



## AGENCY CONTRACT COMPETITIVE SOLICITATION – No. 2024-06

### JUDICIAL OUTREACH LIAISON

#### INTRODUCTION

The Washington 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 to award an Agency Contract for WTSC to obtain a Judicial Outreach Liaison (JOL) Contractor for the state of Washington.

The purpose of this project is to improve the delivery of justice in impaired driving cases and other traffic safety cases, through education, communication, community outreach activities, (to the extent judicial independence and ethics are not compromised), and collegial and ethical collaboration with judges, Washington Traffic Safety Commission (WTSC) and other stakeholders.

The JOL program is a federally recommended best practice by NHTSA and a prioritized strategy that will be included in our Triennial Highway Safety Plan (3HSP), Annual Grant Application (AGA) and the Washington State Impaired Driving Strategic Plan.

The JOL will:

- Provide training, education, and technical assistance to judges and other criminal justice officials regarding impaired driving.
- Promote evidence-based practices and innovations in sentencing and probation supervision practices related to impaired driving and substance abuse disorder, including DUI specialized dockets.

Function as an active liaison between the WTSC, state judicial educators, and Washington judges and their representative organizations.

WTSC is provided with federal funding to pay for the goods/services provided to WTSC pursuant to the Contract resulting from this Competitive Solicitation. Accordingly, as set forth in the Contract and the evaluation process for this Competitive Solicitation:

- The Contract is subject to various standard federal requirements;
- Bids must satisfy certain federal requirements to qualify as a responsive bid; and
- Bidders must satisfy certain federal requirements to qualify as a responsive bidder. Similarly, the Contract resulting from this Competitive Solicitation is funded with federal funds provided to WTSC.

As set forth below, the total estimated Contract value is \$120,000.

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 the 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 Contract, and potential contract sales.
- [Section 3](#) identifies how bids will be evaluated.
- [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 the Procurement Coordinator to constitute a responsive bid. See Section 4, below.
  - Exhibit A-1 – Bidder's Certification
  - Exhibit A-2 – Bidder's Profile
- *Exhibit B – Mandatory Performance Requirements, Additional WTSC/Federal Requirements, and Non-Cost Responses*: These exhibits outline both the required and desired specifications/qualifications for the good(s) and/or service(s) that is/are the subject of this Competitive Solicitation.
  - Exhibit B-1 – Mandatory Performance Requirements
  - Exhibit B-2 – Additional WTSC/Federal Requirements
  - Exhibit B-3 – Non-Cost Response
- *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 the Procurement Coordinator will use to evaluate and compare bids.
- *Exhibit D – Contract*: This exhibit is a draft of the Contract that any successful bidder will execute with WTSC.
- *Exhibit E – 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 the Procurement Coordinator 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.
- *Exhibit F – Diverse Business Inclusion Plan – Subcontractors* - Required **only if** Bidder will be using subcontractors to perform the Contract: This exhibit outlines the inclusion plan for diverse business subcontractors pertaining 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:	August 6, 2024
Pre-Bid Conference:	August 20, 2024 at 1:00 p.m. (Pacific Time)
	<p><i>Attend via Video Conference</i></p> <p><b>Microsoft Teams</b></p> <p><a href="#">Join the meeting now</a></p> <p>Meeting ID: 241 716 120 168 Passcode: 5Mrs6e</p>
	<p><b>Dial in by phone</b></p> <p><a href="#">+1 360-726-3322,,948364392#</a> United States, Seattle</p> <p><a href="#">(833) 322-1218,,948364392#</a> United States (Toll-free)</p> <p><a href="#">Find a local number</a></p> <p>Phone conference ID: 948 364 392#</p>
Question & Answer Period:	Deadline for Submitting Questions: Friday, September 6 <sup>th</sup> , 2024
	Anticipated Deadline for Answers: Tuesday, September 10 <sup>th</sup> , 2024
	Deadline for Submitting Bids: Friday, September 13 <sup>th</sup> , 2024
	Anticipated Interview/Demonstration Date(s): September 23 <sup>rd</sup> , 30 <sup>th</sup> , and October 1 <sup>st</sup> , 2024
	Anticipated Announcement of Apparent Successful Bidder: October 3 <sup>rd</sup> , 2024
	Anticipated Award of Contract: October 16 <sup>th</sup> , 2024

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

Procurement Coordinator	
Name:	Megan Baker, Washington Traffic Safety Commission
Telephone:	360-725-9881
Email:	<a href="mailto:mbaker@wtsc.wa.gov">mbaker@wtsc.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). As used in this Competitive Solicitation, in evaluating bids, references to ‘the Procurement Coordinator,’ include agency personnel and/or third-party evaluation committees.

