Sole Source Justification for
Contract # K12826 with PLHARDYMAN, LLC

Specific Problem or Need

What is the business need or problem that requires this contract?

The WA Dept. of Corrections (WA DOC) currently classifies incarcerated adult felons on a model that was initiated in 1982 and most recently updated in 1989. This model, originally designed and implemented under a grant from the National Institute of Corrections (NIC), is now 33 years old and is sorely out of date. It was designed for incarcerated male felons and requires the use of manual custody overrides to keep pace with the radical change in the field of corrections over the decades. The model also scores incarcerated adult females the same as males, despite an immense body of research indicating that females should be classified on a gender responsive/specific model due to their specific needs and risks, as well as the unique characteristics surrounding their involvement in the criminal justice system.

WA DOC has known for nearly two decades that incarcerated females are over-classified, a fact validated by expert consultants, which results in females being classified and housed in appropriately higher custody levels, thereby neglecting their unique and specific needs for gender-responsive treatment and programming to effectively meet their needs toward WA DOC’s mission of reducing recidivism.

WA DOC’s reliance on manual custody overrides has risen to the 30th percentile, double the accepted practice according to the NIC, simply because the current model has been unable to match the immense changes to Washington State’s correctional system demands. WA DOC’s reliance on a 30+ year old classification model is daunting and unrealistic due to:

- Changes in demographics
- Lack of gender responsivity
- Creation of new felony offenses with the invention of the internet
- Increase in Security Threat Group (STG) presence and activity
- Changes in the prison population
- Focus on evidence-based programming to reduce recidivism
- Physical plant of various facilities
- Evolved IT infrastructure simply unimaginined at the time of implantation of the current model

WA DOC intends to enter into a sole source contract with a nationally recognized expert to evaluate, validate and make recommendations for revising the current model and for the development of a new classification model specific to the unique attributes of female prison population, the Washington State’s correctional system and WA DOC’s mission to increase public safety and reduce recidivism.

Sole Source Criteria Questions
Describe the unique features, qualifications, abilities or expertise of the contractor proposed for this sole source contract.

The proposed sole source contractor, PLHARDYMAN, LLC, is Dr. Patricia Hardyman’s business. She is the primary expert recognized by the NIC, and has authored both prison classification model volumes through NIC for prison and jail systems to follow. Dr. Hardyman has evaluated, validated, designed or developed adult male and female, as well as juvenile, models in 28 states, the U.S. Navy, and 6 of the nation’s largest county or city jail systems.

Dr. Hardyman served as a federal monitor over custodial placement under the Orleans Parish consent judgement, Lashawn Jones, Et Al, and United States of America, v. Marlin Gusman, Et Al, v. the City of New Orleans. Dr. Hardyman was also a Senior Researcher for the Criminal Justice Institute (CJI), National Council on Crime and Delinquency (NCCD), Institute on Crime, Justice and Corrections, U.S. Parole Commission and the Ohio Department of Rehabilitation and Corrections. Dr. Hardyman holds a Doctorate in Criminal Justice from the Rutgers University School of Criminal Justice.

What kind of market research did the agency conduct to conclude that alternative sources were inappropriate or unavailable?

WA DOC consulted the NIC for recommendations and guidance in identifying an expert in the area of prison classification model evaluation, validation, design and development of prison classification models, and Dr. Hardyman was the number one expert recommended by the NIC. WA DOC discovered that Dr. Hardyman authored the NIC publication, Objective Prison Classification: A Guide for Correctional Agencies (First and Second Editions). WA DOC also conducted copious research around the classification models in several others states and was advised that Dr. Hardyman was the designer in the preponderance of those jurisdictions.

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.

Dr. Patricia Hardyman is the sole proprietor of a small business. As noted previously, the WA DOC consulted the NIC, the national body that advises federal, state and local jurisdictions in all matters relating to criminal justice, but most relevant here, shapes correctional policies and practices in correctional systems across the United States and abroad, and Dr. Hardyman was the one and only expert in the narrow field of classification model design recommended by NIC. The DOC also consulted numerous states with progressive classification models to inquire who’d built their model, and virtually all identified Dr. Patricia Hardyman as being the designer.

