



Workshop: Sole Source Contracts Policy Refresh

Meeting Recording Transcript, April 4, 2024

Jensen, Brooke (DES) 0:05

Hey everyone.

Jensen, Brooke (DES) 0:06

We'll just give it a couple seconds just to allow everybody to be admitted from the lobby. For those of you who are just joining, we're just giving it a couple minutes here trying to get everybody as many as we can, admitted from the lobby.

Jensen, Brooke (DES) 2:49

All right, so there's still some people in the lobby. Hopefully it's not distracting to other people, so I'll go ahead and get started, though, since we do only have an hour's time. So jumping right into our agenda then today, so welcome everybody.

Jensen, Brooke (DES) 3:14

Thank you so much for joining me on this Thursday morning, bright and early.

Jensen, Brooke (DES) 3:20

So for those of you who don't know me already, I'm Brooke Jensen. I'm the sole source oversight administrator for DES, and I'm also the policy lead for this sole source policy refresh.

So the agenda for today, which is all actually happening this morning, it's up on your screen. So though this session is specifically focused on the sole source policy refresh we are presenting on a few enterprise procurement policy topics today. So each of them you can see on the screen with the corresponding time. Each of these topics does have its own registration link.

Jensen, Brooke (DES) 4:00

In order for you to be able to participate in the session. So if you haven't already registered, there is still time for you to register for PCB's convenience contracts and the procurement risk assessment topics.



And my colleague Zoe Mroz will so kindly drop into chat all of the individual registration links if you are interested.

Uh, so towards the end of the session, uh, my colleague Olu Agbaje will have an update on other procurement policy activities that are currently being worked on by our team but not fully presented on today.

So next slide, housekeeping, just a couple little housekeeping items before we dive in.

So, this workshop session is being recorded as we do intend to post the transcript, the slides and the recording to the Department of Enterprise Services website, just for those who were unable to attend today, hopefully that those will be up in approximately one week.

Jensen, Brooke (DES) 5:11

We will save time for questions towards the end of the presentation today. But if there's anything that comes to mind, like on a certain slide, we don't want you to lose your train of thought, your feedback or questions. So please feel free to use that chat feature in teams to type your question into.

As you've probably noticed, all of your microphones have been disabled, so.

OK, so getting into the intent of today's session and the policy workshop.

DES, Department of Enterprise Services is proposing some changes to enhance the current sole source policy and procedures that I will give a quick overview of today.

Jensen, Brooke (DES) 6:00

We would like to receive your feedback about these proposed changes that we're making to the documents. Our hope is that you've had a chance to read and become familiar with the new proposed policy and procedures for sole source, as we did post them online approximately 2 weeks ago.

Jensen, Brooke (DES) 6:19

So there, again, there is time at the end to hopefully answer any questions that you that you may have.

Jensen, Brooke (DES) 6:31

So going to dive right into the summary of proposed changes, which is up on the screen.

As many of you may have already heard by now, there are statutory changes that will affect a couple of the policy change areas.



Jensen, Brooke (DES) 6:50

So the timelines for filing in the sole source contracts database and for those who don't know, the sole source contracts database is the system that agencies are required to use in order to present their filings to DES.

Jensen, Brooke (DES) 7:09

The timeline for filing in SSCD, sole source contracts database and posting to WEBS which WEBS is the system that vendors receive notifications for you know, bids, solicitations and in this case, sole source legal notices get and documents get posted to WEBS for vendors.

Jensen, Brooke (DES) 7:32

All of these timelines, including the public inspection, these are all increasing - agencies will now have to file most exemptions to sole source that are listed in policy. Agencies will now have to comply with all applicable WaTech policies versus just policy #121.

Jensen, Brooke (DES) 7:53

There's a big focus on conducting thorough market research.

Market research will also be required for each term extension and other possible situations for amendments.

The process for responding to capability statements and how it can affect agency filing decisions has been added as well as compliance with supplier diversity policy and best practices, that's been incorporated as well, so.

