**APPENDIX D - Disclosures and Certifications**

The following pages contain disclosures and certifications that are required by the State of Washington and/or the Employment Security Department as mandatory components of this solicitation. Failing to comply with all requirements may result in the Bidder being disqualified. If for any reason Bidder cannot certify or affirm a required item, then Bidder must provide a written explanation as to the reasons for such denial. It is then ESD’s sole discretion to determine whether the exception should be granted in accordance with state and agency procurement practices. ESD may also require the Bidder to provide additional information.

# Section 1: General Disclosures and Certifications

1. **Disclosures – Prior Contracts and Agreements**
2. **Contract Terminations**

Has the Bidder’s firm had a contract, agreement, second-tier work order, or other contractual obligation *terminated for default* in the last ten years?

**YES** [ ]  **NO** [ ]

“Termination for Default” means that notice was given to the Contractor to stop performance due to the Contractor’s nonperformance or poor performance, and the performance issue was a primary cause for the agreement to be cancelled.

Has the Bidder’s firm had a contract, agreement, second-tier work order, or other contractual obligation *terminated for convenience* in the last ten years?

**YES** [ ]  **NO** [ ]

If **YES** to either of questions above, attach a signed statement fully describing the contract, the circumstances surrounding the termination, reason for termination, nature of the termination (i.e., for breach or default, convenience, or otherwise), date of the termination and the name, address, and telephone number of the other party to the contract. ESD will evaluate the information and may, at its sole discretion, reject the Bidder’s proposal in accordance with RCW 39.26.160 (5).

1. **Contracts in Mediation or Arbitration**

Has the Bidder’s firm had a contract, agreement, second-tier work order, or other contractual obligation in mediation or arbitration in the last five years?

**YES** [ ]  **NO** [ ]

If **YES**, attach a signed statement fully describing the contract, the reason for mediation or arbitration, date the mediation or arbitration was initiated and completed (if applicable) and the name, address and telephone number of the other party to the contract. ESD will evaluate the information and may, at its sole discretion, reject the Bidder’s proposal if the information indicates that completion of a Contract resulting from this RFP may be jeopardized by selection of the Bidder.

1. **Contracts in Litigation**

Has the Bidder’s firm had a contract, agreement, second-tier work order, or other contractual obligation in litigation in the last five years?

**YES** [ ]  **NO** [ ]

If any such litigation exists or existed, attach a signed statement fully describing the contract, the reason for the litigation, date the litigation was initiated and completed (if applicable) and the name, address and telephone number of the other party to the contract. ESD will evaluate the information and may, at its sole discretion, reject the Bidder’s proposal if the information indicates that completion of a Contract resulting from this RFP may be jeopardized by selection of the Bidder.

1. **Certifications**
	1. The pricing and/or cost data have been determined independently, without consultation, communication, or agreement with others for the purpose of restricting competition. However, Bidder may freely join with other persons or organizations for the purpose of submitting this Bid.
	2. This Bid is a firm offer for a period of 180 days following receipt, and it may be accepted by ESD without further negotiation at any time within the 180-day period.
	3. In preparing this Bid, the Bidder has not been assisted by any current or former employee of the state of Washington whose duties relate or did relate to this Bid or prospective Contract, and who was assisting in other than his or her official, public capacity. If there are exceptions to these assurances, I have described them in full detail on a separate page attached to this document.
	4. Submitting this Bid constitutes Bidder’s acceptance of all the solicitation contents, including but not limited to, procedures, evaluation criteria, requirements, administrative instructions, and other terms and conditions, **including those within the Sample Contract**.
	5. No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a Bid for the purpose of restricting competition.
	6. Bidder authorizes ESD to contact references and other persons or entities who may have pertinent information regarding the Bidder’s prior experience and ability to perform the services contemplated by this procurement, and the accuracy of this document.
	7. If any employee or personnel of Bidder or of a subcontractor who will perform services contemplated in this procurement has retired from the state of Washington under the provisions of the 2008 Early Retirement Factors legislation, his/her name(s) is noted on a separate page attached to this Bid.
	8. Bidder certifies that each submission, response, and information provided by Bidder to ESD pursuant to this solicitation is true, accurate and correct, and that Bidder has not omitted any material facts that would make the response, submission and/or information incomplete or misleading.

