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*Transforming lives*

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**COMPETITIVE SOLICITATION  
#2034-763  
REQUEST FOR PROPOSALS**

**Project Title:** *Washington COVID-19 Immigrant Relief Fund*

**Estimated Contract Performance Period:** September 28, 2020 through December 28, 2020.

**Response Due Date:** All Responses **must be received in their entirety by 2:00 p.m.** Pacific Time on September 1, 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:  
**William Taplin, Coordinator**  
Department of Social and Health Services  
Facilities, Finance and Analytics Admin.  
Central Contracts and Legal Services  
Email: [William.taplin@dshs.wa.gov](mailto:William.taplin@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, 952-75, 952-59, 924-05

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## SECTION A CONTRACT REQUIREMENTS

### 1. Introduction

During the COVID-19 pandemic, millions of Washingtonians have been adversely impacted and have endured economic hardships. The state and federal government have offered substantial relief packages that have helped support many Washingtonians. Unfortunately, there are Washingtonians ineligible for some financial supports such as the federal stimulus and unemployment insurance due to their immigration status. These Washingtonians substantially contribute to Washington's economy and often work in industries that have been hardest hit by COVID-19.

In an effort to support all Washingtonians, Governor Inslee has created the Washington COVID-19 Immigrant Relief Fund (the Fund) to provide Washington residents who have experienced hardship due to COVID-19 and are ineligible for federal stimulus and unemployment insurance with \$1,000 grants. The Governor's Office has designated the Washington State Department of Social and Health Services to oversee the administration of this Fund.

Within the Department's Economic Services Administration, the Office of Refugee and Immigrant Assistance (ORIA) will administer and support this program. For more than 30 years, ORIA has been managing and supporting programs for refugees and immigrants statewide. Currently, ORIA has contracts with more than 70 different organizations, including refugee resettlement agencies, ethnic community-based organizations, community-based organizations, public health clinics, school districts, state agencies and others across the state. On an annual basis, ORIA's programs and services reach more than 10,000 refugees and immigrants through this network of local service providers.

### 2. Purpose

The Department of Social and Health Services (DSHS) is initiating this Request for Proposals (RFP) to solicit proposals from nonprofit, charitable organizations licensed in Washington to serve as the Program Administrator of the Fund. As the Program Administrator, the organization will be responsible for: 1) creating an application process, 2) determining eligibility, 3) issuing grant awards, and 4) communicating and sharing information about the Fund in a variety of languages and formats.

### 3. Background

Washington is home to 250,000 undocumented individuals who contribute nearly \$700 million in federal taxes and over \$350 million to state and local taxes each year<sup>1</sup>. Many work in industries that have been hardest hit by COVID-19 such as in agriculture, food processing, and hospitality. These jobs are typically low-wage, which leaves many Washingtonians without resources or a safety net during the COVID-19 pandemic. Up until now, state and federal supports have been limited for this population of Washingtonians due to their immigration status.

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<sup>1</sup> <https://www.americanimmigrationcouncil.org/research/immigrants-in-washington>

#### **4. Goals and Objectives**

With nearly a quarter of a million people unable to access unemployment insurance compensation and federal stimulus packages, DSHS recognizes that there is tremendous need in the immigrant community. DSHS intends to invest \$40 million in CARES Act funding to create an open application process to issue a one-time \$1,000 cash grant to eligible individuals, with a \$3,000 cap for households. DSHS expects that the number of applications will exceed the amount of resources available. Within these limited resources, DSHS seeks a Program Administrator that is able to establish and create an effective infrastructure to disperse as much of the funding as possible (approximately 95 percent) to qualified applicants.

