DATE: February 11, 2019

TO: All interested Sole Source Policy stakeholders

FROM: DES’ Enterprise Procurement Policy Team

SUBJECT: Sole Source Policy Update – Review of Draft Revised Policy

The Department of Enterprise Services (DES) is updating the Sole Source Policy, #DES-140-00 and related documents.

## Background

The current policy was created when the current procurement laws became effective in January 2013. The current policy contains obsolete provisions and some portions are unclear.

## Stakeholder work

1. DES held a policy workshop on September 19, 2018, which included the Sole Source Policy for feedback.
2. DES accepted feedback from stakeholders on the Sole Source Policy through December 2018 and has responded to each stakeholder comment (available in the spreadsheet referenced below).

## Update process

Based on the feedback collected and DES data that was analyzed, DES is proposing the attached revised Sole Source Policy (in both a track changes version, which shows revisions from the draft that was shared at the 9/19/18 workshop, and a clean version for your convenience). In addition, we are providing the spreadsheet that captures all the feedback that DES received about the Sole Source Policy, together with DES’ responses to each of the comments/suggestions. The proposed revision of the Policy incorporates many of the suggestions.

## Summary of draft changes

The following is a summary of the proposed changes to the policy:

1. Simplified goal statement: “This policy applies whenever an agency intends to purchase or lease goods and/or services under Chapter 39.26 RCW that are only available from a single source, or are exempt from competition.”
2. Clarified that sole source contracts are an exemption from the general intent that Washington promotes open competition for all goods and services contracts.
3. Confirmed that DES must approve all source contracts before they become effective unless they are otherwise exempt. A sole source contract executed before it is approved by DES is null and void.
4. Deleted misleading or inaccurate exemptions to the policy.
5. Added a few exemptions to reflect current business needs.
6. Removed some sections of the policy, which were procedures and tasks, and created a new procedure document: #PRO-DES-140-00.
7. Modified the format to comply with accessibility requirements.

## Provide feedback

We are seeking feedback on the revised policy, procedures, and task documents through **February 28, 2019**.

Please provide feedback using [DES’ Enterprise Procurement Policy mailbox](mailto:DESmiEnterpriseProcurementPolicy@des.wa.gov).

## Next Steps

All input will be captured and summarized in a document that will include DES’ responses. We anticipate that the revised policy will be finalized using this last round of stakeholder input. The anticipated completion date is April 4, 2019, when this document and the final policy will be released.