



Transforming lives

**COMPETITIVE SOLICITATION
#2032-761
REQUEST FOR PROPOSALS**

Project Title: Vocational Rehabilitation (VR) Business Modernization Management Project (BMMP) Case Management System-

Estimated Contract

Performance Period: 3/2021 through 3/2024

Response Due Date:

All Responses **must be received in their entirety by 3:00 p.m.** Pacific Time on **November 20, 2020** unless an Amendment is issued modifying the Solicitation Schedule set forth in Section C.1 of this Solicitation Document.

Submit Response To:

Responses must be submitted to:
***Kerra Lynch & Ryan Johnson,
RFP Coordinators***
Department of Social and Health Services
Facilities, Finance, and Analytics Admin.
Central Contracts and Legal Services
Email:
Kerra.Lynch@dshs.wa.gov

***Solicitation and Amendments
Will Be Posted on:***

DSHS Procurement Website: <https://www.dshs.wa.gov/ffa/procurements-and-contracting>

WEBS Website: <https://pr-webs-vendor.des.wa.gov/>

Applicable WEBS Commodity Codes: 952-43, 208-11, 920-07

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SECTION A
CONTRACT REQUIREMENTS

1. Purpose

This competitive solicitation is issued in order to assist the Department of Vocational Rehabilitation (DVR) Administration, Division of the Washington State Department of Social and Health Services (DSHS) in seeking qualified contractor(s) for the implementation of a new case management solution system.

2. Background

The DSHS Division of Vocational Rehabilitation uses a custom case management system called “Service Tracking and Reporting System (STARS)” to document, track and report information about its program participants, services delivered, outcomes, and expenditures. STARS was built and implemented in 1995-1996 and has been updated and upgraded to continuously meet the agency’s case management needs. The Division has determined that STARS is reaching the end of its life cycle and has made a decision to implement a commercial-off-the-shelf case management system to replace STARS.

DVR employs approximately 300 staff located in small, medium, and large communities across the state. STARS is central to DVR’s work, and the majority of DVR staff use the system daily to perform their work. While the system supports a number of administrative functions, its primary purpose is to store information and data that is required to be reported to the federal agency that administers and provides funding for state vocational rehabilitation programs – the United States Department of Education, Rehabilitation Services Administration. VR agencies must report extensive participant, service, outcome, and expenditure data. The case management system supports the Division’s business processes and flow from initial application to case closure, including documenting participant demographic and eligibility information, all services delivered, outcomes, and services authorized and paid on behalf of program participants.

Individuals eligible for services from DVR include individuals with disabilities who experience barriers to employment and require vocational rehabilitation services to achieve and/or maintain employment. The Division serves 9,000 to 10,000 individuals per year.

In addition to the core VR services described above, DVR administers two smaller programs to special populations. Both programs have federal reporting requirements and case management needs. The first program is Pre-Employment Transition Services (or Pre-ETS). Pre-ETS is a program that serves secondary school students with disabilities and is designed to expose students with disabilities to career information and exploration while still in high school. Pre-ETS includes a number of services outlined in federal law. Students may receive only Pre-ETS or they may apply for and be determined eligible for core VR services and receive services under both programs. DVR staff time spent delivering Pre-ETS services is also required. Pre-ETS participant information, services, and staff time must be tracked and reported separately from core VR services.

The other program that falls outside core VR services is the Business Engagement

program. These include services delivered by DVR staff to employers in Washington to raise awareness, educate, and advise businesses related to hiring people with disabilities. DVR is required to track and report services provided to businesses.

Other functions performed in STARS include service authorizations and payments related to the delivery of services purchased by the Division from external vendors on behalf of program participants. STARS also provides users with a number of standard caseload-related reports used for managing caseload activities and progress. Multiple interfaces support the exchange of data with external federal and state agency partners, and to internal web applications that pull information from STARS.

Location and Regular Business Hours

DVR operates under the Governor's Safe Start guidelines for government operations. It is anticipated the majority of work to be performed will be at the Contractor's work site. Work space can be made available, if necessary, for on-site work. DVR's regular business hours are 8 a.m. to 5 p.m. Monday through Friday, PST. The DVR main office is located at 4565 7th Avenue, 4th Floor, Lacey, Washington 98503.

3. Project Scope

a) Solution

(1) Organizational Scope:

Agency employees delivering and supporting direct service delivery and program operations will use the new solution.

(2) Functional Scope:

- Document participant information related to establishing a case service record, such as the VR application for services, demographic information, disability information, receipt of public benefits, legal work status, etc.
- Document all participant services, determinations, activities, and progress throughout the VR process from initial application to case closure (application, eligibility/priority category, Individualized Plan for Employment, employment, closure).
- Ability to generate customer correspondence upon completion of specific case actions.
- Print user-friendly documents and reports for participant signature or use – IPE, consents, etc.
- Outlook integration for emailing participants and scheduling appointments
- Generates and records authorizing documents related to the purchase of vendor services on behalf of DVR participants, including vendor management, contracted services and rates. Entry of payments related to completed vendor services.
- Documents participant information and activities related to the delivery of Pre-Employment Transition Services.
- Documents Business Engagement services delivered and activities completed.

- Accurately produces updates requirements for all necessary federal reports (RSA-911, RSA 2, RSA-722, SF-425, ETA-9169, etc.) and any that are required in the future.
- Provide case management and performance reporting at all levels of the organization (counselor, office, unit, region and statewide).
- Establishes data interfaces with external entities including state government enterprise systems.
- Document storage, organization and retrieval related to information collected by DVR related to a case service record. Ability to upload documents to a case service record, support the agency record retention rules, and compatibility with common document management systems.
- Create and store electronic signatures.
- Support system user set up, system administration, and security.

(3) Technical Scope:

- Configure Single Sign On.
- Integration - pertains to the capability of connecting two or more disparate system(s) to share and exchange data:
 1. State's financial systems (AFRS).
 2. DSHS Client Registry, DSHS/ESA for SSI/SSDI data, DSHS/AL TSA/MSD via SQL on each end, ESD, State Board of Community and Technical Colleges (SBCTC), Workforce Training Board as well as fiscal batches and other batches as required.
- Fully compliant with all accessibility standards.
- Integrate vendor solution to the agency technical architecture:
 1. Network infrastructure.
 2. Security.
 3. System infrastructure and application standards.

(4) Optional Functional Scope Items:

- Customer loaned equipment tracking and disposition.
- Fair hearing management.
- Quality assurance tools.
- Case review functions.
- Tracking tool for Consents/Release of Information.
- Portals (customer, vendor, partner, business, etc.).
- Survey tool.

b) Implementation Services

The scope of implementation, maintenance and support services are outlined in the Sample Contract.

Bidder shall identify the key personnel it shall utilize in performing this Contract, and their experience and qualifications, as part of its Response. If awarded a Contract, Bidder shall not make changes to such Key Personnel during the term of the Contract except as requested or approved by DSHS.

