Chapter 27

Proprietary Specification Purchases

27.0 Proprietary Specifications Purchases

Occasionally, campus departments may require the purchase of a particular brand name product. Limiting competition to only one brand name is known as a proprietary specification. However, because of the State's competitive procurement requirements, such requests should be the exception rather than the rule. A proprietary specification excludes consideration of a proposed "equal." Proprietary items are available from several distributors. Every effort must be made to obtain full competition among the distributors which carry the manufacturer’s product.

Proprietary purchase requests that exceed the departmental delegated purchasing limit for goods or services must contain a written determination for the use of proprietary specifications. This determination shall be made in advance, in writing on Procurement and Contracts Form C034-Proprietary or Sole source Request and Certification, and must be electronically attached to the Electronic Virginia - eVA purchase request when submitted for electronic approval. All sections of the form applicable to the proprietary nature of the request must be completed providing all supporting documentation which clearly demonstrates that only one brand name product meets the user's requirement. The user department's written justification must contain clear, in-depth, accurate and verifiable information since it becomes a matter of public record and is subject to protest.

All proprietary eVA purchase requests must have a PO category code of P01.

Form C034 can be located electronically on the Procurement and Contracts website at www.radford.edu/procurement under the forms tab.

Upon receiving the eVA purchase request in Procurement and Contracts the C034 form will be reviewed by the appropriate Contract Officer. If additional information is required during the review process the responsible party indicated on the form will be contacted. If approved, Procurement and Contracts will attach a fully executed copy of the C034 form to the eVA purchase request to document the file.

The use of a proprietary specification may be appropriate where:

- The desired product must be compatible with or is an integral part of existing equipment or products;
- Pre-qualification of products is necessary to support a specific need of a program;
- The desired product is covered by a patent or copyright;
- The requested items must yield absolute continuity of results; and/or
The desired item is one with which the user has had extensive training and experience and the use of any other brand of the item would require considerable reorientation and training.