STATE OF WASHINGTON

OFFICE OF INDEPENDENT INVESTIGATIONS

OLYMPIA, WASHINGTON

REQUEST FOR QUALIFICATIONS AND QUOTES

RFQQ NO. 24-800

Note to Vendors:

* The Office of Financial Management (OFM) is conducting this solicitation on behalf of the Office of Independent Investigations (OII)
* This RFQQ 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 <https://des.wa.gov/sell/how-work-state/register-bid-opportunities>
* All solicitation Amendments and Bidder questions/OII answers will be posted on the OFM website and on WEBS.

PROJECT TITLE: OII National Polygraphy Testing

PROPOSAL DUE DATE: November 25, 2024, 3:30 PM Pacific Time, Olympia, Washington.

EXPECTED TIME PERIOD OF CONTRACT: January 8, 2025 – January 7, 2031

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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# INTRODUCTION

## PURPOSE AND BACKGROUND

1. The Washington State Legislature created the Office of Independent Investigations (OII) in 2021 to conduct thorough, transparent, and unbiased investigations of cases that involve police use of deadly force. OII is unique in the nation, being led by a civilian director and tasked with developing a plan to eventually include civilian investigators on its teams.
2. As a limited authority law enforcement agency, OII is tasked to conduct fair, thorough, transparent, and competent investigations.
3. OII is soliciting proposals from qualified vendor(s) who can provide nationwide pre-employment polygraph tests to help safeguard and maintain the integrity of our independent investigation. OII may award one or more contracts.

## SCOPE OF WORK

1. All work performed by Contractor under the resulting contract(s) shall comply with the Washington Administrative Code WAC 139-07-040 and conform to applicable industry standards and guidelines of the American Polygraph Association (APA) Standards, Exhibit H, which will be incorporated into the resulting contract.
2. Utilize a certified polygraph examiner, whether employed or contracted with, with experience in pre-employment testing of law enforcement, corrections and other public safety candidates to conduct examinations.
3. Coordinate with candidate or OII the time, date, and place to conduct each polygraph test.
4. Conduct pre-employment polygraph testing on candidates with a conditional offer of employment for OII on specific positions identified as limited law enforcement officers, to include, but not limited to candidates for the positions of Investigators, Senior Investigators and Regional Supervisors.
5. Type of Testing required:
   1. Candidates for hire will undergo standard polygraph testing;
   2. If candidates for hire have past law enforcement background, those candidates will receive an additional set of questions into their experiences as determined by the Contractor.
6. Conduct interviews nearest to the candidate receiving the polygraph test.
7. Notify OII of the scheduled polygraph test of each candidate.
8. During the course of administering a polygraph examination, Vendor shall be responsible for notifying OII immediately if any additional documentation or information is needed from OII or the recipient of the polygraph examination.
9. OII will provide relevant information for each candidate and any information that came up in the candidate’s prescreen that Contractor needs to follow up on.
10. Administer the polygraph test within fourteen (14) business days of OII’s request.
11. Acceptance Criteria.
12. Submit the results of the polygraph examination to its partner agency the Office of Financial Management (OFM) Human Resource (HR) no more than ten (10) business days following the administration of the exam to each recipient. Submit in the form of a report.
13. OII shall determine whether all reports and/or verifications requested are included in the final report.
14. If all reports and/or verification are not included, OII shall notify Contractor upon discovery.
15. Upon notification of missing reports and/or verifications, Contractor shall have five (5) business days to produce missing reports and/or verifications.
16. Upon receipt and approval of all reports and/or verifications requested by OII, Contractor shall invoice OII for all amounts owed.
17. Collaborate with OII for status updates throughout the process.

## MINIMUM QUALIFICATIONS

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

## Minimum qualifications include:

1. 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
2. Bidder, its staff or subcontractor(s) performing the services, must be a certified polygraph examiner.
3. Bidder has been in the business of conducting pre-employment Polygraph Examinations for a minimum of five (5) consecutive years.
4. Examiner must have completed training at an APA-accredited training facility and must be specifically trained in the technique of polygraph examination administration.
5. Contractor must agree to the terms of the Polygrapher Privacy and Confidentiality Addendum, Exhibit G, which will be incorporated into the resulting contract.
6. Contractor must agree to follow the American Polygraph Association (APA) Standards, when administering the exam.

## CONTRACT

1. Contract Term

The period of performance of any contract resulting from this solicitation is tentatively scheduled to begin on or about January 8, 2025, and to end on January 7, 2031. Amendments extending the period of performance, if any, shall be at the sole discretion of OII. OII reserves the option to renew the contract for one (1) additional one-year term. OII reserves the right to extend all or some of the Contractors at its sole discretion.

