

**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
COMPETITIVE SOLICITATION
#23-1700
REQUEST FOR QUALIFICATIONS AND QUOTATION (RFQQ)**

Project Title: **Personnel Resources Board (PRB)
Mediation Services**

Estimated Contract

Performance Period: 1/1/2024 through 1/1/2029

Response Due Date: All Responses **must be received in their entirety by 3:30 p.m.** Pacific Time on November 15, 2023, unless an Amendment is issued modifying the Solicitation Schedule set forth in Section C.1 of this Solicitation Document.

Submit Response To: Responses must be submitted to:
***Kerra Lynch, Contracts Administrator or
Kristy Brodersen, Sr. Contract Specialist***
Office OF Financial Management, Legal &
Legislative Affairs.
Email: ofmprocurements@ofm.wa.gov

Solicitation and Amendments

Will Be Posted on:

OFM Procurement Website: http://ofm.wa.gov/contracts_procurements/default.asp

WEBS Website: <https://des.wa.gov/services/contracting-purchasing/doing-business-state/webs-registration-search-tips>

Applicable WEBS Commodity Codes: 961-05-Arbitration, Mediation, and
Alternative Dispute Resolution Services

TABLE OF CONTENTS

Section A. Contract Requirements

Section B. Definitions.....

Section C. Explanation of Solicitation Process

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

Section E. Evaluation of Responses.....

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

Section G. Contracting Procedures

- Attachments:
- Attachment A: Sample Contract
 - Attachment B: Sample Bid Submission Letter
 - Attachment C: Bidder Certifications and Assurances
 - Attachment D: Bidder Diverse Business Inclusion Plan
 - Attachment E: Wage Theft Certification
 - Attachment F: Bidder Response Form

**SECTION A
CONTRACT REQUIREMENTS**

1. Purpose

This competitive solicitation is issued in order to assist the Personnel Resources Board (PRB), State Human Resources Division of the Washington State Office of Financial (OFM) in seeking qualified contractor(s) to mediate appeals that get filed with the Personnel Resources Board. The purpose of this contract is to obtain mediation and hearing officer services for the PRB on an ad hoc basis.

2. Background

In the past, the PRB has utilized mediation and hearing officer services to resolve appeals outside of the hearing process. Mediation expedites a resolution prior to a scheduled PRB hearing that could be months away. The number of appeals that are mediated per year is never consistent as it is on a case-by-case decision of the Appellants and the Respondents. There are some appeal types that cannot be mediated such as Rule Violations but common mediations you will find are Dismissals. Currently, mediations are held virtually, however it is up to the mediators if they would like to conduct the mediations in-person or virtually.

3. Scope

The Contractor(s) will provide services, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

1. The Contractor(s) may be assigned to conduct mediation for employee appeals. The Contractor(s) shall:
 - With due diligence, furnish all necessary personnel, material, and equipment to complete the work.
 - Upon receipt of an appeal designated for mediation, promptly notify the parties of their assignment to the appeal, and within 10 days of the assignment, endeavor to schedule the appeal for mediation.
 - Within 60 days of the assignment, meet singly or jointly with the parties to attempt to resolve the appeal.
 - When an appeal has been settled or when the CONTRACTOR determines that mediation is not appropriate, forward all relevant documentation to the PRB Appeals Program staff.
 - Within 15 days of completion of mediation services, submit invoices for mediation to the PRB Appeals Program staff.

2. The Contractor(s) may be assigned to hear, and conduct appeals as provided by RCW 41.06.110. In accordance with WAC 357-52-055, the PRB may assign appeals to the CONTRACTOR for recommended or final decisions. The Contractor(s) shall:
 - With due diligence, furnish all necessary personnel, material, and equipment to complete the work.
 - Upon receiving as assignment, set the appeal for hearing and preside over the hearing in accordance with Chapter 41.06 RCW and applicable provisions of the Washington Administrative Code.

- Make all necessary notifications and arrangements and, in so doing, have the same authority as the PRB.
- Make an electronic recording of each hearing using a cassette recorder or equipment provided by the PRB.
- Prepare a decision in a format prescribed by the PRB.
- Serve the decision on the parties and the PRB within 30 days after the close of the hearing.
- Within 15 days of service of the decision, the CONTRACTOR shall submit all invoices and return all records, papers and other materials pertaining to the appeal to the PRB Appeals Program staff.