**If Bidder is unable to certify to any of the statements in this certification, Bidder must attach an explanation to this proposal. Bidder must describe such exceptions in detail on a separate page titled *Exceptions to Certifications. The d*etails to exceptions must include the following:**

* Content of each requested change to a specific certification / contract provision.
* Bidder’s specific need for the change; and,
* Bidder’s reasoning and justification for each requested change, including the potential impact if not accepted.

Bidder may turn in all exceptions as a separate page to this Appendix, or as separate Word/PDF File named RFQQ 2022-13 – Bidder Exception – [Bidder Name].

# Section 2: Contractor Certifications Wage Theft Prevention – Responsible Bidder Criteria

*Prior to awarding a contract, agencies are required to determine that a Bidder is a ‘responsible bidder’. See RCW 39.26.160. Pursuant to legislative enactment in 2017, the responsible bidder criteria include a contractor certification that the contractor has not willfully violated Washington’s wage laws. See Chap. 258, 2017 Laws (enacting SSB 5301). Select the paragraph that best applies to your entity.*

[ ]  **No Wage Violations**. This firm has NOT been determined by a final and binding citation and notice of assessment issued by the Washington Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in [RCW 49.48.082](http://app.leg.wa.gov/RCW/default.aspx?cite=49.48.082), any provision of RCW chapters [49.46](http://app.leg.wa.gov/RCW/default.aspx?cite=49.46), [49.48](http://app.leg.wa.gov/RCW/default.aspx?cite=49.48), or [49.52](http://app.leg.wa.gov/RCW/default.aspx?cite=49.52) within three (3) years prior to the date of the above-referenced procurement solicitation date.

or

[ ]  **Violations of Wage Laws**. This firm has been determined by a final and binding citation and notice of assessment issued by the Washington Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in [RCW 49.48.082](http://app.leg.wa.gov/RCW/default.aspx?cite=49.48.082), a provision of RCW chapters [49.46](http://app.leg.wa.gov/RCW/default.aspx?cite=49.46), [49.48](http://app.leg.wa.gov/RCW/default.aspx?cite=49.48), or [49.52](http://app.leg.wa.gov/RCW/default.aspx?cite=49.52) within three (3) years prior to the date of the above-referenced procurement solicitation date.

# Section 3: Workers’ Rights (Executive Order 18-03)

*Select the paragraph that best applies to your entity.*

[ ] **No Mandatory Individual Arbitration Clauses and Class or Collective Action Waivers for Employees.** Bidder 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.

or

[ ] **Mandatory Individual Arbitration Clauses and Class or Collective Action Waivers for Employees.** Bidder requires its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

# Section 4: Certification Regarding Debarment and Suspension

Bidder certifies that it, and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions (such as being eligible to receive federal funds) by any federal, state, or local agency.
2. Have not, within a three-year period preceding this proposal, been convicted of, or had a civil judgement rendered against them, for commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records making false statements, or receiving stolen property.
3. Are not presently indicted for, or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in this certification; and
4. Have not, within a three-year period preceding this proposal, had one or more public transactions (federal, state, or local) terminated for cause or default.

If Bidder is unable to certify to any of the statements in this certification, Bidder must attach an explanation to this proposal.

# Section 5: Proclamation 21-14 – Covid-19 Vaccination Certification

*To reduce the spread of COVID-19, Washington state Governor Jay Inslee, pursuant to emergency powers authorized in* [*RCW 43.06.220*](https://app.leg.wa.gov/RCW/default.aspx?cite=43.06.220)*, issued* [*Proclamation 21-14 – COVID-19 Vaccination Requirement*](https://www.governor.wa.gov/sites/default/files/proclamations/21-14%20-%20COVID-19%20Vax%20Washington%20%28tmp%29.pdf) *(dated August 9, 2021), as amended by* [*Proclamation 21-14.1 – COVID-19 Vaccination Requirement*](https://www.governor.wa.gov/sites/default/files/proclamations/21-14.1%20-%20COVID-19%20Vax%20Washington%20Amendment.pdf) *(dated August 20, 2021) and as may be amended thereafter. The Proclamation requires contractors who have goods, services, or public works contracts with a Washington state agency to ensure that their personnel (including subcontractors) who perform contract activities on-site comply with the COVID-19 vaccination requirements, unless exempted as prescribed by the Proclamation.*

|  |  |
| --- | --- |
| **ESD Procurement Number:** | **RFQQ #2022-13 – Transcription Services** |

