

## SOLE SOURCE FILING JUSTIFICATION

<b>TO:</b> Choose or Type a Name.
<b>CONTRACT #</b> 2432-57668
<b>TODAY'S DATE:</b> 8/29/2024
<b>CONTRACT SUB OBJECT CODE:</b> CZ - Other Pro Serv

<b>CONTRACTOR'S LEGAL NAME</b>	<b>TIN/UBI NUMBER</b>
The Mockingbird Society	

<b>ADDRESS</b>	2100 24 <sup>th</sup> Avenue South, Suite 240, Seattle, WA 98144
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<b>CONTRACT PURPOSE</b>
<ol style="list-style-type: none"> <li>1. Provide ongoing administrative oversight, consultation and technical assistance to DCYF offices that implement and/or host Mockingbird Family™, and to provide technical assistance to the Hub Homes that support the Mockingbird Family™ Constellations to promote placement and permanency for children in foster care and retention of foster and kinship caregivers.</li> <li>2. Provide ongoing technical assistance and training to DCYF to support existing Mockingbird Family constellations (including Hub and Satellite Homes) and to assist, train and support DCYF to expand and implement a Hub Model statewide comprised of a minimum of one hub home per region to serve youth in the settlement class or at risk of entering the settlement class.</li> <li>3. Train DCYF and up to three Child Placing Agencies as host agencies to implement and expand the Mockingbird Foster Care Delivery Model statewide.</li> </ol>

<b>FUNDING stability</b>	
FEDERAL FUNDING \$	STATE FUNDING \$1,482,120.88
<b>CONTRACT TOTAL \$1,482,120.88</b>	OTHER FUNDING \$

<b>CONTRACT DATES</b>	
START DATE: 10/1/2024	END DATE: 6/30/2025

<b>SOLE SOURCE CRITERIA</b>
<p><u>What is a sole source contract?</u>  <i>"Sole source" means a contractor providing goods or services of such a unique nature or sole availability that the contractor is clearly and justifiably the only practicable source to provide the goods or services. (RCW 39.26.010)</i></p> <p><i>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.</i></p> <p><u>Why is a sole source justification required?</u>  <i>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.</i></p> <p><i>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.</i></p>

## SPECIFIC PROBLEM OR NEED

### 1. What is the business need or problem that requires this contract?

The Department of Children, Youth, and Families (DCYF) seeks to contract with The Mockingbird Society (TMS) to expand the existing Hub home foster care model statewide to serve children and youth with behavioral health and developmental disabilities that are experiencing placement instability or at risk of placement instability.

DCYF is seeking to make statewide system improvements to address concerns brought forth through a class action lawsuit filed by Disability Rights of Washington (DRW) on behalf of a class of children with behavioral health and developmental disabilities who are in the custody and care of Washington State's Child Welfare System. See Class Action complaint: <https://disabilityrightswa.org/wp-content/uploads/2017/10/Complaint-Filed-1.29.21.pdf>.

DCYF entered into a settlement agreement with DRW, ordered by U.S. District Court of Western District of Washinton at Seattle, on 9/21/22 to better provide for dependent children with behavioral health and developmental disabilities to promptly reunify children with their families and be adequately supported while in out of home care. The D.S. settlement requires DCYF to expand, adapt and implement a statewide Hub Home Model comprised of a minimum of one hub home per region to serve youth in the settlement class or at risk of entering the settlement class this includes: *"Youth over the age of thirteen, or immediate family of the youth under the age of thirteen who desire to participate in a Hub Home Constellation. Youth discharging or being released from an institutional or congregate care setting, have been in placement exceptions or night to night foster care placement for five days or more, and/or has a history of disrupting from other group or family placements; and with program supports, the youth does not currently pose a risk of serious harm to self or others in the program."* See D.S. Settlement agreement: [https://www.dcyf.wa.gov/sites/default/files/pdf/DS\\_SettlementAgreement\\_Signed\\_060622.pdf](https://www.dcyf.wa.gov/sites/default/files/pdf/DS_SettlementAgreement_Signed_060622.pdf).

