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 SSDC 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 2021 Legislature passed Governor-request legislation that created the Office of Independent Investigations (OII) to conduct investigations of police use of excessive force. The new agency became operational on July 1, 2022.

The OII is the first statewide independent investigation agency in the nation. Forensic work is essential to investigating police use of force incidents. The OII
needs to establish policies, procedures, and systems to collect, process, and safeguard forensic evidence.

This has required support from someone who can clearly identify critical needs and requirements of forensic disciplines, provide expert forensic assessment of the needs for notification and data tracking, and training related to forensic investigations.

Mr. LaBerge started this work under a sole source contract (K03) that ran from 10/25/2021 to 6/30/2022. A series of unavoidable delays in the transition project resulted in corresponding delays to Mr. LaBerge’s body of work. His background and direct experience with the OII transition uniquely qualify him to continue until the project is done. Bringing in another contractor will result in further delays as they would need time to understand the work to date and develop a plan to complete it.

Sole Source Criteria

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

Forensic investigations for police use of force cases require deep knowledge and expertise in the forensic disciplines as applied to the prosecutorial process. It is vital to understand how evidence is collected and maintained across a large system so it can withstand the scrutiny of the courts and the communities affected by use of force incidents.

Greggory LaBerge is a nationally recognized expert in forensic science. He has served as a dedicated subject matter expert on several agency forensic development projects comparable to the OII. Mr. LaBerge was essential to the creation of the first municipal crime laboratory in Denver and currently serves as its Forensics and Evidence Director. Additionally, he has worked as an ISO-17025 Laboratory Auditor seated with the Standards Council of Canada. As a result, Mr. LaBerge understands the unique technical forensic challenges that agencies comparable to OII experienced while operating within existing standards and stakeholders in the criminal justice system.

- 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.

**The OII Transition Team determined that a forensic investigator or experience starting investigative organizations or forensic laboratory is required to help the OII develop its forensic capacity. Several forensic professional organizations were contacted by mail or phone to develop leads. These included:**

**American Association of Forensic Scientists**  
410 North 21st Street, Colorado Springs, CO 80904  
(719) 636-1100  
aafs.org

**American Society of Crime Laboratory Directors**  
65 Glen Road, Suite 123, Garner, NC 27529  
(919) 773-2044  
ascld.org

**ANSI National Accreditation Board (ANAB)**  
330 E. Kilbourn Avenue, Suite 925  
Milwaukee, WI 53202  
(414) 501-5494  
anab@anab.org

**National Center for Forensic Science**  
12354 Research Parkway Suite 225  
Orlando, Florida 32826  
(407) 823-6469  
natlctr@ucf.edu

None of these organizations were able to provide any leads, citing the difficulty of finding someone with the skills and experience the OII is seeking, coupled with the requirement of starting a major forensic organization. The prevailing opinion among leadership in these groups was that it would be extremely difficult to find someone with both the expertise required and application of this expertise to the creation of a criminal investigation organization who is available for six months.

The only truly independent investigation agencies in North America are in Canada. The team contacted two directors from the largest of these agencies to develop lead.

**Joseph Martino, Director, Special Investigations Unit, Toronto CA**  
(800) 787-8529  
siu.on.ca

**Richard Rosenthal, Director (Retired), Independent Investigations Office of BC**  
(855) 552-4622

Mr. Rosenthal recommended Greggory LaBerge who is a nationally recognized expert in forensic science. Mr. LaBerge’s skills and experience including his
participation in the OII transition demonstrates a unique skill set required for the successful startup of the OII.

- 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).

  *Mr. LaBerge's experience establishing forensic organizations and programs coupled with his participation in the OII transition will enable him to continue work with no learning curve. Over his eight months working on the project, Mr. LaBerge has developed a deep understanding of the statute creating the OII, the political and legal environment, and an understanding of the policies developed for the office. This will save money and support OII's ability to seamlessly complete the standup of the OII. A new contractor would need several weeks, at minimum, to get up to the level of knowledge required to finish the project, resulting in significant cost increases*.

- 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.

  *The legislation creating the OII went into effect July 25th, 2021. Delays appointing the statutorily required Advisory Board and the need to run two nationwide searches before a qualified director could be hired extended the project timeline by seven months. Mr. LaBerge is essential to completing the project in a timely manner.*

- 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.

  *The OII is unable to operate without the policies, procedures, physical facilities, and training for staff required to handle forensic evidence. Without forensic
capacity, the OII will not be able to accept police use of force cases as required by law.

- 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.

  The proposed contractor is the sole proprietor of a small business

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.

  Posted to WEBS on 07/07/2022

- 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 OII Transition Team relies on a network of homicide investigation organizations in the US and Canada for access to information and resources. A sampling of these organizations indicates the typical rate for a top-level forensic investigation consultant is between $150 and $350 per hour. This is validated by agreements we have in place for general criminal investigations at $150 and $250 per hour.