I hereby certify, on behalf of the firm identified below, as follows (check one):

[ ]  *Bidder/Contractor Has A COVID-19 Contractor Vaccination Verification Plan that Complies with the Vaccination Proclamation*. Bidder/Contractor:

* 1. Has reviewed and understands Contractor’s obligations as set forth in [*Proclamation 21-14 – COVID-19 Vaccination Requirement*](https://www.governor.wa.gov/sites/default/files/proclamations/21-14%20-%20COVID-19%20Vax%20Washington%20%28tmp%29.pdf) *(dated August 9, 2021), as amended by* [*Proclamation 21-14.1 – COVID-19 Vaccination Requirement*](https://www.governor.wa.gov/sites/default/files/proclamations/21-14.1%20-%20COVID-19%20Vax%20Washington%20Amendment.pdf) *(dated August 20, 2021);*
	2. Has developed a COVID-19 Vaccination Verification Plan for Contractor’s personnel (including subcontractors) that complies with the above-referenced Proclamation;
	3. Has obtained a copy or visually observed proof of full vaccination against COVID-19 for Contractor personnel (including subcontractors) who are subject to the vaccination requirement in the above-referenced Proclamation;
	4. Complies with the requirements for granting disability and religious accommodations for Contractor personnel (including subcontractors) who are subject to the vaccination requirement in the above-referenced Proclamation;
	5. Has operational procedures in place to ensure that any contract activities that occur in person and on-site at Agency premises (other than only for a short period of time during a given day and where any moments of close proximity to others on-site will be fleeting – e.g., a few minutes for deliveries) that are performed by Contractor personnel (including subcontractors) will be performed by personnel who are fully vaccinated or properly exempted as required by the above-referenced Proclamation;
	6. Has operational procedures in place to enable Contractor personnel (including subcontractors) who perform contract activities on-site and at Agency premises to provide compliance documentation that such personnel are in compliance with the above-referenced Proclamation;
	7. Will provide to Agency, upon request, Contractor’s COVID-19 Vaccination Verification Plan and related records, except as prohibited by law, and will cooperate with any investigation or inquiry pertaining to the same.

or

[ ]   *Bidder Does Not Have A COVID-19 Contractor Vaccination Verification Plan*. Bidder does not have a current COVID-19 Contractor Vaccination Verification Plan and, if designated as the Apparent Successful Bidder, Bidder would not be able to develop and provide a COVID-19 Contractor Vaccination Verification Plan to ensure that Bidder’s personnel meet the COVID-19 vaccination requirements as set forth in the above-referenced Proclamation and provide the same to Agency within twenty-four (24) hours of such designation. [Note: Compliance with the Proclamation is mandatory. Bidders/Contractors who are not able to perform in compliance with the Vaccination Proclamation will not be evaluated.]

# Section 6: CONTINUING CERTIFICATION

Bidder understands and acknowledges that all matters herein are requirements that must be maintained during the entirety of this solicitation and during any term of a contract or agreement that results from this solicitation. Bidder certifies that it is now, and shall remain, in full compliance with the disclosures and certifications herein. Bidder further understands and acknowledges that such compliance is a condition precedent to the award and continuation of any related Contract. If Bidder ever discovers that it no longer remains in complete compliance with the requirements herein, and/or with the Bidder’s responses herein, it shall notify ESD immediately and provide an explanation for such change in status.

AFFIRMATION: The undersigned individual on behalf of the Bidder/entity identified below, hereby affirms under the penalty of perjury of the State of Washington, that the entirety of the foregoing, except for any parts which have been separately disclosed as an exception hereto, is true and correct.

|  |
| --- |
| Firm Name:       Name of Contractor/Bidder – Print full legal entity name of firm |
| By:  Signature of authorized personTitle:       Title of person signing certificateDate: Click or tap to enter a date. |      Print Name of person making certifications for firmPlace:       Print city and state where signed |

Submit as a single PDF File. Name: *RFQQ 2022-13 Appendix D - [Bidder Name]*