

Administrative Policy No. 13.12

Subject: Competitive Solicitations

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Authorizing Sources: [Chapter 39.19 RCW](#), Office of Minority and Women’s Business Enterprises
[Chapter 39.26 RCW](#), Procurement of Goods and Services
[Chapter 41.06 RCW](#), State Civil Service Law
[Chapter 43.19 RCW](#), Department of Enterprise Services
[Chapter 43.105 RCW](#), Consolidated Technology Services Agency
[State Technology Manual, Office of the Chief Information Officer \(OCIO\) Policy No. 121](#)

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Approved By: **Original signed by Lori Melchiori**
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Purpose

The Department of Social and Health Services (DSHS) recognizes that, in order to ensure the highest quality and most cost-effective services to our clients, competitive solicitation processes should be open to as many providers as possible.

This policy is designed to meet these objectives by setting standards and mechanisms to be used in competitive solicitation processes to procure goods and services.

This policy, and any procedures or guidelines referenced, is intended for internal use only. This policy is not intended, nor can it be relied upon, to create any substantive or procedural rights enforceable by any party involved in matters with the Department of Social and Health Services.

Scope

This policy applies to all competitive solicitations for goods and services governed by chapter [39.26 RCW](#), and to client service solicitations for which the administration determines a competitive solicitation process should be conducted.

This policy also applies to Information Technology Service contracts under chapters [39.26](#), [43.105](#) RCW and [OCIO Policy No. 121](#).

This policy requires Administration compliance with the competitive contracting regulations set forth in [RCW 41.06.142](#), both prior to and during acquisition of any services customarily and historically performed by state employees.

Definitions

Administration means the affected DSHS administration, division, office, program, or similar unit, and staff designated by the assistant secretary as being responsible for implementing this policy.

Bidder means an individual or entity who submits a bid, quotation, or proposal in response to a solicitation issued for such goods or services by the agency. ([RCW 39.26.010\(3\)](#))

Certified business means a business or the status of a business that has been examined by the Washington State Office of Minority and Women's Business Enterprises and deemed to be a Minority Business Enterprise (MBE), a Women's Business Enterprise (WBE), a Minority Woman's Business Enterprise (MWBE), a Combination Business Enterprise (CBE), or a Socially and Economically Disadvantaged Business Enterprise (SEDBE). (See [Chapter 39.19 RCW](#))

Client services means services provided directly to DSHS clients, including but not limited to, employment and training programs, residential care, and subsidized housing. ([RCW 39.26.010\(4\)](#))

Competitive Contracting means the process by which classified employees may compete with businesses, individuals, nonprofit organizations, or other entities for the performance of services those employees have customarily and historically performed. (See [RCW 41.06.142](#))

Competitive solicitation means a formal, documented, and open competitive process for soliciting bids or proposals from potential contractors and culminating in a selection based on predetermined criteria. (See [RCW 39.26.010](#)) Competitive solicitations may be used to solicit goods or services and may be referred to as [Requests for Proposal \(RFPs\)](#), [Requests for Qualifications and Quotations \(RFQs\)](#), [Requests for Qualifications \(RFQs\)](#), or [second-tier Work Requests](#).

Competitive solicitation document is the document that outlines the requirements and process for submitting a proposal or bid to acquire services or goods that the agency desires, and is released to prospective bidders or other interested persons. Competitive solicitation documents include Requests for Proposal (RFPs), Requests for Qualifications and Quotation (RFQQs), Requests for Qualifications (RFQs), and Work Requests.

Central Contracts and Legal Services (CCLS) is the contracting authority for the Department of Social and Health Services (DSHS). Organizationally, it is an office in the facilities, finance, and analytics administration (FFAA). DSHS Administrative Policy 13.10 charges CCLS with the responsibility for establishing and maintaining statewide department policies and procedures governing all contracts for the Agency.

Central Purchasing Unit (CPU) is the purchasing authority for DSHS. Organizationally, it is an office within the FFAA. DSHS Administrative Policy 13.08 charges CPU with the responsibility for establishing and maintaining statewide department policies and procedures governing all purchasing, fixed asset, fleet, wireless device, and Purchase Card (P-Card) programs for the Agency.

