**ECOLOGO-BW.wmf**

**REQUEST FOR QUALIFICATIONS AND QUOTATIONS (RFQQ)**

|  |  |  |
| --- | --- | --- |
| **Solicitation Number** | **Solicitation Title** | **Bid Due Date and Time** |
| **RFQQ 2413 TCP** | **Feasibility study Concerning DDT/DDD/DDE contaminated soils on cannabis farms** | **January 18, 2024, by 4:00 pm Lacey, WA time** |

**RFQQ Procurement Coordinator:**

**Angela Harkins**

Phone: 360-810-0942

Email: [angh461@ecy.wa.gov](mailto:angh461@ecy.wa.gov)

**Instructions to Bidders:**

* Any questions concerning this solicitation are to be directed to the above Procurement Coordinator.
* Bid must be received on or before the Bid Due Date and Time by ECOLOGY to be considered responsive.
* Check [WEBS](https://pr-webs-vendor.des.wa.gov/BidCalendar.aspx) for any amendments (use Search WEBS for Active Bids).

**How to respond to this bidding opportunity:**

* Review RFQQ Section 2.7 for Submission of Bids instructions.
* Only emailed bids are accepted in response to this RFQQ. Attach your bid submittal to your email.
* Bid must contain an official signature of a duly authorized officer or agent of the Bidder’s company empowered with the right to bind the Bidder. Remember to sign your Bid.
* For electronic submissions by email, attach a scanned PDF of the signature page to your Bid, electronic digital signatures are accepted.
* Email subject line is to note the Solicitation Number and Solicitation Title.

**Bids must be received on or before the due date & time at this location:**

* Bidders are responsible for the timely delivery of their bid to the email address shown below:
* Please submit bids via email directly to the Procurement Coordinator identified above, by email to [angh461@ecy.wa.gov](mailto:angh461@ecy.wa.gov).

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# INTRODUCTION

## Announcements and Special Information

Bidders are required to read, understand, and accept all information contained within this entire solicitation package. By responding to this solicitation, the Bidder acknowledges having read and understood the entire solicitation, and accepts all the information contained herein.

In support of the State’s economic and environmental goals, we encourage you to consider the following elements in responding to our solicitations. These are not a factor of award (unless otherwise specified in this document):

* Using environmentally preferable products and services that exceed EPA guidelines.
* Supporting a diverse supplier pool, including small, veteran, minority, and women-owned businesses.
* Supplying products made or grown in Washington.

## Objective

Ecology is looking to hire a qualified Environmental Consultant to conduct a Feasibility Study (FS) to develop and evaluate cleanup action alternatives for pesticide contaminated soils in Washington State.

Refer to Appendix E, *Statement of Work and Deliverables*, for more information.

## Background

In April 2023, at the request of the Washington State Liquor and Cannabis Board (LCB), Ecology conducted soil sampling at cannabis farms in Okanogan County. Analytical results indicated possible historic lead arsenate and Dichlorodiphenyltrichloroethane (DDT) pesticide application within the areas of cannabis productions sampled. Results from the study are available in Ecology Publication 23-09-011, Soil Sampling for Pesticides, VOCs, PAHs, and Metals in Selected Cannabis Farms in Okanogan County (<https://apps.ecology.wa.gov/publications/documents/2309011.pdf>).

Ecology has been tasked by the Washington State Legislature to undertake a further sampling and analysis project to address DDT and DDT remnants (Dichlorodiphenyldichloroethane (DDD) and Dichlorodiphenyldichloroethylene (DDE)) soil contamination in cannabis farms located in Okanogan County (Section 3038, <https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bills/Senate%20Passed%20Legislature/5200-S.PL.pdf?q=20230516094055>). Specific tasks for this project are outlined below in the Appendix E, *Statement of Work and Deliverables*.

## Period of Performance

The period of performance of any Contract resulting from this RFQQ is from the signature date of ECOLOGY to June 30, 2025, unless at ECOLOGY’s sole discretion the contract is terminated sooner or extended for additional periods. Amendments extending the period of performance, if any, shall be exercised at the sole discretion of ECOLOGY and are subject to written mutual agreement.

ECOLOGY reserves the right to extend the contract for an additional 2-year period or portions thereof, should additional funding be obtained by ECOLOGY.

The total contract term may not exceed approximately four (4) years, unless an emergency exists and/or special circumstances require a partial term extension.

The actual Project Schedule and period of performance may vary depending on the Apparent Successful Bidder’s response and Contract negotiations.

## Funding

Funding will be provided by ECOLOGY’S Toxics Cleanup Program*.* In the event additional funds are required due to an approved change order or should additional funding be obtained by Ecology; the parties may negotiate an amended Statement of Work. Any such Statement of Work is contingent upon the availability of funding.

## No Costs or Charges

No costs or charges under the proposed contract may be incurred before the Contract is fully executed.

## Acquisition Authority

ECOLOGY issues this RFQQ acting under the delegated authority of the Department of Enterprise Services, in accordance to Revised Code of Washington [RCW 39.26](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26), which establishes Department of Enterprise Services and regulates the manner in which state agencies may acquire goods and services.

## Authority to Bind

The Director of the Department of Ecology, or the Director’s designee, is the only individual who may legally commit ECOLOGY to the expenditures of funds for a contract resulting from this RFQQ.

## Contract Formation

A Bid submitted in response to this Solicitation is an offer to contract with ECOLOGY. A Bid becomes a contract only when legally awarded and accepted in writing by ECOLOGY.

## Incorporation of Documents into a Contract

This Solicitation document, any subsequent Amendments, and the Bidder’s Response will be incorporated into the resulting Contract.

## Type of Contract

ECOLOGY anticipates awarding a service contract to an Environmental Consultant (BIDDER/CONTRACTOR) specializing in pesticide (DDT/DDD/DDE) contaminated soils.

ECOLOGY expects the Contract signed with the Apparent Successful Bidder to be substantially the same as the *Sample Service Contract*, Appendix F. To be responsive to this RFQQ, Bidder must indicate a willingness to enter into a contract substantially the same as the *Sample Service Contract*, Appendix F, by signing the *Certifications and Assurances*, Appendix A, and returning it with its bid. Bidder’s submission of a Response to this solicitation constitutes acceptance of these contract requirements, unless otherwise noted in Bidder’s submittal.

The Bidder may submit exceptions to this solicitation as allowed in Appendix A - *Certifications and Assurances*. However, under no circumstances is a Bidder to submit its own standard contract terms and conditions as a response to this solicitation. The terms and conditions of any other contract shall have no force or effect. Instead, Bidder is to review and identify the language in Appendix F, *Sample Service Contract* and its attached *General Terms and Conditions* that the Bidder finds problematic, state the issue, and propose the specific language or contract modification that the Bidder is requesting changed, and then attach such to Appendix A, *Certifications and Assurances,* as a bid submittal. Any specific areas of dispute with the *Sample Service Contract* must be identified in the Bidder’s Response. ECOLOGY will review any requested exceptions and accept or reject them at its sole discretion, and may, at the sole discretion of ECOLOGY be grounds for disqualification from further consideration in the award of a contract.

