

**Contracts Backgrounder:  
Exhibit A – Bidder’s Certification Template  
for  
Agency Contracts**

*Dated January 22, 2025*

This Backgrounder applies to the  
***Exhibit A – Bidder’s Certification Template (Enterprise)***  
dated January 22, 2025

This *Backgrounder* and the *Exhibit A – Bidder’s Certification Template (Enterprise)* are designed for use by Agencies’ procurement teams.

This *Backgrounder* and the *Exhibit A – Bidder’s Certification Template (Enterprise)* are designed to support operational teams of contracts and procurement professionals in designing, developing, and delivering high procurement integrity, customer-focused, innovative procurement solutions that comply with Washington’s Procurement Code for Goods/Services (RCW 39.26), implement state procurement priorities, and create value. The following teams collaborated and contributed in creating these tools:

Contracts & Procurement Strategy Team

Contracts & Procurement Business Diversity Team

Contracts & Procurement Business Operations Team

Contracts & Procurement Legal Support Team

Attorney General’s Office

This Backgrounder was last revised on January 22, 2025.

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# **Introduction**

This *Backgrounder* is designed to be a helpful resource for using the *Exhibit A – Bidder’s Certification Template* to design a procurement-specific *Exhibit A – Bidder’s Certification*.

### Backgrounder Contents

This Backgrounder is divided into the following three sections:

* Section I: Role & Purpose for the *Exhibit A – Bidder’s Certification*. This section identifies certain objectives that inform the content and purpose of the *Exhibit A – Bidder’s Certification*;
* Section II: Step-By-Step Guidance for Using the *Exhibit A – Bidder’s Certification Template*. This section provides step-by-step action steps and additional information for each component of the *Exhibit A – Bidder’s Certification Template*; and
* Section III: Additional Potential Bidder Certifications – Samples. This section provides samples of other potential bidder certifications that, depending on the particular procurement, could be included into the *Exhibit A – Bidder’s Certification* for the specific procurement.

**Section I: Role & Purpose for the *Exhibit A – Bidder’s Certification***

This section is designed to identify certain objectives that inform the purpose and content of the *Exhibit A – Bidder’s Certification*.

### Role and Purpose of a Bidder’s Certification

The *Exhibit A – Bidder’s Certification Template* includes bidder information and bidder certifications (collectively “Bidder’s Certification). The template instructs Bidders what information to provide for the required Bidder information and also includes specified Bidder certifications.

A certification is a formal assertion, in writing, regarding a fact. Accordingly, for governmental procurements, a Bidder’s Certification (or bid certification) is a mandatory document that must be executed by a Bidder’s authorized representative, under penalty of perjury, to certify certain facts. For example, government procurements commonly require Bidders to certify facts such as the following:

Bidder’s Authorized Representative

The *Exhibit A – Bidder’s Certification Template* includes a certification that the person who signs the *Bidder’s Certification* is authorized to make the certifications on behalf of the Bidder. *See* *Exhibit A – Bidder’s Certification Template* at sentence immediately above the execution block.

* The Bidder understands the procurement and is submitting a binding bid;
* The Bidder’s bid complies with the procurement requirements; and
* The Bidder and/or its bid meet certain requirements that are important to the procuring coordinator (e.g., the Bidder is not debarred).

Because governmental procurements must comply with numerous requirements and often require a significant investment of time and resources to conduct, Bidder certifications frequently are utilized to assist procurement authorities in achieving certain operational goals. The table below identifies certain operational goals and examples of relevant bidder certifications pertaining to such operational goals.

| *Exhibit A – Bidder’s Certification Template* | |
| --- | --- |
| Operational Goal – Examples | Relevant Bidder Certification – Examples |
| Filter out bids that would not be responsive to the procurement: | * Certification 2 – Accuracy * Certification 4 – Firm Offer * Certification 7 – Performance |
| Filter out Bidders who may not qualify as a responsible bidder: | * Certification 2 – Accuracy * Certification 4 – Firm Offer * Certification 8 – Insurance * Certification 9 – Debarment * Certification 10 – Criminal Offense * Certification 12 – Washington State Wage Theft Prevention * Certification 13 – Washington State Statutory Nondiscrimination Clauses for State Contracts * Certification 15 – Washington State Pay Equality for ‘Similarly Employed’ Individuals * Certification 16 – Contract Termination for Default or Cause * Certification 17 – Taxes * Certification 18 – Financially Solvent * Certification 19 – Lawful Registration * Certification 20 – Registration with the Washington Secretary of State * Certification 21 – Registration with the Washington State Department of Revenue * Certification 25 – References |
| Address state procurement priorities: | * Certification 2 – Accuracy * Certification 4 – Firm Offer * Certification 14 – Washington State Workers’ Rights (Executive Order 18-03) * Certification 23 – Washington Small Business * Certification 24 – Certified Veteran-Owned Business * Certification 26 – Statutory Preference for PCB-Free Products & Products-In-Packaging |
| Address procurement integrity issues: | * Certification 1 – Understanding * Certification 3 – No Collusion, Anti-Competitive Practices, or Sharing Bid Information * Certification 5 – Conflict of Interest * Certification 22 – Subcontractors |

### Role and Purpose of the *Exhibit A – Bidder’s Certification Template*

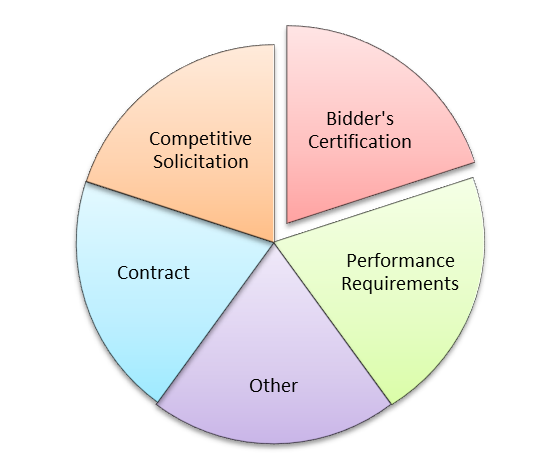
The Bidder’s Certification (*Exhibit A – Bidder’s Certification*) is designed to function as a clear, accurate, efficient competitive procurement tool both to communicate procurement expectations and to filter or differentiate potential competing bidders. For example, the State of Washington has determined that bidders who are deemed to be a ‘wage thief’ simply are not responsible bidders who are allowed to contract with the State of Washington. Accordingly, the Bidder’s Certification enables agencies to efficiently and cost-effectively screen potential bidders for the particular procurement opportunity.

*Note*: The Bidder’s Certification (*Exhibit A – Bidder’s Certification*) is a ‘stand-alone’ document. The template for the Bidder’s Certification (*Exhibit A – Bidder’s Certification Template*) is on the state procurement manual. The instructions regarding it are included in this *Backgrounder*. Utilizing the ‘stand-alone’ template reduces confusion and avoids the need to ‘cut and paste’ and format the document. Instead, simply use the template and revise as appropriate consistent with this *Backgrounder* and the procurement strategy for the particular procurement.

Operationally, the *Exhibit A – Bidder’s Certification Template* is designed to do two things:

* First, the template addresses common operational and legal procurement matters that can be handled efficiently through a bidder’s certification.
* Second, and more importantly, the template provides a reasonable starting point that, as appropriate, can be adjusted to meet the strategic and operational goals pertaining to a very wide portfolio of goods/services procurement solutions.

### How to Use the *Exhibit A – Bidder’s Certification Template* Effectively and Efficiently

Because procurements for goods/services cover a wide variety of procurements, it is critical to consider what revisions to the template are appropriate for a particular procurement.

Similarly, because the bidder’s certification is a component of a procurement that involves other documents, it also is important to ensure that the various procurement documents align with each other, use the same terms, and create a fair, open, and transparent procurement process.

The *Exhibit A – Bidder’s Certification Template* is a tool. It is NOT written in stone. Rather, the template is a starting point that, with legal support, can be aligned to a specific procurement and optimized.

