**Section 1.2025 Sole Source or Sole Economically Feasible Source Procurement**

a) Application

The provisions of this Part apply to procurement from a sole source or sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit authorized in Section 1.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 1.2030 (Emergency Procurements), in which case those other procedures may be used.

b) Conditions for Use of Sole Source or Sole Economically Feasible Procurement

A sole source procurement is permissible when a requirement is available from only a single supplier. A sole economically feasible procurement is permissible when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one vendor authorized to provide that item. The following are examples of circumstances that could necessitate sole or sole economically feasible source procurement (this list is not exhaustive):

1) compatibility of equipment, accessories, replacement parts or service is a paramount consideration;

2) items are needed for trial use or testing of that specific product or service;

3) item is for commercial resale;

4) non-competitive public utility services;

5) item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

6) media for advertising;

7) art, entertainment services or athletic events;

8) radio and television broadcast rights;

9) procurements related to participation in educational, professional, research, public service or athletic activities of organizations of which the State agency is a member. These procurements may include, but are not limited to, dues and membership fees, travel and lodging and facility usage fees;

10) federal or State grant requires contract with named vendor;

11) items required by franchise agreements; and

12) items that are required for research and no other source is able to meet the researcher's documented need.

c) Sole Source Determination

The determination as to whether a procurement shall be made as a sole source or sole economically feasible source procurement shall be made by the SPO, based on a request made by a State agency. The request shall be in writing on a form prescribed by the PPB and shall include the basis for the sole source or sole economically feasible source determination. Prior to authorizing the State agency to enter into a contract based on the sole source or sole economically feasible source request, the CPO-GS shall offer a public hearing to be held and make a final determination as required by Section 20-25(a) of the Code. Any request for hearing must be made at least 5 calendar days prior to the date of the scheduled hearing. If no request for a hearing is made, the hearing will be cancelled. The procurement may proceed on a sole source or sole economically feasible source basis only after the procurement method is approved by the CPO-GS.

d) Hearing

Any hearing required shall be conducted in accordance with Subpart V.

(Source: Amended at 46 Ill. Reg. 10208, effective June 2, 2022)