|  |  |
| --- | --- |
| C:\Users\neckart\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\JM2GYFB0\2color_one line.png  P.O. BOX 9046, OLYMPIA, WASHINGTON 98507-9046 | **RFP #2022-17** |

**REQUEST FOR PROPOSAL – RFP**

**PROJECT TITLE**: CCW Program Builder Funding Round 9

**BRIEF DESCRIPTION**: To establish Career Connect Washington Program Builder Funding Round 9 to develop industry-aligned programs for Career Connected Learning (CCL) opportunities in targeted counties and industry sectors.

**Bids are due** **August 31, 2022, at 5:00 p.m. Pacific Time**

**Procurement Coordinator** Andrea Goff – [esdgpbids@esd.wa.gov](mailto:esdgpbids@esd.wa.gov)

The RFP Coordinator is the sole point of contact in ESD for all matters related to this procurement.

**E-mail Bid Proposals to:** [esdgpbids@esd.wa.gov](mailto:esdgpbids@esd.wa.gov)

**Identification of Sections:**

1. [Summary of Opportunity](#_Toc20812301)
2. [Content to be Contained in the Bid Proposal:](#_Toc20812308)
3. [Procedure for Submitting the Bid Proposal](#_Toc20812317)
4. [Evaluation and Award](#_Toc20812320)
5. [Debrief and Protests](#_Toc20812327)
6. [Additional General Provisions](#_Toc20812339)

Bidders are responsible for properly registering in the Washington Electronic Business Solutions (WEBS) system, <https://fortress.wa.gov/ga/webs/> and downloading the solicitation document and all appendices and incorporated documents related to this solicitation. Notification of any RFP addenda, amendments or Bidder questions and answers will only be provided to those vendors who have registered with WEBS and have downloaded the solicitation from WEBS. Failure to do so may result in a Bidder having incomplete, inaccurate, or otherwise inadequate information.

It is each Bidder’s responsibility to fully read and understand **all** provisions of this RFP. All sections contain information that is materially important for submitting a successful proposal. If a Bidder does not fully understand any portion of this RFP, the Bidder should contact the Procurement Coordinator and/or submit an inquiry.

It is the responsibility of each Bidder to carefully read, understand, and follow all of the instructions contained in this RFP and all amendments hereto. ESD ESD complies with the American Disabilities Act (ADA): Bidders may contact the Procurement Coordinator to receive this Request for Proposal in Braille or tape.

**Procurement Schedule**

Bidders must follow the schedule of activities as set forth below. This schedule is subject to change at the discretion of ESD. Any change will be posted as an amendment in WEBS. It is **BIDDERS RESPONSIBIILTY** to check WEBS to see if any amendments are posted.

|  |  |
| --- | --- |
| ***All times are local to Washington State, U.S.A.*** | |
| EVENT | **DATES & TIME** |
| RFP Posted to WEBS | July 1, 2022 |
| Bidders Conference | July 28, 2022 - 1:00-2:30 p.m.  Join Zoom Meeting  <https://us04web.zoom.us/j/73607084570?pwd=pheKtKqxBlfugYsbq6FLtZ-jrvaKiK.1>  Meeting ID: 736 0708 4570 Passcode: q0R6xz |
| Questions are due | August 4, 2022 - 5:00 p.m. |
| Answers are posted | August 11, 2022 - 5:00 p.m. |
| Complaint process ends | August 25, 2022 - 5:00 p.m. |
| **Due Date for Submission of Proposals** | **August 31, 2022 –** **5:00 p.m.** |
| THE FOLLOWING DATES ARE ESTIMATES and can change at any time with no notice | |
| Conduct Evaluations | September 6-16, 2022 |
| Written Interview Questions | September 21, 2022 – if applicable |
| Notify Apparent Successful Bidder(s) | September 23, 2022 |

**SPECIAL NOTICE:**

The format of this RFP is structurally different from the prior eight rounds. Bidders who intend to provide past material must re-conform that material to the new format. Turning in under the prior format may lead to disqualification.

If Bidders have any questions or concerns about this format, please address them with the Procurement Coordinator.