The foregoing should not be interpreted to prohibit either party from proposing additional contract terms and conditions during negotiation of the final Contract.

## Definitions

Bidder is to review those definitions found in [Chapter 39.26 RCW](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26), all terms and conditions contained herein will be read consistently with those definitions.

In addition to the definitions identified in the Appendix F, *Sample Service Contract*, and its attached General Terms and Conditions, the following definitions apply for the purposes of this RFQQ include:

**“ASB”** means Apparent Successful Bidder.

**“Bid”** means a written offer or quote for goods or services in response to a solicitation issued for such goods or services.

**“Bidder”** means an individual or entity who submits a response to this solicitation.

**“Contractor”** means an individual or company whose Bid has been accepted by ECOLOGY and is awarded a fully executed, written contract.

**“DES”** means state of WashingtonDepartment of Enterprise Services.

**“ECOLOGY”** means The Department of Ecology, an agency of the state of Washington.

**“Response”** means a Bid.

**“RFQQ” (Request for Qualifications and Quotations)** means a solicitation document in which the agency describes the services needed and invites vendors to provide their qualifications to perform the services and to specify their costs or fees.

**“Vendor”** means an individual or entity who may submit a bid for this solicitation.

**“WEBS” (Washington’s Electronic Business Solution)** means the Vendor registration and Bidder notification system maintained by the Washington State Department of Enterprise Services located at: [How to Work With the State | Department of Enterprise Services (DES) (wa.gov)](https://www.des.wa.gov/sell/how-work-state).

## Federal Provisions

Bidder is to review the minimum federal requirements that apply to the awarded Contractor in Appendix F, *Sample Service Contract*, Appendix B, *Special Terms and Conditions*.

## Americans with Disabilities Act (ADA)

ECOLOGY complies with the ADA and related federal and state laws and regulations. To request ADA reasonable accommodations for public access and mobility for attending meetings, printed materials in a format for the hearing or visually impaired, or ADA parking please contact the Procurement Coordinator. Persons with impaired hearing may call Washington Relay Service at 711 and those with speech disability may call TTY at 877-833-6341. Vendors may contact the Procurement Coordinator to receive this solicitation in Braille or on tape.

# GENERAL INFORMATION FOR BIDDERS

## RFQQ Procurement Coordinator

The RFQQ Procurement Coordinator is the sole point of contact in ECOLOGY for this procurement. Any other communication with ECOLOGY staff will be considered unofficial and non-binding on ECOLOGY. Communication directed to parties other than the RFQQ Procurement Coordinator may result in disqualification of the Bidder. Bidders are to rely only on written statements issued by the RFQQ Procurement Coordinator through an amendment.

RFQQ Coordinator: Angela Harkins

Phone Number: (360) 810-0942

Email Address: [ANGH461@ecy.wa.gov](mailto:ANGH461@ecy.wa.gov)

## RFQQ Procurement Schedule

The dates and times listed below represent the procurement schedule. ECOLOGY reserves the right to change the schedule as needed. Notification of changes to the procurement schedule prior to Bid Response Due Date and Time will be sent electronically to all properly registered users in the Department of Enterprise Services’ WEBS who have downloaded this solicitation from WEBS. Changes to the procurement schedule after Bid Response Due Date and Time may not be communicated.

All times are local time in Lacey, WA.

|  |  |
| --- | --- |
| **Dates & Time** | **Event** |
| November 20, 2023 | RFQQ Issued through WEBS |
| December 4, 2023 | Vendor Questions and Comments Due for Pre-bid Conference |
| December 14, 2023 | *Pre-bid Conference for Vendors (optional attendance)* |
| December 28, 2023 | Final Vendor Questions and Comments Due |
| January 4, 2024 | ECOLOGY’s Final Written Responses to Questions, issued via an amendment to RFQQ |
| **January 18, 2024**  **By 4:00 pm (Lacey, WA)** | **Bid Response Due Date and Time** |
| Below dates are anticipated and are subject to change. |  |
| January 18 – February 19, 2024 | Evaluation Period |
| February 20 – February 29, 2024 | *Bidder Interviews (optional)* |
| March 4, 2024 | Apparent Successful Bidder Announcement |
| March 4 – March 14, 2024 | Hold debriefing conferences (if requested) |
| March 18 – April 11, 2024 | Contract Negotiation & Agreement |
| April 25, 2024 | Estimated Contract Effective Start Date |

## Pre-Bid Conference

A pre-bid conference to address solicitation requirements will be held at time and location indicated below. While attendance is not mandatory, Vendors are encouraged to attend and actively participate.

**PRE-BID ZOOM CONFERENCE:**

**Date:** Thursday, December 14, 2023

**Time:** 9:00AM

**Join Zoom Meeting:**Topic: Feasibility Study Concerning DDT/DDD/DDE Contaminated Soils on Cannabis Farms

Time: Dec 14, 2023, 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://waecy-wa-gov.zoom.us/j/81999208446?pwd=Q0VVMk9OemRDeWNxWDV4RUtvZzMyZz09>

Meeting ID: 819 9920 8446

Passcode: 179673

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One tap mobile

+12532050468,,81999208446#,,,,\*179673# US

+12532158782,,81999208446#,,,,\*179673# US (Tacoma)

Meeting ID: 819 9920 8446

Passcode: 179673

Find your local number: <https://waecy-wa-gov.zoom.us/u/kbiHyKtJVB>

## WEBS Registration

ECOLOGY will use [Bid Opportunities | Department of Enterprise Services (DES) (wa.gov)](https://www.des.wa.gov/sell/bid-opportunities) exclusively for the issuance of this RFQQ and all RFQQ updates (i.e., addenda, amendments, answers to submitted questions, etc.). Vendors are responsible for checking WEBS for any changes to the RFQQ.

Bidders are solely responsible for:

1. Properly registering with the Department of Enterprise Services’ WEBS at [Bid Opportunities | Department of Enterprise Services (DES) (wa.gov)](https://www.des.wa.gov/sell/bid-opportunities).
2. Maintaining an accurate Vendor profile in WEBS with the correct contact information.
3. Downloading the RFQQ with all attachments and exhibits, and any and all amendments.

To ensure receipt of all solicitation documents, the RFQQ for this solicitation must be downloaded from WEBS. Notification of amendments to the solicitation will only be provided to those Vendors who have registered with WEBS and have downloaded the RFQQ from WEBS. Failure to do so may result in a potential Bidder having incomplete, inaccurate, or otherwise inadequate information, or a Bidder submitting an incomplete, inaccurate, or otherwise inadequate Bid.

Bidders and potential bidders accept full responsibility and liability for failing to receive any amendments resulting from their failure to register with WEBS and download the RFQQ from WEBS, and hold the state of Washington harmless from all claims of injury or loss resulting from such failure. Contact the WEBS Customer Service for any questions regarding WEBS at (360) 902-7400.

