

**STATE OF WASHINGTON, OFFICE
OF THE SECRETARY OF STATE,
CORPORATIONS DIVISION**

REQUEST FOR PROPOSALS

RFP NO. 21-05

PROJECT TITLE: Nonprofit Corporations and Charities Training Program

PROPOSAL DUE DATE: May 28, 2021

EXPECTED TIME PERIOD FOR CONTRACT: July 1, 2021 to June 30, 2023

CONSULTANT ELIGIBILITY: This procurement is open to those consultants that satisfy the minimum qualifications stated herein and that are available for work in Washington State.

CONTENTS OF THE REQUEST FOR PROPOSALS

- 1. Introduction**
- 2. General Information for Consultants**
- 3. Proposal Contents**
- 4. Evaluation and Contract Award**
- 5. RFP Exhibits**
 - Exhibit A. Certifications and Assurances**
 - Exhibit B. Contract**
 - Exhibit C. General Terms and Conditions**
 - Exhibit D. Training Program Requirements**
 - Exhibit E. Contractor Certification for Executive Order 18-03- Workers' Rights**

TABLE OF CONTENTS

1. Introduction	1
1.1 Purpose and Background.....	1
1.2 Objective	1
1.3 Minimum Qualifications	1
1.4 Funding.....	1
1.5 Period of Performance	1
1.6 Definitions.....	1
1.7 Americans with Disabilities Act Compliance.....	2
2. General Information for Contractors.....	2
2.1 RFP Coordinator.....	2
2.2 Estimated Schedule of Procurement Activities.....	2
2.3 Submission of Proposals.....	2
2.4 Proprietary Information/Public Disclosure	3
2.5 Revisions to the RFP.....	3
2.6 Minority & Women-Owned Business Participation	3
2.7 Acceptance Period	4
2.8 Responsiveness.....	4
2.9 Most Favorable Terms	4
2.10 Contract and General Terms & Conditions	4
2.11 Costs to Propose.....	4
2.12 No Obligation to Contract.....	4
2.13 Rejection of Proposals	4
2.14 Commitment of Funds.....	4
2.15 Electronic Payment.....	5
2.16 Insurance Coverage	5
2.17 Evaluation Preference.....	5
3. Proposal Contents	5
3.1 Letter of Submittal	5
3.2 Technical Proposal.....	6
3.3 Management Proposal	6-7
3.4 Cost Proposal.....	8
4. Evaluation and Contract Award.....	8
4.1 Evaluation Procedure	8
4.2 Responsibility.....	8
4.3 Responsiveness.....	9
4.4 Evaluation Weighting and Scoring	9
4.5 Oral Presentations.....	9
4.6 Best and Final Offer.....	10
4.7 Notification to Contractors	10
4.8 Complaints	10
4.9 Debriefing	11
4.10 Protests.....	11-12
5. RFPE Exhibits.....	12

1. INTRODUCTION

1.1 PURPOSE AND BACKGROUND

The Washington State Office of the Secretary of State, Corporations and Charities Division (OSOS) is initiating this Request for Proposals (RFP) for the development and implementation of a comprehensive training program for nonprofit organizations and charities. OSOS records show there are more than 53,500 registered nonprofit corporations, and approximately 12,000 registered charities (98% of which are nonprofit corporations) in the state. It is likely that more nonprofits should be registered as charities, but do not know about the registration requirement.

1.2 OBJECTIVE

OSOS is seeking a Contractor with the resources and expertise to develop and provide a training program for nonprofit corporations and charities over the next biennium, and collaborate with OSOS on curriculum for future educational needs.

1.3 MINIMUM QUALIFICATIONS

The Contractor must be licensed to do business in the State of Washington. The Contractor must be registered to do business with the State and have a current Unified Business Identifier (UBI) number. Failure to be registered with a valid UBI number when responding to the RFP will cause the submission to be nonresponsive and rejected. The Contractor must have at least two years' experience in developing and providing training seminars, with the ability to address the needs of nonprofits, both large and small, across Washington State.

1.4 FUNDING

OSOS has budgeted an amount not to exceed \$900,000. Any contract awarded as a result of this procurement is contingent upon the availability of funding.

1.5 PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this RFP is expected to begin on or about July 1, 2021, and end no later than June 30, 2023.

