

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?**

The Eastern Washington State Historical Society is seeking a service that will develop a catalogue with us for our upcoming Mexican Masks exhibition, slated to open in fall 2022. Because EWSHS has not published a book in over 10 years and does not have a dedicated publishing staff, we require a contractor that can develop, design, produce, and distribute (or connect us with distributors for) our catalogue. Lucia | Marquand is the only contractor we have found who provides these services in-house.

Sole Source Criteria

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

The partners of Lucia | Marquand, Adrian Lucia and Ed Marquand, have a combined total of over 50 years of experience in book publishing. Unlike many other book services, their company provides support for the entire process of publishing—from design and editorial services, to connecting us with publishers and distributors, to production and printing. It is the only firm found that specifically focuses on museum publications. Additionally, Lucia-Marquand is registered with WEBS as a small business based in Seattle, WA.

- **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.**

EWSHS reviewed the design, editing, and publishing industry for museum publications and was not able to identify a firm that specializes in combining the multiple aspects of producing publications that are specific to museums. Prior to this sole source filing, EWSHS conducted an RFI through WEBS. This RFI led EWSHS to the following conclusions:

- Some firms specialize in one area (designing, developing, producing, and printing) and subcontract out other areas.
- Firms will typically estimate and charge a single fee rather than charging on an hourly basis. Printing costs (and the elements thereof: materials, page count, etc.) are a major factor in determining the price to the client.
- Distribution methods vary widely. Third parties tend to be involved.
- Although one respondent encouraged the identification of separate vendors for each functional area, EWSHS does not have the time nor staffing to support seeking separate vendors at this time.
- Only one respondent, Lucia | Marquand, indicated experience in museum publishing. This is important because:
 - Museum books are a specialized subgenre of art books, which are themselves specialized genre of books. Museum books require both the scholarly review and care of academic titles and the commercial appeal of less scholarly illustrated publications. In fact, the field has its own conference, the National Museum Publishing Seminar. (Even so, archived seminar records indicate that most attendees of this seminar are from museums themselves, and EWSHS finds that Lucia | Marquand remains unique in its ability to manage the separate, high-quality functions of museum publishing under a single firm.)

- Specialists in the particular field of museum publishing are required to make a museum publication well: an editor with experience in the particular art-historical subject; a book designer with a thorough understanding of the needs and taste of museums; the highest quality pre-press (color proofing) in order to ensure that the color reproductions in the book match the actual works of art; and a proven illustrated book printer sensitive to museum standards.
 - Experienced professionals are needed to manage and execute the work: a project manager, a production manager (to oversee printing, color proofing, and shipping), a proofreader, a typesetter, and the image manager. These are all separate roles, each requiring museum experience.
- **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.**

EWSHS considered that Lucia | Marquand is a small Seattle-based business, with just 12 employees (including its two partners). Because of the short timeline for catalogue development and the lack of staff experience described above, EWSHS did not consider unbundling the goods and/or services required, seeking instead a firm that can streamline the development and production process.

- **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).**

While other, larger museums have entire departments dedicated to publishing, EWSHS does not have even one staff member dedicated or even partially specializing in this work. Working with Lucia | Marquand lends decades of museum publishing expertise that a small agency of our size would not be able to sustain in a full or part time employee. Their services reduce the risk of additional expenses due to time consuming mistakes and lack of experience working with editors, designers, and publishers and ensure a high-quality catalogue commensurate with the excellence of our collection. Although working with independent contractors for each function of the publication process could save EWSHS as much as an estimated \$10,000 versus the estimated cost of working with Lucia | Marquand on this project, it would require an estimated 160 hours of staff time to manage sourcing, vetting, and managing contracts and payments in order to do so. That additional staff time would come at an estimated cost of \$8,000 in salary and benefits, which would not only nearly negate the cost savings but also pull staff away from other high-priority projects. Aside from the cost, those additional 160 hours would be impossible to accomplish in a single 4-week block, likely costing the project months of production time and delaying delivery of the catalogue until after the opening and possibly after the closing of the exhibition.

- **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.

- **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.

- **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 EWSHS to seek out multiple vendors, likely including separate vendors for each step of the process, with varying scales of services in order to compete and compare with those provided by Lucia | Marquand. For instance, we may need to seek multiple bids for separate parts of the catalogue process: design, editing, printed, publishing, and distributing. Because of the already-short time before the opening of the Mexican Masks exhibition, a prolonged bidding process would likely delay the date we could have catalogues in hand. This would negatively impact the reputation of EWSHS and decrease the amount of time we could sell copies of the catalogue.

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.**
 - The Sole Source posting, the draft contract, and a copy of the Sole Source Contract Justification Template is projected to be published in WEBS on May 12, 2022. Confirmation of the date the documents were actually published in WEBS will be provided in the SSCD filing.
- **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.**

- Time has NOT expired for responding to posting and EWSHS will notify DES when time expires.

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.

After surveying multiple book publication businesses, we determined Lucia | Marquand was the only one that could provide the multiple services we needed under one roof, which is why we selected them. It would be cost prohibitive to have multiple contractors provide designing, editing, identifying a publisher, printing, and distributing services. While [publicly-available articles indicate](#) that art exhibition catalogues may cost over six figures, EWSHS confirmed with colleagues who have published art exhibition catalogues at the Indianapolis Museum of Art and the Minneapolis Institute of Art that the estimated price for this contract is in line with industry standards. As indicated above, results from the RFI EWSHS conducted indicate that a single fee, as Lucia | Marquand proposes, is also standard.