

**STATE OF WASHINGTON
OFFICE OF THE SECRETARY OF STATE
OLYMPIA, WASHINGTON**

**REQUEST FOR QUALIFICATIONS AND QUOTATIONS
RFQQ NO. 20-01**

PROJECT TITLE: South Complex Library Opening Day Collection

PROPOSAL DUE DATE: August 9, 2019

EXPECTED TIME PERIOD FOR CONTRACT: September 2 through December 31, 2019

PROPOSERS ELIGIBILITY: This procurement is open to those Proposers 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 Proposers**
- 3. Proposal Contents**
- 4. Evaluation and Award**
- 5. Exhibits**
 - A. Certifications and Assurances**
 - B. Sample Service Contract with General Terms and Conditions**

TABLE OF CONTENTS

1. Introduction	1
1.1 Purpose and Background.....	1
1.2 Objective	1
1.3 Minimum Qualifications	1
1.4 Funding	2
1.5 Period of Performance	2
1.6 Definitions.....	2
2. General Information for Proposers	2
2.1 RFQQ Coordinator	2
2.2 Estimated Schedule of Procurement Activities	3
2.3 Submission of Proposals.....	3
2.4 Proprietary Information/Public Disclosure	4
2.5 Revisions to the RFQQ	4
2.6 Minority & Women-Owned Business Participation.....	4
2.7 Acceptance Period	4
2.8 Offer in Effect for 30 Calendar Days	4
2.9 Responsiveness.....	5
2.10 Most Favorable Terms	5
2.11 Contract and General Terms & Conditions	5
2.12 Costs to Propose.....	5
2.13 No Obligation to Contract.....	5
2.14 Rejection of Proposals	5
2.15 Commitment of Funds.....	5
2.16 Electronic Payment	6
2.17 Insurance Coverage	6
3. Proposal Contents	6
3.1 Letter of Submittal	6
3.2 Management Proposal	7
3.3 Cost Proposal.....	8
4. Evaluation and Contract Award.....	8
4.1 Responsiveness.....	9
4.2 Evaluation Weighting and Scoring	9
4.3 Evaluation of Proposals.....	9
4.4 Opportunity for Discussion/Negotiation and/or Oral Presentation.....	10
4.5 Best and Final Offers (BAFO)	10
4.6 Request for Documents Notice	11
4.7 Contract Execution.....	11
4.8 Notification to Proposers.....	11
4.9 Debriefing of Unsuccessful Proposers.....	11
4.10 Complaints and Protests.....	11
5. RFQQ Exhibits.....	13
Exhibit A Certifications and Assurances	
Exhibit B Sample Service Contract including General Terms and Conditions (GT&Cs)	

1. INTRODUCTION

1.1 PURPOSE AND BACKGROUND

Office of the Secretary of State, Washington State Library (WSL) Division, hereafter called " OSOS," is initiating this Request for Qualifications and Quotations (RFQQ) to solicit proposals for a vendor to provide an Opening Day Collection of library materials for a new branch library in the South Complex of the Washington State Penitentiary in Walla Walla, Washington.

This RFQQ deals with a complete opening day collection of library materials. Vendor will provide means for WSL to create a collection profile based on subject and format, and will provide options for WSL to choose cataloging and processing instructions based on format, and will catalog and process materials based on those instructions. Vendor will provide lists of materials in these subjects and formats, which WSL will use to select materials. Total value of materials on the lists will be at least 50% over budget in order for WSL to have a sufficient number of choices.

Due to the complexity of efficiently providing these services (materials lists which provide sufficient number of items to allow for WSL staff to make considered selections, providing all materials selected, as well as cataloging and processing materials based on WSL instructions), OSOS is requesting a proposal from Bidders detailing how they propose to provide these services to meet the needs of the new State Library branch library.

1.2 OBJECTIVE

Using the services provided by the Contractor, WSL will receive a complete opening day collection of library materials for its new branch library. The Contractor will provide services in an effective, efficient manner which will allow WSL staff to spend minimal time dealing with selection and receiving. Material pricing and service expenses, including accounting and fiscal procedures, will be as low, cost effective, and transparent as possible. The WSL has budgeted \$200,000 for all aspects of this solicitation including purchase of the selected materials.

