturer A offers a regulator that is detachable from the face mask without lining it up with notches or slots, but the release button is so small that it requires the removal of gloves to disconnect. It is a safety concern of the Fire Department if the wearer must remove his/her gloves in order to disconnect the regulator.