A. SUMMARY OF OPPORTUNITY

1. Introduction

THIS IS A REQUEST FOR PROPOSALS. The Employment Security Department (ESD), on behalf of the Career Connect Washington (CCW) coalition, is seeking proposals from highly qualified entities to work with regional networks, career connected learning coordinators, industry and education partners to develop, scale, and industry-aligned Career Connected Learning (CCL) programs (i.e. [Career Prep](https://careerconnectwa.org/career-prep/), [Career Explore](https://careerconnectwa.org/career-explore/) and [Career Launch](https://careerconnectwa.org/career-launch/)).

1. Background

CCW is a coalition of industry, labor, education, and community leaders who are creating work-based and academic programs for young people to explore, learn, and earn money and college-level credit. We believe all students in Washington deserve a future of purpose and prosperity.

Our vision is that every young adult in Washington will have multiple pathways toward economic self-sufficiency and fulfilment, strengthened by a comprehensive state-wide system for career connected learning.

For every young adult to succeed, we must intentionally focus on populations kept furthest from opportunity, especially students of color, Indigenous students, low-income students, rural students, and students with disabilities.

Career Connect Washington aims to ensure that 100% of students complete [Career Prep](https://careerconnectwa.org/career-prep/) and [Career Explore](https://careerconnectwa.org/career-explore/) activities and that 60% of students complete a [Career Launch](https://careerconnectwa.org/career-launch/) program before the high school class of 2030 is 30 years old.

Our equity goal is that race, income, geography, gender, citizenship status, and other demographics and student characteristics will no longer predict the outcomes of Washington’s students.

Washington is home to companies that lead in their fields. By connecting our educators to these innovative industries, we can better prepare young people with relevant skills, creating an educational system that can keep pace with a rapidly changing set of workforce needs. Program Builders provide the necessary connections between industry, government, and education partners.

1. Consideration

ESD, on behalf of CCW, will award approximately **$4,000,000.00** of federal Workforce Innovation and Opportunity Act (WIOA) Statewide Activities funds to develop and expand CCL programs statewide. ESD intends to award multiple contracts. The target award amount for each grant is $100,000.00 - $150,000.00; awards will not exceed $250,000.00 per contract. In the event that additional federal or state funding becomes available, any contract awarded may be renegotiated to provide for additional related services.

* 1. Contracts periods and funding levels may be extended depending on initial contract performance and availability of additional funds.
  2. Each scope may be uniquely tailored to the needs of the specific program.
  3. Contractor will be provided the following Technical Assistance throughout their performance period:
  4. Technical assistance seminars;
  5. Peer-to-peer learning opportunities;
  6. Convenings of Regional Networks, Program Builders, Career Connected Learning Coordinators, and Sector Intermediaries;
  7. Program Builder office hours; and
  8. WIOA fiscal responsibilities training.

1. PERIOD OF PERFORMANCE

The initial period of performance commences on date of mutual execution, and will remain until December 31, 2023. Parties may agree to extend the term for additional periods. ESD does not pre-limit the number of terms. Program Builders will work with Regional Networks, CCL Coordinators at each Educational Service District, Sector Intermediaries, industry, and education partners to expand the use of current curricula and develop or build new curricula to grow CCL opportunities for employers and students.

1. Sample Contract:

ESD may submit a Sample Contract to be used for each of the Program Builder engagements. (The Sample Contract, if included, will be separately posted in WEBS as an Exhibit to this RFP.)

The Sample Contract is the sole foundational document from which ESD will negotiate with the ASBs. ESD will not entertain using the Bidder’s own contract or making bulk revisions to the Sample Contract. ESD may permit some alterations to this contract providing that such alterations serve a benefit to ESD, the State of Washington, and/or its residents. If a bidder has any questions or concerns about the Sample Contract, or if the Bidder believes it cannot substantially accept the Sample Contract in its current form, Bidder should address such concerns to the Procurement Coordinator in writing, per email, submitted no later than the date Complaints are due. The procurement coordinator will respond in writing, or if necessary, reach out to the Bidder for direct discussions. Any contract discussions may only be made with the Procurement Coordinator. (See also Section D-6 which allows ESD to rescind the appointment of an ASB if a final Contract cannot be timely and properly negotiated by the parties.)

