

**WASHINGTON STATE
OFFICE OF THE SECRETARY OF STATE**

**ITPS WORK REQUEST 24-05
2ND TIER SOLICITATION
STATEWIDE CONTRACT NO. 08215**

ITPS Categories of Services Solicited	
• ITPS_08215_02	IT Business Analysis
• ITPS_08215_04	IT Project Management
• ITPS_08215_06	Software Testing
• ITPS_08215_07	Client/Server & Web Services
• ITPS_08215_08	Database Services
• ITPS_08215_10	Infrastructure Services

FOR

OSOS CORE SYSTEMS MODERNIZATION

ISSUED MARCH 18, 2024

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SECTION 1 – INTRODUCTION

1.1 Purpose and Background

The Washington State Office of the Secretary of State (OSOS) is issuing this 2nd Tier solicitation – **ITPS Work Request 24-05** – under Statewide Contract No. 08215 for the purpose of soliciting proposals from qualified bidders interested in participating on a project to modernize several OSOS core technology systems.

OSOS is seeking to procure IT services from bidders in the ITPS categories listed above on an as-needed basis, to augment a current gap in application development staffing to support its core systems modernization initiative.

The OSOS Information Technology Group-Applications (ITG-Apps) unit supports multiple applications, both vendor- and internally-developed. ITG-Apps has pending requests from several OSOS Divisions – the business owners of these applications – to upgrade and modernize them to use newer technology platforms, operating systems databases, and code bases. These core systems continue to operate in less than optimal technology platforms, operating environments, or code bases. These systems must be upgraded to use the newer technology platforms, operating environments and code bases to support OSOS business needs.

1.2 Objective

The goal of the OSOS Core Systems Modernization is to modernize the technical framework and operating environment of OSOS's systems that use a variety of Microsoft-based solutions. These systems include but are not limited to:

- OSOS Corporations and Charities Filing System (CCFS) and subsystems including:
 - Apostilles applications
 - Domestic partnerships
- OSOS Combined Fund Drive (CFD) Donor Management System (DMS)
 - Interagency File Transfers and file formats
 - Online Credit Card Form
- OSOS Productivity Board
- OSOS Revenue System

1.3 Planned Approach and Scope of Work

OSOS seeks to obtain the services of one or more qualified bidders on this solicitation to complete the modernization of its core technology systems, which includes but is not limited to the following tasks:

- Re-platform or upgrade to the latest version the systems, using an Agile approach – migrate and modernize applications from various platforms to Azure, Angular, SQL and other technologies
- Data migration to Azure and SQL upgrades
- User Interface (UI) improvements –research and advocate implementation of changes to the User Interface (UI) to improve the user experience
- Business Processes – update and streamline business processes and workflows to support a hybrid work environment
- Improve Internet browser compatibilities and dependencies
- Improve check validation processes and system integrations
- Improve report generation and performance
- Modernize and remediate for One Washington project
- Upgrade and streamline scanner integrations
- Update and improve correspondence generation
- Meet or exceed applicable state and federal policies
- Accessibility – Update systems, to the maximum extent possible, to be compliant with the Americans with Disability Act (ADA), Web Content Accessibility Guidelines (WCAG) Compliant and the OCIO Accessibility policy
- Record Retention improvements and implementation
- Develop system documentation supporting the modernized systems
- Maintain systems during the modernization effort
- Conduct Quality Assurance testing of modernized systems

To complete the body of work in this solicitation, OSOS may issue a single work order to one qualified, successful bidder, or alternatively, multiple work orders to several qualified, successful bidders. Bidders may submit proposals for work under any or several of the ITPS Categories identified above for which they have been awarded a Tier 1 Master Contract. Bidders may also join with other bidders who have been awarded a Tier 1 Master Contract for one or more of the above-listed ITPS Categories for the purpose of presenting a single proposal.

1.4 Minimum Qualifications

Proposals will only be entertained from bidders who, as of the posting date of this solicitation, have been awarded a Tier 1 Master Contract for one or more of the above-listed ITPS categories.

