



Washington State Liquor and Cannabis Board

**State of Washington
Liquor and Cannabis Board
Request for Proposals (RFP) #K1434**

Project Title

Marijuana Odors and Emissions Detection and Research Services

Procurement Schedule

Activity	Target Date
RFP Released	August 10, 2020
Questions Due	August 17, 2020
Answers Released	August 21, 2020
Responses Due	August 24, 2020 – No later than 2:00 PM PST
Evaluation of Responses	August 25 - 28, 2020
Projected Announcement of Apparent Successful Bidder	August 31, 2020
Anticipated Award and Start Date	September 4, 2020

Response Due Date/Time: Responses are due and must be received by the Washington State Liquor and Cannabis Board (“WSLCB”) on the date and at the time specified in the schedule. Any Responses, Proposals, or Letter(s) of Intent received at any time after the stated date and time (e.g. 2:01 PM PST) will be considered late and **will not** be evaluated. Faxed responses and quotes will not be accepted.

Emailed responses will be accepted at the following inbox: LCBBIDS@LCB.WA.GOV

Vendor Eligibility:

This procurement is open to those Vendors that satisfy the minimum qualifications stated herein.

Vendors must be licensed and insured to do business in Washington. Eligible vendors will possess either an advanced education degree or substantial experience in a similarly related field. Substantial field experience is defined as four years or more of work related to odors, emissions, consulting, detection, research, reporting, or mitigation services. Advanced education degrees are those that are found at both the masters and doctoral levels.

Vendors must have been in business for directly relatable services for at least four years, with two of those years having occurred in the most recent five years.

Vendors include, but are not limited to: educational institutions, research institutions, peer review bodies, or such other organizations that are focused on scientific detection, research, consulting, or reporting in their day-to-day activities.

Vendors must possess the infrastructure, facilities, equipment, tools, staff, and resources needed to thoroughly detect, research, and report on the odors and emissions of legalized marijuana and licensed marijuana businesses. Vendors must also be able to research and report on the availability and appropriateness of addressing marijuana odors and emissions, and the potentially harmful impacts of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.

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1. Introduction

The Washington State Liquor and Cannabis Board (“WSLCB”) was formed in 1933 by the Steele Act. The Mission of the WSLCB is to promote public safety and trust through fair administration and enforcement of liquor, cannabis, tobacco, and vapor laws through education, voluntary compliance, responsible sales, and preventing the misuse of alcohol, cannabis, tobacco, and vapor products.

In 2012, Initiative 502 was passed, which legalized recreational marijuana sales and mandated the WSLCB to regulate the recreational marijuana market. Subsequently, the 2019-2021 supplemental operating budget was passed under Engrossed Substitute Senate Bill 6168, and became effective on April 3, 2020, as Chapter 357, Laws of 2020. The operating budget included a proviso requiring a Marijuana Odor Task Force (Task Force) to be convened with the goal of studying the effects of marijuana odors and emissions.

The WSLCB is not a scientific agency, nor does the agency possess odors and emissions training, equipment, or expertise. The WSLCB does not have the ability to perform all duties required by Chapter 357, Laws of 2020.

The purpose of this RFP is to solicit proposals from vendors capable of conducting odors and emissions detection and research services to research and report on the odors and emissions of legalized marijuana and licensed marijuana businesses. In detail, the vendor must be able to research and report on the availability and appropriateness of addressing marijuana odors and emissions, and whether there are potentially harmful impacts of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.

1.1 Background

The WSLCB regulates the licensing of marijuana businesses according to the statutory and regulatory authorities contained in Chapter 69.50 of the Revised Code of Washington and Chapter 314-55 of the Washington Administrative Code (“WAC”).

Engrossed Substitute Senate Bill 6168 became effective on April 3, 2020, as Chapter 357, Laws of 2020, and required a Task Force to be convened with the goal of studying the effects of marijuana odors and emissions.

This law also requires the Task Force to review the following issues:

- A. The availability and appropriateness of addressing marijuana odors and emissions; and
- B. The potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.

WSLCB intends to award to a Contractor all odors and emissions detection, research, and reporting services listed above, in order to accomplish a thorough and robust review of these issues. A vendor must submit a proposal for all requested services and WSLCB may award all services to the same vendor.

This procurement is to acquire odors and emissions detection and research services, to research and report on the odors and emissions of legalized marijuana and licensed marijuana businesses. Specifically, the Contractor must be able to research and report on the

availability and appropriateness of addressing marijuana odors and emissions, and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.

Contractor shall provide odors and emissions detection and research services to the satisfaction of the WSLCB and will be required to report on the research results. These services will require multiple milestones and deliverable reports, as more closely detailed in Section 1.8 – Project Scope (see Section 1.8).

The services rendered and work performed under this contract must demonstrate an understanding of the following authorities:

Uniform Controlled Substances Act (RCW 69.50)

WAC 314-55

Chapter 257, Laws of 2020

State and Local Air Pollution Regulations

Regional Clean Air Agencies and Associated Policies - Northwest Clean Air Agency; Puget Sound Clean Air Agency; Olympic Region Clean Air Agency; Southwest Clean Air Agency; Spokane Regional Clean Air Agency; Yakima Regional Clean Air Agency; and Benton Clean Air Agency.

Washington State Clean Air Act (RCW 70.94)

State Environmental Policy (RCW 43.21C)

Department of Ecology – General Standard for Maximum Emissions – WAC 173-400-040

1.2 Contracting with Current or Former State Employees

Under Chapter 45.52 of the Revised Code of Washington (“RCW”), specific restrictions apply to contracting with current or former state employees. Vendors should familiarize themselves with the requirements before submitting a proposal that includes current or former state employees.

1.3 Definitions

Definitions for the purposes of this RFP include:

Acceptance: The materials, supplies, services, and/or equipment that have passed an appropriate inspection. In the event that there is a formal Acceptance Testing period required in the Solicitation document, then acceptance is formalized in writing. If there is no Acceptance Testing, then Acceptance will occur when the Product is delivered, inspected, and considered accepted by WSLCB.

