AGENCY LOGO

**Agency Contract Competitive Solicitation – No. \_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_**

**Introduction**

The Washington State [Agency] is issuing this Competitive Solicitation pursuant to RCW 39.26. Pursuant to this Competitive Solicitation, [Agency] intends to conduct a competitive procurement to award an Agency Contract for [Agency] to purchase \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“\_\_\_\_\_\_\_\_\_\_\_”).

[Insert Procurement Context Narrative]

This Competitive Solicitation is divided into six (6) sections:

* [Section 1](#_Section_1_–) provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for [Agency]’s Procurement Coordinator.
* [Section 2](#Section_2) provides important information about the procurement that is designed to help interested bidders evaluate the potential opportunity, including the purpose of the procurement, the form of the resulting Contract, and potential contract sales.
* [Section 3](#_Section_3_–) identifies how [Agency] will evaluate the bids.
* [Section 4](#Section_3) identifies how to prepare and submit a bid for this Competitive Solicitation, including detailed instructions regarding what to submit and how to submit your bid.
* [Section 5](#_Section_5_–Complaint,) details the applicable requirements to file a complaint, request a debrief conference, or file a protest regarding this Competitive Solicitation.
* [Section 6](#_Section_6_–Doing) provides information pertaining to doing business with the State of Washington, including [Agency]’s efforts to enable Washington’s small and diverse businesses to compete for and participate in state procurements for goods/services.

In addition, this Competitive Solicitation includes the following Exhibits:

* *Exhibit A – Required Bidder Information*: These exhibits identify information that bidders must provide to [Agency] to constitute a responsive bid. *See* Section 4, below.
  + Exhibit A-1 – Bidder’s Certification
  + Exhibit A-2 – Bidder’s Profile
* *Exhibit B – Performance Requirements*: This exhibit outlines the required specifications/qualifications for the good(s) and/or service(s) that is/are the subject of this Competitive Solicitation.
* *Exhibit C – Bid Price*: This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that the Procurement Coordinator will use to evaluate and compare bids.
* *Exhibit D – Contract*: This exhibit is a draft of the Contract that any successful bidder will execute with [Agency].
* *Exhibit E – Contract Issues List:* This exhibit outlines the bidder’s issues, if any, and proposed resolution for bidders who have business concerns with the form of the Contract.  Note, however, that [Agency] reserves the right not to modify the Contract and to award the Contract on the basis of a bidder’s willingness to agree to the Contract.
* *Exhibit F – Diverse Business Inclusion Plan – Subcontractors* - Required ***only*** ***if*** Bidder will be using subcontractors to perform the Contract: This exhibit outlines the inclusion plan for diverse business subcontractors pertaining to the Contract.

# Section 1 – Deadlines, Questions, Procurement Coordinator, and Modification

This section identifies important deadlines for this Competitive Solicitation, where to direct questions regarding the Competitive Solicitation, and the process for potential amendments or modifications to the Competitive Solicitation.

1. **Competitive Solicitation Deadlines**. The following table identifies important dates for this Competitive Solicitation:

| **Competitive Solicitation Deadlines** | | |
| --- | --- | --- |
| **Item** | | **Date** |
| Competitive Solicitation Posting Date: | | \_\_\_\_\_\_, 20\_\_ |
| Pre-Bid Conference: | | \_\_\_\_\_\_\_\_\_\_, 20\_\_ at \_\_\_\_\_\_\_ (Pacific Time) |
| *Attend via Video Conference*  Meeting information Conf. ID/Pass code  Dial-in information |
| Question & Answer Period: | Deadline for Submitting Questions: | \_\_\_\_\_\_, 20\_\_ |
| Anticipated Deadline for Answers | \_\_\_\_\_\_, 20\_\_ |
| Deadline for Submitting Bids | | \_\_\_\_\_\_, 20\_\_ |
| Anticipated Interview/Demonstration Date(s) | | \_\_\_\_\_\_, 20\_\_ – \_\_\_\_\_\_, 20\_\_ |
| Anticipated Announcement of Apparent Successful Bidder: | | \_\_\_\_\_\_, 20\_\_ |
| Anticipated Award of Contract: | | \_\_\_\_\_\_, 20\_\_ |

1. **Competitive Solicitation Questions**. Questions or concerns regarding this Competitive Solicitation must be directed to the following Procurement Coordinator:

|  |  |
| --- | --- |
| **Procurement Coordinator** | |
| Name: | \_\_\_\_\_\_\_\_\_\_ |
| Telephone: | 360-\_\_\_\_\_\_\_\_ |
| Email: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Questions raised at the pre-bid conference and during the Q&A period will be answered and responses posted to Washington’s Electronic Business Solution (WEBS).