1.6 DEFINITIONS

Definitions for the purposes of this RFP include:

Apparent Successful Contractor – the Contractor identified by OSOS, after evaluation of Proposals, who is recommended for contract award.

Contractor – the individual or company submitting a Proposal in order to attain a contract with OSOS.

OSOS – The Office of the Secretary of State, the agency of the state of Washington that is issuing this RFP.

Proposal – A formal offer submitted in response to this solicitation.

RFP – This Request for Proposals.

WEBS – Washington's Electronic Business Solution, an online vendor registration and bid notification system.

1.7 ADA COMPLIANCE

OSOS complies with the Americans with Disabilities Act. Contractors may contact the RFP Coordinator to receive this Request for Proposals in Braille or on tape.

2. GENERAL INFORMATION FOR CONTRACTORS

2.1 RFP COORDINATOR

The RFP Coordinator is the sole point of contact in OSOS for this procurement. All communication between Contractors and OSOS upon receipt of this RFP shall be with the RFP Coordinator, as follows:

Name	Jim Webster
Address	PO Box 40224
City, State, Zip Code	Olympia, WA 98504-0224
Phone Number	360-704-5267
Fax Number	360-704-7830
e-Mail Address	Jim.webster@sos.wa.gov

Any other communication will be considered unofficial and non-binding on OSOS. Contractors are to rely on written statements issued by the RFP Coordinator. Communication directed to parties other than the RFP Coordinator may result in disqualification of the Contractor.

2.2 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

Issue RFP	April 19, 2021
Question and answer period	Apr.19-May 4, 2021
Last date for questions regarding RFP	May 4, 2021
Place complete list of Q&As on WEBS and OSOS web site	May 7, 2021
Last amendment to RFP	May 19, 2021
Last day for complaint	May 21, 2021
Proposals due	May 28, 2021
Evaluate proposals	May 31-June 11, 2021
Conduct oral interviews with finalists, if required	June 14-June 18, 2021
Announce apparent successful contractor and send notification via e-mail to unsuccessful contractors	June 23, 2021
Hold debriefing conferences	See section 4.10
Protest	See section 4.10
Negotiate contract	June 24-June 30, 2021
Begin contract work	July 1, 2021

OSOS reserves the right to revise the above schedule.

2.3 SUBMISSION OF PROPOSALS

Contractors must submit an electronic copy of their Proposal to the RFP Coordinator at the e-mail address noted in Section 2.1. Attachments to the e-mail may be in Microsoft Word or PDF format.

Proposals must be received by OSOS no later than 4:00 p.m., Pacific Time, on May 28, 2021.

Late Proposals will not be accepted and will be automatically disqualified from further consideration. All Proposals and any accompanying documentation become the property of OSOS.

Proposals must respond to all of the RFP requirements. Do not respond by referencing material presented elsewhere. The e-mailed Proposal must be complete and stand on its own merits. Failure to

respond to any portions may result in rejection of the Proposal as non-responsive.

Include Contractor's contact information for this RFP with name, title, email, and telephone number.

2.4 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

Materials submitted in response to this competitive procurement shall become the property of OSOS.

All Proposals received shall remain confidential until the contract, if any, resulting from this RFP is executed; thereafter, the Proposals shall be deemed public records as defined under the Public Records Act, Chapter 42.56 RCW.

Any information in the Proposal that a Contractor desires to claim as proprietary and exempt from disclosure under the provisions of RCW 42.56.270 must be clearly designated. The page, and the particular exception from disclosure upon which the Contractor is making the claim, must be identified. Each page claimed to be exempt from disclosure must be clearly identified by the word "Confidential" printed on the lower right hand corner of the page.

OSOS will consider a Contractor's request for exemption from disclosure; however, OSOS will make a decision predicated upon chapter 42.56 RCW and chapter 143-06 of the Washington Administrative Code. Marking the entire Proposal exempt from disclosure will not be honored. The Contractor must be reasonable in designating information as confidential. If any information is marked as proprietary in the Proposal, such information will not be made available until the affected Contractor has been given an opportunity to seek a court injunction against the requested disclosure.

A charge will be made for copying and shipping, as outlined in RCW 42.56.120 or OSOS's rules and statutes. No fee shall be charged for inspection of contract files, but twenty-four (24) hours' notice to the RFP Coordinator is required. All requests for information should be directed to the RFP Coordinator.

