

**Competitive Solicitation – No. 05218**

**Lawn & Grounds Equipment**

**Introduction**

The Washington State Department of Enterprise Services (Enterprise Services) is issuing this Competitive Solicitation pursuant to RCW chapter 39.26. Pursuant to this Competitive Solicitation, Enterprise Services intends to conduct a competitive procurement and establish and award a statewide Master Contract for eligible purchasers to procure Lawn & Grounds Equipment (“Equipment”).

This Competitive Solicitation is divided into four (4) sections:

* [Section 1](#Section_1) provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for Enterprise Services’ Procurement Coordinator.
* [Section 2](#Section_2) provides important information about the procurement that is designed to help interested bidders evaluate the potential opportunity, including the purpose of the procurement and Master Contracts, the form of the resulting Master Contract, and potential contract sales.
* [Section 3](#Section_3) identifies how to prepare and submit a bid for this Competitive Solicitation, including detailed instructions regarding what to submit and how to submit your bid.
* [Section 4](#Section_4) identifies how Enterprise Services will evaluate the bids.

In addition, this Competitive Solicitation includes the following Exhibits:

* [*Exhibit A – Required Bidder Information*](#ReqSubs): These exhibits identify information that bidders must provide to Enterprise Services to constitute a responsive bid. *See* Section 3, below.
  + Exhibit A-1 – Bidder’s Certification
  + Exhibit A-2 – Bidder’s Profile
* [*Exhibit B – Specifications*](#ReqSubs): This exhibit outlines the required specifications for the Equipment that is the subject of this Competitive Solicitation.
* [*Exhibit C – Bid Price*](#ReqSubs): This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that Enterprise Services will use to evaluate bids.
* [*Exhibit D – Master Contract*:](#ReqSubs) This exhibit is a draft of the Master Contract that the successful bidder(s) will execute with Enterprise Services.
* [*Exhibit E – Complaint, Debrief, & Protest Requirements*](#Exhibit_E): This exhibit details the applicable requirements to file a complaint, request a debrief conference, or file a protest regarding this Competitive Solicitation.
* [*Exhibit F – Doing Business with the State of Washington*](#Exhibit_F): This exhibit provides information regarding contracting with the State of Washington.

# Section 1 – Deadlines, Questions, and Where to Submit your Bid

This section identifies important deadlines for this Competitive Solicitation and where to direct questions regarding the Competitive Solicitation.

1. **Competitive Solicitation Deadlines**. The following table identifies important dates for this Competitive Solicitation:

| **Competitive Solicitation Deadlines** | |
| --- | --- |
| **Item** | **Date** |
| Competitive Solicitation Posting Date: | January 16, 2019 |
| Pre-Bid Conference: | January 31, 2019 at 10am  Attend in Person 1500 Jefferson St SW Room, 2330Room  Olympia, WA 98512  Attend via Phone 360-407-3819 Conf ID/Pass code 21895 |
| Question & Answer Period: | January 16, 2019 - February 8, 2019 |
| Deadline for submitting Bids: | February 15, 2019 |
| Anticipated Announcement of Apparent Successful Bidder(s) (ASB): | March 13, 2019 |
| Anticipated Award of Master Contract(s): | April 1, 2019 |

1. **Competitive Solicitation Questions**. Questions or concerns regarding this Competitive Solicitation must be directed to the following Procurement Coordinator:

|  |  |
| --- | --- |
| **Procurement Coordinator** | |
| Name: | Richard Worthy |
| Telephone: | 360-407-7932 |
| Email: | [richard.worthy@des.wa.gov](mailto:richard.worthy@des.wa.gov) |

Questions raised at the pre-bid conference and during the Q&A period will be answered and responses posted to the Washington Electronic Business Solution (WEBS).

1. **Complaints, Debriefs, & Protests**. The Competitive Solicitation (and award of the Master Contract) is subject to complaints, debriefs, and protests as explained in [*Exhibit E – Complaint, Debrief & Protest Requirements*](#Exhibit_E), which may impact the dates set forth above.
2. **Competitive Solicitation – Amendment & Modification**. Enterprise Services reserves the right to amend and modify this Competitive Solicitation. Only bidders who have properly registered and downloaded the original Competitive Solicitation directly via WEBS will receive notifications of amendments and other correspondence pertinent to this Competitive Solicitation. Bidders must be registered in WEBS to be awarded a Master Contract. Visit [WEBS](https://fortress.wa.gov/ga/webs) to register.