1. **Complaints, Debriefs, & Protests**. The Competitive Solicitation (and award of any Contract) is subject to complaints, debriefs, and protests as explained in Section 5, which may impact the dates set forth above.
2. **Competitive Solicitation – Amendment & Modification**. [Agency] reserves the right to amend and modify this Competitive Solicitation. **Only bidders who have properly registered and downloaded the original Competitive Solicitation directly via the Washington Electronic Business Solution WEBS will receive notifications of amendments and other correspondence pertinent to this Competitive Solicitation.** Visit [WEBS](https://fortress.wa.gov/ga/webs) to register.

# Section 2 – Information About the Procurement

This section describes the purpose of the Competitive Solicitation and provides information about this procurement, including the potential scope of the opportunity.

1. **Purpose of the Procurement – Award a Contract**. The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award a Contract for [Agency] to procure \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ specific goods and/or services as set forth herein. Pursuant to Washington’s Procurement Code for Goods and Services, RCW chap. 39.26, state agency purchases of goods and services must be based on a competitive solicitation process in which the Contract is awarded to the lowest responsive, responsible bidder.
2. **Contract**. The form of the Contract that will be awarded as a result of this Competitive Solicitation is attached as ***Exhibit D – Contract***.
3. **Contract Term**. As set forth in the attached Contract for this Competitive Solicitation, the contract term is \_\_\_\_\_\_\_\_\_ (\_\_) months. Bidders are to specify prices for the contract term. The Contract is subject to earlier termination.
4. **Estimated Contract Value**. Historically, for prior contracts, annual total sales were approximately $\_\_\_\_\_\_\_ for the goods/services. Total potential or estimated contract sales for this Competitive Solicitation are not known. Although [Agency] does not represent or guarantee any minimum purchase from the Contract, [Agency] anticipates purchasing [insert approximate number of units or dollar value of goods/services].
5. **Washington State Procurement Priorities & Preferences**. [Agency] will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation which, as set forth in Section 3.5, will impact the evaluation of bids for this Competitive Solicitation:

* Executive Order 18-03: insert points/percentage
* Washington Small Business: insert points/percentage
* Certified Veteran-Owned Business: insert points/percentage
* Statutory Preference for PCB-Free Products & Products-In-Packaging: insert points/percentage
* \_\_\_\_\_\_\_
* \_\_\_\_\_\_\_

# Section 3 – Bid Evaluation

This section identifies how [Agency] will evaluate bids for this Competitive Solicitation.

1. **Overview**. [Agency] will evaluate bids for this Competitive Solicitation as described below.

* Bidder responsiveness, performance requirements, price factors, and responsibility, will be evaluated based on the process described herein.
* Any bidder whose bid is determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.
* [Agency] reserves the right to: (1) Request clarification regarding any bid; (2) Waive any informality; (3) Reject any or all bids, or portions thereof; (4) Accept any portion of the bid unless the bidder stipulates all or nothing in their bid; (5) Cancel the Competitive Solicitation and, if desired, re-solicit bids; and/or (6) Negotiate with the lowest responsive and responsible bidder(s) to determine if such bid can be improved.
* [Agency] will use the following process and evaluation criteria to determine eligibility for an award of the Contract:

|  |  |  |
| --- | --- | --- |
| Step | Item | Points |
| Bid Responsiveness | | |
| 1 | Bid Responsiveness | Pass/Fail |
| Bid Evaluation | | |
| 2 | Non-Cost Factors Exhibit C – Bidder Qualifications | [insert] |
| 3 | Cost Factors Exhibit C – Bid Price | [insert] |
| Total: | | [insert] |
| State Procurement Priorities | | |
| 4 | Washington Small Business | [insert] |
| Certified Veteran-Owned Business | [insert] |
| Executive Order 18-03 | [insert] |
| Total: | | [insert] |
| **Top-Scored Bidder(s) advance to Step 5** | | |
| Presentation Evaluation | | |
| 5 | Demonstration/Interview | [insert] |
| Responsible Bidder | | |
| 6 | Bidder Responsibility Analysis | Pass/Fail |
| Contract Negotiations | | |
| 7 | Contract Negotiations | N/A |

