

**Policy Number: 221.4**

**Policy: Brand Name and Sole Source**

**Effective Date: 3/2013**

**Revision Date: 3/2013**

**Approved by: Business Services Director**

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**POLICY:**

**I. Brand Name and Sole Source Procurement:**

- A. The Montana State University Billings Purchasing Department is responsible for all procurement activities of the College. The MSU Billings Purchasing Department follows Federal and State laws and procedures and adheres to sound purchasing practices. The MSU Billings purchasing is responsible for ensuring all MSUB departments and affiliated campuses follow policies and procedures established in the [Montana Operations Manual \(MOM\)](#), [Montana Code Annotated \(MCA\) Title 18](#), [Administrative Rules of Montana \(ARM\) Rule Chapter 2.5](#), and this policy and associated procedures.
- B. For purchases with a total contract value greater than \$10,000, the determination as to whether procurement shall be made as a brand name and sole source shall be made by the Purchasing Department.
  1. In cases of reasonable doubt, competition should be solicited.
  2. A request by a department to restrict solicitation to one vendor must be made with a Brand Name and Sole Source Justification Form.
- C. Brand Name and Sole Source procurement is permissible under the following circumstances:
  1. Brand Name
    - a. the compatibility of current services or equipment, accessories, or replacement parts is the paramount consideration;
    - b. there is no existent equivalent product;
  2. Sole Source
    - a. there is only one source for the supply or service item;
    - b. only one source is acceptable or suitable for the supply or service item; or
    - c. the supply or service item must be compatible with current supplies or services.
- D. The procurement officer may conduct negotiations, as appropriate, as to price, delivery, and terms.
- E. For the purpose of complying with 18-4-306, MCA, a record of sole source procurements greater than \$10,000 shall be maintained by the procuring agency using the "Sole Source Procurement Justification" form provided by the department.
- F. The following items do not require sole source justification and shall be purchased directly by the purchasing department regardless of delegated authority:
  1. professional licenses;
  2. dues to associations;

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3. renewal of software license agreements;
4. purchase or renewal of maintenance agreements for software or hardware; and
5. publications available only from a single supplier.