# Section 2 – Information About the Procurement

This section describes the purpose of the Competitive Solicitation and provides information about this procurement, including the potential scope of the opportunity.

1. **Purpose of the Procurement – Award a Master Contract**. The purpose of this Competitive Solicitation is to receive competitive bids and award a statewide Master Contract for Lawn & Grounds Equipment.
   1. **Master Contracts**. Enterprise Services has statewide responsibility to develop ‘master contracts’ for goods and services. A Master Contract is a contract for specific goods and/or services that is competitively solicited and established by Enterprise Services, on behalf of the State of Washington, for use by statutorily specified ’purchasers’ (see below). Typically, purchasers use our Master Contracts through a purchase order, work order, or similar document.
   2. **Master Contract Users – Eligible Purchasers**. The resulting Master Contract from this Competitive Solicitation will be available for use by the following entities, each of whom is an eligible purchaser (”Purchasers”):
      * Washington State Agencies. All Washington State agencies, departments, offices, divisions, boards, and commissions.
      * Washington State Institutions of Higher Education (colleges). Any of the following specific institutions of higher education in Washington:
        + State universities – i.e., University of Washington & Washington State University;
        + Regional universities – i.e., Central Washington University, Eastern Washington University, & Western Washington University
        + Evergreen State College;
        + Community colleges; and
        + Technical colleges.
      * MCUA Parties. The Master Contract also may be utilized by any of the following types of entities that have executed a Master Contract Usage Agreement (MCUA) with Enterprise Services:
        + Political subdivisions (e.g., counties, cities, school districts, public utility districts, ports) in the State of Washington;
        + Federal governmental agencies or entities;
        + Public-benefit nonprofit corporations (i.e., § 501(c)(3) nonprofit corporations that receive federal, state, or local funding); and
        + Federally-recognized Indian Tribes located in the State of Washington.

Enterprise Services maintains a list of eligible MCUA parties on the [MCUA Parties website](https://fortress.wa.gov/ga/apps/ContractSearch/MCUAListing.aspx).

While use of the Master Contract is optional for purchasers other than Washington State agencies, these entities’ use of the Master Contract can increase Master Contract use significantly. All purchasers are subject to the same contract terms, conditions, and pricing as Washington State agencies.

1. **Master Contract**. The form of the Master Contract that will be awarded as a result of this Competitive Solicitation is attached as [*Exhibit D – Master Contract*](#ReqSubs).
2. **Contract Term**. As set forth in the attached Master Contract for this Competitive Solicitation, the contract term is seventy-two (72) months. Bidders are to specify discounts for the contract term. The Master Contract is subject to earlier termination.
3. **Estimated Sales**. Historically, annual total sales were approximately $63 million. Total potential or estimated contract sales is not known. As stated in this Competitive Solicitation, however, the resulting Master Contract will be available for use by all eligible purchasers. Such purchasers will decide whether the Master Contract meets their needs. Although Enterprise Services does not represent or guarantee any minimum purchase from the Master Contract, prior purchases under a similar contract are set forth in the following chart:

|  |  |
| --- | --- |
| Sum of Total |  |
| Cust. Type | Total |
| State Agencies | $ 9,178,880.29 |
| Associations | $ 14,811.00 |
| Cities | $25,666,602.93 |
| Counties | $10,062,378.28 |
| Customer | $ 106,409.82 |
| Districts | $ 4,088,812.97 |
| Federal | $ 61,928.00 |
| General Admin. | $ 89,225.00 |
| Higher Education | $ 1,921,188.43 |
| Libraries | $ 17,879.00 |
| Non-Profit | $ 396,997.00 |
| Ports | $ 1,197,295.00 |
| Private School | $ 190,284.00 |
| School Districts | $ 6,524,439.08 |
| Tribes | $ 308,708.00 |
| State of Oregon | $ 3,797,907.32 |
| Grand Total | $63,737,638.12 |

# Section 3 – How to Prepare and Submit a Bid for this Competitive Solicitation

This section identifies how to prepare and submit your bid to Enterprise Services for this Competitive Solicitation. In addition, bidders will need to review and follow the Competitive Solicitation requirements including those set forth in the exhibits, which identifies the information that bidders must provide to Enterprise Services to constitute a responsive bid. By responding to this Competitive Solicitation and submitting a bid, bidders acknowledge having read and understood the entire Competitive Solicitation and accept all information contained within this Competitive Solicitation.