1. **Bid Responsiveness/Responsibility (Step 1)**. [Agency] will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that [Agency] will review each bid to determine whether the bid is complete – i.e., does the bid include each of the required bid submittals, are the submittals complete, signed, legible. [Agency] reserves the right – in its sole discretion – to determine whether a bid is responsive – i.e., to determine a bidder’s compliance with the requirements specified in this Competitive Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Competitive Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods or the quality, capability, or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders.
2. **Performance Requirements Evaluation (Step 2)**. [Agency] will evaluate each bid to ensure that each bidder’s goods(s) and/or service(s) meet the specifications and/or performance requirements set forth in *Exhibit B – Performance Requirements*. [Agency] reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder. A bidder’s failure to provide requested information to [Agency] within ten (10) business days may result in disqualification.
3. **Bid Pricing Evaluation (Step 3)**. [Agency] will evaluate bid pricing by reviewing and comparing the submitted bid prices provided in *Exhibit C-****Bid Price***.
4. **Washington State Procurement Priorities & Preferences (Step 4)**. [Agency] will apply the following Washington State procurement priorities and preferences, as set forth below, to this Competitive Solicitation

* Procurement Preference for Executive Order 18-03 (Firms without Mandatory Individual Arbitration for Employees). Pursuant to RCW 39.26.160(3) (best value criteria) and consistent with [Executive Order 18-03 – *Supporting Workers’ Rights to Effectively Address Workplace Violations*](https://www.governor.wa.gov/sites/default/files/exe_order/18-03%20-%20Workers%20Rights%20%28tmp%29.pdf?=32717) (dated June 12, 2018), [AGENCY] will evaluate bids for best value and will provide a bid preference in the amount of [insert applicable percentage or evaluation points – e.g., five percent (5%)] to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder’s Certification***, that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.
* Washington Small Businesses. In furtherance of Washington’s business inclusion goals [AGENCY] will evaluate bids for best value and will provide a bid preference in the amount of [insert applicable percentage/points] to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder’s Certification***, that Bidder qualifies as a ‘Washington Small Business’ as set forth in ***Exhibit A-1 – Bidder’s Certification***.
* Certified Veteran-Owned Businesses. In furtherance of Washington’s business inclusion goals, [AGENCY] will evaluate bids for best value and will provide a bid preference in the amount of [insert applicable percentage/points] to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder’s Certification***, that Bidder qualifies as a Washington Department of Veterans’ Affairs Certified Veteran-Owned Business.
* Statutory Preference for PCB-Free Products & Products-In-Packaging. Pursuant to RCW 39.26.280, [AGENCY] is providing a bid preference in the amount of five percent (5%) per product line item tested to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder’s Certification***, that Bidder’s products or products-in-packaging do not contain Polychlorinated Biphenyls (PCBs) [; *Provided*, however, that there will be a maximum preference of five percent (5%) across all items submitted for this preference].
* \_\_\_\_\_
* \_\_\_\_\_

1. **Presentation Evaluation (Step 5)**. [Agency], at it’s discretion, may invite up to the top \_\_\_( ) bidder(s) with the highest-scored proposals to demonstrate/interview with the evaluation committee. All key personnel will be required to participate in the demonstration/interview process. The Procurement Coordinator will contact the bidder(s) to schedule a date and time for demonstration/interview. Bidder(s) is/are encouraged to hold the date(s) indicated in Competitive Solicitation Section 1.1. The Procurement Coordinator will provide further instruction at the time of scheduling demonstrations/interviews. Prior points are not accumulative and will be reset to zero. There will be a maximum of \_\_\_\_\_\_ points awarded based on bidder’s demonstration/interview.
2. **Bidder Responsibility Analysis (Step 6)**. For responsive bids, [Agency] must determine whether the bidder is a ‘responsible bidder.’ Accordingly, [AGENCY} will make reasonable inquiry to determine bidder responsibility on a pass/fail basis. In determining bidder responsibility, [Agency] will consider the following statutory elements:
   * Bidder’s ability, capacity, and skill to perform the contract or provide the service required;
   * Bidder’s character, integrity, reputation, judgment, experience, and efficiency;
   * Bidder’s ability to perform the contract within the time specified;
   * Bidder’s performance quality pertaining to previous contracts or services;
   * Bidder’s compliance with laws relating to the contract or services;
   * Whether, within the three-year period immediately preceding the date of the Competitive Solicitation, bidder has been determined by a final and binding citation and notice of assessment issued by the Washington State Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and
   * Such other information as may be secured having a bearing on the decision to award the Contract.