1.3 MINIMUM QUALIFICATIONS

Vendor Qualifications: Vendors submitting proposals must meet the following minimum requirements at the time of proposal submittal to qualify for consideration

Contractor must be registered to do business with the state and have a current Unified Business Identifier (UBI) number. Contractor must have five (5) years' experience in providing opening day collections for public libraries.

Vendor Financial Stability: All information provided will be held in confidence within the proposal evaluation team and not used for any purpose beyond evaluation of the company as a potential business partner for the proposed products and/or services.

- During the past two (2) years and currently, has the company been the subject of any merger or acquisition inquiries? This includes any discussions that led to successful, ongoing, or abandoned proposals. If yes, please provide brief details as permitted.
- During the past two (2) years and currently, has the company initiated any merger or acquisition inquiries to another company? This includes any discussions that led to successful, ongoing, or abandoned proposals. If yes, please provide brief details as permitted.
- During the past two (2) years and currently, has the company undergone bankruptcy proceedings? If yes, please provide brief details as permitted.

1.4 FUNDING

The OSOS has budgeted an amount not to exceed \$200,000 for this project.

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 RFQQ is tentatively scheduled to begin on or about September 2, 2019 and to end on December 31, 2019. Amendments extending the period of performance, if any, shall be at the sole discretion of the OSOS.

1.6 DEFINITIONS

Definitions for the purposes of this RFQQ include:

OSOS – The Office of the Secretary of State is the Agency of the state of Washington that is issuing this RFQQ.

Contractor – Individual or company whose proposal has been accepted by the OSOS and is awarded a fully executed, written contract.

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

Proposer – A vendor (individual or company) submitting a Proposal in response to this RFQQ.

Request for Qualifications and Quotations (RFQQ) – Formal procurement document in which a service or need is identified and firms are invited to provide their qualifications to provide the services and their applicable rates.

2. GENERAL INFORMATION FOR PROPOSERS

2.1 RFQQ COORDINATOR

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

Laura Sherbo
Washington State Library
PO Box 42460
Olympia, WA 98504-2460
(360) 704-5250
Fax: (360) 586-7575
laura.sherbo@sos.wa.gov

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

2.2 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

Issue Request For Qualifications and Quotations	7/11/19
Question and answer period	7/12 – 7/17
Last date for questions regarding RFQQ	7/17
Place complete list of Q&As on WEBS and OSOS web site	7/19
Last amendment to RFQQ	7/31
Last day for complaint	8/2
Proposals due	8/9
Evaluate proposals	8/12 – 8/16
Conduct oral interviews, if required	8/12 – 8/16
Announce “Apparent Successful Bidder” (ASB) and send notification via fax or e-mail to unsuccessful proposers	8/19
Hold debriefing conferences (if requested)	See 4.5
Protest	See 4.6
Negotiate contract	8/19 -29
Begin contract work	9/2

The OSOS reserves the right to revise the above schedule.

2.3 SUBMISSION OF PROPOSALS

Proposers are required to submit an electronic copy of their proposal. The proposal must be received by OSOS no later than 4:00 p.m., Pacific Time, on August 9, 2019. Attachments to the e-mail shall be in Microsoft Word or PDF format.

The proposal is to be sent to the RFQQ Coordinator at the e-mail address noted in Section 2.1.

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.

The Proposer’s Response must respond to all of the solicitation requirements. Do not respond by referencing material presented elsewhere. The e-mailed Response shall be considered complete and stand on its own merits. Failure to respond to any portions may result in rejection of the proposal as non-responsive.

Include Proposer’s contact information for this RFQQ with name, title, email, and telephone number.

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

2.4 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

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

All proposals received shall remain confidential until the contract, if any, resulting from this RFQQ is signed by the assistant secretary of state of the OSOS and the apparent successful Contractor; thereafter, the proposals shall be deemed public records as defined in RCW 42.17.250 to 42.17.340, “Public Records.”

