



Washington State  
Department of Social  
& Health Services

---

*Transforming lives*

---

**COMPETITIVE SOLICITATION  
# 2134-799  
REQUEST FOR QUOTATIONS AND QUALIFICATIONS**

**Project Title:** RFQQ for LRA Study Under RCW 71.09.090

**Estimated Contract**

**Performance Period:** 2/15/2022 through 8/15/2022

**Response Due Date:**

All Responses **must be received in their entirety by 5:00 p.m.** Pacific Time on 1/26/2022 unless an Amendment is issued modifying the Solicitation Schedule set forth in Section C.1 of this Solicitation Document.

**Submit Response To:**

Responses must be submitted to:  
**Nicole Kahle, Solicitation Coordinator**  
Department of Social and Health Services  
Facilities, Finance and Analytics Admin.  
Central Contracts and Legal Services  
Email: [Nicole.kahle@dshs.wa.gov](mailto:Nicole.kahle@dshs.wa.gov)

**Solicitation and Amendments  
Will Be Posted on:**

**DSHS Procurement Website:** <https://www.dshs.wa.gov/ffa/procurements-and-contracting>

**WEBS Website:** <https://pr-webs-vendor.des.wa.gov/>

Applicable WEBS Commodity Codes: 918-67, 952-77

**TABLE OF CONTENTS**

Section A. Contract Requirements .....

Section B. Definitions.....

Section C. Explanation of Solicitation Process.....

Section D. Instructions Regarding Content, Format and  
Submission of Responses .....

Section E. Evaluation of Responses.....

Section F. Debriefing and Protest Procedure.....

Section G. Contracting Procedures .....

- Attachments:
- Attachment A: Sample Contract
  - Attachment B: Sample Bid Submission Letter
  - Attachment C: Bidder Certifications and Assurances
  - Attachment D: Bidder Response Form

## INTRODUCTION

Thank you for your interest in this Request for Qualifications and Quotations (RFQQ). We realize that this package of documents can be confusing. While it is important to read the entire RFQQ, including its attachments, we hope that this short summary will help you in reviewing it and help you to prepare a response.

The primary RFQQ document is the document you are reading. It provides an overview of the services we need to contract, and also provides information about the Solicitation (RFQQ) process, including a schedule on page 10 of this RFQQ document. This RFQQ may be withdrawn or amended and if this occurs any notifications will be posted under the heading "Current Procurements" on the DSHS Procurement page here: [DSHS Procurement Page](#)

This primary RFQQ document has several attachments:

1. Sample Contract – This is Attachment A to this RFQQ. Please review the sample contract which will be the basis for negotiating a contract with DSHS.
2. Bid Submission Letter – This is Attachment B to this RFQQ and is a sample letter for you to personalize with your contact information. Please sign and include this letter with the completed Bidder Response Form (Attachment D, described below) and the Certifications and Assurances form (Attachment C, described below) that you sign and submit to us. Together, these documents are your "Bid" or your "Response" to this RFQQ.
3. Certifications and Assurances – This is Attachment C to this RFQQ. Please sign this Certifications and Assurance form and include it with your completed Bidder Response Form and the Bid Submission Letter you submit to us.
4. Bidder Response Form – This is Attachment D to this RFQQ. The Bidder Response Form is a series of questions for you to answer. It can be printed and written or typed on, but the best approach is simply to type right onto it. The blank answer fields will expand to accommodate your added text. The Bidder Response form is broken into several sections. The first one seeks answers to standard administrative questions we ask in all competitive solicitations. The remaining sections ask questions about your qualifications to provide the Services we are requesting and your proposed fees.

In summary, a complete bid response consists of: Bid Submission Letter, Certifications and Assurances and completed Bidder Response Form.

We appreciate the time you are taking to review and respond to this RFQQ and we look forward to receiving your proposal.

***Please send all communications to and reference "RFQQ # 2134-799" in the subject line – Thank you!***

## **SECTION A CONTRACT REQUIREMENTS**

### **1. Purpose**

This Request for Qualifications and Quotations (RFQQ), also known as a “competitive solicitation,” is issued in order to assist the Special Commitment Center (SCC), operated by the Behavioral Health Administration (BHA) of the Washington Department of Social and Health Services (DSHS), in identifying qualified contractor(s) to assist the SCC in conducting a study of programs for transitioning SCC Residents to the community when they are conditionally released from the SCC by a Court. The purpose of the study shall be to explore the development of conditional release and transition facilities for future conditional release placements. The study shall result in a report which shall facilitate the primary role of the department in identifying less restrictive alternative placements under RCW 71.09.090 and discharge planning under RCW 71.09.080.

### **2. Background**

The Special Commitment Center provides a specialized behavioral health treatment program for convicted sex offenders who have completed prison sentences and have been found by a court to meet the legal definition of a sexually violent predator (SVP) and have been civilly committed to the SCC. The SCC is a total confinement facility located on McNeil Island in Pierce County, Washington. In addition to operating the total confinement facility, the SCC has additional responsibilities with respect to SVPs, including the operation of its secure community transition facilities (SCTFs), one located on McNeil Island, and a second located in King County. The SCC also contracts for less restrictive alternative placements provided in communities around Washington for individuals who have been conditionally released by a court to reside in community settings. The SCC contracts for various community-based services, including Sex Offender Treatment Provider (SOTP) services that are required to be provided for SVPs who have been ordered to be conditionally released to an LRA placement in the community. In line with the focus on public safety set forth in the Community Protection Act of 1990, the SCC implements a program that employs a variety of stringent safety and security measures.