- 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.** The Procurement Coordinator 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.** 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 CONTRACT.** The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award a Contract for WTSC to procure specific goods and/or services as set forth herein. Pursuant to Washington’s Procurement Code for Goods and Services, RCW 39.26, state agency purchases of goods and services must be based on a competitive solicitation process in which the Contract is awarded to the lowest responsive, responsible bidder.
- 2.2. **CONTRACT.** The form of the Contract that will be awarded as a result of this Competitive Solicitation is attached as *Exhibit D – Contract*.
- 2.3. **CONTRACT TERM.** As set forth in the attached Contract for this Competitive Solicitation, the term of this Contract commences upon the date of execution by both Parties and ends September 30, 2025. However, if the Contractor is not in default and, in WTSC’s reasonable judgment, the Contractor satisfactorily has met the performance-based goals for contract extension, WTSC may extend the term of this Contract by written amendment for up to two, 1-year extensions. Such extension amendment shall be on the same terms and conditions as set forth in the Contract. Bidders are to specify prices for the Contract term. The Contract is subject to earlier termination.
- 2.4. **ESTIMATED CONTRACT VALUE.** Total potential or estimated Contract sales for this Competitive Solicitation are not known. Although WTSC does not represent or guarantee any minimum purchase from the Contract, WTSC anticipates a total Contract budget of \$120,000.

2.5. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES.** The Procurement Coordinator 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: 15 points

**SECTION 3 – BID EVALUATION**

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This section identifies how bids for this Competitive Solicitation will be evaluated.

3.1. **OVERVIEW.** Bids for this Competitive Solicitation will be evaluated 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.
- The Procurement Coordinator 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.
- The following summary chart provides an overview of the process and evaluation criteria (which are further described below) to determine eligibility for a Contract award:

STEP	ITEM	POINTS
<b>Bid Responsiveness</b>		
1	Bid Responsiveness	Pass/Fail
2	Mandatory Performance Requirements Evaluation <i>Exhibit B-1 – Mandatory Performance Requirements</i> <i>Exhibit B-2 – Additional WTSC/Federal Requirements</i>	Pass/Fail 250 points
<b>Bid Evaluation</b>		
3A	Non-Cost Factors <i>Exhibit B-3 – Non-Cost Response</i>	Pass/Fail
3B	Cost Factors <i>Exhibit C – Bid Price</i>	150
<b>Sub Total:</b>		<b>400</b>

State Procurement Priorities		
4	Executive Order 18-03	15
Sub Total:		415
<b>UP TO TOP 3 SCORED BIDDERS ADVANCE TO STEP 5</b>		
Interview Evaluations		
5	Oral Interview	100
<b>Total</b>		<b>515</b>
Responsible Bidder		
6	Bidder Responsibility Analysis	Pass/Fail
Contract Negotiations		
7	Contract Negotiations	N/A

- 3.2. **BID RESPONSIVENESS/RESPONSIBILITY (STEP 1).** The Procurement Coordinator will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that the Procurement Coordinator 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, and legible. The Procurement Coordinator 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 the quality, quantity, or delivery of the goods or the quality, capability, or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders.
- 3.3. **PERFORMANCE REQUIREMENTS EVALUATION (STEP 2).** The Procurement Coordinator will evaluate each bid, on a pass/fail basis, to ensure that each bidder’s goods and/or services meet the mandatory specifications and/or performance requirements set forth in *Exhibit B-1 – Mandatory Performance Requirements* and *Exhibit B-2 – Additional WTSC/Federal Requirements*. The Procurement Coordinator 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 the Procurement Coordinator within ten (10) business days may result in disqualification.
- 3.4. **BID EVALUATION: NON-COST FACTORS (STEP 3A).** WTSC will evaluate the non-cost responses set forth in *Exhibit B-3 – Non-Cost Response* on a pass/fail basis.
- 3.5. **BID EVALUATION: BID PRICE (STEP 3B).** The Procurement Coordinator will evaluate bid pricing by reviewing and comparing the submitted bid prices provided in *Exhibit C – Bid Price*. There are a total of 150 points available.