4. Bidder Minimum Qualifications

All Bidders must meet the following minimum qualifications:

a) Experience Requirements:

(1) The Bidder must have a contract that was initiated and executed with a state agency for the implementation of a Vocational Rehabilitation (VR) solution under the federal Rehabilitation Services Administration (RSA), within the U.S. Department of Education within the last 2 years, performing work as follows:

- i. Developing, implementing, and managing systems and/or applications such as VR application for services, document participant information related to establishing a case service record, demographic information, disability information, receipt of public benefits, and legal work status.

b) License Requirement:

The Bidder must be licensed or obtain a license to do business in the State of Washington prior to contract execution.

Bidders who do not meet these minimum qualifications may be deemed non-responsive and may be disqualified from further consideration.

5. Mandatory System Requirements

Mandatory system requirements are all listed in the requirements tab in Attachment D, and must be implemented by February 01, 2021.

6. Period of Contract Performance

DSHS intends to award one Contract for the Services described in this Competitive Solicitation.

The period of implementation for this Contract is suspected to commence on or around 3/1/2021 through 2/28/2023. The initial term of Support and Maintenance for this contract shall be 3/1/2023 through 2/29/2024. The Support and Maintenance of the contract may be extended by amendment up to Four (4) times for up to Two (2) year per amendment, in the sole discretion of DSHS.

Additional services that are appropriate to the scope of this Solicitation, as determined by DSHS, may be added to the Contract in a mutually agreeable amendment.

7. Funding

DSHS has budgeted an amount not to exceed \$4,000,000 including all taxes for the software, implementation, interface, and data conversion services outlined for this Project. DSHS may reject any Response in excess of that amount. Any Contract

awarded is contingent upon the availability of funding. Fees for hosting, support and maintenance are not included in the budgeted amount above.

SECTION B DEFINITIONS

Additional definitions for Contract-specific terms are found in the Sample Contract set forth as Attachment A to this Solicitation and shall apply to those terms as they are used in this Solicitation. The following terms have the meanings set forth below:

Agency or DSHS – The Washington State Department of Social and Health Services.

Amendment – A unilateral change to the Solicitation that is issued by DSHS at its sole discretion and posted on WEBS.

Apparent Successful Bidder (ASB) – A Bidder submitting a Response to this Solicitation that is evaluated and is identified and announced by DSHS as providing the best value to the Agency. Upon execution of a Contract, the ASB is referred to as the successful bidder or the Contractor.

Authorized Representative – An individual designated by the Bidder to act on its behalf who has the authority to legally bind the Bidder concerning the terms and conditions set forth in this Solicitation and related documents.

Bid - An offer, proposal or quote for goods or services and all related materials prepared and submitted by a Bidder in response to this Solicitation. The terms Bid, Quotation, Response and Proposal are all intended to mean the same thing.

Bidder – An individual, organization, public or private agency or other entity submitting a bid, quotation, response or proposal in response to this Solicitation.

Contract – A written agreement entered into between a successful Bidder and DSHS as a result of this Solicitation.

Complaint – A process that may be followed by a Bidder prior to the deadline for bid submission to alert DSHS of certain types of asserted deficiencies in the Solicitation.

Coordinator or Solicitation Coordinator – An individual or designee who is employed by DSHS within the DSHS Central Contracts and Legal Services Office and who is responsible for conducting this Solicitation.

Debriefing – a short meeting an Unsuccessful Bidder may request with the Coordinator following the announcement of the Apparent Successful Bidder for the purpose of receiving information regarding the review and evaluation of that Bidder's Response.

Procurement - The broad process of identifying goods and services for purchase or acquisition, of effecting the purchase or acquisition, and of managing the purchase or acquisition. This Solicitation is a part of an overall Procurement process. Despite the broader meaning attributed to "procurement", for purposes of this Solicitation, the terms Solicitation, RF* and Procurement are interchangeable.

Project - The undertaking or work for which contracted Services are being requested pursuant to this Solicitation.

Protest – A process that may be followed by a Bidder after the announcement of the

apparent Successful Bidder to alert DSHS to certain types of alleged errors in the evaluation of the Solicitation.

RCW – The Revised Code of Washington. All references to RCW chapters or sections shall include any successor, amended, or replacement statute.

Responsible Bidder – An individual, organization, public or private agency, or other entity that has demonstrated the capability to meet all the requirements of the Solicitation and to meet the elements of responsibility. (See [RCW 39.26.160 \(2\)](#))

Responsive Bidder – An individual, organization, public or private agency, or other entity who has submitted a Bid that fully conforms in all material respects to the Solicitation and all its requirements, in both form and substance.

RFP – The request for proposals, set forth in this Solicitation document.

Scope of Work – The Project or work scope set forth in this Solicitation Document that identifies DSHS' contractual needs and requirements.

Services – Labor, work, analysis, or similar activities provided by a contractor to accomplish a specific scope of work.

Small Business - An in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that: (a) certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either: (i) fifty or fewer employees; or (ii) a gross revenue of less than seven million dollars annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or (b) Is certified with the office of women and minority business enterprises under chapter [39.19](#) RCW.

Solicitation or Competitive Solicitation – A formal process providing an equal and open opportunity for bidders culminating in a selection based upon predetermined criteria. A Competitive Solicitation requests the submission of bids, quotations or proposals for the consideration of DSHS in contracting to meet its needs. This RF* is a Solicitation.

Solicitation Document – This RFP document, including all attachments and all amendments that are issued by the Coordinator.

Statement of Work – The detailed description of services to be performed by the Contractor and set forth in the Contract.

Subcontractor – An individual or other entity contracted by Bidder to perform part of the services or to provide goods under the Contract resulting from this Solicitation. Subcontractors, if allowed, are subject to the advance approval of DSHS.

Vocational Rehabilitation – Administered by the Rehabilitation Services Administration (RSA), this program provides services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they may prepare for and engage in competitive integrated employment or supported employment and achieve economic self-sufficiency.

WEBS – Washington’s Electronic Business Solution, the Bidder notification system found at <https://pr-webs-vendor.des.wa.gov/> and maintained by the Washington State Department of Enterprise Services.

**SECTION C
EXPLANATION OF SOLICITATION PROCESS**

1. Solicitation Schedule

The Solicitation Schedule set forth below outlines the tentative schedule for important events relating to this Solicitation. Except as modified in an Amendment issued by the Coordinator, the dates and times listed through the date of Response Submission are mandatory deadlines. The remaining dates are estimates and may change without the posting of an Amendment. Failure to meet the Response deadline will result in Bidder disqualification.