#### **The SCC Program**

The institutional program in the SCC total confinement facility is the first stop for SVPs who are civilly committed to the SCC. The SCC total confinement facility can accommodate up to 300 residents. The behavioral health treatment component of the program consists of increasingly challenging and rigorous levels of treatment. In addition to behavioral health treatment, the SCC provides residents with medical and dental care, food services, barber services, on-site recreational activities and some occupational training and employment opportunities within the facility.

#### **Community Transition**

Each SCC resident has the right to receive an annual review hearing before the court of commitment to evaluate the resident’s progress in treatment. If the SCC indicates that a resident can be safely managed in the community, the court may order the resident’s

release to a Less Restrictive Alternative placement in a community setting. In addition, an SCC resident may, at any time, petition the court to be conditionally released to a community LRA placement. In ordering a conditional release, the court must be convinced, after considering evidence and expert testimony, that the proposed community living arrangement will provide adequate protection for the community. As a condition of release, each resident living in a court-ordered LRA must actively continue to participate in regular treatment with a court-approved SOTP. Residents who are conditionally released to an LRA placement in the community are required to wear an electronic monitoring device. Residents are permitted to leave the LRA Placement but are required to be chaperoned when on outings.

In addition to community LRA placements, a second conditional release option exists. Residents of the total confinement facility who have successfully completed the required levels of treatment in the institutional program and have received DSHS recommendation may be placed in a secure community transition facility (SCTF) operated by the SCC. SCTFs are not community LRA placements, which are privately operated, but are considered to be a less restrictive alternative to the total confinement facility.

### **LRA Expansion: The Objective of this RFQQ**

Senate Bill 5163, effective on July 25, 2021, amends RCW 71.09 to expand the responsibilities of the SCC to engage in discharge planning for SCC Residents who will be ordered by the court to be conditionally released to live in a community setting. This includes identifying and contracting with individuals and organizations to manage and operate less restrictive alternative housing and related services and conducting a study to explore the development of conditional release and transition facilities. The legislature specifically indicated that such facilities may include community-based alternatives similar to the state-operated living alternative program operated by the developmental disabilities administration.

This RFQQ seeks to identify individuals and organizations with significant expertise in the field of forensic mental health services including the laws and programs adopted with respect to sexually violent predators, in order to engage an individual or organization to collaborate with SCC leadership in conducting the referenced study for completion by June 30, 2022, with a report due by 8/15/2022.

For more information on the Special Commitment Center Program, please visit the SCC website at <https://www.dshs.wa.gov/bha/special-commitment-center>.

### **3. Project Scope**

In order to facilitate the primary role of DSHS in identifying less restrictive alternative placements under RCW 71.09.090 and discharge planning under RCW 71.09.080, the SCC seeks to engage an expert to perform a study that will assist it to expand the availability and quality of LRA services in communities within the state of Washington.

Further detail regarding the scope and expectations for the services to be provided by Contractors, please refer to the applicable Sample Contract set forth on Attachment A to this RFP.

#### 4. Bidder Qualifications

Bids are requested from persons or firms that have extensive knowledge and understanding of forensic mental health laws and structures, including expertise with regard to persons who have been adjudicated to be sexually violent predators. In their responses, Bidders must demonstrate that they possess the capability, availability and expertise to assist SCC in performing a study of LRA placement options.

Utilizing Exhibit D, Bidder Response Form, Bidders shall identify the members of its Key Personnel Team, their specific roles, and the qualifications, experience, skills and availability of each member to perform their role in the Study. Bidder's Key Personnel must meet the following requirements:

- a. **Required Qualifications.** Each member of Bidder's Key Personnel team must possess significant expertise and experience specific to the role that person will perform in connection with the Study.
- b. **Bidder's Lead.** Bidder shall designate a Lead individual to organize and implement the Study and to provide oversight to other Key Personnel. Bidder's Lead must possess extensive knowledge, understanding and experience pertaining to the laws and operations of forensic mental health programs, including programs pertaining to sexually violent predators and less restrictive alternative housing and treatment programs.
- c. **Licensure and Contract Requirements.** If awarded a contract and as required under applicable laws, Contractor must secure a Washington business license and any required local licenses and permits.

Bidders failing to demonstrate and acknowledge on Attachment D, Bidder Response Form, that they are able to meet these minimum qualifications will be considered non-responsive and will therefore be disqualified from further consideration.

#### 5. Period of Contract Performance

DSHS intends to award an initial Contract for a period of up to approximately 6 months with the option to renew the Contract for up to an additional year. Additional services that are appropriate to the scope of this Solicitation as determined by DSHS, may be added to the Contract in a mutually agreeable written amendment.

Prior to or after the initial renewal periods described above, the parties may agree to amend the contract and may reissue the contract with new or additional terms for any contract period that is mutually agreed upon.

#### 6. Funding

Contractor's proposed rates are sought in Exhibit D, Bidder Response Form. Details about the services covered by these rates is provided in Exhibit A, Sample Contract. Any Contract awarded is contingent upon the availability of funding and the negotiation of rates acceptable to DSHS.

Nothing in this RFQQ shall require DSHS to enter into a Contract with any Bidder.

## SECTION B DEFINITIONS

Additional definitions for Contract-specific terms are found in the Sample Contract set forth as Attachment A to this Solicitation and shall apply to those terms as they are used in this Solicitation. The following terms have the meanings set forth below:

Agency or DSHS – The Washington State Department of Social and Health Services.

Amendment – A unilateral change to the Solicitation that is issued by DSHS at its sole discretion and posted on WEBS.