Jensen, Brooke (DES) 8:26

In talking about the changes in law as it pertains to sole source.

Jensen, Brooke (DES) 8:35

So there are actually two different, two changes.

They are effective June 5th of this year.

Jensen, Brooke (DES) 8:44



So the first one, the legal definition for sole source under RCW 39.26.010, subsection 23.

This will remove consideration regarding the required location.

Really just substantial evidence showed DES that geographical factors historically were either misused or they just didn't apply.

In today's world of telecommuting and technology, remote work also happens a lot more frequently, and businesses are often willing to travel to location as well.

So it was removed. And the second is the law under RCW 39.26.140 subsection one.

Jensen, Brooke (DES) 9:39

Will also increase the public inspection as soon as start date of agencies contracts to begin no less than 15 working days now, where previously it was 10.

Jensen, Brooke (DES) 9:57

So, because the law is changing from 10 to 15 working days, all this impacts all of the timelines that are a part of sole source policy and procedures.

So for WEBS, this is currently five days, but it will be moving to 10 working days.

The sole source contracts database filing period, that's from 10 moving to 15 working days as well as the public notice.

Which is just agencies posting all of these documents to their agency website, giving the public notice.

That's that period was 10 working days and it is moving to 15 working days.

So transparency for WEBS: So this portion to do with WEBS was always in the procedures, but will now be in policy as well.

Under Section 3, the procedures always stated that agencies must select, at a minimum, all applicable commodity codes used by the prospective vendor.

Jensen, Brooke (DES) 11:09

But will also now clearly state that the prospective vendor must be registered in WEBS, so WEBS has actually required this for two years now, I believe, that in order for agencies to post their sole source notices and documents, they had to include the vendor's name.

Jensen, Brooke (DES) 11:29



So this just hopefully makes the requirement transparent to everyone.

Next, we will start diving into the exemptions. So the current policy (sole source policy) has 20 listed exemptions to the sole source process. The new one will have 19. So if an agency deems a contract falls within one of these exemptions in the current policy, they're not required to file or post these for public inspection.

The new proposed policy again, it will have 19 exemptions. And there are filing requirements, but I will get into those shortly.

We are attempting to bring just some more clarity and consistency to a few of these existing exemptions, so we're cleaning up the new exemption #1, as previously it included statewide contracts, formerly known as master contracts to some.

Jensen, Brooke (DES) 12:33

So, we deleted exemption #2 and now included it in the new exemption #1. We also refined it, as previously it would have included emergency purchases and contracts, which, emergency purchases and contracts, that has its own policy and set of filing requirements. So, it really was not necessary to include as part of the sole source policy.

Lastly on this screen we're also amending former exemption #10 as it relates to collaborative research and this one is there's a little snippet of it on your screen.

Jensen, Brooke (DES) 13:16

So we're just bringing this consistent with what's in statute. It's intentionally left in now as exemption #9 as a duplicate of RCW 39.26.125, subsection 11. So the agencies are still required to file this as an exempt sole source when they use this exemption.

Jensen, Brooke (DES) 13:39

And again, I'll get into the new filing requirements for agencies in filing exemptions shortly. Next.

Jensen, Brooke (DES) 13:52

So, Section 5, exemptions continuing:

So, the old #13 now becomes #12 as it relates to professional development. Minor additions have been added to the wording. The glossary supplement definition for professional development will also be updated. So that's especially important for agencies to keep an eye out for. This exemption will clearly specify now that it only applies for agency employees within your direct organization, and that it excludes contractors.



Jensen, Brooke (DES) 14:33

So, the new #13 now, again, minor wording additions in hopes to just provide some further clarity.

This previously would have potentially allowed agencies to use any vendor without competition if a replacement or repair was needed versus the intent of the exemption, which was to exempt agencies from competition only if the rental contract required them to use the rental contractor to perform those repairs or replacement.