To effectively and equitably allocate funding, the Program Administrator will need to create strong partnerships with the community. To do so, the Program Administrator will establish a steering committee consisting of impacted community members and subject matter experts. The Program Administrator will also subcontract with community-based organizations (CBOs) that have experience serving the immigrant community. These trusted organizations will assist in conducting outreach and facilitating application navigation in a manner that is culturally relevant and in the preferred language for the community. This partnership with the CBOs will be critical for the Program Administrator to understand the eligible immigrant community and their preferred means of receiving the cash grant (e.g. check, prepaid bank card, etc.). Additionally, the protection of client information and data security will be extremely important in the success of administering the program.

#### **5. Client Eligibility**

To be eligible to receive funds under this program, applicants must establish that they:

- a. Are a Washington resident;
- b. Are at least 18 years of age;
- c. Have experienced hardship due to the pandemic; and
- d. Are ineligible to receive unemployment insurance compensation or federal stimulus dollars due to immigration status.

Approved recipients will receive a one-time payment of \$1,000 per applicant, with a \$3,000 household cap. In addition to meeting client eligibility requirements and being available on a first come, first serve basis, due to the anticipated volume of expected applications, funds should be prioritized to meet those demonstrating the greatest need, including applicants with incomes lower than 250% of the federal poverty line.

#### **6. Scope of Work**

DSHS is seeking proposals from qualified organizations that can serve as the Program Administrator for the Fund. The Program Administrator will oversee and manage the program through subcontracts with community-based organizations that have experience and expertise serving immigrant communities, ensuring broad geographic and ethnic diversity across the state. The Program Administrator will be required to

complete the following activities:

- a. **Develop and administer a framework** that supports the centralized application and grant distribution process. This framework must include:
  - (1) **A Centralized, universal application process** – the Program Administrator must create an open process to accept applications via multiple mediums, which allows applicants to apply online, over-the-phone, and via mail. DSHS must preapprove the application before it is used. The Program Administrator shall only collect the minimum amount of data necessary to ensure eligibility and maintain program integrity and prevent fraud.
  - (2) **A computer-based system to manage and protect client data** – with the possibility of receiving over 100,000 applications, the Program Administrator must implement a centralized computer-based system, such as a customer relationship management program, that can collect client application information and issue payments to all grant recipients. The proposed system must be pre-approved by DSHS and the Office of the Chief Information Officer and must meet state specified standards for data security and retention, as outlined in Exhibit A: Data Security Requirements of Attachment A: Sample Contract.
  - (3) **A standardized eligibility determination process** – the Program Administrator must establish a determination process that ensures a fair and equitable process to reviewing applications and making funding decisions. This includes ensuring applications from communities across Washington and from diverse nationalities.
  - (4) **A central payment distribution system** - the Program Administrator must create a central system that disburses payments to eligible applicants that responds to the banking preferences of applicants and includes a minimum of two (2) different payment types, which could include prepaid cards, checks, or electronic transfer.
  - (5) **A program integrity and fraud prevention process** – the Program Administrator must develop a process to confirm the identity of applicants, ensure approved applicants meet eligibility criteria, and that duplicate awards are not made. The Program Administrator must establish effective internal controls through the maintenance of records, appropriate policies and procedures to account for spending and distribution of federal funds. In addition, the Program Administrator will immediately report to DSHS any suspicion or evidence of fraud involving employees, contractors, or applicants that results in the loss of federal funds.
- b. **Establish a steering committee** consisting of directly impacted community members and other relevant experts to ensure community oversight and accountability. The steering committee will assist in guiding the priorities for the Fund's distribution model of first come, first served. Community members on the committee should be compensated for their time.

c. **Identify and subcontract with a minimum of five (5) Community-Based Organizations (CBOs)** who will be responsible for direct applicant outreach and customer service. Prior to contracting with any CBO, the Contractor must receive DSHS approval and ensure that the CBO meets the following criteria:

