

Feedback Subcategory	Policy Comment #	Feedback Source	Feedback Source	Feedback	DES Response (to be completed by DES)
(Choose a policy subcategory from the drop down menu)	If applicable, please enter the comment number	Name	Organization/Vendor Compay Name	What improvements, likes, and/or proposed edits would you like to share with DES?	
Procedure		Jeff Well	Rite Bros. Aviation	The procedure you use to notify contractors of a new solicitation is flawed. Using the WEB's system for notification does not ensure notification. As the managers of the contracts, I believe it is incumbent that you find the most qualified and experienced contractors for the agencies and ultimately the citizens of Washington that use the contract. If you use email, a read receipt request or some form of follow up to verify that the contractor or potential contractor has received the notice should be required.	Thank you for the feedback. This comment is out of scope for this policy, but the feedback has been shared with the WEBS customer service team on 10.14.20 to follow-up on your issue.
Implementation		Lori Gartland	Department of Revenue	So the Protest Officer would have to be identified during the time of the filing of the RFP? Wouldn't that create a tracking issue for the Coordinator?	No, the Protest Officer can be assigned before, during, or after the RFP.
Guideline/Best Practice		Sarah Pendleton	Department of Social and Health Services	Regarding the updated protest/complaint policy, we are hoping that DES can provide some clarification around which bidders may request a debriefing conference. As the purpose of a debriefing conference is to discuss a bid, if the vendor is disqualified for being unresponsive prior to bid evaluation, our practice is that the unresponsive bidder is not qualified to have a debriefing conference.	Thank you for the feedback. DES has added a Guideline document to offer debrief guidance.
Clarity of Policy		Clinton Brown	Community Colleges of Spokane	how long is the protest period?	There are three time specific factors that play into the protest period: 1) Agencies must give bidders a minimum of at least 3 business days after the ASB(s) is announced to request a debriefing conference; 2) Agencies must give bidders at least 5 business days after their debriefing conference to file a protest; and 3) The Protest Officer must issue a written protest response no more than 10 business days from receipt of the protest, unless additional time is needed.
Other		Anonymous Attendee		Will this policy add to the questions required for agencies to answer in the risk evaluation even though the agency contract administration determines that the additional cost either excludes competitive bids or adds unnecessary costs?	This policy is intended to address direction around vendors submitting complaints or protests and how agencies are to respond to the complaint or protest, which only applies to a competitive process. This policy does not address non-competitive procurements.
Guideline/Best Practice		Anonymous Attendee		Who is doing the debriefing and what kind of issues are covered?	Thank you for the feedback. DES has added a Guideline document to offer debrief guidance.
Guideline/Best Practice		Daryl Huntsinger	Department of Corrections	If I recall correctly, earlier in the slides Christine stated that the contract should not be signed until after award, but it makes sense to get the contractor to sign (rather than the agency) prior to award and then the state countersigns after successful conclusion of the protest period.	The contract cannot be executed until after the successful conclusion of the protest period. It is recommended that neither party sign the contract until after the conclusion of the protest period, as the protest process could change the outcome of the award.
Guideline/Best Practice		Anonymous Attendee		Can the protest officer change with every procurement or does it have to be established for all procurements? Does the officer info need to be included in the Procurement document?	The Protest Officer can differ with every procurement, but they need to be a neutral party that had no involvement in the evaluation and award process to investigate and respond to the protest; and they should have public procurement experience and must remain fair and impartial throughout the protest process.
Clarity of Policy		David Mgebroff	Washington State Department of Enterprise Services	Clarification on the policy and our system: the policy in 3(a) states: "Consistent with RCW 39.26.160(7), all competitive procurements must include an announcement of the ASB(s), using the state's enterprise vendor registration and bid notification system." The WEBS system does not send a notification for ASB it only sends notice of award. ASB is usually sent via email from the procurement coordinator.	Thank you for this feedback. The WEBS Customer Service Team is considering a WEBS enhancement to address this issue.