In addition, a bidder must demonstrate that it meets the minimum qualifications listed below for each ITPS category of service it is offering to provide in its submitted proposal. The experience cannot be cumulative across individuals; however, an individual may fulfill more than one of the minimum qualifications (e.g., someone with both state government agency experience and IT project management experience):

- At least three (3) years working with a State of Washington agency or similar state core financial, business filing, or charitable donation systems that interface with the agency and state accounting systems (e.g., the Agency Financial Reporting System (AFRS)), and that are required to be in compliance with state and/or federal regulations.

- At least three (3) years of experience working on modernization of IT systems using an agile framework.
- At least one (1) project migrating core applications from on-site client/server-based architecture to Azure cloud environment.
- At least four (4) years of experience developing and maintaining web-based business applications using the following technologies:
 - Microsoft’s SQL Server 2012 and 2016
 - SQL Analysis Services, Reporting Services, and Integration services
 - .Net framework with C#
 - Azure Cloud Hosting services
 - MVC (Model View Control)
 - Web API
 - Angular JavaScript framework
- At least three (3) years of experience developing applications that are used by organizations, external to Washington State Government or similar state government applications, that follow State of Washington Identity Management User Authentication Standards (EA.183.20.10).

Whether employees or subcontractors, a key expectation is that the staff of the successful bidder(s) will have knowledge of the systems identified in section 1.2 of this solicitation (either in Washington state or in any other state) and the requisite experience with the technologies that make up the technology stack of existing OSOS applications, as well as their respective targeted replacement technologies. Bidders must identify in their proposals the key staff that will be available on an as-needed basis for this project, and must include their resumes and professional references with the submitted proposal.

OSOS program staff for this project are headquartered in Olympia, WA. The successful bidder(s) will work with our ITG Project Manager, ITG Application Development Manager, ITG Architect – Applications, as well as ITG staff, OSOS business owners and subject-matter experts, and other stakeholders. Many activities will require the successful bidder(s) to participate in and/or schedule and host remote meetings, conference calls, webinars, or other virtual events.

1.5 **Work Requirements**

The successful bidder(s) awarded a work order (referred to herein as “Contractor”) will work with the OSOS IT team and subject matter experts to:

*a. **Develop Design Specifications***

Contractor will use the current systems as a baseline for the design specifications. Design specifications will be focused on a modernized user interface and appropriate consolidation of systems functions.

Contractor will review the systems (*as-is*) to summarize business transactions and develop functional specifications.

The first design session will serve to establish project standards in accordance with established OSOS Standards. This includes:

- Defining the format of design specifications artifacts (page header, wireframes templates, etc.); and
- Designing and developing a reusable template to include:
 - Formats to use for field lists;
 - Input control events and navigation standards;
 - Business rules and screen validation; and
 - ADA tags and tab sequences

b. Create or Work in Established Development and Test Environments

Contractor will work with OSOS IT to:

- Create environments to provide the development/test teams a means of acquainting themselves with the products to be used in development.
- Create databases and copies of the application for developers to use in modernizing the systems and for unit and system integration testing.
- Create other staging areas to support the project's configuration management control mechanisms, including repositories for demonstration and training activities.
- Provide team members with the necessary development tools and apply are made available to development staff.

c . Modernize Systems

Contractor will incorporate defined specifications into the systems identified in the Scope of Work, including:

- Migrate and modernize application code from various platforms to the latest version of the system's programming language, while ensuring that the database is minimally updated (changed).
- Apply changes to the User Interface (UI) to improve the user experience.
- Update and streamline business processes and workflows.
- Modify screens, to the maximum extent possible, to be compliant with the Americans with Disability Act (ADA) and Web Content Accessibility Guidelines (WCAG) Compliant.
- Develop system documentation describing the modernized systems.

d . Test Systems

Contractor will work with OSOS IT to conduct multiple tests of the modernized systems. Test requirements include:

- Unit testing - development staff responsible for systems modernization conduct unit tests. Tests are conducted throughout the "construction" modernization task, for each "system component".
- System Tests - system tests will be conducted when all modernization changes for a "system" are complete.
- Integration Tests - Integration tests will depend on the level of change applied to the application. Integration test may be performed on any portion of the system where dependencies for data and/or processing functionality intersects with another system, whether the dependent system is internal or external to the OSOS processing environment.
- Quality Assurance Tests – Are conducted by the Project Test Team in conjunction with the Subject Matter Experts. QA testing occurs upon completion of a full system test.
- Accessibility Tests – system tests to ensure systems are compliant with state and federal accessibility policies.

e . **Deployment**

OSOS will establish an Implementation Advisory Group (IAG) during the Quality Assurance testing.

