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| Concerned Team | Concern # 1 | Resource Team | Recommendation  |
| Sole Source Team | Provide a **Best Source definition** to handle procurements that appear to be sole source but should be handled as a sole source  | **Training Team** | **Best Source** - Vendors who have substantive experience and unique knowledge gleaned over time who understand the complexity and/or unique needs of an agency. Or, where there are transactional advantages (use of product free if supplies are purchased) or other issues. Or there may be multiple, related projects across state government that will benefit from a single contractor’s involvement. These may not be the only source for general services but may be the best source for the transaction and in the best interest of the state overall.List a class of procurements to be reported as other than sole source and to be exempt from posting and inspection, e.g. software maintenance, warranty maintenance, etc. |

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| Concerned Team | Concern # 2 | Resource Team | Recommendation  |
| Sole Source | **Timing** – the concern is with the interplay between public inspection, posting for vendor response and filing/approval timeline with DES. We assume they can be done concurrently however there are some logistical issues with that. In addition, Higher Education timelines are often constrained by their quarter/semester systems | **Procurement Management Team** | [🡨*Public Inspection* Period-announce availability---min. 10 days🡪][🡨Post for *Vendor Response*---3/5 days🡪] [Response due by COB 3rd/5th day][🡨File Contract for *DES Approval*------------------------min. 10 days🡪] |

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| Concerned Team | Concern # 3 | Resource Team | Recommendation  |
| Sole Source Team | **Training** - proper training on recognizing and processing sole source procurements for staff involved in contracts/purchasing which would lessen the review process and put responsibility on the agencies and the auditors to do their job.**DES Staff Knowledge** – Training for DES staff to use specialized knowledge and resources to validate or reject sole source contracts based on requirements that may be unique to the awarding agency. | **Training Team** |  |

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| Concerned Team | Concern # 4 | Resource Team | Recommendation  |
| Sole Source | Need to develop an efficient and effective process for sole source procurement determination, posting, and processing. | **Procurement Management** |  |

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| Concerned Team | Concern # 5 | Resource Team | Recommendation  |
| Sole Source | **Information required in the notice of availability for public inspection** - CONCERN: giving enough information without inordinate amount of additional work. | **Transparency** | This concern was not discussed by the Transparency Work group. The law only requires a sole source be reported annually. Recommend a policy to identify where/how sole source notice is posted. [WEBS not “available for public inspection.”] |

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| Concerned Team | Concern # 6 | Resource Team | Recommendation  |
| Sole Source | **Sole Source Award Challengers** - Need to develop a consistent method for handling challenges to Sole Source contracts. A process needs to be in place to evaluate any proposed challenges or submissions to the posted sole source intent justification.  | **Procurement Management**  | A process for facilitating/deciding challenge to a sole source contract decision (response to advertisement). |

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| Concerned Team | Concern # 7 | Resource Team | Recommendation  |
| Sole Source | CONCERN: Vendors who challenge but then don’t participate in a competitive procurement. Should there be a requirement that they participate in a competitive proposal in response to an agency RFx? Issue: How would this process work? Do we need a form that they sign as a commitment to submitting a proposal? How would we enforce this? | **Miscellaneous (Bonding)** | Explore options including requiring a bid bond to challenge a sole source procurement posting. |

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| Concerned Team | Concern # 8 | Resource Team | Recommendation  |
| Sole Source |  **Higher Education Issues**:Authority to approve Sole Source contracts in line with our independent purchase authority in 28B.10.029 **10 day period is too long**- Higher education constraints related to quarter/semester periods and the need for participation from professors/students is problematic. | **Procurement Management** | Seek legal opinion as to whether the higher education independent authority referred to in RCW 28B.10.29 only allows higher education to administer RCW 39.26.140 but not to change the 10-day public inspection period prescribed therein. |

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| Concerned Team | Concern # 9 | Resource Team | Recommendation  |
| Miscellaneous Team  | Distinct training and reference tools will be needed to determine when to use direct buy authority, convenience contract (distinct from master contract), and how to document small business engagement effort.  | **Training** |  |

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| Concerned Team | Concern # 10 | Resource Team | Recommendation  |
| Miscellaneous | Assurance there will be training on the following curriculum subjects: Ethics, performance based contracting, performance bonds, and how to determine the cost effective value for the different offerings of cooperative contracts | **Training** |  |

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| Concerned Team | Concern # 11 | Resource Team | Recommendation  |
| Miscellaneous | Staff purchasing & contract certification and training impact on the staff operating level of purchase and contracting authority delegated | **Training** |  |

