DES

Washington State
DEPARTMENT OF
ENTERPRISE SERVICES

Sole Source CONTRACT Filing Justification Template

Division or Region: Northwest Region – Orca-Straits District
Date: September 25, 2024
Solicitation Number: 93-107910
Company Name: Blue Urchin LLC
Sub-object good/services will be charged once approved: ER
Funding Source (federal/state/local): State
Vendor FIN/TIN (Federal ID#/ Taxpayer ID#): 47-1675016

> *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?
  - One of the biggest challenges facing the restoration, monitoring, and maintenance of Washington State's Puget Sound region is consistent visual assessment of its more than 2,500 miles of shoreline. Blue Uchin LLC's MyCoast website and mobile app provides this needed public visual assessment through reporting tools that multiple departments within the Washington Department of Natural Resources (DNR) utilize. DNR programs, including the Marine Debris Removal Program (MDRP) and the Derelict Vessels Removal Program (DVRP), utilize reports made through MyCoast to respond and prioritize cleanup projects throughout the Puget Sound. These reports are sent directly to DNR staff's emails corresponding to marine debris (creosote, tires, large debris, etc.) and abandoned vessels. Data collected is also utilized for map creation, integrating with DNR's ArcGIS mapping tool, and can be analyzed for patterns and cleanup progress. Without MyCoast there is no centralized tool for the public to report this data and DNR does not have the internal resources or capacity to survey Puget Sound shorelines. Reports directly lead to cleanup efforts. Without these reporting tools it is unknown how much or where marine debris is, leading to negative impacts on marine habitats including State Owned Aquatic Lands (SOAL), creates marine navigational hazards, and human health and safety hazards. MyCoast allows the public to be the eyes and ears for DNR as well as partnering government and non-government agencies. It is the only service that collects and provides the needed reporting in these subject areas to DNR and its partners.

    The MyCoast platform has been in use and fully operational in Snohomish County since 2015 with the Snohomish County Marine Resources Committee. In 2019, DNR's contract expanded MyCoast to include the entire Puget Sound region. This proved to be extremely successful with dramatically increased use by the public and DNR programs utilizing the reports to efficiently and effectively remove abandoned vessels and marine debris throughout Puget Sound. Building on the existing service by adding ESRI ArcGIS Pro represents a significant savings and programmatic opportunity to DNR.

    Through the statewide expansion of the MyCoast website and corresponding app, the public has a platform to contribute to DNR's ongoing research, as well as report abandoned boats, king tides, European green crab molts, storm surges, bluff erosion, utilize CoastSnap (a tool to monitor shoreline change over time), and marine debris including creosote and large debris such as defuse docks, tires, large Styrofoam blocks. MyCoast is a portal for the collection and analysis of pictures and data related to marine debris and shoreline change. Data is collected by users and shown in real time on the MyCoast website along with tides and

weather for the location of the report. This free to the public application connects the public with their government and its partners through a shared commitment to climate resilience, improving habitat quality and species protection along the shorelines of the Puget Sound.

Sole Source Criteria

- Describe the unique features, qualifications, abilities or expertise of the contractor proposed for this sole source contract.
    - MyCoast is a nationally vetted and established website and mobile app with state and organization partners ranging from Washington State to the US Virgin Islands. Specifically in the Puget Sound region, there are over 3,700 existing users and established partnerships with regional entities, including US Geological Survey, Washington Sea Grant, Snohomish County Marine Resource Committee, and Northwest Straits Initiative. The unique reporting platform allows DNR and its partners to customize reporting tools based on the specific types of marine debris and shoreline data DNR needs. Through feedback from subscribers (including DNR), MyCoast will integrate with ArcGIS Pro under this current contract. This integration will allow DNR staff to analyze data collected and create education/outreach opportunities through ArcGIS StoryMaps. Blue Coast LLC provides continual communication and support for their products including in-person and virtual support.
    - There is no other service that provides the amount of customizable reporting tools in one place that MyCoast has. Reporting tools include abandoned boats, king tides, European green crab molts, storm surges, bluff erosion, CoastSnap (a tool to monitor shoreline change over time), creosote, and large marine debris. These tools are then customized based on the information DNR needs to be able to prioritize and respond for cleanup efforts. Customizations for creosote reporting include everything asked for in a report such as photos, date, time, type of creosote, where the photo was taken, size, how many, source, ownership, and comments. Abandoned vessel reporting includes photos, vessel name, registration number, registration expiration, hull type, vessel type and subtype, the condition of the vessel, description of any hazards, occupation, and comments. Large marine debris reporting is likewise customizable. All reporting tools for DNR use have been customized by DNR staff and are continually adapted following DNR staff feedback to Blue Urchin LLC. Other reporting applications only account for one or two reporting methods such as microplastics or small garbage cleaned up (things typical beach goers can pick up themselves). There is no other reporting tool on the market that allows the public to report large marine debris that a typical beach goer cannot remove themselves or abandoned boats that deal with legal ownership.

