



Hays CISD

21003 Interstate 35
Kyle, Texas 78640 -4745
512-268-2141 ext. 46063

[Insert Date]

Sole Source Exemption Memo

This Sole Source Exemption Memo serves to justify this purchase as exempt from competition under the Texas Education Code (TEC) and if Federal funds apply, the Education Department General Administrative Regulations (EDGAR).

Per the TEC, specifically Subchapter B, Section 44.031, item (j):

(j) Without complying with Subsection (a), a school district may purchase an item that is available from only one source, including:

- (1) An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
- (2) A film, manuscript, or book;
- (3) A utility service, including electricity, gas, or water
- (4) A captive replacement part or component for equipment.

Per EDGAR, specifically 2 CFR 200.320(f):

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

In both of the above instances, Hays CISD further specifies that an item is Sole Source when:

1. There are no like products or services available for purchase that would serve the same purpose or function; and
2. There is only one source from which Hays CISD may make the purchase due to exclusive distributor rights or a direct to customer sales model having no authorized distributors.

In accordance with the above citations, Hays CISD declares the following purchase as a Sole Source:

Hays CISD seeks to contract with [Insert Vendor Name] in the estimated amount of [Insert Amount (If multiple years, include term length and ongoing amounts.)) for [Describe the Products/Services]. Federal funds [will/will not] be used for these any portion of these purchases.

[Detail the reasons why this product/service is the only one that will meet Hays CISD's needs, including any applicable background that would preclude any other product/service from being an acceptable substitute.]

Official documentation from an authorized representative of the vendor is attached to this Sole Source Exemption Memo. This documentation describes the patent, copyright, secret process, or monopoly that precludes competition for this product/service and the details that the vendor only provides these products/services to the customer directly, with no authorized distributors or resellers.

I, the undersigned authorized representative for Hays CISD, affirm that I support and will justify Hays CISD's determination that this purchase is a Sole Source in accordance with the citations and explanations contained in this Sole Source Exemption Memo.

[Insert Name]

[Insert Title]

Hays CISD

I, the undersigned Director of Purchasing or delegated signature authority representative for Hays CISD, affirm that this purchase complies with requirements to be considered a Sole Source in accordance with the citations and explanations contained in this Sole Source Exemption Memo.

Nicole Turner

Director of Purchasing

Hays CISD