Cultural competence means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations when serving a linguistic, ethnic, or racial group. A culturally competent system or agency demonstrates respect for individuals and cultural differences, has the ability to foster open and honest communication, and adapts its services to meet culturally unique needs.

Evaluator means a person designated by the procuring DSHS administration to evaluate proposals received in response to a competitive solicitation document.

Information Technology (IT) services means all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines. ([RCW 43.105.020\(9\)](#)) IT services also means professional or other technical expertise provided by a consultant to accomplish a specific study, project, or task, including but not limited to Quality Assurance, Independent Verification and Validation (IV&V), and project management. IT Services are governed by the Department of Enterprise Services using standards and policies established by the Office of the Chief Information Officer (OCIO). ([RCW 39.26.090](#)) DSHS IT services are governed by the DSHS IT Standards Manual. All DSHS IT acquisitions must follow [IT Standard 2.1 – Information Technology Acquisition Requests](#).

Microbusiness means any business entity, including a sole proprietorship, corporation,

partnership, or other legal entity, that: (a) is owned and operated independently from all other businesses; and (b) has a gross revenue of less than one million dollars annually as reported on its federal tax return or on its return filed with the department of revenue. ([RCW 39.26.010\(16\)](#))

Minibusiness means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that: (a) is owned and operated independently from all other businesses, and (b) has a gross revenue of less than three million dollars, but one million dollars or more annually as reported on its federal tax return or on its return filed with the department of revenue. ([RCW 39.26.010\(17\)](#))

Noncertified business means a business eligible for certification as an MBE, WBE, MWBE, CBE, or SEDBE, which has voluntarily chosen not to apply for certification or has applied and is not yet certified.

Small business means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity that certifies under penalty and 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 (ii) is certified with the office of women and minority business enterprises under chapter 39.19 RCW. ([RCW 39.26.010\(22\)](#))

Stakeholders are those clients, advocates, interested members of the public, DSHS, and other state and federal agencies who have a direct interest in the subject matter of the competitive process.

Veteran-owned business means a business that is certified by the Department of Veterans Affairs to be at least fifty-one percent owned and controlled by a veteran as defined in [RCW 41.04.007](#) or an active or reserve member in any branch of the armed forces of the United States, including the national guard, and armed forces reserves. ([RCW 43.60A.010](#))

Policy Requirements

A. Increasing participation of Certified and Noncertified Businesses, Small business, Microbusiness, Minibusiness, or Veteran-owned business.

1. Administrations shall comply with [chapter 39.19 RCW](#) by developing strategies appropriate to their programs to ensure the opportunity for certified and noncertified businesses, small businesses, microbusinesses, minibusinesses, or veteran-owned businesses to participate in competitive solicitations and contracts.
2. Each administration shall keep records sufficient to document certified and noncertified

business, small business, microbusiness, minibusiness, or veteran-owned business participation for any client service competitive solicitations coordinated without CCLS assistance.

3. Each administration shall, in coordination with CCLS or the CPU, develop procedures to determine after the award of a contract whether the contractor qualifies as a Certified or Noncertified business.
4. Each administration may purchase goods and services up to a cost of \$30,000 directly from a vendor without competition. Administrations may also purchase goods and services up to a cost of \$40,000 (excluding sales tax) directly from a vendor and without competition if this purchase is being made from a small business or veteran-owned business. Purchases must be made in compliance with Department of Enterprise Services (DES) [Policy 125-03](#) and [RCW 39.26.125](#).

B. Notice to Certified and Noncertified Businesses

1. For all competitive solicitations, the coordinating office, whether CCLS or CPU, shall be responsible for:
 - a. Posting the solicitation on the Department of Enterprise Services' Washington Electronic Business Solution (WEBS), at <https://pr-webs-customer.des.wa.gov/>.
 - b. Posting the solicitation on the Office of Minority and Women's Business Enterprise website (OMWBE) at <https://omwbe.wa.gov/small-business-assistance/bids-contracting-opportunities>.
 - c. Sending a copy of the competitive solicitation notice letter for further distribution to the DSHS Office of Equity, Diversity, Access, and Inclusion and others deemed appropriate by the administration, CCLS, or CPU. This solicitation notice letter is not required for competitive solicitations using a Department of Enterprise Services' second-tier master contract with a predetermined bidder pool.
 - d. Posting the solicitation notice on the CCLS Procurements and Contracting website, at <https://www.dshs.wa.gov/ffa/procurements-and-contracting>.
2. Where the administration determines it is feasible and CCLS or CPU determines that additional notice is advisable to reach a larger pool of potential vendors, CCLS or CPU may advertise in other publications, including but not limited to minority-targeted publications, community-based publications, or daily newspapers in the area being served.