Also additions to exemption #15 to now contain some of the information formerly found in the FAQ document for sole source as it relates to contracts awarded to higher education from non-state funds. So, the funds must account for 51% or greater of the total contract consideration in order for this exemption to apply.

So, we also, under Section 5 for exemptions, we're proposing to add this brand-new exemption. That should be up on your screen.

Jensen, Brooke (DES) 15:51

In order to qualify for this exemption, there must be no authorized resellers or comparable good or service when determining whether there is a comparable, agencies will need to focus on the business need.

So, for example, if the need is training specific to change management in government, it should, with the agency, would have to determine, through conducting market research, if there are other vendors that offer trainings on this subject area.

Jensen, Brooke (DES) 16:28

And for example, whether or not change management alone could suffice, and if the government focus in change management is even necessary?

So a couple prompts for everybody when looking at this proposed new exemption.

Jensen, Brooke (DES) 16:47

Is it clearly written?

Is there anything that you can think of that's missing?

Is there a meaningful way that you would propose to improve this?

Is there guidance that maybe you would need?



Let us know. And then also if you see anything from either side, agency or vendor side, that's problematic, yeah, absolutely let us know. We want to hear.

Jensen, Brooke (DES) 17:16

So, filing exemptions in the sole source contracts database. If so, agencies, as I mentioned before, they will now be required to file exemptions #2 through 19 listed in Section 5 of the new proposed sole source policy.

Jensen, Brooke (DES) 17:43

A reminder would be that exemption #1 in the policy, the new policy, is essentially a list of the other exemptions that derive from RCW 39.26.125, which is exceptions to competition, which would include things like direct buys, you know, direct buy purchases and statewide contract purchases. This is why we've opted to not require agencies to file those. We definitely don't want you to have to file all of your direct buys, agencies.

So though there's no filing period or time that must pass before you can execute the contract for these exemptions, agencies will be required to file the exemptions in the Sole Source Contracts Database within 10 business days of the contract execution date. You'll have to, agencies will have to, attach a copy of their signed contract and indicate which exemption it's determined applies, for record.

Jensen, Brooke (DES) 18:51

So, I will let everyone know that for the system side, we are still developing. Like what, specifically, that will look like for agencies including like what types of information or questions we'll ask.

Jensen, Brooke (DES) 19:07

So, I would ask of everyone what is meaningful for you to provide? Or do you see any problems with this? What information do you feel that we should be collecting? We do intend for it to be less, less questions asked than like the typical sole source filing obviously.

Another note is exempted contracts do not require posting in WEBS or for public inspection, so no posting on agency websites.

So, similar to emergency purchases, DES is not issuing an approval or disapproval decision on these will only be acknowledging these filings, and I'm sure a lot of you might be asking then what's the purpose of this change?

Jensen, Brooke (DES) 20:02



So, getting to that, the purpose of the change is to gain better records of exempt filings. This really is not just for DES, but really for agencies too. And to ensure correct usage of exemptions across uh across all the state agencies, appropriate use of the exemptions listed in the policy will be reviewed through conducting contract audits and your agency procurement risk assessments.

Jensen, Brooke (DES) 20:36

Another note, I want to add is that any amendments, as of right now, agencies won't be required to file any amendments to exempt filings.

Moving on, Section 7 of the policy is in regards to IT contracts.

Formerly, only compliance with WaTech's policy #121, which was submitting an IT investments intake form formerly known as an ITPA or, to spell out that acronym for everyone, Information Technology Project Assessment. So those were required of agencies if they're IT contracts or purchases exceeded six months in duration and or \$500,000 in value.

Jensen, Brooke (DES) 21:28

So other policies and requirements could arise from WaTech law or policy changes like their internal changes that very well could affect sole source IT contracts, which is why we've chosen to modify this to state that agencies must conform to all applicable WaTech policies.

Moving on to market research, so section 10 of the policy contains new market research requirements for amendments that propose large changes or extend the period of performance.

This honestly, for too long, agencies have not shown sufficient market research when sole source filings are presented to DES.