Any information in the proposal that the Proposers desires to claim as proprietary and exempt from disclosure under the provisions of RCW 42.17.250 to 42.17.340 must be clearly designated. The page must be identified and the particular exception from disclosure upon which the Proposers is making the claim. 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.

The OSOS will consider a Proposer's request for exemption from disclosure; however, the OSOS will make a decision predicated upon chapter 42.17 RCW and chapter 143-06 of the Washington Administrative Code. Marking the entire proposal exempt from disclosure will not be honored. The Proposers 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 proposer 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 42.17.300. No fee shall be charged for inspection of contract files, but twenty-four (24) hours notice to the RFQQ Coordinator is required. All requests for information should be directed to the RFQQ Coordinator.

2.5 REVISIONS TO THE RFQQ

In the event it becomes necessary to revise any part of this RFQQ, addenda will be published on the Washington Electronic Business Solution (WEBS) and Secretary of State 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 RFQQ and also placed in WEBS and the Secretary of State website. The OSOS also reserves the right to cancel or to reissue the RFQQ in whole or in part, prior to execution of a contract.

2.6 MINORITY & WOMEN-OWNED BUSINESS PARTICIPATION

In accordance with the legislative findings and policies set forth in chapter 39.19 RCW, the state of Washington encourages participation in all of its contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). Participation may be either on a direct basis in response to this solicitation or on a subcontractor basis. However, no preference will be included in the evaluation of proposals, no minimum level of MWBE participation shall be required as a condition for receiving an award, and proposals will not be rejected or considered non-responsive on that basis. Any affirmative action requirements set forth in federal regulations or statutes included or referenced in the contract documents will apply.

The established annual procurement participation goals for MBE is 8 percent and for WBE, 4 percent, for this type of project. These goals are voluntary. Bidders may contact OMWBE at 360-753-9693 to obtain information on certified firms.

2.7 ACCEPTANCE PERIOD

Proposals must provide 30 days for acceptance by OSOS from the due date for receipt of proposals.

2.8 OFFER IN EFFECT FOR 30 CALENDAR DAYS

Proposer agrees that it may not modify, withdraw or cancel its proposal for a 30-day period following the RFQQ due date or receipt of best and final offer, if required. This holding period is set for the anticipated time to resolve based on complexity.

2.9 RESPONSIVENESS

All proposals will be reviewed by the RFQQ Coordinator to determine compliance with administrative requirements and instructions specified in this RFQQ. The Proposers are specifically notified that failure to comply with any part of the RFQQ may result in rejection of the proposal as non-responsive.

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

2.10 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 Proposers can propose. OSOS reserves the right to contact a Proposers for clarification of its proposal. OSOS reserves the right to enact a best and final offer (BAFO). If so enacted the procedure is described in Section 4.

The Proposers should be prepared to accept this RFQQ for incorporation into a contract resulting from this RFQQ. Contract negotiations may incorporate some or all of the Proposer's proposal. It is understood that the proposal will become a part of the official procurement file on this matter without obligation to the OSOS.

2.11 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 its general terms and conditions attached as Exhibit B. In no event is a Proposers to submit its own standard contract terms and conditions in response to this solicitation. The Proposers may submit exceptions as allowed in the Certifications and Assurances section, Exhibit A to this solicitation. The OSOS will review requested exceptions and accept or reject the same at its sole discretion.

2.12 COSTS TO PROPOSE

The OSOS will not be liable for any costs incurred by the Proposers in preparation of a proposal submitted in response to this RFQQ, in conduct of a presentation, or any other activities related to responding to this RFQQ.

2.13 NO OBLIGATION TO CONTRACT

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

2.14 REJECTION OF PROPOSALS

The OSOS reserves the right at its sole discretion to reject any and all proposals received without penalty and not to issue a contract as a result of this RFQQ.

2.15 COMMITMENT OF FUNDS

The Assistant Secretary of State, or his delegate, are the only individuals who may legally commit the OSOS to the expenditures of funds for a contract resulting from this RFQQ. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

2.16 ELECTRONIC PAYMENT

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

2.17 INSURANCE COVERAGE

Should a contract be awarded pursuant to this RFQQ, the Contractor will be required to provide insurance coverage as described in Exhibit B, Service Contract with General Terms and Conditions.

