

Sole Source CONTRACT Filing Justification Template

Division or Region: Wildland Fire Management Division

Date: May 2, 2024

Solicitation Number: 93-107168

Company Name: Washington Resource Conservation and Development Council

Sub-object good/services will be charged once approved: ER

Funding Source (federal/state/local): State

Vendor FIN/TIN (Federal ID#/ Taxpayer ID#): 91-1810332

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 Washington State Department of Natural Resources (DNR)'s Community Resilience (CR) group is tasked with working with residents and communities to reduce losses to life and property from wildfire. As part of this task, CR focuses on building what are called "Fire Adapted Communities" (FAC) across the state. Fire Adapted Communities are part of an approach encouraged by the national Fire Adapted Communities Learning Network (FACLN) which uses best available science and firsthand experiences from organizations across the country to develop best practices, share information, and ultimately reduce the negative impacts of wildfires to communities everywhere. In the State of Washington, Washington Fire Adapted Communities (WAFAC) is a program under the Washington Resource Conservation and Development Council (WRC&D), a non-profit that administers the FAC learning network. Some local organizations participate both in FAC on the national scale and on the state scale. WRC&D has been leading the adaptation of Fire Adapted Communities in the state of Washington since 2014.

With a resurgence of funding towards community planning through the Community Wildfire Defense Grants (CWDG), Washington is experiencing an increase in interest in creating or updating Community Wildfire Protection Plans (CWPP). CWPP's are authorized from the Healthy Forest Restoration Act of 2003 (HFRA) and are a federally recognized document that requires collaboration and support from fire departments, local governments, and the state forester to be considered valid. WRC&D has an established learning network already focused on educating partners across Washington State about best practices when creating or updating CWPP's. Furthermore, WRC&D has a strong history of finding federal funding sources through the Bureau of Land Management (BLM) to provide financial support to local partners to complete CWPP's. The established relationships between WRC&D, state, federal, and local partners uniquely positions WRC&D to successfully lead future CWPP education and support in a way that no other contractor could fulfill.

Another approach to building fire adapted communities is working with neighborhood ambassadors or leaders to build capacity within a community and leverage social capital and residential knowledge to encourage neighbors to work together towards the common goal. In 2003, in Colorado, a neighborhood ambassador approach was established and has since grown nationwide. WRC&D and DNR are working on bring an ambassador program to the citizens of Washington State.

DNR has determined that a best practice for creating fire adapted communities, is implementing a community wildfire ambassador program across the state of Washington to benefit the communities DNR serves. WRC&D received grant funding from the federal government to create a program guide for a statewide community wildfire ambassador program. In 2022, CR and WRC&D started co-development of a statewide community wildfire ambassador program to ensure one cohesive statewide program. Because WRC&D was funded to develop the program guide with non-state funds, they are intimately familiar with the program and no other organization is currently engaged in a community wildfire ambassador program beside DNR and WRC&D on the state scale. DNR funds will be used to implement the community wildfire ambassador program guide to increase the pace and scale of the community wildfire ambassador program.

Sole Source Criteria

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

WRC&D is the only organization in the state of Washington that has an established statewide wildfire learning network. The statewide network currently caters to paid staff as well as volunteers from fire departments and communities. WRC&D has established a trusted framework for learning with these local partners which benefits CWPP education and outreach as well as identifying local organizations to manage local community wildfire ambassadors.

WRC&D receives most of their funds from private and federal agencies. DNR will be leveraging those funds with DNR state funds to increase the pace and scale of wildfire community preparedness.

This sole source request with WRC&D will save both DNR and the state of Washington in general significant money.

WRC&D's unique qualifications are:

- Being the only organization with an established wildfire fire adapted communities learning network.

WRC&D unique expertise, experience and abilities are:

- Expertise in developing Washington State specific printed wildfire education material.
- Developed a video series on wildfire preparedness to train community leaders.
- Developed community wildfire ambassador program Guide for Washington State.
- Established fiscal sponsor for local organizations seeking non-profit status.
- Already contracted to bring CWPP best practices to Washington State.
- Served as previous contractor for educational materials that can be used for both CWPP's and community wildfire ambassador program to ensure continuity of care and support for key partners.

