
LAMAR UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Financial Services

AREA: Procurement and Payment Services

Sole Source (Proprietary) Purchasing	MAPP 05.05.10
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I. POLICY

- A. A Sole Source (Proprietary) purchase is justified only when equivalent product or service competition is not available. When the specification requirement limits consideration to one manufacturer, one product, or one service provider, a written justification must be provided and is subject to approval by the Lamar University (LU) Office of Procurement and Payment Services.
- B. Justification and approval for a Sole Source (Proprietary) purchase is required when the total purchase cost is \$15,000.01 or higher, to include possible renewal options. Justification and approval are not required for purchases \$15,000 and under.

II. PURPOSE AND SCOPE

- A. This policy falls under the authority of the laws, statutes, rules, and regulations of the State of Texas and Texas State University System (TSUS), including but not limited to the TSUS Rules and Regulations, Chapter III.6 (Financial Affairs) and III.10 (Contracts, Purchases, and Agreements); TSUS Contract Management Handbook; Texas Government Code § 2155.067 (Proprietary Purchases); Texas Administrative Code, Title 34, Chapter 20 (Statewide Procurement and Support Services); and State of Texas Procurement and Contract Management Guide.

III. ROLES AND AUTHORITY

- A. LU personnel authorized to approve a Sole Source (Proprietary) purchase are the President of the University, the Vice President for Finance and Operations, the Associate Vice President for Financial Services, the Director of Procurement and Payment Services, the Assistant Director of Procurement Services, and other delegates listed in the University's current Delegation of Authority Policy (MAPP 05.01.06). All delegates *must* be authorized, in writing, to perform this role, following LU's process for delegating authority.
- B. As common practice, the Director of Procurement and Payment Services or the Assistant Director of Procurement Services will typically provide final approval for Sole Source (Proprietary) purchases. LU personnel requesting a sole source or proprietary purchase are required to follow the correct procedures (Section IV, below) and, except as specified in the University's Delegation of Authority Policy, may not bypass the Director of Procurement and Payment Services or the Assistant Director of Procurement Services to request approval from

the President or another delegated authority unless these individuals are not available for an extended period of time.

IV. PROCEDURES

- A. The University department requesting a Sole Source (Proprietary) purchase must submit a requisition and attach a completed and department-approved Sole Source Justification Form justifying the sole source or proprietary purchase.
- B. The requesting department must state the proprietary specifications in the Sole Source Justification Form. Proprietary specifications are factors that make a sole source or proprietary purchase necessary. Specifications must be factual and backed up by documentation (see IV.C) and cannot be based on opinions or preferences.
- C. The requesting department must include any and all backup documentation justifying and supporting the request (e.g., research on product/service, documented contact with vendors, list of concerns addressed to those vendors, proof of patents, copyrights, etc.).
- D. The Sole Source Justification Form must be signed by the Requestor (or Primary-User) along with the applicable Department Approver or Principal Investigator (for a grant account) justifying why no other source or brand meets departmental need. The requestor must address all points within the form, or the Office of Procurement and Payment Services will return the form for correction and missing information.
- E. In completing and signing the Sole Source Justification Form, those individuals acknowledge their responsibility to formally address any protests or audit findings resulting from the sole source or proprietary purchase request.
- F. The Director of Procurement and Payment Services or the Assistant Director of Procurement Services must approve the request. (See Section II for additional information on approvals for sole source or proprietary purchases.)

V. REVIEW AND RESPONSIBILITY

Responsible Party: Vice President for Finance and Operations

Review Schedule: Every three years on or before September 1

VI. APPROVAL

Jeremy C. Alltop	09/22/2021
Vice President for Finance and Operations	Date
Dr. Jaime R. Taylor	09/29/2021
President	Date

REVISION LOG

Revision Number	Date	Description of Changes
1	08/03/2021 08/11/2021	Version created (08/03/2021). Minor edits for grammar, style & clarity (08/11/2021).
	09/29/2021	Version approved by President.