Contractor will work with the IAG to facilitate transition from the testing to implementation. IAG will provide technical guidance and assistance to the user community during the implementation phase. IAG will review QA test outcome reports from the various teams and evaluate the quality of each modernized system.

1.6 Period of Performance

The period of performance begins on the date a work order resulting from this solicitation is executed and continues through June 30, 2025, unless terminated earlier in accordance with the terms and conditions of the work order. Amendments extending the period of performance, if any, shall be at the sole discretion of OSOS. Any extension will be subject to mutual agreement between OSOS and the contractor, and contingent upon available funds. The total contract term may not exceed five (5) years.

SECTION 2 – GENERAL INFORMATION FOR BIDDERS

2.1 Procurement Coordinator

The Procurement Coordinator identified below is the sole point of contact at OSOS for this procurement:

Procurement Coordinator	
Name:	Jim Webster
Email:	jim.webster@sos.wa.gov
Subject Line:	ITPS Work Request 24-05

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

2.2 Schedule of Solicitation Activities

The following table identifies important dates for this solicitation:

SOLICITATION SCHEDULE	
ITEM	DATE
Solicitation Posting Date:	March 18, 2024
Question & Answer Period:	March 18 to March 29, 2024
Answers Published:	April 3, 2024
Deadline for Amendments:	April 17, 2025
Deadline for Complaints:	April 22, 2024
Proposals Due:	April 29, 2024 by 5:00 PM PST
Evaluation of Proposals:	April 30, 2024 to May 3, 2024
Interviews:	May 6, 2024 to May 10, 2024
Anticipated Announcement of Apparent Successful Bidder(s):	May 14, 2024
Debriefing:	See Section 5
Protest:	See Section 5
Work Order Negotiations:	June 3, 2024 to June 21, 2024
Anticipated Date of Award of Work Order(s):	June 24, 2024

OSOS reserves the right to revise the above schedule.

2.3 Solicitation Questions

Questions regarding this solicitation must be emailed to the Procurement Coordinator prior to the end of the Question & Answer period. Questions raised during the Q&A period will be answered and the responses will be posted to **Washington’s Electronic Business Solution (WEBS)** as an amendment to this solicitation.

2.4 Amendments to Solicitation

OSOS reserves the right to amend or modify this solicitation. In the event it becomes necessary to revise any part of this solicitation, an amendment will be posted on WEBS. For this purpose, any pertinent information and answers to substantive questions by bidders shall be considered an amendment to this solicitation and posted on WEBS. **Only bidders who have properly registered and downloaded the original solicitation directly via WEBS will receive notifications of amendments and other**

correspondence pertinent to this solicitation. OSOS also reserves the right in its discretion to cancel or to reissue this solicitation in whole or in part, at any time prior to execution of a contract.

2.5 Form of Contract – Work Order

The form of the contract(s) that may be awarded as a result of this solicitation is attached as **Exhibit B – Work Order**. Bidders must be registered in WEBS in order to be awarded a contract resulting from this solicitation. The successful bidder(s) will be expected to enter into a contract which is substantially the same as the work order attached as **Exhibit B – Work Order**. In no event is a bidder to submit its own standard contract terms and conditions in response to this solicitation. Bidders may submit exceptions as allowed in **Exhibit A-1 – Bidder’s Certification**. All exceptions to the contract terms and conditions must be submitted as an attachment to **Exhibit A-1 – Bidder’s Certification**. OSOS will review requested exceptions and accept or reject the same at its sole discretion.

SECTION 3 – SUBMITTING PROPOSALS

This section contains instructions on how to prepare and submit your proposal for this solicitation. In addition, bidders will need to review and follow the requirements set forth elsewhere in this solicitation, including those set forth in the exhibits, which specify information that bidders must provide to constitute a responsive proposal. By responding to this solicitation and submitting a proposal, bidders acknowledge having read and understood the entire solicitation and accept all information contained within this solicitation.