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| Concerned Team | Concern # 12 | Resource Team | Recommendation  |
| Miscellaneous | Purchase Card holder training on new guidelines/opportunities for purchases from Washington Small Businesses | **Training** |  |

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| Concerned Team | Concern # 13 | Resource Team | Recommendation  |
| Miscellaneous | If the assumption that a publically available contracts database will not be operational in calendar year 2013, what is the recommended mitigation strategy? | **Transparency** | Use Fiscal.WA.GOV there is n need to create a new database. Agencies would submit and excel spreadsheet to DES from current systems. Utilize PSCD for sole source information (PSCD will become the sole source data base). |

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| Concerned Team | Concern # 14 | Resource Team | Recommendation  |
| Miscellaneous | What purchasing avenues and limits will be available when purchasing and contracting plans cannot be executed due to a debarment, ethics restriction, or emergency purchase condition? | Debarment | This question assumes that an agency could have a purchasing or contracting plan dependent upon utilization of a contractor that has been debarred. The follow-on question is: what avenue is available to an agency in this circumstance? The recommendation is for the debarment rules to permit an agency to petition the DES Director to lift the debarment for the limited purpose of allowing the debarred vendor to participate in the petitioning agency’s plan. |

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| Concerned Team | Concern # 15 | Resource Team | Recommendation  |
| Miscellaneous | The assumption is an electronic procurement system will be available to help track purchases from small businesses. What is the mitigation strategy for tracking small business procurements without such a system in the calendar year 2013? | **Procurement Management**  |  |

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| Concerned Team | Concern # 16 | Resource Team | Recommendation  |
| Procurement Management | If a contract was awarded via a sole source method, can it be amended without having to be re-exposed to the public inspection process? | **Sole Source** |  |

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| Concerned Team | Concern # 17 | Resource Team | Recommendation  |
| Procurement Management | Can compatibility with installed base become a qualifying factor for “Best Source Procurements” that would be categorically excluded from the prescribed sole source process? | **Sole Source** |  |

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| Concerned Team | Concern # 18 | Resource Team | Recommendation  |
| Award | Assure basic training includes topics on the use of Best and Final Offers (BAFO) and Best Value Award Criteria.  | **Training** |  |

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| Concerned Team | Concern # 19 | Resource Team | Recommendation  |
| Award | Clear instructions will be needed for properly addressing the timely release of bid documents. Include consideration for preserving the state’s leverage position over subsequent contract negotiations or re-solicitation terms. | **Transparency** | The Transparency Work Group has determined this question to be out of scope. |

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| Concerned Team | Concern # 20 | Resource Team | Recommendation  |
| Training | Criteria a communication strategy for interim purchasing and contracting delegation from January 1, 2013 to June 30, 2015. | **Advisory Committee** | The Training Work Group has translated this concern into their overall concern for sufficient funding for the training that will be necessary for both the vendor and the state purchasing and contracting community. No Advisory Committee member was available to address this. This concern emphasizes a need to communicate about the DES resource plan for training and other procurement reform implementation resource needs.  |

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| Concerned Team | Concern # 21 | Resource Team | Recommendation  |
| Training | After July 1, 2015 what minimum will need to be satisfied for a purchasing and contracting delegation of authority and what will be the agency mitigation strategy for agencies that cannot satisfy that minimum? | **Advisory Committee** | The Training Work Group has translated this concern into their overall concern for sufficient funding for the training that will be necessary for both the vendor and the state purchasing and contracting community. No Advisory Committee member was available to address this. This concern emphasizes a need to communicate about the DES resource plan for training and other procurement reform implementation resource needs.  |

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| Concerned Team | Concern # 22 | Resource Team | Recommendation  |
| Transparency | Opportunity to coordinate with contract reporting, the reporting of emergency purchases, master contracts, and convenience contracts. | **Miscellaneous** |  |

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| Concerned Team | Concern # 23 | Resource Team | Recommendation  |
| Transparency | Opportunity to coordinate with contract reporting, the reporting of sole source contracts. | **Sole Source** |  |

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| Concerned Team | Concern # 24 | Resource Team | Recommendation  |
| Debarment | Suspension of existing contracts. Can a contractor be debarred while a contract is being performed?  | **Procurement Management** | The debarment will need to be conditional based on facts, implemented in a way that existing contract activity with a debarred vendor is not interrupted. Other debarment conditions may need to allow agencies to extend contracts with debarred vendors in order to mitigate for particular vendor debarment impacts to state operations dependent on the services of a contractor that has been debarred. |