A DCYF analysis on placement population found there were over 900 children in the settlement class. The addition of 15 new hub home constellations could serve up to 180 children in the settlement class. DCYF requested and was funded (proviso funds) through ENGROSSED SUBSTITUTE SENATE BILL 5950 (2024 session) [5950-S.SL.pdf \(wa.gov\)](#) for 15 new enhanced constellations to serve youth in the settlement class (in addition to funding for 15 traditional constellations). These new slots were intended to be phased in with 6 of them being established in FY24 (along with filling the 4 vacant standard hub home slots) and the remaining 9 to be established in FY25. Additional Proviso funds are allocated to support DCYF infrastructure to stand up and maintain Hub Homes, contract with Mockingbird Society for model fidelity support contract with up to three Child Placing Agencies (CPA's) to support adaptation of the Hub Home model to better serve class members, provide technical assistance, and provide increased stipends to Hubs Homes that have experience with children needing Behavioral Rehabilitation (BRS) or Wrap around with intensive services (WiSe).

The funding allocated through ENGROSSED SUBSTITUTE SENATE BILL 5950 (2024 session) DCYF-Children and Family Service Program, section 227, sub section 21 B [5950-S.SL.pdf \(wa.gov\)](#) is designated to comply with the settlement agreement, to implement a statewide Hub home Model.

**PROVIDING COMPELLING ANSWERS TO THE FOLLOWING QUESTIONS WILL FACILITATE THE EVALUATION**

**2. Describe the unique features, qualifications, abilities, or expertise of the contractor proposed for this sole source contract.**

The unique features, expertise and criteria for a sole source contract with The Mockingbird Society (TMS) is related to the following: the uniqueness of the model itself; the proprietary/intellectual properties of the Mockingbird Family Model (MFM); the experience TMS has within Washington state as the current hub home model; the global presence of the model and experience TMS brings; the language in the implementation plan to expand the hub model specifically names MBF as the identified model; the court ordered settlement agreement, uses language specific to the model and requires adherence to the implementation plan; and the funding appropriated through legislation is allocated to adapt the existing hub home model, which is the MBF model.

The Mockingbird Society (TMS) was founded in WA-state, in 2000, with the original focus to improve the foster care system for youth. The first Mockingbird Society hub home constellations were launched in Washington state in 2005 through funding received from a Federal Grant from the Department of Health and Human Services. The University of Washington's School of Social Work conducted an initial program evaluation. The outcome of UW's analysis identified the MFM as an emerging success in the areas of stabilizing placements, providing culturally relevant care, improving youth's academic performance, and increasing overall caregiver satisfaction and sense of support. See Northwest Institute for Children and Families Mockingbird Family Project Evaluation (2007) [https://mockingbirdsociety.org/images/info/nwicf\\_2007-5\\_report.pdf](https://mockingbirdsociety.org/images/info/nwicf_2007-5_report.pdf) . The Mockingbird Family Hub Model is now implemented globally, in the US, United Kingdom, Australia, and Nova Scotia. Although there are differences in the implementation based on the unique needs of the communities served, the global presence of the model allows for increased opportunities to learn from diverse communities and make modifications to the model to meet the needs of the agency and families we serve.

In 2008 and subsequent years, The Washington State Legislature provided dedicated proviso funds for the Mockingbird Hub model and directed DCYF to contract with The Mockingbird Society (TMS) as it is the only organization capable of providing the services described in the legislation. TMS name and training materials are unique to the Mockingbird Family Model and are considered intellectual properties. **TMS is the only organization capable of training and developing the program as described in the legislation.**

Designated Proviso funds for FY 2024, 2025, 2026 and 2027 are allocated to support statewide expansion of the Hub home model to serve children and youth in the settlement class or at risk of entering the settlement class. The proviso funding covers the costs to support implementation of a 4-year plan for The Mockingbird Society (TMS) to train DCYF and up to 3 CPA's as host agencies and covers the cost of expansion; and monthly stipends for up to 30 constellations (15 of which would serve youth from the settlement class). The funding also covers Mockingbird staff costs and DCYF staff costs for a designated Mockingbird Program Manager, four full time Mockingbird Liaisons, and 3.5 temporary positions to support statewide expansion and implementation.