1. **Pre-Bid Conference**. Enterprise Services will host a Competitive Solicitation pre-bid conference at the time and location indicated in Section 1.1 of this Competitive Solicitation. Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the Competitive Solicitation as needed and raise any issues or concerns that bidders may have. If interpretations, specifications, or other changes to the Competitive Solicitation are required as a result of the conference, the Procurement Coordinator will post an amendment to this Competitive Solicitation to WEBS. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the Procurement Coordinator.
2. **Bid Format**. Bids must be complete, legible, signed and follow all instructions stated in the Competitive Solicitation and exhibits. Unless otherwise specified in writing by Enterprise Services, documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF.
3. **Bidder Communications Regarding this Competitive Solicitation**. During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator for this Competitive Solicitation. *See* Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to the Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding the Competitive Solicitation be binding.

* Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow Enterprise Services to consider and, if warranted, respond to the inquiry. If a bidder does not notify Enterprise Services of an issue, exception, addition, or omission, Enterprise Services may consider the matter waived by the bidder for protest purposes.
* If bidder inquiries result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.
* Unauthorized contact regarding this Competitive Solicitation with other state employees involved with the Competitive Solicitation may result in bidder disqualification.

1. **Pricing**. Bid prices must include all cost components needed for the delivery of the equipment as described in this Competitive Solicitation. *See* [*Exhibit C – Bid Price*](#ReqSubs). A bidder’s failure to identify all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.

* Inclusive Pricing: Bidders must identify and include all cost elements in their pricing. In the event that bidder is awarded a Master Contract, the total discount for the equipment shall be bidder’s discount as submitted. Except as provided in the Master Contract, there shall be no additional costs of any kind.
* Credit Cards (P-Cards): In the event that bidder is awarded a Master Contract, the total price for the equipment shall be the same regardless of whether purchasers make payment by cash, credit card, or electronic payment. Bidder shall bear, in full, any processing or surcharge fees associated with the use of credit cards or electronic payment.
* Vendor Management Fee: The resulting Master Contract from this Competitive Solicitation will include a Vendor Management Fee as specified in the Master Contract attached as [*Exhibit D – Master Contract*](#ReqSubs).

1. **Washington State Procurement Priorities & Preferences**. Enterprise Services will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation:

* None.

1. **Bidder Responsiveness**. Bidders must submit complete bids. A bidder’s failure to do so may result in a bid being deemed non-responsive and disqualified. Enterprise Services reserves the right to determine a bidders’ compliance with the requirements specified in this Competitive Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Competitive Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders.
2. **Bid Submittal Checklist – Required Bid Submittals**. This section identifies the bid submittals that must be provided to Enterprise Services to constitute a responsive bid. The submittals may be delivered as set forth below. Bids that do not include the submittals identified below may be rejected as nonresponsive. In addition, a bidder’s failure to complete any submittal as instructed may result in the bid being rejected. Bidders must identify any supplemental materials with the bidder’s name.

* Exhibit A-1 – Bidder’s Certification  
  This document is the Bidder’s Certification.  
  Complete the certification, attach it to the bid along with any exceptions, and submit it to Enterprise Services. Note: the Certification must be complete. Where there are choices, Bidder must check a box. The certification must be signed and submitted by a duly authorized representative for the Bidder.
* Exhibit A-2 – Bidder’s Profile  
  This document is required bidder information for Enterprise Services’ contract administration purposes.  
  Complete as instructed and submit with the bid to Enterprise Services.
* Exhibit B – Specifications  
  Bidder will need to confirm that they meet or exceed the detailed specifications addressed in [*Exhibit B – Specifications*](#ReqSubs).
* **Exhibit C – Bid Price**Bidder will need to complete the price worksheet templates as instructed in [*Exhibit C – Bid Price*](#ReqSubs).

1. **Submitting Bids**. Your electronic bid must be emailed to [DESCPRMEnvironProtec@des.wa.gov](mailto:DESCPRMEnvironProtec@des.wa.gov). Enterprise Services email boxes only can accept emails that total less than 30MB in size. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted.

