



**COMPETITIVE SOLICITATION – No. 2022-02**  
**COMMUNICATIONS SERVICES**

**INTRODUCTION**

The Washington State Traffic Safety Commission (WTSC) is issuing this Competitive Solicitation pursuant to RCW 39.26. Pursuant to this Competitive Solicitation, WTSC intends to conduct a competitive procurement from interested parties in providing communications services in support of WTSC’s efforts to fulfill its mission to eliminate traffic deaths and serious injuries and to award multiple, Optional-Use Convenience Contracts (Convenience Contracts) to purchase those services.

The Contract(s) resulting from this solicitation will be designated as Optional-Use Convenience Contract(s) (Convenience Contract). The Convenience Contract will also be available for use by the Energy Facility Site Evaluation Council (EFSEC) for services aligning within the scope, and terms and conditions of the resulting Contract.

The purpose of this Competitive Solicitation is to solicit and award contract(s) with a focus on Communications Services in these three categories:

Category 1: Full-Service Media --- contract amount up to \$6 million over the three-year period to include ALL services as outlined below:

- Purchased media planning, placement, and management
- News and social media outreach and public relations
- Campaign and creative asset development, testing and production
- Cultural norms and media research
- Multicultural Transcreation and Translation
- Integrated Marketing

Category 2: News and social media outreach and public relations --- these services would be for smaller and or/shorter duration projects with a total contract amounts under \$500,000 over a three-year period.

**Note: Those bidding in Category 1 are excluded from bidding in Categories 2 and 3.**

Category 3: Campaign and creative asset development, testing, and production --- these services would be for smaller and or/shorter duration projects with a total contract amounts under \$500,000 over a three-year period. **Note: Those bidding in Category 1 are excluded from bidding in Categories 2 and 3.**

WTSC leads statewide efforts and builds partnerships to save lives and prevent injuries on our roadways for the health, safety, and benefit of our communities. WTSC centers equity in addressing the disparate impacts of serious and fatal collisions on historically marginalized communities. WTSC is recognized as a

national leader in traffic safety and has developed a reputation for creating and implementing leading-edge strategies. WTSC's work is guided by Washington's Strategic Highway Safety Plan, called Target Zero. The Target Zero Plan establishes the bold vision of eliminating traffic deaths and serious injuries by 2030. For more information about Target Zero, visit the website at [Target Zero - Washington State Strategic Highway Safety Plan](#).

WTSC's core values include:

- Servant Leadership: We are public servants whose calling is leadership in traffic safety.
- Collaboration: We build community by listening, inspiring dialogue, and utilizing the talents of all.
- Integrity: We honor our shared values through our actions and by doing what we say we'll do.
- Innovation: We continuously challenge processes and search for better ways to accomplish our work.
- Learning: We seek first to understand to gain new insights and expanded perspectives.

In the previous five years (2016 to 2020), 2,750 people died on Washington roads.

- Forty-nine percent involved an impaired driver, 32 percent involved a distracted driver, and 40 percent involved a driver who was speeding.
- Forty-seven percent of the people killed were drivers, 16 percent were passengers.
- Motorcycle riders (including passengers) account for 15 percent of the total deaths.
- 19 percent were people who were walking. People who were bicycling or "others" made up the remaining three percent.
- Of the 1,365 vehicle occupants with known restraint use, almost 39 percent were not wearing seat belts or were not secured in child restraints.
- Seventy percent of those who died were men. People between ages 21-25 were the most frequent age group killed.
- 60% of the deaths occurred in just six counties: King (542), Pierce (326), Snohomish (215), Spokane (183), Yakima (176), and Clark (147).
- Driver behavior is a causal factor in 94 percent of all traffic deaths.

The primary objective of WTSC's communications work is to reduce the number of traffic fatalities and serious injuries using the Positive Culture Framework to change road user behavior. Specifically, WTSC seeks to reach the following audiences: vulnerable road users, risky drivers, safe road users, and traffic safety partners and stakeholders.

**Vulnerable Road Users:** Some road users are more susceptible to involvement in fatal or serious injury crashes. Inexperience and developmental changes cause young drivers to face increased crash risks. Riding a motorcycle has inherent risks, as a rider who crashes is completely exposed to the crash elements, save their helmet or protective riding gear. People who walk or bike face potential vehicle conflicts every time they cross the street, and their risk of serious injury or death increases as the rate of vehicle speed increases. The communications program supports media campaigns that help reduce the risks these vulnerable road users encounter.

**Risky drivers:** For many years, the communications program has focused high visibility enforcement campaign communication efforts on those drivers at most risk of driving impaired, distracted, or failing to wear their seat belt. These communications campaigns are coupled with extra enforcement by over 150 law enforcement agencies using the High Visibility Enforcement (HVE) method. The communication targets the populations identified within these risky behavior programs. Participation in three of these

campaigns—Holiday DUI, “Click It or Ticket,” and Labor Day DUI—meet our statewide high visibility enforcement campaign requirements as mandated by the National Highway Traffic Safety Administration. Additional campaigns focus on distracted drivers and motorcycle safety.

