Brand Name and Sole Source Procurements 5.1.4

PURPOSE

~~It is the~~This policy outlines the internal process for brand name, sole source, and unique services procurements. ~~of the City of San José to create opportunities for competition to arrive at the most economical price when acquiring supplies, materials, and equipment. However, the City recognizes the operational need for brand name and sole source purchases. This policy outlines the process for requesting a brand name or sole source procurement. The Director of Finance or Chief Purchasing Officer shall determine in writing based on the justification submitted from the requesting department whether a request for a brand name or sole source procurement for supplies, materials, and equipment is appropriate. The justification must include significant costs savings or other significant benefits (i.e. enhanced project timeline, quality, compatibility, functionality etc.) in accordance with the San José Municipal Code, Section 4.12.149.~~

For the purpose of this policy a brand name procurement is the acquisition of supplies, materials, and equipment without allowing any equivalent supplies, materials, or equipment to compete with the specified brand. ~~-~~A sole source procurement is the acquisition of a brand name good from a single source. A unique services procurement is the acquisition of general services such as maintenance services, repair services, and information technology support services or professional consulting services from a single source.

AUTHORITY

City of San José Municipal Code (Sections 4.12.230 – 4.12.240)

DEFINITIONS

Procurement Authority: The City Manager, Council Appointee, Director of Finance, or such other person who has been duly authorized to procure a contract.

POLICY

It is the policy of the City of San José t~~hat Departments~~ o develop functional and/or performance requirements for the competitive purchase of supplies, materials, e~~and e~~quipment, and services. However, the City recognizes the operational need for brand name, sole source, and unique services purchases. This policy outlines the process for requesting a brand name, sole source, or unique services procurement. The Procurement Authority shall determine in writing whether a request for a brand name, sole source, or unique services procurement for supplies, materials, equipment, general services, and professional consulting services is appropriate. The request must include adequate justification in accordance with San José Municipal Code requirements 4.12.230 – 4.12.240.

If required, pursuant to the City of San José Municipal Code (Sections 4.12.230 - 4.12.240), the City may procure brand name, ~~and~~ sole source, and unique services products and services for the following reasons:

Products:

- For conducting a pilot, field test or experiment to determine the product's suitability for use by City.
- For proper operation or function to match other products with respect to the repair or expansion or completion of a system or program already in use by the City, including, but not limited to, technology purchases required to achieve interoperability with existing hardware, software, systems or programs.
- In order to obtain a necessary item that is available only from one source.
- In order to make an emergency purchase pursuant to Section 4.12.220~~145~~ of the City's Municipal Code.
- In order to achieve significant cost savings based upon consideration of the following factors:
  (a) timeliness and quality of installation, repair and maintenance;
  (b) quality of user training;
  (c) supplies and replacement parts;
  (d) modification of existing equipment, materials or systems;
  (d) future upgrades and updates;
  (e) estimated amount and cost of reasonably foreseeable future purchases of equipment that would be required to be compatible or functional with the product which is the subject to brand name/sole source procurement determination; or
  (g) administrative costs.

Services:

- Where it is determined that an unusual or unique situation exists that makes the application of the requirements for competitive procurement contrary to the public interest. Any special procurement under this section shall be made with such competition as is practicable under the circumstance.

If a purchase~~Departments~~ requires a brand name,~~e or~~ sole source, or unique services procurement, ~~Departments shall submit~~ a r~~R~~equest shall be submitted to the ~~for approval of a Brand Name/Sole Source~~ Procurement Authority~~ to Finance~~. The ~~Director of Finance or designee~~Procurement Authority is required to document the facts reviewed in arriving at the decision for permitting or pursuing a brand name/sole source/unique services procurement, the period of time for which it is valid for making purchases, and under what conditions the authorization for brand name/sole source/unique services procurement must be reviewed for possible revision.

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Purchases of equipment, materials, ~~and~~ supplies, and services shall not be segregated or conducted in a manner for the purpose of avoiding the requirements of the City of San José Municipal Code.