This results in a lot of back and forth with DES and the agencies, additional correspondence questions and it could overall draw out the start dates of the contract.

Jensen, Brooke (DES) 22:32

Each contract term now will require evidence of compelling market research conducted that supports agencies sole source contracts.

Capability statements. So, section 11 of the policy pertains to capability statements. Agencies will not be able to make a determination on their own whether or not that the capability, the capability statement that they receive is viable or not. So this is already been the practice, but there was a definite need to place it clearly into policy as well as procedures.

Jensen, Brooke (DES) 23:14



“Capability statement” will also be defined in the glossary supplement document now which, where it hasn't been in the past. So, this is also something agencies should definitely keep their eyes out for, as well as an added FAQ question for additional guidance on capability statements.

Agencies will have to submit their capability statements in documents or related correspondence, as well as the agency's analysis and conclusion that the DES will then review upon DES' review and response to the agency will be able to reply to the submitting vendor with the final conclusion.

So, with the new supplier diversity policy launching last year, it was appropriate to add this new section into the sole source policy as well. There's currently a sole source justification question that specifically asks agencies about giving considerations to small businesses and/or the feasibility of unbundling services. So, this will be looked at very closely for filings.

Agencies will also need to ensure that they're providing DES with the meaningful unbundling analysis as part of the revised justification questions for sole source that will be effective along with this policy.

Jensen, Brooke (DES) 24:57

Delegated authority: So, we're adding into policy this section 9 in the policy. This has always been in the sole source contracts database system and delegated authority policy also, which is ensuring that agencies have appropriate delegated procurement purchasing authority.

Jensen, Brooke (DES) 25:20

So, we've also included this in step two of the procedures document for filing a new sole source contract or filing a sole source amendment.

It's confirming whether the agency has sufficient delegated authority for the purchase.

Jensen, Brooke (DES) 25:38

The reason to add this in is just despite the notice existing in the sole source contracts database and the delegated authority policy agencies occasionally would miss this step. So, really it's just meant to serve as a helpful tool and reminder.

So, new sole source procedures. So, the sole source procedures have been modified substantially.

While there are other minor changes throughout the procedure document, I've really focused in on the four largest areas and the areas that I feel are most important for agencies and or vendors to pay attention to.

Jensen, Brooke (DES) 26:32



So first this there's been a lot added to give more ways that agencies can conduct thorough market research. This was something that I heard over the last several years. Agencies would appreciate more, just ideas on how they can conduct that market research. And so that's been added.

There's now a brand-new section in the procedures that walks agencies through what to do if capability statements are received.

Jensen, Brooke (DES) 26:56

And that was again, that was also something that I heard a lot about and was in need. A couple additional steps are now included in a new section for what agencies have to do if the sole source contract is also a convenience contract.

Now, though, this was, this is rare, I would say, it still happened a few times and there was definitely some confusion.

Jensen, Brooke (DES) 27:24

So, we thought we felt it necessary to add that in as an optional if the situation applies.

Jensen, Brooke (DES) 27:32

And then as mentioned previously, agencies will now be required to file exemptions #2 through 19 listed in the policy. There's a brand-new section on filing exemptions.

A couple prompts here. Questions.

When reviewing these sections in the procedures document, are they clear?

Does anybody believe that they're missing anything?

Is there any further like guidance that we can provide anything that you see is that's problematic and then obviously why, what's your reasoning behind that?

Jensen, Brooke (DES) 28:16

So that kind of covers the major changes in the documents.

So, moving on to like next steps, the next step is to give everyone here further time to review and provide comments and feedback.

Jensen, Brooke (DES) 28:29



So, feedback will be due April 25th, which is 3 weeks from today.

All feedback should be submitted through the feedback form that we that we have posted online.

The links also hyperlinked here for when the slides are posted, hopefully within a week, and the reason that we're asking for all the feedback to come through this form is just we're really trying to streamline how we're collecting feedback and where it's consistent, where in the past we've gotten feedback from all sorts of different methods.

