

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

**REQUEST FOR QUALIFICATIONS AND QUOTATION**

**RFQQ NO. 24-07**

**PROJECT TITLE: E-Rate Consultant & Coordinator**

**PROPOSAL DUE DATE: June 14, 2024**

**EXPECTED TIME PERIOD FOR CONTRACT: July 1, 2024 to June 30, 2025, with options to extend for four (4) additional one (1)- year terms**

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

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# 1. INTRODUCTION

## 1.1 PURPOSE AND BACKGROUND

In 2023, the Office of the Secretary of State, Washington State Library Division (OSOS or WSL) launched the Library Technology Program (LibTech or Program). The Program provides public libraries throughout the state of Washington – many situated in smaller, economically disadvantaged and/or remote communities – with the opportunity to obtain Enterprise grade technology services for planning, procuring, managing, maintaining, and troubleshooting for internet access, network service, and technology equipment, at a fraction of their normal cost. To achieve this, WSL has leveraged state-wide purchasing power with multiple state and federal funding sources, including the FCC'S Universal Service Fund E-rate program. WSL passes the significant savings on to libraries participating in the LibTech consortium and is responsible for all contracting and fund administration required for the Program.

WSL has initially contracted with Lumen Technologies for high-speed internet access and managed services and support. The internet access available to libraries in the LibTech consortium is for a minimum of 1G speed with the highest Enterprise level of reliability and service. The managed network services include equipment (routers with technology protections measures, switches, indoor and outdoor access points, and UPS units), installation, licensing, maintenance, and support. LibTech internet access and managed services commencement is coordinated with the E-rate program year funding cycles that begin on July 1st of each year.

WSL is seeking a qualified third-party consultant to provide the services described herein, to support LibTech and WSL's administration of the Program, as well as provide guidance, coordination and support to current and prospective members of the LibTech consortium.

## 1.2 OBJECTIVE

The objective of this RFQQ is to award a contract to a Contractor that has: (1) superior organizational skills; (2) the ability to communicate complex regulations and requirements effectively; and (3) expert-level knowledge of and experience working with the federal E-rate program, as well as experience working with public library consortia and individual public libraries in Washington State to gain entry into the program, to successfully navigate the application, filing, and renewal processes, and to otherwise participate in the E-rate program and satisfy its requirements.

The awardee of any contract resulting from this solicitation will be expected to: (1) serve as the primary facilitator, coordinator and administrator of E-rate program participation and compliance on behalf of WSL and the LibTech consortium members, ensuring that all applicable requirements of the program are communicated and satisfied throughout the contract term; (2) work closely with WSL's library development manager, IT specialists, and other WSL staff to assist in the administration of LibTech, its expansion and its dependencies on the E-rate program; and (3) provide guidance and support to the LibTech consortium members, including but not limited to serving as the subject matter expert on E-rate compliance matters, interfacing with vendors and applicable federal and state agencies, and assisting with financial and technological planning consistent with program objectives, requirements, and limitations.

Specific duties include:

- **Navigating the E-Rate Application Process:** Assist libraries in understanding and navigating the complex E-Rate application process, including filing forms such as Form 470 (to request services) and Form 471 (to request funding)
- **Compliance Advisement:** Ensure that libraries are in compliance with all Federal Communications Commission (FCC) rules and regulations related to the E-Rate program, including adherence to the Children's Internet Protection Act (CIPA) requirements