Accordingly, as part of the procurement strategy for a specific procurement, team members should:

**Section II: Step-By-Step Guidance for Using the *Exhibit A – Bidder’s Certification Template***

This section provides step-by-step action steps and additional information, as applicable, for each component of the *Exhibit A – Bidder’s Certification Template*. The guidance is provided, in document order, for the following components of the Template:

* Document Footer
* Bidder Certification Summary Table
* Bidder Information (Items A – I)
* Bidder Contract Information (if awarded a Contract)
* Certification 1 – Understanding
* Certification 2 – Accuracy
* Certification 3 – No Collusion, Anti-Competitive Practices, or Sharing Bid Information
* Certification 4 – Firm Offer
* Certification 5 – Conflict of Interest
* Certification 6 – No Reimbursement
* Certification 7 – Performance
* Certification 8 – Insurance
* Certification 9 – Debarment
* Certification 10 – Criminal Offense
* Certification 11 – Civil Rights
* Certification 12 – Washington State Wage Theft Prevention
* Certification 13 – Washington State Statutory Nondiscrimination Clauses for State Contracts
* Certification 14 – Washington State Workers’ Rights ([Executive Order 18-03](https://www.governor.wa.gov/sites/default/files/exe_order/18-03%20-%20Workers%20Rights%20%28tmp%29.pdf))
* Certification 15 – Washington State Pay Equality for ‘Similarly Employed’ Individuals
* Certification 16 – Contract Termination for Default or Cause
* Certification 17 – Taxes
* Certification 18 – Financially Solvent
* Certification 19 – Lawful Registration
* Certification 20 – Registration with the Washington Secretary of State
* Certification 21 – Registration with the Washington State Department of Revenue
* Certification 22 – Subcontractors
* Certification 23 – Washington Small Business
* Certification 24 – Certified Veteran-Owned Business
* Certification 25 – References
* Certification 26 – Statutory Preference for PCB-Free Products & Products-In-Packaging
* Certification 27 – Placeholder for Additional Procurement-Specific Certifications
* Execution/Signature Block
* Return Email

## Document Footer

*Note*: These comments and instructions apply to the document footer at the bottom of each page of the document.

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| --- | --- |
|  | ⌧ Nothing. |
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| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * Please do NOT change the date in the document footer. The revision date refers to the date of the template. It does NOT refer to the date of the procurement. * The revision date enables C&P team members to identify the specific template that was used. This is helpful because the Exhibit A – Bidder’s Certificate Template periodically is revised to reflect statutory changes in the Procurement Code for Goods/Services (RCW 39.26), Enterprise Procurement Policies, and strategic procurement goals. |

## Bidder Certification Summary Table

*Note*: These comments and instructions apply to the summary table located at the beginning of the Bidder’s Certification.

|  |  |
| --- | --- |
|  | * First Row: Replace the yellow blanks with the procurement number and procurement topic from the Competitive Solicitation (e.g., No. 01620 – Business Consulting Services). * Second Row: Adjust the Contract Categories and/or Geographic Areas to align with the Competitive Solicitation. |

|  |  |
| --- | --- |
|  | * Second Row (Contract Categories/Subcategories and/or Geographic Areas): If including checkboxes for Contract Categories / Subcategories and/or Geographic Areas does not create value (e.g., procurement is statewide and does not include multiple contract categories) or is likely to create bidder confusion, delete this row from the summary table. |

|  |  |
| --- | --- |
|  | * The summary table is designed to enable Bidders to provide certain basic information about the Bidder that, when necessary, also can be used to help ensure that Bidders who certify as Washington Small Businesses qualify as such. * In addition, for unbundled procurements, the summary table also enables Bidders to state which Contract Categories and/or Geographic Areas the Bidder intends to bid which can help ensure that Bidders submit a complete bid. |

## Bidder Information

*Note*: These comments and instructions apply to the Bidder Information located in the table at the beginning of the Bidder’s Certification.

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * Ensure that Bidder has completed Items A – I as instructed. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * The Bidder Information portion is designed to require Bidders to provide certain basic information regarding the Bidder. This information is necessary for agencies to determine that Bidder is a legitimate, lawful business. In addition, the Bidder Information also helps agencies determine whether the Bidder qualifies as a responsible bidder. |

## Bidder Contract Information (If Bidder Is Awarded A Contract)

*Note*: These comments and instructions apply to the Bidder information (if Bidder is awarded a Contract that is located after the Bidder Information and before the enumerated Bidder certifications.

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

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| --- | --- |
|  | * Ensure that Bidder has provided the requested information as instructed. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * The Bidder Information (if Bidder is awarded a Contract) portion of the Bidder’s Certification is designed to require Bidders to provide certain basic information regarding the Bidder that is necessary to populate certain portions of the Contract (e.g., Contract Administrator; Notices; Execution) and to manage the Contract (e.g., invoices for VMF). |

## Certification 1 – Understanding

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

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| --- | --- |
|  | * This Bidder certification is designed to decrease the risk of Bidder gamesmanship and ensure that bids are responsive. Accordingly, it requires Bidders to certify that the Bidder:   + Has read and fully understands **ALL** of the provisions in and pertaining to the Competitive Solicitation;   + Has read and fully understands the *Contracting Guide*; and   + Timely will raise any questions or concerns during the Question & Answer Period.   + The Pre-Bid Conference should identify **ALL** of the procurement documents, including the *Contracting Guide* and encourage Bidders to raise questions or concerns, if any, during the Question & Answer Period. *Note*: Bidders also can raise questions or concerns during the Pre-Bd Conference. Agencies are obligated to post written answers to WEBS prior to the end of the Question & Answer Period so that all potential Bidders are fully informed. |

## Certification 2 – Accuracy

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

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| --- | --- |
|  | * This Bidder certification is designed to decrease the risk that Bidders could waste agencies’ time and money. Accordingly, Bidders are required to certify that:   + The Bidder’s bid was carefully prepared and is accurate (e.g., Bidder cannot later claim that the bid is an error or that Bidder did not consider certain requirements);   + The Bidder’s certifications are true and accurate (and if awarded a Contract, such certifications shall continue to be true and accurate. |

## Certification 3 – No Collusion, Anti-Competitive Practices, or Sharing Bid Information

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to promote procurement integrity, ensure that bids are competitive, and keep markets honest. |

## Certification 4 – Firm Offer

|  |  |
| --- | --- |
|  | * Confirm that the required offer time period (presently ninety (90) days) for Bidder’s offer is appropriate for the intended procurement. Otherwise revise as set forth in Options. * Remove the yellow highlighting. |

|  |  |
| --- | --- |
|  | * Ensure that the intended Contract award date is prior to expiration of Bidder’s firm offer (i.e., the time period specified in Bidder Certification No. 4 – Firm Offer). If not, Bidder is not obligated to execute the Contract. |

|  |  |
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|  | * The offer period is a procurement-specific determination. As appropriate, replace ‘ninety (90) days’ with an alternative time period, which may be shorter or longer. |

|  |  |
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|  | * This Bidder certification is designed to ensure bid certainty. Accordingly, Bidders are required to submit a firm bid offer for the period of time set forth in the certification. This enables Agencies to accept Bidder’s offer at any time during such time period. * Because this provision enables Agencies to accept Bidder’s bid at any time during the specified time period, there may be a temptation to specify a long period of time. This, however, can be problematic depending on the particular market. The longer the specified time period for bids to be firm, the more risk the Bidder is taking (e.g., Bidder may not be able to bid other opportunities or market conditions could change during the firm offer period), which the Bidder, if economically rationale, will price into the bid (resulting in higher costs for the State). * Note, however, that for the marketplace, ninety (90) days is a long commitment – it is an entire business quarter – and requiring Bidders to keep bids open for longer periods of time may erect access barriers for many businesses (especially small businesses) to contract with the State. |

## Certification 5 – Conflict of Interest

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

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| --- | --- |
|  | * This Bidder certification is designed to promote procurement integrity and to ensure that the Bidder did not have an unfair advantage in the procurement by improperly receiving assistance from current or former state employees. The certification also requires the Bidder to certify that no public employee (or such person’s family) benefits financially from the outcome of Bidder’s bid. |