Acceptance Testing: The process for ascertaining that the materials, supplies, services, and/or equipment meets the standards set forth in the Solicitation, prior to Acceptance.

Addendum or Amendment: A change to a legal document. For purposes of a Solicitation, an amendment shall be a unilateral change issued by the WSLCB, at its sole discretion.

Agency: The Washington State Liquor and Cannabis Board (“WSLCB”) which is issuing this RFP.

Alternate: A substitute offer of materials, supplies, services and/or equipment that is not at least a functional equal in features, performance, and use, and which materially deviates from one or more of the specifications in a competitive Solicitation.

Apparently Successful Bidder or Vendor (ASB/ASV): The Vendor selected as the entity to perform the anticipated services, subject to completion of contract negotiations and execution of a written contract.

Authorized Representative: An individual designated by the Vendor to act on its behalf with the authority to legally bind the Vendor concerning the terms and conditions set forth in the Solicitation and Proposal documents.

Bidder: Individual, company, or firm submitting a proposal in order to attain a Contract with the Agency.

Business Day: Days of the week excluding weekends and state holidays; including but not limited to: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving day, the day after Thanksgiving day, and Christmas.

Business Hours: Normal state business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m., except state holidays.

Contract: The signed agreement, all schedules, exhibits, and amendments for the procurement of items of tangible property to services derived from this RFP.

Deliverable: Any measurable, tangible, verifiable outcome, result, or item that shall be produced to complete a project or part of a project and to receive payment. A Deliverable may be composed of one or more interrelated project Work Products or Artifacts.

Delivery Date: The date by which the Products/Services ordered must be delivered.

Effective Date: The first date the Contract is in full force and effect. It may be a specific date agreed to by the parties; or, if not so specified, the date of the last signature of a party to this Contract.

Evaluation Committee: The body appointed by the WSLCB to perform the evaluation and scoring of submitted proposals.

Firm, Fixed Price: A price that is all-inclusive of direct cost and indirect costs, including, but not limited to: direct labor costs, overhead, fee or profit, clerical support, equipment, materials, supplies, managerial (administrative) support, all documents, reports, forms, travel, reproduction, and any other costs. No additional fees or costs shall be paid by the State unless there is a change in the Statement of Work.

Inspection: An examination of delivered material, supplies, services, and/or equipment prior to Acceptance, aimed at forming a judgment as to whether such delivered items are what was ordered, were properly delivered and ready for Acceptance. Inspection may include a high level visual examination or a more thorough detailed examination as is customary to the type of purchase, as set forth in the Solicitation document and/or as agreed between the parties. Inspection may be acknowledged by an authorized signature of the Agency.

Mandatory: The terms “shall,” “will,” and “is required,” identify a Mandatory item or factor (as opposed to “desirable”). Failure to meet a Mandatory item or factor may result in the rejection of a proposal.

Marijuana means cannabis, as defined by RCW 69.50, having THC concentration greater than 0.3 percent on a dry weight basis.

Milestone: A significant event in a project, usually the completion of a major Deliverable.

Optional: The terms “may,” “can,” or “prefers” identify a discretionary item or factor.

Order Document: A written communication, submitted by the WSLCB to the Contractor, which details the specific transactional elements required by WSLCB within the scope of the Contract such as delivery date, size, color, capacity, etc. An Order Document may include, but is not limited to field orders, purchase orders, work orders, or other writings as may be designated by the parties hereto. No additional or alternate terms and/or conditions on such written communication shall apply unless authorized by the Contract and expressly agreed to between the WSLCB and Contractor.

Price: Charges, costs, rates, and/or fees charged for the Products and Services under the resulting Contract and shall be paid in United States dollars.

Proposal: A formal offer submitted in response to this solicitation.

Response/Proposal Due Date/Time: Responses, Proposals, and Letters of Intent are due and must be received by the WSLCB on the date and at the time specified in the schedule. Any Responses, Proposals, or Letters of Intent received at any time after the stated date and time (e.g. 2:01 PM PST) will be considered late and **will not** be evaluated.

Request for Proposals (RFP): Formal procurement document in which a service or need is identified, and the scope, statement of work, and other requirements are already known. The purpose of an RFP is to permit the potential vendors or bidders, in response to the RFP, to demonstrate their qualifications to provide the requested goods or services, including costs, fees, and pricing.

Responsible Bidder or Vendor: A Bidder or Vendor who submits a responsive proposal and who has furnished, when required, information and data to prove that its financial resources, production or service facilities, personnel, service reputation, and experience are adequate to make satisfactory delivery of the services or items of tangible personal property described in the Vendor’s proposal.

Responsive Bid or Responsive Proposal: An offer or proposal that conforms in all material respects to the requirements set forth in the Solicitation. Material respects of a request for proposals include, but are not limited to: price, quality, quantity, or delivery requirements.

Solicitation: The process of notifying prospective Vendors that the WSLCB desires to receive competitive Proposals for furnishing specified materials, supplies, services, and/or equipment. Also includes references to the actual documents used for the procurement. The form of this solicitation is an RFP.

Specifications: The technical and other specifications set forth in the RFP or Contract, any additional specifications set forth in Vendor’s Proposal, and the specifications set forth in Vendor’s Product documentation, whether or not Vendor produces such documentation before or after this Contract’s Effective Date.

State: “State” means the State of Washington.

Sub-Contractor: One not in the employment of Vendor, who is performing all or part of the business activities under this Contract under a separate contract with the Vendor. The term “Subcontractor” means Subcontractor(s) of any tier.

Vendor: Individual or company who is submitting a proposal in response to this RFP. Individual or company whose proposal has been accepted by the agency and is awarded a fully executed, written contract. Vendor has full responsibility for the coordination and control of all aspects of the project, including support to be provided by any subcontractor(s). Vendor will be the sole point of contact with WSLCB relative to contract performance.