3.1 Bidder Communications Regarding this Solicitation

During the solicitation process, all bidder communications regarding this solicitation must be emailed to the Procurement Coordinator. See Section 2.2 of this solicitation. Bidders should rely only on this solicitation and written amendments to the solicitation issued by the Procurement Coordinator. In no event will oral communications regarding the solicitation be binding.

Bidders are encouraged to make any inquiry regarding the solicitation as early in the process as possible to allow consideration and, if warranted, response to the inquiry. If a bidder does not notify OSOS of an issue, exception, addition, or omission, OSOS may consider the matter waived by the bidder for protest purposes.

If bidder inquiries result in changes to the solicitation, written amendments will be issued and posted on WEBS. Unauthorized bidder contact regarding this solicitation with OSOS employees involved with the solicitation other than the Procurement Coordinator may result in bidder disqualification.

3.2 Delivery of Proposals

All proposals must be emailed to the Procurement Coordinator at jim.webster@sos.wa.gov. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted. Facsimile transmissions will not be accepted. Improperly delivered proposals will be rejected as non-responsive. OSOS assumes no responsibility for confirmation of receipt and cannot discuss proposal contents prior to the proposal due date and time. All proposals and any accompanying documentation become the property of OSOS upon receipt and will not be returned.

3.3 Due Date and Time

Proposals in their entirety must be received by the Procurement Coordinator by the due date and time specified in Section 2.2 of this Solicitation. The “receive date/time” posted by OSOS’s email system will be used as the official time stamp. Bidders should allow sufficient time to ensure timely receipt. Proposals received after the due date and time will be rejected as non-responsive. OSOS assumes no responsibility for delays and/or errors caused by bidder’s email, OSOS’s email, network events or third parties.

3.4 Proposal Format and Completeness

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

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

3.5 Required Submittals

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

Bidders must submit the following six (6) electronic documents separately as email attachments:

EXHIBIT A-1 – BIDDER’S CERTIFICATION

Complete the certification, attach any exceptions or required explanations, and submit it to the Procurement Coordinator using the following file naming convention: **BidderName_CERTIFICATION.pdf**. The certification must be complete. Where there are choices, bidders **must** check a box. The certification must be signed and submitted by a duly authorized representative of the bidder.

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

EXHIBIT A-2 – BIDDER’S PROFILE & REFERENCES

Complete as instructed and submit to the Procurement Coordinator using the following file naming convention: **BidderName_REFERENCES.pdf**.

(PARTIALLY SCORED – A bidder’s submitted references can earn up to a maximum of 100 points).

- BIDDER’S QUALIFICATIONS & EXPERIENCE**
 No form is provided for this submittal. Attach a one-page document for **each ITPS category** covered in your proposal (i.e., those categories pursuant to which you are offering services in your proposal), demonstrating that you meet the minimum qualifications specified in Section 1.4 of the solicitation, and submit to the Procurement Coordinator using the following file naming convention: **BidderName_QUALIFICATIONS.pdf**. Only the first page of each category submission will be considered. It is the bidder’s responsibility to determine how much of the available space to allocate to each qualification requirement. Point award allotment among the requirements has been established in accordance with primary stakeholder considerations.
(SCORED – Up to a maximum of 250 points).

- CANDIDATE RESUMES**
 No form is provided for this submittal. Resumes must be limited in length to two (2) pages per candidate, and must include the candidate’s first and last name, position/title, area of expertise, highest level of education achieved, number of years engaged in the discipline, applicable professional registrations and/or certifications, and experiences related to the project described in the solicitation. Submit candidate resumes to the Procurement Coordinator using the following file naming convention: **BidderName_CANDIDATERESUME.pdf**.
(SCORED – Up to a maximum of 150 points).

- BIDDER’S PROPOSED RATES**
 No form is provided for this submittal. Per Statewide Contract No. 08215, bidders may not charge higher rates than the hourly rates bidder provided to DES. However, there is no restriction against proposing lower hourly rates.

CANDIDATE	ITPS CATEGORY	HOURLY RATE

Detail bidder’s hourly rate(s) for each candidate and ITPS category in the format provided above and submit to the Procurement Coordinator using the following file naming convention: **BidderName_RATES.pdf**.

(SCORED – Up to a maximum of 100 points).