## Certification 6 – No Reimbursement

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

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| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to ensure that Bidders understand that their bid costs are at their expense. Historically, some procuring entities would compensate Bidders, in whole or in part, for certain types of goods/services procurements (e.g., complex proposals). The modern trend, however, is that bids for goods/services procurements are done at the bidder’s expense. This approach also avoids situations in which a Bidder may expect excessive compensation for a bid. * This Bidder certification also is designed to avoid ownership fights over bid submittals (e.g., goods to be tested), proposals, ideas. |

## Certification 7 – Performance

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

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| --- | --- |
|  | * N/A |

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| --- | --- |
|  | * This Bidder certification is designed to ensure responsive bids and that:   + Bidder will comply with the Contract, if awarded; and   + Bidder’s goods/services comply with **ALL** of the procurement requirements – i.e., the requirements set forth in the Competitive Solicitation, including the Exhibits to the Competitive Solicitation (e.g., Exhibit B), and the Contract, including the Exhibits to the Contract. * Procurement authorities frequently rely on this type of certification to ensure that, in procuring goods/services, they are entitled to receive goods/services that meet the requirements and specifications that have been included in the procurement. * This Bidder certification avoids the need for procurement authorities to require Bidders to certify each any every aspect of:   + The Bidders’ goods/services; and/or   + The Bidder’s performance.   That said, if a particular procurement warrants additional Bidder certifications regarding the goods/services or the Bidder’s performance, please *see* Section III for examples. |

## Certification 8 – Insurance

|  |  |
| --- | --- |
|  | * Confirm that the *Competitive Solicitation’s* draft *Contract* includes the appropriate insurance coverages for the specific procurement. *See* *Contract* at *Exhibit C – Required Insurance*. |

|  |  |
| --- | --- |
|  | * If Bidder certified that it WILL provide evidence of insurance coverages if Bidder is designated as ASB, notify Bidder to provide evidence of insurance coverages within specified time period. * If Bidder stated that it was exempt from Workers’ Compensation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to signal to Bidders the importance of being able to satisfy the applicable insurance requirements and filter out Bidders who would be determined to be a nonresponsible bidder for not having the requisite insurance coverages. Bidder MUST certify that the Bidder HAS the required insurance coverages or that, if designated as an ASB, Bidder WILL provide satisfactory evidence of such coverage to Agencies within 5 business days. * Bidders timely may submit question or complaints during the Competitive Solicitation process regarding the specified Insurance Coverages. Agencies, it its discretion, may modify the specified insurance coverages and post an Amendment of the *Competitive Solicitation* (e.g., the *Contract* attached as an Exhibit to the *Competitive Solicitation*) to WEBS. Bidder Certification No. 8 – Insurance is drafted such that the Bidder Certification applies to the Insurance Coverages specified in the *Contract* attached to the *Competitive Solicitation* and posted WEBS, which includes an amendment posted to WEBS. * *Note*: This Bidder certification does enable Bidders to submit an explanation for why a Bidder is not required to have Workers’ Compensation Insurance. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. If, for example, the Bidder is a sole proprietor with no employees it would NOT be required to have Workers’ Compensation Insurance. |

## Certification 9 – Debarment

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, if presently or previously debarred, would be determined to be a nonresponsible bidder. A very, very small percentage of businesses are debarred. Accordingly, both as a procurement integrity matter and as responsible stewards of public funds, procurement authorities commonly prefer to contract with businesses who have not been debarred. * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding its present or prior debarment status. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. If, for example, the Bidder was referred for debarment but not debarred or otherwise sanctioned, Agencies have the discretion to consider such Bidder a responsible bidder. |

## Certification 10 – Criminal Offense

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

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|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

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| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, if within the prior 3 years have been convicted or subject to, a civil judgment for certain types of criminal offenses (i.e., crimes pertaining to government procurement), would be determined to be a nonresponsible bidder. * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding such criminal offenses. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. If, for example, the Bidder fired and removed all personnel involved in such criminal offense and such individuals could not benefit from a contract award, agencies have the discretion to consider such Bidder a responsible bidder. |

## Certification 11 – Civil Rights

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they do not comply with applicable requirements regarding civil rights (e.g., federal and state civil rights laws), would be determined to be a nonresponsible bidder. |

## Certification 12 – Washington State Wage Theft Protection

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they do not comply with applicable Washington requirements regarding ‘wage theft,’ would be determined to be a nonresponsible bidder. *See* [RCW 39.26.160(2)(f)](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.160). * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding such noncompliance with applicable Washington requirements regarding wage theft. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. For example, there is a substantial difference between a Bidder who experiences a computer error and incorrectly pays its employees (and corrects such error) and a Bidder who systematically misclassifies employees to pay them less. |

## Certification 13 – Washington State Statutory Nondiscrimination Clauses for State Contracts

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they do not comply with applicable Washington requirements regarding nondiscrimination clauses in state contracts, would be determined to be a nonresponsible bidder. *See* [RCW 39.26.245(3)](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.245). * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding such noncompliance with applicable Washington requirements regarding nondiscrimination clauses in state contracts. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. For example, if the Bidder falls within a constitutional exception, the Bidder would NOT be deemed to be a nonresponsible bidder. *See* [FAQs for Anti-Discrimination Clauses in State Contracts](https://des.wa.gov/sites/default/files/2023-12/FAQ-antidiscrimination-clause.pdf). |

## Certification 14 – Washington State Workers’ Rights (Executive Order 18-03)

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to identify Bidders who align with a Washington state procurement priority – i.e., as a state procurement priority, Washington prefers to contract with businesses who align with [EO 18-03](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https:/governor.wa.gov/sites/default/files/exe_order/18-03%20-%20Workers%20Rights%20%28tmp%29.pdf) (such businesses do NOT require their employees, as a condition of employment, to agree to mandatory individual arbitration clauses or class or collective action waivers). *Note*: Compliance with EO 18-03 is aspirational; not mandatory. Accordingly, bidders who do NOT align with EO 18-03 are NOT deemed to be nonresponsible bidders; rather, if the procurement provides preference points for bidders who do align with EO 18-03, such not-aligning bidders would be ineligible for such preference points. * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding such noncompliance with EO 18-03. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. |

## Certification 15 – Washington State Pay Equality for ‘Similarly Employed’ Individuals

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they do not comply with applicable Washington requirements regarding pay equality for ‘similarly employed’ individuals, would be determined to be a nonresponsible bidder. * Note: The Washington State Legislature, pursuant to a provision included in the Operating Budget, requires Agencies to include a ‘pay equality’; provision in all master contracts and cooperative purchasing agreements during the 2023-2025 biennium (July 1, 2023 – June 30, 2025). *See* [Laws of 2023, ch. 475](https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/5187-S.SL.pdf?q=20240813082326), § 919 (effective May 16, 2023). |

## Certification 16 – Contract Termination for Default or Cause

|  |  |
| --- | --- |
|  | * Confirm or replace the existing time period (3 years) with a procurement specific time period (e.g., five (5) years). |

|  |  |
| --- | --- |
|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * As appropriate, replace ‘the three (3) year period’ with an alternative time period, which may be shorter or longer. |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because, they had a governmental contract terminated for cause or default, during the prior 3 years, would be determined to be a nonresponsible bidder. * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding such contract termination. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. |

## Certification 17 – Taxes

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they have not paid their Washington taxes as required and/or filed the appropriate returns, would be determined to be a nonresponsible bidder. * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding Bidder’s failure to pay their Washington taxes as required and/or file the appropriate returns. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. |

## Certification 18 – Financially Solvent

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder did not certify, but provided an explanation, review Bidder’s explanation. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they are not financially solvent, would be determined to be a nonresponsible bidder. * *Note*: This Bidder certification does enable Bidders to submit an explanation regarding Bidder’s financial solvency. In those situations in which a Bidder does submit such an explanation, the explanation will need to be reviewed. |