Veteran-owned business: A business that is certified by Department of Veteran’s Affairs to be at least fifty-one percent owned and controlled by (a) A veteran as defined in RCW 41.04.007; or (b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

WEBS: Washington Electronic Business Solutions (<https://fortress.wa.gov/ga/webscust/>) an Internet vendor registration and bid notification system. The system offers one online site where vendors can register to receive government bid notifications.

Work Product: The documented results of the Statement of Work activities developed and reviewed per the requirements stated within the RFP. One or more Work Products collectively form a Deliverable. Work Product includes data and products produced under any Contract resulting from this RFP, including but not limited to: discoveries, formulae, ideas, improvements, inventions, methods, models, processes, techniques, findings, conclusions, recommendations, reports, designs, plans, diagrams, drawings, Software, databases, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions, to the extent provided by law.

WSLCB: The Washington State Liquor and Cannabis Board.

1.4 Contract Term

The initial term of the Contract resulting from this RFP shall commence September 4, 2020, and shall end on March 4, 2021 unless terminated earlier as provided in Attachment A or unless an extension of Period of Performance is issued by WSLCB. WSLCB may issue options to extend for six (6) month term(s) or portions thereof. Extension for each additional term shall be offered at the sole discretion of the WSLCB and are subject to written mutual agreement. The WSLCB reserves the right to extend with all or some of the contractors, solely determined by the WSLCB.

1.5 Hours and Location

The majority of the work will be performed at the Vendor’s primary place of business. The Vendor will have to work directly with licensed marijuana businesses, licensed marijuana business locations, and marijuana licensees. The WSLCB will not provide a workspace for this work to be completed in.

WSLCB hours of operation are from 8:00 AM to 5:00 PM Monday through Friday.

1.6 Project Objective

The WSLCB has a goal of selecting a Vendor who is capable of providing the marijuana

odors and emissions detection, research, and reporting services requested by this procurement. The Vendor will have to determine whether there are available and appropriate methods of addressing marijuana odors and emissions, and whether there are potentially harmful impacts of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities. The Vendor will be designated by the WSLCB and must provide periodic deliverable reports, once every month to the WSLCB project lead. The Vendor must also provide a final report as a required deliverable, with findings and recommendations, to the WSLCB by December 1, 2020.

The final report will be used by WSLCB staff to draft a Master Report. The Contractor's final report, with its findings and recommendations, may at the discretion of the WSLCB be given to the Governor and the Legislature by December 31, 2020.

The requirements, deliverables, and scope of work for this project will include those items more specifically listed in Section 1.8 and the attached requirements in Attachments A through E. Vendor's proposals should be tailored to meet the requirements and scope of this RFP. The RFP, its appendices, attachments, amendments, and any incorporated documents, will comprise the entire RFP, which will become part of the resulting contract between the WSLCB and the awarded Contractor when it is countersigned by the WSLCB.

By responding to this RFP a bidder acknowledges having read and understood the entire RFP, and accepts all information contained within the RFP without modification.

1.7 Delegated Authority

The Washington State Department of Enterprise services (DES) has delegated the authority to the WSLCB for this procurement activity, acting under the authority of its enabling legislation RCW 39.26, which establishes DES and regulates the manner in which state agencies may acquire general goods and services.

1.8 Project Scope

The project scope is for odors and emissions detection, research, and reporting services to research and report on the odors and emissions of legalized marijuana and licensed marijuana businesses.

The Contractor must be able to research and report on the availability and appropriateness of addressing marijuana odors and emissions, and whether there are potentially harmful impacts of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.

Due to the nature of the requested odors/emissions detection, research, and reporting services, this RFP will be awarded in one single category. A vendor may submit a proposal for this category and the WSLCB may award this category to a vendor.

The vendor will detect, research, and report on marijuana odors and emissions for the following issues:

1. Availability and appropriateness of ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions; and

2. The potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to:
 - a. Filtering systems;
 - b. Natural odor masking mechanisms or odor concealing mechanisms;
 - c. Zoning and land use controls and regulations; and
 - d. Changes to state laws and regulations, including but not limited to, laws and regulations related to nuisance and public health.

Contractor shall provide odors and emissions detection and research services to the satisfaction of the WSLCB and will be required to report on the research results. The required reports include, but are not limited to the following:

- A. Initial Report – The initial report will be due October 1, 2020. The initial report must contain significant analysis of the issues outlined in the Scope of Work above, anticipated approaches to achieve the end goals of the cooperative research, and an overall outline of the odors and emissions detection, research, and reporting services provided to the WSLCB.
- B. Interim Report – The interim report will be due on November 1, 2020. The interim report must include substantial analysis and feedback on the issues outlined in the Scope of Work above, detailed approaches to achieving the end goals of the cooperative research, and a summary of the odors and emissions detection, research, and reporting services provided to the WSLCB.
- C. Final Report – The final report will be due on December 1, 2020. The final report shall include an executive summary of all findings and recommendations resulting from the odors and emissions detection, research, and reporting services. The final report provided by the Vendor will be used by WSLCB staff to draft a separate Master Report on the same issues.

The Contractor's final report, with its findings and recommendations, may at the discretion of the WSLCB be given to the Governor and the Legislature by December 31, 2020.

Each report and analysis will require a draft report to be provided to the WSLCB for review. A meeting may be required to review the draft with WSLCB staff to allow for questions and comments prior to finalizing the report. Multiple drafts and meetings may be necessary. The draft report shall not be finalized until approved by the WSLCB.

1.9 Minimum Qualifications

Vendors must be licensed and insured to do business in Washington.

Eligible vendors will possess either an advanced education degree or substantial experience in a similarly related field. Substantial field experience is defined as four years or more of work related to odors, emissions, consulting, detection, research, reporting, or mitigation services. Advanced education degrees are those that are found at both the masters and doctoral levels.