Bidder shall identify the key personnel it shall utilize in performing this Contract, and their experience and qualifications, as part of its Response. If awarded a Contract, Bidder shall not make changes to such Key Personnel during the term of the Contract except as requested and approved by Agency.

4. Bidder Minimum Qualifications

All Bidders must meet the following minimum qualifications:

1. Licensed to do business in the State of Washington or provide a commitment that it will become licensed in Washington within thirty (30) calendar days of being selected as an Apparently Successful Applicant.
2. Completed a 40-hour basic mediation training program that is approved by the Washington Mediation Association (WMA).
3. Provide both virtual and in person meditation services.

Bidders failing to demonstrate in their Bids that they meet these minimum qualifications will be considered nonresponsive and will therefore be disqualified from further consideration.

5. Period of Contract Performance

OFM intends to award one/multiple Contract(s) for the Services described in this Competitive Solicitation. The period of performance under the Contract shall be January 1, 2024, through January 1, 2029. The term of the contract may be extended by written amendment up to five (5) times for up to one (1) year per amendment, in the sole discretion of OFM. Additional services that are appropriate to the scope of this Solicitation, as determined by OFM, may be added to the Contract in a mutually agreeable written amendment.

6. Funding

Historically, prior contracts for PRB mediation services per year were invoices at approximately \$80,000 for services provided. Therefore, OFM contemplates an initial term to be approximately \$400,000.00. The total value if all extensions are utilized would be approximately \$800,00.00. Total potential or estimated contract sales for this Competitive Solicitation are not known. Although OFM does not represent or guarantee any minimum purchase from the Contract.

SECTION B DEFINITIONS

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

ADA - OFM complies with the Americans with Disabilities Act (ADA). Applicants may contact the RFP Coordinator to receive this Request for Proposals in Braille or on tape.

Agency or OFM – The Office of Financial Management is the agency of the state of Washington that is issuing this RFQQ.

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

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

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

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

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

Contingency Activities - Category within proposals that reflect activities that will be increased or reallocated to areas with low response rates based on feedback from the Census Bureau (not all proposals need to include this category).

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

Contractor - Organization whose proposal has been accepted by OFM and is awarded a fully executed, written contract.

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

Coordinator – or Solicitation Coordinator – An individual or designee who is employed by OFM within Legal and Contract Services Division and who is responsible for conducting this Solicitation.

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

OFM - The Washington State Office of Financial Management

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

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

Proposal - A formal offer submitted in response to this RFP.

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION C
EXPLANATION OF SOLICITATION PROCESS**

1. Solicitation Schedule

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

Item	Action	Date
1.	OFM posts Competitive Solicitation.	10/13/2023
2.	Prospective Bidders should register as a Vendor on WEBS using one of the commodity codes on the cover page of this Solicitation as soon as possible to receive notifications.	
4.	Pre-Bid Conference at 9:00 – 10:00 a.m. Pacific Time	10/19/2023
5.	Bidder may submit written questions or requests for change in Contract Requirements until 3:30 p.m. Pacific Time.	10/26/2023
6.	OFM will post responses to written questions.	11/1/2023
7.	Bidders may submit written Complaints by 3:30 p.m. Pacific Time (five business days before Response is Due).	11/7/2023
8.	Bidder must submit Response by 3:30 p.m. Pacific Time	11/15/2023
9.	OFM evaluation of written Responses	<u>11/16/2023 – 12/1/2023</u>
11.	Announcement of Apparent Successful Bidder(s) on WEBS and beginning of contract negotiations	<u>12/7/2023</u>
12.	OFM notifies unsuccessful Bidder(s)	12/7/2023
13.	Bidders may request a debriefing conference until 3:30 p.m. Pacific Time	<u>12/12/2023</u>
14.	OFM holds debriefing conferences, if requested	<u>12/13/2023 – 12/14/2023</u>
15.	Deadline for submission of Protests by unsuccessful Bidders who participated in a debriefing conference	Five business days after date of debriefing
16.	OFM considers Protests, if any, and issues determination	12/22/2023
17.	Contract Execution/Start Date	01/01/2024

2. Posting of Solicitation Documents

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

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

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

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

4. Communications regarding Solicitation

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

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

5. Bidder Conference

Bidders are invited to attend a Bidder Conference which shall be held virtually on the date and at the time set forth below. The Bidder Conference is an opportunity for Bidders to learn more about the conditions under which a Contract will be performed. At the Bidder Conference, Bidders will have an opportunity to ask questions and to hear presentations from knowledgeable OFM personnel. OFM shall summarize the information shared at the Bidder Conference and post that summary on the OFM procurement web page and on WEBS as an Amendment to this Solicitation. Bidders may only rely upon information that is included in this Amendment in preparing their Responses.