- **Strategic Planning:** Help Washington State Library plan their telecommunications and internet access needs strategically, ensuring that they maximize the benefits received from the E-Rate program.
- **Funding Maximization:** Advise libraries on how to structure their requests for services and bids to maximize the amount of funding they can receive from the E-Rate program.
- **Bid Management:** Assist with managing the competitive bidding process, ensuring that it is fair and open, and helping to evaluate proposals from service providers.
- **Documentation and Record Keeping:** Maintain proper documentation and records required for E-Rate compliance and potential audits.
- **Training and Education:** Provide training and educational resources to library staff about the E-Rate program, including updates on policy changes and best practices for program participation.
- **Appeals and Audits Support:** Offer support in case of audits by the Universal Service Administrative Company (USAC) or if there is a need to appeal USAC decisions.
- **Vendor Liaison:** Act as a liaison between libraries and service providers, facilitating communication and helping to resolve any issues that arise.
- **Monitoring and Reporting:** Monitor the E-Rate funding process and report on the status of applications, disbursements, and any pending actions required by WSL.
- **Customer Support and Engagement:** Provide responsive customer support to address libraries' questions and concerns regarding the consortium and the E-Rate program, actively engage with library staff to understand their needs and feedback, and foster strong relationships to ensure the effective use of the program and satisfaction with the consultancy services provided.
- **Policy Advocacy:** Stay informed about changes in E-Rate policies and advocate on behalf of libraries for policies that would benefit library participants in the E-Rate program.

### 1.3 MINIMUM QUALIFICATIONS

By the time of contract execution, Contractor must be registered to do business with the state and have a current Unified Business Identifier (UBI).

Contractor must possess more than ten (10) years' demonstrated experience as an E-rate consultant and coordinator. Contractor must have experience as an E-rate consultant and coordinator working with public libraries in Washington State, and with public library consortia.

### 1.4 PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this RFQQ is tentatively scheduled to begin on or about July 1, 2024, and to end on June 30, 2025, with the potential for up to four (4) additional one (1)-year extensions. Amendments extending the period of performance, if any, shall be at the sole discretion of OSOS.

### 1.5 DEFINITIONS

Definitions for the purposes of this RFQQ 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 RFQQ.

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

**RFQQ** – This Request for Qualifications and Quotation.

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

## 1.6 Americans with Disabilities Act Compliance

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

## 2. GENERAL INFORMATION FOR CONTRACTORS

### 2.1 RFQQ COORDINATOR

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

|                       |                        |
|-----------------------|------------------------|
| Name                  | Jim Webster            |
| Address               | 6880 Capitol Blvd SE   |
| City, State, Zip Code | Tumwater, WA 98501     |
| 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 RFQQ Coordinator. Communication directed to parties other than the RFQQ Coordinator may result in disqualification of the Contractor.

### 2.2 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

|                                                                                                |                       |
|------------------------------------------------------------------------------------------------|-----------------------|
| Issue RFQQ                                                                                     | May 13, 2024          |
| Question and Answer Period                                                                     | May 13 – May 20, 2024 |
| Last Date for Questions regarding RFQQ                                                         | May 20, 2024          |
| Preproposal Conference                                                                         | May 16, 2024          |
| Publish complete list of Q&As, including from Preproposal Conference, on WEBS and OSOS website | May 22, 2024          |
| Last Amendment to RFQQ                                                                         | June 5, 2024          |
| Last Date for Complaint                                                                        | June 7, 2024          |
| Proposals Due                                                                                  | June 14, 2024         |
| Evaluate Proposals                                                                             | June 17-21, 2024      |
| Conduct Oral Presentations with Finalists <i>(if applicable)</i>                               | June 20-21, 2024      |
| Announce Apparent Successful Contractor and Notify Unsuccessful Contractors                    | June 24, 2024         |
| Debriefing                                                                                     | See Section 4.10      |
| Protest                                                                                        | See Section 4.10      |
| Negotiate Contract                                                                             | June 24-28, 2024      |
| Begin Contract Work                                                                            | July 1, 2024          |

OSOS reserves the right to revise the above schedule.

### 2.3 PREPROPOSAL CONFERENCE

A **mandatory** preproposal conference is scheduled to be held via Microsoft Teams (*information to join meeting is below*) on Thursday, May 16, 2024 beginning at 10 a.m. and concluding at the earlier to occur of 11 a.m. or until there are no more vendor questions. All prospective proposers are required to attend. OSOS shall be bound only to written answers to questions. Any oral responses given at the preproposal conference shall be considered unofficial.