<b>Section A: Bidder Annual Price</b>		
<b>Estimated Hours – Monthly (Minimum of 10 hours required)</b>	<b>Hourly Rate</b>	<b>Monthly Total</b>
	\$	\$
<p><b>Section B: Statewide/Local Travel Expenses.</b> (Travel is included in the annual RFP amount. Any travel incurred is the responsibility of the bidder).</p> <p><b>A minimum of eight (8) in-person travel events are required throughout the period of performance.</b></p> <p><b>Please itemize and provide details for proposed expenditures</b></p>		
Transportation (mileage reimbursement, airfare, public transportation, baggage fees)	\$	
Lodging	\$	
Meals	\$	
Misc. travel costs	\$	
<b>Subtotal cost</b>	<b>\$</b>	
<p><b>Section C: Training Materials and Resources</b></p> <p><b>Please itemize and provide details for proposed expenditures</b></p>		
Printed Materials and Supplies	\$	
Training Curriculum Development	\$	
Legal Research Tools and Subscriptions	\$	
Other costs associated with training materials and resources	\$	
<b>Subtotal cost</b>	<b>\$</b>	

<b>Section D: Professional Development</b>	
<b>Please itemize and provide details for proposed expenditures</b>	
Conferences/Workshops (Registration, etc.)	\$
Membership Dues	\$
Other costs associated with professional development opportunities. (Must be listed with a justification aligned to the JOL role and receive pre-approval from the Program Manager.)	\$
<b>Subtotal cost</b>	<b>\$</b>
<b>Total</b>	<b>\$</b>

- 3.6. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES (STEP 4).** The Procurement Coordinator will apply the following Washington State procurement priorities and preferences, as set forth below, to this Competitive Solicitation
- **PROCUREMENT PREFERENCE FOR EXECUTIVE ORDER 18-03** (Firms without Mandatory Individual Arbitration for Employees). Pursuant to RCW 39.26.160(3) (best value criteria) and consistent with [Executive Order 18-03 – Supporting Workers’ Rights to Effectively Address Workplace Violations](#) (dated June 12, 2018), the Procurement Coordinator will evaluate bids for best value and will provide a bid preference in the amount of 10 points to any bidder who certifies, pursuant to *Exhibit A-1 – Bidder’s Certification*, that their firm does **NOT** require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.
- 3.7. **DEMONSTRATION EVALUATION (STEP 5).** WTSC, at its discretion, may invite up to the top three bidders with the highest-scored proposals to demonstrate with the evaluation committee. All key personnel will be required to participate in the demonstration process. Key personnel are defined as Bidder’s representatives who will be directly communicating with WTSC on the implementation of digital alert technology. The Procurement Coordinator will contact the bidder(s) to schedule a date and time for the demonstration. Bidder(s) is/are encouraged to hold the date(s) indicated in Competitive Solicitation Section 1.1. The Procurement Coordinator will provide further instruction at the time of scheduling demonstrations. There will be a maximum of 100 points awarded based on bidder’s demonstration. All points are cumulative.
- 3.8. **BIDDER RESPONSIBILITY ANALYSIS (STEP 6).** For responsive bids, the Procurement Coordinator must determine whether the bidder is a ‘responsible bidder.’ Accordingly, the Procurement Coordinator will make reasonable inquiries to determine bidder responsibility on a pass/fail



basis. In determining bidder responsibility, the Procurement Coordinator will consider the following statutory elements:

- Bidder’s ability, capacity, and skill to perform the contract or provide the service required;
- Bidder’s character, integrity, reputation, judgment, experience, and efficiency;
- Bidder’s ability to perform the contract within the time specified;
- Bidder’s performance quality pertaining to previous contracts or services;
- 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, 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, the Procurement Coordinator may consider the following:

- Financial Information: The Procurement Coordinator may request financial statements, credit ratings, references, record of past performance, clarification of bidder’s bid, on-site inspection of bidder’s or subcontractor’s facilities, or other information as necessary to determine bidder’s capacity to perform and the enforceability of bidder’s contractual commitments. Failure to respond to these requests may result in a bid being rejected as non-responsive.
- References: The Procurement Coordinator 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.