2.5 REVISIONS TO THE RFP

In the event it becomes necessary to revise any part of this RFP, addenda will be published on WEBS and the OSOS website: <http://www.sos.wa.gov/office/procurements.aspx>. For this purpose, any pertinent information and answers to substantive questions by potential Contractors shall be considered an addendum to the RFP and also placed in WEBS and the OSOS website. OSOS also reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a contract.

2.6 SMALL, MINORITY-OWNED, WOMEN-OWNED, AND VETERAN OWNED-BUSINESS PARTICIPATION

The state of Washington encourages participation in all of its contracts by Washington small businesses, minority-owned and women-owned businesses, and veteran-owned businesses. Participation may be either on a direct basis in response to this solicitation or on a subcontractor basis.

Per RCW 39.26.010(22), a "small business" is an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that: (1) certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either fifty (50) or fewer employees or a gross revenue of less than seven million dollars annually; or (2) is certified by the Office of Minority and Women's Business Enterprises (OMWBE).

Contractors that are women-owned or minority-owned as described in RCW 39.19 and have not been certified with OMWBE are encouraged to do so. Contractors may contact OMWBE at (360) 664-9750 or technicalassistance@omwbe.wa.gov to obtain information regarding certification and certified firms. Contractors that are veteran-owned and have not been certified with the Washington Department of Veterans Affairs (WDVA) are encouraged to do so. Contractors may contact WDVA at (360) 725-2169 or vob@dva.wa.gov to obtain information regarding certification and certified firms.

No preference will be included in the evaluation of bids for small, minority-owned, women-owned or veteran-owned businesses, no minimum level of small, minority-owned, women-owned or veteran-owned business participation will be required as a condition for receiving an award, and bids will not be evaluated, rejected or considered non-responsive on that basis. However, any affirmative action

requirements set forth in federal statutes or regulations included or referenced in the contract documents will apply.

2.7 ACCEPTANCE PERIOD

Proposals must provide 60 days for acceptance by OSOS from the later of the due date for receipt of Proposals or receipt of best and final offers (if utilized). Contractor agrees that during the acceptance period it may not modify, withdraw or cancel its Proposal.

2.8 RESPONSIVENESS

All Proposals will be reviewed by the RFP Coordinator to determine compliance with administrative requirements and instructions specified in this RFP. The Contractor is specifically notified that failure to comply with any part of the RFP may result in rejection of the Proposal as non-responsive.

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

2.9 MOST FAVORABLE TERMS

OSOS reserves the right to make an award without further discussion of the Proposal submitted. Therefore, the Proposal should be submitted initially on the most favorable terms which the Contractor can propose. OSOS reserves the right to contact a Contractor for clarification of its Proposal. OSOS also reserves the right to enact a best and final offer (BAFO) process. If so enacted the procedure is described in Section 4.

The Contractor should be prepared to accept this RFP, all addenda to this RFP, all clarifying responses and a best and final offer, as applicable, for incorporation into a contract resulting from this RFP. Contract negotiations may incorporate some or all of the Contractor's Proposal. It is understood that the Proposal will become a part of the official procurement file on this matter without obligation to OSOS.

2.10 CONTRACT AND GENERAL TERMS & CONDITIONS

The Apparent Successful Contractor will be expected to enter into a contract which is substantially the same as the sample contract and general terms and conditions attached to this RFP as Exhibits B and C. In no event is a Contractor to submit its own standard contract terms and conditions in response to this RFP. The Contractor may submit exceptions as allowed in the Certifications and Assurances section, Exhibit A to this solicitation. OSOS will review requested exceptions and accept or reject the same at its sole discretion.

2.11 COSTS TO PROPOSE

OSOS will not be liable for any costs incurred by the Contractor in relation to its Proposal, presentation, or any other activities related to responding to this RFP.

2.12 NO OBLIGATION TO CONTRACT

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

2.13 REJECTION OF PROPOSALS

OSOS reserves the right at its sole discretion, to reject any and all Proposals received.

2.14 COMMITMENT OF FUNDS

The Secretary of State or their delegate(s) are the only individuals who may legally commit OSOS to the expenditures of funds for a contract resulting from this RFP. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

2.15 ELECTRONIC PAYMENT

The state of Washington prefers to utilize electronic payment in its transactions. The Apparent Successful Contractor will be provided a form to complete with the contract to authorize such payment method.

