



CENTRAL CONTRACTS AND LEGAL SERVICES (CCLS)

## Sole Source Contract Justification

TO:	
CONTRACT NUMBER <b>2432-56199</b>	TODAY'S DATE <b>05/16/2024</b>
SELECT CONTRACT SERVICE DESCRIPTION / SUB-OBJECT CODE <b>CZ - Other Pro Serv</b>	

### Contractor Information

CONTRACTOR'S LEGAL NAME <b>Home Care Pulse LLC</b>	TAX IDENTIFICATION (TIN) OR UNIFORM BUSINESS IDENTIFICATION (UBI) NUMBER <b>262608345</b>
ADDRESS <b>346 Grand Loop Ste 200, Rexburg ID 8344-4956</b>	

### Contract Purpose

**To purchase commercial off-the-shelf home care aide online trainings delivered via the CareLearn Learning Management System to staff of long-term care facilities throughout Washington to satisfy their annual requirements for continuing education (CE) as guided by WAC 388-112A-0600 for continuing education using our Learning Management System (LMS) to track all activity.**

### Contract Funding

FEDERAL FUNDING <b>\$</b>	STATE FUNDING <b>\$593,280</b>	CONTRACT TOTAL <b>\$593,280</b>
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### Contract Dates \* Start Date must be more than 10 business days from date of request to CCLS.

*START DATE <b>06/05/2024</b>	END DATE <b>05/31/2026</b>
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AMENDMENT OPTIONS  
**Option to amend for four additional years**

### Sole Source Definition and Guidelines

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 39.26.0101)

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 sufficient justification.

Why is a sole source justification required?

The State of Washington, by law and policy, 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 the benefits of a competitive contract.

## Sole Source Justification

To expedite CCLS and DES review of this sole source contract, please provide **clear and compelling** answers to the following justification questions.

1. What is the business need or problem that requires this contract?

**The Mental Health Transformation passed by the State Legislature impacted behavioral health and other caregivers statewide which introduced training barriers such as inconsistent curriculums, skill variance, and accessibility to training (Sources: Washington Governor Jay Inslee Policy Brief, December 2018; May 2019 DSHS Training Unit survey report). These caregivers, serving over 23,000 Medicaid clients, must meet certification and ongoing training requirements per 388.112A-0600 WAC. Online trainings offered by the Department of Social and Health Services (DSHS) will assist mitigating current caregiver training barriers to meet DSHS training and certification requirements.**

**Online trainings purchased from this vendor will support DSHS Aging and Long-Term Support Administration (AL TSA) training efforts by improving the quality, availability, affordability, consistency, and portability of caregiver training and meet WAC requirements stipulated to maintain certifications. CareLearn is DSHS/AL TSA's SumTotal Learning Management System that is hosted through the WA State Department of Enterprise Services and administrated by DSHS/AL TSA staff to offer free CE unit for home care aides. CareLearn is continuing to be marketed to users and obtaining quality online trainings is a necessity to populate the platform; especially trainings that are already approved as Washington state continuing education approved courses.**

**With the addition of Home Care Pulse's (HCP) unique content, DSHS can provide CE to home care aides that fulfills a need in a high demand field where we must continue to make re-certifying an easy task with upcoming statewide CE resuming and due within 6 months for certain cohorts. Hosting all classes from various contractors in our LMS allows users to log in once to our system and complete trainings from other contracts we have. Allowing our users to have all activity and completions tracked in one location allows them to be aware of how man hours they have completed and lets DSHS track them according to the manner that the WA Department of Health (DOH) requires, from the user's birthday to birthday each year.**

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

**HCP delivers home care aide related off-the-shelf, online trainings we can host in our platform with no additional connection fee, and no time delay or technical difficulty in delivery of the trainings to our learners. HCP has 103 classes already approved as Washington State for CE credits to meet WAC 388-112A-0600. These classes are not offered by any other vendor in the format that is required of our system based on users accessing our procured LMS.**

**Any Contractor that we work with for these services must be able to meet these requirements:**

**Allow us to host their content in our LMS as a format we are able to upload or link to - HCP offers this as well with SCORM files that we will host in our LMS. HCP allows to have the ability to upload files in a format that allows us to host the training they have built, with all administrative and helpdesk functions handled by AL TSA staff.**

**The training being provided must be in line with WAC 388-0112A-0600 requirements - HCP offers many different topics that the WAC requires. HCP provides training which adheres to the WAC requirements.**

**This training must have a large number of classes concurrently approved by WA State DSHS as CE hours - HCP offers 103 classes currently approved.**