Jensen, Brooke (DES) 29:04

So, hopefully this just streamlines it and then we're able to then compile and incorporate just appropriate revisions to the policy and procedures.

In the meantime too, I will also be working on modifying and finalizing the sole source contract and contract amendment justification templates, the legal notice template, and finalizing the glossary supplement and FAQ documents for sole source.

Jensen, Brooke (DES) 29:32

So with that, I do have some time for questions and I believe Zoe's going to help facilitate those, as she's been monitoring the chat. So does anybody have any questions?

Mroz, Zoe (DES) 29:46

Yes. Yeah. So, we've been getting a lot of questions throughout the presentation. So, I've been kind of boxing them by theme, so I wanted to start maybe with exemptions and there were a few questions that came up around those.

So, one question came through is this filing exemptions in the SSCD, is this retroactive with current sole source exempt contracts or only for new ones going forward?

Jensen, Brooke (DES) 30:21

That's a great question and it is, it's forward looking. So you're not going to have to file anything that's existing. And like I had mentioned, amendments to exemptions aren't, but it's just for new. Great question.

Mroz, Zoe (DES) 30:41

Thank you.



Next question, will the vendor need to be registered in WEBS as well for exemption filings?

Jensen, Brooke (DES) 30:49

No, because there's no posting requirements for WEBS. Also great question.

Mroz, Zoe (DES) 30:58

Yeah. We also had a few questions about the reason for adding this exemption requirement to file, so maybe you want to go back over the reasons why we're adding this as a new requirement.

Jensen, Brooke (DES) 31:13

Yeah, sure.

So, it's really just for record keeping and then just so that we can gain a better understanding. Like, what exemptions are being used? Are they being used appropriately? And like I had mentioned previously, this is all, we'll be looking at that process, like through contract audits and the procurement risk assessment.

So, I won't, or nobody here will actually be approving or disapproving exemptions. It's up to the agencies to then file and we'll just acknowledge at that time.

So, anything you know, diving into details of that, that would be looked at a later time.

Mroz, Zoe (DES) 31:57

Great. Thank you.

Let's the next sort of bucket of topics was about the market research, so one of the questions asked was if we've defined what compelling evidence of market research means.

Jensen, Brooke (DES) 32:16

Umm, so we have updated, and I know it's not posted yet for everyone, but we've updated the definition for market research now specifically that term that you just said 'compelling' - that hasn't been.

But I do believe it's relayed in the market research definition because it goes even further than the procedures document goes in defining that.

Jensen, Brooke (DES) 32:46



So that's something that I guess I would likely point you to when it's posted.

Mroz, Zoe (DES) 32:55

Perfect. There was also a call for resources for market research because it sounds like there are some folks in the room that are not trained at this or experts at conducting market research. Sometimes that falls on the program staffs' shoulders as opposed to our procurement staff. So will DES be providing additional resources for how to conduct market research?

Jensen, Brooke (DES) 33:24

Yeah. Again. So not only in the in the procedures document, I believe it's on like the first the very first page, it starts going into like different ideas on how you can conduct market research.

The glossary supplement document will dive further into that. Now as far as like an additional tool that I know we've kind of played around with in the past or in recent times...

It's possible that DES will develop some form of a market research tool that is optional for agencies to use, but for now it's just all of these different ways that you can conduct your market. Research is included in like the glossary, supplement and the procedures documents, so.

Mroz, Zoe (DES) 34:13

Great. Thank you.

Moving on to our next kind of bucket about capability statements, there's definitely some concern coming in through the chat about the impact of timelines that they that that might present and whether or not DES is going to have SMEs review capability statements.

So maybe you could talk a little bit about the, DES perspective of like what it is we will do when capability statements come in and how that process might look for agencies.

