



Washington State
DEPARTMENT OF
ENTERPRISE SERVICES

Facility Professional Services

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Instructions to Bidders

Effective: May 1, 2026

For Washington State Facility Construction and Small Works

Approved by: *Kimberly Sockle*

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Facility Professional Services

INSTRUCTIONS TO BIDDERS FOR WASHINGTON STATE FACILITY CONSTRUCTION AND SMALL WORKS

PART 0 – GENERAL CONDITIONS

0.00 EXPLANATION TO PROSPECTIVE BIDDERS

- A. In accordance with [RCW 39.04.380](#) effective *March 30, 2012*, the State of Washington is enforcing a **Reciprocal Preference for Resident Contractors**. Any public works bid received from a nonresident contractor from a state that provides an in-state percentage bidding preference, a comparable percentage disadvantage must be applied to the bid of that nonresident contractor.

A nonresident contractor from a state that provides a percentage bid preference means a contractor that:

1. Is from a state that provides a percentage bid preference to its resident contractors bidding on public works contracts.
2. At the time of bidding on a public works project, does not have a physical office located in Washington.

The state of residence for a nonresident contractor is the state in which the contractor was incorporated or, if not a corporation, the state where the contractor's business entity was formed.

All nonresident contractors will be evaluated for out-of-state Bidder preference. If the state of the nonresident contractor provides an in-state contractor preference, a comparable percentage disadvantage will be applied to their bid prior to contract award.

This section does not apply to public works procured pursuant to [RCW 39.04.155](#), [39.04.280](#), or any other procurement exempt from competitive bidding.

- B. Any prospective Bidder desiring an explanation or interpretation of the solicitation, drawings, specifications, etc., must submit a request in writing to the Architect/Engineer (A/E) eight (8) business days before the bid due date or by logging into the [DES Public Procurement Portal \(https://deswa.bonfirehub.com\)](https://deswa.bonfirehub.com) and submitting a vendor discussion. Oral explanations or instructions given before the award of a contract will not be binding. Any information given a prospective Bidder concerning a solicitation will be furnished promptly to all other prospective Bidders by addendum to the solicitation if that information is necessary in submitting bids or if the lack of it would be prejudicial to other prospective Bidders.
- C. In accordance with the legislative findings and policies set forth in [RCW 39.19](#) the State of Washington encourages participation in all of its contracts by MWBE firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). Participation may be either on a direct basis in response to this invitation or as a subcontractor to a Bidder. However, unless required by federal statutes, regulations, grants, or contract terms referenced in the contract documents, no preference will be included in the evaluation of bids, no minimum level of MWBE participation shall be required as a condition for receiving an award, and bids will not be rejected or considered non-responsive on that basis. Any affirmative action requirements set forth in federal regulations or statutes included or referenced in the contract documents will apply.
- D. The State of Washington encourages participation in all of its contracts by Veteran-owned businesses (defined in [RCW 43.60A.010](#)) and located at: <http://www.dva.wa.gov/program/certified-veteran-and-servicemember-owned-businesses> and Small, Mini and Micro businesses (defined in [RCW 39.26.010](#)) which have registered in WEBS at <https://pr-webs-vendor.des.wa.gov/> and [DES diversity compliance program B2Gnow](#).
1. In order to report payment detail, the Contractor must create an account in the DES Public

Works Diversity Tracking & Management System powered by B2GNow or verify if an account has already been created on behalf of the Contractor: <https://des.diversitycompliance.com>. The DES Public Works Diversity Tracking & Management System is designed to streamline and automate compliance reporting requirements, empowering vendors to maintain accurate contact information and submit contract payment details online.