The contract with The Mockingbird Society (TMS) to establish DCYF as a Host Agency for the Hub Home model is \$250,000 for the first 2 years and \$5,000 for each subsequent year. DCYF requested and was funded to make 3 CPAs into Host Agencies for an additional \$240,000 for the first two years, and \$5,000 per CPA for each subsequent year. After the first 2 years DCYF would also have to pay hourly rates for any technical assistance required. Under the current contract, technical assistance is \$6,000 per month, making the total contract costs:

FY24: \$245,000

FY25: \$245,000

FY26: \$92,000

FY27: \$92,00

The language in the court ordered settlement agreement and legislative funding specific to the Mockingbird Model make this contract unique. The funding through ENGROSSED SUBSTITUTE SENATE BILL 5950 (2024 session) under The Department of Children Youth and Families -Children and Family Service Program, section 227 states:

“\$453,000 of the general fund—state appropriation for fiscal year 2025 are provided **solely for the costs of hub home** foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out of home care” [5950-S.SL.pdf \(wa.gov\)](#) (sub section 2).

To comply with the settlement agreement, funding in this subsection (21) is provided as follows:

- Additional state and federal fund appropriation “are provided solely for the phase-in of the settlement agreement under D.S. et al. v. Department of Children, Youth and Families et al., United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. **The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement.**” [5950-S.SL.pdf \(wa.gov\)](#).
- “\$2,682,000 of the general fund state appropriation for fiscal year 2025, and \$42,000 of the general fund federal appropriation are provided solely for the statewide hub home model. **The department shall develop and adapt the existing hub home model to serve youth as described in the settlement agreement.**” [5950-S.SL.pdf \(wa.gov\)](#) (subsection 21, B).

The Mockingbird Society requested an additional \$250,000 through the supplemental budget for shared learning events, constellation launches, fidelity reviews and a full time FTE for TMS to support statewide expansion and implementation. DCYF neither supported nor opposed the request and the proviso funding was approved through the supplemental budget (included in the \$2,682,000). Legislation states “**The department shall develop and adapt the existing hub home model to serve youth as described in the settlement agreement.**” The existing hub model DCYF is utilizing is **The Mockingbird Family model. TMS made the request for additional funding based on DCYF’s expressed intention to implement the TMS Hub Home model statewide.**

The total sole source contract cost with TMS for FY25 (including \$250,000 from the supplemental budget) is \$495,000 in direct and indirect costs. An additional \$987,120 is budgeted for DCYF to reimburse TMS for Hub home payments bringing the total cost of the contract \$1,482,120.88. This does not include proviso funds designated FTE’s for DCYF staff, or additional statewide implementation costs. See supplemental budget: [5950-S.SL.pdf \(wa.gov\)](#).

The D.S. Settlement agreement requires DCYF to develop and implement a Statewide Hub Home Model to serve youth in the settlement class. **The settlement agreement uses specific language to define a Hub Home, Satellite Home, and Hub Group Home. The context in which it is defined is very similar to the Mockingbird Family Hub model and terms such as “Satellite Home” are specific to Mockingbird Model.** [https://www.dcyf.wa.gov/sites/default/files/pdf/DS\\_SettlementAgreement\\_Signed\\_060622.pdf](https://www.dcyf.wa.gov/sites/default/files/pdf/DS_SettlementAgreement_Signed_060622.pdf).

Under D.S. et al. v. Department of Children, Youth and Families et al., United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. **The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement.** [5950-S.SL.pdf \(wa.gov\)](#).

**The implementation plan included in the settlement agreement names Mockingbird Family as the Hub home Model under System improvement 4.8 Hub Home Model Program: “In response to the D.S. Settlement, DCYF will expand implementation of the Mockingbird Family Hub Home Model Statewide...”** <https://www.dcyf.wa.gov/sites/default/files/pdf/FinalDSImplementationPlan.pdf>

In Jan. 2023, DCYF commissioned the Camber Collective to assess the (MBF) program as implemented in WA state. The purpose of the assessment was to provide strategic recommendations and considerations for MBF program expansion, in the context of the DS Settlement.