- (1) Represents a diverse geographic region in the state of Washington. There must be at least one (1) CBO that has its primary location or service delivery area in central Washington and one (1) in eastern Washington.
- (2) Registered to do business in Washington and be a 501(c)(3) nonprofit organization.
- (3) Represents and has two (2) years of experience providing culturally relevant and linguistically appropriate services to ethnically diverse immigrant communities, which may include but should not be limited to immigrant communities from the following geographic regions of origin: Asia/Pacific Islands, Mexico and Central America, and Africa; and
- (4) Service delivery is available using public health precautions in-person, over-the-phone, and online. Services must follow Governor Inslee's [Safe Start](#) procedures in force at the time of the service.

d. **Communication Strategies and Process**

- (1) **Advertising and information campaign** – the Program Administrator must develop a communications strategy to share information about the Fund and to ensure eligible Washingtonians are aware of the Fund. The campaign must be statewide, offered in a minimum of the five most commonly spoken languages by undocumented Washingtonians (Chinese, Spanish, Vietnamese, Tagalog and English)<sup>2</sup>, and offered in a variety of formats including social media. Communication materials shall provide references to available public health information and resources that prevent the spread of COVID-19 and are available via the Washington [Department of Health](#). All public facing communications by the Program Administrator must be reviewed by DSHS prior to release.
- (2) **Ensure language access** – the Program Administrator must ensure that all written and online materials are available in a minimum of the five most commonly spoken languages by undocumented Washingtonians. The Program Administrator must have a contract with an interpreter firm for in-person, telephonic, and virtual/online meetings with Fund applicants. Nonprofit organizations with 501(c)(3) tax exempt status are eligible and approved to utilize the Washington master contract for interpretation services available through the Washington Department of Enterprise Services. DSHS will support the Contractor, if eligible, in accessing this service.

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<sup>2</sup> <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/WA>

- (3) **The Washington COVID-19 Immigrant Relief Fund and COVID-19 Informational Materials** – The Program Administrator will develop materials about the Fund and COVID-19 in the five most frequently spoken languages by undocumented Washingtonians. The materials must include a pamphlet, a social media presence with Fund account(s), and advertisements with communication outlets that intentionally produce information for a particular ethnic group or community residing in Washington. DSHS Office of Refugee and Immigrant Assistance can provide technical assistance as needed. All public facing communications by the Program Administrator must be reviewed by DSHS prior to release.
- e. **Reporting and Fiscal Administration** – The Program Administrator will also be responsible for reporting participants and services in a format provided by DSHS. This information must be reported electronically using a secure email portal. The Program Administrator must implement internal policies regarding client confidentiality and ensure privacy and confidentiality of all documents (electronic or paper) regarding client information. In addition, the Program Administrator will report all primary and subcontractor activities on a weekly basis.
- Data elements may include, but are not limited to the following information:
- (1) Total number of applications received and processed;
  - (2) Total number of cash grants dispersed;
  - (3) Demographic information for the cash grant applicants and recipients;  
and
  - (4) Non-identifiable list of grant recipients with personal identifiable information redacted.
- f. The Program Administrator will serve as a sub-recipient for the delivery of this federal funding. As such, the Program Administrator will be required to comply with all federal sub-recipient requirements as determined by the Department of Treasury. Current sub-recipient requirements are listed in General Terms and Conditions, Section 24. Subrecipients, of Attachment A: Sample Contract.
- g. The Program Administrator should seek the guidance of legal counsel to determine if the cash grant is considered taxable income for the federal Internal Revenue Services. Based on the determination, the Program Administration is responsible for the proper federal reporting for the cash recipients.
- h. Bidders must identify the key personnel they will utilize in performing this Contract, and their experience and qualifications, as part of their Response. If awarded a Contract, the Program Administrator may not make changes to such Key Personnel during the term of the Contract except as requested or approved by DSHS.