2. For account login or account creation details, go to the DES Public Works Diversity Tracking & Management System home page by clicking on the URL listed above and clicking on Information for Vendors.
 3. Every month for the duration of the contract, and while the contract is active in the DES Public Works Diversity Tracking & Management System, submit and accurately maintain the following payment information through the DES Public Works Diversity Tracking & Management System:
 - (a) Payments received by the prime contractor from the Agency.
 - (b) Payments paid to each first tier subcontractor.
 - (c) Payments paid to each first tier supplier.
 4. The Contractor must also ensure the following information is reported in the DES Public Works Diversity Tracking & Management System by first tier subcontractors and suppliers for the duration of the contract:
 - (a) Confirmation of payments from the prime contractor to the subcontractor.
 - (b) Payment reporting to each supplier.
- E. In accordance with [RCW 39.04.320](#), for all public works estimated to cost one million dollars or more, the State of Washington requires no less than **15% of the labor hours be performed by apprentices**, unless otherwise stated in the bid advertisement or on the Submittal Questionnaire/Bidding Terms and Conditions. A contractor or subcontractor may not be required to exceed the 15% requirement. On applicable projects, the Bidder shall establish in the DES Public Procurement Portal and the Submittal Questionnaire/Bidding Terms and Conditions a minimum required percentage of apprentice labor hours compared to the total labor hours. The project's apprenticeship utilization rate is calculated using the approved affidavits from the L&I portal.

Apprenticeship Requirements are *not* required for **Small Works Projects** estimated under \$350K.

1. **Incentives** - The Contractor who meets or exceeds this utilization requirement on eligible contracts, will be awarded a monetary incentive described in the Apprentice Utilization Requirements of section 10.12 of the General Conditions.
2. **Penalties** - The Contractor who fails to meet the utilization requirement and fails to demonstrate a Good Faith Effort, as outlined below, is subject to penalties described in the Apprentice Utilization Requirements section in section 10.12 of the General Conditions. Contractor will receive an invoice payable to the Owner within 30 days. The contractor will have 30 days to pay the penalty invoice at the time of receipt before the penalty is considered outstanding. Contractors with outstanding apprenticeship penalties may be considered non-responsive.
3. **Cost Value** - The expected cost value associated with meeting the goal is included in the Base Bid as described in section 10.12 of the General Conditions.

4. **Utilization Plan** - The Contractor shall provide an **Apprentice Utilization Plan** (Plan) demonstrating how and when they intend to achieve the Apprenticeship Utilization Requirement. The Plan shall have enough information to track the Contractor's progress in meeting the utilization requirement. The Contractor shall submit the Plan on the Apprentice Utilization Plan template (on the DES Public Works Forms website) **within 10 business days of Notice to Proceed of the contract and prior to submitting the first invoice**. The Contractor shall provide an updated Plan during the course of construction when there are significant changes to the Plan which may affect their ability to meet the requirement.

(a) The Plan shall be uploaded to the Department of Labor & Industries' (L&I)

Prevailing Wage Intents and Affidavit (PWIA) system on L&I's website.

(b) The Plan is not submitted for approval.

(c) It is expected that the Contractor will actively seek out opportunities to meet the Apprentice Utilization Requirement during construction even if the Plan indicates a shortfall in meeting the requirement.

(d) If the Plan indicates that the Contractor will not attain the Apprentice Utilization Requirement, then Contractor must submit "Good Faith Effort" (GFE) documentation with their Plan to L&I's PWIA system.

5. **Good Faith Effort (GFE)**

(a) Good Faith Effort (GFE) documentation shall describe in detail why the Contractor is not or was not able to attain the Apprentice Utilization Requirement.

1. Contractors may submit Good Faith Effort (GFE) documentation at any time during the construction.

2. All GFE documentation must be submitted no later than 30 days before substantial completion.

(b) Good Faith Effort (GFE) documentation must be in signed letter format uploaded to the PWIA system and include:

1. The contract number, title, and the apprentice utilization requirements.

2. The amount of apprentice labor hours the contract can or did attain along with the percentage of labor hours.

3. Contractors may receive a GFE credit for graduated Apprentice hours through the end of the calendar year for all projects worked on as long as the Apprentice remains continuously employed with the same Contractor they were working for when they graduated. If an Apprentice graduates during employment on a project of significant duration, they may be counted towards a GFE credit for up to one year after their graduation or until the end of the project (whichever comes first). Determination of whether or not Contract requirements were met in good faith will be made by subtracting the hours from the journeyman total reported hours for the project and adding them to the apprentice hour total. If the new utilization percentage meets the Contract requirement, the Contractor will be reported as meeting the requirement in good faith.