Jensen, Brooke (DES) 34:50

Yeah, sure. And this is a great, I figured this would be an area of interest for folks. So I think that, just knowing, first off, we've defined capability statement where previously in the past it's not defined and I know we haven't released that yet, but it is in the glossary supplement and I think that it's important for agencies to always remember that like sole source is an exception to the competitive route and the overall intent of you know, Chapter 39.26, RCW is open and transparent competition, so also often like when agencies have gotten capability statements in.



Jensen, Brooke (DES) 35:40

I don't think it's. They don't think of it in the sense of like, it's not like a solicitation.

Where then you go and do this, you know, transparent, like it was transparently posted.

Like how you're going to evaluate this often in just a legal notice, you have a few requirements that you put out, and if a vendor comes back like this is just an opportunity for vendors to come back and say, hey, I'm capable of doing of doing these things.

It's not a full-on competition and if you were going to really dive into, you know, these types of factors, or whether or not somebody's more qualified than the other like this should really be reserved for competitive solicitations.

So, I guess just keeping that perspective and looking at all of these like we're just kind of trying to shift this a little bit and where it's not based on necessarily like experience and these qualifications. Really, it needs to be focused on the business need and what are the sole source factors here.

Like, what makes them so unique to where nobody else like could do this? So, and hopefully that that helps a little bit.

Mroz, Zoe (DES) 37:05

Yeah, yeah, I think it does. I think maybe could you talk about when, you know, DES is reviewing the capability statement, is DES going to confer with the agency? Like maybe talk about that open line of communication there, when reviewing that, before making any kind of determination, I think some reassurance there would be good.

Jensen, Brooke (DES) 37:28

Yeah, yeah, absolutely. So that's been something that's problematic currently, like a lot of agencies, because there's nothing that's written, right, transparently for everybody to see procedural-wise, agencies will respond to a vendor that submitted a capability statement, just right off the bat, before DES even had a chance to look at this kind of from that neutral like perspective.

Jensen, Brooke (DES) 38:00

And often what we're finding is that agencies, like when they responded to these vendors, they are listing all of these reasons that none of this was listed in the legal notice, which is really problematic because we can't, we have to be transparent for the sole source process. And if a lot of these things weren't even brought up in the legal notice, you can't use them as reasoning for, you know, not accepting or deeming that a capability statements not viable.

So, we've just seen a lot of, again, things that were problematic from our perspective as the regulatory agency.



So, this hopefully will also bring some more consistency across all state agencies because I don't want to say that every agency, you know, state agency would respond to the vendor immediately. A lot of them do like, let DES know, and then they kind of ask for guidance at that point or we work with them. Which is just what we're trying to get at now. We try our best to get, you know, stick within the timelines. But this is also this is also a risk, right, in going the sole source route you always can...

There's always a chance of getting capability statements, so when an agency's determining that they want to go down the sole source route, this is just something really that they need to consider up front.

Mroz, Zoe (DES) 39:39

Which I think then ties back to this new market research section that we're going to bring forward to possibly avoid these situations from even happening.

Jensen, Brooke (DES) 39:49

Yes.

Mroz, Zoe (DES) 39:51

And thank you, Brooke.

Jensen, Brooke (DES) 39:51

Yep.

Mroz, Zoe (DES) 39:53

Yeah, we've got a lot of great questions still coming in. I'm going to go back now to exemptions. We got a few more questions about that. One question was: will the SSCD be modified for filing exemptions?

Jensen, Brooke (DES) 40:08

Yes, yes. And we are currently working on that modification. So, I believe like just for today like where we're at with that currently, the system has a tab for filing either new contract or filing amendment.

Jensen, Brooke (DES) 40:26



So, when you go and you click on to file a new contract, then there's this like subtab kind of that opens up and then you can pick your procurement type. So it's either emergency or sole source. So we're hoping just to add another little button there that will be like “exempt” or “exemption to sole source” to which then, if that option is clicked, then a series of specialized questions that just for exemptions would pop up.

Jensen, Brooke (DES) 40:59

And so, I'm thinking that obviously we'll still gain like the contract purpose and then the agencies reasoning, which exemption that it thinks applies.