Item	Action	Date
1.	DSHS posts Competitive Solicitation.	10/8/2020
2.	Prospective Bidders should register as a Vendor on WEBS using one of the commodities code on the cover page of this Solicitation as soon as possible to receive notifications.	As Soon As Possible
3.	Mandatory virtual Bidder's conference	10/21/2020
4.	Bidder may submit written questions or requests for change in Contract Requirements until 3:00 p.m. Pacific Time.	10/27/2020
5.	DSHS will post responses to written questions.	11/4/2020
6.	Bidders may submit written Complaints by 3:00 p.m. Pacific Time (five business days before Response is Due).	11/13/2020
7.	Bidder must submit Response by 3:00 p.m. Pacific Time	11/20/2020
8.	DSHS evaluation of written Responses	12/7/2020 thru 12/18/2020
9.	Oral interview, presentations, and/or usability session evaluations completed (if requested by DSHS)	1/4/2021 thru 1/13/2021
10.	Implementation Planning Sessions	1/19/2021 1/22/2021
11.	BAFO	1/26/2021
11.	Announcement of Apparent Successful Bidder(s) on WEBS and beginning of contract negotiations	2/1/2021
12.	DSHS notifies unsuccessful Bidder(s)	2/1/2021
13.	Unsuccessful Bidders may request a debriefing conference until 3:00 p.m. Pacific Time	2/5/2021

Item	Action	Date
14.	DSHS holds debriefing conferences, if requested	2/8/2021 thru 2/9/2021
15.	Deadline for submission of Protests by unsuccessful Bidders who participated in a debriefing conference	2/16/2021
15.	DSHS considers Protests, if any, and issues determination	2/25/2021
16	Contract Execution/Start Date	3/1/2021

2. Posting of Solicitation Documents

DSHS shall post this Solicitation, and all amendments and announcements relating to this Solicitation, on WEBS. WEBS can be accessed at: <https://pr-webs-vendor.des.wa.gov/>. In order to inform the largest number of potential bidders about this opportunity, DSHS shall also post documents relating to this Solicitation on the Procurements page of the DSHS website, found at:

<https://www.dshs.wa.gov/ffa/procurements-and-contracting>

All Bidders must register as a vendor on WEBS, using an appropriate commodities code listed on the front page of this Solicitation, and must download this Solicitation from WEBS. This should be done as soon as possible in order for Bidder to receive notifications automatically generated on WEBS, but no later than the date set forth on Section C.1., Solicitation Schedule for Announcement of the Apparent Successful Bidder(s).

3. Amendment, Cancellation/Rejection of Bids, Reissuance of Solicitation

DSHS may amend or add to, retract from or cancel this Solicitation at any time, in whole or in part, and without penalty. DSHS may reject all bids and cancel or rebid this Solicitation. All amendments and notifications of cancellation shall be posted on WEBS. In the event of a conflict between amendments or between an amendment and this Solicitation Document, the document issued latest shall control.

4. Communications Regarding Solicitation

Upon the posting of this Solicitation, all communications concerning this Solicitation must be directed to the Coordinator listed on the cover page of this Solicitation document. With the exception of the Response, which shall be submitted as provided in Section D, Instructions Regarding Content, Format and Submission of Written Responses, communications with the Coordinator should be sent via email. DSHS may disqualify any Bidder who communicates with anyone in DSHS other than the Coordinators regarding this Solicitation.

DSHS considers all oral communications unofficial and non-binding on DSHS. Bidders should rely only on written statements issued by the Coordinator. Email shall be considered an official method of communication unless otherwise specified in this document.

5. Mandatory Bidder Conference

Bidders are **required** to attend an online Bidder Conference which shall be held via Zoom at the date and at the time set forth below. The Bidder Conference is an opportunity for Bidders to learn more about the conditions under which a Contract will be performed. At the Bidder Conference, Bidders will have an opportunity to ask questions and to hear presentations from knowledgeable DSHS personnel. If changes are required as a result of the conference, written amendments will be posted on WEBS.

Date: Wednesday, October 21, 2020

Time: 10:00am to 12:00pm

[Join Zoom Meeting](#)

Phone US: [+12532158782](tel:+12532158782), [85160432497](tel:+185160432497)#, [,,,,,,0#](tel:+10000000000), [,038793#](tel:+1038793) or
one-tap: [+16699006833](tel:+16699006833), [85160432497](tel:+185160432497)#, [,,,,,,0#](tel:+10000000000), [,038793#](tel:+1038793)

Meeting <https://dshs->

URL: wa.zoom.us/j/85160432497?pwd=Qnlzb0dKMmc3dThNUTZ4dHU3T2tPUT09

Meeting ID: 851 6043 2497

ID:

Passcode: 038793

6. Questions and Answers

Bidders may send written questions concerning this Solicitation to the Coordinator by the date and time set forth on the Solicitation Schedule in Section C.1. for submission of Questions. Questions should be sent via email and should include the number and title of this Solicitation in the subject line.

DSHS may consolidate Bidder questions and shall respond by posting one or more Amendments on WEBS and on the DSHS Procurement website on or around the date specified in the Solicitation Schedule. Only Bidders who have properly registered and downloaded the original Solicitation directly via the WEBS system: <https://pr-webs-vendor.des.wa.gov/> will receive notification of Amendments and other correspondence pertaining to this Solicitation.

7. Request for Change in Solicitation Requirements

If Bidder believes that this Solicitation contains requirements which would unreasonably prohibit or restrict Bidder's participation, or believes that different requirements would provide better value to the State, Bidder shall submit a written explanation of the issue together with proposed alternative requirements to the Coordinator no later than the deadline for Bidder Questions as stated in the Solicitation Schedule set forth in Section C.1. The Coordinators shall not be required to consider requests for changes after this date. If any changes are made to the Solicitation requirements, an Amendment setting forth those changes will be posted on WEBS.

8. Complaints

In the event a Bidder believes that this Solicitation either: (a) unnecessarily restricts competition; (b) contains an unfair or flawed evaluation or scoring process; or (c) contains inadequate or insufficient information to permit preparation of a Response, the Bidder shall submit a written complaint to the Coordinator. The Coordinator will forward the complaint to the DSHS Chief of Central Contracts and Legal Services for review. The complaint shall include a proposed remedy and shall be submitted no later than five (5) business days prior to the date when Responses are due. DSHS shall post its response to the Complaint on WEBS and on the DSHS procurement web page.

Should a Bidder's complaint identify a change that would be in the best interest of DSHS to make, DSHS may issue an Amendment modifying this Solicitation. The DSHS decision regarding a complaint is final and no further administrative appeal is available. If no complaint is filed, a Bidder cannot later file a protest based on any of the above complaint criteria.

9. Minority & Women's Business Enterprises (MWBE) and Veteran-Owned Business Enterprises

In accordance with the legislative findings and policies set forth in RCW 39.19, 43.60A.200, 39.26.240 and 39.26.245, the State of Washington encourages participation by veteran-owned business enterprises and Minority-Owned and Women-Owned Business Enterprises (MWBE), either self-identified or certified by, respectively, the Department of Veterans Affairs or the Office of Minority and Women's Business Enterprises (OMWBE). While the State does not give preferential treatment, it does seek equitable representation from the veterans, minority and women's business communities.

Participation by veteran-owned and MWBE contractors may be either on a direct basis in response to this Solicitation or as a subcontractor to a contractor. However, no preference will be given in the evaluation of Bids, no minimum level of MWBE or veteran-owned business participation shall be required, and Bids will not be evaluated, rejected, or considered non-responsive on that basis.

Bidders may contact the Office of Minority and Women's Business Enterprises (OMWBE) at <http://omwbe.wa.gov/> and/or the Department of Veterans Affairs at <http://www.dva.wa.gov/program/veteran-owned-business-certification> to obtain information on certified firms for potential subcontracting arrangements or for information on how to become certified. Nothing in this section is intended to prevent or discourage participation from non-MWBE firms or non-veteran-owned businesses.

10. Auxiliary Aids and Limited English Proficient (LEP) Services

DSHS will provide access to this Solicitation document to individuals with disabilities and Limited English Proficient individuals. Please contact the Coordinator to request auxiliary aids and services.