4. Anticipated or actual shortfall (in apprentice labor hours and percentage) and the reason(s) for not attaining the required apprentice labor hours.

5. Information from one or more of the following areas:
 - (a) Names of any State-Approved Apprentice Training Programs contacted with the name(s) of person(s) contacted and dates of contacts, and a copy of each response from the Training Program(s).
 - (b) Reference Contract Specifications or documents that affected the Contractor's ability to attain apprentice utilization.
 - (c) Discuss efforts the Contractor has taken to require Subcontractors to solicit and employ apprentices.
6. Backup documentation to the letter consisting of the following:
 - (a) Letters, emails, phone logs including names dates and outcomes, posters, photos, payrolls, timecards, schedules, copies or references to other contract specifications or documents.

6 Additional Resource Information

- (a) For questions regarding how to complete the Apprentice Utilization Plan template or Good Faith Effort documentation, please contact the Project Manager listed in the Bid Advertisement.
- (b) Step-by-step instructions on how to access and navigate the L&I's PWIA system, including uploading required documents can be found on the L&I website.
- (c) Additional information about apprentice utilization on Public Works Project can be found on the L&I website.

0.01 PREPARATION OF BIDS

- A. Bidders must be registered as a vendor through the DES Public Procurement Portal (<https://deswa.bonfirehub.com>). Bid submissions must be submitted through the DES Public Procurement Portal (<https://deswa.bonfirehub.com>). The individual who has signed/submitted the Bid through the E Portal shall be the authorized designee responsible for bid submissions.
- B. All bidders for **Small Works Projects** must be currently registered on the MRSC Small Works Roster (vendor list) found <http://mrscrosters.org/>.
- C. Bidders are required to submit bid prices for one or more items on various bases through the DES Public Procurement Portal on the BidTable, including: (1) lump sum base bid; (2) lump sum bid alternate prices; (3) unit prices; or (4) any combination of items 1 through 3 above.
- D. If the solicitation includes alternate bid items, failure to bid on the alternates may disqualify the bid. If bidding on all items is not required, Bidders should indicate "no bid" on the DES Public Procurement Portal BidTable for any item on which no price is submitted.
- E. Substitute bid forms will not be considered unless this solicitation authorizes their submission.

0.02 BID GUARANTEE

- A. When the sum of the base bid plus all additive bid alternates is \$35,000.00 or less, bid security is not required.

When the sum of the base bid plus all additive alternates is greater than \$35,000.00, a bid guarantee in the amount of 5% of the base bid amount is required. Failure of the Bidder to provide bid guarantee when required shall render the bid non-responsive.

- B. Acceptable forms of bid guarantee are A bid bond or postal money order, or certified check or cashier's check made payable to the Washington State Treasurer. At the time of bid, the bidder must upload an electronic copy of the acceptable bid guarantee to the DES Public Procurement Portal (<https://deswa.bonfirehub.com>).

If any of the 3 lowest responsive bidders has indicated a cashier's check as their form of bid security, they will be contacted by DES with instructions on how to submit the original/valid cashier's check within 48 hours of being notified. The Owner will return bid guarantees (certified check or cashier's check) to unsuccessful Bidders as soon as practicable, but not sooner than the execution of a contract with the successful Bidder. The successful Bidder's bid guarantee will be returned to the successful Bidder with its official notice to proceed with the work of the contract.

- C. The Bidder will allow 60 days from bid opening date for acceptance of its bid by the Owner.

The Bidder will return to the Owner a signed contract, insurance certificate and bond or bond waiver within 15 days after receipt of the contract. If the apparent successful Bidder fails to sign all contractual documents or provide the bond and insurance as required or return the documents within 15 days after receipt of the contract, the Owner may terminate the award of the contract.