2.16 INSURANCE AND WORKERS' COMPENSATION COVERAGE

Should a contract be awarded pursuant to this RFP, the Contractor will be required to provide insurance coverage as described in Exhibit B to this RFP. The Contractor must also comply with all applicable workers' compensation, occupational disease, and occupational health and safety laws, statutes, and regulations.

2.17 EVALUATION PREFERENCE

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), OSOS will evaluate bids for best value and provide a bid preference in the amount of 5% of the available proposal points to any bidder who certifies, pursuant to the certification attached as Exhibit E – *Contractor Certification for Executive Order 18-03 – Workers' Rights*, that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waiver.

3. PROPOSAL CONTENTS

Proposals must include the following four sections:

1. Letter of Submittal (including signed Certifications and Assurances).
2. Technical Proposal.
3. Management Proposal.
4. Cost Proposal.

Proposals must provide information in the same order as presented in this RFP, and with the same headings. This will not only be helpful to the evaluators of the Proposal, but should assist the Contractor in preparing a thorough response.

Items in this RFP identified as "mandatory" must be included as part of the Proposal for the Proposal to be considered responsive; however, these items are not scored. Items marked "scored" are those that are awarded points as part of the evaluation conducted by the evaluation team.

3.1 LETTER OF SUBMITTAL (MANDATORY)

The Letter of Submittal and the attached Certifications and Assurances form (Exhibit A to this RFP) must be signed and dated by a person authorized to legally bind the Contractor to a contractual relationship, e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship.) Along with introductory remarks, the Letter of Submittal is to include by attachment the following information about the Contractor and any proposed subcontractors:

1. Name, address, principal place of business, telephone number, and fax number/e-mail address of legal entity or individual with whom contract would be written;
2. Name, address, and telephone number of each principal officer (President, Vice President, Treasurer, Chairperson of the Board of Directors, etc.);
3. Legal status of the Contractor (sole proprietorship, partnership, corporation, etc.) and the year the entity was organized to do business as the entity now substantially exists;
4. Federal Employer Tax Identification number or Social Security number and the Washington Uniform Business Identification (UBI) number issued by the state of Washington Department of Revenue;
5. Location of the facility from which the Contractor would operate; and
6. Identify any State employees or former State employees employed or on the firm's governing board as of the date of the Proposal. Include their position and responsibilities within the

Contractor's organization. If following a review of this information, it is determined by OSOS that a conflict of interest exists, the Contractor may be disqualified from further consideration for the award of a contract.

3.2 TECHNICAL PROPOSAL (SCORED)

The Technical Proposal must contain a comprehensive description of services including the following elements:

- A. **Project Approach/Methodology** – Include a complete description of the Contractor's proposed approach and methodology for the project. This should convey Contractor's understanding of the proposed project. Contractor will develop, organize, and implement a curriculum for educational seminars, workshops and/or conferences to improve the operations of nonprofits and charities across the state of Washington.
- B. **Work Plan** – Include all project requirements and the proposed tasks, services, and activities necessary to accomplish the scope of the project defined in this RFP. This portion of the Proposal must contain sufficient detail to convey the Contractor's skills and knowledge of subjects necessary to successfully complete the project. Include any required involvement of OSOS staff. The Contractor may also present any creative approaches that might be appropriate and may provide any pertinent supporting documentation. Contractors must have knowledge of Washington State laws and regulations regarding the operation of nonprofit corporations and charities, including internal operations and external compliance requirements. Contractor will develop and implement a program using the criteria described in Exhibit D to this RFP.
- C. **Deliverables** – Provide a detailed description of all proposed deliverables, using specified curriculum topics and other criteria identified in Exhibit D to the RFP.
- D. **Project Schedule** – Include a project schedule showing when each deliverable would be provided. This project is expected to last from the date of the contract execution through June 30, 2023.
- E. **Outcomes and Performance Measurement** – Describe the impacts/outcomes the Contractor proposes to achieve through the deliverables. Include a description of how these outcomes would be monitored, measured, and reported to OSOS. OSOS will require outcomes be reported at least annually.