**Safe Road Users:** WTSC worked with the Center for Health and Safety Culture, at Montana State University’s Western Transportation Institute to apply a traffic safety culture lens to traffic safety behaviors. The communications program is using a cultural approach to build the engagement of the majority of safe road users to influence the behaviors of the smaller group engaging in risky behaviors. This approach is called Traffic Safety Citizenship or Proactive Traffic Safety.

Washington has a strong traffic safety culture. A recent representative sample of Washingtonians statewide found for adults in Washington:

- Most (74 percent) agree the only acceptable number of deaths and serious injuries on our roadways should be zero.
- Most (91 percent) agree that it is the responsibility of the driver to comply with the laws of our roads.
- Most (64 percent) agree that impairment begins with the first sip of alcohol.
- Most (76 percent) agree that impairment begins as soon as you start consuming cannabis.
- Most (81 percent) who find themselves in a situation to intervene, take steps to prevent someone from driving impaired.

**Traffic Safety Partners and Stakeholders:** In order to grow safe road user behaviors, we will rely on partners and stakeholders. Partners are people and organizations who share our vision and will work directly with us to take action to improve traffic safety. Examples of partners include commission agencies, target zero managers, and grantees. Partners can help connect us to stakeholders who can help us grow proactive traffic safety behaviors. Stakeholders are people or organizations who are impacted or influenced by our activities. Stakeholders are also all road users and so are the people and organizations they come in contact with such as their families, friends, classmates, teachers, employers, and community members. Stakeholders can take actions that change the shared belief systems of the traffic safety culture.

WTSC uses communications tactics designed to accomplish the following:

- Encourage safe road users to grow their proactive safety behaviors and use their influence to engage with risky drivers.
- Create awareness of specific safety issues that vulnerable road users face and encourage safe road users take proactive steps to increase protections for those vulnerable road users.
- Provide social media platforms and content to engage our partners to help us grow proactive traffic safety behaviors.
- Conduct outreach to stakeholders from across the social ecology who can take actions to engage others in ways that change the shared belief systems of the traffic safety culture.
- Conduct outreach to risky drivers to challenge their misperceptions about risky driving behaviors and increase their perception of the risks of those behaviors.
- Support Washington’s participation in national impaired driving and seat belt enforcement campaigns.
- Support other state and local traffic safety enforcement efforts that focus a specific risky driver behavior with meaningful media and public education outreach.

## OBJECTIVES AND SCOPE OF WORK

WTSC is looking for Bidders willing to be collaborative with WTSC, WTSC partners, and other communications services contractors to build positive, proactive traffic safety campaigns designed to change road user behaviors.

In support of WTSC's communications work, WTSC seeks qualified firms capable of providing any of the following services:

- Purchased media planning, placement, and management
- News and social media outreach and public relations
- Campaign and creative asset development, testing, and production
- Cultural norms and media research
- Multicultural transcreation (i.e., culturally relevant content developed specifically for audiences whose primary language is not English) and translation of campaigns in additional languages spoken in Washington (typically the top seven languages spoken in Washington, in addition to English)
- Integrated marketing
- Training to WTSC and partners on aspects of effective communication

A Bidder may respond to this Solicitation with a proposal to provide a single category or multiple categories of communications services. WTSC plans to select multiple bidders who submit a responsive bid and demonstrate they meet the requirements of a responsible bidder. Best value criteria will be judged based on how an individual or company would bid on a hypothetical project.

WTSC will assign projects under these Convenience Contracts on an "as needed" basis. When the need arises, WTSC may ask one or more Contractor(s) to provide a written proposal, including the approach, timeline, and budget for that project. Upon approval, WTSC will use the proposal as the basis for the work order, which will spell out the specific deliverables for that project.

For each project, the Contractor will:

- Hold a no-cost, pre-meeting to discuss the project and consider the best approach.
- Provide a written proposal that includes the approach, the deliverables, a timeline, and budget.
- Ensure the budget is based on the hourly rates, fees and/or commissions as provided in Bidders Bid Price (Exhibit C).
- Communicate as needed to keep WTSC informed and updated on the project.
- Alert WTSC to any problems that might lead to a change in approach, deliverables, timeline, or budget.
- Deliver all final products created to WTSC.
- Produce a final written report that outlines the final outcomes of the approach, deliverables, timeline, and budget prior to final billing.
- In addition to final written report requirements for media buys, the Contractor must include:
  - Project name
  - Media run dates
  - Budget
  - Spend
  - Total paid spots
  - Total bonus spots

- Impressions
- Other data, such as video views, interactions, etc.

