

**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
OLYMPIA, WASHINGTON**

**REQUEST FOR PROPOSALS
RFP NO. 23-100**

Note to Vendors: This RFP and any subsequent Amendments will be available on the Office of Financial Management (OFM) website at http://ofm.wa.gov/contracts_procurements/default.asp. Vendors are also encouraged to register on the Department of Enterprise Services (DES), Washington Electronic Business Solution (WEBS) Procurement Website at <http://des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx>. All solicitation Amendments and Bidder questions/OFM answers will be posted on the OFM website and on WEBS.

PROJECT TITLE: Background Checks Services

PROPOSAL DUE DATE: February 21, 2023, 3:30 PM Pacific Time, Olympia, Washington

ESTIMATED CONTRACT TERM: Date of contract execution – March 31, 2026

BIDDER ELIGIBILITY: This competitive solicitation is open to those Vendors who satisfy the minimum qualifications stated herein and who are available for work in Washington State.

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1. INTRODUCTION

1.1 PURPOSE AND BACKGROUND

a. Purpose

The Washington State Office of Financial Management (OFM) is initiating this Request for Proposals (RFP) on behalf of the Office of Independent Investigations (OII) to solicit proposals from vendors who provide pre-employment background investigation services for positions such as Investigators, Senior Investigators, and Regional Supervisors positions.

b. Background

In 2021, the Washington State Legislature created the Office of Independent Investigations, captured in RCW 43.102. This was in response to the demand for change from the community over citizen deaths resulting from encounters with law enforcement. The law requires use of deadly force investigations to be truly independent of the involved law enforcement agency. OII is responsible for investigating serious use-of-force incidents and referring to the prosecutorial entity the results of the investigations in order to determine if there was action that warrants the filing of criminal charges.

As a limited authority law enforcement agency, OII is required to conduct employment background checks on candidates for investigator and similarly situated positions within the agency, per RCW 43.101.095.

c. Contract Term

The period of performance of any contract resulting from this solicitation is tentatively scheduled to begin on or about March 20, 2023, and to end on March 31, 2026. Amendments extending the period of performance, if any, shall be at the sole discretion of OFM. OFM reserves the option to renew the contract for three (3) additional terms of three (3) years.

1.2 SCOPE OF WORK

OFM seeks a qualified Contractor to provide an investigative background screening program consisting of the following, collectively referred to as “**Services**”:

1. Employment Verification: Verify current and previous employment
2. Reference Checks: Contact personal and professional references
3. Credit Check/Prior Address History
4. U. S. Federal Court Records: Search the candidate’s background for evidence of criminal proceeding within the appropriate Federal District
5. Public records searches, including national and local criminal and civil searches, and sex offender registries
 - i. The sex offender registration search should include offense, date, any violation of registry, and photo (if available)
6. Educational Degree Validation via National Student Clearinghouse: Verify the candidate’s enrollment and/or verify degree conferred at educational institutions indicated by applicant, including major and minor courses of study, type of degree, degree earned, and state of issue

7. Professional Licensure and Credential Verification available in public data bases: Verify the candidate has been issued a professional license and credential (such as, but not limited to, healthcare, legal, CPA, etc.) as established by applicable national, state, and/or professional organization, including the current status of license, issue date, expiration date and record of disciplinary action for classifications requiring special licensing
8. Motor Vehicle Report: Verify the candidate has a valid driver's license
9. Personal interviews, including:
 - i. one-on-one comprehensive virtual/in-person interview with the candidate.
 - ii. Telephonic/virtual interview of significant references (approx. 6-10 telephonic interviews). May conduct in-person interviews as requested by client agency, including current employer, co-workers, etc.
 - iii. Interview second tier and developed references as necessary.
10. Internet research/data mining, including social media and online presence of candidate. (See also 12(d) below.)
11. Specific inquiries into investigators must include:
 - a. Work history to determine if any sustained finding of serious misconduct and/or a pattern of sustained complaints exists, and a personal history to identify demonstrable incidents of bias or prejudice, racism, or discrimination against any protected class of individuals.
 - i. Examples of disqualifying sustained misconduct and/or personal history include, but are not limited to:
 1. Discrimination of any type, based on protected classes identified under RCW 49.60.030(1).
 2. Fraud and abuse of authority including, but not limited to: Falsifying an official police record or making a false statement, ACCESS (a centralized computer enforcement service system) violations, obtaining or disclosing confidential information, and excessive use of force.
 3. Dishonorable behavior including, but not limited to: Harassment, bullying, aggressive or intimidating behavior, or threats of violence, including domestic violence.
12. The following additional areas will be reviewed for former law enforcement candidates in order for OII to meet its obligations under RCW 43.101.095, including:
 - a. All disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct, to include the outcome of any investigation regardless of the result, and the reason for separation from employment;
 - b. Verification from the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any impeachment disclosure lists;
 - c. Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined in the Criminal Justice Commission policy;
 - d. A review of the applicant's social media accounts;

- e. Verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident.