- D. In the event a Bidder discovers an error in its bid following the bid opening, the Bidder may request to withdraw its bid under the following conditions:

1. The Bidder must submit written notification of the withdrawal to the Owner within 24 hours following the bid opening.
2. The Bidder provides written documentation of the claimed error to the satisfaction of the Owner within 72 hours following the bid opening.
3. The Owner will approve or disapprove the request for withdrawal of the bid in writing. If the Bidder's request for withdrawal of its bid is approved, the Bidder will be released from further obligation to the Owner without penalty. If it is disapproved, the Owner may retain the Bidder's bid guarantee.

0.03 ADDITIVE OR DEDUCTIVE BID ITEMS

The low Bidder, for purposes of award, shall be the responsive Bidder offering the low aggregate amount for the base bid item, plus additive or deductive bid alternates selected by the Owner, and within funds available for the project.

The Bidder agrees to hold all bid alternate prices for sixty (60) days from date of bid opening.

0.04 ACKNOWLEDGEMENT OF ADDENDA

Bidders shall acknowledge receipt of all addenda to this solicitation by identifying the addenda numbers on the DES Public Procurement Portal Submittal Questionnaire. Failure to do so shall result in the bid being declared non-responsive.

0.05 SITE INVESTIGATION AND CONDITIONS AFFECTING THE WORK

The Bidder acknowledges that it has taken steps necessary to ascertain the nature and location of the work, and that it has investigated and satisfied itself as to the general and local conditions which can affect the work or its cost, including but not limited to; (1) conditions bearing upon transportation, disposal, handling, and storage of materials; (2) the availability of labor, water, electric power, and road; (3) uncertainties of weather, river stages, tides, or similar physical conditions at the site; (4) the conformation and conditions of the ground; and (5) the character of equipment and facilities needed preliminary to and during the work.

The Bidder also acknowledges that it has satisfied itself as to character, quality, and quantity of surface and subsurface materials or obstacles to be encountered insofar as this information is reasonably ascertainable from an inspection of the site, including exploratory work done by the Owner, as well as from the drawings and specifications made a part of this contract. Any failure of the Bidder to take the actions described and acknowledged in this paragraph will not relieve the Bidder from responsibility for estimating properly the difficulty and cost of successfully performing the work.

0.06 BID AMOUNTS

- A. The bid prices shown for each item on the DES Public Procurement Portal BidTable shall include all labor, material, equipment, overhead and compensation to complete all of the work for that item.
- B. The actual cost of building permit (only) and the public utility hookup fees will be a direct reimbursement to the Contractor or paid directly to the permitting agency by the Owner. Fees for these permits should not be included by the Bidder in the bid amount.
- C. The Bidder agrees to hold the base bid prices for sixty (60) days from date of bid opening.

0.07 TAXES

The bid amounts shall not include Washington State Sales Tax (WSST). All other taxes imposed by law shall be included in the bid amount. The Owner will include WSST in progress payments. The Contractor shall pay the WSST to the Department of Revenue and shall furnish proof of payment to the Owner if requested.

[NOTE: Contractor must bond for contract amount plus the WSST.]

0.08 SUBMISSION OF BIDS

- A. Bids must be submitted on or before the time as specified in the Advertisement for Bids.
- B. The Bid shall be submitted electronically through the DES Public Procurement Portal as specified in the Advertisement for Bids.
- C. Prior to the bid opening, the Owner's representative will designate the official bid clock. Any part of the Bid Form, or in the rare situation of a bid modification, not received prior to the specified times, per the designated bid clock, will not be considered and the bid will be returned to the Bidder unopened.
- D. A bid may be withdrawn electronically by a Bidder's authorized representative before the bid submittal date and time specified in the Advertisement for Bids.
- E. People with disabilities who wish to request special accommodation, (e.g., sign language interpreters, braille, etc.) need to contact the Owner ten (10) business days prior to the scheduled bid opening.
- F. In the event the DES Public Procurement Portal is unavailable to all users at the bid submittal deadline, DES will contact the Bidders within 24 hours, and DES will extend the bid submittal time.
- G. Neither DES nor DES Public Procurement Portal can guarantee the availability of Internet connectivity or related telecommunication and hosting services and will not be liable or responsible if the Bidder and its representative(s) or designee(s) cannot connect to the DES Public Procurement Portal.
- H. The Bidder must comply with the Euna Procurement Portal's Terms of Service (<https://gobonfire.com/terms-service/>) when submitting the Bid through the DES Public Procurement Portal.