# Section 4 – Bid Evaluation

This section identifies how Enterprise Service will evaluate Competitive Solicitation bids.

1. **Overview**. Enterprise Services will evaluate bids for this Competitive Solicitation as described below.

* Bidder responsiveness, specification, price factors and responsibility, will be evaluated based on the process described herein.
* Any bidder whose bid is determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.
* Enterprise Services reserves the right to: (1) Waive any informality; (2) Reject any or all bids, or portions thereof; (3) Accept any portion of the items bid unless the bidder stipulates all or nothing in their bid; (4) Cancel the Competitive Solicitation and re-solicit bids; and/or (5) Negotiate with the lowest responsive and responsible bidder(s) to determine if such bid can be improved.
* Enterprise Services will use the following process and evaluation criteria for an award of a Master Contract:
  + - ***Step 1: Responsiveness***.
    - ***Step 2: Specification Evaluation.***
    - ***Step 3: Bid Evaluation***.
    - ***Step 4: Responsibility Analysis***.
    - ***Step 5: Contract Negotiations***

1. **Responsiveness (Step 1)**. Enterprise Services will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that Enterprise Services will review each bid to determine whether the bid is complete – i.e., does the bid include each of the required bid submittals, are the submittals complete, signed, legible. Enterprise Services reserves the right – in its sole discretion – to determine whether a bid is responsive. Responsive bids will be evaluated as set forth herein.
2. **Specifications Evaluation (Step 2)**. Enterprise Services will evaluate each bid to ensure that each bidder’s product meets the specifications set forth in *Exhibit B*. Enterprise Services reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder (“ASB”). A bidder’s failure to provide requested information to Enterprise Services within ten (10) business days may result in disqualification.
3. **Bid Pricing Evaluation (Step 3).** Enterprise Services will evaluate the percentages bid to identify the highest percentage off the Manufacturer’s published Suggested Retail Price (MSRP), per manufacturer, by reviewing and comparing the submitted bid percentages provided in Exhibit C – Price Worksheet. Bidders may bid one or more regions, categories, and manufacturers. Enterprise Services will award award(s) shall be made to the bidder(s) offering the highest discount off list price per manufacturer, per category and region. Bidders may include additional discounts for attachments/accessories, repair parts/manuals, etc. appropriate to the scope of this Competitive Solicitation in Exhibit C – Price Worksheet. The additional discounts will not be evaluated and Enterprise Services reserves the right not to award these items.
4. **Responsibility Analysis (Step 4)**. For responsive bids, Enterprise Services will make reasonable inquiry to determine the responsibility of any bidder. Determination of responsibility will be made on a pass/fail basis. In determining responsibility, Enterprise Services will consider the following:
   * The ability, capacity, and skill of the bidder to perform the contract or provide the service required
   * The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
   * Whether the bidder can perform the contract within the time specified;
   * The quality of performance of previous contracts or services;
   * The previous and existing compliance by the bidder with laws relating to the contract or services;
   * Whether, within the three-year period immediately preceding the date of the Competitive Solicitation, the bidder has been determined by a final and binding citation and notice of assessment issued by the Washington State Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and
   * Such other information as may be secured having a bearing on the decision to award the Master Contract.

In addition, Enterprise Services may consider the following:

* Financial Information: Enterprise Services may request financial statements, credit ratings, references, record of past performance, clarification of bidder’s offer, on-site inspection of bidder's or subcontractor's facilities, or other information as necessary. Failure to respond to these requests may result in a bid being rejected as non-responsive.
* References: Enterprise Services reserves the right to use references to confirm satisfactory customer service, performance, satisfaction with equipment and/or services, knowledge of products/service/industry and timeliness. Any negative or unsatisfactory reference can be reason for rejecting a bidder as non-responsible.