If an individual believes that the Department has discriminated against them on the basis of a protected status, please contact the DSHS Investigations Unit for the Nondiscrimination Policy Brochure and complaint process. The brochure can be found at <https://www.dshs.wa.gov/sites/default/files/publications/documents/Non-discrim%2022-171.pdf>

11. Accessibility

Contractor represents and warrants it shall exercise commercially reasonable efforts to comply with the Office of Chief Information Officer (OCIO) Standard 188.10 – Minimum Accessibility Standard located at <https://ocio.wa.gov/policy/minimum-accessibility-standard>. Contractor shall regularly review its systems and at the commencement of this Contract, and annually thereafter, certify to Enterprise Services that Contractor's Services meet OCIO Standard 188.10.

12. Cost to Prepare Response

DSHS will not be liable for any costs incurred by the Bidder in preparing, conducting a site assessment, or submitting a Response to this Solicitation.

13. Acceptance of Solicitation Terms

In submitting a Response, Bidder must include a signed Bid Submission Letter in the form set forth on Attachment B, as well as signed Bidder Certifications in the form set forth on Attachment C. Bidder must acknowledge that in submitting a Response, it accepts all terms of this Solicitation Document, including all of its Attachments, and that Bidder's Response constitutes a binding offer. Bidders may not alter or redline the solicitation terms or requirements in their response. Submitting altered or redlined solicitation terms or requirements in the Bidder Response may result in bidder disqualification.

14. Joint Proposals

If Bidders submit a joint Response with one or more other persons or entities, these persons or entities must designate a prime Bidder. The prime Bidder will be DSHS sole point of contact through the Procurement process. If selected as the Apparent Successful Bidder, the prime Bidder shall sign the contract and any amendments and will be liable and responsible to DSHS for all performance under the contract.

15. Withdrawal of Responses

After a Response has been submitted, Bidders may withdraw their Response at any time up to the Response due date and time as specified in Section C.1, Solicitation Schedule. A written request to withdraw the Response must be submitted to the Coordinator. After withdrawing a Response, the Bidder may submit another Response at any time up to the Response submission date and time.

16. Ownership of Responses

All materials submitted in response to this Solicitation become the property of DSHS, unless received after the deadline in which case the Response shall be returned to the sender. DSHS shall have the right to use any of the ideas presented as part of the

process in any manner as it deems appropriate or beneficial, regardless of whether it is contained in a Response that results in selection for a Contract.

17. Oral Interview, Presentation, and/or Usability Session Evaluation

After bids are received and written evaluations are completed, DSHS may request that one or more Responsible and Responsive bidders participate in an oral interview, presentation, and/or usability evaluation. If this option is elected, additional points shall be awarded as set forth in Section E., Evaluation Criteria and Scoring of Responses.

18. Implementation Planning Sessions

DSHS may request that the highest scoring bidder following completion of written, cost, usability, and possible oral evaluations, the "Potential Successful Bidder," participate in a series of structured Implementation Planning Sessions (IPS) led by the Agency. The purpose of the IPS workshop(s) is to explore the details surrounding compatibility of a possible Statement of Work, Resource Plan, Project Schedule and other important project-related schedules between DSHS and the Potential Successful Bidder. The IPS is considered part of the contract negotiation process should this bidder be announced as the ASB.

While DSHS commits to reasonable negotiation with any Potential Successful Bidder, the following situations would justify DSHS evaluators to document a negotiation impasse with a vendor undergoing the Implementation Planning Session and move on to discussions with the next highest scoring bidder:

- a. The Potential Successful Bidder does not demonstrate capabilities listed within the RFP.
- b. The Potential Successful Bidder is unwilling to memorialize mandatory features, or the assured development of those features within the possible Statement of Work.
- c. The Potential Successful Bidder is unwilling to agree to reasonable holdbacks required to protect DSHS for development of required future features.
- d. The Potential Successful Bidder is unable to agree to other specific terms that are vital to the success of the BMMP Case Management System within the contract.

In the event any of the foregoing situations should arise in the Implementation Planning Session, evaluators must document this negotiation impasse and collectively agree the Potential Successful Bidder is unable or unwilling to comply despite reasonable negotiations. The Potential Successful Bidder shall be notified of this decision in writing. Evaluators would then be free to invite the next highest potential successful bidder to participate in an IPS and move forward to the next stage.

If the solicitation Evaluators have documented a negotiation impasse with a bidder who would otherwise have scored high enough to be the ASB, the Solicitation Coordinator may then announce the next highest scoring bidder who successfully completes the Implementation Planning Session(s) as the ASB.

Bidder(s) will be responsible for their own costs and expenses related to the IPS (the agency anticipates these workshops will be held virtually).

19. Best and Final Offers (BAFO); DSHS Award Options

Once a Proposal has been submitted, Bidders will not be allowed to make changes to those Proposals unless they receive a written request for a BAFO from DSHS. A BAFO may be requested as described in this Section.

At any time after the completion of Implementation Planning Sessions, DSHS may notify the remaining Bidder(s) that DSHS will require them to submit BAFOs. The notice will be in writing and will set a specific time and date certain by which the BAFO must be submitted to DSHS. The BAFO notice may set additional conditions and requirements for the submission of the BAFO. The notice will advise Bidders that the BAFO shall be in writing and that upon the closing date for submission, DSHS intends to select an Apparent Successful Bidder (ASB). The BAFO Notice will be posted on the DSHS website as well as an email notification sent to all Bidders. Only those Bidders who received a written BAFO request from DSHS are permitted to submit revisions to proposals after original submissions and prior to award for the purpose of obtaining BAFOs. In conducting discussions, there shall be no disclosure of any information derived from Proposals submitted by competing Bidders.

Evaluation of BAFOs and selection of the Apparent Successful Bidder will be based upon the evaluation criteria set out in the RFP. Terms proposed as part of a BAFO must be in accordance with the terms requested in this RFP and may not alter the requirements of the RFP. The written Responses of Bidders invited to provide a BAFO may be re-evaluated and the point values may be adjusted based upon changes to pricing or proposed services, deliverables or methodologies that are included in a best and final offer, prior to DSHS' determination of the Apparent Successful Bidder.

The final negotiated BAFO shall be incorporated by reference into the Proposal and as part of the Contract.

DSHS shall not be required to request best and final offers or to enter into negotiations and reserves the right to make a Contract award without further discussion of the Response. Therefore, the Response should be submitted on the most favorable terms that Bidder intends to offer.

20. Announcement of Successful Bidder(s)

DSHS shall announce the Apparent Successful Bidder(s) on WEBS on the date indicated in Section C.1., Solicitation Schedule. All announcements of Apparent Successful Bidders are subject to the negotiation of a Contract satisfactory to DSHS. For a contract to be satisfactory, it must be at least materially consistent with any document jointly created by evaluators and a Potential Successful Bidder during the Implementation Planning Session.

Bidders who are not announced as an Apparent Successful Bidder may request a debriefing conference with the Coordinator concerning the evaluation of their bid and may, under certain circumstances, file a formal protest requesting that DSHS provide an identified remedy if Bidder believes certain types of errors occurred. A more detailed description of these processes is set forth in Section F, Debriefing and Protest

Procedure.