3.3 MANAGEMENT PROPOSAL

A. Project Management (SCORED)

- 1. **Project Team Structure/Internal Controls** - Provide a description of the proposed project team structure and internal controls to be used during the course of the project, including any subcontractors. Provide an organizational chart of your firm indicating lines of authority for personnel involved in performance of this potential contract and relationships of this staff to other programs or functions of the firm. This chart must also show lines of authority to the next senior level of management. Include who within the firm will have prime responsibility and final authority for the work.
- 2. **Staff Qualifications/Experience** – Identify staff, including subcontractors, who will be assigned to the potential contract, indicating the responsibilities and qualifications of such personnel, and include the amount of time each will be assigned to the project. Provide resumes for the named staff, which include information on the individual's particular skills related to this project, education, experience, significant accomplishments and any other pertinent information. The Contractor must commit that staff identified in its proposal will actually perform the assigned work. Any staff substitution must have the prior approval of OSOS.

B. Experience of the Contractor (SCORED)

1. The Contractor must have a minimum of two years' experience in the following areas, and must also be able to demonstrate their knowledge and/or provide references regarding their experience in these areas:
 - a. Curriculum development;
 - b. Use of media including, but not limited to, print, web pages and web video;
 - c. Fiduciary and legal obligations of nonprofit corporations;
 - d. Best practices for nonprofit corporations, including those that are also charities soliciting from the public; and
 - e. Washington State compliance requirements for nonprofit corporations, including those issued, administered and/or regulated by the Office of the Secretary of State and the Departments of Revenue, Labor and Industry, and Employment Security.
2. Indicate other relevant experience that indicates the qualifications of the Contractor, and any subcontractors, for the performance of the potential contract. Other relevant experience would be conducting similar trainings or working with other state agencies in a similar manner.
3. Include a list of contracts the Contractor has had during the last five years that relate to the Contractor's ability to perform the services needed under this RFP. List contract reference numbers, contract period of performance, contact persons, telephone numbers, and fax numbers/e-mail addresses.

C. References (SCORED)

List names, addresses, telephone numbers, and fax numbers/e-mail addresses of three business references for whom work has been accomplished and briefly describe the type of service provided. The Contractor must grant permission to OSOS to contact the references. Do not include current OSOS staff as references. References will be contacted for the top-scoring Proposal(s) only.

D. Related Information (MANDATORY)

1. If the Contractor or any subcontractor contracted with the state of Washington during the past 24 months, indicate the name of the agency, the contract number and project description and/or other information available to identify the contract.
2. If the Contractor's staff or subcontractor's staff was an employee of the state of Washington during the past 24 months, or is currently a Washington state employee, identify the individual by name, OSOS division previously or currently employed by, job title or position held and separation date.
3. If the Contractor has had a contract terminated for default in the last five years, describe such incident. Termination for default is defined as notice to stop performance due to the Contractor's non-performance or poor performance, and the issue of performance was either (a) not litigated due to inaction on the part of the Contractor, or (b) litigated and such litigation determined that the Contractor was in default.
4. Submit full details of the terms for default including the other party's name, address, and phone number. Present the Contractor's position on the matter. OSOS will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience. If no such termination for default has been experienced by the Contractor in the past five years, so indicate.

E. OMWBE Certification (Optional)

Include proof of certification issued by the Washington State Office of Minority and Women-Owned Business if certified minority-owned firm(s) and/or women-owned firm(s) will be participating on this project.

3.4 COST PROPOSAL

The fee for this contract cannot exceed Nine Hundred Thousand and no/100 Dollars (\$900,000) for the biennium period specified herein - July 1, 2021 to June 30, 2023. Any Proposal containing a fee in excess of this amount will be rejected as non-responsive to this RFP.

The evaluation process is designed to award this procurement not necessarily to the Contractor of least cost, but rather to the Contractor whose Proposal best meets the requirements of this RFP. However, Contractors are encouraged to submit Proposals which are consistent with State government efforts to conserve state resources.

A. Identification of Costs (SCORED)

Costs are to be identified per deliverable. The Contractor's Cost Proposal should be a listing of costs per prescribed deliverable. Each deliverable will be billable upon acceptance by OSOS and will be billable at the amount of the cost proposal for the given deliverable.

Identify all costs including expenses to be charged for performing the services necessary to accomplish the objectives of the contract. The Contractor is to submit a fully detailed budget including staff costs and any expenses necessary to accomplish the tasks and to produce the deliverables under the contract. Contractors are required to collect and pay Washington State sales tax, if applicable.