*“This assessment finds that the WA-state MBF program, as implemented in the state based on the MOCKINGBIRD FAMILY™ model, uniquely fulfills a need that serves caregivers (i.e., foster care and kinship care community) and youth in need of stable placements.”* The Camber Collective researched other evidence-informed hub models and determined *“the Mockingbird Hub Home Model is the leading Hub home evidence-based approach globally for delivery of a community-based hub home model.”* The areas in which the Mockingbird Family model excelled compared to other models is caregiver retention, mentorship, training, and connection with other foster caregivers, in addition to providing respite care and emphasizing child placement within their existing or home geography and with siblings or kinship. See 2023 Mockingbird Expansion Assessment: <https://dcyf.wa.gov/sites/default/files/pdf/2023MBF-ExpansionAssessment.pdf>

**3. 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. Use DES’ Market Research Template if assistance is needed.**

The Camber Collectives assessment of the Mockingbird Family (MBF) Model compared several evidence - informed hub models and experimental models. [Camber Collective](#) provides advisory, consulting services and **market research** utilizing a wide range of qualitative and quantitative methodologies to better understand complex challenges and provide insight into strategic questions and equitable decision making. The primary methods utilized were literature review, stakeholder engagement, and co-design of growth scenarios.

The following Mockingbird materials were reviewed as part of the literature review:

- Mockingbird Model operational documents, fidelity markers, process maps, assessment protocols, guidelines, technical assistance processes.
  - Additional materials reviewed include:
- 2022 Child Welfare Administrative Data – DS Class Query
- 2019 Washington State Child Welfare Racial Disparity Indices Report
- Alliance for Professional Development, Training, and Caregiver Excellence
- Kent Family Collaborative
  
- The following (MBF) assessments and studies were included in the literature review:
  - 2016 Department of Health and Human Services Foster Parents Speak Survey
  - 2017 WSIPP Evaluation of the Foster Care Hub Home Model: Benefit-Cost Analysis
  - 2017 WSIPP Evaluation of the Foster Care Hub Home Model: Outcome Evaluation
  - 2020 UK Department of Education Mockingbird Program Evaluation Report

See page 54 for the full list of references and links to studies listed above:  
<https://dcyf.wa.gov/sites/default/files/pdf/2023MBF-ExpansionAssessment.pdf>.

- Once a review of the Mockingbird model was complete the Camber Collective reviewed and compared literature on the following evidence-based hub models and similar community-based models:
  - Community Supported Foster Home Program
  - Family to Family/neighbor to neighbor/neighbor to Family/Sibling
  - Care Hubs
  - Children’s Villages
  - Youth Transitional Housing
  - Treehouse Hubs
  - Every Step Community Care

The Camber Collective made the following determination:

*“Given recruitment and retention priorities and the desire and need for respite care support among caregivers in WA-state, MBF continues to be the optimal approach for offering a hub home option in the public domain. At its core, the MBF program deploys many critical components of other hub home model approaches, including community-based support and maintaining placement stability within geographies, with additional emphasis placed on training, mentorship, and connection.”* See Mockingbird Family Program Recommendations and Strategic Considerations for Expansion (pg.’s 19 & 38)  
<https://dcyf.wa.gov/sites/default/files/pdf/2023MBF-ExpansionAssessment.pdf>

DCYF reviewed the 2023 MBF Expansion Assessment and all the models compared in the assessment and determined that there is no other hub or community-based foster care delivery model available in Washington State that can meet the unique needs of the agency and requirements of the D.S. Settlement agreement. See detailed information below:

- **Community Supported Foster Home Program:** This is a professional paid foster care program, in which the foster parent is a paid employee of the Department of Human Services in New York. This program does not meet the Hub home model criteria in the implementation plan or settlement agreement because it is a professional paid model and it is not available in Washington State. The D.S. Settlement agreement requires DCYF to implement a professional paid therapeutic foster care program and a Hub home foster care program. DCYF is currently in the process of implementing a professional therapeutic foster care program as a separate D.S. settlement requirement.  
<https://www.thehub585.org/community-supported-foster-home/>
- **Every Step Community of Care:** This is a community health model that brings together health plans, providers, and community health resources, based out of Oregon and is not a foster care delivery model. <https://www.healthshareoregon.org/about/blog/every-step-community-of-care-helps-reshape-oregon-foster-care>
- **Family to Family Care Model:** This is no longer in effect or available. This was an 18-year effort to improve child welfare systems. <https://www.aecf.org/work/past-work/family-to-family>
- **Neighbor to Neighbor Care Model:** This is a professional paid foster care model, in which the foster parent is a paid employee of the Illinois Department of Children and Family Services. This program does not meet the Hub home model criteria in the implementation plan or settlement agreement because it is a professional paid model and it is not available in Washington State. The D.S. Settlement agreement requires DCYF to implement a professional paid therapeutic foster care program and a Hub home foster care program. DCYF is currently in the process of implementing a

professional therapeutic foster care program as a separate D.S. settlement requirement.  
<https://www.cebc4cw.org/program/neighbor-to-neighbor/detailed>

- **Neighbor to Family Sibling Care Model:** This is an expansion of the Neighbor to Neighbor Model. This is also a professional paid foster care model, in which the foster parent is a paid employee. This program does not meet the Hub home model criteria in the implementation plan or settlement agreement because it is a professional paid model and it is not available in Washington State (currently available in Florida, Georgia and Maryland). The D.S. Settlement agreement requires DCYF to implement a professional paid therapeutic foster care program and a Hub home foster care program. DCYF is currently in the process of implementing a professional therapeutic foster care program as a separate D.S. settlement requirement.  
<https://ocfs.ny.gov/programs/fostercare/recruitment/assets/docs/PM-Ch.6-Neighbor-to-Family.pdf>
- **Professional Parenting Model: Professional paid Therapeutic Foster care model** does not meet the Hub home model criteria in the implementation plan or settlement agreement because it is a professional paid model and it is not available in Washington State. The D.S. Settlement agreement requires DCYF to implement a professional paid therapeutic foster care program and a Hub home foster care program. DCYF is currently in the process of implementing a professional therapeutic foster care program as a separate D.S. settlement requirement. <https://www.pacificclinics.org/get-involved/foster/types/>
- **Care Hubs Loddon Care Hub:** This program is based out of Australia and does not have services available in Washington State. <https://www.anglicarevic.org.au/careers/loddon-care-hub/>
- **Children’s Villages Youth Transitional Housing:** This program does not meet criteria of a Hub home model as defined in the D.S. settlement agreement and DCYF currently has a transitional Living program. <https://www.mdrc.org/publication/becoming-adults>
- **TreeHouse Hub:** This is a Mockingbird Hub Model in UK.  
<https://www.surreycc.gov.uk/children/social-care/fostering/the-treehouse-hub>

The **stakeholder engagement** process focused on an equitable liberatory design framework centering on those impacted most, in order to engage in open and authentic conversations. The goal was to understand root causes, power dynamics, historical contexts, sub-group (e.g., BIPOC, LGBTQ+, immigrant, low income, rural, etc.) experiences, along with system & partner relationships, in the context of how the MBF model can successfully be implemented statewide (i.e., in every Region of WA-state). This also included review of the 2016 Foster Parent Survey DSHS Foster Parents Speak, and the 2019 Washington State Child Welfare Racial Disparity Indices Report: See page 54 for the full list of references and links to studies: <https://dcyf.wa.gov/sites/default/files/pdf/2023MBF-ExpansionAssessment.pdf>. The initial findings from the stakeholder engagement discussions, and co-design sessions guided recommendations for expansion and **Co-Design growth scenarios**.

4. **As part of the market research requirements, include a list of statewide contracts reviewed and/or businesses contacted, 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.**

The Camber Collective Assessment (July 2023) compared similar hub home and community-based models and DCYF reviewed all programs compared in the assessment (December 2023 & August 2024) and determined that no other Hub or community-based foster care delivery model is available in Washington State that can meet the agency's unique needs, and the Hub Home requirements set forth in the of the D.S. Settlement agreement. See question # 3 for more details.

