



**SOLE SOURCE FILING JUSTIFICATION**

<b>TO:</b> Karena McGovern
<b>CONTRACT #</b> PO2307401 and PO2307441
<b>TODAY'S DATE:</b> 11/14/2023
<b>CONTRACT SUB OBJECT CODE:</b> CZ - Other Pro Serv

<b>CONTRACTOR'S LEGAL NAME</b>	<b>TIN/UBI NUMBER</b>
Command Sourcing, Inc.	603-616-216

<b>ADDRESS</b>	6100 Horseshoe Bar Rd. Ste A#228 Loomis, CA 95650
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**CONTRACT PURPOSE**  
Green Hill School and Echo Glen Children's center purchased one body scanner each for their facilities due to the increased incidents of drugs and contraband introduced on campus, which creates health and safety risks for youth and staff (increased violence, threats, overdose, etc.). The scanners were approved for purchase but recently JR was informed that the Department of Health placed regulations on body scanners that go into effective January 1, 2024. These regulations impact the current body scanners in use at Green Hill School and Echo Glen Children's Center, necessitating replacements in order to be in compliance. Agreement with the original vendor (Command Sourcing, Inc) has occurred which provides ease in replacements and opportunities for reduced costs, as well as some warranty transfer.

<b>FUNDING</b>	
FEDERAL FUNDING \$0	STATE FUNDING \$ 947,000
<b>CONTRACT TOTAL \$947,000</b>	OTHER FUNDING \$0

<b>CONTRACT DATES</b>	
START DATE: 12/1/2023	END DATE: 2/1/2023

**SOLE SOURCE CRITERIA**

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 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 for going the benefits of a competitive contract.

## SPECIFIC PROBLEM OR NEED

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

Green Hill School (GHS) is a maximum-security juvenile facility for young men ages 17-25 years old, with over a 1/3 serving an adult sentence. GHS is responsible for the safety and rehabilitative services for the young men in their care. Access to contraband and drugs (marijuana, LSD, methamphetamine, fentanyl and non-prescribed pharmaceuticals) not only impacts youth health and rehabilitation but also significantly compromises the overall security of the facility. The existing body scanners have curbed contraband introduction onto the campus from youth, staff and visitors. This includes potential weapons and unauthorized cell phones. With the evolution and increase in lethality of drugs in the community, some of which are easy to conceal, the need for the body scanners is even more critical.

Echo Glen Children's Center (Echo) is a maximum/medium security juvenile facility for both younger men up to age 17 and young women up to age 25. With the same mission as GHS, ensuring the environment is safe for the rehabilitative services to be provided is critical. Echo implemented the same body scanner over a year later after GHS and has also had positive results.

Finally, the use of body scanners is growing in the larger justice systems, with Washington jails, detentions and the Department of Corrections also adopting their use. This is likely the reason for the recent and increased interest by the DOH for regulatory processes.

GHS and Echo purchased the body scanners prior to the regulations and it was determined only certain types of body scanners will be approved for justice system use on certain populations. As such, GHS needs to replace their scanner used for staff, visitors and clients with a non-radiation millimeter wave scanner and purchase a secondary general use body scanner for the client only use. Echo needs to replace their scanner used for staff, visitors and clients with a non-radiation millimeter wave scanner for use for staff, visitors and clients due to client age.

Purchasing the replacements now ensures they arrive as close to January 1, 2024 possible so there is no gap in screening for staff, visitors and clients. With the increase in the purchasing of the scanners, wait lists are growing. Additionally, because we are replacing using the same vendor who are sympathetic to our funding situation and need to replace what we purchased, we are receiving a level of discount in warranty, assembly and possible purchase price.

Finally, not replacing the scanners is not an option as DCYF/JR is under a settlement with Columbia Legal Services to reduce the need for strip searches associated with contraband suspicion in order to be trauma informed. Seeking a different vendor would create delay and likely result in non-compliance with the settlement agreement.