## Certification 19 – Lawful Registration

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they are not lawfully registered and in good standing in the state where bidder is organized, would be determined to be a nonresponsible bidder. * *Note*: This certification does NOT apply to Bidders who are sole proprietors or general partnerships. Bidders who are sole proprietors or general partnerships, however, must certify as to that fact. |

## Certification 20 – Registration With The Washington Secretary of State

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder certified that it WILL provide evidence of Bidder’s registration with the Washington Secretary of State if Bidder is designated as ASB, notify Bidder to provide evidence of such registration within specified time period. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they are not lawfully registered and in good standing with the Washington Secretary of State, would be determined to be a nonresponsible bidder. It applies to Bidders who are organized under Washington law as well as out-of-state Bidders. Bidder MUST certify that the Bidder IS registered with the Washington Secretary of State or that, if designated as an ASB, Bidder WILL provide satisfactory evidence of such registration to Agencies within 5 business days. * *Note*: This certification does NOT apply to Bidders who are sole proprietors or general partnerships. Bidders who are sole proprietors or general partnerships, however, must certify as to that fact. |

## Certification 21 – Registration With The Washington State Department of Revenue

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * If Bidder certified that it WILL provide evidence of Bidder’s registration with the Washington State Department of Revenue if Bidder is designated as ASB, notify Bidder to provide evidence of such registration within specified time period. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to filter out Bidders who, because they are not lawfully registered with the Washington State Department of Revenue and/or do not have a Business License to do business in Washington, would be determined to be a nonresponsible bidder. Bidder MUST certify that the Bidder IS registered with the Washington State Department of Revenue or that, if designated as an ASB, Bidder WILL provide satisfactory evidence of such registration to Agencies within 5 business days. * *Note*: This Bidder certification applies to ALL Bidders regardless of whether the Bidder is located in Washington or is an out of state Bidder and regardless of the business form (i.e., it applies to sole proprietors as well as corporations and limited liability companies). |

## Certification 22 – Subcontractors

|  |  |
| --- | --- |
|  | * If subcontractors are prohibited, *delete* this Certification and replace with one of the options set forth below. |

|  |  |
| --- | --- |
|  | * If Bidder provided an explanation, review Bidder’s explanation to ensure compliance with the *Competitive Solicitation*. |

|  |  |
| --- | --- |
|  | * If subcontractors are prohibited, replace Certification No. 22 with either of the following, as appropriate:   **Subcontractors**. Bidder certifies that, if awarded a Contract, Bidder shall perform such Contract without using any subcontractors.  **Subcontractors**. Bidder certifies that, if awarded a Contract, Bidder shall perform such Contract without using any subcontractors, except as may be required to deliver included Goods to Purchasers’ premises.   * If Bidder use of subcontractors is conditioned (e.g., any subcontractor must also be a Washington Small Business and/or Certified Veteran-Owned Business), replace Certification No. 22 with the following:   **Subcontractors**. Bidder certifies that, if awarded a Contract, Bidder shall not use any subcontractors to perform such Contract other than the subcontractors listed in the attached list of potential subcontractors (*Bidder to provide*). Bidder further certifies that any potential subcontractor included on Bidder’s attached list qualifies as a Washington Small Business or a Certified Veteran-Owned Business as described in this Bidder’s Certification. If awarded a Contract and if Bidder chooses to utilize qualifying subcontractors to perform the Contract, Bidder further certifies that, as to the State of Washington and eligible Purchasers who utilize the Contract, Bidder shall retain responsibility for its subcontractors, including, without limitation, liability for any subcontractor’s acts or omissions. *Note*: Bidder must provide the precise legal name (including state of organization), business address, and federal tax identification number (TIN) for each subcontractor. *Note*: If a subcontractor’s TIN is a SSN, do not provide the SSN; rather, state that the TIN is a SSN. |

|  |  |
| --- | --- |
|  | * The subcontractor Bidder certification is procurement specific. Accordingly, depending on the procurement and the procurement strategy, this Bidder certification may require revision. * *Note*: Generally speaking, this Bidder certification is a procurement integrity tool.   + For example, if a procurement is designed to enable reserved awards for Washington Small Businesses, such operational goal easily could be undermined if the awarded Bidder simply subcontracted some or all of the Contract to a business who would not qualify as a Washington Small Business.   + Similarly, because Agencies must award Contracts for Goods/Services ONLY to responsible bidders, *see* [RCW 39.26.160(1)(a)(iii)](https://app.leg.wa.gov/rcw/default.aspx?cite=39.26.160)), the agency has a significant interest in ensuring that this statutory limitation is not circumvented by enabling an awarded Bidder to subcontract with a business who, for example, would not qualify as a responsible bidder. |
|  |  |

## Certification 23 – Washington Small Business

|  |  |
| --- | --- |
|  | * If there is no preference for Washington Small Businesses (either through evaluation preference or through reserved awards), delete this certification. |

|  |  |
| --- | --- |
|  | * If Bidder is seeking a bid preference as a Washington Small Business (either as bid evaluation points or through a reserved award), ensure that Bidder certifies and qualifies as a Washington Small Business. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to identify Bidders who qualify as a Washington Small Business. Accordingly, the certification is relevant ONLY if the procurement provides a preference for Washington Small Businesses. Such preference could be in the form of a bid preference (specified points) or if the procurement includes reserved awards for Bidders who qualify as a Washington Small Businesses. |

## Certification 24 – Certified Veteran-Owned Business

|  |  |
| --- | --- |
|  | * If there is no preference for Certified Veteran-Owned Businesses (either through evaluation preference or through reserved awards), delete this certification. |

|  |  |
| --- | --- |
|  | * If Bidder is seeking a bid preference as a Certified Veteran-Owned Business (either as bid evaluation points or through a reserved award), ensure that Bidder certifies and qualifies as a Certified Veteran-Owned Business. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is designed to identify Bidders who qualify as a Certified Veteran-Owned Business. Accordingly, the certification is relevant ONLY if the procurement provides a preference for Certified Veteran-Owned Businesses. Such preference could be in the form of a bid preference (specified points) or if the procurement includes reserved awards for Bidders who qualify as a Certified Veteran-Owned Businesses. |

## Certification 25 – References

|  |  |
| --- | --- |
|  | * If the procurement does NOT require the Bidder to provide references, delete this certification |

|  |  |
| --- | --- |
|  | * If Bidder is required to provide references, ensure that Bidder has provided the required references. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is procurement specific. If the procurement requires the Bidder to provide references (which is a common requirement to assist the procurement coordinator in determining whether the Bidder is a responsible bidder), leave the certification as is. If, however, the procurement does NOT require the Bidder to provide references, this certification needs to be deleted as it would not be applicable. |

## Certification 26 – Statutory Preference for PCB-Free Products & Product Packaging

|  |  |
| --- | --- |
|  | * If PCB-Free Products is NOT an issue, delete this certification. * If a PCB-Free Products certification is addressed in a separate, stand-alone certification, delete this certification. * If PCB-Free Products is an issue and is being addressed through this Bidder Certification, confirm or revise the highlighted percentages and delete the yellow highlighting. |

|  |  |
| --- | --- |
|  | * If the PCB-Free Products & Product Packaging certification is included, review Bidder’s certification. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This Bidder certification is used to implement a specific state procurement priority (PCB-free Products & Product Packaging). If either of the following is true, this Bidder certification is NOT appropriate and should be deleted:   + The procurement does NOT warrant a procurement preference for PCB-free Products & Product Packaging;   + The procurement DOES warrant a procurement preference for PCB-free Products & Product Packaging, but the procurement is using a separate, stand-alone certification to address PCB-free Products & Product Packaging. |

## Certification 27 – Placeholder for Additional Bidder Certifications

|  |  |
| --- | --- |
|  | * Insert additional procurement-specific certifications, if any, here (as separate enumerated certifications) **OR** delete the existing placeholder for such procurement-specific additional certifications. |

|  |  |
| --- | --- |
|  | * See Section III for examples of additional procurement-specific Bidder certifications. |

|  |  |
| --- | --- |
|  | * Additional procurement-specific Bidder certifications should be included here as appropriate. |