## RFQQ Amendments

Prior to Bid Due Date and Time, ECOLOGY reserves the right to change portions of this solicitation. Any changes or corrections will be by one or more written amendment(s), dated, attached to or incorporated in and made a part of this solicitation document. All changes must be authorized and issued in writing by the Procurement Coordinator. If there is any conflict between amendments, or between an amendment and the RFQQ, whichever document was issued last in time shall be controlling.

Only Bidders who have properly registered and downloaded the original solicitation directly via WEBS system will receive notification of amendments and other correspondence pertinent to the procurement. ECOLOGY shall use WEBS for all updates (i.e., amendments, answers to questions, etc.). Vendors are responsible for checking WEBS for any changes to the RFQQ.

In the event it becomes necessary to revise any part of this RFQQ, amendments will be placed on the Department of Enterprise Service’s WEBS website [Bid Opportunities | Department of Enterprise Services (wa.gov)](https://www.des.wa.gov/sell/bid-opportunities).

## Bidder Questions and Answers

Bidders are responsible for communicating to the RFQQ Procurement Coordinator any issues, exceptions, additions, or omissions concerning the solicitation. Specific questions or comments concerning the RFQQ must be submitted to the RFQQ Procurement Coordinator via email by the date and time set forth in the Estimated Procurement Schedule identified herein.

The solicitation designates a particular time period for vendor questions and comments in order to help in the procurement process. Early submission of questions and comments is encouraged. For questions received after the Question/Answer Period, in the interest of maintaining the procurement process, ECOLOGY reserves the right at its sole discretion whether to provide an answer.

An answer to any Vendor question given orally or via email is considered as tentative, unofficial, and non-binding on ECOLOGY. For any changes to the RFQQ as a result of Vendor questions or comments will be issued via a written amendment by the RFQQ Procurement Coordinator and provided to Vendors through WEBS, this will assure accurate and consistent information to all Vendors.

## Submission of Bids

**Due date and time:** All bid submittals must be received by the Procurement Coordinator no later than the due bid date and time specified in the Estimated Procurement Schedule at the specific location identified on cover page of this solicitation.

Bidders are responsible for the timely submission of their bids. Bids not received by the date and time specified, or at location other than that specified, will not be accepted and shall be disqualified from further consideration.

For emails, the "receive date/time" posted by the ECOLOGY’s email system will be used as the official time stamp for the time of receipt for the response. Bidders should allow sufficient time to ensure timely receipt of their email. ECOLOGY assumes no responsibility for delays or errors caused by Bidder’s email system, ECOLOGY’s email system, network events, or any other party.

Bidders assume full responsibility for timely, correct, and complete receipt of all submissions to the Procurement Coordinator. It is the Bidder’s responsibility to contact the Procurement Coordinator to verify that the items submitted are received in complete and usable form.

**Bid Submittal:** Submit an electronic copy of the bid submittal to the Procurement Coordinator identified on the cover page. Bids must be legible and properly signed by an authorized representative of the Bidder. Incomplete or illegible Bids may be rejected as nonresponsive.

**Bid Format:** Electronic copy must be in either Microsoft or Adobe product formats. Electronic digital signatures are accepted. The Bidder may submit PDF images with original signatures for the bid documents that require the signature of an authorized bidder representative. Unsigned Bids will be rejected on opening unless satisfactory evidence was submitted clearly establishing the Bidder’s desire and intent to be bound by their Bid, such as a signed cover letter.

**Identification and Delivery:** To facilitate proper delivery and processing, bids sent by email are to include in the subject line the RFQQ number and title.

## Cost of Response Preparation

ECOLOGY will not reimburse Bidders for any costs associated with preparing or presenting a Response to this RFQQ.

## Response Property of ECOLOGY

All materials submitted in response to this solicitation become the property of ECOLOGY, unless received after the deadline in which case the Response will be returned back to the sender. ECOLOGY has the right to use any of the ideas presented in any material offered that is not proprietary to the Bidder, selection or rejection of a Response does not affect this right.

## Proprietary or Confidential Information

In accordance with RCW 39.26.030, all records submitted to the Department of Ecology relating to state procurement are exempt from public disclosure prior to the announcement of the apparent successful bidder.  Upon receipt of a bid and until such announcement is issued, Department of Ecology will withhold bidder submissions and deny disclosure in the event a request for public inspection or copying is made pursuant to Chapter 42.56 RCW.

However, once the apparent successful bidder announcement is issued, Department of Ecology will withhold information marked confidential or proprietary only to the extent ECOLOGY believes information is exempt under applicable laws.  When a third party requests a bidder’s information, ECOLOGY may or may not notify the affected bidder prior to releasing.  In the event of such notification, the bidder must obtain a court order enjoining disclosure or Department of Ecology will release the information on the date specified.

## Errors in Response

Bidders are liable for all errors or omissions contained in their Responses. Bidders will not be allowed to alter Response documents after the deadline for Response submission. ECOLOGY is not liable for any errors in Responses.

## Waive Minor Administrative Irregularities

ECOLOGY reserves the right to consider the actual level of Bidder’s compliance with the requirements specified in this solicitation and to waive informalities in a Bid. Informality is an immaterial variation from the exact requirements of the competitive solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the supplies 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. ECOLOGY reserves the right to waive minor administrative irregularities contained in any Response.

## Responsiveness

All Bids will be reviewed by the RFQQ Procurement Coordinator to determine compliance with administrative requirements and instructions, and minimum requirements specified in this RFQQ. The Bidder is specifically notified that failure to comply with any part of the RFQQ may result in rejection of their bid as non-responsive. Any Bid that is rejected as non-responsive will not be evaluated for award.

## Exclusive Use

This RFQQ is being issued for ECOLOGY’sexclusive use for the purpose set forth in this RFQQ*.* The results of this RFQQ may not be used to satisfy the competitive requirements of any other agency that may choose to purchase similar goods or services directly from the awarded Contractor(s).

## Small Businesses and Diverse Businesses

ECOLOGY, 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. Review*, e.g.*, [RCW 39.19](https://app.leg.wa.gov/RCW/default.aspx?cite=39.19) (OMWBE certified businesses); [RCW 43.60A.200](https://app.leg.wa.gov/RCW/default.aspx?cite=43.60A.200) (WDVA Certified Veteran-Owned Businesses); and [RCW 39.26.005](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.005) (Washington Small Businesses).

## Minority and Women-Owned Business Participation

In accordance with the legislative findings and policies set forth in [RCW 39.19](http://apps.leg.wa.gov/RCW/default.aspx?cite=39.19), the state of Washington encourages participation in all of its contracts by Minority and Women Owned Business Enterprise (MWBE) firms either self-identified or certified by the [Office of Minority and Women’s Business Enterprises](http://app.leg.wa.gov/RCW/default.aspx) ([Office of Minority and Women's Business Enterprises | (wa.gov)](https://omwbe.wa.gov/). While the state does not give preferential treatment, it does seek equitable representation from the minority and women’s business community.