Requirements:

- All videos created must contain closed captioning and/or subtitles in English and Spanish.
- Website materials must comply with [Web Content Accessibility Guidelines](#).
- Talent volunteers must sign release forms.
- Contractor will identify the demographics of target audiences in Washington, including race, ethnicity, cultural background, primary languages, geography, and other relevant factors, and recruit talent volunteers, actors, voice talent, and/or use images to reflect the diversity of specified target audiences in Washington.
- For any paid radio and TV buys, dollar-to-dollar match in bonus ads as befitting a government public service campaign must be negotiated.
- Contractor must make timely payments to the subcontractors and vendors who have performed work on behalf of WTSC through the Contractor. Failure to do so will be cause to terminate contract.

This Competitive Solicitation is divided into six (6) sections:

- [Section 1](#) provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for WTSC’s Procurement Coordinator.
- [Section 2](#) provides important information about the procurement that is designed to help interested bidders evaluate the potential opportunity, including the purpose of the procurement, the form of the resulting Convenience Contract(s), and potential contract sales.
- [Section 3](#) identifies how WTSC will evaluate the bids.
- [Section 4](#) identifies how to prepare and submit a bid for this Competitive Solicitation, including detailed instructions regarding what to submit and how to submit your bid.
- [Section 5](#) details the applicable requirements to file a complaint, request a debrief conference, or file a protest regarding this Competitive Solicitation.
- [Section 6](#) provides information pertaining to doing business with the State of Washington, including WTSC’s efforts to enable Washington’s small and diverse businesses to compete for and participate in state procurements for goods/services.

In addition, this Competitive Solicitation includes the following Exhibits:

- **Exhibit A – Required Bidder Information:** These exhibits identify information that bidders must provide to WTSC to constitute a responsive bid. *See* Section 4, below.
  - Exhibit A-1 – Bidder’s Certification
  - Exhibit A-2 – Bidder’s Profile
- **Exhibit B – Performance Requirements:** This exhibit outlines the required specifications/qualifications for the service(s) that is/are the subject of this Competitive Solicitation.

- Exhibit C – Bid Price: This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that WTSC will use to evaluate and compare bids.
- Exhibit D – Contract: This exhibit is a draft of the Convenience Contract that any successful bidder will execute with WTSC.
- Exhibit D1 – Contract Issues List: This exhibit outlines the bidder’s issues, if any, and proposed resolution for bidders who have business concerns with the form of the Contract. Note, however, that WTSC reserves the right not to modify the Contract and to award the Contract on the basis of a bidder’s willingness to agree to the Contract.

**SECTION 1 – DEADLINES, QUESTIONS, PROCUREMENT COORDINATOR, AND MODIFICATION**

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This section identifies important deadlines for this Competitive Solicitation, where to direct questions regarding the Competitive Solicitation, and the process for potential amendments or modifications to the Competitive Solicitation.

- 1.1. **COMPETITIVE SOLICITATION DEADLINES.** The following table identifies important dates for this Competitive Solicitation:

<b>COMPETITIVE SOLICITATION DEADLINES</b>	
<b>ITEM</b>	<b>DATE</b>
Competitive Solicitation Posting Date:	June 21, 2022
Pre-Bid Conference:	July 11, 2022 at 1:00pm (Pacific Time)  <i>Attend via Video Conference</i>  Join Zoom Meeting <a href="https://des-wa.zoom.us/j/92337680881?pwd=U013L1NidUJTYUxmUFdIWwIkdHdHZz09">https://des-wa.zoom.us/j/92337680881?pwd=U013L1NidUJTYUxmUFdIWwIkdHdHZz09</a>  Meeting ID: 923 3768 0881 Password: 602819  Dial by your location 888 788 0099 US Toll-free 877 853 5247 US Toll-free Find your local number: <a href="https://des-wa.zoom.us/j/92337680881?pwd=U013L1NidUJTYUxmUFdIWwIkdHdHZz09">https://des-wa.zoom.us/j/92337680881?pwd=U013L1NidUJTYUxmUFdIWwIkdHdHZz09</a>
Question & Answer Period:	June 21, 2022 – July 27, 2022
Deadline for submitting Bids:	August 4, 2022

COMPETITIVE SOLICITATION DEADLINES	
ITEM	DATE
Anticipated Interview/Presentation Date(s)	August 25, 2022 – August 30, 2022
Anticipated Announcement of Apparent Successful Bidder:	September 2, 2022
Anticipated Award of Contract:	September 19, 2022

- 1.2. **COMPETITIVE SOLICITATION QUESTIONS.** Questions or concerns regarding this Competitive Solicitation must be directed to the following Procurement Coordinator:

Procurement Coordinator	
Name:	Mark Vessey
Telephone:	360-407-8728
Email:	<a href="mailto:DESProcurementConsulting@des.wa.gov">DESProcurementConsulting@des.wa.gov</a>

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

- 1.3. **COMPLAINTS, DEBRIEFS, & PROTESTS.** The Competitive Solicitation (and award of any Contract) is subject to complaints, debriefs, and protests as explained in Section 5, which may impact the dates set forth above.
- 1.4. **COMPETITIVE SOLICITATION – AMENDMENT & MODIFICATION.** WTSC reserves the right to amend and modify this Competitive Solicitation. **Only bidders who have properly registered and downloaded the original Competitive Solicitation directly via the Washington Electronic Business Solution (WEBS) will receive notifications of amendments and other correspondence pertinent to this Competitive Solicitation.** Bidders must be registered in WEBS to be awarded a Contract. Visit [WEBS](#) to register.