PROCEDURES ~~FOR AUTHORIZATION OF BRAND NAME AND SOLE SOURCE PROCUREMENTS~~

~~Requesting~~ Department

1. Determines, after conducting ~~a~~ limited market research and/or identification of operational constraints such as necessary compatibility with existing equipment, documentable cost savings, or time constraints, etc. that a brand name/sole source/unique services purchase is warranted and required.

~~1.~~2. While conducting ~~a~~ limited market research with potential vendors, City staff is required to communicate clearly that the collection of

information is not related to any procurement activity.

~~2.~~ 3. Submits a completed Request for Approval of Brand Name/Sole Source/Unique Services Procurement to the Procurement Authority. The request shall not be completed by vendors, consultants, or uncompensated parties. ~~Submits a completed Brand Name/Sole source Procurement Request Form (see attachment) to Finance/Purchasing. The form shall not be completed by vendors, consultants, or uncompensated parties. For technology related procurements, the requesting Department shall follow applicable processes as approved by the Information Technology Planning Board (ITPB).~~

~~Finance/~~ Procurement Authority~~urchasing~~

~~3.~~4. Reviews and validates the Request for Approval of Brand Name/Sole Source/Unique Services Procurement~~request for a brand name/sole source Procurement~~.

~~3.~~ Researches the industry of the requested product/services~~, which may include issuing a Request for Information (RFI)~~.

~~4.~~
~~5.~~
~~6.~~
~~7.~~
~~8.~~5.

~~8.~~6. Approves the Request for Approval of Brand Name/Sole Source/Unique Services Procurement for a defined period and under what conditions the authorization for brand name/sole source/unique services purchases must be reviewed for possible revision or rejects the Request for Approval of Brand Name/Sole Source/Unique Services Procurement.~~Approves the request for brand name/sole source procurement for a limited period and under what conditions the~~

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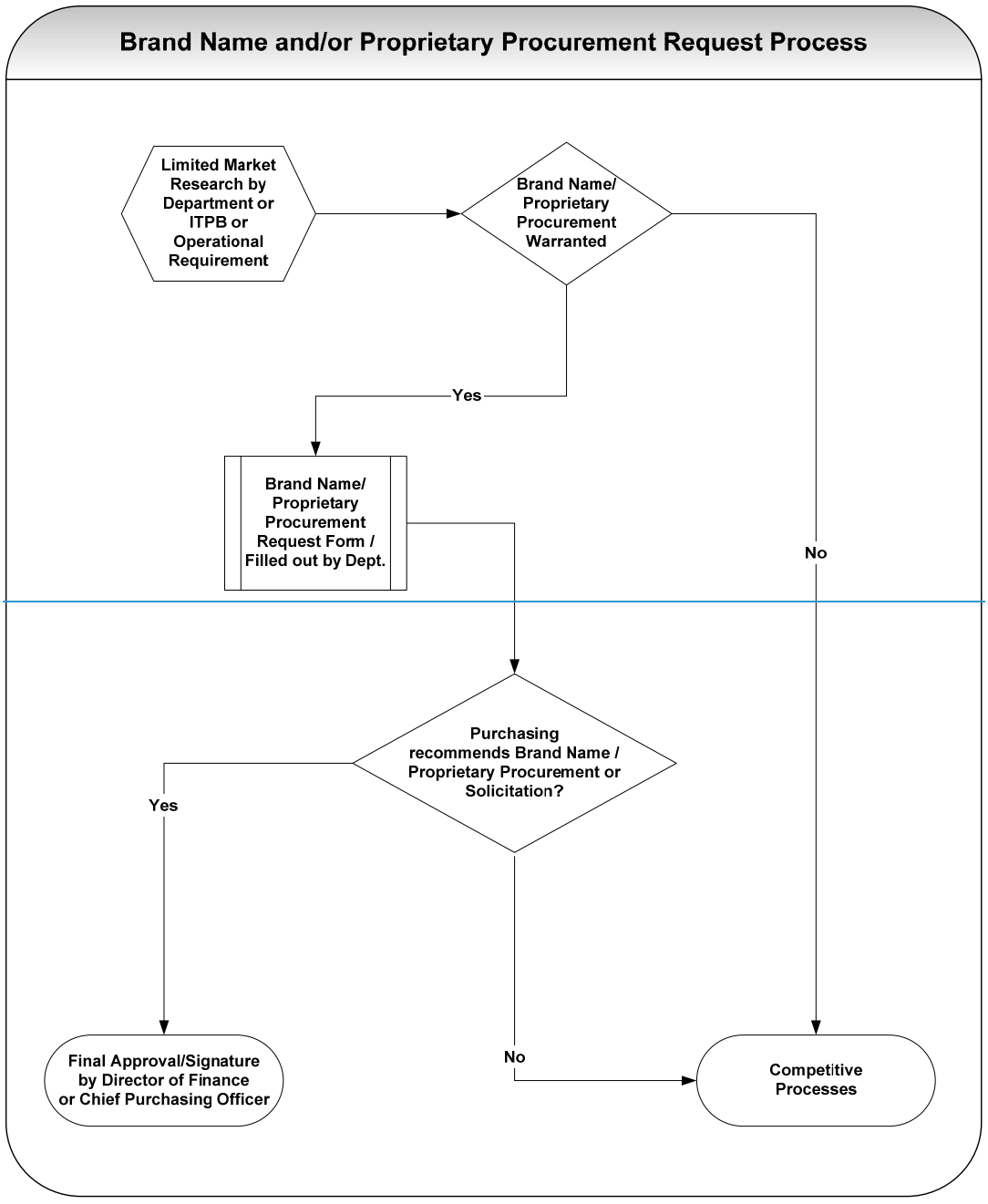
~~authorization for brand name/sole source purchases must be reviewed for possible revision or rejects the request for brand name/sole source procurement and competitively solicits the requirement, develops contracts, and/or issues Purchase Orders.~~