Worker's Compensation Coverage

The Contractor will at all times comply with all applicable workers' compensation, occupational disease, and occupational health and safety laws, statutes, and regulations to the full extent applicable. The State will not be held responsive in any way for claims filed by the Contractor or their employees for services performed under the terms of this contract.

3. PROPOSAL CONTENTS

Proposals must be submitted on eight and one-half by eleven (8 1/2 x 11) inch paper with tabs separating the major sections of the proposal. The three major sections of the proposal are to be submitted in the order noted below:

1. Letter of Submittal, including signed Certifications and Assurances (Exhibit A to this RFQQ).
2. Management Proposal.
3. Cost Proposal.

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

Items in this section marked "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 RFQQ) must be signed and dated by a person authorized to legally bind the Proposers 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 Proposers 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 Proposers (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 Proposers would operate.
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 Proposer's organization. If following a review of this information, it is determined by the

OSOS that a conflict of interest exists, the Proposers may be disqualified from further consideration for the award of a contract.

3.2 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 Proposers must commit that staff identified in its proposal will actually perform the assigned work. Any staff substitution must have the prior approval of the OSOS.

B. Experience of the Proposer (SCORED)

1. Indicate the experience the Proposer and any subcontractors have in Opening Day Collection of library materials.
2. Indicate other relevant experience that indicates the qualifications of the Proposers, and any subcontractors, for the performance of the potential contract.
3. Include a list of contracts the Proposers has had during the last five years that relate to the Proposer's ability to perform the services needed under this RFQQ. 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 Proposers must grant permission to the 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 Proposers or any subcontractor contracted with the state of Washington during the past 24 months, indicate the name of the OSOS, the contract number and project description and/or other information available to identify the contract.
2. If the Proposer'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, the OSOS previously or currently employed by, job title or position held and separation date.
3. If the Proposers 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 Proposer's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer, or (b) litigated and such litigation determined that the Proposer was in default.

4. Submit full details of the terms for default including the other party's name, address, and phone number. Present the Proposer's position on the matter. The 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 Proposers in the past five years, so indicate.

3.3 COST PROPOSAL

The maximum fee for this contract must be \$200,000 or less to be considered responsive to this RFQQ.

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

A. Identification of Costs (SCORED)

Identify all costs to be charged for performing the services necessary to accomplish the objectives of the contract. Proposers 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 Proposer's total cost. Then the resultant number will be multiplied by the maximum possible points for the cost section.

4. EVALUATION AND CONTRACT AWARD

EVALUATION PROCEDURE

Responsive 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 the OSOS, which will determine the ranking of the proposals.

OSOS, at its sole discretion, may elect to select the top-scoring firms as finalists for an oral presentation.

4.1 RESPONSIVENESS

4.1.1. “Responsible” and “Responsive”

A “**Responsible Offeror**” is an offeror who meets the elements demonstrating ability, integrity, and performance set out in RCW 39.26.160(2) and RFQQ 20-01.

A “**Responsive Offeror**” is an offeror who has submitted an offer which meets all the minimum mandatory requirements and specifications for the products and solicited in RFQQ 20-01.

4.1.2. Classification of Proposals as Responsive or Nonresponsive. OSOS shall initially classify all proposals as either "responsive" or "nonresponsive" RCW 39.26.160(1)(ii). 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 RFQQ criteria; or (3) the proposal does not meet RFQQ 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 RFQQ Coordinator will notify the offeror by email.

4.2 EVALUATION WEIGHTING AND SCORING

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

Samples of Work – 35%		70 points
Sample of cataloging	20 points	
Sample of physical processing	20 points	
Sample of selection lists	30 points	
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
		<hr/>
Sub-Total for Written Proposal		200 points
References (top-scoring Contractor(s) only)		10 points
		<hr/>
GRAND TOTAL		210 POINTS

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

4.3 EVALUATION OF PROPOSALS.

The RFQQ Coordinator and an evaluation committee, herein jointly called “Committee,” will evaluate all responsive and responsible proposals based on stated criteria and recommend an award. The Committee may initiate discussion, negotiation, or a best and final offer. In scoring against stated criteria, the Committee 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 offering to OSOS.