## Bidder Signature/Execution Block

|  |  |
| --- | --- |
|  | ⌧ Nothing. |

|  |  |
| --- | --- |
|  | * Ensure that Bidder’s signature/execution block is complete. Bidder must, at a minimum, sign, date, and identify the place of execution. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * This section is required so that the Bidder certifications are provided under penalty of perjury – i.e., if the Bidder is not truthful, the Bidder may be subject to criminal sanctions for perjury. |

## Return To Email

|  |  |
| --- | --- |
|  | * Replace yellow blank with the email address for the Procurement Coordinator. This could be an email address for:   + Individual Procurement Coordinator;   + Project email (i.e., specific email for the procurement); or   + Team email. |

|  |  |
| --- | --- |
|  | * N/A |

|  |  |
| --- | --- |
|  | * The email address for returning the Bidder’s Certification should be the same email address that is used for all other bid submittals. * The email used just needs to be consistent throughout the procurement documents. And, regardless of the email address used, the procurement still will specify an individual procurement coordinator. The option to use a ‘multi-person’ team email address simply is designed to preclude missed communications. The team email is the preferred best practice. |

**Section III: Additional Potential Bidder Certifications – Samples**

This section provides samples of additional potential bidder certifications as well as information regarding when such certifications may be appropriate and related information. Because these are samples, the certification to be used should be discussed with the legal support team. Samples for the following additional bidder certifications are included:

* Authorized Distributor
* *Bid Preference*: EPEAT Registry Electronic Products that Reduce/Eliminate Hazardous Materials
* *Bid Preference*: Hydrofluorocarbon-Free Products
* *Bid Preference*: Nonmercury-Added Products
* *Bid Preference*: Prompt Payment Discount
* Bidder’s Personnel – Deliveries to Public Schools
* Bidder’s Personnel – Licenses; Certifications; Authorizations; & Approvals
* Bidder’s Personnel – Required Training
* Cooperative Procurement – Bidder Ability to Service
* COVID-19 Contractor Vaccination Verification Plan
* Diversity, Equity, & Inclusion
* Electrical Code Requirements
* Federal – Buy American
* Federal – Buy American – Fresh Fruits & Vegetables (Schools)
* Federal – Funding Requirements (FTA)
* Federal – Lobbying: Byrd Anti-Lobbying Certification
* Manufacturer
* OSHA/WISHA Requirements
* Operational Capability
* Prevailing Wage
* Required Licenses/Certifications
* Required Licenses/Certifications – Perishable Agricultural Commodities Act (PACA) [Bulk Fresh Fruit]
* Service Performance Requirements
* Washington Grown Food – Bulk Fresh Fruits and Vegetables

## Authorized Distributor

|  |  |
| --- | --- |
|  | Authorized Distributor. |

* + **Authorized Distributor**. Bidder certifies that Bidder has entered into a written contract with the manufacturer(s) (for each manufacturer for which Bidder is submitting a bid) and, pursuant to such contract, Bidder is a duly authorized distributor of such manufacturer product lines stated in ***Exhibit C***, and, if awarded a Contract, Bidder shall remain an authorized distributor for the term of the Contract (i.e., such distributor agreement between Bidder and manufacturer) must be in full force and remain valid during the term of the Contract). *Note*: Upon request by [Agency], Bidder must timely provide to [Agency] a copy of any such distributor agreement.

|  |  |
| --- | --- |
|  | * This type of Bidder certification should be used ONLY if the Competitive Solicitation requires Bidders to be an authorized distributor of the manufacturer product line being bid. |

## *Bid Preference*: EPEAT Registry Electronic Products that Reduce/Eliminate Hazardous Materials

|  |  |
| --- | --- |
|  | *Bid Preference*: EPEAT Registry Electronic Products that Reduce/Eliminate Hazardous Materials. |

* + Bid Preference For EPEAT Registry Electronic Products That Reduce/Eliminate Hazardous. The Washington State Legislature has directed [Agency] to establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials. *See* [RCW 39.26.265(1)](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.265). Accordingly, [Agency] has promulgated [Enterprise Procurement Policy No. POL-DES-265-00 – *Electronic Products Purchasing Preference*](https://des.wa.gov/sites/default/files/policy-documents/POL-DES-265-00.pdf) pertaining to specified products (‘EPEAT Registry Electronic Products Bid Preference’). Bidder certifies as follows (*must check one*):

*Bidder Is Requesting A Bid Preference For EPEAT Registry Electronic Products*. As identified by Bidder in *Exhibit C*, Bidder’s products qualify for the EPEAT Registry Electronic Products Bid Preference and Bidder has included with this certification (*Bidder to provide*) documentation to support the EPEAT registration for each applicable product line item.

or

*Bidder Is Requesting A Bid Preference For the Least Hazardous Materials*. As identified by Bidder in *Exhibit C*, some or all of Bidder’s products are NOT EPEAT Registry Electronic Products for which a bid preference is applicable, but Bidder has included with this certification (*Bidder to provide*) documentation to support Bidder’s claim that the product(s) contains the least hazardous materials. *Note*: [Agency], in consultation with the Washington State Department of Ecology, will review such documentation to determine, in [Agency’s] sole discretion, whether a bid preference for such product(s) applies.

or

*Bidder Is NOT Requesting A Bid Preference For EPEAT Registry Electronic Products*. Bidder’s products do not qualify for the EPEAT Registry Electronic Products Bid Preference.

|  |  |
| --- | --- |
|  | * This type of Bidder certification should be used ONLY if the Competitive Solicitation provides a bid preference for Bidders who provide EPEAT Registry Electronic Products. |

## *Bid Preference*: Hydrofluorocarbon-Free Products

|  |  |
| --- | --- |
|  | *Bid Preference*: Hydrofluorocarbon-Free Products. |

* + **Bid Preference For HFC-Free Products**. The Washington State Legislature has directed Enterprise Services to establish purchasing and procurement policies that establish a preference for products that do NOT contain hydrofluorocarbons (HFCs). *See* [RCW 39.26.310](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.310). Accordingly, Enterprise Services has promulgated [Enterprise Procurement Policy No. POL-DES-310-00 –](https://des.wa.gov/sites/default/files/policy-documents/POL-DES-310-00-Issued-2023-01-11.pdf) *[Purchasing Preference for Products not Containing Hydrofluorocarbons (HFCs)](https://des.wa.gov/sites/default/files/policy-documents/POL-DES-310-00-Issued-2023-01-11.pdf)* pertaining to products that either do not contain HFCs or, if HFC-free products are unavailable, products that contain HFCs with a relatively low global warming potential (‘HFC-Free Products’). Bidder certifies as follows (*must check one*):

*Bidder Is Requesting A Bid Preference For HFC-Free Products.* Bidder is requesting an HFC-Free Products bid preference for all of Bidder’s products pertaining to the above referenced Competitive Solicitation.

or

*Bidder Is NOT Requesting A Bid Preference For HFC-Free Products.* Bidder is not requesting a bid preference for HFC-Free Products.

|  |  |
| --- | --- |
|  | * This type of Bidder certification should be used ONLY if the Competitive Solicitation provides a bid preference for Bidders who provide HFC-Free Products. |

