



**REQUEST FOR Proposal**  
**DOH26-012C**  
**PROJECT TITLE: Nursing Resource Center for**  
**Washington State**

<b>SOLICITATION SCHEDULE:</b>	<b>DATE</b>
<b>This Competitive Solicitation posted.</b>	February 9, 2026
Bidders must RSVP for the Pre-Bid Conference by 2:00 p.m. Pacific Time	February 20, 2026
<b>Virtual Pre-Bid Conference</b>	February 27, 2026
Bidders written questions due by 2:00 p.m. Pacific Time	March 11, 2026
DOH Responses to written questions.	March 18, 2026
Complaint Deadline	March 27, 2026
<b>Bid Due</b>	April 10, 2026
Evaluation Period (approximate time frame – includes optional Best and Final Offer period)	April 13 – 17, 2026
DOH Apparently Successful Bidder (ASB) Announcement via WEBS	April 18 - 30, 2026
Deadline for a request for Debriefing (must be within three (3) days of announcement of ASB. See Section F for details).	
If applicable, the protest period shall be five (5) business days after Bidder debrief. See section F for details.	
<b>Projected Contract Start Date</b>	July 1, 2026

All times shown above are Local Time in Olympia, WA.

The DOH reserves the right to revise the above schedule and solicitation. Any revisions will be made via amendment and posted to WEBS (Washington’s Electronic Business Solution).

All Bidders must register as a vendor on WEBS (Washington’s Electronic Business Solution) using an appropriate commodities code listed below and must download this Solicitation from WEBS.

**Vendors must rely solely on WEBS for all Solicitation documents.**

<b>APPLICABLE WEBS COMMODITY CODES:</b>	
In order to receive notifications of this opportunity, Bidders must be registered in the following WEBS commodity codes:	
948-65	Health Related Services – Nursing Home Services
948-64	Health Related Services - Nursing Services
952-68	Personal Care Services
948-74	Health Related Services - Professional Medical Services (Including Physicians, Pharmacists, and All Specialties)

The Solicitation Coordinator is the sole point of contact in the DOH for this solicitation. Upon release, all communications in regard to this solicitation shall be directed, via email, to the Solicitation Coordinator or their designee as follows:

Name	Brad Halstead
E-Mail Address	<a href="mailto:Bids@doh.wa.gov">Bids@doh.wa.gov</a>
<b>NOTE:</b> Include the Solicitation number in the email subject line on all correspondence.	

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**Attachments: (all are posted separately from this Solicitation Document)**

- Attachment A – Sample Bid Submission Letter and Bidders Profile
- Attachment B – Diverse Business Inclusion Plan
- Attachment C – Bidder’s Certification, Order 18-03 Certification, Bidder Certifications and Assurances
- Attachment D – Sample Contract
  - Attachment D-1 – General Terms and Conditions
  - Attachment D-2 – General Terms and Conditions Change Request Form
- Attachment E – Bidder’s Response Form
- Attachment F – Statement of Work

**SECTION A  
CONTRACT REQUIREMENTS**

**1. INTRODUCTION**

**Purpose and Background**

Purpose – The State of Washington Department of Health (hereafter referred to as “DOH”) is seeking qualified contractor(s) to provide services to ensure an adequate nursing workforce to meet the current and future health care needs of Washington. The nursing resource center contractor will provide quality services to address the following activities per RCW 18.79.202:

- (a) Maintain information on the current and projected supply and demand of nurses through the collection and analysis of data regarding the nursing workforce, including but not limited to education level, race and ethnicity, employment settings, nursing positions, reasons for leaving the nursing profession, and those leaving Washington state to practice elsewhere. This data collection and analysis must complement other state activities to produce data on the nursing workforce, and the central nursing resource center shall work collaboratively with other entities in the data collection to ensure coordination and avoid duplication of efforts;
- (b) Monitor and validate trends in the applicant pool for programs in nursing. The central nursing resource center must work with nursing leaders to identify approaches to address issues arising related to the trends identified, and collect information on other states' approaches to addressing these issues;
- (c) Facilitate partnerships between the nursing community and other health care providers, licensing authority, business and industry, consumers, legislators, and educators to achieve policy consensus, promote diversity within the profession, and enhance nursing career mobility and nursing leadership development;
- (d) Evaluate the effectiveness of nursing education and articulation among programs to increase access to nursing education and enhance career mobility, especially for populations that are underrepresented in the nursing profession;
- (e) Provide consultation, technical assistance, data, and information related to Washington state and national nursing resources;
- (f) Promote strategies to enhance patient safety and quality patient care including encouraging a safe and healthy workplace environment for nurses; and
- (g) Educate the public including students in K-12 about opportunities and careers in nursing.

**Nursing Resource Center Background** – Since 2005, the nursing resource center is partially funded by nursing license surcharge fees to conduct workforce research and coordinate with relevant nursing constituents.

