



Procedure 202-09 Sole Source and Emergency Procurement

Sponsor: Business and Administrative Services

Purpose

Establish procedure for sole source and emergency procurements.

Definitions

Emergency: A threat to public health, welfare, or safety that threatens the functioning of government, the protection of property, or the health or safety of people.

Sole Source: An acquisition where, after a search, only one supplier is determined to be reasonably available for the required product, service, or construction item.

Procedure

Sole Source Procurement

The Purchasing Department may award a contract for a material, service, or construction item if it is determined that there is only one source for the required material, service, or construction item. Proper documentation will be filed, Pursuant to A.R.S. § 41-2536 for locally funded purchases and additionally pursuant to 2 CFR §200.300(c) for federally funded purchases.

Sole source procurement will be avoided, except when no reasonable alternative exists. The Purchasing Department will require documentation from the requisitioning unit to justify why the technical characteristic(s) inherent in an item justifies preference over another brand that has similar qualities. This will include supportive documentation, including quotes and/or responses from possible alternative vendors, or through a Notification of Intent to Sole Source posting in the Arizona Procurement Portal (APP), allowing prospective vendors to respond stating their qualifications for meeting the requirements of the procurement.

Final responsibility in determining whether an item is a proprietary item and may be purchased from a sole source rests with the Director of Purchasing and Auxiliary Services.

Competition Impracticable Procurement

Pursuant to A.R.S. § 41-2702, this is a purchase made when a requirement exists which makes compliance with Procedures impracticable, unnecessary, or contrary to stakeholder interest but which is not an emergency. This is a purchase decision whereby purchases are directed to one source even though other competitive sources may be available.

Procures as follows may be procured by this method:

- a. Documented lack of available responsive and responsible suppliers.
- b. Standards created through an evaluation process.

- c. Maintaining warranty.
- d. Unique purchases where the requirements of a solicitation inhibit timely acquisition due to the commodity and/or supplier market.

For purchases to qualify under a competition impracticable procurement, a determination signed by the Director of Purchasing and Auxiliary Services is required. The determination must contain the following:

1. An explanation of the competition's impracticable need and the unusual or unique situation that makes compliance with Procedures impracticable, unnecessary, or contrary to stakeholder interest.
2. The scope, duration, and estimated dollar value of the procurement need.

Emergency Procurement

The Purchasing Department may make or authorize others to make emergency purchases. Generally, emergency order procedures will not be used unless the savings realized by normal procurement practices would be offset by a corresponding or greater loss to the department as a result of the delay, pursuant to A.R.S. § 41-2537.

Failure to anticipate a need is not of itself considered a bona fide emergency.

To initiate an emergency requisition, the authorized person must submit an approved requisition, either in written form or through the College's financial system, to the Purchasing Department. The Purchasing Department will require documentation from the requisitioning unit, approved by the department head, justifying the need for any emergency purchase.

References

A.R.S. § 41-2536

A.R.S. § 41-2537

A.R.S. § 41-2702

Procedure History

10/25/2019	New and Adopted by Executive Leadership Council
07/05/2023	Updated to add 'Competition Impracticable Procurement' section
03/24/2025	Updated to comply with Auditor requirements of supportive documentation, including quotes and/or responses from possible alternative vendors to be included in the files
07/07/2025	Revised Sponsor from Purchasing and Auxiliary Services to Business and Administrative Services

Legal Review

None (the contents of this procedure are substantially from state laws and procurement codes)