- WORK ORDER ISSUES LIST [IF APPLICABLE]**
 No form is provided for this submittal. This is a required submittal ONLY IF bidder has business issues with the contract attached as **Exhibit B – Work Order**. If so, bidder must prepare a Work Order Issues List, attach it to Exhibit A-1 and submit it to the Procurement Coordinator using the following file naming convention: **BidderName_ISSUES.pdf**. Note, however, that OSOS reserves the right not to modify the work order and to award the work order on the basis of a bidder’s willingness to agree to the work order.

(NOT SCORED)

The foregoing required submittals correspond to the responsiveness, qualifications, background, experience, cost and responsibility criteria described in the following section.

SECTION 4 – EVALUATION AND AWARD

This section identifies how OSOS will evaluate proposals submitted for this solicitation. The evaluation process is designed to award work order(s) not necessarily to the bidder(s) of least cost, but rather to the bidder(s) whose proposal(s) best meet(s) the requirements of this solicitation. However, bidders are encouraged to submit proposals which are consistent with state government efforts to conserve state resources.

4.1 Overview

OSOS will evaluate proposals for this solicitation as follows:

- Bidders’ responsiveness, qualifications, background and experience, including resumes of proposed candidates, references, hourly rates and responsibility, will be evaluated based on the process described herein.
- Any bidder whose proposal is determined to be non-responsive will be rejected and the bidder will be notified of the reasons for this rejection.
- OSOS reserves the right to: (1) Request clarification regarding any proposal or portion thereof; (2) Waive any informality; (3) Reject any or all proposals, or portions thereof; (4) Accept any portion of a proposal unless the bidder stipulates all or nothing in their proposal; (5) Cancel the solicitation and, if desired, re-solicit proposals; and/or (6) Negotiate with the lowest responsive and responsible bidder(s) to determine if such proposal(s) can be improved.
- The Procurement Coordinator, in addition to presiding over the evaluation team, may review the submittals, provide input, assemble evaluation aids, or perform other functions helpful to the team. Evaluators may engage in a free flow of discussion among themselves and the Procurement Coordinator prior to, during, and after the evaluation.
- OSOS will use the following process and evaluation criteria for any and all work order awards:

STEP	CRITERIA	POINTS
1	RESPONSIVENESS	Pass/Fail
2	PROPOSAL EVALUATION	
	Bidder Qualifications & Experience	Maximum 250 Points
	Bidder’s Candidate Resumes	Maximum 150 Points
	Bidder’s & Candidates’ References	Maximum 100 Points
	Bidder’s Hourly Rates	Maximum 100 Points

STEP	CRITERIA	POINTS
3	INTERVIEW	Maximum 400 Points
Subtotal:		Maximum 1,000 Points Possible
4	STATE PROCUREMENT PRIORITIES/PREFERENCES	
	Non-infringement of Workers' Rights (Executive Order 18-03)	5% Preference
5	RESPONSIBILITY	
	Bidder Responsibility Analysis	Pass/Fail

4.2 Proposal Responsiveness (Step 1)

Bidders must submit complete proposals, including all required attachments requested in Section 3. Proposals will be reviewed initially to determine, on a pass/fail basis, whether they meet all administrative requirements herein. OSOS will review each proposal to determine whether the proposal is complete – e.g., does the proposal include each of the required submittals, are the submittals complete, signed, legible. OSOS reserves the right, in its sole discretion, to determine whether a proposal is responsive, i.e., to determine a bidder's compliance with the requirements specified in this solicitation and to waive informalities in a proposal. An informality is an immaterial variation from the exact requirements of the solicitation, having no or only 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. However, if all responding bidders fail to meet any single mandatory item, OSOS reserves the right to either: (1) cancel the procurement, or (2) revise or delete the mandatory item. Proposals that receive a failing score will be disqualified. Responsive proposals will be evaluated as set forth herein.

4.3 Proposal Evaluation (Step 2)

An evaluation team will evaluate each responsive proposal's non-cost submittals to assess the bidder's capacity to meet the specifications and work requirements set forth in Sections 1.3 and 1.5 of this solicitation and will award points consistent with their values and best professional judgment. Specifically, the team will evaluate and score bidders' qualifications and experience, as well as the submitted candidates' resumes and references, and award either all or a portion of the available points for each criterion. Scoring may be performed in isolation or together as a group, or a combination of both. The points awarded to each bidder by the members of the evaluation team will be averaged for each ITPS category.