1.3 MINIMUM QUALIFICATIONS (MANDATORY)

Bidders who do not meet these minimum qualifications, will be rejected as non-responsive and will not be evaluated or scored.

Minimum qualifications and requirements include:

- a. Bidder must be licensed to do business in the State of Washington or provide a commitment that it will become licensed in Washington within fifteen (15) calendar days of being selected as an Apparent Successful Bidder.
- b. Bidder can conduct all checks and verifications described in the Statement of Work in all 50 states and U.S. territories.
- c. Bidder must ensure that all data is encrypted at rest and in transit according to the following:
 - Data in Transit Must be: TLS 1.2 or later Secure Shell 2.0 or later
 - Data at Rest: Uses a FIPS 140-2 encryption algorithms and must be applied in such a way that it renders data unusable to anyone but authorized personnel
- d. Bidder must ensure that Agency data is not shared or access by any 3rd party not affiliated with the Bidder.
- e. Bidder must agree to enter a contract with data sharing provisions acceptable to OFM. A copy of which is included in the Sample Contract attached hereto as Attachment L.
- f. All data collected or used in the performance of the Services shall be stored in the contiguous 48 states.

1.4 CONTRACTS

Agency intends to award one (1) contract to provide the services described in this solicitation.

1.5 FUNDING

Any contract awarded as a result of this solicitation is contingent upon the availability of funding. This amount shall not exceed Four Hundred Thousand Dollars (\$400,000.00).

1.6 CONTRACTING WITH CURRENT OR FORMER STATE EMPLOYEES

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 Proposal that includes current or former state employees.

1.7 DEFINITIONS

Definitions for the purposes of this solicitation include:

Agency. The Office of Financial Management (OFM) on behalf of The Office of Independent Investigations (OII) is the agency of the State of Washington that is initiating this solicitation and executing any contract(s) resulting from this solicitation.

Apparent Successful Bidder or ASB. The Bidder selected as an entity to perform the anticipated services, subject to completion of contract negotiations and execution of a written contract.

Bidder. Individual or company interested in the solicitation and that may or does submit a Proposal in order to attain a contract with OFM. Also known as “Proposer.”

Contract. The signed agreement(s) if any, that may result from this solicitation, including all Attachments, Exhibits, Statement(s) of Work, all Amendments, and the Bidder’s response to this solicitation.

Contractor. Individual or company whose proposal has been accepted by OFM and is awarded a fully executed, written contract.

OFM. The Office of Financial Management, including any divisions, units or departments within OFM.

Proposal. A formal offer submitted in response to this solicitation, also known as Bid.

Proposer. Individual or company interested in the solicitation and that may or does submit a proposal in order to attain a contract with OFM. Also known as “Bidder”.

Request for Proposals (RFP). Formal solicitation document in which a service or need is identified but no specific method to achieve it has been chosen. The purpose of an RFP is to permit the Bidder community to suggest various approaches to meet the need at a given price.

Solicitation. This document in which services needed are identified and Bidders are invited to suggest various approaches to meet the need at a given price. Also known as “RFP”.

1.8 ADA

OFM complies with the Americans with Disabilities Act (ADA). Bidders may contact the Solicitation Coordinator to receive this solicitation in Braille or on tape.

2. GENERAL INFORMATION

2.1 SOLICITATION COORDINATOR

- a. The Solicitation Coordinator is the sole point of contact for this procurement. All communication between the Bidder and OFM upon release of this solicitation shall be with the Solicitation Coordinator, as follows:

Name	Uddy Robinson
E-Mail Address	Uddy.Robinson@ofm.wa.gov
Telephone	(564) 200-4499

- b. Any other communication will be considered unofficial and non-binding on OFM and the State of Washington. Communication directed to parties other than the Solicitation Coordinator will result in disqualification of the Bidder.
- c. It is recommended that you request a read receipt whenever sending an email to the Solicitation Coordinator to ensure your email was received.