It will save time and money to use existing systems to support the new CWPP's, expanding the learning network to additional partners, and the addition of community wildfire ambassadors. Working with WRC&D would not only leverage the existing network of local practitioners but also the physical systems of their social networking platform, educational opportunities, and would allow a clear path all mutually invested partners necessary to follow the fire adapted communities approach which is proven to be the most effective method for reducing societal, economic, and physical harm from wildfires.

WRC&D has been contracted to develop educational materials on wildfire preparedness targeted at fire professionals and residents since 2015. Continuing to work with WRC&D will allow their established educational materials to be utilized to reach a wider audience rather than develop new materials and new systems to disseminate the information to communities. WRC&D also has received grant funding for the community wildfire

ambassador and CWPP programs from both federal and private funding sources. This allows DNR and WRC&D to leverage state funds to bring in additional resources to the State of Washington for the mutual benefit of DNR and WRC&D, but most importantly, the residents of Washington. Because of this, WRC&D is uniquely positioned to lead a successful launch of additional CWPP educational opportunities and the community wildfire ambassador program more quickly and for less money than any other organization or contractor. WRC&D is already funded by non DNR and non-state funds to start the establishment of these programs. DNR funds will accelerate the pace and scale of these programs at a lower cost than starting with a brand-new organization.

- 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 National Fire Adapted Communities Learning Network was established in 2013 by The Nature Conservancy, The Watershed Center, and US Department of Interior to connect, innovate, and support the development of fire adapted communities nationwide. FAC concept uses social science-based approaches from research nationwide to determine and educate about best practices in creating fire adapted communities. WRC&D was established shortly after in 2015 as the statewide learning network.

As the statewide wildland fire organization in Washington State, and federally required signatory of CWPP's, DNR has extensive knowledge of organizations participating in fire adapted communities, community wildfire ambassadors, and CWPP's and no other organization works on the scale necessary to complete this project successfully. DNR's CR group is made up of subject matter experts that know the organizations that participate in fire adapted community efforts and there is a consensus amongst DNR's subject matter experts that WRC&D is the only partner that can be successful with the community wildfire ambassador program.

WRC&D also is the only organization with established systems to disseminate information on CWPP's to partners and the public while still being able to seek or connect local organizations to federal funds to update or complete CWPP's saving the State of Washington money while increasing the number of valid CWPP's therefore opening additional federal funding opportunities further decreasing the financial burden on state agencies and increasing risk reduction actions. Furthermore, other organizations like fire districts, conservation districts, and local nonprofit organizations have been consulted and agree that WRC&D is the only group that can function in this capacity.

Nationally, subject matter experts in the field were consulted by DNR staff, including the developers and instructors for the FAC Ambassador Approach Workshop which is nationally recognized as the only available training for developing a local ambassador program. Those instructors agree that based on their knowledge of comparable entities, WRC&D is the right choice for the program. There are no other organizations to consult since no other organizations do this type of work across the entire State of Washington.

- 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.

Extensive considerations were given on how to contract with small organizations and WRC&D does have the ability facilitate small businesses and organizations participation by acting as the fiscal sponsor. These are the same organizations that would require funding to successfully run a community wildfire ambassador program or participate in a CWPP process. Many of these organizations, such as Fire Adapted Methow Valley (FAMV), are community members coming together to address the common goal of wildfire risk. Some have only volunteers while others have a small number of part time or full-time employees. WRC&D, as the fiscal sponsor, can support and bolster these small organizations until they can seek independent status. FAMV is currently in the process of applying for their own 501c3 status but until then, WRC&D is necessary to ensure small community-based organizations can continue to function and expand their programs to benefit more residents of the State of Washington. Furthermore, the resources developed by WRC&D are designed to be provided to small local organizations across the State of Washington. Other local groups interacting with the DNR's CR group have requested assistance or indicated that they struggle to create new resources. The development of this program would create a seamless network of information sharing, decreasing the burden on small local organizations, thus allowing them to be more successful in the future. It would also stage these smaller entities to be able to receive additional funding from DNR as the program expands and as they develop mechanisms to receive funding. Funding WRC&D and their programs allows small local organizations to receive funding with WRC&D as their fiscal sponsor with a goal of becoming independent. Without the initial investment and support from an established organization, small non-governmental organizations or community-based organizations cannot form or support themselves to the point of becoming independent.