21. Ethics, Policies and Law

This Solicitation, the evaluation of Responses, and any resulting contract will be made in conformance with applicable Washington State laws and Policies.

Specific restrictions apply to contracting with current or former state employees pursuant to RCW 42.52. Bidders should familiarize themselves with the requirements prior to submitting a Response. Bidders must include, in their Letter of Submittal, information regarding any current or former state employees who are employed by, or subcontracted with, Bidder.

SECTION D
INSTRUCTIONS REGARDING CONTENT, FORMAT AND SUBMISSION OF
WRITTEN RESPONSES

Bidders shall submit their Responses utilizing the forms set forth on Attachments B, C, and, D to this Competitive Solicitation. Each Attachment represents a separate section of the Response. Failure to complete and submit all required Attachments, and to sign them, if applicable, may result in Bidder disqualification. Responses should be neatly typed in 12-point font, using proper grammar, spelling and punctuation and should be submitted in the following order with each section of the Response clearly labeled.

1. Attachment B: Bid Submission Letter (Required, not scored)

All Bidders must submit a completed bid submission letter in the form and with the minimum contents set forth on Attachment B, which must include all of the required acknowledgments and information. The Bid Submission Letter must be signed by an individual authorized to bind the Bidder contractually. Bidder's completed and signed Attachments B and C, together with any documents that are required to be attached, and Bidder's answers to administrative questions set forth on Attachment D, Bidder Response Form, comprise the Administrative component of the Response.

2. Attachment C: Bidder Certifications and Assurances (Required, not scored)

All Bidders must submit the Bidder certifications and assurances form set forth on Attachment C, signed by an individual authorized to bind the Bidder contractually. Bidders may not alter or redline the Bidder Certifications and Assurances form in their response. Submitting altered or redlined solicitation terms or requirements in the Bidder Response may result in Bidder disqualification.

3. Attachment D: Bidder Response Form (Required, Portions Scored)

Using Attachment D, Bidders must provide answers to the questions set forth on the Bidder Response Form to demonstrate satisfaction of administrative requirements and, as applicable to this Solicitation, their qualifications, approach and proposed pricing to provide the services as outlined in this Competitive Solicitation, including the Sample Contract set forth on Attachment A. The number of points allocated to each answer is indicated next to the question.

The Bidder Response Form is posted separately from this Solicitation document in Microsoft Excel format. Except for limits that are noted on the Bidder Response Form, Bidders may utilize as much space as is reasonably required to respond to each question, provided all questions are repeated and remain numbered and ordered as set forth in Attachment D. If additional pages are needed, they should be attached to the page containing the initial portion of the response to a question and should be marked clearly to indicate that they provide a continuation of Bidder's answer to a specific numbered question. Bidders should not submit product brochures, white papers, customer testimonials, cut sheets, or other pre-prepared materials in response to any of the questions.

Bidders must submit complete, well-organized explanatory answers that address all of the specific questions asked in the Bidder Response Form. Bidders should not assume that evaluators will be familiar with their businesses before conducting the evaluation.

Use of Attachment D assures that Bidder responds to specific questions in space provided for those questions and helps to avoid confusion among evaluators about the question that is being responded to. In awarding points, evaluators shall not be obligated to search through the Bidder's answers to questions other than the one being reviewed in order to locate text that is responsive to the question being reviewed. Failure to use the form set forth on Attachment D, failure to respond to all questions, and/or failure to submit any documents requested in the Bidder Response Form may result in Bidder disqualification.

If Bidder is awarded a Contract, DSHS may require that Bidder's Response to the Bidder Response Form be incorporated, in whole or in part, into the Contract.

4. Proprietary Information/Public Disclosure

Materials submitted in response to this Solicitation shall be deemed public records as defined by RCW 42.56. All Responses and accompanying documentation shall become the property of DSHS upon receipt, and will not be returned.

The Bidder's Response must include, on Attachment D, a statement identifying the row numbers of its Response, if any, which contain information the Bidder considers proprietary (for the purposes of public disclosure) and page numbers (if additional pages are attached as allowed). Any applicable row in Attachment D must be **highlighted in yellow** while stating the word "Proprietary" in the response section and each additional page number attached (as allowed and if applicable) claimed to be proprietary must be clearly marked by stating the word "Proprietary" on the lower right hand corner. Bidders must be reasonable in designating information as proprietary or confidential. **Bidders may not mark their entire Response proprietary. Doing so will not be honored and will disqualify your Response from further consideration.**

If DSHS receives a request to view or copy a Bidder's Response, DSHS will respond according to applicable law and DSHS's policy governing public disclosure. DSHS will not disclose any information marked "Proprietary" in a Response without giving the Bidder ten (10) days' notice to seek relief in superior court per RCW 42.56.540.

Bidders may not include any DSHS client information in their Responses. Doing so will result in disqualification of the Response from further consideration. If you wish to include examples of any forms or processes, use a blank form or ensure that all client information is completely redacted.

5. Submission of Responses

Bid Responses must be stored in an acceptable electronic format and, if applicable, hard copy format, as set forth in Section 7, below. Bid Responses must be emailed directly to the Coordinator at the email address provided on the cover sheet of this Solicitation Document. Bid Responses must be received by the Coordinator in their entirety on or before the due date and time set forth in Section C.1., Solicitation Schedule, unless a posted Amendment to this Competitive Solicitation changes this due date and time.

Bidder's completed version of each of the Attachments B, C, and D to this Competitive Solicitation shall be included as a separate attachment to the Bidder's email(s).

Bidders assume all risks for the timely submission of the Response. Bidders are responsible for allowing sufficient time to ensure timely electronic receipt of their Response by the Coordinator and, in Solicitations that also require that hard copies of the Response be submitted, to ensure timely receipt via other delivery methods. DSHS does not assume responsibility for problems with the Bidder's email, network or problems with the mail, parking, traffic or the services of any third party courier. However, if DSHS email is not working properly, appropriate allowances will be made.

DSHS will not accept late Responses, nor grant time extensions for individual Bidders. DSHS will disqualify any Response and withdraw it from consideration if it is received after the Response submission due date and time.

6. Acceptable Electronic Formats for Submission of Responses

Attachment D, Bidder Response Form, should be submitted in Microsoft Excel. Other Response documents must be formatted in Portable Document Format (Adobe Acrobat PDF) or Microsoft Word, Excel, or PowerPoint. Spreadsheet documents must be submitted in Microsoft Excel and in a live, unprotected file that includes all formulas, macros, and computations that are relied on or used to calculate any rates or values presented therein. When scanning documents to be submitted in PDF format, scanner resolution should be set to at least 200 dots per inch.

NOTE: DSHS cannot receive emails that are larger than 30MB. To keep file sizes to a minimum, Bidders are cautioned not to use unnecessary graphics in their Responses. If your Response approaches or exceeds 30MB, you must break it up and send it by more than one email so that no single email exceeds 30MB.

7. Alternative Submission Methods

Bidders wishing to request an alternative method for submitting their Response must contact the Coordinator at least ten (10) days before the Response Submission Date. No alternative submission method will be accepted unless agreed to by the Coordinator in writing prior to the Response deadline.

SECTION E
Evaluation Criteria/Process and Scoring of Responses

1. Evaluation Criteria/Process and Scoring of Responses

This RFP and the evaluation of Proposals will be made in conformance with applicable DSHS policies and Washington State law.

