

**Internal Policies and Procedures
of the
Utah State Board of Education**

Policy #:	06-19
Subject:	Sole Source
Date:	June 29, 2022
Policy Owner:	Director of Purchasing and Contracts
Policy Officer:	Deputy Superintendent of Operations
References: <ul style="list-style-type: none">• Utah Code Annotated, Title 63G Chapter 6a, Utah Procurement Code• Utah Administrative Code Title R33• Utah Administrative Code Title R277-122	

I. **PURPOSE:**

To establish procedures for adding time or funding to a sole source contract via an additional, approved sole source award.

II. **POLICY:**

Adding time and or funds to a sole source contract can be done through a new sole source.

III. **PROCEDURES:**

1. This policy applies only to amendment or continuation of contracts resulting from an award made pursuant to Utah Code 63G-6a-801 and Rule R33-8-101.
2. When adding time or funding to a contract resulting from an approved sole source award, the USBE will, in lieu of the provisions set forth in Section 63G-6a-802.7, Rule R33-8-110, and Purchasing Policies, and in accordance with Section 63G-6a-801 and Rule R33-8-101, complete and publish a Notice of Intent to Award a Contract Without Engaging in a Standard Procurement Process, provided that:
 - a. Publication of the notice complies with the requirements of Section 63G-6a-112;

- b. Unless otherwise approved by USBE's Director of Purchasing in accordance with Section 63G-6a-1204 (7), the period of time indicated in the notice does not exceed five years from the date of the current contract's expiration; and
 - c. The published notice includes:
 - i. A copy of the contract to which time or funding is being added;
 - ii. A complete description of the work to be performed; and
 - iii. As applicable, evidence demonstrating that:
 - A. There is only one source for the procurement item;
 - B. Transitional costs are a significant consideration and are unreasonable or cost-prohibitive; or
 - C. Awarding a contract through a standard procurement process is impractical and not in the best interest of the procurement unit.
3. If no objections to the published notice are received, and the documentation obtained and the research performed by USBE's Procurement Unit support the award of additional time or funding to the current vendor without engaging in a standard procurement process, USBE may, as it determines to be in its best interest:
- a. Amend the USBE's current contract with the vendor to incorporate the additional time or funding; or
 - b. Execute a new contract with the vendor.

IV. **HISTORY:**

The effective date of this policy was January 19, 2018. On June 29, 2022, this policy was formatted to comply with USBE Internal Policy 00-01.