

Sole Source CONTRACT Filing Justification Template

Use the following justification template for preparing to file sole source contracts in the [Sole Source Contracts Database](#) (SSCD). Once completed, copy and paste the answers into the corresponding SSCD question and answer fields. You will also need to include a copy of this completed form in the documents you post to your agency website and in [WEBS](#).

What is a sole source contract?

"Sole source" means a contractor providing goods or services of such a unique nature or sole availability at the location required that the contractor is clearly and justifiably the only practicable source to provide the goods or services. (RCW 39.26.010)

Unique qualifications or services are those which are highly specialized or one-of-a-kind.

Other factors which may be considered include past performance, cost-effectiveness (learning curve), and/or follow-up nature of the required goods and/or services. Past performance alone does not provide adequate justification for a sole source contract. Time constraints may be considered as a contributing factor in a sole source justification however will not be on its own a sufficient justification.

Why is a sole source justification required?

The State of Washington, by policy and law, believes competition is the best strategy to obtain the best value for the goods and services it purchases, and to ensure that all interested vendors have a fair and transparent opportunity to sell goods and services to the state.

A sole source contract does not benefit from competition. Thus the state, through RCW 39.26.010, has determined it is important to evaluate whether the conditions, costs and risks related to the proposal of a sole source contract truly outweigh forgoing the benefits of a competitive contract.

Providing compelling answers to the following questions will facilitate the evaluation.

Specific Problem or Need

- What is the business need or problem that requires this contract?
This contract is needed to implement the HB2441 where WSAC is required to select a private not-for-profit four-year institution as defined in RCW 28B. 07.020 (4) with a main campus located in Yakima County and who serves rural or underserved communities to participate in a pilot program to offer college in the high school courses at no cost to the students enrolling in the courses.

Sole Source Criteria

- Describe the unique features, qualifications, abilities or expertise of the contractor proposed for this sole source contract.
Heritage University is the only private not-for-profit four-year institution as defined in RCW 28B. 07.020 (4) that is located in Yakima County and serves rural or underserved communities. Heritage University is located on Yakama Nation (the only college to be located on tribal land that is not a tribal college) and is in rural Toppenish and the surrounding school districts they serve are all rural – Toppenish, Wapato, Granger, and Zillah school districts to name a few. Some information about their student population – 73% are Hispanic and 11% are Native American.
- What kind of market research did the agency conduct to conclude that alternative sources were inappropriate or unavailable? Provide a narrative description of the agency's due diligence in determining the basis for the sole source contract, including methods used by the agency to conduct a review of available sources such as researching trade publications, industry newsletters and the internet; contacting similar service providers; and reviewing statewide pricing trends and/or agreements. Include a list of businesses contacted (if you state that no other businesses were contacted, explain why not), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, perform the contract; or an explanation of why the agency has determined that no businesses other than the prospective contractor can perform the contract.
The bill specifies that the institution to be selected has to be a private not-for-profit four-year located in Yakima County and meeting the definition in RCW 28B.07.020 (4).

We conducted a thorough research to determine all the institutions that satisfy these requirements and Heritage University is the only institution that complies with all the requirements in the statute.
Methods used to conduct a review of institutions include - Researched internet for all institutions in Yakima County that meet these requirements, reached out to the Independent Colleges of Washington to get a list that meet these requirements.
- What considerations were given to providing opportunities in this contract for small business, including but not limited to unbundling the goods and/or services acquired.
This is not applicable here as this contract is not open to small businesses.
- Provide a detailed and compelling description that includes quantification of the costs and risks mitigated by contracting with this contractor (i.e. learning curve, follow-up nature).
The costs (reimbursement rates) for this pilot is already determined by the legislature. Additionally, Heritage University is an accredited institution that has been in operation since the 1980s, serving the Toppenish and surrounding regions. They have developed deep partnerships with the Yakama tribe and the school districts around them. They are aware of the requirements to run a college in the high school course and will comply with



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all the requirements in the statute as well as the standards associated with running college in the high school courses.

The above stated reasons mitigates risks for us.

- Is the agency proposing this sole source contract because of special circumstances such as confidential investigations, copyright restrictions, etc.? If so, please describe.

No

- Is the agency proposing this sole source contract because of unavoidable, critical time delays or issues that prevented the agency from completing this acquisition using a competitive process? If so, please describe. For example, if time constraints are applicable, identify when the agency was on notice of the need for the goods and/or service, the entity that imposed the constraints, explain the authority of that entity to impose them, and provide the timelines within which work must be accomplished.

No

- Is the agency proposing this sole source contract because of a geographic limitation? If the proposed contractor is the only source available in the geographical area, state the basis for this conclusion and the rationale for limiting the size of the geographical area selected.

Yes. The bill instructs WSAC to select an institution that meets all other requirements in the statute located in Yakima County only.

- What are the consequences of not having this sole source filing approved? Describe in detail the impact to the agency and to services it provides if this sole source filing is not approved.

If this filing is not approved, WSAC would not be able to execute HB2441 in the given time frame. This could potentially take away the benefit of free college in the high school courses for underserved and rural students in the region making it inequitable and accessible only to those students who can afford to pay the costs associated with completing a college in the high school course. In the long term, this could affect students' decision to continue their education beyond high school and may decrease postsecondary enrollment in Washington. Finally, the allocated budget will go unutilized without serving Washington students as it was meant to.

Sole Source Posting

- Provide the date in which the sole source posting, the draft contract, and a copy of the Sole Source Contract Justification Template were published in WEBS.
 - If exempt from posting in WEBS, please provide which exemption.
 - If failed to post, please explain why.
- Were responses received to the sole source posting in WEBS?



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- If one or more responses are received, list name of entities responding and explain how the agency concluded the contract is appropriate for sole source award.

Reasonableness of Cost

Since competition was not used as the means for procurement, how did the agency conclude that the costs, fees, or rates negotiated are fair and reasonable? Please make a comparison with comparable contracts, use the results of a market survey, or employ some other appropriate means calculated to make such a determination.

The legislature has determined the cost for this pilot and doesn't require any negotiation on our part with the institution on the costs.