## *Bid Preference*: Nonmercury-Added Products

|  |  |
| --- | --- |
|  | *Bid Preference*: Nonmercury-Added Products. |

* + **Bid Preference For Nonmercury-Added Products**. The Washington State Legislature has directed Enterprise Services to establish purchasing and procurement policies that establish a preference for equipment, supplies, and other products that contain no mercury-added compounds or components, unless: (a) There is no economically feasible nonmercury-added alternative that performs a similar function; or (b) the product containing mercury is designed to reduce electricity consumption by at least forty percent and there is no nonmercury or lower mercury alternative available that saves the same or a greater amount of electricity as the exempted product. In circumstances where a nonmercury-added product is not available, preference must be given to the purchase of products that contain the least amount of mercury added to the product necessary for the required performance. *See* [RCW 70A.230.060](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.230.060). Accordingly, Enterprise Services has promulgated [Enterprise Procurement Policy No. POL-DES-20A.230-00 – *Nonmercury-Added Products Purchasing Preference Policy*](https://des.wa.gov/sites/default/files/policy-documents/Policy-DES-70A-230-00-Nonmercury.pdf) pertaining to specified ‘mercury-added products’ that may contain mercury. Accordingly, [Agency] is providing a Nonmercury-Added Products Bid Preference in the amount of fifty (50) points per product line item tested to Bidders who provide products that have the least amount of mercury added to the product necessary for the required performance for products identified in the Interstate Mercury Education and Reduction Clearinghouse Mercury-Added Products Database or where the product containing mercury is designed to reduce electricity consumption by at least 40%. Bidders who seek to obtain Nonmercury-Added Products Bid Preference must, in *Exhibit C – Bid Price*, identify the amount of mercury added to the product or indicate the reduction in electricity consumption for such products. Bidder certifies as follows (*must check one*):

*Bidder Is Requesting A Bid Preference For Nonmercury-Added Products*. Bidder is requesting a Nonmercury-Added Products Bid Preference for Bidder’s products identified by Bidder, in *Exhibit C – Bid Price*, as eligible for a Nonmercury-Added Products Bid Preference.

or

*Bidder Is NOT Requesting A Bid Preference For Nonmercury-Added Products*. Bidder is not requesting a Nonmercury-Added Products Bid Preference.

|  |  |
| --- | --- |
|  | * This type of Bidder certification should be used ONLY if the Competitive Solicitation provides a bid preference for Bidders who provide Nonmercury-Added Products. |

## *Bid Preference*: Prompt Payment Discount

|  |  |
| --- | --- |
|  | *Bid Preference*: Prompt Payment Discount. |

* + **Prompt Payment Discount**. Bidder certifies as follows (*must check one*):

*Bidder Is Requesting A Prompt Payment Discount Bid Preference.* Bidder is requesting a prompt payment discount bid preference as set forth in the Competitive Solicitation and guarantees to provide Purchasers a ‘prompt payment discount’ in the amount of \_\_\_\_\_ off of all purchases if payment is provided with \_\_\_ days of Purchaser’s receipt of the invoice.

or

*Bidder Is NOT Requesting A Prompt Payment Discount Bid Preference.* Bidder is NOT requesting a prompt payment discount bid preference.

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|  | * This type of Bidder certification should be used ONLY if the Competitive Solicitation provides a bid preference for Bidders who provide a prompt payment discount. * *Note*: Align/specify preference amount/percentage with the Competitive Solicitation and remove blanks. |

## Bidder’s Personnel – Deliveries to Public Schools

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|  | Bidder’s Personnel – Deliveries to Schools. |

* + **Deliveries to Public Schools – Bidder Employees.** Washington state law requires certain eligible Purchasers (i.e., school districts) to include in any contract for services with an entity or individual other than an employee of the public school district, a provision requiring such contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment who has pled guilty to or been convicted of any felony crime specified under [RCW 28A.400.322](https://app.leg.wa.gov/RCW/default.aspx?cite=28A.400.322) (crimes against children). *See* [RCW 28A.400.330](https://app.leg.wa.gov/RCW/default.aspx?cite=28A.400.330). Accordingly, Bidder certifies that, for any deliveries to public schools, no such deliveries shall be performed by any Bidder personnel who Bidder, upon reasonable inquiry and investigation, has reason to know has pled guilty to or been convicted of any felony crime specified under [RCW 28A.400.322](https://app.leg.wa.gov/RCW/default.aspx?cite=28A.400.322) (crimes against children).

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to deliver goods/services to public schools. |

## Bidder’s Personnel – Licenses; Certifications; Authorizations; & Approvals

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|  | Bidder’s Personnel – Licenses; Certifications; Authorizations; & Approvals. |

* + **Bidder’s Personnel – Licenses; Certifications; Authorizations; & Approvals**. Bidder certifies that Bidder, if awarded a Contract, shall ensure that, at any time during which Bidder’s personnel provide Security Guard Services to a Purchaser, that Bidder’s personnel shall possess all required licenses, certifications, permits, authorizations, and approvals necessary to provide Security Guard Services in the State of Washington, including possessing the applicable license as required by [RCW 18.170](https://app.leg.wa.gov/WAC/default.aspx?cite=308-18-170) and [WAC 308-18](https://app.leg.wa.gov/WAC/default.aspx?cite=308-18) and issued by the Washington State Department of Licensing.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to have specialized (e.g., licensed, certified) personnel to perform the Contract. For example: security guard services. |

## Bidder’s Personnel – Required Training

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|  | Bidder’s Personnel – Required Training. |

* + **Bidder’s Personnel – Required Training**. Bidder certifies that Bidder, if awarded a Contract, shall ensure that, at any time during which Bidder’s personnel provide Security Guard Services to a Purchaser, that Bidder’s personnel meet all applicable training requirements specified in by [RCW 18.170](https://app.leg.wa.gov/WAC/default.aspx?cite=308-18-170) (see, e.g., [RCW 18.170.105](https://app.leg.wa.gov/RCW/default.aspx?cite=18.170.105)) and [WAC 308-18](https://app.leg.wa.gov/WAC/default.aspx?cite=308-18) (see, e.g., [WAC 308-18-300](https://app.leg.wa.gov/WAC/default.aspx?cite=308-18-300) and [WAC 300-18-305](https://app.leg.wa.gov/WAC/default.aspx?cite=308-18-305)).

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to have specialized (e.g., licensed, certified) personnel to perform the Contract. For example: security guard services. |

## COVID-19 Contractor Vaccination Verification Plan

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|  | COVID-19 Contractor Vaccination Verification Plan. |

* + **COVID-19 Contractor Vaccination Verification Plan**. Bidder certifies as follows (*must check one*):

*Bidder Has A COVID-19 Contractor Vaccination Verification Plan that Complies with the Vaccination Proclamation*. Bidder:

1. Has reviewed and understands Bidder/Contractor’s obligations as set forth in Proclamation 21-14 – COVID-19 Vaccination Requirement (dated August 9, 2021), as amended by Proclamation 21-14.1 – COVID-19 Vaccination Requirement (dated August 20, 2021);
2. Has developed a COVID-19 Vaccination Verification Plan for Bidder/Contractor’s personnel (including subcontractors) that complies with the above-referenced Proclamation;
3. Has obtained a copy or visually observed proof of full vaccination against COVID-19 for Bidder/Contractor personnel (including subcontractors) who are subject to the vaccination requirement in the above-referenced Proclamation;
4. Complies with the requirements for granting disability and religious accommodations for Bidder/Contractor personnel (including subcontractors) who are subject to the vaccination requirement in the above-referenced Proclamation;
5. Has operational procedures in place to ensure that, if awarded, any contract activities that occur in person and on-site at Washington state agency premises or at the premises of any Purchaser who so requests (other than only for a short period of time during a given day and where any moments of close proximity to others on-site will be fleeting – e.g., a few minutes for deliveries) that are performed by Bidder/Contractor personnel (including subcontractors) will be performed by personnel who are fully vaccinated or properly exempted as required by the above-referenced Proclamation;
6. Has operational procedures in place to enable Bidder/Contractor personnel (including subcontractors) who perform contract activities on-site at Washington state agency premises or at the premises of any Purchaser who so requests to provide compliance documentation that such personnel are in compliance with the above-referenced Proclamation; and
7. Will provide to [Agency], upon request, Contractor’s COVID-19 Vaccination Verification Plan and related records, except as prohibited by law, and will cooperate with any investigation or inquiry pertaining to the same.

or

*Bidder Does NOT Have A COVID-19 Contractor Vaccination Verification Plan.* Bidder does not have a current COVID-19 Contractor Vaccination Verification Plan and, if designated as the Apparent Successful Bidder, Bidder would not be able to develop and provide a COVID-19 Contractor Vaccination Verification Plan to ensure that Bidder’s personnel (including subcontractors) meet the COVID-19 vaccination requirements as set forth in the above-referenced Proclamation and provide the same to [Agency] within twenty-four (24) hours of such designation. [Note: Compliance with the Proclamation is mandatory for on-site contract activities performed by Bidder/Contractor personnel as prescribed by the Proclamation. Bidders/Contractors who are not able to perform in compliance with the Vaccination Proclamation will not be evaluated.]