0.09 SUBCONTRACTOR LISTING

Pursuant to [RCW 39.30.060](#), when the consultant's estimated cost of the project, including the base bid and additive alternates, is \$1 million or more, bidders shall comply with the following requirements

Subcontractor Listing Requirements are *not* required for **Small Works Projects** estimated under \$350K.

- A. Form A: (HVAC, Plumbing and Electrical) must be submitted at TIME OF BID to the DES Public Procurement Portal <https://deswa.bonfirehub.com> with bid submission; late submission will render the bid non-responsive.
1. Failure of the Bidder to submit the NAMES and LICENSE NUMBERS of such subcontractors, or to name itself to perform such work, shall render the bid nonresponsive. **(Failure to submit this form will render the bid nonresponsive)**
- B. Form B: (Structural Steel Installation and Rebar Installation) must be submitted no later than forty-eight (48) hours after bid deadline via email to FPSsubcontractorlist@des.wa.gov. (Or may be submitted with the bid submittal through the Procurement Portal <https://deswa.bonfirehub.com>.)
1. Failure of the Bidder to submit the NAMES of such subcontractors, or to name itself to perform such work, shall render the bid nonresponsive. **(Failure to submit this form will render the bid nonresponsive)**
- C. The Bidder can name itself for the performance of the work. Bidders who name themselves to perform the work are expected to perform the work and the Department of Enterprise Services reserves the right to reject substitution of the bidder with a subcontractor unless the bidder demonstrates a change in circumstances from the time of bid submission that is outside of the control of the bidder.
1. For any listed category not included in the project, the bidder may mark 'Not Applicable' or 'N/A' or leave that category blank, provided the form is signed.
- D. Substitution of a listed subcontractor (at any tier) before or after the award of the prime contract is prohibited except for the following reasons:
1. Refusal of the listed subcontractor to sign a contract with the prime contractor,
 2. Bankruptcy or insolvency of the listed subcontractor,
 3. Inability of the listed subcontractor to perform the requirements of the proposed contract or the project,
 4. Inability of the listed subcontractor to obtain the necessary license, bonding, insurance, or other statutory requirements to perform the work detailed in the contract,
 5. Refusal or inability to provide a letter of bondability from a surety company, or
 6. The listed subcontractor is barred from participating in the project as a result of a court order.
- E. The Bidder shall not list more than one Subcontractor for each category of work identified UNLESS Subcontractors vary with bid alternates, in which case the Bidder must indicate which Subcontractor will be used for which alternate.
- F. Failure of the Bidder to submit Form A with the NAMES and LICENSE NUMBERS of such Subcontractors and Form B with the NAMES of such Subcontractors or to name itself to perform such work within the specified times, shall render the Bidder's bid nonresponsive and, therefore, will be eliminated (withdrawn) from the DES Public Procurement Portal.
- G. The Subcontractor List Form A and Form B are intended to discourage bid shopping.

0.10 BID RESULTS

After the Bid Opening, Bidders may obtain bid results from the office of DES Facility Professional Services (FPS) or by logging into the [DES Public Procurement Portal \(https://deswa.bonfirehub.com\)](https://deswa.bonfirehub.com) and viewing public notices. Bid results may also be obtained from the A/E.