Anyone wanting to participate in the conference can join at:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 223 156 747 758

Passcode: h4WRrY

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 564-999-2000,,492658549#](#) United States, Olympia

[\(833\) 322-1218,,492658549#](#) United States (Toll-free)

Phone Conference ID: 492 658 549#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

6. Questions and Answers

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

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

7. Request for Change in Solicitation Requirements

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

8. Complaints

In the event a Bidder believes that this Solicitation either: (a) unnecessarily restricts competition; (b) contains an unfair or flawed evaluation or scoring process; or (c) contains inadequate or insufficient information to permit preparation of a Response, the Bidder shall submit a written complaint to the Coordinator. Upon receipt of a complaint, a complaint review will be held by OFM. The Coordinator will respond to complaints in writing and the Agency director will be notified of all complaints and provided a copy of the AGENCY'S response. A copy of the response to the complaint, including any changes to the solicitation, will also be posted to WEBS and on the OFM procurement web page.

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

complaint criteria. Complaints that do not follow these procedures shall not be considered.

9. Minority & Women's Business Enterprises (MWBE) and Veteran-Owned Business Enterprises

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

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

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

The established annual procurement participation goals for MBE is 10% and for WBE, 4%, for this type of project. These goals are voluntary. Bidders may contact OMWBE at (360) 753-9693 to obtain information on certified firms.

10. Auxiliary Aids and Limited English Proficient (LEP) Services

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

11. Accessibility

Contractor represents and warrants it shall exercise commercially reasonable efforts to comply with the Office of Chief Information Officer (OCIO) Standard 188.10 – Minimum Accessibility Standard located at <https://ocio.wa.gov/policy/minimum-accessibility-standard>. Contractor shall regularly review its systems and at the commencement of this Contract, and annually thereafter, certify to Enterprise Services that Contractor's Services meet OCIO Standard 188.10.

12. Cost to Prepare Response

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

13. Acceptance of Solicitation Terms

In submitting a Response, Bidder must include a signed Bid Submission Letter in the form set forth on Attachment B, a signed Bidder Certifications in the form set forth on Attachment C, a signed Bidder Diverse Business Inclusion Plan if using subcontractors as set forth in Attachment D, a signed Wage Theft Certification in the form set forth on Attachment E. Bidder must acknowledge that in submitting a Response, it accepts all terms of this Solicitation Document, including any Attachments or Exhibits, and that Bidder's Response constitutes a binding offer. Bidders may not alter or redline the solicitation terms or requirements in their response. Submitting altered or redlined solicitation terms or requirements in the Bidder Response may result in bidder disqualification. If a Bidder has suggested modifications to any of the terms of this Solicitation Document, including all of its Attachments, they should submit them in Attachment F. Bidder Response Form.

14. Joint Proposals

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

15. Withdrawal of Responses

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

16. Ownership of Responses

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

17. OFM Award Options; Improvement of Bid Offers

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

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

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

18. Announcement of Successful Bidder(s)

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

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

19. Ethics, Policies and Law

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

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

20. Subcontractor Participation Monitoring and Reporting

Once a contract is awarded through the solicitation process, the awarded Contractor, if using a Subcontractor, is obligated to complete the vendor registration in Access Equity. Access Equity is a secure online vendor management system (B2GNow). If awarded Contractor has previously registered with B2Gnow, they must verify the system has current up to date information. Contractors can access the system at <https://omwbe.diversitycompliance.com/> or through a direct link on the Office of Minority and Women's Business Enterprises (OMWBE) website at: <https://omwbe.wa.gov/>. During the life of the contract, the awarded Contractor will report all payments made to ALL Subcontractors through the Access Equity system. This reporting information includes total payment in dollars made to the Subcontractor, payment dates, and any additional information required to verify payment to Subcontractors. The awarded Contractor will enter this payment information into the Access Equity system, and the Subcontractors will verify this payment information in the system. Online training is available through the Access Equity/B2Gnow system. This requirement applies to both Prime Contractors and Subcontractors.

