

Sole Source CONTRACT Filing Justification Template

Use the following justification template for preparing to file sole source contracts in the [Sole Source Contracts Database](#) (SSCD). Once completed, copy and paste the answers into the corresponding SSCD question and answer fields. You will also need to include a copy of this completed form in the documents you post to your agency website and in [WEBS](#).

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.

Specific Problem or Need

- What is the business need or problem that requires this contract?
 - *This multi-year contract is intended to supply the Washington Asparagus industry with new and ongoing research as required by the commission's marketing order. Research on this commodity is not always a single year process, there are test plots where multi-year research is being conducted. The information that is derived from this research provides the industry with imperative data to allow them to make sound decisions for the good of the asparagus industry.*

Sole Source Criteria

- Describe the unique features, qualifications, abilities or expertise of the contractor proposed for this sole source contract.
 - Agriculture Development Group, Inc.'s, principal is Alan Schreiber. Through various internet searches and communication with other researchers it is clear that Mr. Schreiber is the only researcher in the pacific northwest who is qualified to conduct this very specific type of research on Washington Asparagus. Washington State is currently one of only three states in the United States that grows Asparagus, with each state having their own unique growing requirements that require a specific expertise. The other states that grow asparagus require a significantly different set of expertise due to their unique growing regions. Within Washington, there are unique soil needs, pest control and an understanding of weather patterns, Mr. Schreiber being the expert in these unique needs. Mr. Schreiber is also very well known in the research community as being an expert in Asparagus research for the western region.

- 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 conducted an extensive internet search in order to understand how this type of research is conducted. We found that due to the different varieties of asparagus there are only three states that harvest this commodity commercially, California, Michigan, and Washington. Because each state grows a different variety, they each conduct their own types of research on their specific plant types. General information about pesticide use is shared, but specific information about crop types, plot analysis, and trials is unique to each state or growing region.
 - In addition to a google search, we reached out to Washington State University's area extension educator, Franklin & Benton Co., Commercial Vegetables, Tim Waters. Mr. Waters confirmed that the university is not currently engaging in research on Washington Asparagus. Washington State University is our state's land-grant university that engages with the agricultural industry on research, among other things. OSU nor the University of Idaho currently are engaged in the level of research on Asparagus in Washington State needed by the Washington Asparagus Commission.
 - The research needs for Washington Asparagus are unique to our state and soil and as stated above, this particular crop is extremely labor-intensive and requires very specific needs to flourish in its region.

- 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.
 - This contract would not qualify for unbundling due to the nature of what is being sought in the contract. The scope of this contract is for this business to conduct pest management trials, production trials and education. The knowledge gained by the research is then documented in reports that are shared with constituents and researchers in other states as a base for what worked, did not work on Washington asparagus varieties. The intended contractor is a designated Washington small business as identified in WEBS.

- 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).
 - Because this contractor has been working in this field for so long (20+ years), and has been conducting the specific types of research necessary for this commodity since 2014, the information learned to this point, (and going forward) is invaluable. This contractor's experience in this field reduces the risk of additional expenses due to their vast knowledge of the industry and knowing what research needs to be done at key points throughout the season. This contractor also understands the importance of past research methodologies used when conducting new trials and how that can save money, time, and effort with each new season of research. Having been the only researcher of this specific commodity in the state for a number of years has provided this contractor with insight into how to conduct the research in a timely, efficient, and cost saving manner.

- Is the agency proposing this sole source contract because of special circumstances such as confidential investigations, copyright restrictions, etc.? If so, please describe.
 - N/A
 - This sole source contract is being proposed in order to continue ongoing research for the asparagus commodity. Because it can take several months to grow and study the plants, ongoing research has been necessary in order to get a better understanding of the lifecycle or certain varieties, pesticide management and its influence on the plants, and the development of new varieties. Because some of these trials have been going on since 2014, we feel these are special circumstances that should be considered to continue the research in order to improve our knowledge and understanding of this commodity.

- 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.
 - No.

- 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.
 - No, there are no geographic limitations.
- 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.
 - Not having this sole source filing approved will require the Asparagus Commission to seek out similar types of research that has already been conducted in other states/countries in order to try and understand pesticide management and growing trends. Due to the specificity of each states asparagus varieties, the research from other states would only serve as a reference point and would not directly tie into what is grown in Washington. Having a dedicated researcher in Washington that is working directly with the varieties grown here is invaluable to all of the growers in this state. The information gained from the research is written into reports for the commission and is shared with all growers in the state so that they can all learn from and apply new methods or techniques in order to keep their farms viable. The three states in the US, (California, Michigan, and Washington) that grow asparagus commercially are under constant pressure from asparagus grown in other counties and shipped to all parts of the US. Being able to grow, study and research asparagus locally is important for Washington crops as information gained will help to manage this commodity more effectively thereby increasing better qualities and more yield.

Sole Source Posting

- Provide the date in which the sole source posting, the draft contract, and a copy of the Sole Source Contract Justification Template were published in WEBS.
 - If exempt from posting in WEBS, please provide which exemption.
 - If failed to post, please explain why.
- Were responses received to the sole source posting in WEBS?
 - 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 Washington Asparagus Commission determined the contract cost based upon prior year (annual) contract amounts.

2022 - \$10,000

2021 - \$70,000

2020 - \$75,000