Costs for subcontractors are to be broken out separately. Please note if any subcontractors are certified by the Office of Minority and Women's Business Enterprises.

B. Computation

The score for the cost proposal will be computed by dividing the lowest cost bid received by the Contractor's total cost. Then the resultant number will be multiplied by the maximum possible points for the cost section.

4. EVALUATION AND CONTRACT AWARD

4.1 EVALUATION PROCEDURE

Proposals will be evaluated strictly in accordance with the requirements stated in this solicitation and any addenda issued. The evaluation of Proposals shall be accomplished by an evaluation team, to be designated by OSOS, which will determine the ranking of the Proposals. Both the Contractors' responsibility and the responsiveness of their Proposals to this solicitation will be evaluated. In scoring against stated criteria, the evaluation team may consider such factors as accepted industry standards and a comparative evaluation of other Proposals in terms of differing price and quality. These scores will be used to determine the most advantageous Proposal to OSOS.

After receipt of Proposals and prior to the recommendation of an award, OSOS, at its sole discretion, may initiate discussions with one or more Contractors for clarification, and/or select the top-scoring Contractors as finalists for an oral presentation, and/or initiate a best and final offer process.

4.2 RESPONSIBILITY

In determining whether a Contractor is responsible, OSOS will consider (1) the Contractor's ability, capacity, and skill to perform the contract; (2) The Contractor's character, integrity, reputation, judgment, experience, and efficiency; (3) Whether the Contractor can perform the contract within the time specified; (4) the quality of Contractor's performance of previous contracts; (5) The previous and existing compliance by the Contractor with laws relating to the contract; (6) Whether, within the three-year period immediately preceding the date of this RFP, the Contractor has been determined by a final and binding citation and notice of assessment issued by the Washington 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 RCW Chapter 49.46, 49.48, or 49.52; and (7) Such other information as may be secured having a bearing on the decision to award the contract.

4.3 RESPONSIVENESS

OSOS will initially classify all Proposals as either "responsive" or "nonresponsive". OSOS may deem a Proposal nonresponsive if: (1) any of the required information is not provided; (2) the submitted price is found to be excessive or inadequate as measured by the RFP criteria; or (3) the Proposal does not meet RFP requirements and specifications. OSOS may find any Proposal to be nonresponsive at any time during the procurement process. If OSOS deems a Proposal nonresponsive, it will not be considered further. The RFP Coordinator will notify the Contractor by email.

4.4 EVALUATION WEIGHTING AND SCORING

The following weighting and points will be assigned to the Proposal for evaluation purposes:

Technical Proposal – 35%	70 points
Project Approach/Methodology	15 points (maximum)
Quality of Work Plan	35 points (maximum)
Project Schedule	10 points (maximum)
Project Deliverables	10 points (maximum)
Management Proposal – 30%	60 points
Project Team Structure/ Internal Controls	15 points (maximum)
Staff Qualifications/Experience	15 points (maximum)
Experience of the Contractor	30 points (maximum)
Cost Proposal – 35%	70 points
Executive Order 18-03 Evaluation Preference – 5%	10 points
Sub-Total	210 points
References [top-scoring proposer(s) only]	10 points
GRAND TOTAL	210 POINTS

References will be contacted for the top-scoring Contractor(s) only, based on the written Proposal. References will then be scored and included in the Grand Total.

4.5 ORAL PRESENTATIONS

Written submissions and oral presentations if necessary, will be utilized to select the winning Proposal. OSOS, at its sole discretion, may select top scoring finalists from the written evaluation for an oral presentation. OSOS will contact the top-scoring firm(s) regarding scheduling any such presentation. Commitments made by Contractors during the oral presentation, if any, will be considered binding. The score from the oral presentation will be considered independently and will help determine the Apparent Successful Contractor.

4.6 BEST AND FINAL OFFER (BAFO).

Contractors are encouraged to submit their most competitive offer, but there is a potential for a best-and-final offer (BAFO) process. This section defines that process.

OSOS reserves the right, any point during the evaluation of Proposals, to notify all remaining responsive and responsible Contractors that OSOS will require them to submit BAFOs. Contractors will not be allowed to make material changes to their Proposals unless they receive a request for a BAFO from OSOS.