Policy		Olu Agbaje	Washington State Department of Enterprise Services	I think our protest policy guidelines should be designed in a way that they discourage frivolous claims from the vendor community. Sorry, I am still relatively new to DES, so this may have already been addressed!	Thank you for this suggestion. DES is developing a procurement bonds policy that will provide guidance around the use of protest bonds. Although we recommend exercising caution in using a protest bond, it is designed to discourage disappointed bidders from imposing unnecessary costs on other bidders, procuring agencies, and taxpayers by filing a frivolous protest.
Implementation		Alisha Ghanie	Washington State Department of Enterprise Services	Are there any enhancement changes needed in WEBS based on this Policy? Or is WEBS simply the platform in reference to the policy? We are currently updating WEBS's award section to better clarify the ASB section vs. Award.	Thank you for this feedback. Yes, the WEBS Customer Service Team is considering a WEBS enhancement to address this issue.
Other		David Mgebroff	Washington State Department of Enterprise Services	the WEBS enhancement to send an ASB is in the works	Thank you for this feedback. Yes, we have confirmed that the WEBS Customer Service Team is considering a WEBS enhancement to address this issue.
Policy		Olu Agbaje	Washington State Department of Enterprise Services	I think an enhancement related to procedure is a very good idea.	Thank you for this feedback. The WEBS Customer Service Team is considering a WEBS enhancement to address this issue.
Process		Sherry Taylor	Washington State Patrol	Vendor or contractor can protest that they did not get the contract what do we do when this happens?	After announcement of ASB, bidders can submit a protest based on the following: i) A matter of bias, discrimination, or conflict of interest on the part of an evaluator; ii) Errors in computing the scores; or iii) Non-compliance with procedures described in the procurement document or agency protest process or DES requirements. If a bidder wishes to protest not getting the contract on the basis of any of the above, then the protest process is followed.
Process		David Hisock	Ballard Law Office	who hears complaints/reviews administrative appeals, and where is that roster developed?	Complaints, which are received during the solicitation process before the deadline of bid submissions, are heard by the agency procurement coordinator or designee, as noted in the solicitation document. The agency complaint process does not need to include an appeal process, but if it does the process will be included in the solicitation.
Clarity of Policy	Policy	Sal Millitello	Sal Millitello Inc	Protests should be limited unless a vendor can show favoritism due to political connections or the established, small businesses cannot be burdened with protests, say a contract under 1 Million, something like that...THINK SMALL BUSINESS and ONSHORE	Protests are limited to the following: i) A matter of bias, discrimination, or conflict of interest on the part of an evaluator; ii) Errors in computing the scores; or iii) Non-compliance with procedures described in the procurement document or agency protest process or DES requirements. These limitations are to satisfy the intent of RCW 39.26.170(2), which requires a clear, transparent protest process, while honoring a fair and competitive process.
Clarity of Policy		DOR Procurement & Contracts Team	Dept of Revenue	Clarification: Is it the intent of RCW 39.26.030 that agencies can/will make bid submissions and bid evaluations available without requiring a formal public records request? In order to decide if a protest is warranted based on Errors in Computing the Scores, a bidder would need to have this information (reference 2li and all fo 3 in the policy).	Requests for public inspection of bid submissions and bid evaluation must be consistent with RCW 39.26.030, the Office of Attorney General's Obtaining Records Guide, and agency procedures. At a minimum, an agency's procedure must allow requests for public inspection of bid submissions and bid evaluation by e-mail directly to the Procurement Coordinator or to the agency's Public Disclosure Officer. Alternatively, if an agency chooses to be more proactive, they can post bid submissions and bid evaluations on their website and then direct the requestor to the public posting.

Procedure		DOR Procurement & Contracts Team	Dept of Revenue	Regarding the public records office on page 2, item #5: the 3 day timeline - can all public record offices meet that timeline? why the timeline?	Thank you for the feedback. This comment has been considered and resulted in clarification to the policy to address the concern.