Responsive Proposals will be evaluated strictly in accordance with the requirements stated in this RFP, including any addenda issued to it. The evaluation of Proposals shall be accomplished by an evaluation team, to be designated by DSHS. The team will determine the ranking of the Proposals. The team shall consist of at least three (3) evaluators to review, evaluate, and score responses. These evaluators will be selected based on their qualifications, experience, capability and background. If oral interviews, presentations, and/or usability sessions are conducted, additional evaluators may supplement or replace some or all of the individuals performing the written evaluation.

DSHS reserves the right to award the Contract to the Bidder whose Proposal is deemed to be in the best interest of and provides the best value to DSHS and the State of Washington.

The best interest of and best value to DSHS will be determined by considering the total value, including, but not limited to:

- The quality of service, breadth, and depth of offering.
- Total cost, including the projected internal cost to DSHS for the implementation and ongoing operations, maintenance, and support of the BMMP Case Management System and Services.
- The strength and form of contractual commitments made by the Bidder to DSHS.

The Proposal evaluation process includes the steps identified in the following Sections. The Evaluation process is intended to identify the Proposal that is in DSHS's best interest and offers DSHS the best value, which may not necessarily be the Proposal with the highest score or the lowest cost.

The maximum number of points available for each Bidder is ten thousand (10,000). The maximum number of points that may be assigned with respect to specific questions is set forth on Attachment D, Bidder Response form. The overall breakdown for assignment of points in evaluating Responses to this Solicitation is as follows:

Point Distribution by Solicitation Section		
Section	Points Possible	% of Total Points Available (Section Weight)
EO 18-03 Response (<i>Attachment D, Section 2</i>)	200	2%
Bidders Qualifications and Experience (Management Response) (<i>Attachment D, Section 3</i>)	1,500	15%
Bidders Solution and Proposed Approach (Technical Response) (<i>Attachment D, Section 4</i>)	2,000	20%
Bidders Response to System Requirements (<i>Attachment D, Requirements tab</i>)	2,000	20%
Bidders Proposed Pricing (Cost Requirements) (<i>Attachment D, Section 5</i>)	2,000	20%
References (<i>Attachment D, Section 1B</i>)	800	8%
(*Optional) Oral Interview/Presentation/Usability Session	1,500	15%
Total Points Possible	10,000	100%

DSHS will evaluate the Bidder(s) Proposal in a structured, nine (9) stage process. Each section of the Bidder(s) Proposal will be evaluated in stages. The evaluation and scoring for each stage will determine participation in future stages. For each stage, the assigned DSHS Evaluation Team will select which Bidder(s) may proceed to the next stage based on the evaluation approach.

Stage	Description
Stage 1: Bid Responsiveness; Administrative Review	The Coordinator(s) will screen each Proposal to determine if the Bidder(s) complied with administrative and minimum qualification requirements and instructions. DSHS will only evaluate proposals meeting the Administrative Requirements.
Stage 2: Evaluation for Executive Order 18-03	The Coordinator(s) will evaluate Bidder(s) Response on EO 18-03 pursuant to RCW 39.26.160(3) (best value criteria) and consistent with Executive Order 18-03 – Supporting Workers’ Rights to Effectively Address Workplace Violations (dated June 12, 2018). <i>(Attachment D, Section 2)</i>

Stage	Description
Stage 3: Evaluation of Bidder Qualifications and Experience (Management Response), Bidder Solution and Proposed Approach (Technical Response), and System Requirements	The DSHS evaluation team will evaluate and score Bidder(s) responses of elements within this RFP. <i>(Attachment D, Sections 3 and 4, Attachment D, Requirements Tab)</i>
Stage 4: Evaluation of Bidders Proposed Pricing (Cost Response)	The DSHS evaluation team will evaluate and score Bidder(s) Cost Proposals. <i>(Attachment D, Section 5)</i>
Stage 5: Reference Checks	DSHS will perform reference checks. <i>(Attachment D, Section 1B)</i>
Stage 6: Oral Interview/Presentation, and/or Usability Evaluation	DSHS may invite Bidder(s) to Oral/Interview/Presentation, and/or Usability Study that will be evaluated by the DSHS evaluation team.
Stage 7: Initial Contract Negotiations and/or Implementation Planning Session (IPS) Workshop(s)	The “Potential Successful Bidder” may be required to participate in initial Contract negotiations and/or IPS workshop(s). <i>Please refer to Section C, 18.</i>
Stage 8: Request for Best And Final Offer (BAFO)	DSHS may notify the remaining Bidder(s) that DSHS will require them to submit their BAFO. <i>Please refer to Section C, 19.</i>
Stage 9: Final Contract Negotiations and Selection of the Apparent Successful Bidder (ASB)	Step 1: Contract negotiations with the potential successful bidder, finalization of Contract and other project documents. Step 2: Announcement of the ASB. Protest period will be permitted prior to execution of the Contract.

1.1 Bid Responsiveness; Administrative Review: Stage 1.

All Responses will be reviewed by the Coordinator to determine compliance with administrative and minimum qualification requirements and instructions specified in this Solicitation. DSHS may reject a Response as nonresponsive at any time for any of the following reasons:

- Incomplete Response
- Submission of a Response that proposes services that deviate from the scope and technical requirements set forth in this document and Attachment A, Sample Contract, except as permitted in an Amendment to this Solicitation
- Failure to meet the minimum Bidder qualifications or to comply with any requirement set forth in this Solicitation Document, including Attachments
- Submission of incorrect, misleading, or false information
- History of prior unsatisfactory contractual performance

The Coordinator(s) may contact any Bidder for clarification of the Response. If a Response is deemed non-responsive, it shall be removed from further consideration. DSHS shall notify non-responsive Bidder(s) of this determination and the supporting reasons. Bidders whose Responses are found to be non-responsive shall be disqualified from further evaluation and shall be notified in writing.

If a Response meets all administrative and Bidder qualification requirements and submittal instructions, DSHS shall continue with the Written Evaluation and, if applicable, the Oral Evaluation.

1.2 Evaluation for Executive Order 18-03 (Firms without Mandatory Individual Arbitration for Employees): Stage 2.

Pursuant to RCW 39.26.160(3) (best value criteria) and consistent with [Executive Order 18-03 – Supporting Workers’ Rights to Effectively Address Workplace Violations](#) (dated June 12, 2018), DSHS will evaluate bids for best value and provide a bid preference in the amount set forth in Attachment D, Bidder Response Form, to any bidder who certifies that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

Successful bidders who certify that their employees are NOT required to sign these clauses and waivers as a condition of employment will have an EO 18-03 section added to their contract incorporating this response and requiring notification to DSHS if they later require their employees to agree to these clauses or waivers during the term of the contract.

1.3 Evaluation and Scoring of Management, Technical Proposals and System Requirements: Stage 3.

DSHS shall designate an evaluation team of at least three (3) evaluators to review, evaluate, and score responses. These evaluators will be selected based on their qualifications, experience, capability and background. If oral interviews, presentations, and/or usability sessions are conducted, additional evaluators may supplement or replace some or all of the individuals performing the written evaluation.