2.2 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

Issue Request for Qualifications and Quotations	January 31, 2023
Bidders may submit written questions until 3:30 pm Pacific Time	February 2, 2023
OFM will issue responses to Bidder Questions on WEBS	February 6, 2023
Complaints due	February 8, 2023
Bidder must submit Proposal by 3:30 Pacific Time	February 21, 2023
OFM evaluation of Proposals	February 28, 2023
Oral Presentations, if required	March 2, 2023
OFM announces Apparent Successful Bidder (ASB) and notifies all responsive bidders via WEBS	March 3, 2023
Unsuccessful Bidders may request Debriefing until 3:30 Pacific Time	March 8, 2023
OFM holds Debriefing Conferences, if requested, at the earliest possible date, but no later than	March 10, 2023
Estimated Effective date of Contract	March 20, 2023

OFM reserves the right to revise the above schedule.

2.3 QUESTIONS AND ANSWERS

Bidders may e-mail written questions to the Solicitation Coordinator. Questions will be accepted until the date set forth in the Procurement Schedule. Early submission of questions is encouraged. Questions and answers will be posted by Amendment on

WEBS. Bidders may only rely on written statements issued by the Solicitation Coordinator. Any oral communications are unofficial and are not binding on OFM

2.4 SUBMISSION OF PROPOSALS

- a. The Proposal must be received by the Solicitation Coordinator no later than 3:30 pm Pacific Time, Olympia, WA, on **February 21, 2023**
- b. Scored items are awarded points as part of the evaluation conducted by the evaluation team.
- c. Bidders are required to submit their Proposals as an attachment to an email to the Solicitation Coordinator at the email address above, on or before the proposal due date. The Bidder must identify each document and email with the identifier "**RFP 23-100**", the Title, "**Background Checks Services**", and the Bidder's "**Entity Name**". Attachments to e-mails must be in Microsoft Word or PDF format. Zipped files cannot be received by OFM and cannot be used for submission of proposals.
- d. Proposals may not be transmitted using facsimile transmission.
- e. Late proposals will not be accepted and will be automatically disqualified from further consideration.
- f. All proposals and any accompanying documentation become the property of the OFM and will not be returned.

2.5 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

- a. Proposals submitted in response to this solicitation shall become the property of OFM. All proposals received shall remain confidential until OFM announces the ASB, at which time the proposals shall be deemed public records as defined in Chapter 42.56 of the Revised Code of Washington (RCW).
- b. Any information in the Proposal that the Bidder desires to claim as proprietary and exempt from disclosure under the provisions of Chapter 42.56 RCW, or other state or federal law that provides for the nondisclosure of your document, must be clearly designated. The information must be clearly identified and the particular exemption from disclosure upon which the Bidder 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.
- c. If a public records request is made for the information that the Bidder has marked as "Proprietary Information," OFM will notify the Bidder of the request and of the date that the records will be released to the requester unless the Bidder obtains a court order enjoining that disclosure. If the Bidder fails to obtain the court order enjoining disclosure, OFM will release the requested information on the date specified. If a Bidder obtains a court order from a court of competent jurisdiction, enjoining disclosure pursuant to Chapter 42.56 RCW, or other state or federal law that provides for nondisclosure, OFM shall maintain the confidentiality of the Bidder information per the court order.
- d. A charge will be made for copying and shipping, as outlined in RCW 42.56. No fee shall be charged for inspection of contract files, but twenty-four (24) hours' notice to the Solicitation Coordinator is required. All requests for information should be directed to the Solicitation Coordinator.

2.6 REVISIONS TO THE SOLICITATION

- a. In the event it becomes necessary to revise any part of this solicitation, Amendments will be published on WEBS at <https://fortress.wa.gov/ga/webscust> and on the OFM website at www.ofm.wa.gov. For this purpose, the published questions and answers and any other pertinent information shall be provided as an Amendment to the solicitation and will be placed on the website.
- b. **If you did not receive this solicitation via WEBS, please register with WEBS at the website above in order to receive further notifications.**
- c. OFM also reserves the right to cancel or to reissue the solicitation in whole or in part, prior to execution of a contract.

2.7 ACCEPTANCE OF SOLICITATION TERMS

The Bidder acknowledges that the submission of a proposal which includes a signed Bidder Certification and Assurance Form, attached as Exhibit B, constitutes a binding offer that is valid for 60 days from the due date of proposals.