1. OII intends to award one or more contracts to provide the services described in this solicitation. OII cannot guarantee that the Contractor(s) will actually receive work off this contract.

## FUNDING

Any contract awarded as a result of this solicitation is contingent upon the availability of funding.

## 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.

## DEFINITIONS

Definitions for the purposes of this solicitation include:

Agency. The Office of Independent Investigations 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.

The American Polygraph Association (APA), established in 1966, is the largest polygraph association consisting of examiners in the private, law enforcement, and government fields.

Bidder. Individual or company interested in the solicitation and that may or does submit a Proposal in order to attain a contract with Agency. 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 the Agency and is awarded a fully executed, written contract.

OII. Office of Independent Investigations.

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

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

Request for Qualifications and Quotations (RFQQ). Formal solicitation document in which services needed are identified and vendors are invited to provide their qualifications and quotes to provide the services.

Solicitation. This document in which services needed are identified and vendors are invited to provide their qualifications to provide the services. Also known as “RFQQ”.

## ADA

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

# GENERAL INFORMATION

## SOLICITATION COORDINATOR

* + 1. The Solicitation Coordinator is the sole point of contact for this procurement. All communication between the Bidder and Agency upon release of this solicitation shall be with the Solicitation Coordinator, as follows:

|  |  |
| --- | --- |
| Name | Natalie Eckart |
| E-Mail Address | [natalie.eckart@ofm.wa.gov](mailto:natalie.eckart@ofm.wa.gov) |
| Telephone | (360) 790-4823 |

* + 1. Any other communication will be considered unofficial and non-binding on Agency and the state of Washington. Communication directed to parties other than the Solicitation Coordinator will result in disqualification of the Bidder.
    2. **It is recommended that you request a read receipt whenever sending an email to the Solicitation** **Coordinator to ensure your email was received.**

## ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

|  |  |
| --- | --- |
| Issue Request for Qualifications and Quotations | October 9, 2024 |
| Register for the Pre-bid Conference by 5:00 pm Pacific Time | October 16, 2024 |
| Attend Pre-bid Conference (optional)  Registration is required | October 18, 2024  1:30pm-3:00pm PST |
| Bidder may submit written questions until 3:30 pm Pacific Time | October 23, 2024 |
| OII will issue responses to Bidder Questions | October 28, 2024 |
| Complaints due | November 18, 2024 |
| Bidder must submit Proposal by 3:30 Pacific Time | November 25, 2024 |
| OII evaluation of Proposals | December 2, 2024 |
| OII announces “Apparent Successful Bidders”  and begins contract negotiations | December 13, 2024 |
| Unsuccessful Bidders may request Debriefing until 3:30 Pacific Time | December 19, 2024 |
| OII holds Debriefing Conferences, if requested, at the earliest possible date, but no later than | December 20, 2024 |
| Estimated Effective date of Contracts | January 8, 2025 |

OII reserves the right to revise the above schedule.

## PRE-BID CONFERENCE (VIRTUAL)

An optional pre-bid conference is scheduled, see Procurement Schedule. This conference gives bidders a chance to ask questions in a live format in addition to the written Question and Answer procedure.

Anyone wanting to participate in the conference must register by emailing your intent to attend to the Solicitation Coordinator by 5:00pm PST on October 16, 2024. At that time you will be forwarded the link to the Microsoft Teams meeting. If no registrations are received by 5:00pm PST on October 16, 2024, the conference will be canceled without notice.

Agency will be bound only to written answers to questions. Questions arising at the pre-bid conference or in subsequent communication with the Solicitation Coordinator, will be documented and answered in written form, which will be posted to WEBS and this [website](https://ofm.wa.gov/about/procurements-sole-source-contracts-and-intergovernmental-agreements#Currentprocurements).

## 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 OII.

## SUBMISSION OF PROPOSALS

## The Proposal must be received by the Solicitation Coordinator no later than 3:30 pm Pacific Time, Olympia, WA, on November 25, 2024.

## It is recommended that you request a read receipt when sending your Proposal to the Solicitation Coordinator to ensure it has been received.

## Scored items are awarded points as part of the evaluation conducted by the evaluation team.

## 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. Attachments to e-mails must be in Microsoft Word or PDF format. Zipped files cannot be received by Agency and cannot be used for submission of proposals.