Evaluators shall assign scores up to the maximum points available. Individual evaluator points will be totaled and the average points for each Bidder will be calculated. The Bidder’s average points earned for each question will be added together to determine the Bidder’s total written evaluation points.

The management/technical evaluation criteria shall be evaluated and points shall be awarded for the management, technical components of the Response, as applicable, based upon Bidder's responses to the questions set forth in Attachment D, Bidder Response Form.

1.4 Cost Proposal Evaluation: Stage 4

The Bidder who offers the lowest cost for each question of the Cost Proposal shall receive the maximum number of available Cost Proposal points. Bidders offering higher costs will receive proportionately fewer Cost Proposal points based on the lowest cost as follows:

$$\text{low bid} / \text{higher bid} = \% \text{ of avail. points awarded} * \text{avail. points} = \text{total cost points}$$

Bidder	Low-Cost Calculation <i>EXAMPLE</i>			Calculated Quotation Score					
	Quotation Quest. #5A.2	Low Cost %	Points Available	Points Awarded (Max 800 Points)	Quotation Quest. #5A.3	Low Cost %	Points Available	Points Awarded (Max 800 Points)	Grand Total Cost Points
Bidder A	\$40.00	1.00	800	800	\$80.00	0.25	250	62.5	862.5
Bidder B	\$50.00	0.80	800	640	\$50.00	0.40	250	100	740
Bidder C	\$80.00	0.50	800	400	\$20.00	1.00	250	250	650

1.5 Bidder's Reference Checks: Stage 5

By submitting a proposal Bidders agree that DSHS may contact the references provided (in Attachment D Section 6a) and/or other agencies DSHS may know Bidder has worked for, in order to investigate past performance and validate information in Bidder Responses. In submitting a Response, Bidder agrees that it shall hold harmless DSHS and any individuals identified as references from and against liability resulting from the provision of information or the receipt and use of that information in evaluating Bidder's Response.

DSHS may reject a bid if a reference provides negative information about a Bidder's past performance. DSHS reserves the right to request additional references or to use references and other information not provided by the Bidder.

DSHS may, at any time, require additional or substitute references to determine the Bidder's experience and level of responsibility. If the reference check process reveals information that should properly be considered in evaluating Bidder's responses, DSHS may, in its sole discretion, reconvene the evaluation panel to reconsider the evaluation scoring in light of the information obtained.

1.6 Oral Interview/Presentation, and/or Usability Evaluation: Stage 6

In addition to evaluating the written response, DSHS may invite one or more of the highest scoring Bidders to make an oral interview/presentation and/or usability session, which shall be separately evaluated. The oral interview/presentation and/or usability session will be conducted in no set order.

a) Oral Interview/Presentation

If conducted, the oral interview/presentation shall be conducted virtually through a platform determined by DSHS at a later date (i.e. Zoom, WebEx, etc.). The details of the oral interview/presentation criteria shall be issued via an Amendment after written evaluations are completed.

b) Usability Session

If conducted, Bidder(s) shall provide the agency with access to the case management system (including the latest version of generally available software) virtually. The agency will conduct Usability and accessibility reviews of the Solution in coordination with the product demonstrations including review activities that:

1. Demonstrate Intuitiveness of navigation and functionality of the Solution;
2. Demonstrate relevance of the search and help features of the Solution;
3. Demonstrate the Ease of Use in performing standard tasks
4. Demonstrate design, layout, content and terminology based on industry best practices;
5. Demonstrate compliance with World Wide Web Consortium's (W3) Web Content Accessibility Guidelines (WCAG), Level AA and with applicable State guidelines based on the subsections of Section 508 of the Rehabilitation Act of 1973, as amended; and
6. Usability and accessibility reviews will be conducted at the discretion of the agency to ensure the Solution meets the Usability and accessibility requirements as stated in the Requirement Scoring Matrix.

Each system will be evaluated by four user groups:

- Employees
- Supervisors
- Configuration
- Vision impaired users

1.7 Initial Contract Negotiation and/or Implementation Planning Session(s) (IPS) Workshop(s): Stage 7

Further detail on the deliverables to be generated from the IPS workshops is provided below:

a. PROJECT DOCUMENTS

DSHS will only enter into a contract where it has predictable project costs and the assurances from the successful Bidder that it clearly understands and is prepared to enter into commitments to complete the Agency Project. To achieve this objective, sufficient project planning will need to be undertaken and appropriate project documents developed as part of the contract signing. The potential project documents will be fully or partially negotiated during the IPS, including:

- (1) Statement of Work (using the format for Statement of Work provided by DSHS to Bidder)

- (2) Project Schedule (initial draft to be developed by the Bidder and DSHS as the Statement of Work is being finalized)
- (3) Resource Plan (using the draft provided by the Bidder as part of the Proposal)
- (4) Requirements assessment validating products to be implemented
- (5) Initial customizations list with pricing
- (6) Office of CyberSecurity Security Review checklist

DSHS may reject any Bidder and proceed with the next highest scoring Potential Successful Bidder if a negotiation impasse should arise and the procedures of Section C 18. Implementation Planning Session are followed.

In participating in the IPS workshops, the potential successful Bidder(s) will be required to represent and warrant to DSHS that:

- (7) Bidder had a sufficient opportunity to conduct all due diligence required to develop the project documents;
- (8) The project documents are complete, accurate and sufficiently detailed in order to complete the Project within the agreed to fixed fee;
- (9) Bidder has reviewed and performed all necessary due diligence on the business and technical requirements and, based on such due diligence, affirms that Bidder has advised DSHS of all software, services and other items needed to implement the DSHS Project to meet DSHS's requirements and complete the Project within the timeframes set forth in the project documents;
- (10) The number and amount of time allocated to agency resources identified by Bidder in the Resource Plan are the only resources needed by DSHS to complete the Project in accordance with the terms of the project documents; and
- (11) The number and amount of Bidder personnel resources identified in the Joint Resource Plan is an accurate representation of the amount of resources needed by Bidder to complete the services set forth in the Statement of Work as scheduled.

1.8 Request for Best And Final Offer(s): Stage 8

Pursuant to *Section C.19 Explanation of Solicitation Process*, unless a formal notice to submit a Best and Final Offer (BAFO) has been issued by DSHS, discussions may not be used to change the terms or specifications of a Proposal or to solicit such changes. Such discussions shall not be used to cure Proposal deficiencies or omission, alter the technical or cost elements of the Proposal or otherwise revise the Proposal. Discussions may be used to eliminate minor irregularities, informalities or apparent clerical mistakes in the Proposal.

1.9 Final Contract Negotiations and Selection of Apparent Successful Bidder (ASB): Stage 9

In Stage 9 DSHS will negotiate with the potential successful bidder to determine final Contract terms, and to determine if the Proposal may be improved in terms of best value to DSHS.

The selection process shall determine which Bidder provides the best value in meeting the needs of DSHS. Selection of the Apparent Successful Bidder(s) depends upon DSHS' assessment of multiple factors, including Bidders' qualifications, capabilities, efficiency, experience, reliability, responsibility, integrity, quality of proposed services and deliverables, timeliness, cost and potential impact on DSHS' needs. DSHS may consider whether the Response encourages diverse contractor participation; whether the Bid provides competitive pricing, economies and efficiencies; whether the Bidder considers human health and environmental impacts; whether the Response appropriately weighs cost and non-cost considerations; and life cycle cost, as applicable. DSHS may also consider a Bidder's performance on prior State or other contracts and may reject Responses of any Bidder who has failed to perform satisfactorily under any previous contract with the state or another party. DSHS reserves the right to select a Bidder whose Response is deemed to offer the best overall value and that is in the best interests of DSHS and the State of Washington.