2.8 RESPONSIVENESS

- a. All proposals will be reviewed by the Solicitation Coordinator to determine compliance with administrative requirements and instructions specified in this solicitation. The Bidder is specifically notified that OFM may reject or withdraw a proposal at any time as nonresponsive for any of the following reasons:
 - Incomplete proposal
 - Failure to comply with any part of this solicitation or any exhibit to this solicitation
 - Submission of incorrect, misleading, or false information.
- b. OFM also reserves the right, however, at its sole discretion to waive minor administrative irregularities.

2.9 MOST FAVORABLE TERMS

- a. The State of Washington reserves the right to make an award without further discussion of the Proposal submitted. Therefore, the Proposal should be submitted initially on the most favorable terms which the Bidder can propose. There will be no best and final offer procedure. The State of Washington does reserve the right to contact a Bidder for clarification of its Proposal.
- b. The ASB(s) should be prepared to accept this solicitation for incorporation into a contract resulting from this solicitation. Contract negotiations may incorporate some or all of the Bidder's Proposal. It is understood that the Proposal will become a part of the official procurement file on this matter without obligation to the State of Washington.

2.10 CONTRACT AND GENERAL TERMS AND CONDITIONS

- a. The ASB(s) will be expected to enter into a contract that will be similar to the Sample Contract, attached as Attachment L. In no event is a Bidder to submit its own standard contract terms and conditions in response to this solicitation.
- b. The Bidder may submit exceptions as allowed in the Certifications and Assurances form, Attachment B to this solicitation. All exceptions to the contract terms and conditions must be submitted as Track Changes to Attachment L and attached to their Proposal. Bidder must explain the reason for each requested exception, identifying the language in Attachment L found problematic, the reason Bidders finds

the language to be problematic, and any recommended methods/alternate language of mitigating or limiting the perceived negative consequences. Bidder must also explain why each item proposed as a change to a term is in the state's best interest as a customer and how it will support the state's business objectives. Where terms and conditions cannot be changed and may result in negative consequences on the quality of services or their supply, Bidders are required to recommend methods of mitigating or limiting these negative consequences.

- c. OFM will review requested exceptions and accept or reject the same at its sole discretion. Requested exceptions may be grounds for disqualification from further consideration in the award of a Contract, at OFM's discretion.

2.11 COSTS TO PREPARE PROPOSAL

OFM will not be liable for any costs incurred by the Bidder in preparation of a proposal submitted in response to this solicitation or any other activities related to responding to this solicitation.

2.12 NO OBLIGATION TO CONTRACT

This solicitation does not obligate the State of Washington or OFM to contract for services specified herein.

2.13 REJECTION OF PROPOSALS

OFM 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 solicitation.

2.14 COMMITMENT OF FUNDS

The Director of OFM, or the Director's delegate, are the only individuals who may legally commit OFM to the expenditures of funds for a contract resulting from this solicitation. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

2.15 ELECTRONIC PAYMENT

The State of Washington prefers to utilize electronic payment in its transactions. Bidders who are awarded a contract as a result of this solicitation must register in the Statewide Vendor Payee Registration System. OFM maintains a central contractor registration file for Washington State agencies to process Contractor payments. To obtain registration materials and instructions for registration go to <https://ofm.wa.gov/it-systems/accounting-systems/statewide-vendorpayee-services>.

2.16 INSURANCE COVERAGE

- a. The Contractor is to furnish OFM with a certificate of insurance executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth below.
- b. The Contractor shall, at Contractor's own expense, obtain and keep in force insurance coverage, which shall be maintained in full force and effect during the term of the contract. The Contractor shall furnish evidence in the form of a Certificate of Insurance that insurance shall be provided, and a copy shall be forwarded to OFM within fifteen (15) days of the contract effective date.
- c. **Should a Bidder find the following insurance requirements to be overly burdensome, the Bidder should include in its Letter of Submittal a statement**

substantiating such. If Bidder makes no such statement in the Letter of Submittal, OFM will assume that the Bidder is able to meet the requirements.

