

Department of Enterprise Services (DES)

PROCUREMENT POLICY GLOSSARY

SUPPLEMENT

Effective date: April 1, 2022

Definitions pertinent to the sole source policy and procedures:

“Approval” means that all sole source contracting requirements have been met and the contract may go into effect.

“Collaborative research” means research conducted by an agency or institution of higher education with another public or private entity.

“Compelling” means that enough evidence and justification has been provided to convince the DES reviewer that something is true. This should include acceptable reasoning, detail(s), and explanation. The provided information should be able to withstand challenge(s)..

“Disapproval” means that all sole source contracting requirements have not been met. Either changes or competition or both may be warranted.

“Legal notice” means the document that contains specific information agencies are required to post publicly in WEBS to comply with the sole source policy and procedures. **Note: The information required can be found in the [Legal Notice Template](#) agencies are encouraged to use as well as in the sole source procedures document, section 2.c..*

“Market research” means the process of systematically gathering information on a particular commodity or service and evaluating the feasibility of the service or product (including specific needs and/or preferences), or existing capabilities in the market, through research conducted directly and indirectly with vendors, end-users, other agencies, and/or consumers. Market research may include:

- Information about the past, present, and potential service/item being acquired;
- Research about the industry as a whole;
- An extensive internet search, including various search terminology; and
- A market analysis in trends, pricing, and service/product availability.

Upon completion of market research, information presented to DES should support evidence of a sole source contract.

“Minor or administrative change(s)” means revisions to the terms of a contract that do not affect the substantive rights of any party to that contract, such as a contractor's address change, etc. Changes to contract performance or (when adding) compensation, etc. would be examples of substantive changes. *Note: Decreasing consideration/compensation via amendment only needs to be*

filed in SSCD when doing such changes the scope of the contract. When in doubt, file the amendment or request guidance from DES.

“Non-State Funds” means funds provided by other than a state source, such as general fund appropriation or other fee generated funds. Contracts funded by non-state funds means contracts where over 50% of the funding comes from non-state sources.

“Performance Based Contract” means a results-oriented contracting method that focuses on the outputs, quality, or outcomes that may tie at least a portion of a contractor’s payment, contract extensions, or contract renewals to the achievement of specific, measurable performance standards and requirements.

“Professional Development” refers to goods and/or services that enhance an employee’s work performance and/or career development.

“Qualified master contracts” means DES Master Contracts.

“Software Maintenance and Support” means services (maintenance) provided by a Licensor (proprietary owner) of software products to Licensee including, but not limited to, fixes, upgrades and the like to the software code or program. Technical services (support) may be included or sold as a separate offering by the Licensor and are covered under this exemption. This exemption does not apply if there is more than one Owner-designated maintenance and support service provider.

“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(23))

“Sole source contract” refers to a category of instruments used for sole source acquisitions. It can be in the form of a contract, purchase order, field order, etc.