Apparent Successful Bidder (ASB) – A Bidder submitting a Response to this Solicitation that is evaluated and is identified and announced by DSHS as providing the best value to the Agency. Upon execution of a Contract, the ASB is referred to as the successful bidder or the Contractor.

Authorized Representative – An individual designated by the Bidder to act on its behalf who has the authority to legally bind the Bidder concerning the terms and conditions set forth in this Solicitation and related documents.

Bid - An offer, proposal or quote for goods or services and all related materials prepared and submitted by a Bidder in response to this Solicitation. The terms Bid, Quotation, Response and Proposal are all intended to mean the same thing.

Bidder – An individual, organization, public or private agency or other entity submitting a bid, quotation, response or proposal in response to this Solicitation.

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

Complaint – A process that may be followed by a Bidder prior to the deadline for bid submission to alert DSHS of certain types of asserted deficiencies in the Solicitation.

Coordinator or Solicitation Coordinator – An individual or designee who is employed by DSHS within the DSHS Central Contracts and Legal Services Office and who is responsible for conducting this Solicitation.

Debriefing – a short meeting an Unsuccessful Bidder may request with the Coordinator following the announcement of the Apparent Successful Bidder for the purpose of receiving information regarding the review and evaluation of that Bidder's Response.

Procurement - The broad process of identifying goods and services for purchase or acquisition, of effecting the purchase or acquisition, and of managing the purchase or acquisition. This Solicitation is a part of an overall Procurement process. Despite the broader meaning attributed to "procurement", for purposes of this Solicitation, the terms Solicitation, RF\* and Procurement are interchangeable.

Project - The undertaking or work for which contracted Services are being requested pursuant to this Solicitation.

Protest – A process that may be followed by a Bidder after the announcement of the apparent Successful Bidder to alert DSHS to certain types of alleged errors in the evaluation of the Solicitation.

RCW – The Revised Code of Washington. All references to RCW chapters or sections shall include any successor, amended, or replacement statute.

Responsible Bidder – An individual, organization, public or private agency, or other entity that has demonstrated the capability to meet all the requirements of the Solicitation and to meet the elements of responsibility. (See [RCW 39.26.160 \(2\)](#))

Responsive Bidder – An individual, organization, public or private agency, or other entity who has submitted a Bid that fully conforms in all material respects to the Solicitation and all its requirements, in both form and substance.

RFQQ – The request for proposals, qualifications, quotations, or qualifications and quotations set forth in this Solicitation document.

Scope of Work – The Project or work scope set forth in this Solicitation Document that identifies DSHS' contractual needs and requirements.

Services – Labor, work, analysis, or similar activities provided by a contractor to accomplish a specific scope of work.

Small Business - An in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that: (a) certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either: (i) fifty or fewer employees; or (ii) a gross revenue of less than seven million dollars annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or (b) Is certified with the office of women and minority business enterprises under chapter [39.19](#) RCW.

Solicitation or Competitive Solicitation – A formal process providing an equal and open opportunity for bidders culminating in a selection based upon predetermined criteria. A Competitive Solicitation requests the submission of bids, quotations or proposals for the consideration of DSHS in contracting to meet its needs. This RF\* is a Solicitation.

Solicitation Document – This RF\* document, including all attachments and all amendments that are issued by the Coordinator.

Statement of Work – The detailed description of services to be performed by the Contractor and set forth in the Contract.

Subcontractor – An individual or other entity contracted by Bidder to perform part of the services or to provide goods under the Contract resulting from this Solicitation. Subcontractors, if allowed, are subject to the advance approval of DSHS.

WEBS – Washington's Electronic Business Solution, the Bidder notification system found at <https://pr-webs-vendor.des.wa.gov/> and maintained by the Washington State Department of Enterprise Services.



**SECTION C  
EXPLANATION OF SOLICITATION PROCESS**

**1. Solicitation Schedule**

The Solicitation Schedule set forth below outlines the tentative schedule for important events relating to this Solicitation. Except as modified in an Amendment issued by the Coordinator, the dates and times listed through the date of Response Submission are mandatory deadlines. The remaining dates are estimates and may change without the posting of an Amendment. Failure to meet the Response deadline will result in Bidder disqualification.

<b>Item</b>	<b>Action</b>	<b>Date</b>
1.	DSHS posts Competitive Solicitation.	12/28/21
2.	Prospective Bidders should register as a Vendor on WEBS using one of the commodities code on the cover page of this Solicitation as soon as possible to receive notifications.	1/14/22
3.	Bidder may submit written questions or requests for change in Contract Requirements until 2 p.m. Pacific Time.	1/10/22
4.	DSHS will post responses to written questions.	1/14/22
5.	Bidders may submit written Complaints by 2 p.m. Pacific Time (five business days before Response is Due).	1/19/22
6.	Bidder must submit Response by 2 p.m. Pacific Time	1/26/22
7.	DSHS evaluation of written Responses	1/27/22 - 1/31/22
8.	Oral presentations, if requested by DSHS	2/1/22
9.	Announcement of Apparent Successful Bidder(s) on WEBS and beginning of contract negotiations	2/2/22
10.	DSHS notifies unsuccessful Bidder(s)	2/2/22
11.	Unsuccessful Bidders may request a debriefing conference until 2 p.m. Pacific Time	2/7/22
12.	DSHS holds debriefing conferences, if requested	2/8/22
13.	Deadline for submission of Protests by unsuccessful Bidders who participated in a debriefing conference	5 business days after date of debriefing
14.	DSHS considers Protests, if any, and issues determination	10 business days after protest submission

Item	Action	Date
15	Contract Execution/Start Date	2/15/22

## 2. Posting of Solicitation Documents

DSHS shall post this Solicitation, and all amendments and announcements relating to this Solicitation, on WEBS. WEBS can be accessed at: <https://pr-webs-vendor.des.wa.gov/>. In order to inform the largest number of potential bidders about this opportunity, DSHS shall also post documents relating to this Solicitation on the Procurements page of the DSHS website, found at: <https://www.dshs.wa.gov/ffa/procurements-and-contracting>

All Bidders must register as a vendor on WEBS, using an appropriate commodities code listed on the front page of this Solicitation, and must download this Solicitation from WEBS. This should be done as soon as possible in order for Bidder to receive notifications automatically generated on WEBS, but no later than the date set forth on Section C.1., Solicitation Schedule for Announcement of the Apparent Successful Bidder(s).