0.11 BID PROTESTS

- A. Bidders may submit a bid protest to easmail@des.wa.gov within 2 business days of the Bid Opening, or within 2 business days after DES provided electronic copies of bid submissions received to those Bidders that timely requesting copies of bids received, if later. To be considered timely for purposes of this Section 0.11, a request for electronic copies of bid submissions received must be made within 2 business days after the bid opening.
1. DES will not acknowledge or accept any bid protest received more than 2 business days after the time set out in (A) above.
 2. DES will not accept bid protests from non-bidders.
- B. DES will review any bid protest received and shall maintain sole discretion on the merits of and resolution of any bid protest.
- C. DES will provide written notice to protesting bidders of an intent to enter upon a Public Works Contract with anyone other than the protesting bidder as follows:
1. Not less than 2 business days following the Bid Opening, if no bidders request electronic copies of bid submissions received, or
 2. Not less than 2 business days following the date on which DES provided electronic copies of the bid submissions received to those bidders requesting electronic copies of bids received.

0.12 LOW RESPONSIBLE BIDDER

- A. **Mandatory Responsibility Criteria:** Before awarding a public works contract, a Bidder must meet the following mandatory responsibility criteria under [RCW 39.04.350 \(1\) & \(2\)](#) to be considered a responsible Bidder and qualified to be awarded a public works project. The individual who has signed/submitted the Bid through the DES Public Procurement Portal shall be the authorized designee responsible for bid submissions. The Bidder must:
1. At the time of bid submittal, have a certificate of registration in compliance with [RCW 18.27](#), a plumbing contractor license in compliance with [RCW 18.106](#), an elevator contractor license in compliance with [RCW 70.87](#), or an electrical contractor license in compliance with [RCW 19.28](#) as required under the provisions of those chapters.
 2. Have a current state unified business identifier number.
 3. If applicable, have industrial insurance coverage for the Bidder's employees working in Washington as required in [RCW 51](#); an employment security department number as required in [RCW 50](#); and a state excise tax registration number as required in [RCW 82](#).
 4. Not be disqualified from bidding on any public works contract under [RCW 39.06.010](#), or [39.12.065\(3\)](#).
 5. If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington State Apprenticeship and Training Council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under RCW 49.04 for the one-year period immediately preceding the date of the bid solicitation.

6. Public Works and Prevailing Wage Training/Exemption. Bidders shall have received training on the requirements related to public works and prevailing wage under this chapter and chapter [39.12 RCW](#). The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its website. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption. <https://lni.wa.gov/licensing-permits/public-works-projects/contractors-employers/contractor-training>
 7. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgement entered by a court of limited or general jurisdiction to have willfully violated, as defined in [RCW 49.48.082](#), any provision of [RCW 49.46](#), [49.48](#), or [49.52](#). A bidder shall submit a signed Contractor Certification form with the bid or within two (2) business days of request by Owner regarding this wage theft prevention responsible bidder criteria.
- B. Supplemental Responsibility Criteria:** In addition to the mandatory Bidder responsibility, the Owner may adopt relevant supplemental criteria for determining Bidder responsibility applicable to a particular project which the Bidder must meet ([RCW 39.04.350 \(3\)](#)).
1. If applicable, the Owner shall consider an overall accounting of the attached supplemental criteria for determining Bidder responsibility "DIVISION 00 SUPPLEMENTAL RESPONSIBILITY CRITERIA".
 2. At least eight (8) business days prior to the bid submittal deadline, a potential Bidder may request that the Owner modify the supplemental responsibility criteria. The Owner will evaluate the information submitted by the potential Bidder and respond before the bid submittal deadline through the DES Public Procurement Portal. If the evaluation results in a change of criteria, the Owner will issue an addendum to the bidding documents identifying the new criteria. The addendum will be posted as a public notice in the DES Public Procurement Portal.
 3. Upon Owner's request, the apparent low Bidder must supply the requested responsibility information within two (2) business days of request by Owner. Withholding information or failure to submit all the information requested within the time provided may render the bid non-responsive.
 4. If the Owner determines that the apparent low Bidder is not responsible, the Owner will notify the Bidder of its preliminary determination in writing.
 5. Within three (3) business days after receipt of the preliminary determination, the Bidder may withdraw its bid or request a hearing in writing to easmail@des.wa.gov, where the Bidder may appeal the preliminary determination and present additional information to the Owner.
 6. The Owner will schedule a hearing within five (5) business days of receipt of the Bidder's request. The hearing members will include a Client Agency Representative, EAS Assistant Director or designee, Deputy Assistant Director or designee, and Project Manager.
 7. The Owner will issue a Final Determination after reviewing information presented at the hearing.