**State Level Program Administration** – The Department of Health (DOH) manages the nursing resource contract. The Washington State Board of Nursing (WABON) oversees the quality of the contract deliverable submissions to ensure deliverables are sufficiently met to address the nursing workforce needs. Fund disbursement is contingent on reports describing the work performed, the

progress of each deliverable under the Scope of Work, and a summary of actual costs to complete the services/deliverables.

### **Project Scope**

**Scope Statement** – The nursing resource center should build and enable a healthy nursing workforce. Quantitative analysis of the nursing workforce is essential to best understand the direct care, educational needs, and overall workforce availability for routine and emergent patient care. Programmatic and strategic approaches to support entry into nursing and retention within the profession should demonstrate measurable impact. Focused work on the nursing workforce is essential to support patient care and development of the nursing workforce pipeline across Washington State.

**Vision** – Supported by an effective nursing resource center contractor partnership, DOH and the Washington State Board of Nursing strive to create a nursing workforce that is attuned and responsive to rapid changes brought about by ongoing changes to Federal and State healthcare environs and a refocusing on action-oriented approach that enhances measurable outcomes. This partnership is contingent on a contractor partnership that centers a transparency of processes, practical project and continuous quality management, integrity in resource management, clear and effective communication, a continual focus on achieving positive, collaborative experiences, and ultimately a net benefit for Washington nurses. Success of the nursing resource center will always be measured by improvements in the state of the Washington nursing workforce. This is our commitment to the public and the nurses we serve.

**Staffing** – 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 or approved by DOH.

### **BIDDER Minimum Qualifications**

All Bidders must meet the following minimum qualifications:

#### **Experience Requirements**

- a. Two years or equivalent experience conducting nursing workforce research reports.
- b. Three years or equivalent experience designing and implementing strategies to measurably improve healthcare workforce resources.
- c. Three years or equivalent experience coordinating nursing organizations and/or community groups regarding workforce challenges, including how this has responded to current workforce needs.
- d. Demonstrated success in strategic programming and evaluation.

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

#### **Bidder Preferred Qualifications**

- a. Qualitative and quantitative demonstration of project evolution over time demonstrating iterative assessment of a problem, interventions, measurement, evaluation, and next steps.
- b. Demonstrated success of outreach and communication to reach a variety of nursing and public audiences via multimedia, infographics, interactive web pages, etc.
- c. Demonstrated activities in responding to current healthcare or nursing workforce needs.

## **PERIOD OF CONTRACT PERFORMANCE**

DOH intends to award one Contract for the services described in this competitive solicitation. The initial period of performance under the Contract shall be Date of Execution through June 30, 2029. The term of the initial contract may be extended by amendment at the sole discretion of DOH - extensions shall be for up to a one-year period for up to five (5) additional years. Additional services that are appropriate to the scope of this Solicitation, as determined by DOH, may be added to the Contract via amendment.

## **FUNDING**

There is no minimum or maximum budget set at this time. Any Contract awarded is contingent upon the availability of funding. Funding is provided through a nursing licensure surcharge per RCW 18.79.202 (1):

*In addition to the licensing fee for registered nurses and licensed practical nurses licensed under this chapter and for nurses who hold a valid multistate license issued by the state of Washington under chapter **18.80** RCW, the department shall impose an additional surcharge of eight dollars per year on all initial licenses and renewal licenses for registered nurses and licensed practical nurses issued under this chapter. \*Advanced registered nurse practitioners are only required to pay the surcharge on their registered nurse licenses.*

All funding provided as a result of this competitive solicitation is at the discretion of DOH and the performance of the grantee to achieve the goals and objectives of the resulting grant.

## **WASHINGTON STATE SOLICITATION PRIORITIES & PREFERENCES.**

DOH will apply the following Washington State Solicitation priorities and preferences to this Competitive Solicitation which, as set forth in Section C.11, will impact the evaluation of bids for this Competitive Solicitation:

- a) Washington Small Business: **or** Certified Veteran Owned Business
- b) Executive Order 18-03

## SECTION B DEFINITIONS

Additional definitions for Contract-specific terms are found in the Sample Contract set forth as Attachment D 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:

**Agency or DOH**– The Washington State Department of Health.

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

**Apparent Successful Bidder (ASB)** – A Bidder submitting a Response to this Solicitation that is evaluated and is identified and announced by DOH 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.

**Attachment (s)** -Document(s) attached to this RFP, also referred to as Attachment(s).

**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.

**Board of Nursing** - The official regulatory authority responsible for licensing, regulating, and overseeing nurses and nursing practices in the state of Washington.

**Contract** – A written agreement entered into between a successful Bidder and DOH as a result of this Solicitation. This includes any reference to the term grant or grantee.