Vendors must have been in business for directly relatable services for at least four years, with two

of those years having occurred in the most recent five years.

Vendors must possess the infrastructure, training, experience, facilities, equipment, tools, staff, and resources needed to thoroughly detect, research, and report on the odors and emissions of legalized marijuana and licensed marijuana businesses. Vendors must also be able to research and report on the availability and appropriateness of addressing marijuana odors and emissions, and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.

Vendors include, but are not limited to: educational institutions, research institutions, peer review bodies, or such other organizations that are focused on scientific detection, research, consulting, or reporting in their day-to-day activities.

A “Vendor” means an organization that convenes or contracts with persons or staff who have the training, equipment, and experience in detection and research practices and methodologies to determine whether there are available and appropriate methods of addressing marijuana odors and emissions, and whether there are potentially harmful impacts of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.

The work to be performed under this contract will occur either at the Vendor’s place of business and/or at designated locations in or around Washington licensed marijuana businesses, as determined by the Vendor. The WSLCB will not provide a workplace for the Vendor Services, Contractor(s), Marijuana Licensees, or Applicant(s).

2. General Information for Vendors

2.1 RFP Coordinator

All communications concerning this RFP must be directed to:
Michael Walker, Contracts Specialist, WSLCB
LCBBIDS@LCB.WA.GOV

Any other communication will be considered unofficial and non-binding on the WSLCB. Vendors are to rely on written statements issued by the RFP Coordinator. Communication directed to parties other than the RFP Coordinator may result in disqualification of the Vendor.

2.2 Estimated Schedule of Procurement Activities

Activity	Target Date
RFP Released	August 10, 2020
Questions Due	August 17, 2020
Answers Released	August 21, 2020
Responses Due	August 24, 2020 – No later than 2:00 PM PST
Evaluation of Responses	August 25 - 28, 2020
Projected Announcement of Apparent Successful Bidder	August 31, 2020

2.3 Submission of Request for Proposals Bid

The WSLCB will only accept email submissions to the RFP Coordinator.

2.4 Proprietary Information/Public Disclosure

Proposals submitted in response to this competitive procurement shall become the property of the WSLCB. All proposals received shall remain confidential until the apparent successful Vendor, if any, resulting from the RFP is announced by the WSLCB, thereafter, the proposals shall be deemed public records as defined in Chapter 42.56 of the Revised Code of Washington (RCW).

Any information in the proposal that the Vendor desires to claim as proprietary and exempt from disclosure under the provisions of Chapter 42.56 RCW must be clearly designated. The information must be clearly identified and the particular exemption from disclosure upon which the Vendor is making the claim must be cited. Each page containing the information claimed to be exempt from disclosure must be clearly identified by the words "Proprietary Information" printed on the lower right hand corner of the page. Marking the entire proposal exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the Vendor marked "Proprietary Information", the WSLCB will notify the Vendor of the request and of the date that the records will be released to the requester unless the Vendor obtains a court order enjoining that disclosure. If the Vendor fails to obtain the court order enjoining disclosure, the WSLCB will release the requested information on the date specified. If a Vendor obtains a court order from a court of competent jurisdiction enjoining disclosure pursuant to Chapter 42.56 RCW, the WSLCB shall maintain the confidentiality of the Vendor's information per the court order.

Questions about the confidentiality of your submittal can be directed to the WSLCB Public Records Officer at (360) 664-1769 or PUBLICRECORDS@WSLCB.WA.GOV.

2.5 Revisions to the RFP

If it becomes necessary to revise any part of this RFP, then addenda will be provided via email to all potential bidders.

WSLCB reserves the right to revise the schedule or portions of this Solicitation at any time. Any changes or corrections will be by one or more written amendments, dates, attached to or incorporated in and made a part of this Solicitation. All changes must be authorized and issued only by the Procurement Coordinator or their supervisor(s). If there is any conflict between Amendments, or between an Amendment and the Solicitation, whichever document was issued last in time will be controlling.

In the event that a Solicitation Amendment is required as a submittal, Bidder must complete, sign, scan, and include any Solicitation Amendments issued.

The WSLCB also reserves the right to cancel or reissue this RFP in whole or in part, before execution of the contract.

2.6 Minority & Women-Owned Business Participation

In accordance with Chapter 39.19 RCW, the State of Washington encourages participation by Vendors certified by the Office of Minority and Women's Business Enterprises ("OMWBE") in all of its contracts. Participation must be on a direct basis in response to this solicitation. The WSLCB will not give preference in the evaluation of proposals to require a minimum level of OMWBE participation as a condition for receiving an award, and proposals will not be rejected or considered non-responsive on that basis.

Bidders are encouraged to contact [Office of Minority and Woman Owned Business Enterprise](#) to obtain information on becoming a certified firm, or to obtain information on other certified firms for potential sub-Contracting arrangements. Nothing in this section is intended to prevent or discourage Bidders from inviting others from participating with non-MWBE firms as well as MWBE firms.

2.7 Acceptance Period

Vendors must provide at least ten (10) days from the due date for the receipts of proposals for the WSLCB to accept the proposal.

2.8 Responsiveness

All proposals will be reviewed by the RFP Coordinator to determine compliance with administrative requirements and instructions specified in this RFP. The Vendor is specifically notified that failure to comply with any part of the RFP may result in rejection of the proposal as nonresponsive.

Bidders are to respond to each question and requirement contained in this RFP. Failure to comply with any applicable item may result in a bid being deemed non-responsive and disqualified.

WSLCB reserves the right to determine the actual level of bidders' compliance with the requirements specified in this RFP and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the competitive RFP, having no effect, merely a minor effect, or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders. The WSLCB also reserves the right at its sole discretion to waive minor administrative irregularities.

2.9 Complaint Procedure

The purpose of the Complaint Procedure is to provide an avenue to submit issues or concerns that are not resolved during the normal Question and Answer ("Q&A") process. This procedure is available to Vendors who submitted a question during the Q&A period. Complaints must be submitted no later than five business days before the proposal response deadline.