d. **Liability Insurance**

- (1) Commercial General Liability Insurance: Contractor shall maintain commercial general liability (CGL) insurance and, if necessary, commercial umbrella insurance, with a limit of not less than \$1,000,000 per each occurrence. If CGL insurance contains aggregate limits, the General Aggregate limit shall be at least twice the “each occurrence” limit. CGL insurance shall have products-completed operations aggregate limit of at least two times the “each occurrence” limit. CGL insurance shall be written on ISO occurrence from CG 00 01 (or a substitute form providing equivalent coverage). All insurance shall cover liability assumed under an insured contract (including the tort liability of another assumed in a business contract), and contain separation of insureds (cross liability) condition.
- (2) Additionally, the Contractor is responsible for ensuring that any subcontractors provide adequate insurance coverage for the activities arising out of subcontracts.
- (3) Business Auto Policy: As applicable, the Contractor shall maintain business auto liability and, if necessary, commercial umbrella liability insurance with a limit not less than \$1,000,000 per accident. Such insurance shall cover liability arising out of “Any Auto.” Business auto coverage shall be written on ISO form CA 00 01, 1990 or later edition, or substitute liability form providing equivalent coverage.

- e. **Employers Liability (“Stop Gap”) Insurance:** In addition, the Contractor shall buy employers liability insurance and, if necessary, commercial umbrella liability insurance with limits not less than \$1,000,000 each accident for bodily injury by accident or \$1,000,000 each employee for bodily injury by disease.

f. **Additional Provisions.** The above insurance shall include the following provisions:

- (1) **Additional Insured.** The State of Washington, OFM, its elected and appointed officials, agents and employees shall be named as an additional insured on all general liability, excess, umbrella and property insurance policies. All insurance provided in compliance with this contract shall be primary as to any other insurance or self-insurance programs afforded to or maintained by the state.
- (2) **Cancellation.** OFM shall be provided written notice before cancellation or non-renewal of any insurance referred to therein, in accord with the following specifications. Insurers subject to 48.18 RCW (Admitted and Regulation by the Insurance Commissioner): The insurer shall give the state 45 days advance notice of cancellation or non-renewal. If cancellation is due to non-payment of premium, the state shall be given 10 days advance notice of cancellation. Insurers subject to 48.15 RCW (Surplus lines): The state shall be given 20 days advance notice of cancellation. If cancellation is due to non-payment of premium, the state shall be given 10 days advance notice of cancellation.
- (3) **Identification.** Policy must reference the state’s contract number and OFM name.
- (4) **Insurance Carrier Rating.** All insurance and bonds should be issued by companies admitted to do business within the state of Washington and have a rating of A-, Class VII or better in the most recently published edition of Best’s Reports. Any exception shall be reviewed and approved by the Office of Financial Management Risk Manager, or the Risk Manager for the state of Washington, before the contract is accepted or work may begin. If an insurer is

not admitted, all insurance policies and procedures for issuing the insurance policies must comply with Chapter 48.15 RCW and 284-15 WAC

(5) **Excess Coverage.** By requiring insurance herein, the state does not represent that coverage and limits will be adequate to protect Contractor, and such coverage and limits shall not limit Contractor's liability under the indemnities and reimbursements granted to the state in this contract.

g. **Workers' Compensation Coverage.** The Contractor will at all times comply with all applicable workers' compensation, occupational disease, and occupational health and safety laws, statutes, and regulations to the full extent applicable. The state will not be held responsive in any way for claims filed by the Contractor or their employees for services performed under the terms of this contract.

2.17 COMPLAINT PROCESS

a. This procedure is available to potential Bidders who are contemplating submitting a bid in response to this solicitation. Only complaints concerning the following subjects shall be considered:

- A claim that the solicitation unnecessarily restricts competition;
- A claim the solicitation evaluation or scoring process is unfair or flawed, or
- A claim the solicitation requirements are inadequate or insufficient to prepare a response.

b. Bidders complaining about this procurement shall follow the procedures described below. Complaints that do not follow these procedures shall not be considered. If a Bidder registers a complaint against this solicitation, the complaint cannot be raised again during the protest period.

c. All complaints must be in writing and signed by the complaining party or an authorized Agent. The complaint must be sent to the Solicitation Coordinator, or designee, by the date set forth in the Procurement Schedule and must clearly articulate the basis for the complaint. The Bidder submitting the complaint must also include a proposed remedy.

d. Upon receipt of a complaint, a review will be held by OFM. The OFM Solicitation Coordinator will respond to complaints in writing and the OFM director will be notified of all complaints and provided a copy of OFM's response. A copy of the response to the complaint, including any changes to the solicitation, will also be posted to WEBS.

e. The complaint process does not include an appeal process.