**Contractor**- The individual or entity performing services pursuant to the Contract that as a result of this competitive procurement and includes the Contractor’s owners, members, officers, directors, partners, employees, and/or agents, unless otherwise stated in this Contract. For purposes of any permitted Subcontract, “Contractor” includes any Subcontractor and its owners, members, officers, directors, partners, employees, and/or agents. This includes any reference to the term grant or grantee.

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

**Coordinator or Solicitation Coordinator** – An individual or designee who is employed by DOH within the DOH Contracts and Solicitations Office 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.

**Deliverable Acceptance** - Determination of acceptance criteria is the sole determination of WABON as the nursing workforce content expert. Acceptance each quarter will be based on 1) quantitative improvement (result, indicator, program, performance measure) or action steps to forward the objective per DOH's Results Based Accountability (RBA – see below) framework, 2) communication to external stakeholders during the quarter, 3) root cause of barriers, and 4) impact of the work during the

quarter. The performance scorecard and a brief narrative should be submitted each quarter, for each deliverable.

**Non-Profit Organization:** A corporation no part of the income of which is distributable to its members, directors, or officers and that holds a current tax-exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the requirement to apply for its tax-exempt status under 26 U.S.C. Sec. 501(c)(3).

**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, RFP/RFQ/RFQQ and Procurement are interchangeable.

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

**Protest** – A process that may be followed by a Bidder after the announcement of the apparent Successful Bidder to alert DOH 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.

**Results Based Accountability (RBA)** - A decision-making and action-planning framework adopted by Washington state Department of Health, used to improve complex social problems including a step-by-step process to identify the desired results and create a plan to achieve results.

**RFP** – The request for proposals, qualifications, quotations, or 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 DOH’ 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 DOH in contracting to meet its needs. This RF\* is a Solicitation.

**Solicitation Document** – This RFP document includes 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** – One not in the employment of Vendor, who is performing all or part of the business activities under this Contract under a separate contract with the Vendor. The term “Subcontractor” means Subcontractor(s) of any tier.

**Veteran-Owned Business** – A business that is certified by Department of Veteran’s Affairs to be at least fifty-one percent owned and controlled by (a) A veteran as defined in RCW 41.04.007; or (b) An active or reserve member in any branch of the armed forces of the United States, including the National Guard, Coast Guard, and Armed Forces Reserves.

**WEBS** – Washington’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 AND PROCESS

This section identifies important information for this Competitive Solicitation, where to direct questions regarding the Competitive Solicitation, the process for potential amendments or modifications to the Competitive Solicitation, and other resources to help you understand and respond to the Solicitation.

### 1. POSTING OF SOLICITATION DOCUMENTS

DOH will 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, DOH shall post a **notice** of solicitation document relating to this Solicitation on the Contracts and Procurement page on the DOH website, found at: [DOH's Contracts Page](#).

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 for the Bidder to receive notifications automatically generated on WEBS, but no later than the date set forth in the Solicitation Schedule for Announcement of the Apparent Successful Bidder(s).

### 2. WEBS REGISTRATION

The Department is required to post all bid opportunities on WEBS, the state's electronic vendor registration and bid notification system. If not currently registered, Bidders interested in obtaining notification of state bidding opportunities, including those for the Department, should register at: [WEBS](#)

There are step-by-step instructions to guide you through the process. If you have difficulties, questions about the registration process may be directed to [webscustomerservice@des.wa.gov](mailto:webscustomerservice@des.wa.gov) or (360) 902-7400, 8:00 AM to 5:00 PM, Monday – Friday.

The system is self-maintained, and Bidders are responsible for the accuracy of the information in WEBS for updating/maintaining registration information and checking with their assigned account administrators regarding notifications. In order to receive notifications, ***you must select "yes" for Bid notifications. If you do not download bid documents, you will not receive any subsequent notifications regarding this solicitation.***

To receive notifications of this opportunity, Bidders must be registered in the following WEBS commodity codes identified on page one (1) of the Solicitation.

Announcement of the Apparent Successful Bidder will be made via WEBS.

### 3. AMENDMENT, CANCELLATION/REJECTION OF BIDS, REISSUANCE OF SOLICITATION

DOH may amend or add to, retract from, or cancel this Solicitation at any time, in whole or in part, and without penalty. DOH may 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 communication 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, communication with the Coordinator should be sent via email. DOH may disqualify a Bidder who communicates with anyone in DOH other than the Coordinator regarding this Solicitation.

DOH considers all oral communications unofficial and non-binding on DOH. 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. In no event will oral communications regarding this Competitive Solicitation be binding.

## **5. PRE-BID CONFERENCE**

Bidders are invited to attend a Pre-Bid Conference, which shall be held virtually at the time set forth below. Attendance is not mandatory. The Pre-Bid Conference is an opportunity for bidders to learn more about the work under which the contract will be performed and to discuss the inclusion plan, especially when subcontracting opportunities may be part of the contract.

