

Enterprise Services Procedure No. PRO-DES-140-00A

Sole Source Contract Approval Procedure

Applies to: Agencies requesting sole source contract and/or amendment approval from DES for the purchase of goods and services in accordance with DES Policy #POL-DES-140-00-00A.

Effective date: April 3, 2019

Last update: N/A

Sunset review date: {5 years from effective date}

PRO-DES-140-00A OBTAINING SOLE SOURCE CONTRACT APPROVAL

Action by:

Action:

Agency

1. **Sole Source Determination**

- a. Confirms that the proposed purchase is from “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](#) (23). This can be verified by conducting market research, searching the internet for validation that there are no other potential sources, previous solicitation of bids that resulted in a single source, etc.

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2. **Presentation of Sole Source Contract Filing to DES**

- a. Prepares the sole source contract and all related supporting documentation necessary to initiate the DES approval process.
- b. Makes proposed sole source contract available for public inspection not less than 10 working days before the proposed contract start date. Agencies may comply with this requirement by posting on the agency website, or making a paper copy available in the agency’s headquarters. The paper copy may be either the sole source contract(s), or notice and instructions on how to obtain a copy of the sole source contracts.
- c. Posts a notice of intent to award a sole source contract on the State’s enterprise vendor registration and bid notification system (known as Washington’s Electronic Business Solution (WEBS)) for not less than 5 working days. The posting shall include:
 - i. Applicable WEBS commodity codes for the product or services being procured including those commodity codes used by the prospective sole source vendor; and

- ii. A notice of intent to award a sole source contract, which must include:
 - 1) A description of the purpose and scope of the contract;
 - 2) The criteria or rationale justifying the sole source contract;
 - 3) The name of the prospective contractor;
 - 4) The projected contract value;
 - 5) The period of performance, including options for extensions; and
 - 6) A description of the process for providing vendor inquiries or responses to the posting agency, including timelines and requirements and a request for capability statements if a vendor believes they can provide the goods or services being procured under the sole source contract.
- d. Submits the request for sole source approval with DES using the Sole Source Contracts Database (SSCD) not less than 10 working days prior to the contract start date:
 - i. Obtains a copy of the [Sole Source Contract Filing Justification Template](#) from the DES website.
 - ii. Give answers to the questions in the template and uploads them to the SSCD.
 - iii. Attaches a copy of the sole source contract, which must be in significantly final form; and any related documents.
 - iv. Uploads evidence that shows the notice of intent to award a sole source contract has been posted on [WEBS](#) for a minimum of 5 working days.

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3. Presentation of Sole Source Contract Amendment Filing to DES

- a. Prepares the sole source contract amendment and all related supporting documentation necessary to initiate the DES approval process. Note: Minor amendments or amendments that are administrative in nature do not require DES approval.
- b. Submits the request for sole source amendment approval with DES using the Sole Source Contracts Database (SSCD) not less than 10 working days prior to the contract amendment start date:
 - i. Obtain a copy of the [Sole Source Contract Amendment Filing Justification Template](#) from the DES website.
 - ii. Give answers to the questions in the template and upload them to the SSCD.
 - iii. Attach a copy of the sole source contract amendment, which must be in significantly final form; and any related documents.
 - iv. Note: Sole source contract amendments do not need to be posted on WEBS and do not require a 10 working day public inspection period.

DES

4. Decision

DES will provide a decision on an agency request for sole source or sole source amendment generally within 10 working days after the contract or amendment is provided to DES. In determining whether to approve a sole source contract or

amendment filing, DES will review all information submitted including vendor challenges and the agency's response. Note: the number and complexity of requests received by DES can impact DES's processing time. The agency cannot execute a contract/amendment until DES approval is received.

History

Adopted

04-03-2019

Replaces

N/A