Vendors submitting a complaint about this procurement must follow the procedures described below. Complaints that do not follow these procedures will not be considered. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration.

All complaints must be in writing and signed by the protesting party of an authorized Agent. The complaint must clearly state the grounds for the complaint with specific facts and include a proposed remedy. All protests must be emailed and addressed to the RFP Coordinator.

Only complaints covering the following subjects will be considered:

1. The solicitation unnecessarily restrict competition;
2. The solicitation evaluation or scoring process is unfair or flawed; and/or
3. The solicitation requirement is inadequate or insufficient to prepare a response.

Complaints not based on the above subjects will not be considered and will be returned unanswered.

Upon receipt of a complaint, a review will be held by the WSLCB. The WSLCB Procurement Manager, or a delegate, will consider the record with all available facts and issue a decision within three business days of receipt of the complaint. If additional time is required, then the complaining party will be notified of the delay. The Complaint Procedure process does not include an appeal process.

Responses to considered complaints will be in writing. Additionally, considered complaints, responses, and remedies must be emailed to the RFP Coordinator.

Complaints may not be raised again during the protest period.

2.10 Most Favorable Terms

The WSLCB reserves the right to make an award without further discussion of the proposal submitted. Therefore, the first proposal should be submitted on the most favorable terms that the Vendor can propose. The WSLCB does reserve the right to contact a Vendor for clarification of its proposal.

The Vendor should be prepared to accept the submitted proposal for incorporation into a contract resulting from this RFP. Contract negotiations may incorporate some or all of the Vendor's proposal. The proposal will become a part of the official procurement file on this matter without obligation to the WSLCB.

2.11 Contract and General Terms & Conditions

The apparent successful Vendor is expected to enter into a contract substantially similar to the draft contract attached as Exhibit A. A Vendor may not submit its own standard contract terms and conditions in response to this solicitation. The Vendor may submit exceptions as allowed in the Certifications and Assurances section, attached as Attachment D to this solicitation. The WSLCB will review the requested exceptions and accept or reject them at its sole discretion.

To be responsive, a Bidder must indicate a willingness to enter into a Contract substantially the same as the proposed Contract, by signing and including the Certifications and Assurances (Attachment D) as part of Bidder's response.

2.12 Cost to Propose

The WSLCB will not be liable for any costs incurred by the Vendor in preparation of a proposal submitted in response to this RFP, in conduct of a presentation, or any other activities related to responding to this RFP. The WSLCB will not reimburse any Bidder costs associated with preparing or presenting any proposal in response to this Solicitation.

2.13 No Obligation to Contract

This RFP does not obligate the State of Washington, or the WSLCB, to contract for services specified herein.

2.14 Rejection of Proposals

The WSLCB reserves the right at its sole discretion to reject any and all proposals received without penalty and not to issue a contract as a result of this RFP.

2.15 Commitment of Funds

The Director of the WSLCB, or their delegate, are the only individuals who may legally commit the WSLCB to the expenditure of funds for a contract resulting from this RFP. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

2.16 Electronic payment

The state of Washington prefers to use electronic payment in its transactions. The successful Vendor, if not already registered as a statewide Vendor, will be provided a form to complete with the contract to authorize this payment method.

3 Proposal Contents

Electronic Proposals:

Proposals must be written in English, submitted electronically by email to the RFP Coordinator and contain the items listed below:

1. Letter of Submittal, including signed Certifications and Assurances (Attachment D to this RFP)
2. Qualifications
3. References
4. Quotation

Proposals should provide information in the same order as presented in this document with the same headings. This will not only be helpful to the evaluators of the proposal, but should assist the Bidder in preparing a thorough response.

Items marked “mandatory” must be included as part of the proposal for the proposal to be considered responsive; however, these items are not scored. Items marked “scored” are those that are awarded points as part of the evaluation conducted by the evaluation team.

3.1 Letter of Submittal (Mandatory)

The Letter of Submittal and the attached Certifications and Assurances form (Attachment D to this RFP) must be signed and dated by a person authorized to legally bind the Vendor to a contractual relationship, e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor of a proprietorship. The signatories to this contract represent that they have the authority to bind their respective organizations to this contract. Along with introductory remarks, the Letter of Submittal is to include by attachment the following information about the Vendor.

1. Name, address, principal place of business, telephone number, and email address of legal entity or individual with whom a contract would be written.
2. Name, address, and telephone number of each principal officer (President, Vice President, Treasurer, Chairperson of the Board of Directors, etc.)
3. Legal status of the Vendor (sole proprietorship, partnership, corporation, etc.) and the year the entity was organized to do business as the entity now substantially exists.
4. Federal Employer Tax Identification Number or Social Security Number and the Washington Uniform Business Identification (UBI) number issued by the State of Washington Department of Revenue. If the Vendor does not have a UBI number, then the Vendor must state that it will become licensed in Washington within thirty (30) calendar days of being selected as the Apparent Successful Vendor.
5. Identify any state employees or former state employees employed or on the Vendor’s governing board as of the date of the proposal. Include their position and responsibilities within the Vendor’s organization. If following a review of this information, it is determined by the WSLCB that a conflict of interest exists, then the Vendor may be disqualified from further consideration for the award of a contract.

3.2 Qualifications Section (Scored)

The services to be provided under this project are described in Section 1.8 (Scope) and Attachments A-E (Requirements).

The qualifications section of the proposal must contain information that will demonstrate to the evaluation committee the Vendor’s understanding of the types of services proposed, the Vendor’s ability to accomplish them, and the costs associated with these services. Bidder shall respond to all attachments requiring a response. This includes, but is not limited to: rates/prices, Bidder qualification questions, and requested proof of Bidder experience and qualifications.