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|  | * This type of Bidder certification could be used if there is health pandemic and the Competitive Solicitation requires the awarded Bidder to access Purchaser premises. * This certification would have to be drafted to align to the precise pandemic issue. Must consult with Legal. |

## Diversity, Equity, & Inclusion

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|  | Diversity, Equity, & Inclusion. |

* + **Diversity, Equity, & Inclusion**. Bidder certifies that . Bidder has reviewed, understands, and if awarded a Contract, Bidder, in performing such Contract, shall comply with the following policies [Washington State Enterprise Leadership Competencies](https://des.wa.gov/sites/default/files/2022-06/WA-StateDEI-Competencies.pdf).

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to comply with Washington State DEI requirements. |

## Electrical Code Requirements

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|  | Electrical Code Requirements. |

* + **Electrical Code Compliance**. Bidder certifies as follows (*must check one*):

*Bidder Compliance with Electrical Code Compliance*. Bidder complies with applicable electrical code requirements and has NOT been cited for violations of applicable electrical code requirements within the five (5) years preceding the date of this Competitive Solicitation.

or

*Bidder Violations of Electrical Code*. As detailed on the attached explanation (*Bidder to provide*), within the five (5) years preceding the date of this Competitive Solicitation, Bidder HAS been cited by enforcement authorities for violation(s) of applicable electrical codes. Note: if Bidder was cited for a violation during such time period, Bidder provide a complete, detailed explanation including the project, the number of violations, and any penalties incurred.

or

*Bidder Noncompliance with Electrical Code.* Bidder does NOT comply with applicable electrical codes.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to comply with specified electrical code requirements. |

## Federal – Buy American

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|  | Federal – Buy American. |

* + **Buy American**.Pursuant to federal law, certain eligible Purchasers are subject to federal ‘Buy American,’ requirements that condition their use of federal funds to purchase goods included within the scope of this Competitive Solicitation and resulting Contract. Accordingly, Bidder certifies that Bidder’s goods satisfy the federal ‘Buy American’ requirement.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to comply with federal ‘Buy American’ requirements. |

## Federal – Buy American – Fresh Fruits & Vegetables (Schools)

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|  | Federal – Buy American – Fresh Fruits & Vegetables (Schools). |

* + **Buy American**.Pursuant to federal law, certain eligible Purchasers (i.e., school districts) are subject to conditions on the use of federal funds. For purposes of this Competitive Solicitation and resulting Contract, this means that such eligible Purchasers need to confirm that their purchases are consistent with ‘Buy American,’ requirements under federal law. Bidder certifies that, upon request Purchasers, Bidder shall offer as part of its product catalog for bulk fresh fruits and vegetables, bulk fresh fruits and vegetables that satisfy the federal ‘Buy American’ requirement. Accordingly, Bidder shall provide for purchase and certify that such bulk fresh fruits and vegetables are processed in the U.S. and contain over 51% of its agricultural food component, by weight or volume, from the U.S. in accordance with section 12(n) of the National School Lunch Act and the implementing regulations. *See* 42 USC § 1760(n); and 7 CFR § 210.21(d).

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to comply with federal ‘Buy American’ requirements for school food. |

## Federal – Funding Requirements (FTA)

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|  | Federal – Funding Requirements (FTA). |

* + Federal Funding Requirements. Bidder certifies as follows (*must check one*):

*Bidder Meets or Exceeds FTA Articles For Procurement Contracts*. Bidder meets or exceeds the terms and conditions set forth in *Exhibit D – Contract*, *FTA Articles for Procurement Contracts*.

or

*Bidder Will Meet FTA Articles For Procurement Contracts*. Bidder does not currently meet the terms and conditions set forth in *Exhibit D – Contract, FTA Articles for Procurement Contract*, but, if designated as the Apparent Successful Bidder, Bidder will provide evidence satisfactory to [Agency] that it meets or exceeds the terms and conditions set forth in *Exhibit D – Contract, FTA Articles for Procurement Contract*, without exception of any kind, to [Agency] within five (5) business days of such designation or notification by [Agency] or be deemed a nonresponsive bid.

or

*Bidder Does NOT Meet FTA Articles For Procurement Contracts*. Bidder does NOT meet the terms and conditions set forth in *Exhibit D – Contract, FTA Articles for Procurement Contract*.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to comply with FTA certifications. |

## Federal – Lobbying: Byrd Anti-Lobbying Certification

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|  | Federal – Lobbying: Byrd Anti-Lobbying Certification. |

* + **Lobbying – Byrd Anti-Lobbying Amendment**.Bidder certifies to the best of its knowledge and belief, consistent with the federal Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.], that**:**
    1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
    2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to comply with federal anti-lobbying limitations. |

## Manufacturer

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|  | Manufacturer. |

* + **Manufacturer**. Bidder certifies that Bidder is a manufacturer of the product(s) stated in *Exhibit C* and, if awarded a Contract, Bidder shall remain a manufacturer of such products for the term of the Contract.

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|  | * This type of Bidder certification should be used ONLY if the Competitive Solicitation requires Bidders to be the manufacturer of the product(s) being bid. |

## Operational Capability

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|  | Operational Capability. |

* + **Operational Capability**. Bidder certifies that Bidder, if awarded a Contract, has the operational capability to perform the Contract, including, but not limited to, sufficient licensed and trained personnel and equipment.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to have specialized (e.g., licensed, certified) personnel to perform the Contract. For example: security guard services. |

## OSHA/WISHA Requirements

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|  | OSHA/WISHA Requirements. |

* + **OSHA/WISHA Requirements**. Bidder certifies that Bidder complies with the federal Occupational Safety and Health Administration (OSHA) and the Washington Industrial Safety and Health Act (WISHA) and has not been cited by OSHA or WISHA for violations of such statutes within the five (5) years preceding the date of this Competitive Solicitation.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to comply with OSHA and WISHA requirements. |

## Prevailing Wage

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|  | Prevailing Wage. |

* + **Prevailing Wage**. Bidder certifies as follows (*must check applicable box(es)*):

*Knowledgeable & Compliant With Prevailing Wage Requirements*. Bidder understands Washington’s Prevailing Wage on Public Works Act, [RCW 39.12](https://app.leg.wa.gov/RCW/default.aspx?cite=39.12) (Act) and the rules promulgated by the Washington State Department of Labor and Industries (L&I Rules) and, if awarded a Contract pursuant to this Competitive Solicitation, unless exempt, Bidder (including any subcontractors) will pay all workers employed in the performance of any part of the work resulting from such Contract in accordance with the Act and the L&I Rules. Bidder has NOT been cited by the Washington State Department of Labor and Industries (L&I) for violations of the Act and/or L&I Rules within the five (5) years preceding the date of this Competitive Solicitation.

or

*Bidder Violations of Prevailing Wage Requirements*. As detailed on the attached explanation (*Bidder to provide),* within the five (5) years preceding the date of this Competitive Solicitation, Bidder was cited by the Washington State Department of Labor and Industries (L&I) for violations of the Act and/or L&I Rules. Note: if Bidder was cited for a violation during such time period, Bidder must provide a complete, detailed explanation including the applicable project(s), the dates involved, the number of violations, any necessary corrective action, and any penalties incurred. Failure to do so will result in a nonresponsive bid.

or

*Not Knowledgeable & Compliant With Prevailing Wage Requirements*. Bidder does NOT comply with the Act and/or L&I Rules.