## Proposals may not be transmitted using facsimile transmission.

## Late proposals will not be accepted and will be automatically disqualified from further consideration.

## All proposals and any accompanying documentation become the property of the Agency and will not be returned.

## PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

1. Proposals submitted in response to this RFQQ shall become the property of Agency.  All proposals received shall remain confidential until Agency 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).
2. 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 must be clearly designated as such and must identify the specific exemption from disclosure upon which the Bidder is making the claim. 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.
3. If a public records request is made for a proposal containing information that the Bidder has marked as "Proprietary Information," Agency will ask the requester for permission to redact all information identified as “Proprietary Information.” If the requester agrees, Agency will redact all information identified as “Proprietary Information” prior to providing the proposal to the requester. Agency may request the Bidder to provide a redacted copy of the proposal to satisfy the records request. If the requester does not agree, Agency 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, Agency 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, Agency shall maintain the confidentiality of the Bidder information per the court order.
4. 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.

## PUBLIC POSTING OF PROPOSALS OF AWARDED BIDDER(S)

1. Agency 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](https://ofm.wa.gov/about/procurements-sole-source-contracts-and-intergovernmental-agreements#Currentprocurements) once the Apparent Successful Bidder(s) are announced.
2. Information in a proposal that the Bidder desires to claim as proprietary must be clearly designated as stated in Section 2.6 of this Solicitation. For the purposes of this section, if the awarded Bidder(s) has marked information proprietary in their proposal, Agency will ask them to provide a redacted version within five (5) business days of the written request.

## REVISIONS TO THE SOLICITATION

1. 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 [here](https://ofm.wa.gov/about/procurements-sole-source-contracts-and-intergovernmental-agreements#Currentprocurements). 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.
2. **If you did not receive this solicitation via WEBS, please register with WEBS at the website above in order to receive further notifications.**
3. Agency also reserves the right to cancel or to reissue the solicitation in whole or in part, prior to execution of a contract.

## 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.

## RESPONSIVENESS

1. 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 Agency 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.

1. Agency also reserves the right, however, at its sole discretion to waive minor administrative irregularities.

## MOST FAVORABLE TERMS

1. 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.
2. 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.

## CONTRACT AND GENERAL TERMS AND CONDITIONS

1. The ASB(s) will be expected to enter into a contract that will be similar to the Sample Contract, attached as Exhibit I. In no event is a Bidder to submit its own standard contract terms and conditions in response to this solicitation.
2. The Bidder may submit exceptions as allowed in the Certifications and Assurances form, Exhibit B to this solicitation. All exceptions to the contract terms and conditions must be submitted as Track Changes to Exhibit I, and attached to their Proposal. Bidder must explain the reason for each requested exception, identifying the language in Exhibit I 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.
3. Agency 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 Agency’s discretion.

## SUBCONTRACTOR PARTICIPATION MONITORING AND REPORTING

# If awarded Contractor will be using subcontractors, then once a contract is awarded through the solicitation process, the awarded Prime Contractor is obligated to complete the vendor registration in Access Equity. Access Equity is a secure online vendor management system (B2GNow). Confidential information (Tax ID, etc.) will not be published. Prime Contractors that have previously registered with B2Gnow for any public entity, must verify the system has updated 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/>.

# Each month during the contract, the Prime Contractor will report payments to ALL Subcontractors through the Access Equity system. This monthly reporting information includes total payment in dollars made to the Subcontractor, payment dates, and any additional information required to verify payment to Subcontractors. The Prime 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.

## COSTS TO PREPARE PROPOSAL

Agency 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.

## NO OBLIGATION TO CONTRACT

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

## REJECTION OF PROPOSALS

Agency 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.

## COMMITMENT OF FUNDS

The Director of the Governor’s, or the Director’s delegate, are the only individuals who may legally commit Agency 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.

## 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>.

## INSURANCE COVERAGE

1. The Contractor is to furnish Agency with a certificate of insurance executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth below.
2. 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 Agency within fifteen (15) days of the contract effective date.
3. 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, Agency will assume that the Bidder is able to meet the requirements.
4. Liability Insurance
5. 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.
6. Additionally, the Contractor is responsible for ensuring that any subcontractors provide adequate insurance coverage for the activities arising out of subcontracts.
7. 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.
8. **Employers Liability (“Stop Gap”) Insurance:** In addition, the Contractor should 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.
9. **Additional Provisions**. The above insurance shall include the following provisions:
10. **Additional Insured.** The state of Washington, Office of the Governor, 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.
11. **Cancellation.** Agency 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.
12. **Identification.** Policy must reference the state’s contract number and the Agency name.
13. **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 the Governor 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
14. **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.
15. **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.

## COMPLAINT PROCESS

1. 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.