The qualifications response is to be submitted in sections as follows:

- 3.2.1 Business Information (Mandatory – Not Scored)
- 3.2.2 Bidder Experience (30 points)
- 3.2.3 Bidder Qualifications (30 points)
- 3.2.4 Submittals (Mandatory – Not Scored)
- 3.2.5 Project Management (20 points)
- 3.2.6 References (Mandatory – 5 points)

3.2.7 OMWBE Certification (Optional – 5 Points)

3.2.1 Business Information (Mandatory) (Not Scored)

Unless otherwise indicated, each item in this section represents a mandatory requirement for this RFP. To be considered responsive and responsible, the Vendor (“Bidder”) must demonstrate compliance with each requirement below. This Section will not be scored, but will be evaluated on a pass/fail basis. Failure to address each item will result in rejection of your bid.

1. State the name of the Bidder’s company, address, phone number, fax number, email address, legal status of entity (ownership), and year entity was established as it now substantially exists.
2. Indicate how many employees are with the Bidder. Name the Bidder principals and their roles.
3. Provide specific information outlining the advanced educational degrees and/or directly applicable and substantial field experience for each of the Bidder’s principal staff. Advanced education degrees are those that are found at both the master and doctoral levels. Substantial field experience is defined as four or more years of work related to odors, emissions, detection, research, reporting, or mitigation services.
4. Describe whether the Bidder is one of the following: an educational institute, a research institution, a peer review body, or an individual/organization that is focused on consulting, detection, research, or reporting in its day-to-day activities.
5. Explain whether the Bidder has lead similar detection, research, and reporting activities for at least four years, with two of those years occurring within the most recent five years.
6. Identify any state employees or former state employees employed or on the Bidder’s governing board as of the date of the proposal. Include their position and responsibilities within the bidder’s organization. If following a review of this information, it is determined by the WSLCB that a conflict of interest exists, the Bidder may be disqualified from further consideration for the award of a contract.
7. If the Bidder’s staff was an employee of the State of Washington during the past 24 months, or is currently a Washington State employee, identify the individual by name, the agency previously or currently employed by, job title or position held, and separation date.
8. If the Bidder has had a contract terminated for default in the last five years, describe such incident. Termination for default is defined as notice to stop performance, where the event was either (a) not litigated due to inaction on the part of the Bidder, or (b) litigated and such litigation determined that the Bidder was in default.
9. Submit full details of the terms for the default, including the other party’s name, address, and phone number. Present the Bidder’s position on the matter. The WSLCB will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience. If no such termination for default has been experienced by the Bidder in the past five years, so indicate.

Prior to commencing performance, or prior to that time if required by WSLCB, law or regulation, Bidder must be an established business firm with all required licenses, fees, bonding, facilities, equipment, and trained personnel necessary to meet all requirements and perform the work as specified in this Solicitation. Bidder shall maintain compliance with these requirements throughout the life of this Contract.

WSLCB reserves the right to require receipt of proof of compliance with said requirements within 10 calendar days from the date of request, and to terminate this Contract as a material breach for noncompliance with any requirement of this paragraph.

The Bidder certifies, by submittal of a Response to this Solicitation, that under the requirements of Lobbying Disclosure Act, 2 U.S.C., Section 1601 et seq., no Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

The Bidder certifies, by submittal of a Response to this Solicitation, that neither it nor its “principals” (as defined in 49 CFR. 29.105(p) or RCW 39.26.010(9) or other state statute, regulation, or policy) is presently debarred, or suspended, by any Federal or state department or agency.

The Bidder also certifies, by submitting a Response to this Solicitation 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 (Executive Order 18-03).

3.2.2 Bidder Experience (Scored) (30 Points)

Describe at least two (2) previous projects of similar size and scope that the Bidder has conducted in the past five (5) years. Only include projects involving at least one (1) member of the Bidder’s principal staff.

Within each project description, include experiences providing the following:

- a) Demonstrated experience doing business in Washington State.
- b) Demonstrated experience successfully completing odors and emissions consulting, detection, research, and reporting services, preferably with an advanced educational degree or substantial field experience.
- c) Demonstrated experience successfully completing scientific contract work as an educational institute, a research institution, a peer review body, or an organization that is focused on consulting, detection, research, or reporting services in its day-to-day activities.
- d) Demonstrated experience successfully detecting, researching, consulting, and reporting on odors and emissions on a current research grant/contract.
- e) Demonstrated experience dealing with odors and emissions, or similar issues (i.e. nuisance/trespass).

3.2.3 Bidder Qualifications (Scored) (30 Points)

Bidder’s qualifications should describe how each proposed principal staff and employee meets the education, skills, and experience required for this RFP. Provide resumes for all principal staff of Bidder’s proposed team. Below are a list of critical staff and their roles as they relate to this project:

- a. Principal Staff – Staff with an advanced educational degree and/or substantial applicable experience who will be directly detecting, researching, and reporting on marijuana odors and

- emissions, availability and appropriateness of addressing marijuana odors and emissions, and the potentially harmful impacts of marijuana odors and emissions. Advanced educational degrees are those that are found at both the masters and doctoral levels. Substantial field experience is defined as four years or more of work related to odors, emissions, detection, research, reporting, or mitigation services.
- b. Entity and Infrastructure – Provide detailed information on the qualifications of your Bidder entity, whether it is an educational institution, a research institution, a peer review body, or an organization that is focused on consulting, detection, research, and/or reporting services in its day-to-day activities. Please include whether the Bidder possesses the infrastructure, facilities, equipment, tools, staff, and necessary resources for the requested services.
 - c. Scientific Merit and Relatable Experience – Describe the record of Bidder’s history with delivering focused, cooperative, and collaborative research. Include whether entities and principal staff have experience drafting and reviewing reports, and ensuring compliance with laws, rules, or policies. Please describe how Bidder’s scientific merit and experience will help to accomplish the requested services.
 - d. Capabilities – Describe the expertise of Bidder’s principal staff and how their expertise is relevant to the domain of Marijuana Odors and Emissions. Include whether the Bidder’s principal staff have access to key personnel and supporting infrastructure to complete the requested services. Detail whether Bidder has experience with odors, marijuana, hemp, novel agriculture, or any other similar and relevant skills, abilities, and/or competencies.