## SECTION 2 – INFORMATION ABOUT THE PROCUREMENT

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

- 2.1. **PURPOSE OF THE PROCUREMENT – AWARD A CONVENIENCE CONTRACT(S).** The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award an Optional-Use Convenience Contract(s) for WTSC to procure communications services as set forth herein. The Convenience Contract will be available for use by EFSEC. Pursuant to Washington’s Procurement Code for Goods and Services, RCW chap. 39.26, state agency purchases of goods and services must be based on a competitive solicitation process in which the Convenience Contract(s) is

awarded to the lowest responsive, responsible bidder. This Competitive Solicitation is awarded by category and designed to result in multiple Contract awards, as follows:

- Category 1 – Full-Service Media: Up to five (5) Contract awards;
- Category 2 – News and social media outreach and public relations: Up to three (3) Contract awards;
- Category 3 – Campaign and creative asset development, testing, and production: Up to three (3) Contract awards.

2.2. **CONTRACT TERM.** As set forth in the attached Convenience Contract for this Competitive Solicitation, the contract term is up to sixty (60) months. Bidders are to specify prices for the contract term. The Convenience Contract is subject to earlier termination.

2.3. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES.** WTSC will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation which, as set forth in Section 3.5, will impact the evaluation of bids for this Competitive Solicitation:

- Executive Order 18-03 – Workers’ Rights (Mandatory employee arbitration & class action waivers): 25 points
- Washington Small Business: 50 points
- Certified Veteran-Owned Business: 25 points

**SECTION 3 – BID EVALUATION**

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This section identifies how WTSC will evaluate bids for this Competitive Solicitation.

3.1. **OVERVIEW.** WTSC will evaluate bids for this Competitive Solicitation as described below.

- Bidder responsiveness, performance requirements, price factors, and responsibility, will be evaluated based on the process described herein.
- Any bidder whose bid is determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.
- WTSC reserves the right to: (1) Request clarification regarding any bid; (2) Waive any informality; (3) Reject any or all bids, or portions thereof; (4) Accept any portion of the bid unless the bidder stipulates all or nothing in their bid; (5) Cancel the Competitive Solicitation and, if desired, re-solicit bids; and/or (6) Negotiate with the lowest responsive and responsible bidder(s) to determine if such bid can be improved.
- WTSC will use the following process and evaluation criteria for an award of the Convenience Contract(s):

STEP	ITEM	CATEGORY 1 POINTS	CATEGORY 2/ CATEGORY 3 POINTS
1	Bid Responsiveness/Responsibility	Pass/Fail	Pass/Fail

STEP	ITEM	CATEGORY 1 POINTS	CATEGORY 2/ CATEGORY 3 POINTS
Bid Evaluation			
2	Exhibit B-1 – Bidder Qualifications	340	340
	Exhibit B-2 – Performance Requirements	360	300
3	Cost Factors Exhibit C – Bid Price	400	400
Sub Total:		1100	1040
State Procurement Priorities			
4	Washington Small Business	50	50
	Certified Veteran-Owned Business	25	25
	Executive Order 18-03	25	25
Total:		1200	1140
<b>TOP-SCORED BIDDER(S) ADVANCE TO STEP 5</b>			
Presentation Evaluation			
5	Presentation/Interview	300	200

3.2. **BID RESPONSIVENESS (STEP 1).** WTSC will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that WTSC will review each bid to determine whether the bid is complete – i.e., does the bid include each of the required bid submittals, are the submittals complete, signed, legible. WTSC reserves the right – in its sole discretion – to determine whether a bid is responsive – i.e., to determine a bidder’s compliance with the requirements specified in this Competitive Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Competitive Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders. For responsive bids, WTSC will make reasonable inquiry to determine the responsibility of any bidder. WTSC will determine responsibility on a pass/fail basis. In determining responsibility, WTSC will review *Exhibit B – Performance Requirements* on bidder’s ability to meet the minimum pass/fail requirements.

3.3. **PERFORMANCE REQUIREMENTS EVALUATION (STEP 2).** WTSC will evaluate each bid to ensure that each bidder’s product(s) or service(s) meet the specifications and/or performance requirements set forth in *Exhibit B – Performance Requirements*. WTSC reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder. A bidder’s failure to provide requested information to WTSC within ten (10) business days may result in disqualification.

