

## **Sec. 7-6. Single and Sole Source Contracts and Purchases.**

- (a) *Single and Sole Source Committee.* The CPO shall form and maintain a sole and single source purchasing committee consisting of representatives from multiple departments (a “Single/Sole Source Committee”) to review and advise the CPO on whether requests to make non-biddable contracts in excess of \$25,000 from a sole source or single source meet the criteria for single or sole source purchases. The General Counsel or his/her designee shall advise the Committee. Sole source or single source agreements described in subsection (d) of this Rule do not require review by Single/Sole Source Committee.
- (b) *CPO Authority.* Sole and Single Source Contracts determined to meet the criteria for a sole or single source contract may be approved by the CPO in amounts up to \$75,000 or by the Board in amounts in excess of \$75,000, provided that the following process has been followed:
  - (i) The Single/Sole Source Committee has determined by a majority vote of its members conducted by secret ballot that the requested contract or purchase meets the criteria for a sole or single source purchase or contract;
  - (ii) The CPO determines that the requested contract meets the criteria for a sole or single source purchase or contract;
  - (iii) A notice of an intent to enter a sole or single source contract or purchase has been posted on the Board’s public-facing website for a period of at least three (3) calendar weeks prior to approval; and
  - (iv) No vendor or supplier has presented a valid claim, as determined by the Single/Sole Source Committee, that it has provided a similar scope of services, work, supplies or materials in the past and has the capacity to do so now. If a valid claim has been submitted, as determined by the Single/Sole Source Committee, then the CPO shall require that the competitive process commence to award the contract for the work.
- (c) *Criteria for Awarding a Sole or Single Source Contract.* A sole or single source contract or purchase may be approved by the CPO after the Single/Sole Source Committee determines that it meets one or more of the following criteria:

- (i) The contractor, supplier or vendor has unique qualifications or expertise that match the Board's needs;
  - (ii) Only one contractor, supplier or vendor within the geographic area can meet the unique needs of the Board given nature of the services and/or goods and merchandise;
  - (iii) The contractor(s), supplier(s) or vendor(s) is required by the US Department of Education, the Illinois State Board of Education, or other federal, state or local governmental agency to provide services under a grant or educational service program administered by the governmental agency, including e.g., payments of proportionate share federal education funds for the purchase of goods and services for private school students under various federal title programs, etc.;
  - (iv) The contractor(s), supplier(s) or vendor(s) is required by a grantor in order for the Board to successfully meet the terms of the grant;
  - (v) The contractor(s), supplier(s) or vendor(s) is required by the terms of a restricted grant, gift, donation or legacy to the Board including those described in 105 ILCS 5/16-1;
  - (vi) The use of the contractor, supplier or vendor is required due to copyright or other intellectual property restrictions;
  - (vii) The cost of replacing the existing vendor or product exceeds economic benefit; or
  - (viii) The contract continuation is required for original business case to be met.
- (d) *Sole/Single Source Contracts for Certain Educational Purchases.* Sole or single source purchases described in subsections (d)(i)(ii) or (iii) do not require approval of the Sole/Single Source Committee and may be approved and executed by the Chief Executive Officer, Chief Education Officer, CPO, Chief Operations Officer or General Counsel in amounts up to \$150,000. Sole or single source purchases described in subsections (d) (i) (ii) or (iii) in excess of \$150,000 require Board approval.
- (i) Payments of tuition to accredited institutions of higher education;
  - (ii) Engagements with organizations or institutions providing internship, practicum or other educational learning

opportunities to students, including student stipend programs; or

- (iii) Payment of fees for membership in a professional association or organization providing educational programs and resources to support the professional capacity of Board employees, officers and members.