



## **REQUEST FOR QUALIFICATIONS AND QUOTATIONS – RFQQ**

**PROJECT TITLE:** Transcription Services

**BRIEF DESCRIPTION:** ESD has administrative hearings annually concerning unemployment insurance claims and related activities. All hearings are digitally recorded. When a determination from an administrative hearing is sought for review in the Superior Court, a certified transcription of the administrative hearing is required.

**Bids Submission are Due: .. June 1, 2022 - 5:00 p.m. Washington State Time**

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

The Procurement 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:**

- A. Summary Information .....**
- B. Bid Proposals – Required Content.....**
- C. Protocols for Submission of Proposal.....**
- D. Evaluation and Award .....**
- E. Debrief and Protests .....**
- F. Additional General Provisions.....**

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 RFQQ 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 RFQQ. All sections contain information that is materially important for submitting a successful Proposal. If a Bidder does not fully understand any portion of this RFQQ, the Bidder should contact the Procurement Coordinator and/or submit an inquiry.

ESD complies with the American Disabilities Act (ADA): Bidders may contact the Procurement Coordinator to receive this Request for Qualifications and Quotations 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 the **BIDDERS RESPONSIBILITY** to check WEBS to see if any Amendments are posted.

<i>All times are local to Washington State, U.S.A.</i>	
EVENT	DATES & TIME
RFQQ Posted to WEBS	May 5, 2022
Questions are due	May 17, 2022 - 5:00 p.m.
Answers are posted	May 23, 2022
Complaint process ends	May 25, 2022 - 5:00 p.m.
<b>Due Date for Submission of Proposals</b>	June 1, 2022 - 5:00 p.m.
THE FOLLOWING DATES ARE ESTIMATES and can change at any time with no notice	
Evaluations Period	June 2-10, 2022
Notify Apparent Successful Bidder	June 14, 2022

## A. SUMMARY INFORMATION

### 1. INTRODUCTION

THIS IS A REQUEST FOR QUALIFICATIONS AND QUOTATIONS. The Employment Security Department (ESD), on behalf of the Administrative Services is creating a contract with a contractor who is highly qualified and can provide Transcription Services.

### 2. BACKGROUND

The Washington State Employment Security Department (ESD), hereafter called "Department," is initiating this Request for Qualifications and Quotations (RFQQ) to solicit Proposals from vendors interested in providing Transcription Services as described herein.

ESD has thousands of administrative hearings annually concerning unemployment insurance claims and related activities. All hearings are digitally recorded. When a determination from an administrative hearing is sought for review in the Superior Court, a certified transcription of the administrative hearing is required. ESD estimates a volume of approximately three (3) to four (4) review hearings per month, or 40 annually. The average number of pages for a transcribed hearing is estimated to be 50 pages but may vary widely.

### 3. 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 and must have a minimum of three (3) years' experience providing Transcription Services to government agencies.

### 4. BIDDER WRITTEN INQUIRIES - Questions and Answers

If a Bidder has any questions, issues, or concerns regarding this RFQQ, such matters must be put in writing and emailed to [esdgp bids@esd.wa.gov](mailto:esdgp bids@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 RFQQ Procurement Schedule.

**NOTE:** 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.

### 5. SAMPLE CONTRACT:

The Sample Contract will be separately posted in WEBS as an Exhibit to this RFQQ.

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.)

### 6. PERIOD OF PERFORMANCE

The initial period of performance commences on contract execution and will be reviewed every two years to determine whether it should be extended for additional terms. This

contract will not exceed six (6) years in total unless ESD has a business need to justify extending beyond.

**7. 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.

**B. BID PROPOSALS - REQUIRED CONTENT**

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 requirement 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 RFQQ are **Appendices A, B, C, and D**. Each Appendix is embedded into this RFQQ 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	Section 1: Management/Experience/Qualifications Requirement	60 Points
	Section 2: Technical Experience	140 Points
Appendix C - Rates	40 Points	
Appendix D - Disclosures & Certifications	Administrative Review (Executive Order 18-03 possible 5 points)	
<b>Total Possible Points-Total: 245</b>		

**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. Omitting any requested information may result in disqualification.

**This Appendix is Administratively reviewed.**

**2. APPENDIX B - PROGRAM QUALIFICATIONS**

Appendix B describes the required responsive elements of the Program Qualifications. All prompts therein must be responded to in writing.

**Total available score is 200 points.**

### 3. APPENDIX C - RATES

Appendix C requires Bidders to submit their Rates.