- 3.4. **BID PRICING EVALUATION (STEP 3).** WTSC will evaluate bids – to identify the lowest evaluation total – by reviewing and comparing the submitted bid prices provided in *Exhibit C*.
- 3.5. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES (STEP 4).** WTSC will apply the following Washington State procurement priorities and preferences, as set forth below, to this Competitive Solicitation
- Executive Order 18-03 – Workers’ Rights (Mandatory employee arbitration & class action waivers): 25 points
  - Washington Small Business: 50 Points
  - Certified Veteran-Owned Business: 25 Points
- 3.6. **PRESENTATION EVALUATION (STEP 5).** WTSC may invite the bidder(s) with the top-scored proposals to demonstrate/interview with the evaluation committee. All key personnel will be required to participate in the demonstration/interview process. For bidders under Category 1, key personnel include a project/account manager, creative director, media specialist, and person responsible for transcription and translation who will be assigned to the contract if awarded. WTSC will contact the bidder(s) to schedule a date and time for demonstration/interview. Bidder is encouraged to secure the date(s) provided above in Competitive Solicitation Section 1.1. WTSC will provide further instruction at the time of scheduling presentations/interviews. Prior points are not accumulative and will be reset to zero for bidders who are deemed qualified. There will be a maximum of 300 points in Category 1 and 200 points in Category 2 awarded based on bidder’s demonstration/interview.
- 3.7. **BIDDER RESPONSIBILITY ANALYSIS.** For responsive bids, WTSC must determine whether the bidder is a ‘responsible bidder.’ In determining bidder responsibility, WTSC will consider the following statutory elements:
- The bidder’s ability, capacity, and skill to perform the contract or provide the service required;
  - The bidder’s character, integrity, reputation, judgment, experience, and efficiency;
  - Whether the bidder can perform the contract within the time specified;
  - The bidder’s performance quality pertaining to previous contracts or services;
  - The bidder’s compliance with laws relating to the contract or services;
  - Whether, within the three-year period immediately preceding the date of the Competitive Solicitation, the bidder has been determined by a final and binding citation and notice of assessment issued by the Washington State Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and
  - Such other information as may be secured having a bearing on the decision to award the Contract.

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

- Financial Information: WTSC may request financial statements, credit ratings, references, record of past performance, clarification of bidder's offer, on-site inspection of bidder's or subcontractor's facilities, or other information as necessary to determine bidder's capacity to perform and the enforceability of bidder's contractual commitments. Failure to respond to these requests may result in a bid being rejected as non-responsive.
  - References: WTSC reserves the right to use references to confirm satisfactory customer service, performance, satisfaction with service/product, knowledge of products/service/industry and timeliness. Any negative or unsatisfactory reference can be reason for rejecting a bidder as non-responsible.
- 3.8. **CONTRACT NEGOTIATIONS.** WTSC may negotiate with the highest scored responsive, responsible bidder(s) to finalize the Contract and to determine if the bid may be improved. If, after a reasonable period of time, WTSC, in its sole judgement, cannot reach agreement on acceptable Contract terms with such bidder(s), WTSC may suspend negotiations and undertake negotiations with the next highest scored responsive, responsible bidder(s) as determined by the evaluations.
- 3.9. **ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER(S).** WTSC will determine the Apparent Successful Bidder(s) ("ASB"). The ASB will be the responsive and responsible bidder(s) that best meet(s) the Competitive Solicitation requirements and presents the best total value, including price, as calculated consistent with the instructions set forth in **Exhibit C – Bid Price**, and other factors as set forth in this Competitive Solicitation including any applicable state procurement priority or preference.
- Designation as an ASB does not imply that WTSC will issue an award for a Convenience Contract(s) to your firm. Rather, this designation allows WTSC to perform further analysis and ask for additional documentation. The bidder must not construe this as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of this notification, it does so at its own risk and expense.
  - Upon announcement of the ASB, bidders may request a debrief conference as specified in Section 5.
- 3.10. **AWARD OF CONVENIENCE CONTRACT(S).** Subject to protests, if any, WTSC and the ASB will enter into a Contract as set forth in **Exhibit D – Contract**. A contract award is made and a contract formed by signature of WTSC and awarded bidder on the Contract. WTSC reserves the right to award on an all-or-nothing consolidated basis. Following the award of the Contract, all bidders registered in WEBS will receive a Notice of Award delivered to the bidder's email address provided in the bidder's profile in WEBS.
- 3.11. **BID INFORMATION AVAILABILITY.** Upon WTSC's announcement of ASB, all bid submissions and all bid evaluations are subject to public disclosure pursuant to Washington's Public Records Act. See RCW 39.26.030(2).
- 3.12. **ADDITIONAL AWARDS.** WTSC reserves the right, during the resulting Contract term, to make additional Contract awards to responsive, responsible bidders who provided a bid but who were not awarded a Contract. Such awards would be on the same or substantially similar terms and

conditions and would be designed to address a Contractor vacancy (e.g., a contractor is terminated or goes out of business) or be in the best interest of the State of Washington.