- 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).

WRC&D has established systems to permeate information to key partners across the state of Washington and maintains current lists of jurisdictions and their CWPP status. It would significantly increase costs and decrease effectiveness of these programs to duplicate efforts with another organization. It also would introduce another party into an already crowded and often confusing space of wildfire risk reduction work. Continuing to support WRC&D is the most cost-effective option to implement additional efforts especially given their existing track record of strong performance. WRC&D was the co-developer of the community wildfire ambassador approach program guide, any other provider would face a

steep learning curve, making it impossible for another organization to overcome this challenge in time for the successful implementation of the program this year.

By contracting for these services with WRC&D, state funds can be used to leverage federal and private funds already dedicated to support wildfire risk reduction efforts. Additionally, the support of local organizations through WRC&D, like FAMV, will increase local capacity to seek additional grant funding. While it is possible for DNR to apply for some of these funds directly, the goal of this program is to build local capacity to create ownership over wildfire risk reduction within communities to decrease the reliance on external resources when conducting wildfire risk reduction actions before and during a wildfire. For example, Washington State organizations were awarded \$23,417,499 in Community Wildfire Defense Grant funds from the US Forest Service (USFS), including \$6,333,644 dedicated to support local non-profit organizations. This funding ensures additional future opportunities to bring federal and private funds into the state from statewide to local organizations.

- 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 approving this sole source filing would delay the introduction of best practices to reducing wildfire risk putting Washington State residents at risk. With a devastating 2023 fire season burning over 165,000 acres, destroying hundreds of homes, and killing 2 Washington State residents, fast action is required to prevent future destruction. Not only is no other contractor, group, or organization capable of contracting for this role, the familiarity of Washington State and the programs mentioned above, WRC&D is the only entity that can rapidly act to address increased wildfire risk within high-risk communities at a fraction of the cost of working with any other contractor. Because WRC&D already has received funding from private and federal funders for these purposes, duplicating the programs with a separate organization would increase costs to the State of Washington

while decreasing the effectiveness by adding confusion around repetitive programs from different organizations. This program will expand DNR's effectiveness at creating fire adapted communities across the state of Washington, a crucial step to protect lives and properties of those living in fire prone areas as well as the health and safety of all Washington State residents impacted by smoke.

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.
- 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.

DNR has a long history working with and contracting WRC&D for wildfire educational and outreach materials and historically has found WRC&D to be competitively priced compared to other similar organizations. DNR has contracted with other organizations to do similar work specifically with Spanish speaking populations and the cost of goods and services is similarly priced to those programs developed and implemented by separate non-governmental organizations. The Latino Community Fund (LCF) and CAFÉ are two specific organizations contracted to develop educational opportunities, identify community leaders, and train them to effectively educate their communities about wildfire risk reduction activities and the costs of both these organizations are on par with and exceed WRC&D pricing. CAFÉ and LCF, however, specifically work with Latinx communities and are not subject matter experts in wildfire, therefore making them incapable of providing the same services as WRC&D for this program. These complementary projects will however be leveraged by utilizing the resources already developed to reduce overall cost of the project. CR continues to work with many other partners including conservation districts, fire districts, and local non-profits, none of which have the statewide reach to lead to successful outcomes of the program.

Furthermore, costs associated with the community wildfire ambassador program are competitive to the original organization that developed the program in southwest Colorado. Wildfire Adapted Partnership, the local non-profit that developed the

ambassador approach, serves 5 counties in Colorado and operates on a similar operating budget to the Washington State program proposed for this sole source funding. By developing statewide resources, DNR will save money in the long run by providing them to a known and capable local organization rather than fund each local organization separately to develop the same materials that have already been produced elsewhere, thus decreasing statewide costs and increasing efficiency. As a new program, there is no precedent for costs other than looking at established programs and the costs are in line with established programs elsewhere. Furthermore, partnering with WRC&D, an entity that is already partially funded through private and federal funds, will allow DNR to deliver a final product at a fraction of the cost to the state if DNR developed it alone or worked with a different contractor.