DSHS management shall make the final determination as to which Bidder(s), initially designated as finalist(s), shall be officially selected and announced on WEBS as the Apparent Successful Bidder(s) on or about the date and time set forth in Section C.1., Solicitation Schedule. DSHS may also notify the Apparent Successful Bidder(s) and the unsuccessful Bidder(s) of its determination via email on or about the date and time specified in Section C.1., Solicitation Schedule.

DSHS' decision will be subject to the execution of a Contract satisfactory to DSHS within a reasonable period of time following the announcement of the Apparent Successful Bidder on WEBS. In the event the parties are unable to reach agreement on the final details of a Contract, consistent with Attachment A, Sample Contract, DSHS shall have the option of negotiating with the next highest scoring Bidder and of revising the announcement of the Apparent Successful Bidder.

2. Errors in Bidder Response

Bidders are responsible for all errors or omissions contained in their Responses. Bidders will not be allowed to alter Response documents after the deadline for Response submissions.

DSHS reserves the right to contact any Bidder for clarification of Response contents. In those cases where it is unclear to what extent a requirement has been addressed, the evaluation panel may, in their discretion and acting through the Coordinator, contact a Bidder to clarify specific matters in the submitted Response.

DSHS reserves the right to waive minor administrative irregularities contained in any Bidder Response.

**SECTION F
BIDDER DEBRIEFING
AND PROTEST PROCEDURE**

1. Debriefing Conferences

No later than 5:00 p.m. on the third business day following the posted announcement of Successful Bidder(s) on WEBS, Bidders who are not selected as a Successful Bidder may send an email to the Coordinator requesting a Debriefing Conference. Since debriefing conferences pertain to the formal evaluation process, Bidders who were disqualified as nonresponsive and therefore did not go through the formal evaluation process are not entitled to request a Debriefing Conference. Unless a different date is agreed upon by the Coordinator, the Debriefing Conference will be held on a date designated in Section C.1., Solicitation Schedule. Discussion at the debriefing conference will be limited to the following:

- Evaluation and scoring of the Bidder's Response
- Critique of the Response based on the evaluation
- Review of Bidder's final score in comparison with the other final scores

No comparisons between Bids will be allowed during the Debriefing Conference, which shall be conducted by telephone, unless the Coordinator agrees to an in-person meeting, and shall last for a maximum period of thirty (30) minutes.

2. Grounds and Filing of Protests

A Bidder who has participated in a Debriefing Conference may file a formal Protest if the Bidder asserts that there are facts that indicate error in the evaluation of Bids on one or more of the following grounds:

- Bias, discrimination or conflict of interest on the part of the evaluator or in the process
- Mathematical errors in computing the score
- Non-compliance with procedures described in the Solicitation document or in DES policy

Protests must be emailed to the Solicitation Coordinator and must be received no later than 5:00 p.m. (Pacific Time) on the fifth (5th) business day following the day of the Bidder's Debriefing Conference. The Protest must adhere to the requirements set forth in this Section or it will not be considered. This Protest procedure constitutes the sole administrative remedy available to Bidders from DSHS under this Solicitation.

Protests must include the protestor's mailing address and phone number and the name of the individual responsible for filing the Protest. The Protest must state the Solicitation number and title, the grounds for the Protest, specific facts to support these grounds, and a description of the relief or corrective action being requested.

Protests not based on one of the grounds set forth in this Section will be rejected. It is not grounds for a protest to question an evaluator's professional judgment on the quality of a Response or DSHS' assessment of its own needs or requirements.

4. DSHS Protest Review Process

The Coordinator will immediately forward any Protest to the Chief of Central Contracts and Legal Services to assign to a Protest Coordinator for review. The Protest Coordinator, an individual who was not involved in the Solicitation, will consider the record and all available facts and will endeavor to issue a decision within ten (10) business days following receipt of the Protest. If additional time is required, the protesting party will be notified of the delay.

In the event a Protest may involve the conduct of or information submitted by another Bidder that also submitted a Response, such Bidder will be given an opportunity to submit its views and any relevant information on the issue(s) raised by the protest to the Solicitation Coordinator.

5. Determination of Protests

The Protest Coordinator shall issue a written determination regarding the Protest. This written determination shall include one or more of the following determinations:

- Upholding DSHS determination of the Apparent Successful Bidder(s) on the basis that there are insufficient facts to establish the alleged error; or
- Upholding DSHS' determination of the Apparent Successful Bidder(s) on the basis that there are only technical or harmless errors in DSHS' evaluation process; or
- Finding errors and identifying actions which may be taken by DSHS, such as:
 - i. Correction of errors and reevaluation of all bids,
 - ii. Cancellation and reissuance of the Solicitation (in which case all the Bidders will be notified), or
 - iii. Other corrective actions as may be appropriate

There is no further administrative process or remedy available within DSHS to appeal the determination that resulted in a Protest. If the protesting party does not accept DSHS' determination, the protesting party can seek relief from Superior Court in Thurston County, WA.

**SECTION G
CONTRACTING PROCEDURES**

1. Contract Execution

The Apparent Successful Bidder(s) is expected to sign a contract with DSHS that is substantially the same as Attachment A, Sample Contract, included with this Solicitation, and to enter into any subsequent Contract amendments that may be required to address specific work or services.

DSHS reserves the right to require that some or all of Bidder's Response be incorporated into the Contract, and to negotiate the specific wording of the Statement of Work, based on the requirements of this Solicitation and the terms of the Response submitted by the Apparent Successful Bidder. If changes are requested as part of the Bid Response, DSHS may consider, but shall be under no obligation to agree to, modifications to the General Terms and Conditions of Attachment A, Sample Contract.

If the Apparent Successful Bidder fails or refuses to sign a Contract within ten (10) business days of delivery by DSHS, DSHS may elect to designate the next highest-scoring bidder as the Apparent Successful Bidder.

1. Insurance

The Apparent Successful Bidder shall provide evidence of its compliance with the insurance requirements included in Attachment A, Sample Contract.

2. Non-Endorsement

The award of a Contract is not an endorsement by the State or DSHS of the Bidder or Bidder's Services and shall not be represented as such by Bidder in any advertising or other publicity materials.

By submitting a Response to this Solicitation, the Bidder agrees to make no reference to DSHS in any literature, promotional materials, brochures, sales presentations or the like without the prior written consent of DSHS.

3. Background Checks

Individuals who will be performing the Contract on behalf of the Apparent Successful Bidder may be required to undergo background checks. Individuals who have disqualifying results (showing crimes and/or negative actions) may not be permitted to provide Services under the Contract.

4. Electronic Payment

The State prefers to utilize electronic payment in its transactions. The successful Bidder will be required to register in the Statewide Vendor Payment system, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>, prior to submitting a request for payment under their Contract. No payment shall be made until the registration is completed.