[Join the meeting now](#) Meeting ID: 254 138 729 138 Passcode: bHaj5y  
 Call-in #[+1 206-899-2560,,464370682#](#) Phone conference ID: 464 370 682#

Within five business days of the preproposal conference, a copy of the questions and answers from the preproposal conference will be posted on WEBS and on the Current Procurements webpage of the OSOS website: <http://www.sos.wa.gov/office/procurements.aspx>.

## **2.4 SUBMISSION OF PROPOSALS**

Contractors are required to submit an electronic copy of their Proposal. The Proposal must be received by OSOS no later than 5:00 p.m., Pacific Time, on Friday, June 14, 2024. Attachments to the e-mail shall be in Microsoft Word, Microsoft Excel or Adobe 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 Contractor's Proposal must respond to all of the solicitation requirements. Do not respond by referencing material presented elsewhere. The e-mailed Proposal 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 Contractor'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 Contract attached as Exhibit B. In no event is a Contractor to submit its own standard contract terms and conditions in response to this solicitation. Contractors may submit exceptions as allowed in Exhibit A-1 – Contractor's Certification. All exceptions to the contract terms and conditions must be submitted as an attachment to Exhibit A-1 – Contractor's Certification. OSOS will review requested exceptions and accept or reject the same at its sole discretion.

## **2.5 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 RFQQ is signed by the authorized officer of OSOS and the Apparent Successful Contractor; thereafter, the Proposals shall be deemed public records as defined under the Public Records Act, RCW Chapter 42.56.

Any information in the Proposal that the Contractor desires to claim as proprietary and exempt from disclosure under the provisions of RCW 42.56.270 must be clearly designated. The page must be identified and the particular exception from disclosure upon which the Contractor 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.

OSOS will consider a Contractor's request for exemption from disclosure; however, OSOS will decide predicated upon RCW Chapter 42.56 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. 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.

## **2.6 REVISIONS TO THE RFQQ**

In the event it becomes necessary to revise any part of this RFQQ, amendments 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 amendment to the RFQQ and also posted in WEBS and on the OSOS website. OSOS also reserves the right to cancel or reissue this RFQQ, in whole or in part, prior to execution of a contract.

## 2.7 SMALL & DIVERSE BUSINESSES

OSOS, in accordance with Washington law, encourages small and diverse businesses to compete for and participate in state procurements as contractors and as subcontractors to awarded bidders. See, e.g., [RCW 39.19](#) (OMWBE certified businesses); [RCW 43.60A.200](#) (WDVA certified veteran-owned businesses); and [RCW 39.26.005](#) (Washington small businesses).

**OMWBE Certification.** Contractors may contact the Washington State [Office of Minority and Women's Business Enterprises](#) (OMWBE) regarding information on Minority-Owned and Women-Owned certified firms, state and federal certification programs, or to become certified. OMWBE can be reached by telephone, 866-208-1064, or through their website at [OMWBE](#). OMWBE-Certified firms may provide their certification information on Exhibit A-2 – Contractor's Profile & References.

**WDVA Certification.** Contractors may contact the [Washington State Department of Veterans' Affairs](#) (WDVA) for information regarding Certified Veteran-Owned businesses or to become a Certified Veteran-Owned Business. The WDVA can be reached by telephone, (360) 725-2169, or through their website at [WDVA](#). The qualification requirements to be a Certified Veteran-Owned Business are set forth in Exhibit A-1 – Contractor's Certification.

**Washington Small Businesses.** Contractors may contact OSOS about small and diverse business inclusion and qualification as a Washington Small Business. If you qualify as a Washington Small Business, identify yourself as such in WEBS. Call WEBS Customer Service at 360-902-7400. The qualification requirements to self-certify as a Washington Small Business are set forth in Exhibit A-1 – Contractor's Certification.