OSOS will review and compare bidders' submitted hourly rates, and score them by averaging the bidder's hourly rates and dividing the lowest average hourly rate received by the bidder's average hourly rate. Then the resultant number will be multiplied by the maximum possible points (100) to obtain the bidder's awarded points.

OSOS 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 OSOS within ten (10) business days may result in disqualification.

4.4 Interviews (Step 3)

At OSOS's discretion, interviews will be scheduled for those bidders OSOS identifies as qualified for the work. Bidders scoring a minimum of 275 points or higher in the non-cost portion of the evaluation will be invited to interview at OSOS's discretion. Bidders scoring 274 points or fewer in the non-cost portion of the evaluation will not be interviewed. Interviews will be scored on a straight point assignment of up to 400 points. Each bidder interviewed will receive a raw score that will be added to their total scores.

4.5 Washington State Procurement Priorities & Preferences (Step 4)

OSOS will apply the following Washington State procurement priorities and preferences, as set forth below, to this solicitation:

- Executive Order 18-03 – Workers' Rights (No mandatory employee arbitration & class action waivers as condition of employment): **5% evaluation preference**

4.6 Bidder Responsibility Analysis (Step 5)

For each responsive proposal, OSOS must determine whether the bidder is a 'responsible bidder.' Accordingly, OSOS will make reasonable inquiry to determine bidder responsibility on a pass/fail basis. In determining bidder responsibility, OSOS will consider the following statutory elements:

- The bidder's ability, capacity, and skill to perform the contract work 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 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 a work order.

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

- Financial Information: OSOS may request financial statements, credit ratings, references, record of past performance, clarification of bidder's proposal, 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:** OSOS 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.

4.7 Negotiations

OSOS may negotiate with the highest scoring responsive and responsible bidder(s) to determine if the proposal(s) may be improved and to finalize the work order(s). If, after a reasonable period of time, OSOS, in its sole judgment, cannot reach agreement on acceptable work order terms with such bidder(s), OSOS may suspend negotiations and undertake negotiations with the next highest scoring responsive, responsible bidder(s) as determined by the evaluations.

4.8 Announcement of Apparent Successful Bidder(s).

Bidder(s) with the highest evaluation point total(s) will be declared the apparent successful bidder(s).

Designation as an apparent successful bidder does not imply that OSOS will award a work order. Rather, this designation allows OSOS to perform further analysis and ask for additional documentation. OSOS also reserves the right to re-review and determine whether a proposal is responsive as initially determined.

Bidders must not construe a notification of apparent successful bidder, notification of award, or attempts to negotiate, etc. as a final award decision. Any such assumption is made at the bidder's own risk and expense.

Upon announcement of the apparent successful bidder(s), unsuccessful bidders may request a debrief conference as specified in Section 5, and proposal submissions and all proposal evaluations become subject to public disclosure pursuant to Washington's Public Records Act. See RCW 39.26.030(2).

4.9 Contract Award; Deliverables & Payment

Subject to protests, if any, OSOS and the apparent successful bidder(s) will enter into a work order substantially in the form of the work order attached as **Exhibit B – Work Order**. A work order award is made and a contract formed by signature of OSOS and an awarded bidder on the work order. OSOS reserves the right to award on an all-or-nothing consolidated basis. Following the award of the work order(s), 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.

The deliverables under the work order(s) awarded to the winning bidder(s) will be included in or set forth in an attachment to the work order(s) detailing the scope of work. Payment will be made for the services provided at the applicable hourly rates multiplied by the number of hours worked. The following will be reviewed by the OSOS IT Team and Project Manager prior to payment for services invoiced:

- Response times for assigned work;
- Quality and accuracy of assigned work; and
- All business, system and design documentation

OSOS will own all rights to any plans, reports, or other deliverables provided to OSOS pursuant to the work order(s). The copyright in all works of authorship created pursuant to the work order(s) shall be owned by the State of Washington.