2.18 MINORITY & WOMEN-OWNED BUSINESS PARTICIPATION

In accordance with RCW 39.19, the State of Washington encourages participation in all of its contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). Participation may be either on a direct basis in response to this solicitation or on a subcontractor basis. However, no preference will be included in the evaluation of proposals, no minimum level of Minority and Women's Business Enterprises participation shall be required as a condition for receiving an award and proposals will not be rejected or considered non-responsive on that basis.

The established annual procurement participation goals for certified **Minority Business Enterprises** is 10% and for certified **Women's Business Enterprises**, 6%, for this type of project. These goals are voluntary. Bidders may contact OMWBE at (360) 753-9693 to obtain information on certified firms.

2.19 VETERAN AND SERVICE MEMBER OWNED BUSINESS PARTICIPATION

In accordance with Chapter 43.60A.200 of the RCW, the State of Washington encourages the participation of Veteran and Service Member Owned Business certified by the Washington State Department of Veteran Affairs (WDVA). Participation may be either on a direct basis in response to this solicitation or on a subcontractor basis. However, no preference will be included in the evaluation of proposals, no minimum level of DVA participation shall be required as a condition for receiving an award and proposals will not be rejected or considered non-responsive on that basis.

3. PROPOSAL CONTENTS

This section identifies the content that **MUST** be included in each Bidder's Proposal.

TO MAKE MANDATORY OBLIGATIONS MORE IDENTIFIABLE, each mandatory requirement is placed in an attachment. If a request for information is contained within an attachment, then it must be included as part of the Bidder's Proposal (even if the requirement receives no evaluation points). Omission of required material may cause the Bidder's overall proposal to be disqualified.

Bidder must response to each attachment by submitting a separate word/pdf document. Each document must contain the name of the Bidder and the Attachment letter to which it applies. Example: RFP 23-100 Attachment A - [Your Entity Name]


The mandatory responses for this RFP are **Attachments A – J**. Attachment K is mandatory for Bidders who intend to use subcontractors.

Each Attachment is embedded into this RFP below:

a) ATTACHMENT A: LETTER OF SUBMITTAL & BIDDER PROFILE

The Letter of Submittal collects required information about the Bidder and is mandatory. Bidder must address all the elements identified in this attachment.


This section is not scored.

ATTACHMENT A, Letter of Submittal & Bidder Profile	 ATTACHMENT A – LETTER OF SUBMITT
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b) ATTACHMENT B: BIDDER CERTIFICATION AND ASSURANCES

Bidders must submit a completed and signed Bidder Certification and Assurances Form. Failure to submit a signed Certification and Assurances Form will result in disqualification


This section is not scored.

ATTACHMENT B, Bidder Certification and Assurances	 ATTACHMENT B - CERTIFICATIONS AN
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c) ATTACHMENT C: WAGE THEFT CERTIFICATION

Bidders must submit a completed and signed Wage Theft Certification Form. Failure to submit will result in disqualification


This section is not scored.

ATTACHMENT C, Wage Theft Certification	 ATTACHMENT C - WAGE THEFT CERTIF
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d) ATTACHMENT D: EXECUTIVE ORDER 18-03 CONTRACTOR CERTIFICATION (5 total points)

Bidders must submit a completed and signed Executive Order 18-03 Certification Form. Failure to submit will result in disqualification


This section is scored.

ATTACHMENT D, Executive Order 18-03 CERTIFICATION	 ATTACHMENT D - EXECUTIVE ORDER 1
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e) ATTACHMENT E: EXPERIENCE AND QUALIFICATIONS (40 total points)

As part of your proposal please respond to the items in this attachment. Bidder's experience and qualifications

This section is scored.

ATTACHMENT E, Experience and Qualifications	 ATTACHMENT E - EXPERIENCE AND QL
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f) ATTACHMENT F: SERVICES OFFERED (80 total points)

As part of your proposal please respond to the items in this attachment. Describe your understanding of the mandatory elements outlined in section 1.2, description of your offered services and methodologies for a comprehensive background check


This section is scored.

ATTACHMENT F, Services Offered	 ATTACHMENT F - SERVICES OFFERED.
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g) ATTACHMENT G: COMPLIANCE (15 total points)

As part of your proposal please respond to the items in this attachment. Bidder's response to the compliance inquiries

This section is scored.

ATTACHMENT G, Compliance	 ATTACHMENT G - COMPLIANCE.docx
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h) ATTACHMENT H: TECHNOLOGY AND SECURITY (40 total points)

As part of your proposal please respond to the items in this attachment. Describe your technology and security framework

This section is scored.