Participation may be either on a direct basis in response to this solicitation or as a Subcontractor to a Contractor. However, unless required by federal statutes, regulations, grants, or contract terms referenced in the original solicitation, no preference will be included in the evaluation of Bids and Proposals, no minimum level of MWBE participation shall be required as condition for receiving an award, and Bids and Proposals will not be evaluated, rejected or considered non-responsive on that basis.

Any affirmative action requirements set forth in federal regulations or statutes included or referenced in the original Solicitation will apply. Bidders may contact [Office of Minority and Women’s Business Enterprise](http://www.des.wa.gov/services/ContractingPurchasing/Business/BidOpportunities/Pages/default.aspx)s (OMWBE) to obtain information on certified firms for potential sub-contracting arrangements. Nothing in this Section is intended to prevent or discourage Bidders from inviting participation from non-MWBE firms as well as MWBE firms. For questions regarding the above, contact OMWBE toll free at 866-208-1064.

Bidders who are MWBE or intend to use MWBE subcontractors are encouraged to identify the participating firm on the *MWBE Participation Form*, Appendix B.

## Wage Laws and Workers’ Rights Certifications

Pursuant to legislative enacted, Bidder shall certify it has not willfully violated Washington’s wage laws, Title 49 RCW. Refer to RCW 39.26.160 (2) (f) for requirements.

Bidder is to submit with their response the completed certification form, Appendix C – *Wage Laws Certification.*

Pursuant to the Washington State Governor’s Executive Order 18-03, the Washington State Department of Ecology is seeking to contract with qualified entities and business owners who certify that their employees are not, as a condition of employment, subject to mandatory individual arbitration clauses and class or collective action waivers*.*

Bidder is to submit with their response the completed certification form, Appendix D – *Workers’ Rights Certification.*

## Non-Endorsement and Publicity

Neither ECOLOGY nor the end users are endorsing the Contractor’s goods or services, nor suggesting that they are the best or only solution to their needs. Contractor agrees to make no reference to ECOLOGY, any end user or the state of Washington in any literature, promotional material, brochures, sales presentation or the like, regardless of method of distribution, without the prior review and express written consent of ECOLOGY.

## No Best and Final Offer

ECOLOGY reserves the right to make an award without further discussion of the Bid submitted. Therefore, the Bid should be submitted initially on the most favorable terms that the Bidder can propose. There will be no best and final offer option, unless at the sole discretion of ECOLOGY it is determined to be in the best interest of the state.

## No Obligation to Contract

ECOLOGY reserves the right to refrain from contracting with any and all Bidders. Neither the release of this solicitation document nor the execution of a resulting Contract obligates ECOLOGY to make any purchases.

## Rejection of Bids

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

## Right to Cancel

ECOLOGY reserves the right to cancel or to reissue the RFQQ in whole or in part, prior to contract signature.

## Award Intent

ECOLOGY intends to award only one (1) Contract. One (1) successful Bidder will be identified via this procurement.

## Insurance Coverage

The awarded Contractor is required to obtain insurance to protect the State should there be any claims, suits, actions, costs, or damages or expenses arising from any negligent or intentional act or omission of the Bidder or its Subcontractor(s), or their agents, while performing work under the terms of any Contract resulting from this solicitation. Review Appendix F, *Sample Service Contract,* for a description of the insurance requirements.

# EVALUATION AND CONTRACT AWARD

## Basis for Evaluation

Contract award shall be made to the Bidder based on the evaluation and award criteria established herein and subject to consideration of all factors identified in [RCW 39.26](http://apps.leg.wa.gov/RCW/default.aspx?cite=39.26) and preferences in state law.

ECOLOGY reserves the right subject to the provisions of [RCW 39.26.160](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.160) to: (1) Waive any informality; (2) Reject any or all Bids, or portions thereof; (3) Accept any portion of the items bid unless the Bidder stipulates all or nothing in their Bid; (4) Cancel a solicitation and re-solicit Bids; (5) Negotiate with the highest scoring Responsive and Responsible Bidder to determine if that Bid can be improved for the Purchaser; (6) Award on an all or none consolidated basis taking into consideration “lifecycle costs;” and, (7) Award in aggregate when in the best interest of the state.

ECOLOGY reserves the right to award on an All or Nothing consolidated basis taking into consideration reduction in administrative costs as well as unit bid prices.

ECOLOGY seeks to acquire the goods and services that best meet the State’s needs and offers best value in the interest of ECOLOGY.

Bids will only be evaluated on the basis of the information provided in the Bidder’s Bid. Bidders are not to assume that the evaluators know anything about the Bidder. Therefore, it is important that the responses be clear and complete so that the evaluators can adequately understand all aspects of the Bid. Failure of a Bidder to provide such may result in the Bidder receiving a low evaluation score or being deemed non-responsive.

## Evaluation Steps

**Step 1: Responsiveness Evaluation**

Bids will be initially reviewed by the RFQQ Procurement Coordinator to determine on a pass/fail basis compliance with administrative requirements of this RFQQ. Responses meeting the administrative requirements will then be reviewed on a pass/fail basis to determine if the Response meets the Mandatory requirements (M) outlined in Section 4 *– Bid Submittal Requirements,* and the Bidder meets the Minimum Bidder Qualifications. Only Bids that satisfactorily pass the Responsiveness Evaluation will be further evaluated. ECOLOGY reserves the right to determine at its sole discretion whether Bidder’s Response to a requirement is sufficient to pass. If the Bidder does not pass the Responsiveness Evaluation step, they will be deemed non-responsive and will not be further evaluated.

**Step 2: Evaluation of Bids**

ECOLOGY will use the Evaluation Criteria to evaluate and score Bidder’s responses to the scored requirements in Section 4 *– Bid Submittal Requirements.*

The evaluation of Bids shall be accomplished by an evaluation team, to be designated by ECOLOGY, which will determine the scoring of the Bids.

**Step 3: Bidder Interviews**

ECOLOGY may select the top-scoring Bidder(s) advanced from Step 2, for a Bidder Interview (review Section 3.6). ECOLOGY reserves the right to select and award to a Bidder without conducting interviews. If the Bidder does not pass the Bidder Interview, they may be deemed non-responsive and will not be further evaluated.

**Step 4: Reference Evaluation**

The Evaluation Team may contact references and evaluate Bidder’s references for Pass/Fail. References will be used to assist in the evaluation of timeliness, performance, industry knowledge, and customer service, and other related topics.

ECOLOGY reserves the right to contact references supplied by the Bidder and to contact others who may have pertinent information regarding the Bidder’s prior experience and ability to perform the services contemplated in this procurement, and use such in the evaluation process. If the Bidder does not pass the Reference Evaluation, they may be deemed non-responsive and will not be further evaluated.