**5. Per the Supplier Diversity Policy, DES-090-06: was this purchase included in the agency's forecasted needs report?**

Yes, under line 91-The Mockingbird Society is listed as a Sole source Professional Services contract under HUB Home Administrative Oversight and Technical Assistance, which can be found at <https://www.dcyf.wa.gov/practice/policy-laws-rules> under Supplier Diversity Forecasted Needs Report.

**6. Describe what targeted industry outreach was completed to locate small and/or veteran-owned businesses to meet the agency's need?**

The Camber Collective assessment compared other evidence-informed hub models and experimental models, and determined The Mockingbird Model uniquely fulfills the agency's needs. There was no other foster care delivery model identified in the state of Washington available that operates in the same manor.

**7. What considerations were given to unbundling the goods and/or services in this contract, which would provide opportunities for Washington small, diverse, and/or veteran-owned businesses. Provide a summary of your agency's unbundling analysis for this contract.**

In 2008, no consideration was given to providing small businesses with an opportunity to apply or compete to provide the services under this contract, due to legislative direction to contract with this contractor under Engrossed Substitute House Bill (ESHB) 1244 (2009 Session) to contract for these services, as follows:

Engrossed Substitute House Bill (ESHB) 1244 (2009 Session), Part II Human Services, Section 202 for DSHS Children and Family Services Program, Subsection 21, mandated that DSHS allocate \$100,000 in both fiscal year 2010 and 2011 to contract with an agency which is working in partnership with, and has been evaluated by, the University of Washington School of Social Work to implement promising practice Constellation Hub Models of foster care support. The agency working with the UW School of Social Work as it is described in this subsection of ESHB 1244 was The Mockingbird Society.

No consideration was given to providing small businesses with an opportunity to apply or compete to provide the services under the expanded version of this contract, due to the following:

- Proprietary restrictions of The Mockingbird Societies' MBF model.
- Camber Collectives assessment of MBF, concluding the following: *"This assessment finds that the WA-state MBF program, as implemented in the state based on the MOCKINGBIRD FAMILY™ model, uniquely fulfills a need that serves caregivers (i.e., foster care and kinship care community) and youth in need of stable placements."*
- The Camber Collective's research and comparison of other evidence-informed hub models determined: *"the Mockingbird Hub Home Model is the leading Hub home evidence-based approach globally for delivery of a community-based hub home model."*
- DCYF's review of the Camber Collective Assessment and research on similar Hub and community based foster care delivery models determined: No other Hub or community-



based foster care delivery model is available in Washington State that can meet the agency's unique needs, and the Hub Home requirements set forth in the D.S. Settlement agreement.

- The language in the D.S. system improvements implementation plan under section 4.8 Hub Home Model Program: names Mockingbird Family as the identified Hub home Model.
- The language in the D.S. court ordered settlement agreement requires DCYF to adhere to the implementation plan, and utilizes language such as Satellite homes which is specific to MBF model.
- There is Legislative funding appropriated through ENGROSSED SUBSTITUTE SENATE BILL 5950 designated to adapt the existing Hub home model (which is the MBF model).
- The MBF model is a unique foster care delivery model that cannot be unbundled as they will be providing proprietary training to DCYF and up to three child placing agencies to train the agencies as host agencies to implement the Mockingbird Family Hub model. (DCYF intends to go through the procurement process to identify and contract CPA's as host agencies to deliver The Mockingbird Family Model).

**8. 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).**

The legislature specifically dedicated funds to expanding the Hub home model statewide to serve youth in the settlement class. Only the proviso funds are utilized for this contract. The maximum consideration is the proviso amount. The contract cannot exceed the maximum of the proviso. Proviso funds designated for expansion of the Hub home model for FY 2024, 2025, 2026, and 2027 are based on the cost analysis of the MBF hub home model.

**9. Is the agency proposing this sole source contract because of special circumstances such as confidential investigations, copyright restrictions, etc.? If so, please describe.**

**NOT APPLICABLE**

Due to proprietary restrictions/intellectual properties DCYF cannot use Mockingbird materials or utilize the Mockingbird model without a contract in place. There are no other agencies in Washington state that can train DCYF on the Model due to proprietary restrictions.