## 2.8 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.

## 2.9 RESPONSIVENESS

All Proposals will be reviewed by the RFQQ Coordinator to determine compliance with administrative requirements and instructions specified in this RFQQ. Contractor is specifically notified that failure to comply with any part of the RFQQ 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.

## 2.10 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 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 RFQQ, all amendments to this RFQQ, all clarifying responses, and a best and final offer, as applicable, for incorporation into a contract resulting from this RFQQ. 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.

## **2.11 CONTRACT**

The form of the contract that may be awarded as a result of this solicitation is attached as Exhibit B-Contract. The Apparent Successful Contractor will be expected to enter into a contract which is substantially the same as the Contract attached as Exhibit B. In no event is a Contractor to submit its own standard contract terms and conditions in response to this solicitation. Contractors may submit exceptions as allowed in Exhibit A-1 – Contractor's Certification. All exceptions to the contract terms and conditions must be submitted as an attachment to Exhibit A-1 – Contractor's Certification. OSOS will review requested exceptions and accept or reject the same at its sole discretion.

## **2.12 COSTS TO PROPOSE**

OSOS will not be liable for any costs incurred by the Contractor 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 OSOS to contract for services specified herein.

## **2.14 REJECTION OF PROPOSALS**

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 Secretary of State or their delegate are the only individuals who may legally commit OSOS to the expenditure 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 Apparent 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 - Contract.

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 responsible in any way for claims filed by the Contractor or its employees for services performed under the terms of the contract.

## **2.18 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 will provide a bid preference in the amount of 5% to any Contractor who certifies, pursuant to Exhibit A-1 – Contractor'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.

### 3. PROPOSAL CONTENTS

Proposals must be complete, legible, signed, and follow all instructions stated in the solicitation (including the exhibits). Unless otherwise specified in writing by OSOS, documents included with an electronic proposal must be prepared in MS Word, MS Excel, or Adobe PDF. Where required to do so, Contractors may sign using either a physical or electronic signature.

Contractors' Proposals must respond to all of the solicitation requirements. Do not respond by referencing material presented elsewhere. The e-mailed Proposal 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.

This section identifies the submittals that must be provided as instructed below to constitute a responsive Proposal. Proposals that do not include all of the applicable submittals identified below are considered non-responsive and will be rejected. In addition, a Contractor's failure to complete any submittal as instructed may result in the Proposal being rejected. Contractors may not provide unsolicited materials. For any supplemental materials expressly required by OSOS in writing, Contractors must identify such supplemental materials with the Contractor's name.

Contractors must submit the following electronic documents separately as email attachments:

☐ **EXHIBIT A-1 – CONTRACTOR'S CERTIFICATION**

Complete the certification, attach any exceptions or required explanations, and submit it to the RFQQ Coordinator using the following file naming convention:

**ContractorName\_CERTIFICATION.pdf**. The certification must be complete. Where there are choices, bidders must check a box. The certification must be signed and submitted by a duly authorized representative of the Contractor.

**(PARTIALLY SCORED** – Pursuant to Executive Order 18-03, a 5% evaluation preference is given to those Contractors that certify that they do NOT require their employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers).

☐ **EXHIBIT A-2 – CONTRACTOR'S PROFILE & REFERENCES**

Complete as instructed and submit to the RFQQ Coordinator using the following file naming convention: **ContractorName\_REFERENCES.pdf**.

**(PARTIALLY SCORED** – A Contractor's submitted references can earn up to a maximum of 10 points if they are a top-scoring Contractor).

☐ **MANAGEMENT PROPOSAL**

No form is provided for this submittal. The management proposal must include the following and demonstrate that the minimum qualifications set forth in Section 1.3 are met:

**A. Project Management**

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 individuals' particular skills related to this project, education, experience, significant accomplishments and any other pertinent information. 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**

Indicate the experience the Contractor and any subcontractors that demonstrates the qualifications of Contractor and any subcontractors for the performance of the potential contract. 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 RFQQ. List contract reference numbers, contract period of performance, contact persons, telephone numbers, and fax numbers/e-mail addresses.