1. EXPECTED ACTIVITIES

CCW Program Builder and partners, will conduct the following activities:

* 1. Create and monitor the project timeline.
  2. Identify a diverse stakeholder group of key partners that will inform the ongoing development of the program and ensure continued alignment with industry needs.
  3. Convene partners to ensure the timeline completion of grant deliverables.
  4. Manage the team partners and request the right leaders needed to move the work forward and to solve problems.
  5. Perform outreach to potential industry and education partners regionally and statewide.
  6. Work with partners to develop/revise curriculum, program operation model, and technical platform to enable program to run at scale.
  7. Endeavor to form partnerships that lead to direct or preferred employment.
  8. Develop a system/process for tracking participant records from program enrollment through completion.
  9. Collaborate with Career Connected Regional Networks to spread best practices throughout the system.
  10. Collaborate with CCL Coordinators to engage in-school youth.

1. Expected deliverables

ESD is expecting that each Program Intermediary will be able to establish the following deliverables within their program design.

1. Create descriptions of resources, supports, or other processes to recruit and support individuals from underserved backgrounds.
2. Develop procedures for handling complaints(s) from program participants.
3. Develop tool(s) for recording and maintaining participant data.
4. Establish letters of endorsement from local community-based organization(s) (CBO), agencies, or group partners able to provide direct services to individuals in need.
5. Identify barriers to program access, participation, and completion experienced by participants and design plan(s) to reduce and eliminate those barriers through local partnerships.
6. Establish sustainability plan addressing how program will be supported financially past the period of performance.
7. Submit Career Launch endorsement application to Washington State Board for Community and Technical Colleges by end of performance period if developing a [Career Launch](https://careerconnectwa.org/career-launch/) program.
8. Create program participant slots that combine academic instruction and paid on-the-job experiences.
9. Establish partnerships from industry partners providing on-the-job supervised paid work experiences.
10. Establish partnerships from education partner providing aligned classroom learning to academic and employer standards.
11. Follow higher education accreditation process, if program providing dual credit to participants.
12. WHAT SUCCESS LOOKS LIKE:

CCW aims to ensure that 100% of students complete [Career Prep](https://careerconnectwa.org/career-prep/) and [Career Explore](https://careerconnectwa.org/career-explore/) activities and that 60% of students complete a [Career Launch](https://careerconnectwa.org/career-launch/) program before the high school class of 2030 is 30 years old.

CCW’s view of a successful outcome for this engagement would be to see:

1. That every young adult in Washington, particularly those kept furthest from opportunity, has equitable access to multiple pathways toward economic self-sufficiency and fulfillment, strengthened by a comprehensive statewide system of CCL programs;
2. The development of an endorsement-ready Career Launch program, a Career Prep program, or a Career Explore program;
3. The development of a scaling plan for an existing program to increase enrollment across industries and regions; and/or
4. The enhancement of an existing program to meet the definition of Career Explore, Prep, and Launch.
5. bidder Qualifications

To be eligible for consideration, a Bidder must be licensed, or able and willing to obtain a license, to do business in the State of Washington.

Bidder must also substantially meet the Qualifications noted below. Prior to any award, Bidder may be required to verify in writing, or through oral presentation, how it meets each the following standards:

1. Knowledge of the CCW framework, including the definitions and requirements of Career Explore, Prep, and Launch.
2. Demonstrated understanding of current state of workforce challenges and opportunities within the region.
3. Capability to leverage established connections with employers and education partners to conduct Program Builder activities and accomplish objectives and deliverables.
4. Ability to scale program (e.g., articulation, degree pathways, partnerships involving multiple education institution and employers).
5. Commitment to equity, including proactively recruiting and supporting low-income students, students of color, and students with disabilities.
6. Ability to work within CCW system, including CCW Regional Networks, CCL Coordinators, Sector Intermediaries, and statewide team.
7. Commitment to sharing best practices with other program builders across the state.
8. Bidders conference:

There will be a Bidder Conference for this RFP. ESD highly recommends that all Bidders attend this conference.

The Conference will address the following topics:

1. CCW Overview
2. Overview of the RFP
3. Elements of a Successful Application
4. Topics of Interest received by ESD.
5. Q&A

**NOTE: ESD provides no assurance that a recording will be available at a later date.**

1. bIDDER Written INQUIRIES - Questions and Answers

If a Bidder has any questions, issues, or concerns regarding this RFP, such matters must be put in writing and emailed to [esdgpbids@esd.wa.gov](mailto:esdgpbids@esd.wa.gov). Please email; **do not call the Procurement Coordinator directly**. ESD will only answer relevant questions received in writing by the date and time specified in the RFP Procurement Schedule.