## 7. Period of Contract Performance

DSHS-ORIA intends to award one (1) Contract for the Services described in this Competitive Solicitation. The period of performance under the Contract shall start on or after September 28, 2020 and run through December 28, 2020. Below is a general timeline of the period of contract performance. The term of the contract may be extended by 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.

| Benchmarks and Deliverables   | Tentative Due Date  | Tentative Payment Allocation Model   |                      |
|---|---|--|----------------------|
|   |   | Administrative   | Grants Reimbursement |
| <b>Contract Begins</b>  | September 28, 2020  |  |                      |
| <b>Framework and Implementation Plan</b>  | October 15, 2020  | <b>Gate 1:</b> 25% of admin funds [Oct. 19]  |                      |
| <b>Communications Plan</b>  | October 15, 2020  |  |                      |
| <b>WA COVID-19 Immigrant Relief Fund Application</b>  | October 15, 2020  |  |                      |
| <b>Computer-Based application management system and central payment distribution system</b> | October 15, 2020  |  |                      |
| <b>WA COVID-19 Immigrant Relief Fund Website and promotional materials</b>                  | October 15, 2020  |  |                      |
| <b>Establishment of Steering Committee</b>  | October 15, 2020  |  |                      |
| <b>Subcontracts with CBOs</b>   | October 15, 2020  |  |                      |
| <b>Begin Accepting and Processing Applications (Week 1)</b>                                 | October 19, 2020  |  |                      |
| <b>Grant Disbursements (weekly) reimbursements</b>  | October 26, 2020<br>November 2, 2020<br>November 9, 2020<br>November 16, 2020<br>November 23, 2020<br>November 30, 2020<br>December 7, 2020<br>December 14, 2020<br>December 21, 2020 | <b>Gate 2:</b> 25% of admin funds [Nov. 1]<br><br><b>Gate 3:</b> 25% of admin funds [Dec. 1] | Reimbursement based  |
| <b>Last day to accept applications*</b>   | December 14, 2020   |  |                      |
| <b>Total Fund Grants Dispersed</b>  | December 21, 2020   |  |                      |
| <b>Final Report</b>   | December 24, 2020   | <b>Gate 4:</b> 25% of admin funds [Dec. 24]  |                      |
| <b>Contract Ends</b>  | December 28, 2020   |  |                      |

\* Funds may be exhausted sooner

## 8. Bidder Minimum Qualifications

All Bidders must meet the following minimum qualifications:

- a. Be licensed to do business in the state of Washington;
- b. Be a nonprofit, 501(c)(3), charitable organization with assets greater than \$40 million;
- c. Have at least five (5) years of experience working with communities in Washington; and
- d. Be able to comply with federal requirements to serve as a sub-recipient per Section A.9. Sub-recipient Status of this RFP Document, and General Terms and Conditions Section 24. Subrecipients, of Attachment A: Sample Contract.

Bidders failing to demonstrate in their Bids that they meet these minimum qualifications will be considered non-responsive and will therefore be disqualified from further consideration.

### **9. Sub-recipient Status**

- a. The successful Contractor will serve as a sub-recipient of federal awards as defined by the Office of Management and Budget (OMB) Circular A-133 to include:
  - (1) Maintain records that identify, in its accounts, all federal awards received and expended and the federal programs under which they were received, by Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, name of the federal agency, and name of the pass-through entity;
  - (2) Maintain internal controls that provide reasonable assurance that the Contractor is managing federal awards in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of its federal programs;
  - (3) Prepare appropriate financial statements, including a schedule of expenditures of federal awards;
  - (4) Incorporate 2 CFR Part 200, Subpart F audit requirements into all agreements between the Contractor and its Subcontractors who are sub-recipients;
  - (5) Comply with the applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation; and
  - (6) Comply with the Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28

C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39. (Go to [www.ojp.usdoj.gov/ocr/](http://www.ojp.usdoj.gov/ocr/) for additional information and access to the aforementioned Federal laws and regulations.)