- 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.
  - A complete search was done of the available reporting platforms that collect and portray data on marine debris (specifically creosote, tires, and large debris, defuse docks, Styrofoam blocks, etc.), abandoned boats, shoreline changes, European Green Crab molts, king tides, storm surges, and bluff erosion. The search concluded that there are currently three alternative marine debris reporting apps available: Marine Debris Tracker, Clean Swell, and Save the Wave. All three applications report small debris items (straws, plastic bags, cigarette butts, etc.) that beach goers clean up during their visit and does not include any of the reporting data DNR and its partners utilize MyCoast for. This type of reporting does not meet the needs of DNR staff. DNR was unable to locate any other existing platform that currently offers reporting options that DNR requires, specifically including reporting of creosote debris, large marine debris, and abandoned vessels.
  - In 2019, an extensive outreach effort to DNR's national partners in Marine Debris Removal concluded that MyCoast is the mobile application that best fits the needs of DNR's marine debris removal program and derelict vessel removal program and its local/national partners.
  - DES Statewide Contract search resulted in Statewide Contract No. 16322 – IT Development. This contract would not fit DNR's needs as there is no current vetted website/application with the needed reporting tools, partnerships, and established public use available. To contract with an IT development service would require significant staff time and programmatic resources (greater than this proposed Sole Source contract) to recreate what Blue Urchin LLC has already established through MyCoast. Redeveloping the reporting tools and the education/outreach that is required to the public for use of the new tool would dramatically reduce response to marine debris cleanup and abandon vessel removal efforts. This would have negative implications to DNR's management of State Owned Aquatic Lands (SOAL) and affect DNR's partners who rely on DNR's contributions to MyCoast and DNR's removal efforts throughout the Puget Sound. Negative implications would include marine debris and creosote leaching into marine habitats, including SOAL, which will harm herring eggs, salmonids, intertidal organisms, shoreline processes, and move negative impacts up the food chain. Abandoned vessels, defuse docks, and other marine debris could pose marine navigational hazards. Additionally, marine debris especially creosote poses a human health and safety hazard therefore without the reporting tools that MyCoast provides these hazards will not be removed in a timely manner.

- o Additional WEBS and Washington State Office of Minority and Women's Business Enterprises (OMWBE) searches concluded that IT development contracts are available but would not fit DNR's needs. As stated above, there is no current vetted website/application with the needed reporting tools, partnerships, and established public use available. Redeveloping the reporting tools and the education/outreach that is required to the public for use of the new tool would take away from DNR's programmatic time and resources, having negative implications to SOAL and to DNR's partnerships which would dramatically reduce response to marine debris cleanup and abandon vessel removal efforts.
  - o Many of DNR's partnering agencies, including NW Straits Initiative, several marine resources committees, Washington Sea Grant, US Geological Survey (USGS), Washington State Parks, local county parks, community land trust organizations, and other non-profits utilize MyCoast and Blue Urchin LLC's services to collect and show data including abandoned boats, king tides, European green crab molts, storm surges, bluff erosion, utilize CoastSnap, and marine debris. DNR's contributions to this data source including reports from shoreline surveys with DNR Washington Conservation Corps crews, staff monitoring and outreach, reporting tool development, and DNR's ability to respond to reports made by partners contributes to data that the partners above use for their work. This holistic collection of data in one space is used to characterize beach change and the impact of nearshore hazards in order to enhance awareness among decision-makers and stakeholders.

- 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, 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.
  - o An internet and mobile app store search was conducted for similar platforms. Marine Debris Tracker, Ocean Conservancy – Clean Swell, and Save the Wave were identified as marine debris tracking tools. None of the companies were contacted as their products do to not meet the needs of this contract.
  - o After DNR performed a search of DES Statewide Contracts (including for example, DES Statewide Contract No. 16322), WEBS, and OMWBE's site. DNR concluded that IT development services are available but cannot fit DNR needs since a similar website/application is not currently developed. It would take away programmatic time and resources to develop, vet, and educate the public and partners to a new system. Additionally, there would be negative implications to State Owned Aquatic Lands (SOAL) and to DNR's partnerships who rely on DNRs contributions to MyCoast. IT developers were not contacted since there was not an already built website and application with similar reporting tools and public and partner use.