Submit to the RFQQ Coordinator using the following file naming convention:

**ContractorName\_MANAGEMENT.pdf.**

**(SCORED – Up to a maximum of 140 points).**

### ☐ **COST PROPOSAL**

No form is provided for this submittal. 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 for the initial one (1)-year contract term, including staff costs, applicable hourly rates and any expenses necessary to accomplish the objectives under the contract. Total cost for the initial one (1)-year term cannot exceed Sixty Thousand Dollars (\$60,000.00). Contractor shall also indicate whether the budget provided for the initial contract term will be different for subsequent years (should any such option be exercised by OSOS) based on hourly rate or other costs, and if so, detail such variances for any subsequent option years. The cost for each of the four (4) option years cannot exceed Sixty Thousand Dollars (\$60,000.00) plus an adjustment for the rate of inflation over the previous contract year. Contractors are required to collect and pay Washington state sales tax, if applicable. Costs for subcontractors are to be broken out separately.

Submit to the RFQQ Coordinator using the following file naming convention:

**ContractorName\_COST.pdf.**

**(SCORED – Up to a maximum of 50 points).**

### ☐ **CONTRACT ISSUES LIST [IF APPLICABLE]**

No form is provided for this submittal. **This is a required submittal ONLY IF Contractor has business issues with the contract attached as Exhibit B.** If so, Contractor must prepare a Contract Issues List, attach it to Exhibit A-1 and submit it to the RFQQ Coordinator using the following file naming convention: **ContractorName\_ISSUES.pdf.** Note, however, that OSOS reserves the right not to modify the contract and to award the contract on the basis of a Contractor's willingness to agree to the contract attached as Exhibit B.

**(NOT SCORED)**

### ☐ **CONTRACTOR'S DIVERSE BUSINESS INCLUSION PLAN – SUBCONTRACTORS [IF APPLICABLE].**

No form is provided for this submittal. **This is a required submittal ONLY IF Contractor will be using subcontractors to perform the contract.** If so, Contractor must outline its inclusion plan for diverse business subcontractors pertaining to the contract and submit it

to the RFQQ Coordinator using the following file naming convention:  
**ContractorName\_INCLUSIONPLAN.pdf.**  
**(NOT SCORED)**

## 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 amendments 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 RFQQ, 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 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 Contractor by email.

### 4.4 EVALUATION WEIGHTING AND SCORING

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

|                           |            |
|---------------------------|------------|
| Management Proposal – 70% | 140 points |
|---------------------------|------------|

|                                 |                     |
|---------------------------------|---------------------|
| Project Team Structure/         |                     |
| Internal Controls               | 20 points (maximum) |
| Staff Qualifications/Experience | 50 points (maximum) |
| Experience of the Contractor    | 50 points (maximum) |
| Other                           | 20 points (maximum) |

|                     |                  |
|---------------------|------------------|
| Cost Proposal – 25% | <u>50 points</u> |
|---------------------|------------------|

|                                                  |           |
|--------------------------------------------------|-----------|
| Executive Order 18-03 Evaluation Preference – 5% | 10 points |
|--------------------------------------------------|-----------|

|                  |                   |
|------------------|-------------------|
| <b>Sub-Total</b> | <b>200 points</b> |
|------------------|-------------------|

|                                             |           |
|---------------------------------------------|-----------|
| References (top-scoring Contractor(s) only) | 10 points |
|---------------------------------------------|-----------|

|                    |                   |
|--------------------|-------------------|
| <b>GRAND TOTAL</b> | <b>210 POINTS</b> |
|--------------------|-------------------|