## **SECTION 4 – HOW TO PREPARE AND SUBMIT A BID FOR THIS COMPETITIVE SOLICITATION**

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

- 4.1. **PRE-BID CONFERENCE.** WTSC will host a Competitive Solicitation pre-bid conference at the time and access information is indicated in Section 1.1 of this Competitive Solicitation. Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the Competitive Solicitation as needed and raise any issues or concerns that bidders may have. If changes to the Competitive Solicitation are required as a result of the pre-bid conference, the Procurement Coordinator will post an amendment to this Competitive Solicitation to WEBS. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the Procurement Coordinator.
- 4.2. **BIDDER COMMUNICATIONS REGARDING THIS COMPETITIVE SOLICITATION.** During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator for this Competitive Solicitation. See Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to the Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding the Competitive Solicitation be binding.
  - Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow WTSC to consider and, if warranted, respond to the inquiry. If a bidder does not notify WTSC of an issue, exception, addition, or omission, WTSC may consider the matter waived by the bidder for protest purposes.
  - If bidder inquiries result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.
  - Unauthorized bidder contact regarding this Competitive Solicitation with other state employees involved with the Competitive Solicitation may result in bidder disqualification.
- 4.3. **PRICING.** Bid prices must include all cost components needed for the goods and/or services as described in this Competitive Solicitation. See **Exhibit C – Bid Price**. A bidder's failure to identify all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.
  - **Inclusive Pricing:** Bidders must identify and include all cost elements in their pricing. In the event that bidder is awarded a Contract, the total price for the

goods and/or services shall be bidder's price as submitted. Except as provided in the Contract, there shall be no additional costs of any kind.

4.4. **BID SUBMITTAL CHECKLIST – REQUIRED BID SUBMITTALS.** This section identifies the bid submittals that must be provided to WTSC to constitute a responsive bid. The submittals must be delivered as set forth below. Bids that do not include the submittals identified below may be rejected as nonresponsive. In addition, a bidder's failure to complete any submittal as instructed may result in the bid being rejected. Bidders may not provide unsolicited materials. For any supplemental materials expressly required by WTSC in writing, bidders must identify such supplemental materials with the bidder's name.

**EXHIBIT A-1 – BIDDER'S CERTIFICATION**

This document is the Bidder's Certification.

Complete the certification, attach it to the bid along with any exceptions or required explanations, and submit it to WTSC.

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

**EXHIBIT A-2 – BIDDER'S PROFILE**

This document is required bidder information for WTSC's contract administration purposes.

Complete as instructed and submit with the bid to WTSC.

**EXHIBIT B-1 – BIDDER QUALIFICATIONS**

Bidder will need to complete the questions indicating bidder meets or exceeds the detailed specifications/qualifications set forth in ***Exhibit B-1 – Bidder Qualifications***.

**EXHIBIT B-2 – PERFORMANCE REQUIREMENTS**

Bidder will need to confirm that the goods and/or services and/or bidder's performance meets or exceeds the detailed specifications/qualifications set forth in ***Exhibit B-2 – Performance Requirements***.

**EXHIBIT C – BID PRICE**

Bidder will need to complete the price worksheet templates as instructed in ***Exhibit C – Bid Price***.

**EXHIBIT D-1 – CONTRACT ISSUES LIST**

This document is a required submittal IF bidder has business issues with the Contract attached as ***Exhibit D – Convenience Contract***. If so, bidder must complete and submit to WTSC. Note, however, that WTSC reserves the right not to modify the Contract and to award the Contract on the basis of a bidder's willingness to agree to the Contract.

- 4.5. **BID FORMAT.** Bids must be complete, legible, signed, and follow all instructions stated in the Competitive Solicitation (including the exhibits). Unless otherwise specified in writing by WTSC, documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF. Where required to do so, bidders may sign using either a physical or electronic signature.
- 4.6. **SUBMITTING BIDS.** Your electronic bid must be emailed to [DESProcurementConsulting@des.wa.gov](mailto:DESProcurementConsulting@des.wa.gov); DES's email boxes only can accept emails that total less than 30MB in size. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted.