- b. **Single Audit Act Compliance.** If the Contractor is a sub-recipient and expends \$750,000 or more in federal awards from any and/or all sources in any fiscal year, the Contractor shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Contractor shall:
  - (1) Submit to the DSHS contact person the data collection form and reporting package specified in 2 CFR Part 200, Subpart F, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor;
  - (2) Follow-up and develop corrective action for all audit findings; in accordance with 2 CFR Part 200, Subpart F; prepare a "Summary Schedule of Prior Audit Findings" reporting the status of all audit findings included in the prior audit's schedule of findings and questioned costs.
- c. **Overpayments.** If it is determined by DSHS, or during the course of a required audit, that the Contractor has been paid unallowable costs under this or any Program Agreement, DSHS may require the Contractor to reimburse DSHS in accordance with 2 CFR Part 200.

## **10. Funding**

Total funding for this program is made available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") and Section V and VI of the CARES Act, for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). DSHS is looking for competitive bids that demonstrate an ability to invest the majority of funding available funding (approximately 95%) to grants for eligible recipients. The successful bidder will be required to distribute a minimum of number of grants of \$1,000 as a requirement of the resulting Contract. The remaining amount of funding may be used to establish and administer the Fund and subcontract with organization to assist in client engagement.

## **11. Compensation**

Payment for the contract will be a hybrid of start-up costs and reimbursement for Program Administration and Grant Awards. As required by WA law, DSHS will implement a performance-based contract with two areas of deliverables.

- a. **Program Administration** the Program Administrator will receive payment upon the completion of each deliverable gate identified in the Benchmarks and Deliverables table included in Section 7 of this RFP document. The Program Administrator will be compensated based on its timely and successful completion, and full acceptance by DSHS, of all deliverables in each of the deliverable gates. These deliverables are outlined below in Section 12.

- b. **Grant Awards** compensation will be reimbursement based. DSHS will establish an initial payment of \$5 million to cover the initial grant payments. Afterwards, the Program Administrator will be compensated based on the weekly progress reports outlined in Section A.12.g. of this RFP Document, which details the number and dollar amount of Fund grants dispersed. Payment for Fund grants will be made within 15 days of receiving the invoice. The Program Administrator will be compensated based on its timely and successful distribution of all grants.

**12. Deliverables.** The Program Administrator shall provide the following deliverables:

- a. **Framework and Implementation Plan** – a detailed plan describing how the Program Administrator will provide the requested services. At a minimum the plan must include:
  - (1) A description of the universal application process, standardized eligibility determination, payment processing, quality assurance and the IT system(s) needed.
  - (2) Budget and staffing projections.
  - (3) Timelines.
- b. **Communications Plan** – a detailed plan of how the Program Administrator will share information about the Fund with the targeted population, manage media requests, and communicate with agency and other community partners.
- c. **Washington COVID-19 Immigrant Relief Fund Application** – creation of a paper and online application for the Fund. The application must be available in the five most commonly spoken languages by undocumented Washingtonians (Chinese, Spanish, Vietnamese, Tagalog and English).
- d. **Website** – a fully operational website with information and online application submission possible. The website must be fully functional in the five (5) most frequently spoken languages by undocumented Washingtonians (Chinese, Spanish, Vietnamese, Tagalog and English).

The Contractor will be required to 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>.

- e. **Fund and COVID-19 Informational Materials** – develop materials about the Fund and COVID-19 in the five most frequently spoken languages by undocumented Washingtonians. The materials must include a pamphlet, a social media presence with Fund account(s), and advertisements with ethnic media.
- f. **CBO Subcontracts** – develop and sign contracts with a minimum of five (5)

Community-Based Organizations (CBOs) to provide outreach and navigation services to impacted communities in a culturally relevant and linguistically appropriate manner.