**NOTE:** Questions do not need to be individually answered prior to the scheduled date for responses unless the response could determine whether a Bidder submits a Proposal. All questions and responses will become part of an official Amendment, which will be posted in WEBS. The Procurement Coordinator is not required to send individual notification to Bidders when responses are available.

1. BIDDER SELECTION

ESD will determine the number of Bidders who will be awarded as a Successful Bidder upon completion of all evaluations. At this juncture, ESD makes no limitation as to the number of ASBs it may award. ESD also, makes no determinations or limitations as to the length of the given Contract.

* + 1. BID PROPOSALS - MANDATORY CONTENT (What Bidders must include):

This section identifies and explains the content that MUST be included in each Bidder’s Proposal. ***To make the mandatory submission requirements more identifiable,*** ESD places each mandatory requirements in an Appendix. **If a request for information is contained within an Appendix**, then it **must** be included as part of the Bidder’s Proposal (even if the requirement receives no evaluation points). If the request is not contained in an Appendix, then it does not need to be included as part of the Bidder’s Proposal (and will not be evaluated).

Omission of required material (included in any appendix) may cause the Bidder’s overall proposal to be disqualified.

The mandatory responses for this RFP are **Appendices A, B, C, D, and E**. Each Appendix is embedded into this RFP below.

This table identifies the total amount of points that may be awarded.

|  |  |  |
| --- | --- | --- |
| **Evaluation Criteria / Required Material** | **Maximum Possible Point Total** | |
| Appendix A - Bidder Profile & Information | Administrative Review | |
| Appendix B - Program Qualifications | Career Launch (Type 1) | 75 Points |
| or Career Prep (Type 2) | 75 Points |
| or Career Explore (Type 3) | 75 Points |
| Appendix C – Budget Proposal | 10 Points | |
| Appendix D – Letters of Support | 10 Points | |
| Executive Order 18-03 | 5 Possible Extra Points | |
| **Total Possible Points: 100** | | |

1. Appendix A: BIDDER PROFILE & INFORMATION

Appendix A is a mandatory form that collects required information about the Bidder. Bidder must address all the elements identified in this form.

**This section is not scored.**

|  |  |
| --- | --- |
| **Appendix A,** Bidder Profile & Information |  |

1. Appendix B: Program BUILDER PROPOSAL

Appendix B describes the required responsive elements of a Program Builder proposal. There are three types of programs: Career Launch (Type 1), Career Prep (Type 2), and Career Explore (Type 3). A single Bidder’s Proposal must be limited to only one type. Therefore, Bidders must only respond to the one Appendix B type that is specific to the program they wish to develop, scale, or enhance. Proposals which include more than one Appendix B type will be disqualified. Proposals will be reviewed independently, within their respective program types.

For each all three program types, the requirements are set out in four separate sections. All sections, and all prompts therein, must be responded to in writing.

**Each Section is independently scored. Total available score is 75 points.**

|  |  |
| --- | --- |
| **Appendix B,** Type 1, Career Launch Proposal |  |
| **Appendix B,** Type 2, Career Prep Proposal |  |
| **Appendix B,** Type 3, Career Explore Proposal |  |

1. Appendix C – Budget Proposal

Appendix C provides a Budget Template for the Bidders to submit a financial proposal that describes their requested amount of moneys, and the allocation of how such moneys will be disbursed.

**Total available score is 10 points**

|  |  |
| --- | --- |
| **Appendix C,** Budget Proposal |  |

1. Appendix D – LETTERS OF SUPPORT

Appendix D provides instruction on how the Bidders are to submit their Letters of Support. Bidders are required to have established partnerships with employers and education partners. Using the instructions on the Appendix D, Bidders should provide up to (but no more than) **five letters**.

**Total available score is 10 points**

|  |  |
| --- | --- |
| **Appendix D,** Letters of Support |  |

1. Appendix E - Disclosures & CERTIFICATIONS

Appendix E is an attestation the Bidder must execute, which attests to multiple State requirements associated with submitting a proposal to a public (state agency) solicitation. Failure to execute and submit this Appendix will result in the Bidder’s Proposal being disqualified.

If Bidder takes exception to any of the elements in this Appendix, Bidder may add a written narrative that address such exceptions.

