

Please complete and attach to the Novatus contract request.

**WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
SOLE SOURCE CONTRACT APPROVAL PROCESS FORM**

Part 1 – Basic Information (Completed by Project Manager)

Name of Contractor	Ross Strategic		
WDFW Contract Number <i>Novatus request required for filing</i>	22-20169	Contract Term	06/07/2022 to 12/31/2022
Maximum Amount <i>Not to Exceed</i>	\$53,967.25		
Funding Source	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal _____ <input type="checkbox"/> Other _____		
Work Site <i>list county/ies where work will be performed</i>	<input checked="" type="checkbox"/> HQ <input type="checkbox"/> Regional Office _____ County/ies JEFFERSON, MASON, THURSTON		

Sole Source Posting (Completed by Contract/Purchasing Officer)

Date of Filing with DES	05/19/2022	DES Questions	<input type="checkbox"/> Yes <input type="checkbox"/> No
Contract <input checked="" type="checkbox"/> Notice of Intent <input checked="" type="checkbox"/>	Filing #89681		COMPLETE SOLE SOURCE CRITERIA
SS Justification <input checked="" type="checkbox"/> WEBS Filing Record <input checked="" type="checkbox"/>			
Date Contract Can be Signed*	06/02/2022	Response Date	05/25/2022
Commodity Code/s	924-64 961-79 918-32 918-43 926-72	Approved <input type="checkbox"/> Reviewed <input type="checkbox"/> Denied <input type="checkbox"/>	Date _____ Notes:

**DES requires 10 business days from filing date for review*

Part 2 – WEBS Announcement (Completed by Contracts/Purchasing Officer)

Date posted on WEBS	05/19/2022	Contract <input checked="" type="checkbox"/>	Notice of Intent <input checked="" type="checkbox"/>	SS Justification <input checked="" type="checkbox"/>
WEBS Solicitation Number	47861			
Responses?				
Exempt from Posting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Exemption Number		
Failed to Post? Explain why				

Part 3 – Agency Website Announcement (Completed by Contracts/Purchasing Officer)

Date information provided to Jeff	05/19/2022	Contract <input checked="" type="checkbox"/>	Notice of Intent <input checked="" type="checkbox"/>	SS Justification <input checked="" type="checkbox"/>
Date of announcement	WEBS			
Responses?				

Project Manager

Seth Ballhorn	Date: 5/17/22
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YOUR RFP COORDINATOR:
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Response(s) to Posting on WEBS and/or Agency Website (Completed by Contracts/Purchasing Officer)

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

DES Sole Source Contract Justification (Completed by Project Manager)

Specific Problem or Need –

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

Opportunities for and access to tribal and recreational shellfishing is an important topic in Hood Canal. Recent discussions about how a large-scale estuarine habitat restoration project in the Duckabush Estuary will change tideland access opportunities has elevated the importance of the broader conversation around tideland access in Hood Canal. Addressing this topic thoroughly will benefit from a collective understanding of opportunities and priorities.

The purpose of this contract is to conduct Tribal and stakeholder engagement and facilitation to collaboratively identify opportunities to improve tideland access within Hood Canal. The contractor will:

- conduct a situational assessment through research and interviews with Tribal government representatives, key stakeholders, and WDFW management.
- advise WDFW how to structure a facilitated workgroup
- facilitate a series of workgroup meetings.

Sole Source Criteria:

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

The contractor—Ross Strategic—has conducted facilitation and stakeholder engagement for a variety of WDFW issues and have performed very well on past and current contracts. The facilitation team not only are experienced in facilitation, but they also have issue area expertise and have long-standing relationships with some of the Tribal governments involved. The facilitation team that would be working on this contract at Ross Strategic has unique experience working on shellfish issues in Hood Canal and they have a rapport with key Tribal governments, WDFW, and stakeholders. A member of the Ross Strategic team recently served on the Hood Canal Shellfish Initiative workgroup and has policy expertise in the issue at hand.

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.

We assessed several contractors that offer facilitation services, and none were as highly regarded and recommended as Ross Strategic. There are no other contractors that have both the professional facilitation skills as well issue area expertise and rapport with key contacts.

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

Given the nature of the contract and the scope of work unbundling the goods and services is not possible.

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).

By contracting with Ross Strategic we are mitigating costs and risks because:

- they have a proven track-record working on similar projects/issues for WDFW,
- have already developed a comprehensive scope of work for the project and are able to commence work as soon as they are under contract, and
- because they already have developed a rapport with WDFW and key stakeholder, and understand the scope of the issue, there is not a steep learning curve to get a contractor acquainted with the issue and the key contacts.

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.

It is possible that a facilitated workgroup will result in a unified funding request to the state legislature, thus it is imperative that there aren't any additional delays in starting the contract and carrying out the needed work.

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.

The Ross Strategic facilitation team is located near Hood Canal and would be able to meet with key Tribal representatives for in-person interviews without accruing significant travel expenses.

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.

As noted above, it is important for this work to commence ASAP as a facilitated workgroup recommendation will likely entail a budget request to the OFM and the state legislature. If the workgroup is delayed the budget requests may also be delayed. In addition, both WDFW and key Tribal government representatives are interested in continuing the conversation regarding Hood Canal tidelands access and additional delays in the process may unnecessarily halt momentum on the issues. It's important for the agency to be responsive on this issue, promptly hiring a respected facilitator to help continue the conversation is in the best interest of the agency.

Sole Source Posting

Were responses received to the sole source posting in WEBS? Yes No

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 WDFW project manager has worked on a competitive procurement for a very similar type of contract and received competitive proposals from three contractors in 2018. The project manager compared costs, fees, and rates of the current proposal with past bids from the contractors. Based on that analysis the project manager has concluded that the cost of the current proposed contract is fair and reasonable.

Ross Strategic successfully completed a previous stakeholder facilitation contract with WDFW (18-00026), with similar services and tasks performed as the current proposed contract. The two proposals are similar in scope; the current proposal is significantly less than the previous contract that was obtained through a competitive procurement process. Therefore the project manager further concludes that this procurement has reasonable and fair costs.

Late Filing?

(i.e. services began or goods were received prior to the expiration of the 10 business day filing period)?

If yes, what was the reason for the late filing?

N/A

Explain how a similar late filing situation could be prevented in the future.

Part 5 – DES Approval (Completed by Contracts/Purchasing Officer)

5.1	Date of DES Response	
5.2	Approved, Reviewed or Denied?	