1. **Contract Negotiations (Step 5)**. EnterpriseServices may negotiate with the highest scored responsive responsible bidder(s) (Top Bidder) to finalize the Master Contract and to determine if the bid may be improved. If, after a reasonable period of time, Enterprise Services, in its judgement, cannot reach agreement on acceptable Master Contract terms with the Top Bidder, Enterprise Services may suspend negotiations and undertake negotiations with the next bidder as determined by the evaluations.
2. **Announcement of Apparent Successful Bidder**. Enterprise Services will determine the Apparent Successful Bidder (“ASB”). The ASB will be the responsive and responsible bidder(s) that best meet(s) the Competitive Solicitation requirements and presents the best total value, including price, as calculated consistent with the instructions set forth in [*Exhibit C – Bid Price*](#Exhibit_C), and other factors as set forth in this Competitive Solicitation including any applicable state procurement priority or preference.

* Designation as an ASB does not imply that Enterprise Services will issue an award for a Master Contract to your firm. Rather, this designation allows Enterprise Services to perform further analysis and ask for additional documentation. The bidder must not construe this as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of this notification, it does so at its own risk and expense.
* Upon announcement of the ASB, bidders may request a debrief conference as specified in [*Exhibit E – Complaint, Debrief & Protest Requirements*](#Exhibit_E).

1. **Award of Master Contract**. Subject to protests, if any, Enterprise Services and the ASB will enter into a Master Contract as set forth in [*Exhibit D – Master Contract*](#ReqSubs). An award, in part or full, is made and a contract formed by signature of Enterprise Services and awarded bidder on the Master Contract. Enterprise Services reserves the right to award on an all-or-nothing consolidated basis. Following the award of the Master Contract, all bidders registered in WEBS will receive a Notice of Award delivered to the bidder’s email address provided in the bidder’s profile in WEBS.
2. **Bid Information Availability**. Upon Enterprise Services’ announcement of ASB, all bid submissions and all bid evaluations are subject to public disclosure pursuant to Washington’s Public Records Act. *See* RCW 39.26.030(2). Upon Enterprise Services’ announcement of ASB, Enterprise Services will post all bid evaluations to Enterprise Services’ website.
3. **Additional Awards**. Enterprise Services reserves the right, during the resulting Master Contract term, to make additional Master Contract awards to responsive, responsible bidders who provided a bid but who are not awarded a Master Contract. Such awards would be on the same or substantially similar terms and conditions and would be designed to address a Contractor vacancy (e.g., a contractor is terminated or goes out of business), respond to Purchaser needs, or be in the best interest of the State of Washington.

**Required Bid Submittals**

As part of a responsive, responsible bid, bidders must complete and return to Enterprise Services each of the exhibits set forth below:

**Exhibit A-1 – Bidder’s Certification**

|  |
| --- |
| Bidder must complete and submit via email one signed electronic copy of Exhibit A1 – Bidder’s Certification titled: ***99999\_A1\_CompanyName*** as a Microsoft Word or PDF. |
|  |

**Exhibit A-2 – Bidder’s Profile**

|  |
| --- |
| Bidder must complete and submit via email one electronic copy of Exhibit A2 – Bidder’s Profile titled: ***99999\_A2\_CompanyName*** as a Microsoft Word or PDF. |
|  |

**Exhibit B – Specifications**

|  |
| --- |
| Bidder must complete and submit via email one signed electronic copy of Exhibit B – Specifications titled: ***99999\_B\_CompanyName*** as a Microsoft Word or PDF following the instructions at the top of the form. |
|  |

**Exhibit C – Bid Price**

|  |
| --- |
| Bidder must complete and submit via email one electronic copy of Exhibit C – Bid Price titled: ***99999\_C\_CompanyName*** as a Microsoft Excel document following the instructions at the top of the form. |
|  |



**Exhibit D – Master Contract**

|  |
| --- |
| Exhibit D is a proposed master contract for your review. A final contract will be signed upon award. Bidder must submit any suggested changes in redline format. The exhibit should be titled: 03818\_D\_Company Name as a Microsoft Word document. |
|  |

**Exhibit E – Complaint, Debrief, & Protest Requirements**

This appendix details the applicable requirements for complaints, debriefs, and protests.

**Complaints**

This Competitive Solicitation offers a complaint period for bidders wishing to voice objections to this solicitation. The complaint period ends five (5) business days before the bid due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the Question & Answer Period or, if applicable, at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. Enterprise Services will consider all complaints but is not required to adopt a complaint, in part or in full. If bidder complaints result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.