**This is not a scored section.**

|  |  |
| --- | --- |
| **Appendix E**, Disclosures & Certifications |  |

# PROTOCOLS FOR SUBMISSION OF PROPOSAL:

1. Submission to be SENT ElectronicALly

Bidders must provide their Bid Submission (Proposal) via email as follows:

**Email address:** [Esdgpbids@esd.wa.gov](mailto:ESDgpcontractsoffice@esd.wa.gov),

**Subject line:** **RFP #2022-17 - Bid Submission – [Bidder Name].**

Submissions of the Bidder’s Proposal must be received by the date and time noted in the current Procurement Schedule. Proposals received after the deadline will be deemed as non-responsive and will not be accepted, reviewed, or evaluated.

Bidders must submit electronic copies of their Proposals in Microsoft Office software or as a PDF. Bidder’s email submission must be all-inclusive and contain all required material in that email transmission. If multiple emails are required due to size restrictions, Bidder can use multiple emails, but each email must be labeled as being part of a larger batch and sent immediately after the prior email.

1. ZIP Files or other mechanisms

Files should be attached directly to the email as Word, Excel, or PDF files. Bidders cannot zip the files, or use other programs designed to contain files therein. ESD must be able to scan the file individually prior to opening any folder or other format housing the files. ESD’s inability to do so my result in disqualifying the Bidder’s proposal. If Bidders intends to use any such mechanisms for its submission, it should consult with the procurement coordinator (by email) at least one week prior to submitting the files.

1. Single file responses for each appendix

It is required that each Bidder submit the respective **Appendices (A – E)** as separate independent files, all attached as one email.

When responding to each respective Appendix, all content of your responses must be contained in the single file identified for that Appendix. Evaluators will not read multiple Bidder files for the same appendix. If your response includes, brochures, resumes, outside letters, etc., they must be included into the single file identified for that appendix. Otherwise, they will not be reviewed for evaluation.

1. Response layout requirements

All responsive pages for each appendix must be consecutively numbered. All pages must also contain the name of the Bidder, and the appendix letter to which it applies. The required information may be located at the top or bottom (header or footer) of each page.

**NOTE:** For evaluation purposes the submissions may be broken up into separate sections, and different sections may be reviewed/evaluated by separate evaluators. As such, it is important that each page contains the above-noted information. Any page of material that cannot be independently identified to a respective Bidder, may be disregarded and not scored.

# EVALUATION AND AWARD

1. Determination of Responsiveness

All Proposals received by the stated deadline will first be reviewed by the Procurement Coordinator to ensure that the proposals contain all of the information required in this RFP. Only responsive proposals that meet the requirements will be forwarded to the evaluation team for further review. Any proposal that does not contain all of the required information, or any Bidder who does not meet all of the mandatory qualifications, will be rejected as non-responsive, and will be removed from further evaluation.

The Procurement Coordinator has the right to waive, and/or seek correction of, minor informalities that do not alter the substantive content of the Proposal. If Bidders are given the opportunity to correct such issues, they must do so only as instructed and cannot alter or edit the material responses of the proposal.

1. General Evaluation Provisions

The evaluation process is designed to identify the top Bidder(s) who can provide the greatest threshold of quality at a reasonable price.

**Appendixes A and E** will be reviewed by the Procurement Coordinator or his/her delegate.

**Evaluations of Appendixes B-D** will be conducted by an evaluation team. ESD has sole discretion over the number and selection of evaluators and will make such determinations based on each evaluator’s knowledge, skill, and experience with the subject matter. Evaluators do not need to be employed personnel of ESD.

Each evaluator will independently grade and score the Bidder’s material based on their own independent judgment. Evaluators will only evaluate the material contained in the Proposals and will not incorporate outside material into their determinations. Each evaluator has sole discretion over their final scores. Bidders should take every precaution to assure that all answers are clear, complete, and directly responsive to each specific requirement.

1. Evaluation DESCRIPTION & SELECTION OF APPARENT SUCCESSFUL BIDDERS

ESD will employ a uniform scoring system to be used by all evaluators on a scale of zero (low) to ten (high). Each prompt in **Appendix B, C and D** will be scored for merit. Each evaluator’s score will then be added together and weighted to determine the total applied score. The Apparent Successful Bidders will be the Bidders with the highest total applied score.