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

Oral presentations, if considered necessary or desirable, may be utilized in selecting the Apparent Successful Contractor. OSOS, at its sole discretion, may elect to select the top-scoring Contractors from the evaluation of Proposals for an oral presentation and final determination of contract award. The cut-off for the top-scoring Contractors will be based on several considerations, such as responsiveness, qualifications, and competitiveness, suitability of the products and services offered, cost and economy, and the ability of the Contractor to perform. Should OSOS elect to hold oral presentations, it will contact the top-scoring Contractors to schedule a date, time and location. Commitments made by the Contractor in the oral presentation, if any, will be considered binding. The score from the oral presentation will be considered independently and will 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 RFQQ. 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 RFQQ 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 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. 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 REQUEST FOR DOCUMENTS**

Upon concurrence with the recommendation of the evaluation team, the RFQQ Coordinator will request from the Apparent Successful Contractor the required documents and information, such as insurance policy documents, contract performance security, an electronic copy of any requested material (e.g., the Proposal, responses to clarification questions), and any other necessary documents. Receipt of this request does not constitute a contract between the Contractor and OSOS.

#### **4.8 CONTRACT EXECUTION**

Upon receipt of all required materials, a Contract substantially in the form of the attached Exhibit B will be presented to the Apparent Successful Contractor for signature. The Apparent Successful Contractor will be expected to accept and agree to all material requirements contained in the contract. If the Apparent Successful Contractor does not accept all material requirements, OSOS may move to the next highest scoring Contractor, or cancel the RFQQ. Work under the contract may begin when the contract is signed by all parties and OSOS has given Contractor a notice to proceed.

#### **4.9 NOTIFICATION TO CONTRACTORS**

Contractors whose Proposals are not selected for further consideration or award will be notified via facsimile or e-mail.

#### **4.10 COMPLAINT, DEBRIEFING AND PROTEST PROCEDURES**

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

**A. COMPLAINTS.** This solicitation offers a complaint period for Contractors wishing to voice objections to this solicitation. The complaint period ends five (5) business days before the proposal due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the question and answer period. Failure by the Contractor to raise a complaint at this stage may waive its right for later consideration. OSOS will consider all complaints but is not required to modify or cancel the solicitation. If Contractor complaints result in changes to the solicitation, written amendments to the solicitation will be issued and posted on WEBS and the OSOS website.

1. **CRITERIA FOR COMPLAINT.** A formal complaint may be based only on one or more of the following grounds: (a) The solicitation unnecessarily restricts competition; (b) The solicitation evaluation or scoring process is unfair or flawed; or (c) The solicitation requirements are inadequate or insufficient to prepare a response.

2. **INITIATING A COMPLAINT.** A complaint must: (a) Be submitted to and received by the RFQQ Coordinator no less than five (5) business days prior to the proposal due date; and (b) Be in writing. A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
3. **RESPONSE.** When a complaint is received, the RFQQ Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for proposal submittals, unless more time is needed. OSOS is required to promptly post the response to a complaint on WEBS.
4. **RESPONSE IS FINAL.** The RFQQ Coordinator's response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the RFQQ Coordinator prior to Proposal submittal may be deemed waived for protest purposes.

**B. DEBRIEF CONFERENCES.** A debrief conference is an opportunity for a Contractor and OSOS to meet and discuss the Contractor's Proposal (and, as further explained below, is a necessary prerequisite to filing a protest). Following the evaluation of the proposals, OSOS will issue an announcement of the Apparent Successful Contractor. Contractors will have three (3) business days to request a debrief conference. Once a debrief conference is requested, OSOS will offer the requesting Contractor one meeting opportunity and notify the Contractor of the debrief conference place, date, and time. Please note, because the debrief process must occur before making an award, OSOS likely will schedule the debrief conference shortly after the announcement of the Apparent Successful Contractor and the Contractor's request for a debrief conference. OSOS will not allow the debrief process to delay the award. Therefore, Contractors should plan for contingencies and alternate representatives. Contractors who wish to protest must first participate in a debrief conference. Contractors who are unwilling or unable to attend the debrief conference will lose the opportunity to protest. Participation in a debrief conference is a prerequisite for a Contractor wishing to file a protest.

