

TITUS COUNTY TEXAS

RECOGNITION OF DISCRETIONARY EXEMPTIONS FOR COMPETITIVE BIDDING

Section 262.023 of the Local Government Code requires competitive bidding for certain purchases that will require an expenditure exceeding \$ 50,000.

Section 262.024a of the Local Government Code lists discretionary exemptions that may be followed if approved by commissioners' court. In summary, these items are:

- 1) Purchases in the case of public calamity,
- 2) Purchases to protect public health or public safety,
- 3) Purchases necessary due to unforeseen damage to public property,
- 4) Personal or professional service,
- 5) Individual work perform and paid for by the day,
- 6) Any land or right-of way,
- 7) An item that can be obtained only from one source such as:
  - A. Existence of patents, copyrights, secret process, or monopolies;
  - B. Films, manuscripts, or books;
  - C. Electric power, gas, water and other utility services;
  - D. Captive replacement parts or components for equipment,
- 8) An item of food,
- 9) Personal property sold:
  - A. At an auction by a state licensed auctioneer;
  - B. At a going out of business sale
  - C. By a political subdivision of this state, state agency or federal government,
- 10) Work performed under a contract for community and economic development,
- 11) Vehicle and equipment repairs.

The above listing of discretionary exemptions is summarized. Please see the local government code for additional details.

Section 262.024c of the Local Government Code directs that the official who makes purchases for the county submit a signed statement to commissioners' court for such items. Further, this approval must be entered in the minutes. Please see the signed statement attached.

TITUS COUNTY, TEXAS

INSTRUCTIONS FOR SOLE SOURCE AFFIDAVIT

Vendors who meet the requirements below for sole source purchasing must complete this form in its entirety, have it notarized and emailed to the Titus County Auditor's Office – [auditor@co.titus.tx.us](mailto:auditor@co.titus.tx.us) before any purchase will be authorized. Sole source affidavits will be valid for one year from the date notarized.

**Sole Source Requirements:** A sole source purchase can be made without the benefit of a competitive purchasing process when there are no other items available in the marketplace that have the same fit, form and function of the items being purchased. To meet this definition, the vendor must satisfy one of the following requirements:

- A) An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
- B) A film, manuscript or book;
- C) A utility service, including electricity, gas, or water, and
- D) A captive replacement part or component for equipment.

**SOLE SOURCE AFFIDAVIT**

Before me, the undersigned official, on this day, personally appeared \_\_\_\_\_ a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

- 1) My name is \_\_\_\_\_. I am over the age of 18, have never been convicted of a felony and am competent to make this affidavit.
- 2) I am an authorized representative of the following company or firm: \_\_\_\_\_.
- 3) The above named company or firm is the sole source for the following item(s), product(s), or service(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional sheets if necessary to list all items.

4. Competition in providing the above named item(s), product(s), or service(s) is precluded due to (Mark all that Apply):

- \_\_\_\_\_ A. Patent, Copyright, Secret Process, Monopoly
- \_\_\_\_\_ B. Film, Manuscript, Book
- \_\_\_\_\_ C. Utility Service
- \_\_\_\_\_ D. Captive Replacement Part or Component for Equipment.

5. There are no other like items, products or services available for purchase that would serve the same purpose or function.

6. This vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible vendor on this and future purchases and may result in discontinuation of any/all business with Titus County.

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Federal Tax ID: \_\_\_\_\_ Texas Sales Tax Number: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Authorized Official* \_\_\_\_\_  
*Title of Authorized Official*

SUBSCRIBED AND SWORN to before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SEAL \_\_\_\_\_ Notary Public Signature  
\_\_\_\_\_ Notary Public Printed Name  
My Commission Expires: \_\_\_\_\_

Preparation Instructions:

The appropriate Titus County Official must complete this Single/Sole Source Justification as evidence of due diligence in properly identifying sole source vendors. When completed, please email this form to the auditor's office – [auditor@co.titus.tx.us](mailto:auditor@co.titus.tx.us). This form will be attached to the Sole Source Affidavit when received. The Titus County Official agrees to immediately notify the auditor's office in the event any information supplied below changes. Please answer the questions below and attach additional sheets, if needed.

DESCRIPTION OF ITEM, PRODUCT OR SERVICE SOUGHT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Company Contact: \_\_\_\_\_ Date: \_\_\_\_\_

1. What unique features or capabilities does the product or service offer the County?
  
2. Why are these unique features or characteristics essential and necessary to meet the County's needs?
  
3. What research have you done to ensure that no other vendor is capable of fulfilling the needs of this items? For instance, list other products or services tested or considered and why they are not acceptable.
  
4. What other steps have you considered to foster competition in future purchases of this product or service?

I have researched other vendors and am not able to locate any other vendor who can provide this product or service.

\_\_\_\_\_  
Signature of Titus County Official

\_\_\_\_\_  
Title of Titus County Official