1. Selection for additonal written questions

ESD, at its sole discretion after the above evaluated materials have been scored, may request Bidders to submit written responses to additional questions requested by the evaluation team. Bidders will be required to answer the additional questions about their proposed systems as stated in their RFP proposal. Questions will be emailed directly to the individual identified in Appendix A.

1. Announcement of Apparent Successful Bidder

Following the announcement of the Apparent Successful Bidders (ASB), Bidders may request a Debrief conference. Unsuccessful Bidders will have within three (3) business days after the notification of the ASB to request the Debrief conference.

**NOTE:** A Debrief conference is a required prerequisite for any Bidder desiring to protest the award.

1. Failure to Contract with ASB – Rescind and Re-Appoint ASB Designation

ESD will make a good faith effort to contract with the ASB for all services within the scope of this RFP. However, if ESD believes that despite such efforts, ESD cannot enter in an agreement with the ASB that will best serve the goals of Career Connect Washington, the State of Washington and/or its citizens, then ESD may rescind its announcement of the ASB and establish the next highest scoring Bidder as the new ASB. ESD may then proceed to engage in contractual negotiations with the newly appointed ASB.

# DEBRIEF AND PROTESTS

1. Debriefing of Unsuccessful Bidders

Consistent with RCW 39.26.180, ESD will use WEBS to announce the apparent successful Bidder(s). This announcement starts the clock for the debrief and protest process outlined below.

In the event the protest process results in a different apparent successful Bidder, a new apparent successful Bidder will be announced. If this happens, the debrief and protest period outlined below starts again.

On announcement of an apparent successful Bidder(s), submissions and evaluations are available for public inspection. If requested, the protest period should not conclude before the requestor has had five (5) business days to review.

Bidders who submitted a Proposal and were not selected as an Apparent Successful Bidder will be given the opportunity for a Debrief conference. The Procurement Coordinator must receive the request for a Debrief conference within three (3) business days after the notification of unsuccessful Bidder(s) email is sent. The Debrief shall be held within five (5) business days of the request.

Discussion will be limited to a critique of the requesting Bidder’s Proposal including the factors considered in the evaluation of that Proposal and the Bidder’s performance with regard to the solicitation requirements. Comparisons between Proposals or evaluations of the other Proposals will not be allowed. Debrief conferences may be conducted by video conference or on the telephone and will be scheduled for a maximum of thirty (30) minutes.

1. Protests

Bidders protesting this procurement shall follow the procedures described in **Section E-4** below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to a Bidder under this procurement. ESD will not accept any protest before the announcement of the Apparent Successful Bidder(s).

The protest procedure is only available to Bidders who submitted a response to this RFP and who have participated in a Debrief conference. ESD must receive a protest within five (5) business days of the Debrief, except when procurement records are properly requested within that five-day period.

1. Procurement Records Disclosure

A Bidder may request copies of solicitation and evaluation documents or may inspect solicitation and evaluation documents in order to decide the efficacy of making a protest. Such a request must made as a public records request sent to the Public Records Office for ESD. (An additional copy of the request should also be sent to the Procurement Coordinator. ESD will respond to provide the Bidder with notice on when they should expect to receive the documents. The five-day period to file for the protest will then start over when the Bidder receives the documents.

1. Grounds for Protest

A protest may be made based only on the following grounds:

1. A matter of bias, discrimination, or conflict of interest on the part of an evaluator.
2. Errors in computing the scores.
3. Non-compliance with the procedures established in this Procurement document.

Protests not based on these grounds will not be considered. Protests will be rejected as without merit if they address issues such as: 1) An evaluator’s professional judgment on the quality of a Proposal, or 2) ESD’s assessment of its own needs or requirements.

1. Protest Form and Content

A Protest must state all the facts and arguments upon which the Protest is based, and the grounds for the Protest. It must be in writing and signed by a person authorized to bind the Bidder to a contractual relationship. At a minimum, the Protest must include:

The name of the protesting Bidder, mailing address and phone number, and the name of the individual responsible for submission of the Protest.

* + 1. The RFP number and title.
    2. A detailed and complete statement of the specific ESD actions under Protest.
    3. The grounds for the Protest; and
    4. Description of the relief or corrective action requested.
    5. Bidders may attach supporting documentation to their Protest as they deem necessary and proper.