1. **TIMING.** A debrief conference may be requested by a Contractor following the announcement of the Apparent Successful Contractor.
2. **PURPOSE OF DEBRIEF CONFERENCE.** Any Contractor who has submitted a timely Proposal may request a debrief conference. A debrief conference provides an opportunity for the Contractor to meet with OSOS to discuss Contractor's Proposal and evaluation. It does not provide an opportunity to discuss other Contractor's proposals and evaluations.
3. **REQUESTING A DEBRIEF CONFERENCE.** The request for a debrief conference must be made in writing via email to the RFQQ Coordinator and received within three (3) business days after the announcement of the Apparent Successful Contractor. Debrief conferences may be conducted either in person at the OSOS offices in Olympia, Washington, or virtually (e.g., by telephone or web-based virtual meeting such as Zoom, Skype, MS Teams), as determined by OSOS, and may be limited by OSOS to a specified period of time. The failure of a Contractor to request a debrief conference within the specified time and attend a debrief conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the RFQQ Coordinator before or during the debrief conference may be deemed waived for protest purposes.

**C. PROTESTS.** Following a debrief conference, a Contractor may protest the contract award(s).

1. **CRITERIA FOR A PROTEST.** A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the solicitation.
2. **INITIATING A PROTEST.** Any Contractor that participates in a debrief conference may protest an award to the Apparent Successful Contractor. A protest must: (a) Be

submitted to and received by the Protest Officer specified below, within five (5) business days after the protesting Contractor's debrief conference (see Form and Substance, and Other below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.

3. **PROTEST RESPONSE.** After reviewing the protest and available facts, the Protest Officer will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
4. **DECISION IS FINAL.** The protest decision is final and not subject to administrative appeal. If the protesting Contractor does not accept the protest response, the protesting Contractor may seek relief in Thurston County Superior Court.

**D. COMMUNICATION DURING COMPLAINTS, DEBRIEFS, AND PROTESTS.** All communications about this solicitation, including complaints, debriefs, and protests, must be addressed to the RFQQ Coordinator unless otherwise directed.

1. **FORM, SUBSTANCE, & OTHER.** All complaints, requests for debrief, and protests must:
  - i. Be in writing;
  - ii. Be signed by the complaining or protesting Contractor or an authorized agent, unless sent by email;
  - iii. Be delivered within the time frame(s) outlined herein;
  - iv. Identify the solicitation number;
  - v. Conspicuously state "Complaint," "Debrief," or "Protest" in any subject line of any correspondence or email; and
  - vi. Be sent to the address identified below.
2. **COMPLAINTS & PROTESTS.** All complaints and protests must (a) State all facts and arguments on which the complaining or protesting Contractor is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.

**E. HOW TO CONTACT OSOS**

1. **TO SUBMIT A COMPLAINT.** Send an email message to the RFQQ Coordinator listed in this solicitation. The email message must include "Complaint" in the subject line of the email message. Alternatively, mail the complaint to the RFQQ Coordinator at the following address:

Attn: Jim Webster, RFQQ Coordinator  
 Office of the Secretary of State  
 Operations Division  
 PO Box 40224  
 Olympia, WA 98504-0224

2. **TO REQUEST A DEBRIEF CONFERENCE.** Send an email message to the RFQQ Coordinator listed in this solicitation. The email message must include "Debrief" in the subject line of the email message.
3. **TO SUBMIT A PROTEST.** Send an email message to the RFQQ Coordinator listed in this solicitation. The email message must include "Protest" in the subject line of the email message. Alternatively, mail the protest to the RFQQ Coordinator at the following address:

Attn: Jim Webster, RFQQ Coordinator  
 Office of the Secretary of State

Operations Division  
PO Box 40224  
Olympia, WA 98504-0224

## **5. RFQQ EXHIBITS**

Exhibit A   A-1 Contractor's Certifications  
              A-2 Contractor's Profile & References

Exhibit B   Contract