## Clarification of Bid

The Procurement Coordinator may contact the Bidder for clarification of any portion of the Bidder’s Bid.

## Evaluation and Scoring Points

The evaluation scores assign a relative importance for each scored topic. The following categories and points will be assigned for Bid evaluation purposes:

|  |  |
| --- | --- |
| **Evaluation Description** | **Points** |
| **Technical Proposal** |  |
| Approach/Methodology & Work Plan | **25** |
| **Management Proposal** |  |
| Management Structure/Internal Controls, Staff Qualifications, and Past Experience | **45** |
| **Bid Evaluation Price** | **25** |
| **Workers’ Rights Certification Preference\*** | **5** |
| **Small Business and Veteran Business Preference – Section 3.5 and Appendix H** | **5** |
| **Sub-Total** | **105 points** |
| **Optional Bidder Interview** [top-scoring proposer(s) only] | **Pass/Fail** |
| **References** [top-scoring proposer(s) only] | **Pass/Fail** |
| **GRAND TOTAL** | **105 points** |

**\*Procurement Evaluation 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](https://www.governor.wa.gov/sites/default/files/exe_order/18-03%20-%20Workers%20Rights%20%28tmp%29.pdf?=32717). ECOLOGY will evaluate bids for best value and provide a bid preference identified herein to any bidder who certifies, pursuant to the certification attached as Appendix D, *Workers’ Rights Certification for Executive Order 18-03*, 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 waiver.

## Small Business and Veteran Business Points Preference

ECOLOGY, 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. Review*, e.g.*, [RCW 39.26.005](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.005) (Washington Small Businesses); and [RCW 43.60A.200](https://app.leg.wa.gov/RCW/default.aspx?cite=43.60A.200) (WDVA Certified Veteran-Owned Businesses).

In support of the state’s economic goals and to support a diverse supplier pool. ECOLOGY will evaluate bids for best value and provide a bid preference identified herein to any bidder who certifies, pursuant to the certification attached, Appendix H, *Small Business and Veteran Business Certification*.

## Bidder Interview

ECOLOGY, at its sole discretion, may elect to select the top-scoring Bidder(s) from the written evaluation for an oral presentation and determination of contract award. ECOLOGY will contact the top scoring

If an interview is requested, ECOLOGY will prepare a list of technical questions for the Bidder to answer in up to sixty to ninety (60-90) minute time period. The answers to the questions will be carefully considered to aid in the evaluation of the bid. The Bidder presentation will include review and confirmation of the Bidder’s Bid, and may include service and product description and demonstration, demonstration of Bidder’s capabilities, etc. to aid in the evaluation of the Bidder. Representations made by the Bidder during the oral presentation will be considered binding.

If possible and for best results, the Bidder’s proposed Principal/Project Manager and key staff who will be providing the services should participate.

The score (Pass/Fail) from the Bidder presentation will be used to determine the Apparent Successful Bidder.

## Selection of Apparent Successful Bidder

Apparent Successful Bidder selection begins after all evaluation steps are completed as outlined in Section 3 – *Evaluation and Contract Award.*

Based on the evaluation process, Bidder with the highest total score and best meet the State’s needs and offers the best value in the interest of ECOLOGY will be declared the ASB. When evaluation of responses produces numerical ratings that are substantially equivalent, i.e., scores separated by 2% or less of the total available points, ECOLOGY reserves the right to award the contract to the Bidder whose response is deemed to be in ECOLOGY’s best interest.

## Notification of Apparent Successful Bidder

All Bidders responding to this solicitation will be notified when ECOLOGY has determined the ASB. The date of announcement of the ASB will be the date of the notification from ECOLOGY. The Bidders will be notified via email from DES/WEBS of the ASB determination.

Designation as an Apparent Successful Bidder does not imply that the State will issue an award to your firm. It merely suggests that at this moment in time the State believes your bid to be responsive. This designation allows the State to perform a further responsiveness and responsibility analysis and ask for additional documentation. The State is also at liberty to re-review and determine whether the bid is truly responsive as initially believed. The Bidder must not construe this as a notification of award, impending award, an attempt to negotiate, etc. If you act or fail to act in reliance of this notification, you do so at your own risk and expense.

## Contract Negotiations with Apparent Successful Bidder

After the notification of the ASB, ECOLOGY may enter into contract negotiations with the ASB, which may include discussion regarding the terms of the Bid. Contract negotiations may result in incorporation of some or the Bidder’s entire Bid. The Bidder should be prepared to accept this RFQQ for incorporation into a contract resulting from this RFQQ. It is also understood that the Bid will become part of the contract and the official file.

Contract negotiations may result in incorporation of some or the Bidder’s entire Bid. The Bidder should be prepared to accept this RFQQ for incorporation into a contract resulting from this RFQQ. It is also understood that the Bid will become part of the contract and the official file.

Should contract negotiations fail to be completed within one (1) month after initiation, ECOLOGY may immediately cease contract negotiations and declare the Bidder with the next highest score as the new ASB and enter into contract negotiations with that Bidder.

The ASB will be expected to execute the Contract within ten (10) Business Days of its receipt of the final Contract. If the selected Bidder fails to sign the Contract within the allotted ten (10) days timeframe, ECOLOGY may elect to cancel the award, and award the Contract to the next ranked Bidder, or cancel or reissue this solicitation (see Subsection 2.22 - *Right to Cancel*).

## Debriefing of Unsuccessful Bidders

Only Bidders who submit a Response may request an optional debriefing conference to discuss the evaluation of their Response. Upon request, a debriefing conference will be scheduled with an unsuccessful Bidder. The Procurement Coordinator must receive the request for a debriefing conference within three (3) business days after the announcement of ASB is sent to the responding Bidders. The debriefing conference is held within three (3) business days of the request, unless ECOLOGY chooses a more convenient time.

Discussion at the debriefing conference will be limited to the following:

* Evaluation and scoring of the Bidder’s Bid.
* Critique of the Bidder’s Bid.
* Review of the Bidder’s final score and ranking in comparison with other Bidders’ final scores without identifying the other Bidders.

Debriefing conferences may be conducted in person or on the telephone, and will be scheduled for no more than one hour.

## Complaint and Protest Requirements

For Complaints and Protests concerning this solicitation, review Appendix G, *Complaint and Protest Procedures,* regarding the grounds for, filing, and resolution of complaints and protests.