At the Pre-Bid Conference, Bidders will have an opportunity to ask questions and to hear presentations from knowledgeable DOH personnel. DOH will summarize the information shared at the Pre-Bid Conference and post that summary on **WEBS** as an Amendment to this Solicitation. Bidders may only rely upon information that is included in this Amendment in preparing their Responses.

Assistance for disabilities and Limited English Proficient individuals who wish to attend the pre-bid conference is available with prior arrangement by contacting the Solicitation Coordinator. The request must be submitted no later than Five (5) business days prior to the Pre-Bid Conference date as set forth in the Solicitation Schedule.

The Department of Health (DOH) invites you to attend the optional, Virtual Pre-Bid Conference which will be conducted on **February 27, 2026 at 10am**.

## **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 for submission of Questions. Questions should be sent via email and should include the number and title of this Solicitation in the subject line.

DOH may consolidate Bidder questions and shall respond by posting one or more Amendments on WEBS 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: WEBS will receive notification of Amendments and other correspondence pertaining to this Solicitation.

Verbal responses to questions will not be provided. Only written answers will be considered official and binding. Bidders will not be identified in answers.

## **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. 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. COMPLAINT PROCESS**

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 Solicitation Coordinator. The complaint shall include a proposed remedy and shall be submitted no later than five (5) business days prior to the date when Responses are due. DOH shall post its response to the Complaint in WEBS.

Should a Bidder's complaint identify a change that would be in the best interest of DOH to make, DOH may issue an Amendment modifying this Solicitation. The DOH 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.

## 9. WASHINGTON STATE SOLICITATION PRIORITIES & PREFERENCES

DOH will apply the following Washington State Solicitation priorities and preferences, as set forth below, to this Competitive Solicitation.

**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), DOH will evaluate bids for best value and will provide a bid preference in the amount of five **(5) points** to any Bidder who certifies, pursuant to **Attachment C - Bidder's Certification** 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.

**WASHINGTON SMALL BUSINESSES.** In furtherance of Washington's business inclusion goals DOH will evaluate bids for best value and will provide a bid preference in the amount of five **(5) points** to any Bidder who certifies, pursuant to **Attachment C - Bidder's Certification** that Bidder qualifies as a 'Washington Small Business' as set forth in DOH – Bidder's Certification.

**OR**

**CERTIFIED VETERAN-OWNED BUSINESSES.** In furtherance of Washington's business inclusion goals, DOH will evaluate bids for best value and will provide a bid preference in the amount of **(5) points** to any Bidder who certifies, pursuant to **Attachment C - Bidder's Certification**, that Bidder qualifies as a Washington Department of Veterans' Affairs Certified Veteran Owned Business.

## 10. DIVERSE BUSINESS INCLUSION PLAN

Applicants are required to submit a Diverse Business Inclusion Plan with their proposal. In accordance with legislative findings and policies set forth in RCW 39.19, the state of Washington encourages participation in all contracts by firms certified by the office of Minority and Women's Business Enterprises (OMWBE), set forth in RCW 43.60A.200 for firms certified by the Washington State Department of Veterans Affairs, and set forth in RCW 39.26.005 for firms that are Washington Small Businesses. Participation may be either on a direct basis or on a subcontractor basis. However, no preference on the basis of participation is included in the evaluation of Diverse Business Inclusion Plans submitted, and no minimum level of minority- and women-owned business enterprise (OMWBE), Washington Small Business, or Washington State certified Veteran Business participation is required as a condition for receiving an award. Any affirmative action requirements set forth in any federal governmental rules included or referenced in the contract documents will apply.

Inclusion goals are aspirational, no preference is given for inclusion plans or goals in the evaluation of bids. While no minimum level of OMWBE certified, Veteran-owned, or Washington Small Business participation will be required as a condition for receiving an award, the plan must include the actions the Contractor will take to increase subcontracting opportunities for those business types.

#### **11. SUBCONTRACTOR PARTICIPATION MONITORING AND REPORTING**

Once a contract is awarded through the solicitation or proposal process, the awarded Prime Contractor is obligated to complete the vendor registration in Access Equity. Access Equity is a secure online vendor management system. Confidential information (Tax ID, etc.) will not be published. Contractors can access the system at: <https://omwbe.diversitycompliance.com> 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 system. This requirement applies to both Prime Contractors and Subcontractors.

#### **12. AUXILIARY AIDS AND LIMITED ENGLISH PROFICIENT (LEP) SERVICES**

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

#### **13. COST TO PREPARE RESPONSE**

The DOH will not be liable for any costs incurred by the Bidder in preparation of a bid submitted in response to this Solicitation, in conduct of a presentation, or any other activities related to responding to this Solicitation.