3.9. **CONTRACT NEGOTIATIONS (STEP 7).** The Procurement Coordinator may negotiate with the highest scored responsive, responsible bidder to finalize the Contract and to determine if the bid may be improved. If, after a reasonable period of time, the Procurement Coordinator, in its sole judgement, cannot reach agreement on acceptable Contract terms with such bidder, the Procurement Coordinator may suspend negotiations and undertake negotiations with the next highest scored responsive, responsible bidder as determined by the evaluations.

3.10. **ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER.** The Procurement Coordinator will determine the Apparent Successful Bidder (“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.

- ASB designation does not imply that the ASB will be issued an award for a Contract. Rather, this designation allows the awarding agency to perform further analysis and ask for additional documentation. The bidder must not construe ASB designation as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of such notification or designation, it does so at its own risk and expense.
- Upon ASB announcement, bidders may request a debrief conference as specified in Section 5.

3.11. **AWARD OF CONTRACT.** Subject to protests, if any, the awarding agency and the ASB will enter into a Contract as set forth in *Exhibit D – Contract*. An award is made and a contract formed by signature of the awarding agency and the awarded bidder on the Contract. Following the Contract award, 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.

3.12. **BID INFORMATION AVAILABILITY.** Upon ASB announcement, 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). Upon announcement of ASBs, all bid evaluations will be posted to WEBS.

3.13. **ADDITIONAL AWARDS.** The awarding agency 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 an awarded Contractor vacancy (e.g., an awarded 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 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 the Procurement Coordinator 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.** The Procurement Coordinator will host a Competitive Solicitation pre-bid conference at the time set forth 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 specified in Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to this Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding this Competitive Solicitation be binding.

- Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow the Procurement Coordinator to consider and, if warranted, respond to the inquiry. If a bidder does not notify the Procurement Coordinator of an issue, exception, addition, or omission, such matter may be considered to be 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.
- **Credit Cards (P-Cards):** In the event that bidder is awarded a Contract, the total price for the goods and/or services shall be the same regardless of whether Purchasers make payment by cash, credit card, or electronic payment. Bidder shall bear, in full, any processing or surcharge fees associated with the use of credit cards or electronic payment.

4.4. **BID SUBMITTAL CHECKLIST – REQUIRED BID SUBMITTALS.** This section identifies the bid submittals that must be provided to the Procurement Coordinator 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 the Procurement Coordinator 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, along with any exceptions or required explanations, and submit it with the bid to the Procurement Coordinator

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 contract administration purposes.  
Complete as instructed and submit it with the bid to the Procurement Coordinator.
- EXHIBIT B-1 – MANDATORY PERFORMANCE REQUIREMENTS**  
Bidder will need to confirm that bidder’s goods and/or services and/or bidder’s performance meets or exceeds the detailed specifications/qualifications set forth in *Exhibit B-1 – Mandatory Performance Requirements* and submit it with the bid to the Procurement Coordinator.
- EXHIBIT B-2 – ADDITIONAL WTSC/FEDERAL REQUIREMENTS**  
Bidder will need to confirm that bidder’s goods and services and/or bidder’s performance meets or exceeds the detailed specifications/qualifications set forth in *Exhibit B-2 – Additional WTSC/Federal Requirements* and submit it with the bid to the Procurement Coordinator.
- EXHIBIT B-3 – NON-COST RESPONSE**  
Bidder will need to confirm that bidder’s goods and services and/or bidder’s performance meets or exceeds the detailed specifications/qualifications set forth in *Exhibit B-3 – Non-Cost Response* and submit it with the bid to the Procurement Coordinator.
- EXHIBIT C – BID PRICE**  
Bidder will need to complete the price worksheet tools as instructed in *Exhibit C – Bid Price* and submit it with the bid to the Procurement Coordinator.
- EXHIBIT E – CONTRACT ISSUES LIST**  
This document is a required submittal **IF** bidder has business issues with the Contract attached as *Exhibit D – Contract*. If so, bidder must complete and submit to the Procurement Coordinator. 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.
- EXHIBIT F – BIDDER’S DIVERSE BUSINESS INCLUSION PLAN – SUBCONTRACTORS.** This exhibit is required **only** if Bidder will be using subcontractors to perform the Contract. This exhibit outlines the inclusion plan for diverse business subcontractors pertaining 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 the Procurement Coordinator, 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.** Bidder's electronic bid must be emailed to the Procurement Coordinator at the following email address: [mbaker@wtsc.wa.gov](mailto:mbaker@wtsc.wa.gov). *Note:* This email only can accept emails (including attachments) that total less than 30MB in size. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted.

