**Section 6.110 Sole Source and Sole Economically Feasible Source Procurement**

a) Application

A contract may be procured from a single source without competition or use of any other method of procurement prescribed in the Code or this Part when the single source is the only economically feasible source capable of providing the services, including professional and artistic services, contemplated or the material or product to be supplied. (See Section 20-25 of the Code.)

b) Conditions for Use of Sole Source and Sole Economically Feasible Source Procurement Method

Sole source procurement is permissible when a requirement is available from only a single supplier. Sole economically feasible source 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 more than one vendor is authorized to provide that item. The following are examples of circumstances that may necessitate sole source and sole economically feasible source procurement, but are not exhaustive:

1) when the compatibility of equipment, accessories, replacement parts, or service is a primary consideration;

2) when trial use, testing or the development of new technology is the object of the procurement;

3) when a sole supplier's item is to be procured for commercial resale;

4) when utility services are to be procured;

5) when the surety providing a performance bond tenders a completion contractor, acceptable to the Department, to complete a defaulted contract;

6) when the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent or service area licensee.

c) As soon as a need is identified by the Department, the SPO must be contacted to determine the appropriate procurement method. The final 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 the Department. 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 Department to enter into a contract based on the sole source or sole economically feasible source request, the CPO shall offer to conduct a public hearing 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 hearing is made, the hearing will be cancelled. No sole source or sole economically feasible source procurement may proceed without final approval by the CPO.

d) When an interested party submits a written request for a public hearing, the CPO will provide notice of intent to contract on a sole source basis to the PPB and publish the notice in the Bulletin at least 14 days prior to the public hearing required in Section 20-25(a) of the Code. The notice will include the sole source procurement justification form prescribed by the PPB, a description of the item to be procured, the intended sole source contractor, and the date, time and location of the public hearing. (See Section 20-25 of the Code.)

e) The CPO may hold a public hearing in accordance with Section 20-25(a) of the Code.

1) Prior to the execution of a sole source contract, the CPO may hold a public hearing and provide written justification for the sole source contract. The Department will also provide written justification for the sole source contract.

2) Any interested party may present testimony at the public hearing.

3) A sole source contract, when a public hearing was requested by an interested party, may be awarded, after the public hearing is conducted, with the approval of the CPO. Approval of the CPO will be granted in accordance with the Code and this Part.

4) A copy of all procurement documents provided at the hearing will be included in the Bulletin, along with the decision of the CPO to award or not award the sole source contract.

(Source: Amended at 44 Ill. Reg. 6222, effective April 8, 2020)