#### **14. ACCEPTANCE OF SOLICITATION TERMS**

In submitting a Response, the Bidder must include a signed Bid Submission Letter in the form set forth in **Attachment A**, as well as signed Bidder Certifications in the form set forth in **Attachment C**. Bidder must acknowledge that in submitting a Response, it accepts all terms of this Solicitation Document, including all of its Attachments, 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.

#### **15. 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 DOH sole point of contact through the Solicitation 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 DOH for all performance under the contract.

After a Response has been submitted, Bidders may withdraw their Response at any time up to the Response due date and time as specified on 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. BID RESPONSIVENESS**

For responsive bids, DOH will make a reasonable inquiry to determine the responsibility of any Bidder, i.e., whether the Bidder is capable of fulfilling the contract. DOH will determine responsibility on a pass/fail basis. This can include reference checks, financial stability, and other evidence that the Bidder can meet performance requirements. All bids will be reviewed by the Solicitation Coordinator to determine "responsive" to administrative requirements and instructions specified in this Solicitation. The Bidder is specifically notified that failure to comply with any part of the Solicitation may result in rejection of the bid as non-responsive.

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

## **17. 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 on the 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.

## **18. OWNERSHIP OF RESPONSES**

All materials submitted in response to this Solicitation become the property of DOH, unless received after the deadline in which case the Response shall be returned to the sender. DOH 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.

## **19. MOST FAVORABLE TERMS/BEST AND FINAL OFFER**

After Responses are received and written evaluations are completed DOH reserves the right to make an award on the original bid submitted or, may (but shall not be required to), request a best and final offer from, from one or more Responsible and Responsive Bidders as defined by the DOH. The initial bid should be submitted on the most favorable terms which the Bidder can propose. The DOH reserves the right to contact a Bidder for clarification of its bid.

The Bidder 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 entire bid. It is understood that the bid will become a part of the official contract file on this matter without obligation to the DOH.

## **20. ORAL INTERVIEWS OR PRESENTATIONS**

After bids are received and written evaluations are completed, DOH may request that one or more Responsible and Responsive Bidders participate in an oral interview and/or presentation or demonstration. If this option is elected, additional points shall be awarded as set forth in Section E.3, Evaluation Criteria and Scoring of Responses.

## **21. ANNOUNCEMENT OF SUCCESSFUL BIDDER(S)**

DOH shall announce the Apparent Successful Bidder(s) on WEBS on the date indicated on the Solicitation Schedule. All announcements of Apparent Successful Bidders are subject to the negotiation of a Contract satisfactory to DOH.

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 DOH 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**.

## **22. 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.

## **23. NO OBLIGATION TO CONTRACT**

This Solicitation does not obligate the state of Washington or the DOH to contract for services specified herein. The DOH reserves the right at its sole discretion to reject any and all bids received without penalty and not to issue a contract as a result of this Solicitation.

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

Responses must be submitted electronically as an attachment to an e-mail to the Solicitation Coordinator, at the e-mail address listed on page 1 of this Solicitation. Attachments to e-mail shall be in Microsoft Word format or PDF. Failure to complete and submit all required Attachments, and to sign them, if applicable, may result in Bidder disqualification. Responses should be submitted with each section of the Response clearly labeled with and should include the number and title of this Solicitation in the subject line.

As a reminder, information provided in bid documents is subject to public disclosure per Section D-3 of this solicitation. Do not include information in your response that you do not want disclosed to the public.

**1. BIDDER INFORMATION Attachments (REQUIRED, NOT SCORED)**

All Bidders must submit their Responses utilizing the forms set forth on **Attachment A, Attachment B, Attachment C, and Attachment E** to this Solicitation Each Attachment represents a separate section of the Response. Failure to complete and submit all required Attachment s, and to sign them, if applicable, may result in Bidder disqualification.

**Attachment A- Bid Submission Letter and Bidders Profile (REQUIRED, NOT SCORED)**

This document is required Bidder information for contract administration purposes. Complete as instructed and submit it with the bid.

**Attachment B- Diverse Business Inclusion Plan (REQUIRED, NOT SCORED)**

DOH requires that bidder submit this inclusion plan template as part of their proposal. Once submitted, the Inclusion Plan template becomes part of the contract if awarded to the bidder. The Bidder shall also include an anticipated list of small and diverse subcontractors or vendors who may provide services on the project. Responses should reflect the Bidder's sincere efforts to include diverse small businesses. Businesses listed in the plan must be certified by OMWBE or DVA or registered in WEBS as a small business. If a company is not certified or registered but may be eligible for certification, the Bidder should encourage the company to become certified.

**Attachment C – Bidder's Certifications (REQUIRED, NOT SCORED)**

This document is the Bidder's Certification. Complete the certification, along with any exceptions or required explanations, and submit it with the bid.