C. Administration Responsibilities

1. Prior to requesting that CCLS or CPU conduct a competitive solicitation process for any services customarily and historically provided by employees in the classified service,

administrations must first work with the labor relations office of the human resources division to ensure compliance with [RCW 41.06.142](#).

2. Administrations must require that all employees who initiate, manage, monitor, or sign a contract, take the required [Department of Enterprise Services](#) (DES) and [DSHS](#) contracting training courses. Detailed information on all courses is found on the [DSHS Contracts Academy page](#). In addition, all employees supporting the competitive solicitation process, through policy, strategy, analysis, negotiation, coordination or management must take all four modules of the [DES WA State Purchasing and Procurement 101](#) course in addition to other procurement specific trainings.
3. Administrations may conduct competitive solicitations for client service contracts provided that all individuals responsible for managing and coordinating any such competitive solicitation process have completed the DES required training WA State Purchasing and Procurement 101 (all four modules).

D. Competitive Solicitation Document

1. The competitive solicitation document may include weighted evaluation and scoring criteria. However, the relative weight accorded to prior experience should not be of such degree that it prevents qualification of newly established contractors.
2. The administration and CCLS or CPU shall determine the appropriate weighted bid preference for bidders certifying they do not require their employees to agree to, as a condition of employment, a mandatory individual arbitration clause or class or collective action waiver, as required by [Executive Order 18-03](#). The bid preference for such certification shall not exceed five percent (5%).
3. The administration and CCLS or CPU shall determine whether [OCIO Standard 188.10 – Minimum Accessibility Standard](#) is applicable to the services procured and what type of monitoring is necessary to ensure compliance.
4. CCLS and CPU shall apply the plain language requirements of [Executive Order 97-02](#) and [Executive Order 05-03](#) to all competitive solicitation documents.
5. The competitive solicitation document must include clear and transparent complaint and protest processes, per [chapter 39.26.170 RCW](#).

E. Evaluations

1. The competitive solicitation document shall clearly set forth the criteria by which proposals will be evaluated. These criteria may include, but are not limited to, factors such as:

- a. Quality of previous performance.
 - b. Cultural competence with respect to the community for which the services will be provided.
 - c. Bidder's comparable experience in meeting the needs of their local community.
 - d. Effective and innovative approach to service delivery.
2. Oral evaluations are optional. If administrations want the option of holding oral evaluations, this option must be stated in the competitive solicitation document. If an administration exercises the option of inviting bidders to oral evaluations, the administration must develop written evaluation criteria against which all oral evaluations will be evaluated. These criteria must be developed before the oral evaluation.
 3. CCLS, CPU, and the contracting administration **must** thoroughly document the evaluation and selection process to substantiate that each competitive solicitation is conducted in a fair, equitable, and impartial manner.

F. Recruiting Evaluators

1. Administrations shall select evaluators for their expertise in the subject matter and their ability to render an unbiased selection, and shall put forth their best efforts to convene a diverse panel of evaluators to evaluate the written proposals and oral evaluations. Whenever possible, the panel shall provide cultural, ethnic, economic, and geographic representation.
2. Evaluators may be state employees or community stakeholders. Evaluators must not be drawn from individuals or organizations that have submitted a proposal for the competitive solicitation being evaluated. Evaluators must certify that they are free of bias and have no conflicts of interest in serving as an evaluator.

ⁱ Fixed typo "competence"

ⁱⁱ Increased Direct Buy limits from DES on page 4, Section A.4.

ⁱⁱⁱ Updated information on reporting to OMWBE in B.1.b on page 5