1. Submitting a Protest

Protests must be in writing, must be signed by the Bidder, and must be received by the ESD Contract Administrator at the address below within five (5) business days after the debriefing conference. Protests may be submitted by email.

All protests shall be emailed to ESD Contract Director as follows:

**Email address:** [Esdgpbids@esd.wa.gov](mailto:ESDgpcontractsoffice@esd.wa.gov),

**Subject line:** **RFP #2022-17 - Protest by [Bidder Name].**

Upon ESD’s receipt of a Protest, a review and investigation will be conducted by a neutral party, designated by the Contract’s Director, who had no involvement in the evaluation and award process. The reviewer will conduct an objective review of the Protest, based on the contents of the written Protest and the RFP and any amendments, the Proposals, all documents showing evaluation and scoring of the Proposals record and any other pertinent information and issue a decision within ten (10) business days of receipt of the protest, unless additional time is needed. If additional time is needed, the protesting Bidder will be notified of the delay.

In the event a Protest may affect the interest of another Bidder that submitted a Proposal, such Bidder will be given an opportunity to submit its views and any relevant information on the Protest to the Contract Director.

ESD will make a final determination on the Protest; per its findings, ESD will:

* + 1. Find the Protest lacking in merit and uphold ESD’s action.
    2. Find only technical or harmless errors in ESD’s acquisition process and determine ESD to be in substantial compliance and reject the protest.
    3. Find merit in the protest and provide ESD options which may include:

1. That ESD correct the errors and re-evaluate all Proposals.
2. That ESD reissue the RFP document and begin a new process.
3. Other courses of action as appropriate.

# ADDITIONAL GENERAL PROVISIONS

1. Announcement and Special Information

By responding to this RFP, a Bidder acknowledges they have read and understand the entire RFP and accepts all information contained within the RFP without modification.

1. Communications

The RFP Coordinator is the sole point of contact in ESD for this procurement. Any and all related communication between the Bidder and ESD upon posting of this RFP must be with the RFP Coordinator. Direct communication with other members of ESD concerning any substantive matters related to this RFP, may be grounds for disqualification of the Bidder.

1. Contracting with Current or Former State Employees

Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 of the Revised Code of Washington (RCW). Those restrictions also apply to any Bidder submitting a Proposal under this RFP who has hired a former state employee. Bidders should familiarize themselves with the requirements prior to submitting a Proposal that includes current or former state employees.

1. Amendments to The RFP

ESD reserves the right to revise this RFP. All changes will be made by written amendment. All official amendments will be posted in WEBS and will automatically become incorporated as part of this RFP. If there are any conflict between amendments, or between an amendment and the RFP, whichever document was issued last in time will be controlling.

Amendments will be made in consideration to the overall timeline; ESD will determine whether extensions to the timeline are necessary.

1. Responsiveness of Bidder’s Proposal

Each Bidder is specifically notified that failure to comply with any part of the solicitation may result in rejection of the bid as non-responsive. Rejected, non-responsive bids will not be scored. ESD will not be liable for any errors or omissions in Bidder’s Proposal. Bidders will not be allowed to alter Proposal after the Proposal Submission Deadline.

It is the responsibility of each Bidder to carefully read, understand, and follow all the instructions contained in this RFP, and in any future amendments. If a Bidder does not fully understand any bid requirement, Bidder should submit an inquiry to the Procurement Coordinator. Bidders are hereby notified that failure to comply with any solicitation requirement may result in the Proposal being rejected as being non-responsive. ESD reserves the right to waive any administrative minor irregularity in a proposal, but it is not required to do so.

1. Clarity and Clarifications

ESD will make the sole determination of clarity and completeness of the Proposals. No Proposal may be altered or amended after the submission deadline; however, ESD reserves the right to contact a Bidder for clarification of responsive contents if necessary.

**NOTE:** This clarification process is only used to clarify information that was contained within the Proposal; it is not a means of providing or incorporating new information that was otherwise not initially included.

1. Cost of Response Preparation

ESD will not reimburse Bidders for any costs associated with preparing or presenting a Proposal to this solicitation.

ESD will not be liable for any costs incurred by the Bidder in preparation or presentation of a responsive Proposal to this RFP.

ESD will not pay for any costs accrued prior to a mutually executed contract or purchase order resulting from this RFP.