## SECTION 5 – COMPLAINT, DEBRIEF, & PROTEST REQUIREMENTS

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

- 5.1. **COMPLAINTS.** This Competitive Solicitation offers a complaint period for bidders wishing to voice objections to this solicitation. The complaint period ends five (5) business days before the bid due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the Question & Answer Period or, if applicable, at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. WTSC will consider all complaints but is not required to modify or cancel the Competitive Solicitation. If bidder complaints result in changes to the Competitive Solicitation, written amendments to the Competitive Solicitation will be issued and posted on WEBS.
- a. **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.
  - b. **INITIATING A COMPLAINT.** A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for bid submittal; and (b) Be in writing (see Form and Substance, and Other below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
  - c. **RESPONSE.** When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for bid submittals, unless more time is needed. WTSC is required to promptly post the response to a complaint on WEBS.
  - d. **RESPONSE IS FINAL.** The Procurement Coordinator's response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to bid submittal may be deemed waived for protest purposes.
- 5.2. **DEBRIEF CONFERENCES.** A Debrief Conference is an opportunity for a bidder and WTSC, through its Procurement Coordinator, to meet and discuss the bidder's bid (and, as further explained below, is a necessary prerequisite to filing a protest). Following the evaluation of the bids, [Agency] will issue an announcement of the ASB. That announcement may be made by any means, but WTSC

likely will use email to the bidder's email address provided in the Bidder's Profile. Bidders will have three (3) business days to request a Debrief Conference. Once a Debrief Conference is requested, WTSC will offer the requesting bidder one meeting opportunity and notify the bidder of the Debrief Conference place, date, and time. Please note, because the debrief process must occur before making an award, WTSC likely will schedule the Debrief Conference shortly after the announcement of the ASB and the bidder's request for a Debrief Conference. WTSC will not allow the debrief process to delay the award. Therefore, bidders should plan for contingencies and alternate representatives. **Bidders who wish to protest must first participate in a debrief conference. Bidders who are unwilling or unable to attend the Debrief Conference will lose the opportunity to protest. A debrief is a required prerequisite for a bidder wishing to file a protest.**

- a. **TIMING.** A Debrief Conference may be requested by a bidder following announcement of the Apparent Successful Bidder (ASB).
- b. **PURPOSE OF DEBRIEF CONFERENCE.** Any bidder who has submitted a timely bid response may request a Debrief Conference (see Form and Substance, and Other below). A Debrief Conference provides an opportunity for the bidder to meet with WTSC to discuss bidder's bid and evaluation. It does not provide an opportunity to discuss other bids and evaluations.
- c. **REQUESTING A DEBRIEF CONFERENCE.** The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the announcement of the Apparent Successful Bidder. Debrief conferences are done virtually (e.g., by telephone or web-based virtual meeting such as Zoom, MS Teams), as determined by WTSC, and may be limited by WTSC to a specified period of time. The failure of a bidder to request a debrief within the specified time and attend a debrief conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the procurement coordinator before or during the debrief conference may be deemed waived for protest purposes.

**5.3. PROTESTS.** Following a Debrief Conference, a bidder may protest the award of a Contract.

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

5.4. **COMMUNICATION DURING COMPLAINTS, DEBRIEFS, AND PROTESTS.** With the exception of protests, all communications about this Competitive Solicitation, including complaints and debriefs, must be addressed to the Procurement Coordinator unless otherwise directed. Protests must be addressed to the Protest Officer.

- a. **FORM, SUBSTANCE, & OTHER.** All complaints, requests for debrief, and protests must:
  - i. Be in writing;
  - ii. Be signed by the complaining or protesting bidder or an authorized agent, unless sent by email;
  - iii. Be delivered within the time frame(s) outlined herein;
  - iv. Identify the Competitive 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.
- b. **COMPLAINTS & PROTESTS.** All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.

5.5. **HOW TO CONTACT WTSC.**

- a. **TO SUBMIT A COMPLAINT.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation. The email message must include “Complaint” in the subject line of the email message. Alternatively, mail the complaint to the Procurement Coordinator listed in this Competitive Solicitation at the following address:

Attn: Procurement Coordinator – Complaint  
WTSC Competitive Solicitation 2022-02  
Contracts & Procurement Division  
Washington State Department of Enterprise Services  
P.O. Box 41411  
Olympia, WA 98504-1411

- b. **TO REQUEST A DEBRIEF CONFERENCE.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation. The email message must include “Debrief” in the subject line of the email message.

- c. **TO SUBMIT A PROTEST.** Send an email message to the Protest Officer at the following email address: [DESDLProcurementProtest@des.wa.gov](mailto:DESDLProcurementProtest@des.wa.gov). The email message must include “Protest WTSC Solicitation 2022-02” in the subject line of the email message. Alternatively, mail the protest to the Protest Officer at the following address:

Attn: Protest Officer  
WTSC Competitive Solicitation 2022-02  
Contracts & Procurement Division  
Washington State Department of Enterprise Services  
P.O. Box 41411  
Olympia, WA 98504-1411

## SECTION 6 – DOING BUSINESS WITH THE STATE OF WASHINGTON

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This section provides additional information regarding Washington’s Public Records Act and doing business with the State of Washington, including WTSC’s efforts to enable Washington’s small, diverse, and veteran-owned businesses to compete for and participate in state procurements for goods/services.

