



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 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 DES' evaluation.

Specific Problem or Need

- What is the business need or problem that requires this contract?
Currently, the Washington State Patrol (WSP) polygraph unit examiners utilize six (6) LX6 Lafayette polygraph instruments to conduct polygraph examinations for all WSP applicants. These instruments are past their service life. Additionally,



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their hardware is no longer sufficient to adequately perform under new state required Windows operating software updates. The new LX7 instruments have better support and will keep the polygraph unit within the industry standards.

Sole Source Criteria

- Describe the unique features, qualifications, abilities or expertise of the contractor proposed for this sole source contract.
Lafayette Industries makes instruments that provide real-time data, allowing polygraph examiners to troubleshoot erroneous data during the exam (equipment failures, countermeasures, etc.). No other instrument manufactured produces a unit that has this required capability. In addition, this instrument maintains medical grade isolation for subject safety and can calculate ESS-M results with any prior probability of deception or truth.
- 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 polygraph examiners attend seminars and conferences, talk with the industry experts, and stay proficient in their craft by having continuous education training. They are active members of the American Polygraph Association (APA), American Association of Police Polygraphists (AAPP), and the Northwest Polygraph Examiners Association (NPEA). These associations promote the highest standards of professional, ethical, and scientific practices through the establishment and publication of standards for professional practice including techniques, instrumentation, analysis, research, training, and continuing education. All research was done through conferences, seminars, and conversations with industry experts.
By staying with the current Lafayette Instruments, the examiners will not require significant training, like switching to a different manufacturer would. Lafayette instruments are already in our current operating and training environment. Switching to another manufacturer would require significant down time for re-training that would completely halt our hiring process for both commissioned and civil service personnel. The other companies do not make a product that meets the standards we are required to follow in law enforcement.
- 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,



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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.

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

No

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

There are only three (3) manufacturers of polygraph instruments and none of them are small business.

- 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.

It cannot be unbundled, it is a unit.

- 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).

WSP's current LX6 instruments are being transitioned to the new Edge software, which is glitchy and slow due to continuous required Microsoft updates. The new instruments have updated hardware that will work properly and will be adequately supported.

Lafayette Instrument has been a trusted WSP partner in the past. They offer excellent customer service and technical support. Their products are respected and used nationally, and we have not had any issues with them. Lafayette Instrument representatives respond to our requests within minutes and stand behind their products. Lafayette is providing a trade-in credit of \$2000 per unit of our (6) current units.

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

No.



- 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.

- 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.

If the purchase of the LX7 instrument was not approved, it would slowly degrade WSP's ability to conduct polygraph examination using the highest standards set by the American Polygraph Association (APA). Our current instruments won't be able to keep up with the required security updates and continuous software upgrades. Inability to conduct polygraph examinations for all applicants, would bring the onboarding process for commissioned and civil service to a halt until training is completed for all examiners.

Sole Source Posting

- Sole Source Posting on Agency Website - Provide the date in which the sole source posting, the draft contract, and a copy of the Sole Source Contract Justification Template were published on your agency's website.
 - If failed to post, please explain why.
- 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 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.

Lafayette Instrument company is offering a discounted conference rate and will save the agency \$3,030. We will also be receiving a trade-in credit on our LX6 of \$2000 per unit for six (6) units.