Jensen, Brooke (DES) 41:12

And then the reasoning behind how they came to that conclusion, something to that effect. But yeah, if there's any other questions that or things that you think should or shouldn't be included, please let us know it's important.

Mroz, Zoe (DES) 41:29

Yeah. And you know, to echo that, we've got, I had put in the chat earlier, and it's on our website, the feedback form to submit any concerns, any questions, anything that is missing anything that's not clear, you know, we're going to review all of that feedback and take it very seriously. We're still in draft, obviously.

So yeah, we had something come in as well about exemptions about, you know, there are some agencies that have a decentralized procurement operation where the contract manager is, you know, they might sign a contract and not get it to the office, to the contract staff until after the 10-day period. So, for exempt contracts, what might we be able to do there? Is there flexibility there, I guess?

Jensen, Brooke (DES) 42:22

Yeah. So I think that this is information like it's really important that you provide that feedback, cause really we just need to see how many agencies maybe are structured like that or if it's just a one off.

Again, this is something that it's more for some oversight and like compliance as far as you know looking at these and whether they complied and submitted it within the 10 days I think could potentially be flexible. It's going to be looked at in the procurement risk assessments.

So and I'm not part of that team, but Zoe Mroz and Drew Zavatsky are so, and I know that they'll talk about not necessarily exemptions later today, but just kind of their process. However, that's built in and the criteria for that, what they're looking at, but I do believe it's something that's absolutely flexible.



Mroz, Zoe (DES) 43:25

Thank you, Brooke.

We had a question come in pretty early on about why the transparency timelines are being extended. I know you went over the law change. We had a sort of similar question about if approval is received before the 15 business days is up, can they move forward or do they now have to wait for the 15 business days to expire before entering into that contract?

Jensen, Brooke (DES) 43:55

Yeah. So the 15 days that's, that's the new requirement. So they'll have to wait no less than 15 business days for new contracts. Did I miss the part of that question? Sorry.

Mroz, Zoe (DES) 44:12

No, you're good that I believe that answers it, but obviously for the folks who sent questions about the new, the new timeline, let us know if you still have any questions about that, let's see.

Jensen, Brooke (DES) 44:13

OK.

Mroz, Zoe (DES) 44:26

So similar question about the 15 days. What if, I guess the question is, does the 15 days include the capability statements? If the statement comes on the 14th day, how would that work? How would that be handled?

Jensen, Brooke (DES) 44:42

So, if you have posted to webs that that time periods, it's only 10 business days. So, assuming you only have it posted for those 10 days and then it closes and then you don't get a statement for a few days following, umm, that that wouldn't count cause there is something in the legal notice too that should be posted and it instructs vendors how long they have to respond with a capability statement.

So I would say that at that with that specific situation, we wouldn't look, we wouldn't look at it at that point because you would have already also responded to the question that we send asking if anybody gave you know inquiries or if there were capability statements received as a result of the WEBS posting.



So, but I guess like on the flip side, if say that you did get a capability statement during that 10-day period, obviously it's like it's very important to get analyzing it right away. So that then you can provide your analysis to DES and we try to prioritize too.

So like if there are trickier filings that that get capability statements, we really we try to like prioritize and look at all of that information first so that we can try to keep it on track, yeah.

Mroz, Zoe (DES) 46:10

Great. Thank you, Brooke.

And we had a couple questions about the date, it will be effective and maybe you could explain why that date was chosen for our target.

Jensen, Brooke (DES) 46:22

Yeah. So, June 5th of this year. So, a couple short months is the target effective date and that just coincides with the law changing. So those two statutory changes for Sole Source, so.

Mroz, Zoe (DES) 46:38

Yes. And those were big changes, which definitely would require those policy and sections to change, yeah, there are.

Jensen, Brooke (DES) 46:44

Yes. Yep. Absolutely.

Mroz, Zoe (DES) 46:48

There are definitely concerns being raised in the chat about, you know, timing and getting in feedback. You know, we want to assure everybody that all this chat, all the questions are being collected and we are going to be providing responses and in sections of kind of like the buckets that we talked about earlier.