**Total available score is 40 points**

### 4. APPENDIX D - DISCLOSURES & CERTIFICATIONS

Appendix D 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 Appendix is Administratively reviewed and answers to questions may result in disqualification.**

## C. PROTOCOLS FOR SUBMISSION OF PROPOSAL

### 1. SUBMISSION TO BE SENT ELECTRONICALLY

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

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

**Subject line:** **RFQQ 2022-13- 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.

### 2. 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 electronically scan the file individually prior to opening any folder or other format housing the files. ESD's inability to do so may result in disqualifying the Bidder's Proposal. If Bidder 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.

### 3. SINGLE FILE RESPONSES FOR EACH APPENDIX

It is required that each Bidder submit the respective **Appendices (A – D)** as separate independent file, 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.

#### 4. **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.

### **D. 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 RFQQ. 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.

#### 2. **GENERAL EVALUATION PROVISIONS**

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

**Appendices A and D** will be reviewed by the Procurement Coordinator or their delegate.

**Evaluations of Appendices B-C** 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 ensure that all answers are clear, complete, and directly responsive to each specific requirement.

#### 3. **EVALUATION DESCRIPTION & SELECTION OF APPARENT SUCCESSFUL BIDDER**

ESD will employ a uniform scoring system to be used by all evaluators. The evaluated scores will then be added together and weighted to determine the total applied score. The Apparent Successful Bidder will be the Bidder with the highest total applied score.

#### 4. **ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER**

Following the announcement of the Apparent Successful Bidder (ASB), Bidders may request a Debrief conference. Unsuccessful Bidders will have a short period of time to request the Debrief conference.

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

**5. 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 RFQQ. However, if ESD believes that despite such efforts, ESD cannot enter in an agreement with the ASB that will best serve the goals of ESD, 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.

## **E. DEBRIEF AND PROTESTS**

**1. DEBRIEFING OF UNSUCCESSFUL BIDDERS**

Consistent with RCW 39.26.160(7), 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.

**2. 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 RFQQ 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.



### 3. **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 be 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.

### 4. **GROUNDINGS FOR PROTEST**

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

- a. A matter of bias, discrimination, or conflict of interest on the part of an evaluator.
- b. Errors in computing the scores.
- c. 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.

### 5. **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.

- a. The RFQQ number and title.
- b. A detailed and complete statement of the specific ESD actions under Protest.
- c. The grounds for the Protest.
- d. Description of the relief or corrective action requested.
- e. Bidders may attach supporting documentation to their Protest as they deem necessary and proper.

### 6. **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:** [Esdqpbids@esd.wa.gov](mailto:Esdqpbids@esd.wa.gov),

**Subject line:** **RFQQ 2022-13 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 RFQQ 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:

- a. Find the Protest lacking in merit and uphold ESD's action.
- b. Find only technical or harmless errors in ESD's acquisition process and determine ESD to be in substantial compliance and reject the protest.
- c. Find merit in the protest and provide ESD options which may include:
  - That ESD correct the errors and re-evaluate all Proposals;
  - That ESD reissue the RFQQ document and begin a new process; and
  - Other courses of action as appropriate.

## **F. ADDITIONAL GENERAL PROVISIONS**

### **1. ANNOUNCEMENT AND SPECIAL INFORMATION**

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

### **2. COMMUNICATIONS**

The Procurement 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 RFQQ must be with the Procurement Coordinator. Direct communication with other members of ESD concerning any substantive matters related to this RFQQ, may be grounds for disqualification of the Bidder.

### **3. 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 RFQQ 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.

### **4. AMENDMENTS TO THE RFQQ**

ESD reserves the right to revise this RFQQ. 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 RFQQ. If there are any conflict between amendments, or between an amendment and the RFQQ, 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.

### **5. 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 RFQQ, 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.

**6. 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.

**7. 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 RFQQ.

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

**8. DUE DILIGENCE**

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.

**9. OWNERSHIP OF PROPOSALS**

All Proposals and materials submitted in response to this RFQQ 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 RFQQ, (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.

**10. 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 RFQQ 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.

**11. 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.

## 12. 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.

## 13. 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 RFQQ 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.

## 14. PUBLIC DISCLOSURE & PROPRIETARY INFORMATION

ESD is subject to the Public Records Act, chapter [42.56 RCW](#). Proposals and evaluations may not be disclosed while the RFQQ is pending (RCW [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 RFQQ and the ensuing Contract from this RFQQ 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 Non-Responsive.

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

**15. 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.