ATTACHMENT H, Technology and Security	 ATTACHMENT H - TECHNOLOGY AND :
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- i) **ATTACHMENT I: QUALITY ASSURANCE (10 total points)**
 As a part of your proposal please respond to the items in this attachment. Describe your quality assurance procedures


This section is scored.

ATTACHMENT I, Quality Assurance	 ATTACHMENT I - QUALITY ASSURANCE
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- j) **ATTACHMENT J: PRICE QUOTATION (10 total points)**
 Bidder must provide a Price List as an attachment to its Response and use that price list to populate a Price Quotation Evaluation Model.

Pricing reflected in the Price List will remain firm-fixed during the initial term of the awarded contract. Contractor may propose new pricing for a contract extension no less than 30 days prior to the end of the current term of the contract. The Agency reserves the right to accept or reject any new proposed pricing, or to terminate the Contract if new proposed pricing is not acceptable

This section is scored.


ATTACHMENT J, Price Quotation	 ATTACHMENT J - PRICE QUOTATION.c
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- k) **ATTACHMENT K: DIVERSE BUSINESS INCLUSION PLAN FORM (for Subcontractors, if used)**
 To be considered responsive, Bidders who intend to use subcontractors, if awarded a Contract, must submit the Diverse Business Inclusion Plan Form, Exhibit K as part of their bid. If using subcontractors, and if awarded a Contract, Bidder's Diverse Business Inclusion Plan will be incorporated into the terms and conditions of the Contract. The responses should reflect genuine efforts for diverse business inclusion.

This Diverse Business Inclusion Plan is NOT required if bidder does not intend to use subcontractors.

In accordance with [RCW 39.19](#), the State of Washington encourages participation in all of its contracts by OMWBE certified firms. In accordance with [RCW 43.60A.200](#), the State of Washington encourages participation in all of its contracts from firms certified by WDVA.

This section is not scored.

ATTACHMENT K, Diverse Business Inclusion Plan Form	 ATTACHMENT K - DIVERSE BUSINESS II
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4. EVALUATION AND SELECTION

4.1. EVALUATION PROCEDURE

- a. Responsive proposals will be evaluated strictly in accordance with the requirements stated in this solicitation and any Amendments issued. The evaluation of proposals shall be accomplished by an evaluation team to be designated by OFM, which will determine the highest-scoring Bidder for selection as the Apparent Successful Bidder.
- b. The Solicitation Coordinator reserves the right to contact Bidders for clarification of any portion of the Bidder's Proposal.

4.2. PROCUREMENT EVALUATION FOR EXECUTIVE ORDER 18-03 (FIRMS WITHOUT MANDATORY ARBITRATION FOR EMPLOYEE)

Pursuant to RCW 39.26.160(3) and consistent with Executive Order 18-03 – Supporting Workers' Rights to Effectively Address Workplace Violations, dated June 12, 2018, OFM will evaluate bids for best value and provide a bid preference of **5 points** to any bidder who certifies, pursuant to the certification attached as *Exhibit C – Contractor Certification for Executive Order 18-03 – Workers' Rights*, 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 waiver.

4.3. SCORING

- a. The following are the maximum points that will be assigned to the Proposals for bid evaluation purposes:

Scored Item	Maximum Points
Executive Order 18-03	5
Experience and Qualifications	40
Services Offered	80
Compliance	15
Technology and Security	40
Quality Assurance	10
Price Quotation	10
Subtotal	200
Oral Presentation (optional)	50
Total Maximum Points	250

- b. Proposals will be consensus scored by evaluators. The evaluators will agree on the score for each scored item. Then the scores for all the scored items will be added together to determine the Bidder's total score.
- c. OFM reserves the right to award the contract to the Bidder whose Proposal is deemed to be in the best interest of OFM and the State of Washington.
- d. Price Quotation Evaluation Model scoring:
The lowest Bidder evaluation model quote will receive the full 10 points. All other quotes will be awarded by dividing the lowest responsive quote by Bidder evaluation model quote. The result of this calculation will be multiplied by the 10 points available.

Example for demonstration purposes only

Lowest bid = \$600.00

Bidder's bid = \$800.00

$\$600.00 \text{ divided by } \$800.00 = 0.75$

$0.75 \times 10 \text{ points possible} = 7.5 \text{ points}$

7.5 points would be awarded for the quotation score.