## 3. Amendment, Cancellation/Rejection of Bids, Reissuance of Solicitation

DSHS may amend or add to, retract from or cancel this Solicitation at any time, in whole or in part, and without penalty. DSHS may reject all bids and cancel or rebid this Solicitation. All amendments and notifications of cancellation shall be posted on WEBS. In the event of a conflict between amendments or between an amendment and this Solicitation Document, the document issued latest shall control.

## 4. Communications regarding Solicitation

Upon the posting of this Solicitation, all communications concerning this Solicitation must be directed to the Coordinator listed on the cover page of this Solicitation document. With the exception of the Response, which shall be submitted as provided in Section D, Instructions Regarding Content, Format and Submission of Written Responses, communications with the Coordinator should be sent via email. DSHS may disqualify any Bidder who communicates with anyone in DSHS other than the Coordinator regarding this Solicitation.

DSHS considers all oral communications unofficial and non-binding on DSHS. Bidders should rely only on written statements issued by the Coordinator. Email shall be considered an official method of communication unless otherwise specified in this document.

## 5. Questions and Answers

Bidders may send written questions concerning this Solicitation to the Coordinator by the date and time set forth on the Solicitation Schedule in Section C.1. for submission of Questions. Questions should be sent via email and should include the number and title of this Solicitation in the subject line.

DSHS may consolidate Bidder questions and shall respond by posting one or more Amendments on WEBS and on the DSHS Procurement website on or around the date specified in the Solicitation Schedule. Only Bidders who have properly registered and downloaded the original Solicitation directly via the WEBS system: <https://pr-webs-vendor.des.wa.gov/> will receive notification of Amendments and other correspondence pertaining to this Solicitation.

## **6. Request for Change in Solicitation Requirements**

If Bidder believes that this Solicitation contains requirements which would unreasonably prohibit or restrict Bidder's participation, or believes that different requirements would provide better value to the State, Bidder shall submit a written explanation of the issue together with proposed alternative requirements to the Coordinator no later than the deadline for Bidder Questions as stated in the Solicitation Schedule set forth in Section C.1. The Coordinator shall not be required to consider requests for changes after this date. If any changes are made to the Solicitation requirements, an Amendment setting forth those changes will be posted on WEBS.

## **7. Complaints**

In the event a Bidder believes that this Solicitation either: (a) unnecessarily restricts competition; (b) contains an unfair or flawed evaluation or scoring process; or (c) contains inadequate or insufficient information to permit preparation of a Response, the Bidder shall submit a written complaint to the Coordinator. The Coordinator will forward the complaint to the DSHS Chief of Central Contracts and Legal Services for review. The complaint shall include a proposed remedy and shall be submitted no later than five (5) business days prior to the date when Responses are due. DSHS shall post its response to the Complaint on WEBS and on the DSHS procurement web page.

Should a Bidder's complaint identify a change that would be in the best interest of DSHS to make, DSHS may issue an Amendment modifying this Solicitation. The DSHS decision regarding a complaint is final and no further administrative appeal is available. If no complaint is filed, a Bidder cannot later file a protest based on any of the above complaint criteria.

## **8. Minority & Women's Business Enterprises (MWBE) and Veteran-Owned Business Enterprises**

In accordance with the legislative findings and policies set forth in RCW 39.19, 43.60A.200, 39.26.240 and 39.26.245, the State of Washington encourages participation by veteran-owned business enterprises and Minority-Owned and Women-Owned Business Enterprises (MWBE), either self-identified or certified by, respectively, the Department of Veterans Affairs or the Office of Minority and Women's Business Enterprises (OMWBE). While the State does not give preferential treatment, it does seek equitable representation from the veterans, minority and women's business communities.

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

rejected, or considered non-responsive on that basis.

Bidders may contact the Office of Minority and Women's Business Enterprises (OMWBE) at <http://omwbe.wa.gov/> and/or the Department of Veterans Affairs at <http://www.dva.wa.gov/program/veteran-owned-business-certification> to obtain information on certified firms for potential subcontracting arrangements or for information on how to become certified. Nothing in this section is intended to prevent or discourage participation from non-MWBE firms or non-veteran-owned businesses.

## **9. Auxiliary Aids and Limited English Proficient (LEP) Services**

DSHS will provide access to this Solicitation document to individuals with disabilities and Limited English Proficient individuals. Please contact the Coordinator to request auxiliary aids and services.

If an individual believes that the Department has discriminated against them on the basis of a protected status, please contact the DSHS Investigations Unit for the Nondiscrimination Policy Brochure and complaint process. The brochure can be found at <https://www.dshs.wa.gov/sites/default/files/publications/documents/Non-discrim%2022-171.pdf>

## **10. Cost to Prepare Response**

DSHS will not be liable for any costs incurred by the Bidder in preparing, conducting a site assessment, or submitting a Response to this Solicitation.