1. 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.
2. 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.
3. Upon receipt of a complaint, a review will be held by the Agency. The Solicitation Coordinator will respond to complaints in writing and the Agency director will be notified of all complaints and provided a copy of Agency’s response. A copy of the response to the complaint, including any changes to the solicitation, will also be posted to WEBS.
4. The complaint process does not include an appeal process.

## MINORITY & WOMEN-OWNED BUSINESS PARTICIPATION

In accordance with Chapter 39.19 of the RCW, 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 and Women-owned Business Enterprises is 6.40% for this type of project. These goals are voluntary. Bidders may contact OMWBE at (360) 753-9693 to obtain information on certified firms.

## VETERAN-OWNED BUSINESS PARTICIPATION

The state of Washington encourages participation in all of its contracts by firms certified by the Washington State Department of Veteran’s 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 veteran 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 Veteran-owned Businesses is 1% for this type of project. These goals are voluntary. Bidders may contact [WDVA](https://www.dva.wa.gov/) at (206) 324-4330 to obtain information on obtaining certification.

# PROPOSAL CONTENTS

# The Proposal must be written in English. The three major sections of the Proposal must be submitted with the same headings as labeled below. This will not only be helpful to the evaluators of the Proposal, but should assist the Bidder in preparing a thorough response.

## 3.1 Administrative Requirements

1. Letter of Submittal. The Letter of Submittal, Exhibit A, must be completed and submitted with your proposal. It must be signed and dated by a person authorized to legally bind the Bidder to a contractual relationship, e.g., the president or executive director of a corporation, the managing partner of a partnership, or the proprietor of a sole proprietorship. Signing the Letter of Submittal indicates that the Bidder accepts the terms and conditions of the solicitation. Failure to submit will result in disqualification.
2. Bidder Certification and Assurances Form. Bidders must submit a completed Bidder Certification and Assurances Form, Exhibit B. It must be signed and dated by a person authorized to legally bind the Bidder to a contractual relationship, e.g., the president or executive director of a corporation, the managing partner of a partnership, or the proprietor of a sole proprietorship. Please sign and include any attachments that are necessary. Failure to submit will result in disqualification.
3. Wage Theft Certification. Bidders must submit a completed and signed Wage Theft Certification Form, Exhibit C. Failure to submit will result in disqualification.
4. Executive Order 18-03 Contractor Certification (5 points). Bidders must submit a completed and signed Executive Order 18-03 Certification Form, Exhibit D. Failure to submit will result in disqualification.
5. OMWBE Certification. If you are certified as a minority-owned firm and/or women-owned firm, include proof of certification issued by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE).
6. Veteran’s Certification. If you are certified as a veteran-owned firm include proof of certification issued by the Washington State Department of Veterans Affairs.
7. References. Utilize Exhibit E to list names, addresses, telephone numbers, and e-mail addresses of three (3) business references for the Bidder Briefly describe the type of service provided to each reference. Do not include current Agency staff as references.

By submitting a proposal in response to this solicitation, the Bidder and team members grant permission to Agency to contact these references and others, who from Agency’s perspective, may have pertinent information. Agency may or may not, at its discretion, contact references. Agency may evaluate references at Agency’s discretion.

1. Diverse Business Inclusion Plan. Bidders who intend to use subcontractors if awarded a Contract, to be considered responsive, must submit the Diverse Business Inclusion Plan Form as part of their bid (Exhibit F).  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](http://apps.leg.wa.gov/RCW/default.aspx?cite=39.19), the state of Washington encourages participation in all of its contracts by OMWBE certified firms.  In accordance with [RCW 43.60A.200](https://app.leg.wa.gov/RCW/default.aspx?cite=43.60A.200), the state of Washington encourages participation in all of its contracts from firms certified by WDVA.

**3.2. Qualifications/Experience (145 points)**

General Requirements: This section of the Proposal must contain information that will demonstrate to the evaluation committee the Bidder’s understanding of the types of services proposed, the Bidder’s ability to accomplish them, and the ability to meet tight timeframes. This section must also demonstrate the capabilities of the Bidder’s staff to perform the services.

Numbering of Responses. Please number each response so that it corresponds to the question number. *The response must begin with a restatement of the question followed by the Bidder’s response to the question*. A reference to another section will not suffice, each answer must stand alone.

Attachments: Attachments must be labeled and the question number to which it responds must be indicated.

Points Awarded for Responses. The number in parentheses after each question or requirement represents the maximum number of points that may be awarded for the Bidder’s response to that question or requirement.