*See* RCW 39.26.160(2)(a)-(g). In addition, [Agency] may consider the following:

* Financial Information: [Agency] may request financial statements, credit ratings, references, record of past performance, clarification of bidder’s bid, on-site inspection of bidder's or subcontractor's facilities, or other information as necessary to determine bidder’s capacity to perform and the enforceability of bidder’s contractual commitments. Failure to respond to these requests may result in a bid being rejected as non-responsive.
* References: [Agency] reserves the right to use references to confirm satisfactory customer service, performance, satisfaction with service/product, knowledge of products/service/industry and timeliness. Any negative or unsatisfactory reference can be reason for rejecting a bidder as non-responsible.

1. **Contract Negotiations (Step 7).** [Agency] may negotiate with the highest scored responsive, responsible bidder to finalize the Contract and to determine if the bid may be improved. If, after a reasonable period of time, [Agency], in its sole judgement, cannot reach agreement on acceptable Contract terms with such bidder, [Agency] may suspend negotiations and undertake negotiations with the next highest scored responsive, responsible bidder as determined by the evaluations.
2. **Announcement of Apparent Successful Bidder**. [Agency] will determine the Apparent Successful Bidder (“ASB”). The ASB will be the responsive and responsible bidder(s) that best meet(s) the Competitive Solicitation requirements and presents the best total value, including price, as calculated consistent with the instructions set forth in ***Exhibit C – Bid Price***, and other factors as set forth in this Competitive Solicitation including any applicable state procurement priority or preference.

* Designation as an ASB does not imply that [Agency] will issue an award for a Contract. Rather, this designation allows [Agency] to perform further analysis and ask for additional documentation. The bidder must not construe ASB designation as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of such notification or designation, it does so at its own risk and expense.
* Upon ASB announcement, bidders may request a debrief conference as specified in Section 5.

1. **Award of Contract**. Subject to protests, if any, [Agency] and the ASB will enter into a Contract as set forth in ***Exhibit D – Contract***. An award is made and a contract formed by signature of [Agency] and the awarded bidder on the Contract. Following the Contract award , all bidders registered in WEBS will receive a Notice of Award delivered to the bidder’s email address provided in the bidder’s profile in WEBS.
2. **Bid Information Availability**. Upon [Agency]’s announcement of ASB, all bid submissions and all bid evaluations are subject to public disclosure pursuant to Washington’s Public Records Act. *See* RCW 39.26.030(2). Upon announcement of ASBs, [AGENCY] will post all bid evaluations to WEBS.
3. **Additional Awards**. [Agency] reserves the right, during the resulting Contract term, to make additional Contract awards to responsive, responsible bidders who provided a bid but who were not awarded a Contract. Such awards would be on the same or substantially similar terms and conditions and would be designed to address an awarded Contractor vacancy (e.g., an awarded contractor is terminated or goes out of business) or be in the best interest of the State of Washington.

# Section 4 – How to Prepare and Submit a Bid for this Competitive Solicitation

This section identifies how to prepare and submit your bid for this Competitive Solicitation. In addition, bidders will need to review and follow the Competitive Solicitation requirements including those set forth in the exhibits, which identifies the information that bidders must provide to the Procurement Coordinator to constitute a responsive bid. By responding to this Competitive Solicitation and submitting a bid, bidders acknowledge having read and understood the entire Competitive Solicitation and accept all information contained within this Competitive Solicitation.

1. **Pre-Bid Conference**. [Agency] will host a Competitive Solicitation pre-bid conference at the time set forth in Section 1.1 of this Competitive Solicitation. Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the Competitive Solicitation as needed and raise any issues or concerns that bidders may have. If changes to the Competitive Solicitation are required as a result of the pre-bid conference, the Procurement Coordinator will post an amendment to this Competitive Solicitation to WEBS. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the Procurement Coordinator.
2. **Bidder Communications Regarding this Competitive Solicitation**. During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator specified in Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to this Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding this Competitive Solicitation be binding.

* Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow [Agency] to consider and, if warranted, respond to the inquiry. If a bidder does not notify the Procurement Coordinator of an issue, exception, addition, or omission, such matter may be considered to be waived by the bidder for protest purposes.
* If bidder inquiries result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.
* Unauthorized bidder contact regarding this Competitive Solicitation with other state employees involved with the Competitive Solicitation may result in bidder disqualification.

1. **Pricing**. Bid prices must include all cost components needed for the goods and/or services as described in this Competitive Solicitation. *See* ***Exhibit C – Bid Price***. A bidder’s failure to identify all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.

* Inclusive Pricing: Bidders must identify and include all cost elements in their pricing. In the event that bidder is awarded a Contract, the total price for the goods and/or services shall be bidder’s price as submitted. Except as provided in the Contract, there shall be no additional costs of any kind.
* Credit Cards (P-Cards): In the event that bidder is awarded a Contract, the total price for the goods and/or services shall be the same regardless of whether Purchasers make payment by cash, credit card, or electronic payment. Bidder shall bear, in full, any processing or surcharge fees associated with the use of credit cards or electronic payment.

1. **Bid Submittal Checklist – Required Bid Submittals**. This section identifies the bid submittals that must be provided to the Procurement Coordinator to constitute a responsive bid. The submittals must be delivered as set forth below. Bids that do not include the submittals identified below may be rejected as nonresponsive. In addition, a bidder’s failure to complete any submittal as instructed may result in the bid being rejected. Bidders may not provide unsolicited materials. For any supplemental materials expressly required by the Procurement Coordinator in writing, bidders must identify such supplemental materials with the bidder’s name.

* Exhibit A-1 – Bidder’s Certification  
  This document is the Bidder’s Certification.  
  Complete the certification, along with any exceptions or required explanations, and submit it with the bid to the Procurement Coordinator  
  Note: The Certification must be complete. Where there are choices, bidder must check a box. The certification must be signed and submitted by a duly authorized representative for the bidder.
* Exhibit A-2 – Bidder’s Profile  
  This document is required bidder information for contract administration purposes.  
  Complete as instructed and submit it with the bid to the Procurement Coordinator.
* Exhibit B – Performance Requirements  
  Bidder will need to confirm that bidder’s goods and/or services and/or bidder’s performance meets or exceeds the detailed specifications/qualifications set forth in *Exhibit B – Performance Requirements* and submit it with the bid to the Procurement Coordinator.
* **Exhibit C – Bid Price**Bidder will need to complete the price worksheet tools as instructed in ***Exhibit C – Bid Price*** and submit it with the bid to the Procurement Coordinator***.***
* **Exhibit E – Contract Issues List**

This document is a required submittal IF bidder has business issues with the Contract attached as ***Exhibit D – Contract***.  If so, bidder must complete and submit to the Procurement Coordinator.  Note, however, that [Agency] reserves the right not to modify the Contract and to award the Contract on the basis of a bidder’s willingness to agree to the Contract.

* **Exhibit [] – Bidder’s Diverse Business Inclusion Plan – Subcontractors.** This exhibit is required ***only*** if Bidder will be using subcontractors to perform the Contract. This exhibit outlines the inclusion plan for diverse business subcontractors pertaining to the Contract.

1. **Bid Format**. Bids must be complete, legible, signed, and follow all instructions stated in the Competitive Solicitation (including the exhibits). Unless otherwise specified in writing by documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF. Where required to do so, bidders may sign using either a physical or electronic signature.
2. **Submitting Bids**. Bidder’s electronic bid must be emailed to the Procurement Coordinator at the following email address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_. *Note*: This email only can accept emails (including attachments) that total less than 30MB in size. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted.

# Section 5 – Complaint, Debrief, & Protest Requirements

This section details the applicable requirements for complaints, debriefs, and protests.

