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

- In July 2022, the DOC was directed to purchase, install, and operate full body scanners at selected prison facilities by the Legislature.
- The DOC is further required to report to the Legislature (November 2022) on the operation and contraband discovered through the use of the full body scanners.
- Several years ago, the DOC was Legislatively directed to purchase, install, and operate a full body scanner at one prison facility and now the Legislature has directed the DOC to increase the use of body scanners at additional prison facilities.
Sole Source Criteria

- Describe the unique features, qualifications, abilities or expertise of the contractor proposed for this sole source contract.

The Smith Detection Scanner sold, services, calibrated, and certified by Command Sourcing has been fully vetted and approved for operation by the WA Department of Health (DOH).

DOH has approved DOC to continue to operate the Smith Detection Scanner sold by Command Sourcing in DOC prison facilities.

Command Sourcing is the only vendor that sells the Smith Detection Scanner in the WA area and has sold this exact machine/technology to DOC and multiple local/tribal jails and court rooms in the State of Washington.

The current model in use has been thoroughly tested, vetted, and approved for use in prison facilities by DOC and DOH.

The DOC already owns and operates a full body scanner sold, serviced, calibrated, and warranted by Command Sourcing. The Smith Detection Scanner sold by Command Sourcing is the only full body scanner model the DOC will operated.

- 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 Smith Detection Scanner sold, services, calibrated, and certified by Command Sourcing has been fully vetted and approved for operation by the WA Department of Health (DOH).

Command Sourcing is the only vendor that sells the Smith Detection Scanner in the WA area and has sold this exact machine/technology to DOC and multiple local/tribal jails and court rooms in the State of Washington.

- 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.

There are no vendors meeting these criteria that sell/manufacture this type of equipment.
• 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 DOH is responsible for x-ray technology used in the State of Washington and follows strict rules for radiation exposure. DOH has already reviewed and approved the Smith Detection Scanner sold by Command Sourcing as meeting the DOH standards for radiation equipment.

Command Sourcing includes in the purchase price the additional features required to operate, maintain, service, and calibrate the machines per DOH standards. These additional features include: mandatory training, x-ray calibration, exposure thresholds, space design and operation safety requirements, as well as required maintenance and calibration to maintain DOH certification.

The DOC maintains training courses and staff responsible for the operation and use and the Command Sourcing Smith Detection Scanner and changing vendors, machines, and/or technology would create multiple, confusing paths in training, operation, maintenance, installation, and operation for each different machine.

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

The DOC maintains training courses and staff responsible for the operation and use and the Command Sourcing Smith Detection Scanner and changing vendors, machines, and/or technology would create multiple, confusing paths in training, operation, maintenance, installation, and operation for each different machine.

The DOH is responsible for x-ray technology used in the State of Washington and follows strict rules for radiation exposure. DOH has already reviewed and approved the Smith Detection Scanner sold by Command Sourcing as meeting the DOH standards for radiation equipment.

The DOC and DOH require continuity across the agency training, repair, network connectivity, operation, and x-ray certification. This can only be achieved by using the same machine/technology offered and warrantied by Command Sourcing.

To meet DOH certification, the full body scanners operated by the DOC must create records to ensure individuals subject to x-rays do not exceed mandatory annual thresholds. The Smith Detection Scanner by Command Sourcing have the required technology to connect/integrate individual identity and maintain exposure thresholds across multiple corrections facilities. This is required to ensure individuals that transfer from one prison to the next are not overexposed per Federal and State standards.
• 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.

The timeframes imposed by the Legislature must be met in order to comply with the law. The Legislature directed the agency to purchase, install, and operate additional full body scanners beginning in July 2022 with a required Legislative report due in November 2023. The time required to purchase, receive, install, calibrate, and be DOH certified is approximately 9 months. Any delays in purchasing the equipment risks DOC not being able to comply with the requirements of the law.

The Smith Detection Scanner sold, services, calibrated, and certified by Command Sourcing has been fully vetted and approved for operation by the WA Department of Health (DOH). The time required to seek reauthorization for a new vendor, machine, and/or technology would further delay DOC in complying with the Legislature.

Command Sourcing is the only vendor that sells the Smith Detection Scanner in the WA area and has sold this exact machine/technology to DOC and multiple local/tribal jails and court rooms in the State of Washington.

• 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.

Command Sourcing is the only vendor that sells the Smith Detection Scanner in the WA area and has sold this exact machine/technology to DOC and multiple local/tribal jails and court rooms in the State of Washington.

Command Sourcing maintains contracts with other states, counties, and/or tribes.

• 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.

Command Sourcing is the only vendor authorized in this area to sell, maintain, warranty, and provide training on the Smith Detection Scanner.

Command Sourcing is the only vendor that has sold the exact full body scanner to other criminal justice departments in the state including local jails, tribal jails, and courts.

Any delays in purchasing the equipment risks DOC not being able to comply with the requirements of the law.
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?
  - 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

- Command Sourcing is the only vendor authorized in this area to sell, maintain, warranty, and provide training on the Smith Detection Scanner.
- Command Sourcing is the only vendor that has sold the exact full body scanner to other criminal justice departments in the state including local jails, tribal jails, and courts.
- Based on simply search engine results, Command Sourcing pricing is in line with other machine manufactures and vendors in other parts of the US and world. However, Command Sourcing includes additional features in its pricing including training, warranty, maintenance, and annual recertification for x-ray per DOH.