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

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

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

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

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

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

3. Attachment D: Wage Theft Certification (Required, not scored)

All Bidders must submit the Wage Theft Certification form set forth on Attachment D, signed by an individual authorized to bind the Bidder contractually. Bidders may not alter or redline the Wage Theft Certification form in their response. Submitting altered or redlined solicitation terms or requirements in the Bidder Response may result in Bidder disqualification.

4. Attachment E: Diverse Business Inclusion Plan (Required only if using subcontractors, not scored)

All Bidders who intend to use subcontractors if awarded a Contract, to be considered responsive, must submit the Diverse Business Inclusion Plan set forth on Attachment E. 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. Bidders may not alter or redline the Bidder's Diverse Business Inclusion Plan in their response. Submitting altered or redlined solicitation terms or requirements in the Bidder Response may result in Bidder disqualification.

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.

5. Attachment F: Bidder Response Form (Required, Portions Scored)

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

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

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

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

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

6. Proprietary Information/Public Disclosure

Materials submitted in response to this Solicitation shall become the property of OFM and will not be returned. 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).

The Bidder's Response must include, on Attachment F, a statement identifying the pages of its Response, if any, which contain information the Bidder considers proprietary and exempt from disclosure under the provisions of Chapter 42.56 RCW must be clearly

designated as such and must identify the specific exemption from disclosure upon which the Bidder is making the claim. **Marking the entire Proposal exempt from disclosure or as Proprietary Information will not be honored.**

If a public records request is made for a proposal containing information that the Bidder has marked as "Proprietary Information," OFM will ask the requester for permission to redact all information identified as "Proprietary Information." If the requester agrees, OFM will redact all information identified as "Proprietary Information" prior to providing the proposal to the requester. OFM may request the Bidder to provide a redacted copy of the proposal to satisfy the records request. If the requester does not agree, 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.

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 RFQQ Coordinator is required. All requests for information should be directed to the RFQQ Coordinator.

4.1 Public Posting of Proposals of Awarded Bidder(s)

OFM will publicly post the proposal(s) of the awarded Bidder(s) that were submitted in response to this solicitation. These proposals shall be posted [here](#) once the Apparent Successful Bidder(s) are announced.

Information in a proposal that the Bidder desires to claim as proprietary must be clearly designated as stated in Section 2.5 of this Solicitation. For the purposes of this section, if the awarded Bidder(s) has marked information proprietary in their proposal, OFM will ask them to provide a redacted version within five (5) business days of the written request.

7. Submission of Responses

Bid Responses must be stored in an acceptable electronic format and, if applicable, hard copy format, as set forth in Section 7, below. Bid Responses must be emailed directly to the Coordinator at the email address provided on the cover sheet of this Solicitation Document. Bid Responses must be received by the Coordinator in their entirety on or before the due date and time set forth in Section C.1., Solicitation Schedule, unless a posted Amendment to this Competitive Solicitation changes this due date and time. Bidder's completed version of each of the Attachments B, C, D, E, and F to this Competitive Solicitation shall be included as a separate attachment to the Bidder's email(s).

Bidders assume all risks for the timely submission of the Response. Bidders are responsible for allowing sufficient time to ensure timely electronic receipt of their Response by the Coordinator and, in Solicitations that also require that hard copies of

the Response be submitted, to ensure timely receipt via other delivery methods. OFM does not assume responsibility for problems with the Bidder's email, network or problems with the mail, parking, traffic or the services of any third-party courier. However, if OFM email is not working properly, appropriate allowances will be made.