## **11. Acceptance of Solicitation Terms**

In submitting a Response, Bidder must include a signed Bid Submission Letter in the form set forth on Attachment B, as well as signed Bidder Certifications in the form set forth on Attachment C. Bidder must acknowledge that in submitting a Response, it accepts all terms of this Solicitation Document, including all of its Attachments, and that Bidder's Response constitutes a binding offer. Bidders may not alter or redline the solicitation terms or requirements in their response. Submitting altered or redlined solicitation terms or requirements in the Bidder Response may result in bidder disqualification.

## **12. Joint Proposals**

If Bidders submit a joint Response with one or more other persons or entities, these persons or entities must designate a prime Bidder. The prime Bidder will be DSHS sole point of contact through the Procurement process. If selected as the Apparent Successful Bidder, the prime Bidder shall sign the contract and any amendments and will be liable and responsible to DSHS for all performance under the contract.

## **13. Withdrawal of Responses**

After a Response has been submitted, Bidders may withdraw their Response at any time up to the Response due date and time as specified in Section C.1, Solicitation Schedule. A written request to withdraw the Response must be submitted to the Coordinator. After

withdrawing a Response, the Bidder may submit another Response at any time up to the Response submission date and time.

#### **14. Ownership of Responses**

All materials submitted in response to this Solicitation become the property of DSHS, unless received after the deadline in which case the Response shall be returned to the sender. DSHS shall have the right to use any of the ideas presented as part of the process in any manner as it deems appropriate or beneficial, regardless of whether it is contained in a Response that results in selection for a Contract.

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

After Responses are received and written evaluations are completed, DSHS may (but shall not be required to) request best and final offers from one or more Responsible and Responsive Bidders. The written Responses of Bidders invited to provide a best and final offer may be re-evaluated and the point values may be adjusted based upon changes to pricing or proposed services, deliverables or methodologies that are included in a best and final offer, prior to DSHS' determination of the Apparent Successful Bidder.

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

DSHS shall not be required to request best and final offers or to enter into negotiations and reserves the right to make a Contract award without further discussion of the Response. Therefore the Response should be submitted on the most favorable terms that Bidder intends to offer.

#### **16. Oral Interviews or Presentations**

After bids are received and written evaluations are completed, DSHS may request that one or more Responsible and Responsive bidders participate in an oral interview and/or presentation or demonstration. If this option is elected, additional points shall be awarded as set forth in Section E.3, Evaluation Criteria and Scoring of Responses.

#### **17. Announcement of Successful Bidder(s)**

DSHS shall announce the Apparent Successful Bidder(s) on WEBS on the date indicated in Section C.1., Solicitation Schedule. All announcements of Apparent Successful Bidders are subject to the negotiation of a Contract satisfactory to DSHS.

Bidders who are not announced as an Apparent Successful Bidder may request a debriefing conference with the Coordinator concerning the evaluation of their bid and may, under certain circumstances, file a formal protest requesting that DSHS provide an identified remedy if Bidder believes certain types of errors occurred. A more detailed description of these processes is set forth in Section F, Debriefing and Protest Procedure.

#### **18. Ethics, Policies and Law**

This Solicitation, the evaluation of Responses, and any resulting contract will be made in conformance with applicable Washington State laws and Policies.

Specific restrictions apply to contracting with current or former state employees pursuant to RCW 42.52. Bidders should familiarize themselves with the requirements prior to submitting a Response. Bidders must include, in their Letter of Submittal, information regarding any current or former state employees who are employed by, or subcontracted with, Bidder.

**SECTION D**  
**INSTRUCTIONS REGARDING CONTENT, FORMAT AND SUBMISSION OF**  
**WRITTEN RESPONSES**

Bidders shall submit their Responses utilizing the forms set forth on Attachments B, C, D to this Competitive Solicitation. Each Attachment represents a separate section of the Response. Failure to complete and submit all required Attachments, and to sign them, if applicable, may result in Bidder disqualification. Responses should be neatly typed in 12 point font, using proper grammar, spelling and punctuation and should be submitted in the following order with each section of the Response clearly labeled.

**1. Attachment B: Bid Submission Letter (Required, not scored)**

All Bidders must submit a completed bid submission letter in the form and with the minimum contents set forth on Attachment B, which must include all of the required acknowledgments and information. The Bid Submission Letter must be signed by an individual authorized to bind the Bidder contractually. Bidder's completed and signed Attachments B and C, together with any documents that are required to be attached, and Bidder's answers to administrative questions set forth on Attachment D, Bidder Response Form, comprise the Administrative component of the Response.

**2. Attachment C: Bidder Certifications and Assurances (Required, not scored)**

All Bidders must submit the Bidder certifications and assurances form set forth on Attachment C, signed by an individual authorized to bind the Bidder contractually. Bidders may not alter or redline the Bidder Certifications and Assurances form in their response. Submitting altered or redlined solicitation terms or requirements in the Bidder Response may result in Bidder disqualification.

**3. Attachment D: Bidder Response Form (Required, Portions Scored)**

Using Attachment D, Bidders must provide answers to the questions set forth on the Bidder Response Form to demonstrate satisfaction of administrative requirements and, as applicable to this Solicitation, their qualifications, approach and proposed pricing to provide the services as outlined in this Competitive Solicitation, including the Sample Contract set forth on Attachment A. The number of points allocated to each answer is indicated next to the question.

The Bidder Response Form is posted separately from this Solicitation document in Microsoft Word format. Except for limits that are noted on the Bidder Response Form, Bidders may utilize as much space as is reasonably required to respond to each question, provided all questions are repeated and remain numbered and ordered as set forth in Attachment D. If additional pages are needed, they should be attached to the page containing the initial portion of the response to a question and should be marked clearly to indicate that they provide a continuation of Bidder's answer to a specific numbered question. Bidders should not submit product brochures, white papers, customer testimonials, cut sheets, or other pre-prepared materials in response to any of the questions.