# BID SUBMITTAL REQUIREMENTS

## Bid Presentation and Organization

Bidders are encouraged to label and organize their Bid Response in the following order for ease of evaluation:

* Bidder’s introductory cover letter acknowledging receipt of all RFQQ amendments issued, if any.
* Appendix A – *Signed Certifications and Assurances.*
* Appendix B – *MWBE Participation Form.*
* Appendix C *– Wage Laws Certification.*
* Appendix D *– Workers’ Rights Certification.*
* Appendix H – Small Business and Veteran Business form, if applicable.
* Appendix I – Diverse Business Inclusive Plan – Subcontractor Declaration form.
* Appendix J – Diverse Business Inclusive Plan -Subcontractor form, if applicable.
* Any noted exceptions toAppendix F*, Sample Service Contract.*
* Amendments, (if any) signed and returned as instructed in the Amendment – Bidder is to check the [WEBS](https://pr-webs-vendor.des.wa.gov/BidCalendar.aspx) site for any and all amendments.
* Response to *Minimum Bidder Qualifications* (Section 4.2).
* Response to the *Technical Proposal* (Section 4.3).
* Response to the *Management Proposal* (Section 4.4).
* Response to *Past Customer* *References* (Section 4.5).
* Response to *Informational Background* (Section 4.6).
* Response to *Bid Price Requirements* (Section 4.7 and 4.8).
* Other documentation or materials, as necessary.
* If you provided an original hardcopy, include an Electronic copy of bid submittals.

Standard brochures are not to be included in the Bid submittals. There should not be any unnecessary attachments, enclosures, or exhibits. Any electronic submittals shall be in Microsoft Office or Adobe .pdf formats. Charts and spreadsheets may be larger than normal letter size 8.5 in x 11 in paper. Failure to follow these instructions may result in disqualification.

Items marked (M) “mandatory” or (MS) “mandatory/scored” must be included as part of the Response to this solicitation to be considered responsive. Sections marked “(M)” are not scored, but may be used for evaluation purposes on a pass/fail basis. Items marked “(MS)” are those that are awarded points as part of the evaluation conducted by the evaluation team.

## (M) Minimum Bidder Qualifications

Bidder is to provide a statement of compliance with the following minimum requirements:

1. Bidder must be licensed to do business in the State of Washington or provide a statement that it will become licensed in Washington State within 30 calendar days of being selected as the Apparent Successful Bidder.
2. Bidder firm must have been in business for a minimum of five (5) years, or each proposed team member to conduct this project has a minimum of five (5) years’ experience conducting the scope of work identified herein.
3. Bidder must have prior experienceworking with pesticide contaminated soils.
4. Bidder must not be suspended or debarred from government contracts.

## (MS) Technical Proposal

Bidder is to provide in five (5) pages or less a Technical Proposal that includes the following elements specifically in response to Appendix E – *Statement of Work and Deliverables*:

1. Approach/Methodology – Provide a description of the Bidder’s proposed approach and methodology for providing those services identified herein.
   1. Approach to planning, organization, and management with respect to such factors as schedule, budget control, and quality of work.
2. Work Plan – Provide a plan for the tasks, activities, reports, etc. with a proposed schedule necessary to accomplish the work described this RFQQ. The proposal is to contain sufficient detail to convey to the members of the evaluation team that the Bidder has knowledge of the subject matters, adequate resources, and skills necessary to successfully complete the work.
   1. For any additional activities not already identified but would be necessary to achieve the objectives of this RFQQ (Section 1.2 and Appendix E – *Statement of Work and Deliverables*) provide a rationale and plan.
   2. Identify any potential risk(s) that is considered significant to the success of the work and steps that will be taken to monitor and manage the work plan.

## (MS) Management Proposal

Bidder is to provide in ten (10) pages or less a Management Proposal that includes the following elements specifically in response to Appendix E – *Statement of Work and Deliverables*:

1. Management Structure/Internal Controls –
2. Provide a description of the proposed work team structure and internal controls that will be used for completing the work, including any subcontractor involvement.
3. Provide an organization chart for your firm indicating lines of authority for personnel involved in the performance under this contract.
4. Identify the person(s) who will have the prime responsibility and final authority for the work.
5. For any subcontractors that will be used in the fulfillment of the contract, identify their role and relationship to the Bidder, and the person(s) in the Bidder’s firm responsible for subcontractor’s performance.
6. Describe your internal policies and procedures for handling conflicts of interest and client confidentiality.
7. Staff Qualifications –
8. Identify key staff, including subcontractor’s staff, who will be assigned to the work, describing their responsibilities and qualifications, and include the amount of time each person will be assigned to the project.
9. Include the résumés for the named key staff that includes information on the individual’s particular skills, education, experience, and any other pertinent information related to performance of this project. (Résumés are not restricted to a page limit.)
10. Bidder is to provide a statement that Bidder will commit the staff identified in its bid will actually perform the work as designated. The Contractor must commit the same level of staff expertise throughout the duration of the contract. Any staff substitution must have prior approval by ECOLOGY.
11. Past Experience –
12. Describe your experience and qualifications for this project by providing three (3) project examples that either have been completed within the last ten (10) years or are ongoing. It is ECOLOGY’s preference that the experience provided does *not* include past ECOLOGY projects. Projects presented should at least include:

1. One (1) project within the state of Washington.

1. Past experience mentioned should describe relevant pesticide (DDT/DDD/DDE) contaminated soil research, testing/analysis and reporting experience that demonstrates the qualifications of the Consultant, and any subcontractors, for the performance of the work described in Appendix E – *Statement of Work and Deliverables*.
   1. Include the outcomes achieved for each customer.

## (MS) Past Customer References

Bidder is to provide three (3) customer references to whom the Bidder has provided similar services as described herein within the last ten (10) years. The Bidder is responsible to ensure that every reference contact is available during the evaluation period. References provided should be directly involved with the past experience examples provided in response to Section 4.4 – Management Proposal, part 3a and b.

References must be:

* Complete with company names, addresses, contact persons, telephone numbers, and electronic mail addresses.
* Independent of the Bidder’s company/corporation (i.e., non-Vendor owned, in whole or in part, or managed in whole or in part).
* From unique references, in no event shall the Bidder submit two references from the same client/business entity.
* Do not include current ECOLOGY staff as references.