## 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 Competitive 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. The Procurement Coordinator 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 complaint may be based only on one or more of the following grounds: (a) The Competitive Solicitation unnecessarily restricts competition; (b) The Competitive Solicitation evaluation or scoring process is unfair or flawed; or (c) The Competitive 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. The Procurement Coordinator 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 the awarding agency, 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 bid evaluation, the Procurement Coordinator will issue an ASB announcement. That the ASB announcement may be made by any means, but the Procurement Coordinator 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, if desired. If a Debrief Conference is timely requested, the Procurement Coordinator 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, the Procurement Coordinator likely will schedule the Debrief Conference shortly after the ASB announcement and the bidder's request for a Debrief Conference. The Procurement Coordinator will not allow the debrief process to delay the Contract award. Accordingly, 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 the Apparent Successful Bidder (ASB) announcement.
- b. PURPOSE OF DEBRIEF CONFERENCE. Any bidder who has submitted a timely bid response may request a Debrief Conference (see also Section 5.4 below). A Debrief Conference provides an opportunity for the bidder to meet with the Procurement Coordinator 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 ASB announcement. Debrief conferences may be conducted either in person at the Procurement Coordinator's offices in Olympia, Washington, or virtually (e.g., by telephone or web-based virtual meeting such as Zoom, Skype, MS Teams), as determined by the Procurement Coordinator, and may be limited by the Procurement Coordinator to a specified period of time. A bidder's failure to request a Debrief Conference within the specified time and attend the 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 also Section 5.4 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, the 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, debrief conference requests, and protests must:
    - i. Be in writing;
    - ii. Be signed by the complaining, requesting, or protesting bidder or an authorized agent;
    - 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 THE PROCUREMENT COORDINATOR.**
- a. **TO SUBMIT A COMPLAINT.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (see Section 1.2, above). 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 2024-06
    - Megan Baker, Procurement Coordinator
    - Washington Traffic Safety Commission
    - PO BOX: PO Box 40944,
    - Olympia, WA 98504-0944
    - 360-725-9881
    - [mbaker@wtsc.wa.gov](mailto:mbaker@wtsc.wa.gov)
  - b. **TO REQUEST A DEBRIEF CONFERENCE.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (see Section 1.2, above). 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: [mbaker@wtsc.wa.gov](mailto:mbaker@wtsc.wa.gov). The email message must include “Protest” and the Solicitation number 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 2024-06

Megan Baker, Procurement Coordinator  
Washington Traffic Safety Commission  
PO BOX: PO Box 40944,  
Olympia, WA 98504-0944  
360-725-9881  
[mbaker@wtsc.wa.gov](mailto:mbaker@wtsc.wa.gov)

## 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 the Procurement Coordinator and/or the awarding agency 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. The awarding agency 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 the awarding agency 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, the awarding agency, prior to disclosure, will do the following:
  - The awarding agency’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, the awarding agency will redact or withhold the document(s) as appropriate.

- For documents marked 'sensitive' or for documents where the awarding agency either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, the awarding agency will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that the awarding agency 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 the awarding agency from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, the awarding agency 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.** The awarding agency, 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, the awarding agency has established the following voluntary numerical goals for the awarding agency 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 the awarding agency 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 the awarding agency 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.