Bidders must submit complete, well-organized explanatory answers that address all of the specific questions asked in the Bidder Response Form. Bidders should not assume that evaluators will be familiar with their businesses before conducting the evaluation.

Use of Attachment D assures that Bidder responds to specific questions in space immediately below those questions and helps to avoid confusion among evaluators about the question that is being responded to. In awarding points, evaluators shall not be obligated to search through the Bidder's answers to questions other than the one being reviewed in order to locate text that is responsive to the question being reviewed. Failure to use the form set forth on Attachment D (with the applicable questions set forth immediately above Bidder's answers), failure to respond to all questions and/or failure to submit any documents requested in the Bidder Response Form may result in Bidder disqualification.

If Bidder is awarded a Contract, DSHS may require that Bidder's Response to the Bidder Response Form be incorporated, in whole or in part, into the Contract.

#### **4. Proprietary Information/Public Disclosure**

Materials submitted in response to this Solicitation shall be deemed public records as defined by RCW 42.56. All Responses and accompanying documentation shall become the property of DSHS upon receipt, and will not be returned.

The Bidder's Response must include, on Attachment D, a statement identifying the pages of its Response, if any, which contain information the Bidder considers proprietary (for the purposes of public disclosure). Each page claimed to be proprietary must be clearly marked by stating the word "Proprietary" on the lower right hand corner. Bidders must be reasonable in designating information as proprietary or confidential. **Bidders may not mark their entire Response proprietary. Doing so will not be honored and will disqualify your Response from further consideration.**

If DSHS receives a request to view or copy a Bidder's Response, DSHS will respond according to applicable law and DSHS's policy governing public disclosure. DSHS will not disclose any information marked "Proprietary" in a Response without giving the Bidder ten (10) days' notice to seek relief in superior court per RCW 42.56.540.

**Bidders may not include any DSHS client information in their Responses. Doing so will result in disqualification of the Response from further consideration.** If you wish to include examples of any forms or processes, use a blank form or ensure that all client information is completely redacted.

#### **5. Submission of Responses**

Bid Responses must be stored in an acceptable electronic format and, if applicable, hard copy format, as set forth in Section 7, below. Bid Responses must be emailed directly to the Coordinator at the email address provided on the cover sheet of this Solicitation Document. Bid Responses must be received by the Coordinator in their entirety on or before the due date and time set forth in Section C.1., Solicitation Schedule, unless a posted Amendment to this Competitive Solicitation changes this due date and time.



Bidder's completed version of each of the Attachments B, C, and D to this Competitive Solicitation shall be included as a separate attachment to the Bidder's email(s).

Bidders assume all risks for the timely submission of the Response. Bidders are responsible for allowing sufficient time to ensure timely electronic receipt of their Response by the Coordinator and, in Solicitations that also require that hard copies of the Response be submitted, to ensure timely receipt via other delivery methods. DSHS does not assume responsibility for problems with the Bidder's email, network or problems with the mail, parking, traffic or the services of any third party courier. However, if DSHS email is not working properly, appropriate allowances will be made.

DSHS will not accept late Responses, nor grant time extensions for individual Bidders. DSHS will disqualify any Response and withdraw it from consideration if it is received after the Response submission due date and time.

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

Attachment D, Bidder Response Form, should be submitted in Microsoft Word. Other Response documents must be formatted in Portable Document Format (Adobe Acrobat PDF) or Microsoft Word, Excel, or PowerPoint. Spreadsheet documents must be submitted in Microsoft Excel and in a live, unprotected file that includes all formulas, macros, and computations that are relied on or used to calculate any rates or values presented therein. When scanning documents to be submitted in PDF format, scanner resolution should be set to at least 200 dots per inch.

**NOTE: DSHS cannot receive emails that are larger than 30MB. To keep file sizes to a minimum, Bidders are cautioned not to use unnecessary graphics in their Responses. If your Response approaches or exceeds 30MB, you must break it up and send it by more than one email so that no single email exceeds 30MB.**

## **7. Alternative Submission Methods**

Bidders wishing to request an alternative method for submitting their Response must contact the Coordinator at least ten (10) days before the Response Submission Date. No alternative submission method will be accepted unless agreed to by the Coordinator in writing prior to the Response deadline.

## SECTION E EVALUATION OF RESPONSES

### 1. Bid Responsiveness; Administrative Review

All Responses will be reviewed by the Coordinator to determine compliance with administrative and minimum qualification requirements and instructions specified in this Solicitation. DSHS may reject a Response as nonresponsive at any time for any of the following reasons:

- Incomplete Response
- Submission of a Response that proposes services that deviate from the scope and technical requirements set forth in this document and Attachment A, Sample Contract, except as permitted in an Amendment to this Solicitation
- Failure to meet the minimum Bidder qualifications or to comply with any requirement set forth in this Solicitation Document, including Attachments
- Submission of incorrect, misleading, or false information
- History of prior unsatisfactory contractual performance

The Coordinator may contact any Bidder for clarification of the Response. If a Response is deemed non-responsive, it shall be removed from further consideration. DSHS shall notify non-responsive Bidder(s) of this determination and the supporting reasons. Bidders whose Responses are found to be non-responsive shall be disqualified from further evaluation and shall be notified in writing.

If a Response meets all administrative and Bidder qualification requirements and submittal instructions, DSHS shall continue with the Written Evaluation and, if applicable, the Oral Evaluation.