By its nature, a prison classification model has no independent, free-standing components, therefore would have no ability for unbundling.

Provide a detailed and compelling description of the costs and risks mitigated by contracting with this contractor (i.e., learning curve, follow-up nature).
Dr. Hardyman has a significant familiarity with the WA DOC having consulted in various roles on at least two prior occasions, and in fact evaluated WA DOC’s classification model in 2017; as noted previously, Dr. Hardyman is a national expert in the extremely specialized field of evaluating current prison classification models, and designing and validating new models. Dr. Hardyman specializes in designing gender-responsive classification models, to not contract with Dr. Hardyman at this time would significantly and deleteriously delay the design and implementation of a gender-responsive classification model for females at a time WA DOC has specifically created the Women’s Prison Division for the purpose of addressing the unique needs and programming for females, of which a classification model is an integral component. In addition, the agency is contracting with an expert in the field of designing gender-responsive Risk/Needs assessment, the Women’s Risk Needs Assessment (WRNA), and a corresponding gender-responsive classification model is simply a must.

Contracting directly with Dr. Hardyman means a contract would allow Dr. Hardyman to begin work immediately in collecting data and designing a first-ever female classification model, with the likely implementation within a matter of months.

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.

Technically no. However, the outcome of the contract deliverables are likely to benefit WA DOC by developing a new classification model specific to the unique attributes of female prison population, the Washington State’s correctional system and WA DOC’s mission to increase public safety and reduce recidivism.

As noted above, expert consultants alerted the agency in 2008, and again in 2018, that incarcerated females were being over-classified on the male model. WA DOC also implemented the Women’s Prison Division specifically to address the needs of females because copious research indicates females commit crimes under significantly different circumstances and are in immense need of housing, treatment and programming currently and historically unavailable, significantly because they are being over-classified. Many external stakeholders, including experts in the field and legislators, have urged the agency to implement a gender-responsive classification model as quickly as possible. WA DOC is also far behind most other correctional systems in having a gender-responsive classification model.

Contracting with PLHARDYMAN, LLC would avoid any further delay in the design and implementation of a cutting edge, gender-responsive classification mode; as stated previously, Dr. Hardyman is also very familiar with WA DOC thus avoiding a substantial time delay as opposed to using a competitive process.
Is the agency proposing this sole source contract because of a geographical limitation? If the proposed contractor is the only source in the geographical area, state the basis for this for this conclusion and the rationale for limiting the size of the geographical area selected.

No, this is not a relevant factor.

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.

Were this sole source filing not approved, the WA DOC would continue over-classifying incarcerated females on a 1989 male model, thereby neglecting the opportunity to effectively address the specific risks and needs; there would be a significant time delay in pursuing a competitive process; the WA DOC would not have the benefit of the key national expert as recommended by the NIC, an expert who already has significant familiarity with the WA DOC classification, case management, custody and security, education and programming, transportation and prison disciplinary systems; the agency would fail in implementing a new gender-responsive classification model in conjunction with the WRNA and other gender-responsive initiatives, a key to each model’s success; a different contractor would have a substantial learning curve in studying the multiple complex systems within the WA DOC in order to form even a fundamental basis of where to begin in the design of a gender-responsive classification model, which could cause up to a two-year delay.

Sole Source Posting

The sole source posting was published in WEBS on May 17, 2022.

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.

Need to explain why the amount that WA DOC is going to pay under the sole source contract is reasonable.

Dr. Hardyman is the nation’s foremost authority on the design, development and implementation of custody classification models, has authored both editions of Objective Prison Classification: A Guide for Correctional Agencies, published by the National Institute of Corrections (NIC), in 1992 and the second edition in September 2021. Dr. Hardyman has designed and developed male and female custody classification models in numerous state, county and federal systems across the United States, and under this contract would design four different classification models (two for male, two for female), of which three will be the first in agency history and will bring WA DOC into the modern era of prison custody classification. The agency believes the cost of replicating Dr. Hardyman’s knowledge and experience within the WA DOC would not only be substantially more costly but would lead to a significant delay in
the design and development of the models, and they will not have been designed by the nation’s leading expert.