*\*Note: The Certification must be complete. Where there are choices, the Bidder must check a box. The certification must be signed and submitted by a duly authorized representative for the Bidder.*

**Attachment E- Bidder's Response Form (REQUIRED, PORTIONS SCORED)**

DOH will evaluate each bid to ensure that each Bidder's goods(s) and/or service(s) meet the specifications and/or performance requirements set forth in **Attachment E– Bidder's Response**.

Bidders must provide answers to the questions set forth on the Bidder's Response Form to demonstrate satisfaction of 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 in Attachment D. The number of points allocated to each answer is indicated next to the question.

The **Attachment E – Bidder’s Response Form** is posted separately from this Solicitation document in Microsoft Word format. Except for limits that are noted on the *Bidder’s Response Attachment*, Bidders may utilize as much space as is reasonably required to respond to each question, provided all questions are unaltered and remain numbered and ordered as set forth in **Attachment E**. 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’s Response Attachment E**. Bidders should not assume that evaluators will be familiar with their businesses before conducting the evaluation.

Use of **Attachment E** 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 Bidder’s answers to questions other than the one being reviewed to locate text that is responsive to the question being reviewed. Failure to use the form set forth on **Attachment E** 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’s Response Attachment** may result in Bidder disqualification.

If Bidder is awarded a Contract, DOH may require that Bidder’s Response to **Attachment E** be incorporated, in whole or in part, into the Contract.

## **2. COST (REQUIRED - SCORED)**

Bidders are required to collect and pay Washington State taxes as applicable.

At the end of the Quotations Section in the **Bidder’s Response Attachment E**, bidder will show the total resources proposed for this bid. Funds associated with this work are established in RCW18.79.202. As such, the amount that will be granted in the resulting contract and will be determined by license fees collected and may vary in the end of year surplus amount. Quarterly disbursements are flat rates based on historic licensing volumes and are paid based on contract performance. Licensing volumes have been historically stable.

Response prices must include all cost components needed to provide the goods or services as described in this solicitation. All costs associated with the good or services must be incorporated into the price of the Bidder’s response. A Bidder’s failure to identify all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.

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

## **3. PROPRIETARY INFORMATION/PUBLIC DISCLOSURE**

Materials submitted in response to this Solicitation shall be deemed public records as defined by RCW 42.56. All Responses and accompanying documentation shall become the property of DOH upon receipt and will not be returned.

The Bidder's Response cannot include any confidential or proprietary information. **Bidders may not mark any part of their response as proprietary or confidential. Doing so will disqualify your Response from further consideration.** If DOH receives a request to view or copy a Bidder's Response, DOH will respond according to applicable law and DOH's policy governing public disclosure.

**4. BID FORMAT.**

Bids must be complete, legible, signed, and follow all instructions stated in the Competitive Solicitation (including the Attachment s). Unless otherwise specified in writing by DOH, documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF, (including attachments) 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. Where required to do so, Bidders may sign using either a physical or electronic signature.

**5. SUBMITTING BIDS.**

Bid Responses must be emailed directly to the Solicitation Coordinator at the email address provided on the cover sheet of this Solicitation Document. Bid Responses must be received by the Solicitation Coordinator in their entirety on or before the due date and time set forth on, **Solicitation Schedule**, unless a posted Amendment to this Competitive Solicitation revises the due date and time.

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

## SECTION E EVALUATION OF RESPONSES

This section identifies how DOH will evaluate Bid Responses for this Competitive Solicitation.

### **1. RESPONSE RESPONSIVENESS; ADMINISTRATIVE REVIEW**

All Responses will be reviewed by the Solicitation Coordinator to determine compliance with administrative and minimum qualification requirements and instructions specified in this Solicitation. DOH 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 D, 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 Solicitation Coordinator may contact any Bidder for clarification of the Response. If a Response is deemed non-responsive, it shall be removed from further consideration. DOH 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, DOH shall continue with the Written Evaluation and, if applicable, the Oral Interview/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.

DOH 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.

DOH 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 written response component of the Response, as applicable, based upon Bidder's responses to the questions set forth in Attachment E, Bidder Response Form. Additional evaluation points may be awarded for specific criteria not included in Attachment E, Bidder Response Form only if set forth in this Section.