1. **Complaints**. This Competitive Solicitation offers a complaint period for bidders wishing to voice objections to this Competitive Solicitation. The complaint period ends five (5) business days before the bid due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the Question & Answer Period or, if applicable, at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. [Agency] will consider all complaints but is not required to modify or cancel the Competitive Solicitation. If bidder complaints result in changes to the Competitive Solicitation, written amendments to the Competitive Solicitation will be issued and posted on WEBS.
   1. Criteria for Complaint. A complaint may be based only on one or more of the following grounds: (a) The Competitive Solicitation unnecessarily restricts competition; (b) The Competitive Solicitation evaluation or scoring process is unfair or flawed; or (c) The Competitive Solicitation requirements are inadequate or insufficient to prepare a response.
   2. Initiating A Complaint. A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for bid submittal; and (b) Be in writing (see Form and Substance, and Other below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
   3. Response. When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for bid submittals, unless more time is needed. [Agency] is required to promptly post the response to a complaint on WEBS.
   4. Response is Final. The Procurement Coordinator’s response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to bid submittal may be deemed waived for protest purposes.
2. **Debrief Conferences**. A Debrief Conference is an opportunity for a bidder and [Agency], through its Procurement Coordinator, to meet and discuss the bidder’s bid (and, as further explained below, is a necessary prerequisite to filing a protest). Following the bid evaluation, [Agency] will issue an ASB announcement. That the ASB announcement may be made by any means, but [Agency] likely will use email to the bidder’s email address provided in the Bidder’s Profile. Bidders will have three (3) business days to request a Debrief Conference, if desired. If a Debrief Conference is timely requested, [Agency] will offer the requesting bidder one meeting opportunity and notify the bidder of the Debrief Conference place, date, and time. Please note, because the debrief process must occur before making an award, [Agency] likely will schedule the Debrief Conference shortly after the ASB announcement and the bidder’s request for a Debrief Conference. [Agency] will not allow the debrief process to delay the Contract award. Accordingly, bidders should plan for contingencies and alternate representatives. **Bidders who wish to protest must first participate in a Debrief Conference. Bidders who are unwilling or unable to attend the Debrief Conference will lose the opportunity to protest. A debrief is a required prerequisite for a bidder wishing to file a protest**.
   1. Timing. A Debrief Conference may be requested by a bidder following the Apparent Successful Bidder (ASB) announcement.
   2. Purpose of Debrief Conference. Any bidder who has submitted a timely bid response may request a Debrief Conference (see also Section 5.4 below). A Debrief Conference provides an opportunity for the bidder to meet with [Agency] to discuss bidder’s bid and evaluation. It does not provide an opportunity to discuss other bids and evaluations.
   3. Requesting a Debrief Conference. The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the ASB announcement. Debrief conferences may be conducted either in person at the [Agency]’s offices in Olympia, Washington, or virtually (e.g., by telephone or web-based virtual meeting such as Zoom, Skype, MS Teams), as determined by [Agency], and may be limited by [Agency] to a specified period of time. A bidder’s failure to request a Debrief Conference within the specified time and attend the Debrief Conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the procurement coordinator before or during the Debrief Conference may be deemed waived for protest purposes.
3. **Protests**. Following a Debrief Conference, a bidder may protest the award of a Contract.
   1. Criteria for a Protest. A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the Competitive Solicitation.
   2. Initiating a Protest. Any bidder may protest an award to the ASB. A protest must: (a) Be submitted to and received by the Protest Officer specified below, within five (5) business days after the protesting bidder’s Debriefing Conference (see also Section 5.4 below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.
   3. Protest Response. After reviewing the protest and available facts, [Agency]’s Protest Officer will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
   4. Decision is Final. The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept [Agency]’s protest response, the bidder may seek relief in Thurston County Superior Court.
4. **Communication During Complaints, Debriefs, and Protests**. With the exception of protests, all communications about this Competitive Solicitation, including complaints and debriefs, must be addressed to the Procurement Coordinator unless otherwise directed. Protests must be addressed to the Protest Officer.
   1. Form, Substance, & Other. All complaints, debrief conference requests, and protests must:
      1. Be in writing;
      2. Be signed by the complaining, requesting, or protesting bidder or an authorized agent;
      3. Be delivered within the time frame(s) outlined herein;
      4. Identify the Competitive solicitation number;
      5. Conspicuously state “Complaint,” “Debrief,” or “Protest” in any subject line of any correspondence or email; and
      6. Be sent to the address identified below.
   2. Complaints & Protests. All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.
5. **How to Contact [Agency]**.
   1. To Submit a Complaint. Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (*see* Section 1.2, above). The email message must include “Complaint” in the subject line of the email message. Alternatively, mail the complaint to the Procurement Coordinator listed in this Competitive Solicitation at the following address:

Attn: Procurement Coordinator – Complaint  
Contracts & Procurement Division  
[Agency]  
P.O. Box 41411  
Olympia, WA 98504-1411

* 1. To Request a Debrief Conference. Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (*see* Section 1.2, above). The email message must include “Debrief” in the subject line of the email message.
  2. To Submit A Protest. Send an email message to the Protest Officer at the following email address: \_\_\_\_\_\_\_\_\_\_\_\_@\_\_\_.wa.gov. The email message must include “Protest” and the Solicitation number in the subject line of the email message. Alternatively, mail the protest to the Protest Officer at the following address:

Attn: Protest Officer  
Contracts & Procurement Division  
[Agency]  
P.O. Box 41411  
Olympia, WA 98504-1411

# Section 6 – Doing Business with the State of Washington

This section provides additional information regarding Washington’s Public Records Act and doing business with the State of Washington, including [Agency]’s efforts to enable Washington’s small, diverse, and veteran-owned businesses to compete for and participate in state procurements for goods/services.

1. **Washington’s Public Records Act – Public Records Disclosure Requests**.
   * All documents (written and electronic) submitted to the Procurement Coordinator and/or [AGENCY] as part of this procurement are public records. Unless statutorily exempt from disclosure, such records are subject to disclosure ***if*** requested. *See* [RCW 42.56](https://app.leg.wa.gov/RCW/default.aspx?cite=42.56), Public Records Act. [Agency] strongly discourages bidders from unnecessarily submitting sensitive information (e.g., information that bidder might categorize as ‘confidential,’ ‘proprietary,’ ‘sensitive,’ ‘trade secret,’ etc.).
     + If, in bidder’s judgment, Washington’s Public Records Act provides an applicable statutory exemption from disclosure for certain portions of bidder’s bid, please mark the precise portion(s) of the relevant page(s) of the bid that bidder believes are statutorily exempt from disclosure and identify the precise statutory basis for exemption from disclosure.
     + In addition, if, in bidder’s judgment, certain portions of bidder’s bid are not statutorily exempt from disclosure but are sensitive because these particular portions of bidder’s bid (NOT including pricing) include highly confidential, proprietary, or trade secret information (or the equivalent) that bidder protects through the regular use of confidentiality or similar agreements and routine enforcements through court enforcement actions, please mark the precise portion(s) of the relevant page(s) of bidder’s bid that include such sensitive information.
   * In the event that [Agency] receives a public records disclosure request pertaining to information that bidder has submitted and marked either as (a) statutorily exempt from disclosure; or (b) sensitive, [Agency], prior to disclosure, will do the following:
     + [Agency]’s Public Records Officer will review any records marked by bidder as statutorily exempt from disclosure. In those situations, where the designation comports with the stated statutory exemption from disclosure, [Agency] will redact or withhold the document(s) as appropriate.
     + For documents marked ‘sensitive’ or for documents where [Agency] either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, [Agency] will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that [Agency] intends to release the document(s) (including documents marked ‘sensitive’ or exempt from disclosure) to the requester unless the bidder, at bidder’s sole expense, timely obtains a court order enjoining [Agency] from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, [Agency] will release the requested document(s) on the date specified. Bidder’s failure properly to identify exempted or sensitive information and timely respond after notice of request for public disclosure has been given shall be deemed a waiver by bidder of any claim that such materials are exempt or protected from disclosure.
2. **Small & Diverse Businesses**. [Agency], in accordance with Washington law, encourages small and diverse businesses to compete for and participate in state procurements as contractors and as subcontractors to awarded bidders. *See, e.g.*, [RCW 39.19](https://app.leg.wa.gov/RCW/default.aspx?cite=39.19) (OMWBE certified businesses); [RCW 43.60A.200](https://app.leg.wa.gov/RCW/default.aspx?cite=43.60A.200) (WDVA certified veteran-owned businesses); and [RCW 39.26.005](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.005) (Washington small businesses). In support of the state’s economic goals and to support a diverse supplier pool, [Agency] has established the following voluntary numerical goals for [Agency]’s Competitive Solicitations:
   * + Ten percent (10%) Minority-Owned Businesses certified by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE);
     + Six percent (6%) Women-Owned Businesses certified by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE);
     + Five percent (5%) Veteran-Owned Businesses certified by the Washington State Department of Veterans Affairs (WDVA); and
     + Twenty-Five percent (25%) Washington Small Businesses, five percent (5%) of which are microbusinesses or minibusinesses as defined in RCW 39.26.010(16) and (17).