3.2.4 Submittals (Mandatory) (Not Scored)

Bidder must submit the following documents. Failure to provide a submittal for each will render your bid as nonresponsive.

1. Please provide a curriculum vitae, a bio sketch, or a peer reviewed publication authored or co-authored by each Principal Staff of Bidder who will be providing services under this contract.
2. Please provide a list with the names, phone numbers, and emails of each principal staff who will be providing services under this contract.
3. Please describe Bidder’s detection, research, and reporting practices and methodologies. Please include how the scientific approach in the Bidder’s practices and methodologies will determine (limit to 5 pages) whether there are available and appropriate methods of addressing marijuana odors and emissions, and whether there are potentially harmful impacts of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.
4. Please provide a detailed, anticipated, approach for reviewing: (1) available and appropriate methods of addressing marijuana odors and emissions, and (2) potentially harmful impacts of marijuana odors and emissions on people who live, work, or are located in close proximity to marijuana production or processing facilities.
5. Please describe Bidder’s organizational structure, specifically detailing hierarchy, and which principal staff will be performing which tasks.
6. Please provide two examples of Bidder’s experience reviewing reports and ensuring compliance with laws, rules, or policies.
7. Please describe Bidder’s experience consulting, detecting, researching, or reporting on odors and emissions.

8. Describe Bidder's procedures for preventing potential conflicts of interest between staff of Bidder and marijuana licensees, licensed marijuana businesses, and marijuana license applicants.
9. Please address any limitations that may affect the work requirements described in the Statement of Work.

3.2.5 Project Management (20 Points)

A. Project Management

Describe Vendor's proposed Project Management that will be used to carry out the work described in this RFP. Describe whether the organizational structure of Vendor supports the services requested by this solicitation. Include information on any limitations that can affect the work requirements outlined in the Statement of Work (e.g. Bidder's internal policies, rules, or regulations) and Bidder's ability to manage conflicts of interest. Address specifically each of the items listed in **Section 1.8 - Project Scope – Requirements**. Where feasible, include further details addressing **Attachments A-E**.

3.2.6 References – (Mandatory and Scored 5 points)

List names, addresses, telephone numbers, fax numbers, and email addresses for two references for each principal staff who will be performing services under this contract. The WSLCB may conduct reference checks on the top-scoring Bidders. WSLCB reserves the right to contact additional references not provided by the Bidder. Attachment C – Evaluation Criteria contains a blank Reference Form for completion by the Bidder.

For each reference, briefly describe the type of service provided for them and identify project team members who participated in the project. If Bidder has not performed similar work for Government Organizations, then other entity references may be provided.

By submitting this proposal, Bidder grants permission to the WSLCB to contact the references and other who may have pertinent information about the performance of the Bidder. Do not include current WSLCB staff as references.

3.2.7 OMWBE Certification (Optional) (5 Points)

Include proof of certification issued by the Washington State Office of Minority and Woman's Business Enterprises ("OMWBE") if certified minority-owned Bidder(s) and/or women-owned Bidder(s) will be participating on this project.

3.3 Quotations Section (Scored)

3.3.1 Identification of Costs (10 Points)

Bidder is to submit a Not-to-Exceed (NTE) firm, fixed total price for providing the services requested by this solicitation. WSLCB reserves the right to negotiate the cost of requested services if applicable.

The evaluation process is designed to award this procurement not necessarily to the Bidder of least cost but rather to the Bidder whose proposal best meets the requirements of this RFP and is the most advantageous to the WSLCB. Bidders are encouraged, however, to submit proposals which are consistent with the state government's efforts to conserve state resources.

3.4 Computation

A Financial Proposal Evaluation Team established by WSLCB will score the Bidder’s total price deliverables, where:

- The Bidder submitting the least expensive total price will receive a score of 10.
- Other vendors will receive score based on the following formula:

$$\text{Bidder Score} = (\text{Lowest Bidder Price} \div \text{Bidder Price}) \times 10$$

Example: Bidder A submits a total cost of \$15,000. Bidder B submits a total cost of \$25,000.

Bidder A receives 10 points. To calculate Bidder B’s score: $(\$15,000 \div \$25,000) \times 10 = 6$ points for Vendor B.

4 Evaluation and Contract Award

4.1 Evaluation Procedure

Responsive proposals will be evaluated strictly in accordance with the requirements stated in this solicitation and any addenda issued. The evaluation of proposals shall be accomplished by an evaluation team to be designated by the WSLCB, which will determine the ranking of the proposals.

WSLCB, at its sole discretion, may also elect to select the top-scoring Bidder as finalist for an oral presentation.

4.2 Clarification of Proposal

The RFP Coordinator may contact the Bidder for clarification of any portion of the Bidder’s proposal.

4.3 Evaluation Scoring

The following weighting and points will be assigned to the proposal for evaluation purposes.

<u>Qualifications Section</u>	<u>90%</u>	<u>90 Points Total</u>
Bidder Experience		30 Points (Maximum)
Bidder Qualifications		30 Points (Maximum)
Project Management		20 Points (Maximum)
References		5 Points (Maximum)
OMWBE		5 Points (Maximum)
<u>Quotation Section</u>	<u>10%</u>	<u>10 Points Total</u>
Total:	100%	100 Points Total

4.4 Oral Presentations May Be Required

Oral presentations, if considered necessary by the WSLCB, may be utilized in selecting the winning proposal. The WSLCB, at its sole discretion, may elect to select the top-scoring Bidder(s) from the written evaluation for an oral presentation and contact the top-scoring Bidder(s) to schedule a date and time for an oral presentation conducted by Skype, WebEx, or in person. Commitments made by the Bidder at the oral interview, if any, will be considered binding. At WSLCB’s option, the evaluation team may conduct up to four interviews on the top-scoring Bidders. The evaluation team shall choose which candidate best fits the needs of WSLCB. Interviews can be scored at the discretion of the WSLCB.