The maximum number of points available for each Bidder is 250 – not including extra points for Washington state solicitation priorities & preferences. The maximum number of points that may be assigned with respect to specific questions is set forth on Attachment E, Bidder Proposal form. The overall breakdown for assignment of points in evaluating Proposals to this Solicitation is as follows:

STEP	ITEM	POINTS
1	Bid Responsiveness	Pass/Fail
	Responsibility	Pass/Fail
<b>Bid Evaluation</b>		
2	Response	
	Qualifications	100 points
	Technical	100 points
3	Cost (Quotation)Proposal	50 points
<b>Total:</b>		<b>250 points</b>
<b>State Procurement Priorities</b>		
4	Washington Small Business <b>OR</b> Certified Veteran-Owned Business	10 points
	Executive Order 18-03	10 points
<b>Total:</b>		<b>20 points</b>

#### 4. BIDDER RESPONSIVENESS/RESPONSIBILITY

DOH will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that DOH 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. DOH reserves the right – in its sole discretion – to determine whether a bid is responsive – i.e., to determine a Bidder’s 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 the quality, capability, 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. Responsive bids will be evaluated as set forth herein.

For responsive bids, DOH must determine whether the Bidder is a ‘responsible Bidder.’ In determining Bidder responsibility, DOH will consider the following statutory elements:

- (a) Bidder’s ability, capacity, and skill to perform the contract or provide the service required;
- (b) Bidder’s character, integrity, reputation, judgment, experience, and efficiency;
- (c) Bidder’s ability to perform the contract within the time specified;
- (d) Bidder’s performance quality pertaining to previous contracts or services;
- (e) Bidder’s compliance with laws relating to the contract or services;

- (f) Whether, within the three-year period immediately preceding the date of the Competitive Solicitation, 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
- (g) Such other information as may be secured having a bearing on the decision to award the Contract.

**See RCW 39.26.160(2)(a)-(g). In addition, DOH may consider the following:**

- (h) Financial Information: DOH may request financial statements, credit ratings, references, record of past performance, clarification of Bidder's bid, on-site inspection of Bidder's or subcontractor's facilities, or other information as necessary to determine Bidder's capacity to perform and the enforceability of Bidder's contractual commitments. Failure to respond to these requests may result in a bid being rejected as non-responsive.
- (i) References: DOH reserves the right to use references to confirm satisfactory customer service, performance, satisfaction with service/product, knowledge of products/service/industry and timeliness. Any negative or unsatisfactory reference can be the reason for rejecting a Bidder as non-responsible.

The qualifications section of the bid must contain information that will demonstrate to the evaluation committee the Bidder's understanding of the types of services proposed, the firm's ability to accomplish them, and the ability to meet tight timeframes.

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

## **5. WRITTEN BID EVALUATION PROCESS**

DOH 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 in the amount set forth in **Attachment E, Bidder Response Form** 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 POINTS TO WASHINGTON SMALL AND VETERAN-OWNED BUSINESSES**

In accordance with [DES Policy-090-06 Supplier Diversity](#), DOH shall consider awarding evaluation points to Certified Washington Veteran-owned and/or Washington Small Businesses.

DOH will evaluate bids for best value and provide a bid preference point in the amount set forth on **Attachment E, Bidder Response Form** to any Bidder who certifies that they are a Washington Small Business (as defined in (RCW 39.26.010(22)) or Certified Washington Veteran-owned Business (according to (RCW 43.60A.190)).

**7. 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 Violation-](#) dated June 12, 2018), DOH will evaluate bids for best value and provide a bid preference in the amount set forth on Attachment E, 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 DOH if they later require their employees to agree to these clauses or waivers during the term of the Contract.

**8. BIDDER'S REFERENCES**

Once the written evaluations are completed, DOH may contact the references provided by the top-ranked Bidder(s) in order to investigate past performance and validate information in Bidder Responses. In submitting a Response, Bidder agrees that it shall hold harmless DOH and any individuals identified as references from and against liability resulting from the provision of information or the receipt and use of that information in evaluating Bidder's Response.

While additional points may be awarded for superior performance and reliability as demonstrated through references (see Section E.3. above), references are generally evaluated on a pass/fail basis. DOH may reject a bid and consider a Bidder as non-responsible if a reference provides negative information about a Bidder's past performance.

DOH may, at any time, require additional or substitute references to determine the Bidder's experience and level of responsibility. If the reference check process reveals information that should properly be considered in evaluating Bidder's responses, DOH may, in its sole discretion, reconvene the evaluation panel to reconsider the evaluation scoring in light of the information obtained.

**9. SELECTION OF APPARENT SUCCESSFUL BIDDER**

The Bidder that receives the highest total number of possible points will be presented to the DOH program team 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 DOH. Selection of the Apparent Successful Bidder(s) depends upon DOH'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 DOH's needs. DOH 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. DOH may also consider a Bidder's 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. DOH 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 DOH and the State of Washington.

DOH 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 on the Solicitation Schedule. DOH may also notify the Apparent Successful Bidder(s) and the unsuccessful Bidder(s) of its determination via email or about the date and time specified on the Solicitation Schedule.

DOH' decision will be subject to the execution of a Contract satisfactory to DOH 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 D, Sample Contract, DOH shall have the option of negotiating with the next highest ranked Bidder and of revising the announcement of the Apparent Successful Bidder.