Achievement of these goals is encouraged whether directly or through subcontractors.

* + OMWBE Certification. Bidders may contact the Washington State [Office of Minority and Women’s Business Enterprises](http://www.omwbe.wa.gov/) (OMWBE) regarding information on Minority-Owned and Women-Owned certified firms, state and federal certification programs,or to become certified. OMWBE can be reached by telephone, 866-208-1064, or through their website at [OMWBE](http://www.omwbe.wa.gov/). OMWBE-Certified firms may provide their certification information on ***Exhibit A-2 – Bidder’s Profile***.
  + WDVA Certification. Bidders may contact the [Washington State Department of Veterans’ Affairs](https://www.dva.wa.gov/veterans-their-families/veteran-owned-businesses/vob-search) (WDVA) for information regarding Certified Veteran-Owned businesses or to become a Certified Veteran-Owned Business. The WDVA can be reached by telephone, (360) 725-2169, or through their website at [WDVA](http://www.dva.wa.gov/). The qualification requirements to be a Certified Veteran-Owned Business are set forth in ***Exhibit A-1 – Bidder’s Certification***.
  + Washington Small Businesses. Bidders may contact [Agency] about small and diverse business inclusion and qualification as a Washington Small Business. If you qualify as a Washington Small Business, identify yourself as such in WEBS. Call WEBS Customer Service at 360-902-7400. The qualification requirements to self-certify as a Washington Small Business are set forth in ***Exhibit A-1 – Bidder’s Certification***.

1. **WEBS Registration**. Individuals and firms interested in state contracting opportunities with [Agency] or any state agency should register for competitive solicitation notices at the Washington Electronic Business Solution (WEBS) [WEBS Registration](http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx). *Note*: There is no cost to register on WEBS.
2. **Polychlorinated Biphenyls (PCBs) Notice**. Polychlorinated biphenyls, commonly known as PCBs, have adverse effects on human health and the environment. Accordingly, the State of Washington, through its procurements of goods/services, is trying to minimize the purchase of products with PCBS and to incentivize its contractual vendors to sell products and products-in-packaging without PCBs.

**Included Exhibits**

Exhibit A-1 – Bidder’s Certification

*See* attached *Exhibit A-1 – Bidder’s Certification*.

Note: As set forth above, Bidder must complete, sign, and return the Bidder’s Certification to the Procurement Coordinator.

Exhibit A2 – Bidder’s Profile

*See* attached *Exhibit A-2 – Bidder’s Profile*.

Note: As set forth above, Bidder must complete and return the Bidder’s Profile to the Procurement Coordinator.

Exhibit B – Performance Requirements

See attached *Exhibit B – Performance Requirements*.

Exhibit C – Bid Price

*See* attached *Exhibit C – Bid Price*.

Note: As set forth above, Bidder must complete and return *Exhibit C – Bid Price* to the Procurement Coordinator.

Exhibit D – Contract

*See* attached *Exhibit D – Contract* for Competitive Solicitation No. \_\_\_\_ – Good/Service.

Exhibit E – Bidder’s Contract Issues List (If Applicable)

*See* attached *Exhibit E – Bidder’s Contract Issues List*.

Note: As set forth above, Bidder must complete and return *Exhibit E – Bidder’s Contract Issues List* to the Procurement Coordinator if bidder has any issues with the Contract set forth as *Exhibit D – Contract*.

Exhibit [] – Bidder’s Diverse Business Inclusion Plan – Subcontractors

*See* attached *Exhibit [] – Bidder’s Diverse Business Inclusion Plan – Subcontractors*

Note: As set forth above, Bidder must complete and return *Exhibit [] – Diverse Business Inclusion Plan – Subcontractors* to the Procurement Coordinator ***if*** bidder intends to utilize subcontractors if awarded a Contract.

Exhibit [] – \_\_\_\_\_\_\_\_\_

*See* attached *Exhibit [] – \_\_\_\_\_\_\_\_\_*.

Note: As set forth above, Bidder must complete and return *Exhibit [] – \_\_\_\_\_\_\_\_\_\_* to the Procurement Coordinator.