4.5 Contract Negotiation

WSLCB and Bidder(s) to negotiate terms of the Contract and finalize a Statement of Work and project documents – Attachments A - E.

4.6 Best and Final Offer

If considered necessary by WSLCB, final Bidders may be asked to submit a signed Best and Final Offer based upon the negotiated Contract Documents.

4.7 Selection of Apparently Successful Vendor

The Vendor with the best overall qualifications and quotation based upon their proposal and negotiated project documents will be declared the ASV.

4.8 Notification to Bidders

The WSLCB will notify the Apparent Successful Vendor of their selection via email upon completion of the evaluation process. Bidders whose proposals were not selected for further negotiation or award will be notified separately by email. Bidders will have three business days to request a debrief meeting.

4.9 Complaints, Debrief, and Protest

Complaint: This solicitation offers a complaint period for bidders wishing to voice objections to the solicitation. The complaint period ends five business days before the bid due date. The complaint period is an opportunity for the bidder to voice objections, raise concerns, or suggest changes. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. WSLCB will consider all complaints but is not required to adopt a complaint, in part or full. If bidder complaints result in changes to the RFP, written amendments will be issued and posted on WEBS.

Complaints must be emailed to the Procurement Coordinator listed on the face page of this document. Complaints are limited to the following issues:

1. The Solicitation unnecessarily restricts competition;
2. The Solicitation evaluation or scoring process is unfair or flawed; or
3. The Solicitation requirements are inadequate or insufficient to prepare a response.

Complaints must be in writing, emailed to the Procurement Coordinator in a timely manner, should clearly articulate the basis for the complaint, and should include a proposed remedy.

Debrief: Debrief meetings are an opportunity for the Bidder and the RFP Coordinator to meet and discuss the Bidder's Proposal. A debrief is a required prerequisite for a Bidder wishing to lodge a protest.

Following the evaluation of the bids, WSLCB will issue an announcement of the Apparent Successful Vendor (ASV). That announcement may be made by any means, but WSLCB will likely use email to the bidder's email address provided in the bidder's bid.

Vendors will have three business days to request a debrief meeting. Once a debrief meeting is requested, the WSLCB will offer the requesting Vendor one meeting opportunity and notify the Vendor of the meeting place, date, and time.

Please note, because the debrief process must occur before making an award, the WSLCB will likely schedule the debrief meeting shortly following the announcement of the ASV and the Vendor's request for a debrief meeting. WSLCB will not allow the debrief process to delay the award or be used as a delaying tactic. Therefore, Vendors should plan for contingencies and alternate representatives; Vendors unwilling or unable to attend the debrief meeting will lose the opportunity to protest.

Discussions will be limited to a critique of the requesting Vendor's Proposal. Comparisons between Proposals or evaluations of other proposals will not be allowed. Debriefing conferences may be conducted in person or by telephone and will be limited to one (1) hour.

Protest: Protests may be made only by Bidders who submitted a response to this Solicitation and who have participated in a debriefing conference. Upon completing the debriefing conference, the Bidder is allowed five (5) Business Days to file a protest with the Procurement Coordinator. Protests must be received by the Procurement Coordinator no later than 4:00 PM, local time, via email, on the fifth Business Day following the debriefing. The WSLCB shall not accept any protests before the announcement of the ASV.

The WSLCB shall consider only those protests concerning the following:

1. A matter of bias, discrimination, or conflict of interest on the part of the evaluator;
2. Errors in computing the scores; or
3. Non-compliance with procedures described in the procurement document or agency protest process or DES requirements.

Failure to cite the basis of the protest will result in rejection of the protest. Protests must be writing, emailed to Procurement Coordinator, and must state the RFP name and number, the grounds for the protest with specific facts and complete statement(s) of action being protested, and any other supporting information on which the protesting party is relying.

Upon receipt of a valid, formal protest, the Agency will postpone signing a Contract with the ASV until the Bidder protest has been resolved. The WSLCB will perform an objective review of the protest, by individuals not involved in the acquisition being protested. The review will be based on the written protest material submitted by the Bidder.

The Procurement Coordinator will render a written decision within ten (10) Business Days after receipt of the protest, unless more time is needed. The protesting Bidder shall be notified in writing, if additional time is necessary.

The Agency determination is limited to the following options:

1. Find the protest lacking in merit and uphold the Agency's action;

2. Find only technical or harmless errors in the Agency's acquisition process, determine the Agency to be in substantial compliance, and reject the protest;
3. Find merit in the protest and provide the Agency with options that may include:
 - a. Correct errors and reevaluate all Proposals,
 - b. Reissue the Solicitation; or
 - c. Make other findings and determine other courses of action as appropriate

In no instance shall a determination require the Agency to award the Contract to a protesting party or any other vendor, regardless of the outcome.

5 RFP Attachments

- Attachment A: General Terms and Conditions



ATTACHMENT A -
GENERAL TERMS AND

Attachment A: General Terms and Conditions

- Attachment B: Statement of Work



ATTACHMENT B -
STATEMENT OF WORK

Attachment B: Statement of Work

- Attachment C: Evaluation Criteria



ATTACHMENT C -
EVALUATION CRITERIA

Attachment C: Evaluation Criteria

- Attachment D: Certifications and Assurances



ATTACHMENT D -
CERTIFICATIONS AND

Attachment D: Certifications and Assurances

- Attachment E: Bidder Profile



ATTACHMENT E -
BIDDER PROFILE.docx

Attachment E: Bidder Profile

6. RFP Exhibit A – Draft Contract



EXHIBIT A - DRAFT
CONTRACT.docx

Exhibit A: Draft Contract