### 2. Errors in Bidder Response

Bidders are responsible for all errors or omissions contained in their Responses. Bidders will not be allowed to alter Response documents after the deadline for Response submissions.

DSHS reserves the right to contact any Bidder for clarification of Response contents. In those cases where it is unclear to what extent a requirement has been addressed, the evaluation panel may, in their discretion and acting through the Coordinator, contact a Bidder to clarify specific matters in the submitted Response.

DSHS reserves the right to waive minor administrative irregularities contained in any Bidder Response.

### 3. Evaluation Criteria and Scoring of Responses

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

The maximum number of points available for each Bidder is 110. The maximum number of points that may be assigned with respect to specific questions is set forth on Attachment D, Bidder Response form. The overall breakdown for assignment of points in evaluating Responses to this Solicitation is as follows:

Management (Qualifications) Response.....	75 maximum points
Cost Proposal (Quotations).....	20 maximum points
EO 18-03 Response.....	5 maximum points
Oral Interview/Presentation.....	10 maximum points
<b>Total Possible Points</b> .....	<b>110 maximum points</b>

### 4. Evaluation of Cost Proposal/Quotations

The Bidder who offers the lowest cost for each question of the Cost Proposal shall receive the maximum number of available Cost Proposal points. Bidders offering higher costs will receive proportionately fewer Cost Proposal points based on the lowest cost as follows:

$$\text{low bid} / \text{higher bid} = \% \text{ of avail. points awarded} * \text{avail. points} = \text{total cost points}$$

Bidder	Low-Cost Calculation <i>EXAMPLE</i>			Calculated Quotation Score
	Quotation Quest. #1	Low Cost %	Points Available	Points Awarded (Max 20 Points)
Bidder A	\$40.00	1.00	20	20
Bidder B	\$50.00	0.80	20	16
Bidder C	\$80.00	0.50	20	10

### 5. Written Bid Evaluation Process

DSHS shall designate an evaluation team of at least three (3) evaluators to review, evaluate, and score the written question responses. These evaluators will be selected based on their qualifications, experience, capability and background. If oral interviews or presentations are conducted, additional evaluators may supplement or replace some or all of the individuals performing the written evaluation.

Evaluators shall assign scores up to the maximum points available. Individual evaluator points will be totaled and the average points for each Bidder will be calculated. The Bidder's average points earned for each question will be added together to determine the Bidder's total written evaluation points.

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

Pursuant to RCW 39.26.160(3) (best value criteria) and consistent with [Executive Order 18-03 – Supporting Workers' Rights to Effectively Address Workplace Violations](#) (dated June 12, 2018), DSHS will evaluate bids for best value and provide a bid preference in the amount set forth in Attachment D, Bidder Response Form, to any bidder who certifies that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

Successful bidders who certify that their employees are NOT required to sign these clauses and waivers as a condition of employment will have an EO 18-03 section added to their contract incorporating this response and requiring notification to DSHS if they later require their employees to agree to these clauses or waivers during the term of the contract.

## **7. Bidder's References**

Once the written evaluations are completed, DSHS may contact the references provided by the top-ranked Bidder(s) in order to investigate past performance and validate information in Bidder Responses. In submitting a Response, Bidder agrees that it shall hold harmless DSHS and any individuals identified as references from and against liability resulting from the provision of information or the receipt and use of that information in evaluating Bidder's Response.

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

DSHS may, at any time, require additional or substitute references to determine the Bidder's experience and level of responsibility. If the reference check process reveals information that should properly be considered in evaluating Bidder's responses, DSHS may, in its sole discretion, reconvene the evaluation panel to reconsider the evaluation scoring in light of the information obtained.

## **8. Oral Interview/Evaluation**

In addition to evaluating the written response, DSHS may invite one or more of the highest scoring Bidders to make an oral presentation which shall be separately evaluated.

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

The Bidder that receives the highest total number of possible points will be presented to

DSHS management for consideration as a finalist for the Apparent Successful Bidder. In the event multiple Contracts will be awarded, the applicable number of top-scoring Bidders will be considered.

The selection process shall determine which Bidder provides the best value in meeting the needs of DSHS. Selection of the Apparent Successful Bidder(s) depends upon DSHS' assessment of multiple factors, including Bidders' qualifications, capabilities, efficiency, experience, reliability, responsibility, integrity, quality of proposed services and deliverables, timeliness, cost and potential impact on DSHS' needs. DSHS may consider whether the Response encourages diverse contractor participation; whether the Bid provides competitive pricing, economies and efficiencies; whether the Bidder considers human health and environmental impacts; whether the Response appropriately weighs cost and non-cost considerations; and life cycle cost, as applicable. DSHS may also consider a Bidder's performance on prior State or other contracts and may reject Responses of any Bidder who has failed to perform satisfactorily under any previous contract with the state or another party. DSHS reserves the right to select a Bidder whose Response is deemed to offer the best overall value and that is in the best interests of DSHS and the State of Washington.

DSHS management shall make the final determination as to which Bidder(s), initially designated as finalist(s), shall be officially selected and announced on WEBS as the Apparent Successful Bidder(s) on or about the date and time set forth in Section C.1., Solicitation Schedule. DSHS may also notify the Apparent Successful Bidder(s) and the unsuccessful Bidder(s) of its determination via email on or about the date and time specified in Section C.1., Solicitation Schedule.

DSHS' decision will be subject to the execution of a Contract satisfactory to DSHS within a reasonable period of time following the announcement of the Apparent Successful Bidder on WEBS. In the event the parties are unable to reach agreement on the final details of a Contract, consistent with Attachment A, Sample Contract, DSHS shall have the option of negotiating with the next highest ranked Bidder and of revising the announcement of the Apparent Successful Bidder.