### 6.1. WASHINGTON’S PUBLIC RECORDS ACT – PUBLIC RECORDS DISCLOSURE REQUESTS.

- All documents (written and electronic) submitted to WTSC as part of this procurement are public records. Unless statutorily exempt from disclosure, such records are subject to disclosure *if* requested. See [RCW 42.56](#), Public Records Act. WTSC strongly discourages bidders from unnecessarily submitting sensitive information (e.g., information that bidder might categorize as ‘confidential,’ ‘proprietary,’ ‘sensitive,’ ‘trade secret,’ etc.).
  - If, in bidder’s judgment, Washington’s Public Records Act provides an applicable statutory exemption from disclosure for certain portions of bidder’s bid, please mark the precise portion(s) of the relevant page(s) of the bid that bidder believes are statutorily exempt from disclosure and identify the precise statutory basis for exemption from disclosure.
  - In addition, if, in bidder’s judgment, certain portions of bidder’s bid are not statutorily exempt from disclosure but are sensitive because these particular portions of bidder’s bid (NOT including pricing) include highly confidential, proprietary, or trade secret information (or the equivalent) that bidder protects through the regular use of confidentiality or similar agreements and routine enforcements through court enforcement actions, please mark the precise portion(s) of the relevant page(s) of bidder’s bid that include such sensitive information.
- In the event that WTSC receives a public records disclosure request pertaining to information that bidder has submitted and marked either as (a) statutorily exempt from disclosure; or (b) sensitive, WTSC, prior to disclosure, will do the following:
  - WTSC’s Public Records Officer will review any records marked by bidder as statutorily exempt from disclosure. In those situations, where the designation comports with the stated statutory exemption from disclosure, WTSC will redact or withhold the document(s) as appropriate.
  - For documents marked ‘sensitive’ or for documents where WTSC either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, WTSC will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that WTSC intends to release the document(s) (including documents marked ‘sensitive’ or exempt from disclosure) to the requester unless the bidder, at bidder’s sole expense, timely obtains a court order enjoining WTSC from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, WTSC will release the requested document(s) on the date specified. Bidder’s failure properly to identify exempted or sensitive information and timely respond after notice of request for public disclosure has been given shall be deemed a waiver

by bidder of any claim that such materials are exempt or protected from disclosure.

6.2. **SMALL & DIVERSE BUSINESSES.** WTSC, 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). In support of the state's economic goals and to support a diverse supplier pool, WTSC has established the following voluntary numerical goals for WTSC's Competitive Solicitations:

- Ten percent (10%) Minority-Owned Businesses certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE);
- Six percent (6%) Women-Owned Businesses certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE);
- Five percent (5%) Veteran-Owned Businesses certified by the Washington State Department of Veterans Affairs (WDVA); and
- Twenty-Five percent (25%) Washington Small Businesses, five percent (5%) of which are microbusinesses or minibusinesses as defined in RCW 39.26.010(16) and (17).

Achievement of these goals is encouraged whether directly or through subcontractors.

- **OMWBE CERTIFICATION.** Bidders 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 – Bidder's Profile*.
- **WDVA CERTIFICATION.** Bidders 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 – Bidder's Certification*.
- **WASHINGTON SMALL BUSINESSES.** Bidders may contact WTSC 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 – Bidder's Certification*.

6.3. **WEBS REGISTRATION.** Individuals and firms interested in state contracting opportunities with WTSC or any state agency should register for competitive solicitation notices at the Washington Electronic Business Solution (WEBS) [WEBS Registration](#). Note: There is no cost to register on WEBS.

#### EXHIBIT A-1 – BIDDER'S CERTIFICATION

See attached *Exhibit A-1 – Bidder’s Certification*.

Note: As set forth above, Bidder must complete, sign, and return the *Exhibit A-1 – Bidder’s Certification* to WTSC.

#### **EXHIBIT A-2 – BIDDER’S PROFILE**

See attached *Exhibit A-2 – Bidder’s Profile*.

Note: As set forth above, Bidder must complete and return the *Exhibit A-2 – Bidder’s Profile* to WTSC.

#### **EXHIBIT B-1 – BIDDER QUALIFICATIONS**

Note: As set forth above, Bidder must complete and return the *Exhibit B-1 – Bidder Qualifications*, the procurement-specific requirements/qualifications for the specific good and/or service at issue to WTSC.

#### **EXHIBIT B-2 – PERFORMANCE REQUIREMENTS**

Note: As set forth above, Bidder must complete and return *Exhibit B-2 – Performance Requirements*, the procurement-specific requirements/qualifications for the specific good and/or service at issue to WTSC.

#### **EXHIBIT C – BID PRICE**

See attached *Exhibit C – Bid Price*.

Note: As set forth above, Bidder must complete and return *Exhibit C – Bid Price* to WTSC.

#### **EXHIBIT D – CONVENIENCE CONTRACT**

See attached *Exhibit D – Convenience Contract* for Competitive Solicitation No. 2022-02 – Communication Services.