



Language Access Providers

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EXECUTIVE SUMMARY

In accordance with RCW 39.26.300, passed during the 2018 legislative session, the Department of Enterprise Services (DES) must develop and implement a model that all state agencies must use to procure spoken language interpreter services by purchasing directly from language access providers or through contracts with scheduling and coordinating entities, or both, no later than September 1, 2020. DES must have at least one contract with an entity that provides interpreter services through telephonic and video remote technologies. Interpreters certified by the state, or nationally certified by the Certification Commission for Health Care Interpreters or the National Board for Certification of Medical Interpreters will be used to provide the services. If a state or nationally certified interpreter is not available, then interpreters with other certifications or qualifications can provide the services.

SUMMARY RESPONSE

This report is required by HB 2691, passed during the 2020 Legislative Session, which requires the department to:

- Report on the department's current process for procuring spoken language interpreters and whether changes from the 2018 legislation have been implemented;
- If the 2018 changes have not been fully implemented, identify the barriers and make recommendations for removing;
- Identify impacts of the changes to bargaining units for language access providers; and
- Make recommendations about how to improve the procurement and accessibility of language access providers.

In February 2019, DES awarded a Master Contract for Over the Phone Interpretation (OPI) and Video Remote Interpretation (VRI) (Master Contract #02819). DES also solicited for a new Spoken Languages Interpreter Services, Scheduling and Coordinating Software Solutions (Solicitation #03519) and is in the process of a new competitive solicitation with an anticipated award date in August 2021. As such, DES did not fully implement a model by the date required in RCW.

SOLICITATION FOR SCHEDULING AND COORDINATING ENTITY

Planning for the Spoken Languages Interpreter Services, Scheduling and Coordinating Software Solutions began in November 2018 with regular meetings with stakeholders from multiple agencies and lasted until February 2020. The development of the requirements of this solicitation took much longer than initially anticipated because of

stakeholder needs, market research and vendor outreach. The solution that DES decided on was a single contract with a scheduling and coordinating entity that would comply with the terms of current and future potential collective bargaining agreements, including rate and manner of pay. This entity would be required to have a scheduling and coordinating platform that allowed for pre-scheduled in-person interpreting and pre-scheduled and on-demand Telephonic and Video Remote interpreting. This contract would be eligible to language access providers that were state or nationally certified, or otherwise authorized.

Completing the competitive solicitation process and implementing the resulting master contract has encountered a number of barriers:

1. The COVID-19 pandemic has caused additional technology and communication delays especially with the vendor community.
2. Stakeholder engagement and their availability has changed over time.
3. DES procurement coordinators changed or went out on medical leave over the course of the competitive solicitation process which required significant onboarding time between staff and supervisors.
4. Widespread IT security issues which took much of the states IT resources to respond to, causing a delay in a review required by the Office of Cyber Security.

Despite unexpected delays, the solicitation was posted, evaluated and the ASB was announced. A protest was filed by one of the unsuccessful bidders and was upheld, which will require another competitive solicitation. The process of drafting the new solicitation has begun and it is anticipated to be posted in the WEBS system mid-April 2021, Apparent Successful Bidder anticipated to be announced mid-July and the contracted awarded August 2021.

Solicitation #03519 meets most of the requirements found in the RCW, however, there is an element that it did not fully address, and that is when a state or nationally certified interpreter cannot be found. For that element, Master Contract #02819 was effective on March 3, 2020. This Master Contract is a Global Market Solution for OPI & VRI that allows for interpreters, other than those state or nationally certified, to provide on-demand and pre-scheduled services. This contract was necessary, as only a portion of the languages spoken in Washington state are covered by the state and nationally recognized standards identified in the RCW. Master Contract #02819 still allows state and nationally certified interpreters to participate, and state and nationally certified interpreters are supposed to receive first chance at interpreting. However, letters of clarification need to be sent to the vendors to ensure they are meeting this requirement, as some interpreters have voiced complaints about not meeting that requirement.

CURRENT PROCESS FOR PURCHASING INTERPRETER SERVICES

There are currently two (2) Master Contracts used for the procurement of Interpreter Services. Master Contract 03514, Interpreter Services, Spoken (certified and non-certified), was effective on July 1, 2017 for pre-scheduled In-Person, Certified and Non-Certified Interpreters. The other Master Contract is #02819 which is the Global Market solution for OPI and VRI.

Due to the COVID-19 pandemic meeting face-to-face is not an option as social distancing made in-person interpretation inadvisable. Therefore, services under the contract for OPI and VRI went from a small percentage of total use to the default. As a result of the emergency authorizations granted due to the pandemic, purchasers were allowed to use Master Contract #03514 when they needed a certified interpreter. If an interpreter cannot be found, or if Master Contract #03514 otherwise does not meet their needs, then purchasers use Master Contract #02819.

BARRIERS TO IMPLEMENTING 2018 CHANGES

The primary barriers to implementing the 2018 RCW changes were the COVID-19 pandemic, staff turn-over, and a statewide cyber security issues. These barriers were unexpected otherwise this contract would have met the legislative deadline.

Also, from a central contracting perspective, the most difficult challenge to navigate was to create a Master Contract that simultaneous met the needs of state agencies but allowed DSHS, DCYF, HCA, and L&I to create their own contracts as well. This led to multiple agencies working on similar projects and difficulties in obtaining full time evaluators for the DES Master Contract. Interpreters will also have to work with multiple systems and awarded contractors if they want to provide services under each agencies' contract.

In addition, another difficulty was that prior to COVID-19, VRI was the least popular mode of interpreting and the purchaser requirements for this modality were largely unknown. Only once COVID-19 began affecting operations and the in-person interpreting moved to VRI were some of the requirements known. This extends to telephonic as well, which was thought to be well established, however even that showed that three-way calling was suddenly a necessity when it was not previously needed.

Regardless, while these influenced the implementation of the new Master Contract, they likely do not need to be changed as the contract was written to take all of this into account.

IMPACTS OF CHANGES TO BARGAINING UNITS

No changes are recommended at this time.

RECOMMENDATIONS TO IMPROVE ACCESSIBILITY

The most common issue brought up during the creation of requirements were the difficulties in fulfilling the Languages of Lesser Diffusion within the state of Washington. The state certification addresses a limited number of languages, as does the National Board for Certification of Medical Interpreters, and both of the national certifications are specific for healthcare interpreting. Expanding the approved qualifications and certifications may make accessing the languages of lesser diffusion simpler.

CONCLUSION

Although implementation of the interpreting scheduling system originally planned for September 2020 has been delayed, DES has completed a significant amount of work in meeting the legislative requirement to purchase in-person spoken language services through a scheduling and coordinating entity. DES also awarded an OPI and VRI Master Contract #02819 in early 2020.

DES has begun the process to resolicit Master Contract #03519 with the following timeline:

March 2021 – Begin drafting solicitation

April 2021 – Post solicitation in WEBS

May 2021 – Receive bids

July 2021 – Complete evaluations, announce Apparent Successful Bidder

August 2021 – Award Contract

This will allow one entity to provide OPI and VRI technology and will ensure the terms of any collective bargaining agreement are adhered to.

CONTRIBUTORS

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