* *Criteria for Complaint*: A formal complaint may be based only on one or more of the following grounds: (a) The solicitation unnecessarily restricts competition; (b) The solicitation evaluation or scoring process is unfair or flawed; or (c) The solicitation requirements are inadequate or insufficient to prepare a response.
* *Initiating A Complaint*: A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for bid submittal; and (b) Be in writing (see *Form and Substance, and Other* below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
* *Response*: When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for bid submittals, unless more time is needed. Enterprise Services is required to promptly post the response to a complaint on WEBS.
* *Response is Final*: The Procurement Coordinator’s response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to bid submittal may be deemed waived for protest purposes.

**Debrief Conferences**

A Debrief Conference is an opportunity for a bidder and the Procurement Coordinator to meet and discuss the bidder’s bid. A debrief is a required prerequisite for a bidder wishing to file a protest. Following the evaluation of the bids, Enterprise Services will issue an announcement of the ASB. That announcement may be made by any means, but Enterprise Services likely will use email to the bidder’s email address provided in the Bidder’s Profile. Bidders will have three (3) business days to request a Debrief Conference. Once a Debrief Conference is requested, Enterprise Services will offer the requesting bidder one meeting opportunity and notify the bidder of the Debrief Conference place, date, and time. Please note, because the debrief process must occur before making an award, Enterprise Services likely will schedule the Debrief Conference shortly after the announcement of the ASB and the bidder’s request for a Debrief Conference. Enterprise Services will not allow the debrief process to delay the award. Therefore, bidders should plan for contingencies and alternate representatives; bidders who are unwilling or unable to attend the Debrief Conference will lose the opportunity to protest.

* *Timing*: A Debrief Conference may be requested by a bidder following announcement of the Apparent Successful Bidder.
* *Purpose of Debrief Conference*: Any bidder who has submitted a timely bid response may request a Debrief Conference (see *Form and Substance, and Other* below). A Debrief Conference provides an opportunity for the bidder to meet with Enterprise Services to discuss its bid and evaluation.
* *Requesting a Debrief Conference*: The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the announcement of the Apparent Successful Bidder. Debrief conferences may be conducted either in person at the Enterprise Services offices in Olympia, Washington, or by telephone, as determined by Enterprise Services, and may be limited by Enterprise Services to a specified period of time. The failure of a bidder to request a debrief within the specified time and attend a debrief conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the procurement coordinator before or during the debrief conference may be deemed waived for protest purposes.

**Protests**

Following a Debrief Conference, a bidder may protest the award of the Master Contract.

* *Criteria for a Protest*: A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the Competitive Solicitation.
* *Initiating a Protest*: Any bidder may protest an award to the ASB. A protest must: (a) Be submitted to and received by the Procurement Coordinator, within five (5) business days after the protesting bidder’s Debriefing Conference (see *Form and Substance, and Other* below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.
* *Protest Response*: After reviewing the protest and available facts, Enterprise Services will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
* *Decision is Final*: The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept Enterprise Services’ protest response, the bidder may seek relief in Thurston County Superior Court.

**Communication During Complaints, Debriefs, and Protests**

All communications about this Competitive Solicitation, including complaints, debriefs, and protests, must be addressed to the Procurement Coordinator unless otherwise directed.

* *Form, Substance, & Other*: All complaints, requests for debrief, and protests must (a) Be in writing; (b) Be signed by the complaining or protesting bidder or an authorized agent, unless sent by email; (c) Be delivered within the time frame(s) outlined herein; (d) Identify the solicitation number; (e) Conspicuously state “Complaint,” “Debrief” or “Protest” in any subject line of any correspondence or email, and (f) Be sent to the address identified in the table below.
* *Complaints & Protests*: All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.

**How to contact Enterprise Services**

|  |  |
| --- | --- |
| **Complaint** | |
| **Email** | **Mail** |
| To the Procurement Coordinator listed in this Competitive Solicitation.  **Subject line** must include “Complaint” | (**Name** of Procurement Coordinator)  Contracts & Procurement  Department of Enterprise Services,  P. O. Box 41411  Olympia, WA 98504-1411 |
| **Debrief Conference** | |
| **Email** |  |
| To the Procurement Coordinator listed in this Competitive Solicitation.  **Subject line** must include “Debrief” |  |
| **Protest** | |
| **Email** | **Mail** |
| To the procurement coordinator listed in this Competitive Solicitation.  **Subject line** must include “Protest” | (**Name** of Procurement Coordinator)  Contracts & Procurement  Department of Enterprise Services  P. O. Box 41411  Olympia, WA 98504-1411 |

**Exhibit F– Doing Business with the State of Washington**

This exhibit provides information regarding how to contract with and do business with the State of Washington.