## (M) Informational Background

1. Bidder is to provide the following information about the Bidder and any proposed subcontractors:
2. Name, address, principal place of business, telephone number, and email address of the legal entity or individual with whom a contract would be written.
3. Legal status of the Bidder (sole proprietorship, partnership, corporation, etc.) and the year the entity was organized to do business as the entity now substantially exists.
4. Location of the office/facility from which the Bidder would operate for the resulting contract and the normal business hours. Identify if Bidder maintains an office in Washington State.
5. Federal Employer Tax Identification number (if Social Security number, then do not provide but indicate it is available) and if available the Uniform Business Identification (UBI) number issued by the state of Washington Department of Revenue.
6. Bidder is to provide the following related Bidder Information:
7. A statement acknowledging whether or not any state employees or former state employees serve on the Bidder’s governing board as of the due date of this Bid. If yes, then include their position and responsibilities within the Bidder’s organization. Refer to Ethics in Public Service, RCW 42.52.  If following a review of this information it is determined by ECOLOGY that a conflict of interest exists, the Bidder may be disqualified from further consideration for the award of a contract.
8. A statement acknowledging whether or not a member of the Bidder’s staff or subcontractor’s staff was an employee of the state of Washington during the past 24 months or is currently a Washington State employee. If yes, then identify the individual by name, where previously or currently employed, job title or position held, and separation date. Refer to Ethics in Public Service, RCW 42.52, especially 42.52.080 which pertains to “Employment after public service.” If following a review of this information it is determined by ECOLOGY that a conflict of interest exists, then the Bidder may be disqualified from further consideration for the award of a contract or requested to remove the staff from the project.
9. A statement acknowledging whether or not the Bidder or any subcontractor has contracted with the state of Washington during the past 24 months. If yes, then indicate the name of agency, the contract number, contact person, and brief project description and/or other information to identify the contract. ECOLOGY may use such information for evaluation of past performance.
10. A statement acknowledging whether or not the Bidder has had a contract terminated for default in the last five (5) years by a government entity. If yes, then briefly describe such incident, submit details of the terms for default including the other party’s name, address, and phone number, and present the Bidder’s current position on the matter. ECOLOGY will evaluate the facts and may at its sole discretion, reject the Bid on the grounds of the past experience. Termination for default is defined as notice to stop performance due to the Bidder’s non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer or (b) litigated and such litigation determined that the Proposer was in default.
11. Bidder must disclose to ECOLOGY any interest, direct or indirect, that might be construed as prejudicial in any way to the professional judgment of the Bidder in rendering service to ECOLOGY under the resulting contract. If following a review of this provided information it is determined by ECOLOGY that a conflict of interest exists, the Bidder may be disqualified from further consideration for the award of a contract. If during review of the Bidder’s bid, ECOLOGY finds a potential for a conflict of interest, ECOLOGY may disqualify the bid from further consideration for the award of a contract.

## (MS) Bid Price Requirements

Bidder is to submit a price by task as outlined in Section 4.8 (Bid Price Sheet)*.*  Price for the work is inclusive of all costs *except* state tax *(see below for details*).

Bidder will be evaluated and scored on its total bid cost. The score for the price will be computed by dividing the lowest cost bid received by the Bidder’s total bid cost, and then multiplying by the cost scoring points.

**Presentation of All Cost Components**

* Failure to identify all costs in a manner consistent with the instructions in this RFQQ is sufficient grounds for disqualification.
* Bid prices must include all cost components. All costs associated with the services must be incorporated into the price of the Response to this RFQQ.
* Any Product or Service offered by the Bidder or a Subcontractor(s) that does not have a corresponding separate price will have no separate additional cost to ECOLOGY.
* Bidder must complete and return the Price Sheet to be considered responsive to this RFQQ. Bidder is to bid all items. Bidder is not to modify the Price Sheet.
* If any item is left blank, then ECOLOGY will consider it a no cost ($0) and included in the overall project price.
* Estimated quantities are for cost evaluation purposes only and may not reflect actual quantities of the work performed under this RFQQ.
* Expenses related to day-to-day performance under any Contract, including but not limited to, travel, lodging, meals, materials, and incidentals will not be reimbursed to the Contractor, except those identified herein.
* Identify all costs in U.S. dollars, including expenses to be charged for performing the services necessary to accomplish the objectives of this contract.
* Contractor is required to collect and pay Washington State sales taxes, as applicable, do not include taxes in Price Sheet totals. Bidder is to identify if they charge sales taxed on the services they provide.

***Travel Expenses***

Bidder will identify travel expenses as outlined in the Bid Price Sheet. Travel, material or equipment expenses not covered in the Bid Price Sheet of this work order request must be pre-approved prior to billing/invoicing. All approved travel will be reimbursed at the current state travel rates, [Per Diem Information | Department of Enterprise Services (wa.gov)](https://www.des.wa.gov/services/travel-cars-parking/travel-state-business/diem-information). To qualify for additional travel expenses not covered in Section 4.8 (Bid Price Sheet), the Contractor needs to obtain pre-approval from ECOLOGY of an estimated travel cost as part of the work plan as well provide corresponding receipts and documentation with the invoice.

ECOLOGY will do everything it can to minimize travel costs through working with Contractor to do

**Sales Tax**

Contractor is required to collect and pay sales tax, if applicable, review the *Sample Service Contract*, Appendix F for more details. If the Contractor collects sales tax from ECOLOGY for the services provided on this RFQQ, do not include this sales tax in Price Sheet totals. Bid Price for the proposed work is inclusive of all costs except sales tax. Bidder is to identify if there is sales tax on the services provided under this RFQQ.

## (MS) Bid Price Sheet Submittal

Bidder is to complete and return. (Bidder is to bid all items to be responsive.) Estimated quantities are for cost evaluation purposes under this RFQQ. Ecology anticipates utilizing this bid price sheet in the awarded service agreement.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Bid Price Sheet**  Bidder is to complete and return. Estimated quantities are for cost evaluation purposes and may not reflect actual quantities of the work performed under this RFQQ. Bidder is not to modify the Bid Price Sheet, except to add more job class/title items. See Bid Price section for further details for each task.   * For Tasks 1 and 2: Bidder is to submit the hourly rate by job class/title below. Bidder to sum the hourly rates and determine the average hourly rate per Task.   \*\*$, To determine your Average Hourly Rate for Tasks 1 and 2: Add the hourly rates together for the job classes you deemed necessary to accomplish the tasks, and then divide by total number of job classes you listed for that task (Average Hourly Rate for bid evaluation purposes). Repeat process for all tasks. | | | | | | |
| **Bidder Name:** | | | | | | |
| **Item** | **Description** | **Qty** | **Unit** | **Average Hourly Rate** | **Estimated Qty** | **Total Extend Cost**  (Unit Bid Price x Estimated Qty) |
| Task 1 | **Review Both Publicly and Ecology Available Project Documentation and Draft/Finalize an Overall Project Feasibility Study Plan** | **1** | Average  Hourly Rate | \*\*$ | 320 hrs. | $ |
| Job Class/Title: | | | Hourly Rate: | $ |  |
| Job Class/Title: | | | Hourly Rate: | $ |  |
| Job Class/Title: | | | Hourly Rate: | $ |  |
| Job Class/Title: | | | Hourly Rate: | $ |  |
| Job Class/Title: | | | Hourly Rate: | $ |  |
| **Single 2-Hour Kick-Off Virtual Meeting** | **1** | Lump Sum for Single Meeting | | Lump Sum | $ |
|  | **Total Cost for Task 1** | | | | | $ |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Item** | **Description** | **Qty** | **Unit** | **Average Hourly Rate** | | **Estimated Qty** | **Total Extend Cost**  (Unit Bid Price x Estimated Qty) |
| Task 2 | **Feasibility Study Report** | **1** | Average Hourly Rate | \*\*$ | 320 hrs. | | $ |
| Job Class/Title: | | | Hourly Rate: | $ | |  |
| Job Class/Title: | | | Hourly Rate: | $ | |  |
| Job Class/Title: | | | Hourly Rate: | $ | |  |
| Job Class/Title: | | | Hourly Rate: | $ | |  |
| Job Class/Title: | | | Hourly Rate: | $ | |  |
| **Total for Task 2** | | | | | | | $ |
| **Subtotal of all Tasks (1 and 2)** | | | | | | | **$** |
| **Prompt Payment Discount:**  **(Identify if Prompt Payment Discount is available. Offers for 30 days or greater will be included in price evaluation)** | | | | | **\_\_\_\_%** | | **\_\_\_\_\_Days** |
| **Total Evaluation Cost (Minus prompt payment discount)** | | | | | | | **$** |

## APPENDIX A Certifications and Assurances

I/We, Bidder, make the following certifications and assurances as a required element of the Response, to which it is attached, affirming the truthfulness of the facts declared here and acknowledging that the continuing compliance with these statements and all requirements of the RFQQ are conditions precedent to the award or continuation of the resulting Contract.