**Note:** GHS has been working closely with local law enforcement and the FBI when drugs and contraband is found. They continue to support the use of the body scanner and express concerns if there is a gap in time between January 1, 2024 and the securing of replacements.

**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.**

Drugs and contraband in a juvenile facility significantly creates a health and safety issue for both youth and staff. To date, there have been overdoses requiring off campus medical attention and two of which were near fatal. Drugs and contraband act as a currency and when debts are not paid violence occurs. Because we do not know where the drugs are coming from, the risk for overdose or adverse effects from the drugs are high (e.g. marijuana laced with fentanyl unbeknownst to the youth using it), resulting in hospitalization and possibly death. Because this is an increasing issue on campus that we are aware of and we have had success with the current scanners, the ability to prevent a gap in screening is critical for both the safety of the facilities but also the credibility and reduced liability of the organization. Additionally, any time a staff is compromised, it puts them "in service" to the youth, which means policies are not followed, ultimately placing both staff and youth at significant risk for harm.

**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 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.***

There are no good alternatives given DCYF/JR originally used Command Sourcing, Inc. for the original body scanner purchasing and these are replacements due to new regulations. We are receiving a discount price and transfer of warranty. We have been happy with the responsiveness, training and support from this vendor and see no reason to deviate to a different vendor where this may not be present.

**4. Provide a detailed and compelling description of the costs and risks mitigated by contracting with this contractor (i.e. learning curve, follow-up nature).**

As mentioned above, this is the current vendor DCYF/JR-GHS/Echo used for their current body scanners. We are securing replacement scanners in order to both comply with the January 1, 2024 DOH regulations but also sustain compliance with a settlement agreement we are under. The learning curve reduced is the relationship and knowledge that this vendor will provide the support needed to install, train and implement the replacement scanners given the history. This reduces cost in time. Additionally, as noted above, we are receiving a discount rate in installation costs, removal of the original scanners and transfer of warranty. Finally, this vendor is reputable in the body scanning space, with local jails and DOC utilizing them as well with customer satisfaction.

5. **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**

The special circumstance is the need to use the same vendor for the replacement and to expedite the replacement to remain in compliance with the settlement agreement for search practices.

6. **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 which work must be accomplished.***

**NOT APPLICABLE**

DCYF/JR was notified late September 2023 of the upcoming DOH initiated WAC outlining the body scanner regulations effective January 1, 2024. DCYF was not apprised of these changes, nor included as a stakeholder in the decisions. As such, this gave little time for DCYF to develop an economic impact statement as well as submit a decision package for the replacement costs. Additionally, these scanners are hard to acquire quickly and there is a need to minimize any gap in time between the receipt of the replacement body scanners and January 1, 2024. Finally, one entity that creates a constraint is Columbia Legal Services who DCYF/JR is under settlement agreement with and calls out the use of body scanners in lieu of strip searches where possible.

7. **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.***

**NOT APPLICABLE**

8. **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.***

Non-compliance with the Columbia Legal Services settlement agreement in the event the use of strip searches is needed and increases due to the lack of body scanners available by January 1, 2024. Increased introduction of drugs and contraband in GHS and Echo, leading to both safety and health issues for staff and youth but also credibility to the public issues which have already been present in recent media stories related to contraband in JR facilities.

**9. 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 ?**

There are no other small businesses that provide this service identified within the time constraints needed. Unbundling the scanners is not appropriate as working with a single vendor for this unique security equipment is preferred for training and ongoing consultation and repair across facilities.

**REASONABLENESS OF COST**

**10. 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 comparison with comparable contracts, use the results of a market survey, or employ other appropriate means calculated to make such a determination.***

Again, these are replacement body scanners use the same vendor as previously used with discounts accordingly. It did not make sense to seek out a different vendor that would result in increased delay of receipt of the new equipment and uncertainty of service/training/resources to the facilities to support the implementation of the updated scanners. However, a review was conducted of other security screening companies that provide this equipment nationally and the costs were comparable. One company reviewed was [Human Body Scanners - STVS \(securetechvs.com\)](http://securetechvs.com).