

**2 AAC 12.410. CONDITIONS FOR USE OF SINGLE SOURCE PROCUREMENT.**

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(a) A request by a purchasing agency that a procurement be restricted to one potential contractor shall be accompanied by a written explanation that meets the requirements of 2 AAC 12.415 as to why it is not practicable to award a contract by competitive sealed bidding, competitive sealed proposals, or small procurement procedures, and why award to a single source is in the state's best interests. An agency may advertise its intent to make a single source award to determine if such an award is appropriate. The agency shall include in the written explanation the evidence needed for an independent examination and determination of the material facts of the procurement, subject to AS 36.30.315. Except for a procurement that does not exceed the amount for small procurements under AS 36.30.320, the award of a single source procurement may not be made without the prior written approval of the Chief Procurement Officer or the Commissioner of Transportation and Public Facilities, as appropriate under AS 36.30.300 (a).

(b) A determination under AS 36.30.300 (a) must specify the duration of the determination's effectiveness.

(c) A procurement officer shall conduct negotiations, as appropriate, as to the price, delivery, and terms of a single source procurement.

(d) The following are examples of circumstances in which single source procurement might be appropriate:

(1) if the compatibility of equipment, accessories, or replacement parts is the main consideration;

(2) if a specific item is needed for trial use or testing, including testing of a prototype;

(3) if an item is to be procured for resale;

(4) repealed 6/29/95;

(5) if there exists a sole source of expertise required to perform a specific professional service;

(6) if the procurement is for operation of a concession contract on State of Alaska property by a nonprofit organization whose sole purpose is to operate the concession and provide other public services on the property;

(7) if the procurement is with a government police agency to provide investigative, enforcement, or support services in support of state law enforcement objectives;

(8) if the procurement is for the services of legal counsel for the purpose of advising or representing the state in specific civil or criminal proceedings or on a specific matter before a federal or state regulatory agency, board, or commission;

(9) if the procurement is by the Office of the Governor for lobbying, labor negotiation, or consulting by a foreign national. (*Eff. 1/1/88, Register 104; am 6/29/95, Register 134; am 11/28/97, Register 144*)

Authority: AS 36.30.040 AS 36.30.300 AS 36.30.315