The notice will be in writing and will set a specific time and date certain by which the Contractor must submit the BAFO to OSOS. The BAFO notice may set additional conditions and requirements for its submission. The notice will advise Contractors that the BAFO shall be in writing and that following the closing date for submission, OSOS intends to select the highest scoring responsive and responsible Contractor for award. Prior to the closing date for the submission of BAFOs, OSOS may, at its discretion, engage in discussion with any or all remaining Contractors regarding how they can make their Proposals more responsive to the selection criteria in the RFP. All Contractors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of Proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining BAFOs. In conducting discussions, there shall be no disclosure of any pricing information or other content derived from Proposals submitted by competing Contractors.

For purposes of the BAFO, Contractors may make such changes to their original Proposals as they believe appropriate to enhance their potential for selection and award under the selection criteria set forth in the RFP and the BAFO notice. Changes to the original Proposal must be clearly identified in the re-submitted Proposal using the Track Changes function in Microsoft Word.

Evaluation of BAFOs and selection of the Apparent Successful Contractor will be based upon the evaluation criteria set out in the RFP. Terms proposed as part of a BAFO must be substantially in accordance with the terms requested in this RFP and may not materially alter the requirements of the RFP. Contractors may be requested to make an oral presentation regarding their BAFO. The evaluation team may accept or reject any information submitted in a BAFO.

Contractors are not required to submit a BAFO and may submit a written response stating that their original Proposal remains as originally submitted. If a BAFO process is initiated, all Contractors that submitted a Proposal will be eligible for a debriefing conference.

At the conclusion of negotiations with the Apparent Successful Contractor, OSOS will require that the Contractor submit a signed contract as a BAFO pending acceptance.

4.7 NOTIFICATION TO CONTRACTORS

Contractors not selected for further negotiation or award will be notified via e-mail.

4.8 COMPLAINTS

A vendor may file a complaint concerning this solicitation after any applicable question and answer period has ended, up until five (5) business days before the bid response deadline. The complaint may be based on any of the following:

- The solicitation unnecessarily restricts competition
- The solicitation evaluation or scoring process is unfair or flawed
- The solicitation requirements are inadequate or insufficient to prepare a response

Complaints must be in writing and sent to the RFP Coordinator. They should clearly articulate the basis for the complaint and should include a proposed remedy.

The RFP Coordinator will respond to all complaints in writing, and will post the response, including any

changes to the solicitation, on Washington's Electronic Business Solution (WEBS). The RFP Coordinator's response to a vendor's complaint is final and no appeal is available. The complaint may not be raised again during the protest period.

4.9 DEBRIEFING

Upon request, a debriefing conference will be scheduled with an unsuccessful bidder after the announcement of the Apparent Successful Contractor. The request must be received by the RFP Coordinator within three (3) business days after the bidder is notified that their bid was unsuccessful. The debriefing must be held within three (3) business days of the request.

Discussion will be limited to a critique of the unsuccessful bidder's proposal. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one hour.

4.10 PROTESTS

This procedure is available to Contractors who submitted a Proposal in response to this RFP and who participated in a debriefing conference. Upon completing the debriefing conference, the Contractor is allowed five (5) business days to file a protest of the award with the RFP Coordinator.

Contractors protesting an award shall follow the procedures described below. Protests that do not follow these procedures will not be considered. This protest procedure constitutes the sole administrative remedy available to unsuccessful Contractors under this procurement.

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

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

- A matter of bias, discrimination or conflict of interest on the part of an evaluator
- Errors in the scoring of proposals, if applicable
- Non-compliance with procedures described in this RFP or OSOS policy

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

Upon receipt of a protest, a protest review will be held by OSOS. The Secretary of State or an employee delegated by the Secretary of State who was not involved in the procurement will consider the record and all available facts and issue a decision within ten (10) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

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

The final determination of the protest shall:

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

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

If OSOS determines that the protest is without merit, OSOS may enter into a contract with the Apparent Successful Contractor. If the protest is determined to have merit, one or more of the alternatives noted in the preceding paragraph will be taken.

The protest decision is final and no appeal is available. If a Contractor does not accept the OSOS protest response it may try to seek relief from superior court.

5. RFP EXHIBITS

Exhibit A: Certifications and Assurances

Exhibit B: Contract

Exhibit C: General Terms and Conditions

Exhibit D: Training Program Requirements

Exhibit E: Contractor Certification for Executive Order 18-03- Workers' Rights