4.4 OPPORTUNITY FOR DISCUSSION/NEGOTIATION AND/OR ORAL PRESENTATION.

After receipt of proposals and prior to the recommendation of award, the RFQQ Coordinator may initiate discussions with one or more Proposers should clarification or negotiation be necessary. The RFQQ Coordinator, at his/her sole discretion, may elect to select the top scoring finalists from the written evaluation. This cut-off for highest scoring proposer(s) is based on several considerations including responsiveness, qualifications, competitiveness, suitability of the products and services offered, cost and economy, ability of the vendor to perform, and so on. Those proposers in the top scoring field may be asked to make oral presentations to clarify their RFQQ response or to further define their offer. Should RFQQ Coordinator elect to hold oral presentations, the top-scoring firm(s) will be contacted to schedule a date, time and location for the presentation.

4.5 BEST AND FINAL OFFERS (BAFO).

Offerors are encouraged to submit their most competitive offer, but there is a potential for a best and final (BAFO) process.

This section defines the BAFO process.

Once a Proposal has been submitted, Bidders will not be allowed to make material changes to those Proposals unless they receive a request for a BAFO from OSOS. The circumstances under which a BAFO may be requested are described in this Section.

OSOS reserves the right, that at any point during the evaluation, OSOS may notify all remaining Responsive and Responsible Bidders that OSOS will require them to submit BAFOs.

The notice will be in writing and will set a specific time and date certain by which the BAFO must be submitted to OSOS. The BAFO notice may set additional conditions and requirements for the submission of the BAFO. The notice will advise Bidders that the BAFO shall be in writing and that upon the closing date for submission, OSOS intends to select the highest scoring Responsive and Responsible Bidder for award. Prior to the closing date for the submission of BAFOs OSOS may, at OSOS's discretion, engage in discussion with all remaining Responsive and Responsible Bidders regarding how Bidders can make their Proposals more responsive to the selection criteria in the RFQQ. All Bidders 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 information derived from Proposals submitted by competing Bidders.

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

Evaluation of BAFOs and selection of a successful Bidder will be based upon the evaluation criteria set out in the RFQQ. Terms proposed as part of a BAFO must be substantially in accordance with the terms requested in this RFQQ and may not materially alter the requirements of the RFQQ.

Proposers are not required to submit a BAFO and may submit a written response stating that their original response remains as originally submitted.

Proposer(s) may be requested to make an oral presentation regarding their BAFO. The committee has full discretion to accept or reject any information submitted in a BAFO.

BAFO discussions shall not disclose the content or pricing of another offeror.

If a BAFO process is initiated, all offerors will be eligible for a debriefing conference. See section 4.9.

At the conclusion of negotiations with the highest scoring Responsible and Responsive Bidder OSOS will require that Bidder to submit a signed Contract as a BAFO pending acceptance.

4.6 REQUEST FOR DOCUMENTS NOTICE.

Upon concurrence with the Committee's recommendation, the RFQQ Coordinator will request from the highest scoring Proposer the required documents and information, such as insurance documents, contract performance security, an electronic copy of any requested material (e.g., proposal, response to clarification questions, and/or best and final offer), and any other necessary documents. Receipt of this request does not constitute a contract and no work may begin until a contract signed by all parties is in place. The RFQQ Coordinator will notify all other Proposers of the State's selection.

4.7 CONTRACT EXECUTION.

Upon receipt of all required materials, a contract (Exhibit B) incorporating the Standard Terms and Conditions, as well as the highest scoring Proposer's proposal, will be provided to the highest scoring Proposer for signature. The highest scoring Proposer will be expected to accept and agree to all material requirements contained in Exhibit B of this RFQQ. If the highest scoring Proposer does not accept all material requirements, the State may move to the next highest scoring Proposer, or cancel the RFQQ. Work under the contract may begin when the contract is signed by all parties.