**SECTION F  
BIDDER DEBRIEFING  
AND PROTEST PROCEDURE**

**1. Debriefing Conferences**

No later than 2:00 p.m. on the third business day following the posted announcement of Successful Bidder(s) on WEBS, Bidders who are not selected as a Successful Bidder may send an email to the Coordinator requesting a Debriefing Conference. Since debriefing conferences pertain to the formal evaluation process, Bidders who were disqualified as nonresponsive and therefore did not go through the formal evaluation process are not entitled to request a Debriefing Conference. Unless a different date is agreed upon by the Coordinator, the Debriefing Conference will be held on a date designated in Section C.1., Solicitation Schedule. Discussion at the debriefing conference will be limited to the following:

- Evaluation and scoring of the Bidder's Response
- Critique of the Response based on the evaluation
- Review of Bidder's final score in comparison with the other final scores

No comparisons between Bids will be allowed during the Debriefing Conference, which shall be conducted by telephone, unless the Coordinator agrees to an in-person meeting, and shall last for a maximum period of thirty (30) minutes.

**2. Grounds and Filing of Protests**

A Bidder who has participated in a Debriefing Conference may file a formal Protest if the Bidder asserts that there are facts that indicate error in the evaluation of Bids on one or more of the following grounds:

- Bias, discrimination or conflict of interest on the part of the evaluator or in the process
- Mathematical errors in computing the score
- Non-compliance with procedures described in the Solicitation document or in DES policy

Protests must be emailed to the Solicitation Coordinator and must be received no later than 2:00 p.m. (Pacific Time) on the fifth (5th) business day following the day of the Bidder's Debriefing Conference. The Protest must adhere to the requirements set forth in this Section or it will not be considered. This Protest procedure constitutes the sole administrative remedy available to Bidders from DSHS under this Solicitation.

Protests must include the protestor's mailing address and phone number and the name of the individual responsible for filing the Protest. The Protest must state the Solicitation number and title, the grounds for the Protest, specific facts to support these grounds, and a description of the relief or corrective action being requested.

Protests not based on one of the grounds set forth in this Section will be rejected. It is not grounds for a protest to question an evaluator's professional judgment on the quality

of a Response or DSHS' assessment of its own needs or requirements.

### **3. DSHS Protest Review Process**

The Coordinator will immediately forward any Protest to the Chief of Central Contracts and Legal Services to assign to a Protest Coordinator for review. The Protest Coordinator, an individual who was not involved in the Solicitation, will consider the record and all available facts and will endeavor to issue a decision within ten (10) business days following receipt of the Protest. If additional time is required, the protesting party will be notified of the delay.

In the event a Protest may involve the conduct of or information submitted by another Bidder that also submitted a Response, such Bidder will be given an opportunity to submit its views and any relevant information on the issue(s) raised by the protest to the Solicitation Coordinator.

### **4. Determination of Protests**

The Protest Coordinator shall issue a written determination regarding the Protest. This written determination shall include one or more of the following determinations:

- Upholding DSHS determination of the Apparent Successful Bidder(s) on the basis that there are insufficient facts to establish the alleged error; or
- Upholding DSHS' determination of the Apparent Successful Bidder(s) on the basis that there are only technical or harmless errors in DSHS' evaluation process; or
- Finding errors and identifying actions which may be taken by DSHS, such as:
  - i. Correction of errors and reevaluation of all bids,
  - ii. Cancellation and reissuance of the Solicitation (in which case all the Bidders will be notified), or
  - iii. Other corrective actions as may be appropriate

There is no further administrative process or remedy available within DSHS to appeal the determination that resulted in a Protest. If the protesting party does not accept DSHS' determination, the protesting party can seek relief from Superior Court in Thurston County, WA.

**SECTION G  
CONTRACTING PROCEDURES**

**1. Contract Execution**

The Apparent Successful Bidder(s) is expected to sign a contract with DSHS that is substantially the same as Attachment A, Sample Contract, included with this Solicitation, and to enter into any subsequent Contract amendments that may be required to address specific work or services.

DSHS reserves the right to require that some or all of Bidder's Response be incorporated into the Contract, and to negotiate the specific wording of the Statement of Work, based on the requirements of this Solicitation and the terms of the Response submitted by the Apparent Successful Bidder. If changes are requested as part of the Bid Response, DSHS may consider, but shall be under no obligation to agree to, modifications to the General Terms and Conditions of Attachment A, Sample Contract.

If the Apparent Successful Bidder fails or refuses to sign a Contract within ten (10) business days of delivery by DSHS, DSHS may elect to designate the next highest-ranked finalist as the Apparent Successful Bidder.

**2. Insurance**

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

**3. Non-Endorsement**

The award of a Contract is not an endorsement by the State or DSHS of the Bidder or Bidder's Services and shall not be represented as such by Bidder in any advertising or other publicity materials.

By submitting a Response to this Solicitation, the Bidder agrees to make no reference to DSHS in any literature, promotional materials, brochures, sales presentations or the like without the prior written consent of DSHS.

**4. Background Checks**

Individuals who will be performing the Contract on behalf of the Apparent Successful Bidder may be required to undergo background checks. Individuals who have disqualifying results (showing crimes and/or negative actions) may not be permitted to provide Services under the Contract.

**5. Electronic Payment**

The State prefers to utilize electronic payment in its transactions. The successful Bidder will be required to register in the Statewide Vendor Payment system, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>, prior to submitting a request for payment under their Contract. No payment shall be made until the registration is completed.