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|  | * This type of Bidder certification should be used ONLY if the Competitive Solicitation includes goods/services that require compliance with Washington’s Prevailing Wage on Public Works Act, [RCW 39.12](https://app.leg.wa.gov/RCW/default.aspx?cite=39.12) (Act) and the rules promulgated by the Washington State Department of Labor and Industries. For example:   + Cubicle installation   + Derelict vessel removal   + Elevator maintenance   + Flooring installation   + Graffiti removal services   + Grounds landscaping/maintenance   + HVAC service/maintenance   + IT Cabling   + Janitorial services   + Marble restoration   + Painting   + Pest management * *Note*: Public Works procurements are covered by a separate procurement code. *See* [RCW 39.04](https://app.leg.wa.gov/RCW/default.aspx?cite=39.04). Accordingly, the Procurement Code for Goods/Services, [RCW 39.26](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26), is NOT a substitute for procurement authorities to procure public works. |

## Required Licenses/Certifications

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|  | Required Licenses/Certifications. |

* + **Required Licenses/Certification**s. Bidder certifies as follows (*must check one*):

*Bidder Has Required Licenses/Certifications*. Bidder currently possess a valid license for \_\_\_\_\_\_\_\_\_\_, issued by the State of Washington, which has NOT been suspended or revoked for any reason within the past three (3) years, and Bidder’s personnel who will perform the Contract, if awarded, meet or exceed the applicable license/certification requirements set forth in \_\_\_\_\_\_\_\_\_\_\_\_. Bidder’s \_\_\_\_\_\_\_\_ license number is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

or

*Bidder’s License/Certification Has Been Revoked or Suspended*. Bidder currently possess a valid license for \_\_\_\_\_\_\_\_\_\_, issued by the State of Washington, but as detailed on the attached explanation (*Bidder to provide*), within the three (3) years preceding the date of this Competitive Solicitation, such license WAS suspended or revoked. Note: If Bidder’s license was suspended or revoked during such time period, Bidder must provide a complete, detailed explanation including the reason for such suspension or revocation, any necessary corrective action, any penalties assessed, and the effective date of the license reinstatement. Failure to do so will result in a nonresponsive bid.

or

*Bidder Will Obtain Required Licenses/Certification*. Bidder does not currently possess a valid license for \_\_\_\_\_\_\_\_\_\_ issued by the State of Washington and/or currently does NOT meet or exceed the applicable license/certification requirements specified in this Competitive Solicitation, but, if designated as the Apparent Successful Bidder, Bidder will provide evidence satisfactory to [Agency] that it has obtained and possess a valid license for \_\_\_\_\_\_\_\_\_\_ issued by the State of Washington and meet or exceed the applicable license/certification requirements needed to perform the Contract pertaining to this Competitive Solicitation, without exception of any kind, to [Agency] within twenty-four (24) hours of such designation or notification by [Agency] or be deemed a nonresponsive bid.

or

*Bidder Does Not Have Required Licenses/Certifications*. Bidder currently does not possess a valid license for \_\_\_\_\_\_\_\_\_\_ issued by the State of Washington and would not be able to timely obtain such a license if designated as the Apparent Successful Bidder.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to have certain licenses/certifications to provide the goods/services (i.e., to perform the Contract). For example:   + Fire safety equipment license   + Telecommunications license   + Professional license |

## Required Licenses/ Certifications – Perishable Agricultural Commodities Act (PACA) [Bulk Fresh Fruit]

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|  | Required Licenses/Certifications – Perishable Agricultural Commodities Act (PACA) [Bulk Fresh Fruit]. |

* + **Required Licenses/Certification**s. Bidder certifies as follows (*must check one*):

*Bidder Has Required Licenses/Certifications*. Bidder currently possess a valid Perishable Agricultural Commodities Act (PACA) license and meets or exceeds the applicable license requirements set forth in applicable federal and state law.

or

*Bidder Will Obtain Required Licenses/Certification.* Bidder does not currently possess a valid Perishable Agricultural Commodities Act (PACA) license and/or does not currently meet or exceed the applicable license requirements set forth in applicable federal and state law, but, if designated as the Apparent Successful Bidder, Bidder will provide evidence satisfactory to [Agency] that it possess a valid Perishable Agricultural Commodities Act (PACA) license and meets or exceeds the applicable license requirements, without exception of any kind, to [Agency] within twenty-four (24) hours of such designation or notification by [Agency] or be deemed a nonresponsive bid.

or

*Bidder Does NOT Have Required Licenses/Certifications*. Bidder currently does not possess a valid Perishable Agricultural Commodities Act (PACA) license and/or currently does not meet or exceed the applicable license requirements.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation requires Bidders to have a Perishable Agricultural Commodities Act (PACA) license to provide the goods/services (i.e., to perform the Contract) – e.g., bulk fresh fruit. |

## Service Performance Requirements

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|  | Service Performance Requirements. |

* + **Service Performance Requirements**. Bidder certifies as follows (*must check one*):

*Bidder Exceeds Service Performance Requirements*. As stated by Bidder in Bidder’s bid (*see* *Exhibit \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*), Bidder meets each of the stated minimum/mandatory performance requirements and Bidder exceeds certain stated minimum/mandatory performance requirements pertaining to this Competitive Solicitation where stated by Bidder in Bidder’s bid (*see* *Exhibit \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*). *Note*: In the event Bidder is awarded a Contract, Bidder’s Contract shall reflect, as Contractor performance requirements, Bidder’s stated performance level that exceeds the stated minimum/mandatory performance requirements pertaining to this Competitive Solicitation.

or

*Bidder Meets Service Performance Requirements.* As stated by Bidder in Bidder’s bid (*see* *Exhibit \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*), Bidder meets each of the stated minimum/mandatory performance requirements pertaining to this Competitive Solicitation.

or

*Bidder Does Not Meet Service Performance Requirements.* As detailed on the attached explanation (*Bidder to provide*), Bidder does not meet each and all of the service performance requirements set forth in *Exhibit \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*.

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|  | * *Note*: Bidder Certification No. 7 – Performance requires Bidders to certify that “Bidder hereby offers to furnish the goods and/or services solicited pursuant to the above-referenced Competitive Solicitation in compliance with all terms, conditions, and performance requirements contained in the above-referenced Competitive Solicitation” which includes performance requires for the goods/services and performance requirements for the Bidder. * This type of additional Bidder certification should be used if the Competitive Solicitation provides additional evaluation points for Bidders who exceed the minimum/mandatory performance requirements as this type of Bidder certification provides an opportunity for Bidders to certify (a) that the Bidder meets the stated minimum/mandatory performance requirements; (b) exceeds certain stated minimum/mandatory performance requirements as described in their bid; or (c) does not meet the stated minimum/mandatory performance requirements. |

## Washington Grown Food – Bulk Fresh Fruits and Vegetables

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|  | Washington Grown Food – Bulk Fresh Fruits and Vegetables. |

* + **Washington Grown Bulk Fresh Fruits and Vegetables**. Washington State’s Office of the Governor encourages certain eligible Purchasers (i.e., Washington state executive agencies), whenever practicable, to purchase Washington grown products. [*See* Executive Order 13-06 – *Improving the Health and Productivity of State Employees and Access to Healthy Foods In State Facilities*](https://governor.wa.gov/sites/default/files/exe_order/eo_13-06.pdf). For purposes of this Competitive Solicitation and resulting Contract, “Washington Grown” means that such bulk fresh fruits and vegetables are “grown and packed or processed in Washington.” *See* [RCW 15.64.060](https://app.leg.wa.gov/RCW/default.aspx?cite=15.64.060). Accordingly, Bidder certifies that Bidder shall use commercially reasonable efforts to be prepared to: (a) meet the demand from eligible Purchasers for Washington Grown bulk fresh fruits and vegetables; (b) be able to identify Washington Grown bulk fresh fruits and vegetables in the catalog; and (c) continually work to offer Washington Grown bulk fresh fruits and vegetables at a competitive price. Such Washington grown bulk fresh fruits and vegetables may be priced separately from other bulk fresh fruits.

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|  | * This type of Bidder certification should be used if the Competitive Solicitation includes goods that could qualify as Washington Grown – e.g., bulk fresh fruit. |

**Notes**

⬩ ⬩ ⬩ End of Backgrounder ⬩ ⬩ ⬩