

UNIVERSITY OF ILLINOIS

CAPITAL PROJECT BRAND NAME ONLY POLICY

Illinois Procurement Code Section 20-50 and the Illinois Higher Education Standard Procurement Rules Section 4.2050 Subpart d shall be followed in execution of this policy. This policy shall apply to the University's requirement for the purchase of specific brand name products for use in capital (construction or renovation) projects.

NOTE: On Capital Development Board (CDB) managed projects, the campus construction units shall follow CDB's policies and guidelines.

A) CONDITIONS FOR USE OF BRAND NAME ONLY PROCUREMENT

The use of brand name only procurement is permissible when the State Purchasing Officer (SPO) makes a written determination that only the identified brand name item will satisfy the University's needs. The SPO may make this determination only when he/she finds that the brand name is needed pursuant to one of five following categories.

- 1) To fill medical prescription needs,
- 2) To stock university retail-type operations,
- 3) To ensure compatibility in existing systems
- 4) To preserve warranty, or
- 5) To ensure maintenance.

If none of the five categories apply, use of a brand name only procurement may still be utilized as authorized in writing by the Chief Procurement Officer for Higher Education (CPO).

B) APPROVAL

The determination as to whether the procurement shall be made requiring a specific brand name product will be made by the SPO assigned to the capital project procurements.

The director of the campus construction unit must submit a written Brand Name Only Specification Form (<https://cpo-highered.illinois.gov/forms.html>) to the University Office of Capital Programs and Real Estate Services (UOCP&RES) for submission to the SPO for approval of a brand name determination.

The brand name request should include the brand name of the product(s) covered, catalog number(s) and relevant features, effective time period of the request, and a rationale supporting the request. Brand name product rationales should generally fall under one of the five categories referenced above.

If the brand name product will not be purchased through a competitive process, additional requirements may apply (see section "C – Additional Requirements").

As part of the review process, the SPO may request supplemental information from the construction unit and/or the UOCP&RES. By signature, the SPO shall approve or disapprove the request and return a copy of the signed determination to the UOCP&RES. The UOCP&RES will forward the SPO determination to the requesting construction unit.

A brand name only determination may be requested for specifications finding more than one brand name acceptable. A determination in this instance is required whenever a specification will accept only certain brand names. If three vendors may meet the specifications by providing a brand name or equal, a brand name only determination is not required.

Brand name only determinations shall be considered on each project for which the campus construction unit is recommending their inclusion.

Brand name or equal specifications do not require SPO approval, but must meet the requirements of Section 4.2050(c) of the Higher Education Rules. Requirements for brand name or equal specifications may be found in Section 4.2050(c) of the Higher Education Rules.

C) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS

If the approved brand name only product will be procured through a competitive process, either under a separate bid or as a component of an inclusive capital project bid, no further Illinois Procurement Code requirements are applicable. However, it is important to remember that a brand name only determination must be requested for each capital project

If a requirement of item is only available from a single vendor, a sole source approval is required. See link below for the Sole Source Justification Form. The form should be submitted to the UOCP&RES for submission to the SPO for approval. Sole Source Approval is considered when a requirement of item is only available from a single supplier or vendor or when one vendor is verified to have a substantially lower cost than another vendor who could provide the same requirement.

Illinois CPO **Sole Source Justification Form** location

<https://cpo-highered.illinois.gov/forms.html>

If the approved brand name only product will be procured using an emergency purchase, additional Illinois Procurement Code requirements may apply and such purchase requests should be referred to the UOCP&RES for further guidance.

Questions regarding this policy should be directed to the UOCP&RES.