- g. **Disbursement of Grants** – all applications must be processed, reviewed, and eligibility determined by the date included in the project schedule. The Fund has a total budget of \$40 million and by conclusion of the contract, for the Program Administrator must disburse the pre-determined number of grants, approximately 95 percent or 38,000 cash grants of \$1,000. This is a Contract deliverable required to receive full payment of performance outcome goals.
- h. **Weekly Progress Reports** – the Program Administrator will be responsible for submitting a weekly progress report detailing the status of the implementation plan, if timelines have been met, and risks. Once the Program Administrator begins processing applications, details on the number of applications received, applications processed and approved, and the number and dollar amount of Fund grants dispersed will be included in the report. The report must also include aggregate data identifying applicants' geographic region, occupation industry, income, age, race/ethnicity, and preferred language. The weekly progress reports must include the results of random audits that were outlined in the implementation plan's quality assurance requirements.
- i. **CARES Act Report** – DSHS will provide the Program Administrator with the required documents to track and monitor services provided with CARES Act funding. This includes auditing and monitoring of the contract requirements as well as documenting federal sub-recipient reporting requirements. The U.S. Department of Treasury will release final guidance on sub-recipient requirements for the CARES act funding in August 2020. Any additional requirements will be incorporated in the contract.
- j. **Final Report** – the Program Administrator will submit a final report that details Fund implementation, whether timelines were met, and if deliverables have been submitted. In addition, the number of applications received, applications processed and approved, and Fund grants dispersed must be included in the report. The report should also include aggregate data identifying applicants' geographic region, occupation industry, income, age, race/ethnicity, and preferred language.

## 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.

CARES Act - means the Coronavirus Aid, Relief, and Economic Security Act.

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

Community-based organization or CBO – A nonprofit, 501(c)(3) tax exempt organization that provides direct client services to communities.

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.

Office of Refugee and Immigrant Assistance or ORIA – is the office within the Department's Community Services Division responsible for administering programs and

services to refugee and immigrant communities.

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, RFP 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.

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.

| <b>Item</b> | <b>Action</b>   | <b>Date</b>         |
|-------------|---|---------------------|
| 1.          | DSHS posts Competitive Solicitation.  | August 10, 2020     |
| 2.          | Bidder may submit written questions or requests for change in Contract Requirements until 2:00 p.m. Pacific Time. | August 17, 2020     |
| 3.          | DSHS will post responses to written questions.  | August 20, 2020     |
| 4.          | Bidders may submit written Complaints by 2:00 p.m. Pacific Time (five business days before Response is Due).      | August 25, 2020     |
| 5.          | Bidder must submit Response by 2:00 p.m. Pacific Time   | September 1, 2020   |
| 6.          | DSHS evaluation of written Responses  | September 3-4, 2020 |
| 7.          | Announcement of Apparent Successful Bidder(s) on WEBS and beginning of contract negotiations                      | September 8, 2020   |
| 8.          | DSHS notifies unsuccessful Bidder(s)  | September 8, 2020   |
| 9.          | Unsuccessful Bidders may request a debriefing conference until 2:00 p.m. Pacific Time                             | September 11, 2020  |
| 10.         | DSHS holds debriefing conferences, if requested   | September 14, 2020  |
| 11.         | Deadline for submission of Protests by unsuccessful Bidders who participated in a debriefing conference           | September 21, 2020  |
| 12.         | DSHS considers Protests, if any, and issues determination   | September 28, 2020  |
| 13.         | Contract Execution/Start Date   | September 28, 2020  |

**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 Coordinator 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. 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.

### **6. 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 Coordinator 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.

## **7. 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.

## **8. 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.

## **9. 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>

#### **10. Accessibility**

The successful Contractor from this solicitation will be required to represent and warrant that it will 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>. The 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.

#### **11. 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.

#### **12. 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.

#### **13. 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.

#### **14. 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.

## **15. 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.

## **16. DSHS Award Options; Improvement of Bid Offers**

After Responses are received and written evaluations are completed, DSHS may (but shall not be required to) request best and final offers from one or more Responsible and Responsive Bidders. The written Responses of Bidders invited to provide a best and final offer 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.

Alternatively, after reviewing all Responses, DSHS may enter into negotiations with the highest ranked Responsive and Responsible Bidder in order to determine if the Bid may be improved before identification of the Apparent Successful Bidder.

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.

## **17. 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.

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.