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

8. Acceptable Electronic Formats for Submission of Responses

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

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

9. Alternative Submission Methods

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

SECTION E EVALUATION OF RESPONSES

1. Bid Responsiveness, Administrative Review

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

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

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

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

2. Errors in Bidder Response

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

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

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

3. Evaluation Criteria and Scoring of Responses

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

The maximum number of points available for each Bidder is 425. The maximum number of points that may be assigned with respect to specific questions is set forth on Attachment F, Bidder Response form. The overall breakdown for assignment of points in evaluating Responses to this Solicitation is as follows:

Experience & Qualifications Response.....	80 maximum points
Desired Experience & Qualifications Response.....	100 maximum points
Bidder Solutions.....	140 maximum points
Cost Proposal (Quotations).....	100 maximum points
EO 18-03 Response.....	5 maximum points
Total Possible Points	425 maximum points

4. Evaluation of Cost Proposal/Quotations

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

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

Breakdown of total

Cost component: Appeal Review Scheduling (25 Points) \$x,xxx

Cost component: Mediation Services: (25 Points) \$x,xxx

Cost component Hearings (25 Points) \$x,xxx

Cost component Decision Writing (25 Points) \$x,xxx

5. Written Bid Evaluation Process

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

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

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

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

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

7. Selection of Apparent Successful Bidder

The Bidder that receives the highest total number of possible points will be presented to OFM management for consideration as a finalist for the Apparent Successful Bidder. In the event multiple Contracts will be awarded, the applicable number of top-scoring Bidders will be considered.

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

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

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

**SECTION F
BIDDER DEBRIEFING
AND PROTEST PROCEDURE**

1. Debriefing Conferences

No later than 5:00 p.m. Pacific Time, on the third business day following the posted announcement of Successful Bidder(s) on WEBS, Bidders who are not selected as a Successful Bidder may send an email to the Coordinator requesting a Debriefing Conference. Since debriefing conferences pertain to the formal evaluation process, Bidders who were disqualified as nonresponsive and therefore did not go through the formal evaluation process are not entitled to request a Debriefing Conference. Unless a different date is agreed upon by the Coordinator, the Debriefing Conference will be held on a date designated in Section C.1., Solicitation Schedule. Discussion at the debriefing conference will be limited to the following:

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

No comparisons between Bids will be allowed during the Debriefing Conference, which shall be conducted via Microsoft Teams, and shall last for a maximum period of one hour.

2. Grounds and Filing of Protests

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

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

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

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

Protests not based on one of the grounds set forth in this Section will be rejected. It is not grounds for a protest to question an evaluator's professional judgment on the quality of a Response or OFM's assessment of its own needs or requirements.

3. OFM Protest Review Process

The Coordinator will immediately forward any Protest to an OFM Protest Officer, who will be an employee delegated by the Director who was not involved in the procurement. 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 involve the conduct of, or information submitted by another Bidder that also submitted a Response, such Bidder will be given an opportunity to submit its views and any relevant information on the issue(s) raised by the protest to the Solicitation Coordinator.

4. Determination of Protests

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

Find the protest lacking in merit and uphold OFM's action; or

- Find only technical or harmless errors in OFM's acquisition 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 Apparently Successful Applicants. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

**SECTION G
CONTRACTING PROCEDURES**

1. Contract Execution

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

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

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

2. Selecting a Contractor for Work

OFM will create an unranked list of Pre-Qualified Contractors to provide recruitment services on an as-needed basis through an optional use contract. One of the below options shall be used to contract with the Pre-Qualified Contractors.

Option 1:

The Pre-Qualified Vendors List may be utilized by OFM to select Contractors for work on an as-needed basis. OFM may reach out directly to Contractors on the Pre-Qualified List and Contractors may be selected for individual Statements of Work based upon the ability and availability to timely provide the required Services, and cost. Additional detail on selecting a Contractor for work assignments is set forth in Attachment A Sample Contract, Section 3., Selecting a Contractor for Work.

Option 2:

As the need for services arises, all Contractors on the Pre-Qualified Vendors List for the relevant service category may be invited to submit a response, including a quote, interview, Statement of Work that meets OFM HR's business requirements at that time.

OFM will review all responses submitted for consideration and will, in its sole discretion, select the Contractor(s) to provide those services for OFM. OFM retains the right to select the most qualified Contractor(s) from the responses received, at its sole discretion. For any given engagement, staff from multiple Contractors may be selected to meet OFM's needs, and Statements of Work will be issued against the selected Contractor's contract at that time.

3. Insurance

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

4. Non-Endorsement

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

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

5. Background Checks

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

6. Electronic Payment

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