**HCP provides us with the files to host on our system. Hosting the files locally allows users to log in to one LMS and access various vendors training. Other providers of training do not allow for training to be hosted locally which would require us to use many systems. By using our LMS we are able to internally track course completion according to the unique timeframe that it is tracked with. Training is measured for each birthyear which is the system that the DOH utilizes for home care aide certifications. Users need to be aware of how many CE units they have completed during that period, and we provide that easily. If not done accurately, users could fail to maintain certifications. Our ability to host HCP classes via our LMS allows us to control all aspects of training providing us the ability to provide help desk actions which permits users to receive local dedicated service tailored for them. HCP also has a large amount (103) of classes already approved to give CE after a lengthy evaluation process.**

**Before we began to examining which potential commercial off-the-shelf trainings we should potentially contract we established that our assessment would be based on the following criteria:**

**Can the vendor provide the files for us to host locally?**

**Did the training meet the requirements of WAC 388-112A-0600**

**Did they offer classes already offering CE credits from WA DSHS**

**Were the courses made in a way that was able to maintain the attention of the user using adult learning theory and other modalities**

**Number of classes in total they offer**

**Will classes not approved for CE be eligible to be reviewed**

**Potential for the vendor to release new classes that fall within our purchased content and added to our library**

**If a current contract what was the course completion rate for the courses currently offered**

**HCP is the only provider that can meet all requirements above as well as providing training topics others do not offer.**

3. 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.

**To justify our selection, we performed research online to identify all similar vendors who offered online materials related to home care aide training. We previously contracted with other vendors whose libraries did not specifically address our user's needs and their courses were met with minimal completion success. When researching for potential new contractors, the acquisition team spoke to multiple vendors that also provide eLearning related to home care aides including Homecare University, Alison eLearning, Home Care Aide Online, amongst others. They would not allow us to use their materials in our LMS.**

4. 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.

**When identifying potential contracts, we first looked to the DES Master Contracts to determine if there were any existing contracts that provide home care aide eLearning. With there being none, we began to look at external business partners particularly registered small businesses, those registered with the OMWBE, as well as those that are veteran owned that provide training similar to what we were looking for. We were unable to find any that existed for the topics we require. As we began to speak with potential business partners, we purposefully sought out small business especially those within the aforementioned demographics and could not locate any.**

5. Provide a detailed and compelling description that includes qualification of the costs and risks mitigated by contracting with this contractor (i.e., learning curve, follow-up natures)..

**HCP offers classes that meet the requirements of WAC 388-011A-0600. They can provide us with classes that we can place in our LMS, and our users can complete and have tracked accurately there. This allows us to use our LMS as a platform to perform all aspects of learning.**

**We previously used master contracts which did not meet our need which has been shown by the number of classes we could not use from that vendor as well as how many could not go to our review team for CE credits. With the current contract from HCP exceeding expectations in training value, quality and other aspects imperative to our operation we are looking to continue to have this relationship. If this contract is allowed to expire in May 2024, we will be reducing the number of classes meeting the WAC requirement by 103 creating a detrimental condition for home care aides' knowledge to be maintained as required.**

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

**Not applicable.**

7. 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 which work must be accomplished.

**Not applicable.**

8. 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.  
 **Not applicable.**

9. 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.  
 We have exited the emergency training stay order which mandates that all long-term care workers resume CE training. If we cannot provide classes being obtained from this contract, we run the risk of not only losing users, but having users not be able to meet DOH requirements and lose their certifications in an area already suffering losses from competing professions. Potentially having our most vulnerable population of elderly and disabled without caregivers.  
 If not approved, we will not have multiple classes on differing subjects that meet WAC requirements to offer our users as of June 5, 2024, and not having the ability to offer a variety of classes to our users.

10. 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 or a market survey, or employ other appropriate means calculated to make such a determination.  
 Previously, we were able to use our then current contracts as a method to compare and contrast and clearly see the return on our investment. Below is a table illustrating the value gained when we procured HCP via reducing the cost per class as well as cost per CE hour. These numbers continue to be true today, which is why we seek to have additional years with HCP.

Contract Status	Business Partner	Total Classes	Total CE Hours	Contract Total	Annually	Cost per Class	Cost per CE Hour
Expired 6/22	Skillsoft	897	36.5	\$362,776	\$181,388	\$6,976	\$9,939
Proposed	Home Care Pulse	112	112	\$564,480	\$282,240	\$5,040	\$5,040

- Confirm Program and Contractor agree that the drafted Contract Amendment document is in final form.
- If filing is considered late, obtain your Division Director and Fiscal Approvals.  
**If the filing is "late" (where the Amendment start date is less than 10 business days from date sent to CCLS for review, approval, and submission to DES), you must also complete and attach the Late Filing Justification form.**