## **18. 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, D and E 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 Word 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 immediately below 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 (with the applicable questions set forth immediately above Bidder's answers), 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. Attachment E: Budget Response Template (Required, Scored)**

All Bidders must submit the Budget Response Template set forth on Attachment E, detailing all costs to provide the services as outlined in this Competitive Solicitation, including the Sample Contract set forth on Attachment A. This portion of the bid response will be scored by evaluators as Question 5.A. of Attachment D: Bidder Response Form.

#### **5. 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 pages of its Response, if any, which contain information the Bidder considers proprietary (for the purposes of public disclosure). Each page 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.

#### **6. 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, D, and E 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.

## **7. Acceptable Electronic Formats for Submission of Responses**

Attachment D, Bidder Response Form, should be submitted in Microsoft Word format. 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.**

## **8. 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 OF RESPONSES

### 1. Bid Responsiveness; Administrative Review

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 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.

### 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.

**3. Evaluation Criteria and Scoring of Responses**

Following the administrative review, Responses shall be evaluated and points shall be awarded for the non-administrative components of the Response, as applicable, based upon Bidder’s responses to the questions set forth in Attachment D, Bidder Response Form. Additional evaluation points may be awarded for specific criteria not included in Attachment D, Bidder Response Form only if set forth in this Section.

The maximum number of points available for each Bidder is two hundred points (200). 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:

|   |                           |
|---|---------------------------|
| Bidder Experience.....                    | 70 maximum points         |
| Management and Partnerships.....          | 25 maximum points         |
| Communication Strategies and Process..... | 30 maximum points         |
| Budget and Reporting.....                 | 70 maximum points         |
| EO 18-03 Response.....                    | 5 maximum points          |
| <b>Total Possible Points</b> .....        | <b>200 maximum points</b> |

**4. Written Bid Evaluation Process**

DSHS shall designate an evaluation team of at least three (3) evaluators to review, evaluate, and score the written question responses. These evaluators will be selected based on their qualifications, experience, capability and background.

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.

**5. Evaluation for Executive Order 18-03 (Firms without Mandatory Individual Arbitration for Employees)**

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.

**6. Bidder’s References**

Once the written evaluations are completed, DSHS may contact the references provided

by the top-ranked Bidder(s) 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.

While additional points may be awarded for superior performance and reliability as demonstrated through references (see Section E.3. above), references are generally evaluated on a pass/fail basis. DSHS may reject a bid if a reference provides negative information about a Bidder's past performance.

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.

## **7. Selection of Apparent Successful Bidder**

The Bidder that receives the highest total number of possible points will be presented to DSHS management for consideration as a finalist for the Apparent Successful Bidder. In the event multiple Contracts will be awarded, the applicable number of top-scoring Bidders will be considered.

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 ranked Bidder and of revising the

announcement of the Apparent Successful Bidder.

**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.

### **3. Posting of Protest Bond**

The Bidder submitting a protest must post a bond or Cashier's Check in the amount of \$1 Million. The bond will be used to cover the costs associated with a Protest and any cost associated with the delay to the project that would result from a Protest. Any remaining funds will be returned to the Protester. If the Protest is successful, the entire amount of the bond will be returned.

### **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-ranked finalist as the Apparent Successful Bidder.

**2. Insurance**

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

**3. 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.

**4. 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.

**5. 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.

## Application Checklist

This checklist is for your convenience and should not be included with your proposal.

### Required Forms

- Attachment B – Sample Bid Submission Letter
- Attachment C – Certifications and Assurances
- Attachment D – Bidder Response Form
  - Question 2.G. Visual Representation attached to Bid Response
- Attachment E – Budget Response Template

### Other Requirements

- Register as a vendor on WEBS, using at least one of the commodities code listed on the front page of this Solicitation, and download this Solicitation from WEBS.  
<https://pr-webs-vendor.des.wa.gov/>

**Proposals must be received by DSHS before 2:00 p.m. Pacific Time on  
September 1, 2020  
See RFP Section D. 6. for submission instructions**