

Regulation 4.12.060 -- Sole Source Procurement

R4.12.060.01 Application.

The provisions of this ~~r~~Regulation apply to all sole source procurements unless emergency conditions exist as defined in Regulation 4.12.070 (~~e~~Emergency ~~p~~Procurements) of these ~~r~~Regulations.

R4.12.060.02 Conditions for Use of Sole Source Procurement.

Sole source procurement is not permissible unless a requirement is available from only a single supplier. ~~A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror for that item. The following are examples of circumstances that could necessitate sole source procurement: {N0506125.1}~~

~~Unless otherwise specified in these regulations, a using agency shall make a request to the purchasing agent before engaging a sole source procurement. Any sole source request by a using agency shall be accompanied by a full justification as to why no other source will be suitable or acceptable to meet the need.~~

- ~~a) — where a sole supplier's item is to be procured for resale;~~
- ~~b) — where public utility services are to be procured.~~

~~Unless otherwise specified in these regulations, the purchasing agent, or their designee, shall determine in writing. The determination as to whether a procurement shall be made as a sole source shall be made by the Purchasing Agent, or designee of such officer. Such determination and the basis therefore shall be in writing. Such officer may specify the application of such determination and the duration of its effectiveness.~~

In cases of reasonable doubt, competition should be solicited.

~~Any request by a Using Agency that a procurement be restricted to one potential contractor shall be accompanied by a full justification as to why no other source will be suitable or acceptable to meet the need.~~

R4.12.060.03 Negotiation in Sole Source Procurement.

The ~~p~~Purchasing ~~a~~Agent, ~~or their designee~~, shall conduct negotiations, as appropriate, as to price, delivery, and terms.

~~It shall be a condition of sole source procurement that the prospective supplier accept, in advance and without exception, the standard terms and conditions offered by Metro. If a supplier does not accept or takes exception to the standard terms and conditions offered by Metro then competition shall be solicited.~~

R4.12.060.04 Record of Sole Source Procurement.

~~Using agencies shall maintain a~~ record of sole source procurements ~~shall be maintained~~ that lists:

- ~~C~~each contractor's name;
- ~~A~~the amount and type of each contract;
- ~~a listing of the supplies~~Supplies, services, or construction procured under each contract; and
- the identification number of each contract file.

R4.12.060.05 Items Approved for Sole Source Procurement.

Purchases of the items listed below are hereby approved for sole source procurement ~~and are exempt from R4.12.060.04. and are exempted from the requirement that each sole source purchase must be documented in a record of such procurements as required by Section R4.12.060.04 (Record of Sole Source Procurement) of these Regulations.~~

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- a) ~~Brand-name~~ brand-name pharmaceuticals and medical and scientific equipment and supplies which are only available from a single source, or can be purchased at a fair and reasonable price by Metro through "group purchasing programs" as defined in Tenn. Code Annotated - 6 8 11-1202(3);
- b) ~~maintenance of photocopiers, high technology equipment and systems equipment, systems, (in addition to that already referenced), and software which is practicably available from only one source;~~
- ~~b)c) Online services offered solely on a subscription basis.~~
- d) ~~Subsistence and care services, including ambulance, clinic, hospital, funeral, burial, and veterinary services.~~
- e) ~~products and services which are sold by revenue-generating departments or agencies on a retail basis and are practicably available from only one source;~~

Purchase of the items listed below are hereby approved for sole source procurement and are exempt from R4.12.060.02 and R4.12.60.04:

- ~~e) Goods and services provided directly by departments or agencies of the Metropolitan General Government or Metro Nashville Public Schools. meeting and exhibition services which are provided by revenue-generating Metro facilities on a cost-reimbursable basis, with or without mark-up, and are practicably available from a single source;~~
- f) ~~Goods and services provided directly by the United States Postal Service. additional items as listed below:~~
- g) Goods and services provided directly by the Tennessee Valley Authority or their local power companies whether municipal utilities or regional cooperatives.
- h) Goods and services provided directly by a gas or water utility company.
- i) Transportation of prisoners or witnesses.
- j) Placement of formal or legal notices in print or online newspapers, periodicals, or affinity publications.
- k) Placement of advertisements in print or online newspapers, periodicals, affinity publications, or other advertising venue.
- l) Subscriptions to print or online newspapers, periodicals, or affinity publications.
- m) Subscriptions to academic or literary databases and services.
- n) Fees for membership, registration, and tuition.
- o) Rental of space or provision of food, beverages, speakers, or entertainment for Metro sanctioned meetings or exhibitions.
- p) Freight, express, and trucking charges where not included as an item of expense on a purchase order.

- e) ———
- i. ~~Postage, box rents, etc., from US Postal Service;~~
- ii. ~~Freight, express and trucking charges (if not included as an item of expense on a purchase order);~~
- iii. ~~Automobile licenses, emission testing, and titles;~~
- iv. ~~Messenger and delivery services;~~
- v. ~~Transportation of prisoners and/or witnesses;~~
- vi. ~~Radio, TV, Cable and Fiber services (as directed by Purchasing Agent pursuant to purchasing procedures);~~
- vii. ~~Publication of formal and legal notices;~~
- viii. ~~Subscriptions to newspapers, periodicals, and online services;~~
- ix. ~~Tax, law or other services on a subscription basis;~~
- x. ~~Memberships, registration fees, and tuition;~~
- xi. ~~Host and hostess expenses for light refreshments and beverages;~~
- xii. ~~Advertising (newspapers, periodicals, and other advertising venues);~~
- xiii. ~~Utility services (electric, water, gas, telephone, thermal transfer, etc.);~~
- xiv. ~~Subsistence and care of persons (other than food service contracts);~~
 - xv. ——— Ambulance, clinic, and hospital services;

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- xvi. ~~Funeral and burial services; and~~
- xvii. ~~Reference books, manuals, pamphlets, and instruction guides.~~
- xviii. ~~Speaking engagements, musical and entertainment acts (as directed by Purchasing Agent pursuant to purchasing procedures);~~
- xix. ~~Meeting and exhibition space for Metro hosted events.~~