

### §3-05 Sole Source Procurement.

(a) *Conditions for use.* Sole source procurement shall be used only when there is only one source for the required goods, service, or construction. In such case, the accepted price and terms and conditions shall be achieved through negotiation between the agency and the vendor. This section shall apply to all sole source procurements over [\$2,500] \$20,000.

(b) *Determination.* Prior to entering into sole source negotiations, the ACCO shall make a determination that there is only one source for the required good, service, or construction.

(1) [For sole source procurements of \$10,000 or less for goods and services and \$15,000 or less for construction and construction-related services, s] Such determination shall include a description of the process by which the agency made such determination, [.

(2) For sole source procurements above these amounts, such determination shall also include] a description of the efforts made to ensure that offers were solicited from other sources, and where applicable, a statement of intended actions to develop competition in the future. The agency shall also perform a presolicitation review pursuant to §2-02.

(~~2~~[3]) A copy of the determination shall be forwarded within five days of completion to the Comptroller.

(c) *Public notice.* (1) *Notice of intent to enter into sole source negotiations.* If expressions of interest are received they shall be evaluated and, if it appears that the good, service, or construction is available from more than a single source, a solicitation shall be issued in accordance with Chapter 3 of these Rules.

(i) *Frequency.* After the ACCO determines that this procurement method will be used[ for purchases in excess of \$10,000 for goods and services and \$15,000 for construction and construction-related services], notice of the intent to enter into negotiations shall be published in the City Record for five consecutive editions no fewer than ten calendar days before negotiations are expected to begin and shall be posted on the City's website in a location that is accessible by the public simultaneously with its publication. Such notice shall solicit expressions of interest from vendors qualified to compete on that procurement or in the future. This subdivision shall not apply in cases where Corporation Counsel has provided a written statement that such notice may jeopardize pending litigation or collective bargaining.