1. DUE DILLIGENCE

ESD has the inherent right to perform due diligence on any Bidder. This includes, without limitation, the ability to contact past references or any other persons or entities named in Bidder’s Proposal. By submitting a Proposal, Bidder consents to this paragraph, and will provide a disclosure waiver upon request by ESD. Failure to provide a disclosure/waiver upon request may result in disqualification.

1. Ownership of Proposals

All Proposals and materials submitted in response to this RFP become the property of ESD. ESD has the right to use information or adaptations of information that is presented in a response, unless the information is marked “Proprietary” and is not: (1) already known to ESD prior to receipt of the information in the Proposal or materials submitted in response to this RFP, (2) subsequently disclosed to ESD by a third party who has the lawful right to make such disclosure, or (3) lawfully publicly available. Selection or rejection of the offer will not affect this right.

1. Final Selection & No Obligation

ESD reserves the right, at its sole discretion, to reject all responses without penalty and not to issue a contract as a result of this solicitation. ESD further reserves the right to cancel or reissue this RFP prior to execution of a contract, if it is in the best interest of ESD to do so, as determined by ESD in its sole discretion.

1. Incorporation of Proposal in Contract

The Bidder’s response, including all promises, warranties, commitments, and representations made in the successful Proposal, are binding and shall be incorporated by reference into ESD’s contract(s) with an Apparent Successful Bidder.

1. Statewide Vendor Payment Registration

Contractors are required to be registered in the Statewide Vendor Payment system, prior to submitting a request for payment under the Contract. The Washington State Department of Enterprise Services (DES) maintains a central contractor registration file for Washington State agencies to process contractor payments.

To obtain registration materials go to the Statewide/Vendor Payee Services (SWPS) website at: <http://des.wa.gov/services/IT/SystemSupport/Accounting/Pages/swps.aspx>. The registration form has two parts. Part 1 is the information required to meet the above registration condition. Part 2 allows the ESD (and other state agencies) to pay invoices electronically with direct deposit. This is the most efficient method of payment and vendors are encouraged to sign up.

1. Minority Women Owned and Veteran Owned Business Enterprises

In accordance with the legislative findings and policies set forth in chapter 39.19 RCW, and RCW 43.60A.200 and 39.22.240, the state of Washington encourages participation by veteran-owned business enterprises and Minority & Women Owned Business Enterprises (MWBE), either self-identified or certified by, respectively, the Department of Veterans Affairs or the Office of Minority & Women’s Business Enterprises (OMWBE). While the State does not give preferential treatment, it does seek equitable representation from the veteran owned business and minority and women’s business communities.

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

Bidders may contact the Office of Minority & Women’s Business Enterprises (OMWBE) at: <https://omwbe.wa.gov/directory-certified-firms> and/or the Department of Veterans Affairs at: <https://www.dva.wa.gov/program/certified-veteran-and-servicemember-owned-businesses> to obtain information on certified firms for potential sub-contracting arrangements or for information on how to become certified.

1. Public Disclosure & Proprietary Information

ESD is subject to the Public Records Act, chapter [42.56 RCW](http://app.leg.wa.gov/RCW/default.aspx?cite=42.56). Proposals and evaluations may not be disclosed while the RFP is pending (RCW [39.26.030](http://app.leg.wa.gov/RCW/default.aspx?cite=39.26.030)); however, all of the Proposals and evaluations may be disclosed after the announcement of the Apparent Successful Bidder(s).

Notwithstanding language in the Public Records Act that accounts for special treatment of proprietary information, **ESD for purposes of this Bid does not allow the Bidder to submit proprietary or confidential information within their proposals**. This RFP and the ensuing contract from this RFP are both intended to be fully public documents where all actions of a winning bidder will be subject to the public request, review, and availability. As such, Bidders are not allowed to identify any sections within their proposals as containing information that is proprietary or confidential. If Bidder so designates any portions of their proposal, ESD will require them to withdraw such a designation, or the proposal will be disqualified as being nonresponsive.

Bidders may seek the information from other Proposals once the Apparent Successful Bidder is announced.

1. Civil Rights Compliance

The **Washington State Employment Security Department**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all Bidders will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, or income-level, in consideration for an award. ESD will also affirmatively ensure that any contract entered into pursuant to this solicitation will require full incorporation of these rights in relation to all employees, personnel, and agents of the contractor.