**CONTRACT #xx-xxxxx Chemical Analysis by Axys Lab**

**SSCD FILING JUSTIFICATION**

**1. Specific Problem or Need**

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| **A. What is the business need or problem that requires this contract?**  The chemical analyses provided by this contract are an integral part of an ongoing, long-term assessment and monitoring study of toxics in the Puget Sound food web (the Puget Sound Ecosystem Monitoring Program, or PSEMP). This contract fulfills a programmatic need related to assessing and tracking fish health, primarily by measuring a broad suite of toxic chemicals that fish are exposed to in the environment, and which are measured as residues in their tissues.  This work is also linked to measurements of the same chemicals in sediments by the Washington Department of Ecology (Ecology), as part of a coordinated effort to track the movement of pollutants from sediments to fish. These are central metrics for WDFW and Ecology reporting for PSEMP. In addition WDFW seeks to harmonize PSEMP methods with those conducted by similar agencies on the west coast (notably the Southern California Coastal Water Research Project, or SCCWRP), to ensure comparability of data. ***A key reporting requirement for PSEMP is consistency in measurement and interpretation of these chemicals***, both within its own program, and with partner programs and other similar studies. This request seeks to maintain this consistency by contracting with Axys Analytical Services (AAS), which have provided these analyses for Ecology and SCCWRP in the past.  **Procurement: Sole Source**  ***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.***  **2. Sole Source Criteria**   |  |  | | --- | --- | | **A. Describe the unique features, qualifications, abilities or expertise of the contractor proposed for this sole source contract.**  Axys Analytical Services (AAS) are a premier laboratory in North America that has a solid record of analyzing the wide range of chemicals required by WDFW, in the tissues sampled by WDFW, and with low enough limits of detection to satisfy WDFW’s monitoring needs. AAS have been selected by Washington state Department of Ecology and the Southern California Coastal Water Research Project for similar projects, because AAS offer analyses suites of chemicals of emerging concern that regionally important to Puget Sound and Pacific coastal waters. Although a number of laboratories in the country can measure some individual chemicals in these suites, lab-to-lab variability in analytical results can be high, and is a significant source of concern for monitoring programs seeking a high degree of comparability and repeatability. ***Minimizing lab-to-lab variability is key to maintaining consistency*** across years and between programs. For this reason, WDFW seeks to use AAS to perform the same chemical analyses it has performed for the same suite of chemicals it has analyzed for Ecology and SCCWRP.  **B. What kind of market research did the agency conduct to conclude that alternative sources were inappropriate or unavailable?**  WDFW conducted extensive market research in the early development of its PSEMP protocols to identify AAS as the most appropriate lab for analyzing the chemicals of emerging concern for Puget Sound, especially in fish and invertebrate tissues, which can sometimes be problematic. AAS has extensive experience and a proven record of success working with the tissues sampled by PSEMP, and will satisfy PSEMP monitoring protocols. Some labs are able to perform acceptable procedures for individual chemicals or small groups of chemicals in tissues, however we have found none who can perform the broad suite of analyses we need on a single tissue sample, rather than sending multiple samples to various labs across the country. Additionally, although some alternate sources may be available to perform similar services, the cost of conducting an inter-lab bias study (to quantify the lab-to-lab differences) and to develop PSEMP-tissue-specific protocols would be prohibitive.  **C. Provide a detailed and compelling description of the costs and risks mitigated by contracting with this contractor (i.e. learning curve, follow-up nature).**  The primary motivation for the sole source nature of this contract is to maintain consistency between PSEMP monitoring metrics (this contract) and complementary Ecology and SCCWRP data, by eliminating variability associated with interlab bias. In addition contracting with AAS will avoid a learning curve associated with a new laboratory. Contracting with this sole source is the most efficient way to maintain the data stream required by WDFW for its PSEMP activities, and to maintain consistency with complementary programs.  **D. 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.**  The impact of not approving this sole-source request would be (1) an inability to meet program goals for monitoring important classes of toxics in fish tissues, (2) an immediate long-term delay in reporting data, related to searching for and training a new analytical lab regarding PSEMP protocols, (2) an increase in costs related to conducting interlab comparisons.  **E. 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.**  Unbundling analytical services (e.g., analyzing groups of contaminants at different labs) would be detrimental because economies associated with analysis of common extracts across contaminant groups would be lost. Moreover, sending multiple aliquots (subsamples) of tissues to multiple labs for analyses is impossible because it is cost prohibitive or unfeasible to obtain sufficient tissue mass from field samples to meet the needs of multiple labs.  **3. Reasonableness of Cost**   |  | | --- | | **A. 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.**  Because there are no comparable contractors with the ability to conduct this work without significant costs related to quantifying interlab bias, learning the PSEMP protocols, and cross comparing with previous work, there is no way to comparatively evaluate the absolute cost of this work. However we consider this one of the most cost-effective and efficient means of analyzing the groups of chemicals, in the tissues sampled, to satisfy WDFW’s long-term toxics monitoring needs. | | |