**Washington’s Public Records Act – Public Records Disclosure Requests**

All documents (written and electronic) submitted to Enterprise Services as part of this procurement are public records. Unless statutorily exempt from disclosure, such records are subject to disclosure ***if*** requested. *See* RCW chapter 42.56, Public Records Act.

Enterprise Services strongly discourages bidders from unnecessarily submitting sensitive information (e.g., information that you might categorize as ‘confidential,’ ‘proprietary,’ ‘sensitive,’ ‘trade secret,’ etc.).

* If, in your judgment, there is an applicable statutory exemption from disclosure for certain portions of your bid, please mark the precise portion(s) of the relevant page(s) of your bid that you believe are statutorily exempt from disclosure and identify the precise statutory basis for exemption from disclosure.
* In addition, if, in your judgment, certain portions of your bid are not statutorily exempt from disclosure but are sensitive because these particular portions of your bid (NOT including pricing) include highly confidential, proprietary, or trade secret information (or the equivalent) that your firm protects through the regular use of confidentiality or similar agreements and routine enforcements through court enforcement actions, please mark the precise portion(s) of the relevant page(s) of your bid that include such sensitive information.

In the event that Enterprise Services receives a public records disclosure request pertaining to information that you have submitted and marked either as (a) statutorily exempt from disclosure; or (b) sensitive, Enterprise Services, prior to disclosure, will do the following:

* Enterprise Services’ Public Records Officer will review any records marked as statutorily exempt from disclosure. In those situations, where the designation comports with the stated statutory exemption from disclosure, Enterprise Services will redact or withhold the document(s) as appropriate.
* For documents marked ‘sensitive’ or for documents where Enterprise Services either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, Enterprise Services will notify the bidder at the address provided in the bid submittal of the public records disclosure request and identify the date that Enterprise Services intends to release the document(s) (including documents marked ‘sensitive’ or exempt from disclosure) to the requester unless the bidder, at bidder’s sole expense, timely obtains a court order enjoining Enterprise Services from such disclosure. In the event Bidder fails to timely file a motion for a court order enjoining such disclosure, Enterprise Services will release the requested document(s) on the date specified. Bidder’s failure properly to identify exempted or sensitive information or timely respond after notice of request for public disclosure has been given shall be deemed a waiver by Bidder of any claim that such materials are exempt or protected from disclosure.

**Economic Goals**

In support of the state’s economic goals bidders are encouraged to consider the following in responding to this Competitive Solicitation:

* Support for a diverse supplier pool, including, veteran-owned, minority-owned and women-owned business enterprises. Results Washington has established the following voluntary numerical goals for this Competitive Solicitation:
  + - Ten (10) percent minority-owned businesses (MBE);
    - Six (6) percent women-owned businesses (WBE);
    - Five (5) percent veteran-owned businesses (VB).

Achievement of these goals is encouraged whether directly or through subcontractors. Bidders may contact the [Office of Minority and Women’s Business Enterprises](http://www.omwbe.wa.gov/) for information on certified firmsor to become certified.

* Veterans and U.S. active duty, reserve or National Guard service-members are eligible for the registry. The veteran or service-member must control and own at least fifty-one (51) percent of the business and the business must be legally operating in the State of Washington. Control means the authority or ability to direct, regulate or influence day-to-day operations.

**Resources**

* Register for competitive solicitation notices at the Washington Electronic Business Solution (WEBS) [WEBS Registration](http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx). Note: There is no cost to register on WEBS.
* If you qualify as a Washington small business, identify yourself in WEBS. Call WEBS Customer Service at 360-902-7400.
* Contact the Washington State Office of Minority and Women’s Business Enterprises about state and federal certification programs at Phone 866-208-1064 or [OMWBE](http://www.omwbe.wa.gov/).
* Contact the Washington State Department of Veterans’ Affairs about veteran-owned businesses certification at (360) 725-2169 or [DVA](http://www.dva.wa.gov/).
* Contact Enterprise Services about small and diverse business inclusion.