And those will be posted to the DES website as well.

So, but I believe we are about out of time for our question and answer section.

So, I'm going to turn it back to Brooke for the moment, yeah.



Jensen, Brooke (DES) 47:28

Yeah. I thank you, everybody, for the questions and your feedback, like I really value it, so, and we do plan on, I'm going to go through all of it and at least like make these big bucket like you know the themes and hopefully provide some general response or reasoning behind why we are choosing to change something or just kind of the results and with that.

Jensen, Brooke (DES) 48:03

So I am going to actually hand it off to my colleague Olu that I mentioned earlier because he's going to go ahead and give policy projects update now. So, thank you, Olu.

Agbaje, Olu (DES) 48:18

Thank you, Brooke.

I want to say good morning again to everyone. My name is Olu Agbaje. I am the Enterprise Procurement Policy and Protest administrator at the Department of Enterprise Services.

Agbaje, Olu (DES) 48:31

In the next 5 minutes I will provide a quick update on the other policy projects we are working on this year.

First, I'm going to be talking about the Supplier Diversity policy, with respect to the effort that was made to date.

Agbaje, Olu (DES) 48:52

DES has made over 50 changes to the handbook as well we've done one change to the policy.

The revisions are reflected, or reflect, what we have learned since we implemented the policy to make fixes and add clarity.

DES will present revisions to the handbook and policy through a lunch-and-learn session and at the upcoming Supplier Diversity Community of Practice meeting, at a date to be determined. So we will keep you posted as we have information with respect to the date.

We estimate the project will be completed by April 2024.



Agbaje, Olu (DES) 49:42

Next slide, please.

So now the slide you're looking at shows all other projects that we have on our list of things to do this year. Both the Washington Grown food policy and Executive Order 18-03, which is the policy that supports workers right to effectively address workplace violations, need to be refreshed. As a result, we sought feedback in March on both policies using a survey. If you did not have a chance to complete the survey before they closed, we encourage you to still provide your feedback through an email. We appreciate all the feedback we've received so far.

Now let's talk about delegated authority policy. We will refresh this policy to reflect the new Procurement Risk Assessment and other required changes. We'll make our initial proposed revisions and share them with stakeholders for input.

Agbaje, Olu (DES) 50:47

Emergency purchase policy.

Also, we are revising this policy this year to incorporate revisions from House Bill 1471 that passed this session, as the bill requires the timelines has changed from 3 business days from the date of purchase to 10 days for agency to file emergency contracts with DES and to make the contracts available for public inspection.

You may not know, the bill will come into force on June 5, 2024.

Agbaje, Olu (DES) 51:36

The Direct Buy Purchases policy. This is another policy we are working on later this year. We're going to need your input on this when the when the time comes.

Now the last thing I want to highlight on this slide is that every month the Enterprise Procurement Policy team provides a report on all active and upcoming policy projects.

The updates can be found at the link indicated on the on the slides. So, I encourage you to please check out our policy web page for updates on this upcoming policy projects.

Agbaje, Olu (DES) 52:10

Next slide please. The slide we are projecting right now provides information about our teams contact details. Please contact any of us regarding what we've presented today or for other procurement policy related question you may have.

So let's move to the next slide.



So I'm going to talk about the information on the bottom of this light indicated on the bottom left side of this slide is the enterprise procurement policy labels.

Agbaje, Olu (DES) 53:03

You can also contact us through the email address indicated. Also indicated on the slide in the middle is a quick response code. Please use this code to provide your feedback about the workshop's Sole Source policy session.

Agbaje, Olu (DES) 53:22

Again, I want to thank you for your time and feedback today.

But before we go, I want to let you know that next we have the PCBs session starting at 9:15 AM and if you've not done so, you can still register for this session, so we look forward to seeing you at 9:15.

Again, thank you for your time.

See you at 9:15.