**6.4. ACCESS EQUITY CONTRACT REPORTING.** Bidders who are awarded a Contract (i.e., Contractor) pursuant to this Competitive Solicitation and **who utilize subcontractors to perform such Contract** must, as a condition of Contract award, register and report, as Contractor, through *Access Equity*, Washington’s secure online business diversity vendor management system (B2GNow), which is managed by Washington’s Office of Minority and Women’s Business Enterprises (OMWBE). Accordingly, please note:

- Regardless of whether Contractor previously has registered with B2GNow for any public entity, Contractor must verify that *Access Equity* has current information.
- During the Contract term, Contractor shall report monthly through *Access Equity* any payments to subcontractors pertaining to the Contract. Such reporting shall include total payment in dollars made to subcontractors, payment dates, and any additional information required to verify payment to subcontractors.
- Subcontractors must utilize *Access Equity* to verify such payment information as reported by Contractor.
- Information regarding *Access Equity* is available at OMWBE’s website: <https://omwbe.wa.gov/>. Online training for *Access Equity* is available through OMWBE.

**6.5. POLYCHLORINATED BIPHENYLS (PCBS) NOTICE.** Polychlorinated biphenyls, commonly known as PCBs, have adverse effects on human health and the environment. Accordingly, the State of Washington, through its procurements of goods/services, is trying to minimize the purchase of products with PCBs and to incentivize its contractual vendors to sell products and products-in-packaging without PCBs.

**6.6. EXECUTIVE ORDER 20-01 STATE EFFICIENCY AND ENVIRONMENTAL PERFORMANCE.** Cutting harmful pollution caused by the burning of fossil fuels for state facilities and vehicles, and reducing solid waste pollution and the use of dangerous toxics in the products state agencies purchase will all have a direct positive effect on human health, particularly for vulnerable children. When making purchasing, construction, leasing, and other decisions that affect state government’s emissions of Green House Gasses or other toxic substances, agencies shall explicitly consider the benefits and costs (including the social costs of carbon) of available options to avoid those emissions. Where cost-effective and workable solutions are available that will reduce or eliminate emissions, decision makers shall select the lower-emissions options.

## **INCLUDED EXHIBITS**

### **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 Bidder’s Certification to the Procurement Coordinator.

### **EXHIBIT A2 – BIDDER’S PROFILE**

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

Note: As set forth above, Bidder must complete and return the Bidder’s Profile to the Procurement Coordinator.

### **EXHIBIT B-1 – MANDATORY PERFORMANCE REQUIREMENTS**

*See attached Exhibit B-1 – Mandatory Performance Requirements.*

Note: As set forth above, Bidder must complete and return *Exhibit B-1 – Mandatory Performance Requirements*, the procurement-specific requirements/qualifications for the specific goods and services at issue to the Procurement Coordinator.

### **EXHIBIT B-2 – ADDITIONAL WTSC/FEDERAL REQUIREMENTS**

*See attached Exhibit B-2 – Additional WTSC/Federal Requirements.*

Note: As set forth above, Bidder must complete and return *Exhibit B-2 – Additional WTSC/Federal Requirements*, the procurement-specific requirements/qualifications for the specific goods and services at issue to the Procurement Coordinator.

### **EXHIBIT B-3 – NON-COST RESPONSE**

*See attached Exhibit B-3 – Non-Cost Response.*

Note: As set forth above, Bidder must complete and return *Exhibit B-3 – Non-Cost Response*, the procurement-specific requirements/qualifications for the specific goods and services at issue to the Procurement Coordinator.

### **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 the Procurement Coordinator.

### **EXHIBIT D – CONTRACT**

*See attached Exhibit D – Contract for Competitive Solicitation No. 2024-02 – Digital Alert Technology.*

### **EXHIBIT E – BIDDER’S CONTRACT ISSUES LIST (IF APPLICABLE)**

*See attached Exhibit E – Bidder’s Contract Issues List.*

Note: As set forth above, Bidder must complete and return *Exhibit E – Bidder’s Contract Issues List* to the Procurement Coordinator if bidder has any issues with the Contract set forth as *Exhibit D – Contract*.

**EXHIBIT F – DIVERSE BUSINESS INCLUSION PLAN – SUBCONTRACTORS (IF APPLICABLE)**

See attached *Exhibit F – Diverse Business Inclusion Plan – Subcontractors*

Note: As set forth above, Bidder must complete and return *Exhibit F – Diverse Business Inclusion Plan – Subcontractors* to the Procurement Coordinator **if** bidder intends to utilize subcontractors if awarded a Contract.