4.4. ORAL PRESENTATIONS MAY BE REQUIRED

Oral presentations may be utilized in selecting the winning proposal. OFM, at its sole discretion, may elect to select the top-scoring firm(s) from the written evaluation for an oral presentation. OFM will contact the top-scoring firm(s) to schedule a date, time and location for an oral presentation. Commitments made by the Bidder at the oral interview, if any, will be considered binding.

4.5. FINAL DETERMINATION OF APPARENT SUCCESSFUL BIDDERS

- a. OFM program staff and/or management may conduct a final review of the evaluation and scoring of finalist(s).
- b. In this final review, OFM may consider past or current performance of any OFM contracts by a finalist(s), and any experience of the program or OFM in working with a finalist(s) under any past or current contract with OFM.
- c. In doing so, OFM management shall be guided, but not bound, by the scores awarded by the evaluators. Program staff and OFM management shall determine which Proposals reviewed during this final selection process will best meet the needs of OFM and, specifically, the needs of OFM.
- d. Any Bidder who would be an ASB based on the scores awarded by the evaluators, and who is not selected, shall be provided, upon request, the reasons why OFM selected a Bidder with a lower final score.

4.6. NOTIFICATION TO BIDDERS

Announcement of the ASB will be made via WEBS upon completion of the evaluation process. All Bidders who responded to this solicitation will receive an e-mail from WEBS notifying them of the ASB.

4.7. DEBRIEFING OF UNSUCCESSFUL BIDDERS

- a. Any Bidder who has submitted a proposal and been notified that they were not selected as an ASB may request a debriefing. The request for a debriefing conference must be **received** by the Solicitation Coordinator no later than 3:30 PM, local time, Olympia, Washington, on the date set forth in the Procurement Schedule.
- b. Discussion at the debriefing conference will be limited to the following:
 - Evaluation and scoring of the Bidder's Proposal;
 - Critique of the requesting Bidder's Proposal based on the evaluation; and
 - Review of Bidder's final score in comparison with other final scores without identifying the other firms.

- c. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one (1) hour.

4.8. PROTEST PROCEDURE

Protests may be made only by Bidders who submitted a response to this solicitation and participated in a debriefing conference. Upon completing the debriefing conference, the Bidder is allowed five (5) business days to file a protest of the results with the Solicitation Coordinator. Protests must be received by the Solicitation Coordinator no later than 5:00 pm, local time in Olympia, Washington on the fifth business day following the debriefing. Protests may be submitted by e-mail but must then be followed by the document with an original signature.

Bidders protesting this solicitation shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Bidders under this solicitation.

All protests must be in writing, addressed to the Solicitation Coordinator, and signed by the protesting party or an authorized Agent. The protest must state the solicitation number, the grounds for the protest with specific facts and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included.

Only protests stipulating an issue of fact concerning the following subjects shall be considered:

- A matter of bias, discrimination or conflict of interest on the part of an evaluator;
- Errors in computing the score;
- Non-compliance with procedures described in the solicitation or OFM policy.

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) an evaluator's professional judgment on the quality of a proposal, or 2) OFM's assessment of its own and/or other agencies needs or requirements.

Upon receipt of a protest the Solicitation Coordinator will immediately forward it to an OFM Protest Officer, who will be an employee delegated by the Director who was not involved in the solicitation. The Protest Officer will consider the record and all available facts and issue a decision within five (5) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may affect the interest of another Bidder that also submitted a proposal, such Bidder will be given an opportunity to submit its views and any relevant information on the protest to the Solicitation Coordinator.

The final determination of the protest shall:

- Find the protest lacking in merit and uphold OFM's action; or
- Find only technical or harmless errors in OFM's procurement process and determine OFM to be in substantial compliance and reject the protest; or
- Find merit in the protest and provide OFM options, which may include:
 - Correct the errors and re-evaluate all proposals, and/or
 - Reissue the solicitation document and begin a new process, or
 - Make other findings and determine other courses of action as appropriate.

If OFM determines that the protest is without merit, OFM will enter into contracts with the Apparent Successful Bidder(s). If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

5. ATTACHMENTS

- Attachment A Letter of Submittal
- Attachment B Certification and Assurances
- Attachment C Wage Theft Certification
- Attachment D Executive Order 18-03 Contractor Certification
- Attachment E Experience and Qualifications
- Attachment F Services Offered
- Attachment G Compliance
- Attachment H Technology and Security
- Attachment I Quality Assurance
- Attachment J Price Quotation
- Attachment K Diverse Business Inclusion Plan
- Attachment L Sample Contract