- Per the Supplier Diversity Policy, DES-090-06: was this purchase included in the agency's forecasted needs report?
  - Yes, this service will be in the report due October 2024. DNR has identified Blue Urchin LLC's service in the spending plan for this and next biennium budgets (2023-2025 and 2025-2027).

- Describe what targeted industry outreach was completed to locate small and/or veteran-owned businesses to meet the agency's need?
  - Blue Urchin LLC is a locally owned (Seattle, WA) micro business and is certified as a micro business in WEBS.

- 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.
  - Blue Urchin LLC is already a Washington State certified micro business. The service provided is singular and cannot be unbundled.

- 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).
  - To date, over 3,830 users of MyCoast have submitted over 11,200 reports. Without MyCoast, there is no reporting tool available to receive these reports. DNR would not be able to respond in an effective or efficient way to habitat and human hazards reported through MyCoast.
  - MyCoast is an established publicly used tool that DNR and its partners have provided massive outreach effort over the years to increase use. DNR staff and partners present about MyCoast at public festivals, symposiums, programmatic presentations, and during field site visits. Without MyCoast there is no reporting method DNR and partners can supply to the public. Creating a new tool would entail massive public and partner outreach.
  - Critical partnerships have been established in an effort to chronical the changing shorelines of Washington State and the Puget Sound. MyCoast serves a critical data filter for thousands of public reports previously received via phone, mail, and email. Due to limited DNR staff, DNR and its partners are unable to manage the volume of reports without this program. With the integration of ESRI ArcGIS Pro, DNR staff will be able to filter and analyze MyCoast reports even more effectively.
  - Blue Urchin LLC has been able to provide continual support and modifications to its reporting tools for DNR's specific needs. This collaboration has allowed DNR to respond to marine debris and abandon vessels more effectively and efficiently.

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

- o 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.*
  - o 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.
  - o Without MyCoast, there is no centralized tool for the public to report data including abandoned boats, king tides, European green crab molts, storm surges, bluff erosion, monitor shoreline change over time, and marine debris including creosote and large debris such as defuse docks, tires, large Styrofoam blocks. DNR would need utilize programmatic resources to continually survey Puget Sound shorelines, drastically reducing DNR's ability to respond to marine debris and abandoned vessels. MyCoast allows the public to be the eyes and ears for DNR as well as partnering government and non-government agencies. The data that is collected through MyCoast is crucial to understanding and analyzing critical storm surge and sea level rise evidence. Integral information on the distribution and type of marine debris would no longer inform removal efforts. Particularly for DNR's Marine Debris Removal Program, reports showing what type and where marine debris is distributed throughout the Puget Sound would not be available. These reports allow staff to prioritize cleanup sites so not having this would increase drain on already limited DNR staff time and financial resources. DNR's Derelict Vessel Removal Program utilizes abandoned boat reports to prioritize larger removal events as well as singular removals, so not having this app would take away that resource. MyCoast also provides education and outreach to the public as well as a way for to directly contact DNR program staff regarding items of concern. Blue Urchin LLC's MyCoast tool is invaluable to DNR and its partners for collaboration and helping chronical the changing shorelines of Washington State and the Puget Sound. Rejection of this sole source request would take away this information resource and unnecessarily burden DNR staff with having to come up with alternative ways to gather information already being collected in the app anyway.

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.
  - The 2015 version of MyCoast used in Snohomish County cost $10,000 per year. Expanding the program to reach all 10 Puget Sound counties in 2019 increased the cost to $25,000 per year, which was a significant savings per county. With the addition of ArcGIS Pro features and continued development of MyCoast, the cost has increased to $30,000 per year. Blue Urchin LLC provides a discount for longer term contracts - 10% for 2 or more years, and 20% for 5 or more years. A contract of 5-years will cost $120,000 ($24,000 per year), creating a $5,000 savings to the State. This expense is significantly less than if staff were to solicit another IT Development contractor to replicate what Blue Urchin LLC already provides or cost of having DNR internal staff produce the same data currently being provided by the public through shoreline surveys.