8. If the Owner determines a Bidder to be not responsible, the Owner will provide, in writing, the reasons for the determination. If the final determination affirms that the Bidder is not responsible, the Owner will not execute a contract with any other Bidder until two (2) business days after the Bidder determined to be not responsible has received the final determination.
9. The Owner's Final Determination is specific to this project and will have no effect on other or future projects.

0.13 CONTRACT AWARD

- A. The Owner will evaluate bids responsiveness and responsibility in the DES Public Procurement Portal (<https://deswa.bonfirehub.com>).
 1. A bid will be considered responsive if it meets the following requirements:
 - (a) It is received at the proper submittal time, date, and location online through the DES Public Procurement Portal.
 - (b) It meets the required requested information through the DES Public Procurement Portal.
 - (c) It is submitted by a licensed/registered contractor within the state of Washington at the time of bid opening and is not banned from bidding by the Department of Labor and Industries.
 - (d) It is accompanied by a bid guarantee, if required.
 2. A bid will be considered responsible if it meets the following requirements:
 - (a) It meets the mandatory responsibility criteria established in [RCW 39.04.350](#) and an overall accounting of the supplemental responsibility criteria established for the project.
 - (b) The bidder completes, signs, and submits the "Contractor Certification Wage Theft Prevention – Responsible Bidder Criteria" form **with their bid submission or within two (2) business days of request by the Owner.**
- B. The Owner reserves the right to accept or reject any or all bids and to waive informalities.
- C. The Owner may negotiate bid price adjustments with the low responsive Bidder, including changes in the contract documents, to bring the bid within the available funding per [RCW 39.04.015](#).
- D. The apparent low Bidder, for purpose of award, shall be the responsive and responsible Bidder offering the low aggregate amount for the base bid plus selected additive or deductive bid alternates and meeting all other bid submittal requirements.
- E. **Reciprocal Preference for Resident Contractors.** For a public works bid received from a nonresident contractor from a state that provides an in-state percentage bidding preference, a Comparable Percentage Disadvantage (CPD) will be applied to the bid of that nonresident contractor. The CPD is the in-state contractor percent advantage provided by the contractor's home state.

For the purpose of determining the successful Bidder, multiply the Nonresident Contractor bid amount by the CPD. The "bid amount" shall be the total of the base bid and all accepted alternate bid items. The CPD shall be added to the Nonresident Contractor bid amount which equates to the Nonresident Disadvantage Total. The Nonresident Disadvantage Total shall be compared to the Washington contractor bid amounts. The Bidder with the lowest total shall be the successful Bidder. See example below:

EXAMPLE:

Alaska Nonresident Contractor Bid Amount	\$100,000
Multiplied by the Alaska CPD	x 0.05
<hr/>	
Alaska CPD Total	\$ 5,000
Alaska Nonresident Contractor Bid Amount	\$100,000
Alaska CPD Total	\$ 5,000
<hr/>	
Nonresident Disadvantage Total	\$105,000*

*Note – If the Nonresident Disadvantage Total is lower than all other Washington contractor bid amounts, the Alaska Nonresident Contractor is the successful Bidder and will be awarded a contract for the bid amount of \$100,000.

If the Nonresident Disadvantage Total is higher than a Washington contractor bid amount, the successful Washington Bidder will be awarded a contract for the bid amount.

- F. The Contract will only become effective when signed by the Owner. Prior to the Owner's signature, any and all costs incurred shall be the sole responsibility of the Bidder.

0.14 DOCUMENTS (ATTACHED)

- A. Advertisement for Bids
- B. Bidding Terms and Conditions
- C. Subcontractor Listing Form B
- D. Supplemental Bidder Responsibility Criteria (if applicable)
- E. Certificate of Insurance form
- F. Special Conditions (if applicable)

Note: AIA Payment Bond and Performance Bond current forms (A312) are required, when applicable. These forms will not be provided by the Owner.