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| Concerned Team | Concern # 25 | Resource Team | Recommendation  |
| Debarment | Who will instigate debarment process, DES customer agency or DES on behalf of DES customer agency? | **Procurement Management** | DES on its own will instigate the debarment with input and documentation provided to DES by the affected agencies. |

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| Concerned Team | Concern # 26 | Resource Team | Recommendation  |
| Debarment | How will public policy and market realities become part of the process for the decision to waive debarment? | **Procurement Management** | It depends.It should have no impact.The best interest of the state should be the prime driver. |

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| Concerned Team | Concern # 27 | Resource Team | Recommendation  |
| Debarment | Can debarment impede automatically renewing contracts? | **Procurement Management** | Contract clauses will need to be created and put into existing and future contracts to allow the state the option not to renew a contract if the contractor or their subcontractor has been debarred. There will need to be contract language to allow a contract to be expired in the case of a debarred vendor. |

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| Concerned Team | Concern # 28 | Resource Team | Recommendation  |
| Debarment | Will debarment lists become part of a publically viewable database or be available only by public record request, if the database is restricted to state agency viewing only? | **Transparency** | DES publishes the debarment list in a manner accessible to everyone both within the state of Washington and to the public. |

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| Concerned Team | Concern # 29 | Resource Team | Recommendation  |
| Debarment | How can debarment provisions become incorporated into the development of state contract templates? | **Procurement Management** | Add to solicitation certifications and assurances page the requirement for the vendor to declare they are not currently debarred or under consideration for debarment by the state of Washington. Similar language may also need to be added to the state standard terms and conditions with a link to the supporting sections of RCW 39.26. |

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| Concerned Team | Concern # 30 | Resource Team | Recommendation  |
| Debarment | Will there be debarment reciprocity between state of Washington, other states (COOP Contracts) the federal excluded parties list? | **Miscellaneou**s | Debarment is not automatic but being debarred elsewhere would be grounds for debarment by the state of Washington. |

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| Concerned Team | Concern # 31 | Resource Team | Recommendation  |
| Debarment | The procurement and contracting training curriculum will need to address how to use debarment language in contracts and how to make procurement decisions using debarment information. | **Training** | For the training on debarment to be effective debarment language and certification forms will need to be created and made available. Similar General Terms And Conditions to address debarment will also need to be put in place to support debarment training. Debarment rues will not be in place before March 1, 2013. Debarment training may need to include a reference to a policy penalty for non-notification of a debarment action. |

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| Concerned Team | Concern # 32 | Resource Team | Recommendation  |
| Debarment | Should there be consideration for distinguishing vendors debarred for contract performance from vendors debarred for disregard of state socio-economic values (sweat shop labor, environmental violators, civil rights violators, etc.)? | **Miscellaneous** | The DES Director has discretion over the length of the debarment. The Work Groups recommend the public debarment list just list the vendor name and the date their debarment ends. The reasons for the vendor’s debarment should not be listed on the public debarment list. |

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| Concerned Team | Concern # 33 | Resource Team | Recommendation  |
| Information Technology | Procurement and contracting curriculum must include topics for IT Procurement that focus on negotiation strategies for software and data transformation technology, and provide for different procurement strategies to fit the diverse market conditions for established and emerging technologies. | **Training** | Training is necessary for IT staff.Procurement of IT must be a joint effort between procurement staff and IT staff.IT staff will stay current with IT trends, procurement staff will ensure good practice and strong procurement solicitations are put out for vendor response. |

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| Concerned Team | Concern # 34 | Resource Team | Recommendation  |
| Small Business | How can best value procurement be leveraged to create opportunities to significantly value the procurement and contracting potential of small businesses and emerging businesses, and diverse businesses for the state of Washington? | **Award** | Recommendation participants:Steve Krueger, DESSheri Bruu-De Leon, DELFrank Lemos Ad Hoc OMWBETiffany Scroggs, PTACIrene Reyes, Excel Supply CoLinda Allan, Revenue – Training Work Group,Linda Cornwall, LNI Small Business Work Group an d Miscellaneous Work GroupMick Matsuzawa, OMWBE1. Include geographic criteria as an award element to help select for local suppliers.
2. Don’t include in the solicitation a requirement for a minimum number of years of operation to qualify to bid
3. Do a better job of having a prime contractor sub-contract with WA Small Businesses
4. Have the procurement coordinator reach out to small businesses to get their input during the solicitation development.
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