Approved:

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/s/ Maria Öberg
Director of Finance

July Day, 2026
Date

Approved for Posting:

/s/ Jennifer A. Maguire
City Manager

July Day, 2026
Date

~~/s/ Scott P. Johnson~~
~~Director of Finance~~

~~May 22, 2008~~
~~Date~~

~~Approved:~~

~~/s/ Christine Shippey~~
~~Assistant City Manager~~

~~May 22, 2008~~
~~Date~~

~~**City of San José**~~
~~**Finance Department**~~
~~**Request for Approval of Brand Name/Sole Source Procurement**~~

~~**Department Contact Information**~~
~~Department:~~ ~~Department Contact Information:~~
~~**Contractor and Product Information**~~
~~Contractor:~~ ~~Address:~~ ~~Contact Person and Telephone Number:~~
~~**Type of Product Offered (briefly describe):**~~
~~**Complete responses must be provided for all of the items listed below**~~
~~**A. GENERAL INFORMATION:**~~ ~~**What are the performance requirements and/or functional specifications for the product you are requesting?**~~ ~~(Please provide documentation if available)~~ ~~**What other or alternate products could potentially meet these performance requirements?**~~

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~~**What market research was conducted, including evaluation of other items considered? Were there other items with less restrictive specifications available**? (Describe your efforts to identify other goods that could have been procured to meet your requirement and indicate why those alternatives were deemed inappropriate or unavailable. Please include the names and addresses of suppliers contacted and the reasons for not considering them, OR explain why the survey or effort to identify other goods was not performed.)~~

~~**Are you purchasing this product in order to conduct a pilot, field test or experiment? Please describe the parameters of the test or experiment, including the operational need, the period for the pilot, and the evaluation criteria.**~~

~~**Is this product necessary for proper operation or function of an existing system or program? Please explain.**~~

~~**Is the purchase of this product consistent with an approved technology architectural standard? Please attach documentation from ITPB.**~~

~~**For how long is this brand name purchase request needed? Please state "One-time Purchase Only" or a specific period.**~~

~~**B. PRICE ANALYSIS:**~~

~~**What pricing information was obtained?**~~

~~**Describe any cost savings realized or costs avoided by acquiring only this product versus other products.**~~ ~~(Please explain significant costs savings or other significant benefits such as enhanced timeliness, quality, compatibility, functionality, existing inventory, administrative costs, etc.).~~

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~~Requesting Department Director~~

~~Date~~ ~~Name~~ ~~Signature~~