SECTION 5 – COMPLAINT, DEBRIEF, & PROTEST REQUIREMENTS

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

- 5.1. **COMPLAINTS.** This solicitation offers a complaint period for bidders wishing to voice objections to this solicitation. The complaint period ends five (5) business days before the proposal due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the question and answer period. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. OSOS will consider all complaints but is not required to modify or cancel the solicitation. If bidder complaints result in changes to the solicitation, written amendments to the 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. 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 proposal submittals, unless more time is needed. OSOS 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 OSOS to meet and discuss the bidder's proposal (and, as further explained below, is a necessary prerequisite to filing a protest). Following the evaluation of the proposals, OSOS will issue an announcement of the apparent successful bidder(s). That announcement may be made by any means, but OSOS likely will use email to the bidder's email address provided in **Exhibit A-2 = Bidder's Profile & References**. Bidders will have three (3) business days to request a debrief conference. Once a debrief conference is requested, OSOS 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, OSOS likely will schedule the debrief conference shortly after the announcement of the apparent successful bidder(s) and the bidder's request for a debrief conference. OSOS 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. Participation in a debrief conference is a prerequisite for a bidder wishing to file a protest.**

- a. **TIMING.** A debrief conference may be requested by a bidder following the announcement of the apparent successful bidder(s).
- b. **PURPOSE OF DEBRIEF CONFERENCE.** Any bidder who has submitted a timely proposal may request a debrief conference. A debrief conference provides an opportunity for the bidder to meet with OSOS to discuss bidder's proposal and evaluation. It does not provide an opportunity to discuss other bidder's proposals 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(s). Debrief conferences may be conducted either in person at the OSOS offices in Olympia, Washington, or virtually (e.g., by telephone or web-based virtual meeting such as Zoom, Skype, MS Teams), as determined by OSOS, and may be limited by OSOS to a specified period of time. The failure of a bidder to request a debrief conference within the specified time and attend a debrief conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the 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 contract award(s).

- 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 solicitation.
- b. **INITIATING A PROTEST.** Any bidder that participates in a debrief conference may protest an award to the apparent successful bidder(s). 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 debrief conference (see Form and Substance, and Other below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.
- 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 the protest response, the protesting bidder may seek relief in Thurston County Superior Court.

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

- 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 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 OSOS

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

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

- b. TO REQUEST A DEBRIEF CONFERENCE. Send an email message to the Procurement Coordinator listed in this 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 Procurement Coordinator at the following email address: jim.webster@sos.wa.gov. The email message must include “Protest” in the subject line of the email message. Alternatively, mail the protest at the following address:

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

SECTION 6 – DOING BUSINESS WITH THE STATE OF WASHINGTON

This section provides additional information regarding Washington’s Public Records Act and doing business with the State of Washington, including OSOS 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 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. OSOS 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 proposal, please mark the precise portion(s) of the relevant page(s) of the proposal 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 proposal are not statutorily exempt from disclosure but are sensitive because these particular portions of bidder’s proposal (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 proposal that include such sensitive information.

In the event that OSOS 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, prior to disclosure, OSOS will do the following:

- The OSOS 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, OSOS will redact or withhold the document(s) as appropriate.
- For documents marked ‘sensitive’ or for documents where OSOS either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, OSOS will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that OSOS 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 OSOS from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, OSOS 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.** OSOS, in accordance with Washington law, encourages small and diverse businesses to compete for and participate in state procurements as contractors and as subcontractors to awarded bidders. See, e.g., [RCW 39.19](#) (OMWBE certified businesses); [RCW 43.60A.200](#) (WDVA certified veteran-owned businesses); and [RCW 39.26.005](#) (Washington

small businesses). In support of the state's economic goals and to support a diverse supplier pool, OSOS has established the following voluntary numerical goals for OSOS 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 mini-businesses 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 & References***.
- **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 OSOS about small and diverse business inclusion and qualification as a Washington Small Business. If you qualify as a Washington Small Business, identify yourself as such in WEBS. Call WEBS Customer Service at 360-902-7400. The qualification requirements to self-certify as a Washington Small Business are set forth in ***Exhibit A-1 – Bidder's Certification***.

EXHIBIT A-1 – BIDDER’S CERTIFICATION

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

EXHIBIT A-2 – BIDDER’S PROFILE & REFERENCES

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

EXHIBIT B – WORK ORDER

See attached Exhibit B – Work Order.