

## SOLE SOURCE JUSTIFICATION FOR NEW FLYER PARTS

**FTA C 4220.1F states: Sole Source Justification - If the recipient decides to solicit an offer from only one source, the recipient must justify its decision adequately in light of the standards of subparagraph 3.i(1)(b) of this Chapter. FTA expects this sole source justification to be in writing.**

1. The materials/services listed on Requisition number 107402 is available from only one source and competition is precluded for reasons indicated below. There are no substitutes available.

2. This acquisition is restricted to the following source:

Manufacturer: New Flyer Parts (101298)

Manufacturer:

Manufacturer Address: 7001 Universal Coach Drive Louisville, KY 40258

Manufacturer's Dealer/Representative: Kim Watts

Dealer/Representative Address and Phone Number: 1-502-498-4610 [kim.watts@nfi.parts](mailto:kim.watts@nfi.parts)

3. Description of the materials/service required, the estimated cost, and required delivery date.

This request is for the purchase of proprietary Bus parts for fleet repair that is only available through New Flyer. The estimated cost is 560,000 per year. We are looking to fund this project for a term of 2 years and a total funding cost of 1,120,000 with the option of a change order at the end of the 2 year term.

4. Specific characteristics of the materials/service that limit the availability to a sole source are unique features and functionality of the system.

As per manufacture, these specific parts must be purchased directly from New flyer; see the attached documents.

5. Check and fill in all that are applicable:

☐ The material or service must be compatible in all aspects (form, fit, and function) with existing systems presently installed. Describe the equipment you have now and how the new materials/service must coordinate, connect, or interface with the existing system: See attached.

☒ A patent, copyright, or proprietary data limits competition. The proprietary data are described as follows:

☐ These are "direct replacement" parts/components for existing equipment.

☒ Other information to support a sole-source buy:

**(a) Sole Source. When the recipient requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its requirements, the recipient may make a sole source award. When the recipient requires an existing contractor to make a change to its contract that is beyond the scope of that contract, the recipient has made a sole source award that must be justified.**

**1 Unique Capability or Availability. The property or services are available from one source if one of the conditions described below is present:**

- ☐ Unique or Innovative Concept. The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to the recipient only from one source and has not in the past been available to the recipient from another source.
- ☒ Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.
- ☐ Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
- ☐ Unacceptable Delay. In the case of a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the recipient's needs.

**CERTIFICATION**

I certify that statements checked and information provided above are complete and correct to the best of my knowledge. I understand that the processing of this Sole-Source Justification precludes the use of full and open competition.

Angela Doherty  
Requestor

6/27/2023  
Date

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Department Head

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Date

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Grants

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Date

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DBE/EEO Compliance Manager

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Date

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Director of Procurement

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Date

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Chief Financial Officer

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Date

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Vice President

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Date