Policy		DOR Procurement & Contracts Team	Dept of Revenue	Suggested wording revisions to sentence in 1b - add word "providing" b) The complaint process, including the agency providing response to complaints, must occur before the deadline for bid submissions.	Thank you for the feedback, but the suggested revision does not improve the content of the policy.
Policy		DOR Procurement & Contracts Team	Dept of Revenue	Suggestion for section 3: 3bii: needs clarity and revised wording, this statement is very confusing. It's not clear what is being requested and when it's being requested. Is DES trying to make the point that if a protester asks for bid submissions and/or bid evaluations at the time of submitting a protest then the agency should not conclude the protest period until that info has been provided and the protester has had time to look at it?? the reference to the AAG guide on obtaining records in 3b is kind of confusing in this policy, and in how it's supposed to relate to 3bii.	submissions and/or bid evaluations, that the agency should not conclude the protest period until the requested information has been provided. The current draft language seems to be clear, but if you have suggested language for consideration, please forward that to DES Policy Team. However, you raise a point about building in time for the bidder to review the requested information once they receive it. Clarification on this point has been added to the policy. The purpose of linking and referencing the Attorney General Office's Obtaining Records Guide is to reinforce that any requests comply with the state's public records requirements.
Policy		DOR Procurement & Contracts Team	Dept of Revenue	Regarding Section 6, Training: DOR suggests removing this section from this policy. Since this policy is about Complaints and Protests and not the training requirements for state staff. If the Training section stays, it should refer to the Procurement training, not the Contract Management training, because Complaints and Protests happen during the procurement process, not during the contract management phase, which is after a vendor is selected and a contract signed.	The reference to "DES' Contract Management" training is a placeholder, as we are verifying which existing trainings may need to be revised and/or identifying any new trainings needed as a result of this policy. Since the Contract Management training includes contract development and the complaint/protest process should be included in the development of contracts, this would be one of the trainings we are reviewing for potential impacts. We are working closely with the DES Procurement Training Team and the Training Advisory Group (TAG) to ensure the appropriate amount of training needed and the best way to deliver a much needed training with minimal impact to stakeholders.
Procedure		DOR Procurement & Contracts Team	Dept of Revenue	In the "Applies to" Section, remove the last part of the first bulleted sentence As written, it doesn't read correctly because a competitive solicitation is not "conducted under" the RCW that addressed complaints and protests. I'm also suggesting minor wording revisions to the 2nd bullet Applies to: Agencies when conducting a competitive solicitation for goods or services under RCW 39.26, • When in receipt of a protest on a goods and/or services competitive solicitation conducted under RCW 39.26-170-Complaints—Protests ; or • When assisting other agencies, in by filling the role of Protest Officer, addressing a protest.	Thank you for this feedback. The suggested revisions have been incorporated into the procedure.
Procedure		DOR Procurement & Contracts Team	Dept of Revenue	Suggestion for DES: provide an example/template of the Integrity Certification mentioned in step 1.	Thank you for this feedback. A sample Protest Officer's Procurement Integrity Certification has been provided as part of the policy.
Procedure		DOR Procurement & Contracts Team	Dept of Revenue	Step 15 in Procedure would fit better in the policy - it's stating what agencies must do, not stating the procedure for doing it.	Step 15 in the draft Protest Process, which requires the agency procurement manager to perform a debrief/lessons learned for any recent procurement protests, is appropriate in the process, as it is describing one of the steps in the protest process.
Policy		Joanna Colvin	DNR	Section 3a: The problem with notification in WEBS is that you cannot undo it. The system needs to be updated to allow for altering the ASB in case of the 1st vendor not working out. The data system needs to be compliant with the policy to allow for changing the ASB in the event the status changes based on extenuating circumstances.	Thank you for this feedback. The WEBS Customer Service Team is considering a WEBS enhancement to address this issue.