**10. 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.**

**NOT APPLICABLE**

As part of the class action law suit DCYF has court ordered timelines for expansion and implementation of a Hub home model which are included in the D.S. implementation plan <https://dcyf.wa.gov/sites/default/files/pdf/FinalDSImplementationPlan.pdf>. Mockingbird Family (MBF) is specifically named in the implementation plan as the identified Hub home agency and work toward expansion of the Hub model began in 2023 to meet court ordered requirements. The following language is included in the **ENGROSSED SUBSTITUTE SENATE BILL 5950**: Section 27, Subsection 21“Under

D.S. et al. v. Department of Children, Youth and Families et al., United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement.” This includes implementing provisions related to the statewide hub home model. [5950-S.SL.pdf \(wa.gov\)](#)

Proviso funds designated for expansion of the Hub home model for FY 2024, 2025, 2026, and 2027 are based on the cost analysis of the MBF hub home model. A delay in finalizing the contract will further impact the agency’s ability to meet court ordered timelines.

**11. 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.**

- Failing to approve this sole source filing could result in the following consequences:
- DCYF will be out of compliance with the court ordered D.S. Settlement Agreement which could result in fines, additional legal fees, an extended amount of court monitoring and delay in meeting the compliance requirements and exit criteria.
- A delay and reduction in services and supports intended to serve dependent children with behavioral health and developmental disabilities that are part of the settlement class or at risk of entering the settlement class.
- A gap in services which would result in closing existing Hub homes as there would be no contract in place for payment and DCYF does not have authority to operate the Mockingbird Model without a contract in place. The families, with expertise in the Mockingbird Model, would revert to separate, individual foster homes without the support provided through the model.
- A breakdown in trust with community agencies, families, youth, caregivers and court if DCYF is unable to follow through with commitments made in the settlement agreement.
- A significant delay in contracting. Completion of the current contract required weekly meetings from both agencies for six months to mitigate barriers due to the complexity of the contract, level of detail needed to align the budget & deliverables, addition of the new proviso funding, data security requirements, settlement agreement requirements and ongoing revisions and negotiations to ensure both agencies have a shared understanding of the goals, roles, responsibilities and language used in the contract. The current timeline for the procurement process is 3-6 months due to staff shortages. A Hub home contract must be in place prior to contracting with CPA’s. The procurement process for the CPA contracts is anticipated to take an additional 3-6 months. The proposed contract expires June 30<sup>th</sup>, 2025, any additional contract delays may result in contracting delays for FY 2026.
- A loss in funding and dedicated resources allocated to serve youth in the settlement class. Funding in the amount of \$1,482,120 allocated through **ENGROSSED SUBSTITUTE SENATE BILL 5950** to expand the Hub home model to serve youth in the settlement class will expire June 30<sup>th</sup> 2025. Any additional delays in contracting will result in a significant loss of funding dedicated to identify placement resources for youth in the settlement class.

- A significant delay in implementation of the Hub home model. The proposed budget, services and implementation plan were based on the recommendations of the Camber Collective assessment of the Mockingbird Hub Model and may not be applicable to other Hub models. All work towards implementation will need to cease until a contract is in place. Failing to approve the sole source contract will impact every aspect of implementation moving forward. Estimated delay in implementation is 1 year if the sole source filing is not approved.

## REASONABLENESS OF COST

- 12. 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 legislature determined the contract amount through the proviso. The contract cannot exceed this amount; less can be spent, but not more. Underspent funds cannot be used for any other services, due to the proviso. There is currently no other program that exists in WA state that can be used to make a cost comparison and there are no similar contracts in place within DCYF that are comparable.

The Camber Collective's *Mockingbird Family Program recommendations and strategic considerations for expansion in Washington State* includes a Cost Assumption Model for implementation and expansion in the first 3 years (Pgs. 47-49) <https://dcyf.wa.gov/sites/default/files/pdf/2023MBF-ExpansionAssessment.pdf> .