1. Describe the background and experience of your firm, including the length of time your company has been in the business of conducting Polygraph Examinations. (25 points)
2. Describe your process for ensuring that certified polygrapher performing services under this Contract have experience in evaluating law enforcement, corrections, or other public safety candidates. (35 points)
3. Provide any accreditations Bidder has achieved relevant to the services provided under this Contract. (5 points)
4. Describe your process for scheduling the polygraph exam with potential candidates. (10 points)
5. Describe your process for providing the final report for each candidate to OII and OFM. (20 points)
6. Describe the equipment used and how it’s maintained. (20 points)
7. Provide the US locations your company provides Polygraph Examinations (30 points)

**3.3 Costs (20 points)**

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

Points Awarded for Responses. The number in parentheses after each item represents the maximum number of points that may be awarded for the Bidder’s response to that question or requirement.

* 1. Budget/Identification of Costs (not scored)

1. Identify all costs in U.S dollars including expenses to be charged for performing the services necessary to accomplish the objectives of the contract. Your fully-detailed budget should include a breakout of costs per candidate, including estimated total costs of scheduling the candidate, the examination, writing the report, and travel. Bidders can use a format of their own choice.
2. Budget must include all applicable taxes.
   1. Total Budget Cost per Candidate (20 points)

The budget total per Candidate will be scored, with the lowest budget total receiving the 20 possible points.

# EVALUATION AND SELECTION

# EVALUATION PROCEDURE

1. 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 Agency, which will determine the highest-scoring Bidder for selection as the Apparent Successful Bidder.
2. The Solicitation Coordinator reserves the right to contact Bidders for clarification of any portion of the Bidder’s Proposal.
   1. **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, OII 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 D – 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.

# ORAL INTERVIEWS MAY BE REQUIRED (50 points - Optional)

Oral interviews may be utilized in selecting the winning proposal. The Agency, at its sole discretion, may elect to select the top-scoring firm(s) from the written evaluation for an oral interview. Agency 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.

## SCORING

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

|  |  |
| --- | --- |
| Scored Item | Maximum Points |
| Qualifications/Experience | 145 |
| Total Budget Cost | 20 |
| Executive Order 18-03 | 5 |
| Subtotal | 170 |
| Oral Interview (optional) | 50 |
| Total Maximum Points | 220 |

1. Each evaluator will score the Qualifications/Experience answers separately. The scores of all the evaluators will be averaged to determine the Bidder’s score for that item.
2. **Costs scoring**

The Solicitation Coordinator will score the Total Budget Cost per Candidate. 20 points will be awarded to the lowest bid. All others will be scored by dividing the lowest responsive total budget cost by your total budget cost. The resulting percentage will be multiplied by the 20 points available to arrive at your score. See example calculation in the box below.

|  |
| --- |
| Example  Lowest bid = $1,000.00  Bidder’s B = $1,250.00  $1,000.00 divided by $1,250.00 = 0.80 0.80 x 20 points possible = 16 points Bidder B’s score would be16 points for the total budget cost per candidate. |

1. The scores for all the items will be added together to determine the Bidder’s total score. OII reserves the right to award the contract to the Bidder whose Proposal is deemed to be in the best interest of the Agency and the state of Washington.

# FINAL DETERMINATION OF APPARENT SUCCESSFUL BIDDERS

* 1. Agency program staff and/or management may conduct a final review of the evaluation and scoring of finalist(s).
  2. In this final review, Agency may consider past or current performance of any Agency contracts by a finalist(s), and any experience of the program or Agency in working with a finalist(s) under any past or current contract with Agency.
  3. In doing so, Agency management shall be guided, but not bound, by the scores awarded by the evaluators. Program staff and Agency management shall determine which Proposals reviewed during this final selection process will best meet the needs of Agency and, specifically, the needs of OII.
  4. 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 Agency selected a Bidder with a lower final score.

## 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.

## 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.

## 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 3:30 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 OII 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) OII’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 OII 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 Agency’s action; or
* Find only technical or harmless errors in Agency’s procurement process and determine Agency to be in substantial compliance and reject the protest; or
* Find merit in the protest and provide Agency 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 Agency determines that the protest is without merit, Agency 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.

# EXHIBITS

* Exhibit A Letter of Submittal
* Exhibit B Certifications and Assurances
* Exhibit C Wage & Theft Certification
* Exhibit D Executive Order 18-03 Certification
* Exhibit E References
* Exhibit F Diverse Business Inclusion Plan
* Exhibit G Polygrapher Privacy and Confidentiality Addendum
* Exhibit H American Polygraph Association (APA) Standards
* Exhibit I Sample Contract

Double click on any exhibit to see it.

   

   