4.8 NOTIFICATION TO PROPOSERS

Firms whose proposals have not been selected for further negotiation or award will be notified via FAX or by e-mail.

4.9 DEBRIEFING OF UNSUCCESSFUL PROPOSERS

Upon request, a debriefing conference will be scheduled with an unsuccessful Proposer. The request for a debriefing conference must be received by the RFQQ Coordinator within three (3) business days after the Notification of Unsuccessful Proposers letter is faxed/e-mailed to the Proposers. The debriefing must be held within three (3) business days of the request.

Discussion will be limited to a critique of the requesting Proposer'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 COMPLAINTS AND PROTESTS

A. COMPLAINTS PROCEDURE

The complaint process occurs before bids are submitted to meet the response due date. Proposers will be given an opportunity to submit a complaint to OSOS based on any of the following:

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

Proposers can submit complaints up to five (5) business days prior to the bid response deadline. The complaints must meet the following requirements:

- Must be in writing.
- Must be sent to the RFQQ Coordinator in a timely manner.
- Clearly articulate the basis for the complaint.
- Include a proposed remedy.

The RFQQ Coordinator will respond to complaints in writing.

The response to the complaint including any changes to the solicitation shall be posted on WEBS.

The complaint may not be raised again during the protest period.

Appeals to the RFQQ Coordinator decision will not be allowed.

B. PROTEST PROCEDURE

The protest process occurs after the bids are submitted, evaluated and the announcement of the apparent successful bidder (ASB) is made. This procedure is available to Proposers who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Proposers is allowed five (5) business days to file a protest with the RFQQ Coordinator. Protests may be submitted by FAX or by e-mail with the RFQQ Coordinator, but be followed by the original document.

Proposers protesting this procurement shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Proposers 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 RFQQ 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 the evaluator.
- Errors in computing the score.
- Non-compliance with procedures described in the solicitation document or OSOS protest process or DES requirements.

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) an evaluator's professional judgment on the quality of a proposal, or 2) 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 the OSOS. The Secretary of State or an employee delegated by the Secretary who was not involved in the procurement will consider the record and all available facts and issue a decision within ten (10) business days from receipt of the protest unless additional time is needed. 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 Proposers which submitted a proposal, such Proposers will be given an opportunity to submit its views and any relevant information on the protest to the RFQQ Coordinator.

The final determination of the protest shall:

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

If the OSOS determines that the protest is without merit, the OSOS will enter into a contract with the apparently successful contractor. 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 no appeal is available. If a protesting bidder does not accept the OSOS protest response the bidder may try to seek relief from superior court.

5. RFQQ EXHIBITS

Exhibit A Certifications and Assurances

Exhibit B Sample Service Contract, including General Terms and Conditions (GT&Cs)

EXHIBIT A to Sample RFQQ**CERTIFICATIONS AND ASSURANCES**

I/we make the following certifications and assurances as a required element of the proposal to which it is attached, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award or continuation of the related contract(s):

1. I/we declare that all answers and statements made in the proposal are true and correct.
2. The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for the purpose of restricting competition. However, I/we may freely join with other persons or organizations for the purpose of presenting a single proposal.
3. The attached proposal is a firm offer for a period of 60 days following receipt, and it may be accepted by the OSOS without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 60-day period.
4. In preparing this proposal, I/we have not been assisted by any current or former employee of the state of Washington whose duties relate (or did relate) to this proposal or prospective contract, and who was assisting in other than his or her official, public capacity. (Any exceptions to these assurances are described in full detail on a separate page and attached to this document.)
5. I/we understand that the OSOS will not reimburse me/us for any costs incurred in the preparation of this proposal. All proposals become the property of the OSOS, and I/we claim no proprietary right to the ideas, writings, items, or samples, unless so stated in this proposal.
6. Unless otherwise required by law, the prices and/or cost data which have been submitted have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by him/her prior to opening, directly or indirectly to any other Proposer or to any competitor.
7. I/we agree that submission of the attached proposal constitutes acceptance of the solicitation contents and the attached sample contract and general terms and conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.
8. No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

Signature of Proposer

Title

Date