**SECTION F  
BIDDERS DEBRIEFING  
AND PROTEST PROCEDURE**

**1. DEBRIEFING CONFERENCE**

The request for a debriefing conference must be received by the Solicitation Coordinator within three (3) business days after the announcement of the apparent successful Bidder. The request should include a list of Bidder attendees including their titles. Debriefing will be conducted by telephone, or by electronic means, as determined by the Solicitation Coordinator. The failure of a Bidder to make a timely request and/or attend a debriefing conference shall constitute a waiver of the right to submit a protest.

Discussion will be limited to a critique of the requesting Bidder's bid. No comparisons between Bids will be allowed during the Debriefing Conference, which shall be conducted by telephone, and shall last for a maximum period of thirty (30) minutes.

**2. GROUNDS AND FILING OF PROTEST PROCESS**

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 an evaluator

Errors in computing the scores; or

Non-compliance with procedures described in the solicitation document or agency protest process or DES policy requirements.

Protests must be emailed to the Solicitation Coordinator and must be received no later than 5:00 p.m. (Pacific Time) on the fifth (5<sup>th</sup>) business day following the day of the Bidder's Debriefing Conference. The protest must be via email, include the solicitation number, be clearly labeled as "Protest", include a specific and complete statement of facts forming the basis of the protest, and include a description of the relief or corrective action requested.

**3. DOH PROTEST REVIEW PROCESS**

Upon receipt of a protest, the Solicitation Coordinator will immediately forward any Protest to the Director of Contracts and Procurement to assign to a designated Coordinator for review. This Coordinator, a neutral party who was not involved in the solicitation evaluation and award process. The Coordinator will review the protest and all available facts and issue a response within ten (10) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the estimated additional time needed to respond.

The final determination of the protest shall:

- Find the protest lacking in merit and uphold the DOH's action; or
- Find only technical or harmless errors in the DOH's acquisition process and determine the DOH to be in substantial compliance and reject the protest; or
- Find merit in the protest and provide the DOH options which may include:
  - Correct the errors and re-evaluate all bids, and/or

- Reissue the solicitation document and begin a new process, or
- Make other findings and determine other courses of action as appropriate.

If the DOH determines that the protest is without merit, the DOH will enter into a contract with the apparently successful Bidder. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

The protest decision is final and not subject to administrative appeal. If the protesting Bidder does not accept the DOH protest decision, the Bidder may seek relief from the Superior Court in Washington State.

**SECTION G**  
**CONTRACTING PROCEDURE**

**1. CONTRACT EXECUTION**

The Apparent Successful Bidder(s) is expected to sign a contract with DOH that is substantially the same as Attachment D and D-1, Sample Contract and General Terms and Conditions, included with this Solicitation, and to enter into any subsequent Contract amendments that may be required to address specific work or services.

DOH 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, DOH may consider, but shall be under no obligation to agree to, modifications to Attachments D and D-1, Sample Contract and General Terms and Conditions.

If the Apparent Successful Bidder fails or refuses to sign a Contract, DOH may elect to designate the next highest-ranked finalist as the Apparent Successful Bidder.

**2. INSURANCE**

The Apparent Successful Bidder shall provide evidence of its compliance with the insurance requirements included in Attachments D and D-1, Sample Contract and General Terms and Conditions.

**3. NON-ENDORSEMENT**

The award of a Contract is not an endorsement by the State or DOH 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 DOH in any literature, promotional materials, brochures, sales presentations, or the like without the prior written consent of DOH.

**4. 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.

**5. SUBCONTRACTOR / PROMPT PAYMENT & RETAINAGE**

The Apparent Successful Bidder (ASB) is required to pay each subcontractor for satisfactorily completed work performed under this prime Contract within thirty (30) days from the receipt of each payment the ASB receives from the Agency. ASB further agrees to return any retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed and any liens have been secured. Any delay or postponement of payment within this time period may occur only for a good cause following written approval of the Agency. In addition, the Agency will not pay the ASB for subcontractor work unless the ASB can show that a prompt payment method for subcontractors is established.

If the Contract that results from the Solicitation includes the use of a subcontractor(s), the above clause will be added to the Contract requiring prompt payment and retainage for subcontractor (s

**SOLICITATION ATTACHMENTS** (Order and content of Attachments may vary)

Attachment A - Sample Bid Submission Letter and Bidders Profile

Attachment B - Diverse Business Inclusion Plan

Attachment C - Contractors Certification, Order 18-03 Certification, Bidder Certifications and Assurances

Attachment D - Sample Contract

Attachment D-1 - General Terms and Conditions

Attachment D-2 - General Terms and Conditions Change Request Form

Attachment E – Bidder’s Response Form

Attachment F – Statement of Work