1. The prices in this Response have been arrived at independently, without engaging in collusion, bid rigging, or any other illegal activity, and without for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered.

2. Response has not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before Contract award unless otherwise required by law.

3. No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition. However, we may freely join with other persons or organizations for the purpose of presenting a single proposal or bid.

4. In preparing this Response, we have not been assisted by any current or former employee of the state of Washington whose duties relate (or did relate) to the State's solicitation, or prospective Contract, and who was assisting in other than his or her official, public capacity. Neither does such a person nor any member of his or her immediate family have any financial interest in the outcome of this Response. (Any exceptions to these assurances are described in full detail on a separate page and attached to this document.)

5. The attached Response is a firm offer for a period of 120 days following the Response Due Date specified in the RFQQ, and it may be accepted by ECOLOGY without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 120-day period. In the case of protest, our Response will remain valid for 180 days or until the protest is resolved, whichever is later.

6. We understand that the State will not reimburse us for any costs incurred in the preparation of this Response or participation in an oral interview. All Responses become the property of the State, and we claim no proprietary right to the ideas, writings, items or samples unless so stated in the Response.

7. Submission of the attached Response constitutes an acceptance of the evaluation criteria and an agreement to abide by the procedures and all other administrative requirements described in the solicitation document.

8. I/We grant ECOLOGY the right to contact references and others who may have pertinent information regarding the prior experience and ability of the Vendor and the proposed staff to perform the services contemplated in this solicitation.

9. By submitting this Bid, Bidder hereby offers to furnish materials, supplies, services and/or equipment in compliance with all terms, conditions, and specifications contained in this solicitation.

10. We understand that any Contract awarded as a result of this Response will incorporate the solicitation requirements. Submission of a Response and execution of this Certifications and Assurances document certify our willingness to comply with the Contract terms and conditions appearing in Appendix F, or substantially similar terms, if selected as a contractor. It is further understood that our standard contract will not be considered as a replacement for the terms and conditions appearing in Appendix F of this solicitation.

11. The authorized signatory below acknowledges having read and understood the entire solicitation including any amendments and agrees to comply with the terms and conditions of the solicitation in submitting and fulfilling the offer made in its Bid.

12. We  **are /**  **are not** (check box) submitting proposed Contract exceptions.

The signatory below represents that he/she has the authority to bind the company named below to the Bid submitted and any contract awarded as a result of this solicitation.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Bidder Signature |  | Bidder Company Name |
| Print Name: |  | Address: |
| Title: |  | Fed Tax No.: |
| Date: |  | Phone: |
|  |  | Email: |

(SIGN AND RETURN WITH BID)

## APPENDIX B MWBE Participation Form

**Minority and Women's Business Enterprises (MWBE)**

**Participation Form**

Bidder is encouraged to identify any MWBE participation under this Bid. For this solicitation, MWBE participation is defined as either or both \*Certified MBEs and WBEs.

Bidder is to complete below form identifying any MWBE participation under this Bid. If there is no MWBE participation anticipated, then indicated such below. Enter firm names in the MBE and WBE Firm Name columns and the participation percentage. The anticipated percentage is the percentage of cost the MBE or WBE firm would cover.

Potential MWBEs are encouraged to contact the Washington State Office of Minority and Women’s Business Enterprises concerning certification and participation. For questions regarding the above, contact the state OMWBE, [Office of Minority and Women's Business Enterprises | (wa.gov)](https://omwbe.wa.gov/), toll free at 866-208-1064.

After bid award, this form will be used to identify MWBE participation.

No MWBE anticipated participation for this bid.

|  |  |  |
| --- | --- | --- |
| **MBE FIRM NAME** | **\*MBE CERTIFICATION NO.** | **PARTICIPATION %** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| **WBE FIRM NAME** | **\*WBE CERTIFICATION NO.** | **PARTICIPATION %** |
|  |  |  |
|  |  |  |
|  |  |  |

**\***Certification number issued by the Washington State Office of Minority and Women's Business Enterprises.

Name of Vendor completing this Certification: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Return with bid)

## APPENDIX C Wage Laws Certification

Bidder is to complete the Wage Laws Certification form and return it with their bid submittals.

*Bidder shall certify it has not willfully violated Washington’s wage laws,* [*Title 49 RCW*](http://app.leg.wa.gov/RCW/default.aspx?cite=49)*. Refer to* [*RCW 39.26.160 (2)(f)*](http://apps.leg.wa.gov/rcw/default.aspx?cite=39.26.160)*.*

**I hereby certify, on behalf of the firm identified below, as follows (check one):**

**No Violations of wage Laws**. This firm **has NOT been** determined by a final and binding citation and notice of assessment issued by the Washington Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in [RCW 49.48.082](http://app.leg.wa.gov/RCW/default.aspx?cite=49.48.082), any provision of RCW chapters [49.46](http://app.leg.wa.gov/RCW/default.aspx?cite=49.46), [49.48](http://app.leg.wa.gov/RCW/default.aspx?cite=49.48), or [49.52](http://app.leg.wa.gov/RCW/default.aspx?cite=49.52) within three (3) years prior to the date of the procurement solicitation, November 20, 2023.

**Yes Violations of Wage Laws**. This firm **has been** determined by a final and binding citation and notice of assessment issued by the Washington Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in [RCW 49.48.082](https://app.leg.wa.gov/RCW/default.aspx?cite=49.48.082), any provision of RCW chapters [49.46](https://app.leg.wa.gov/RCW/default.aspx?cite=49.46), [49.48](http://app.leg.wa.gov/RCW/default.aspx?cite=49.48), or [49.52](https://app.leg.wa.gov/RCW/default.aspx?cite=49.52) within three (3) years prior to the date of the procurement solicitation, November 20, 2023. Bidder is to provide explanation for consideration by ECOLOGY. Bidder that marks this item may be considered not a “responsible” bidder per [RCW 39.26.160](http://app.leg.wa.gov/RCW/default.aspx?cite=39.26.160) and may not be considered for award.

|  |  |
| --- | --- |
| I hereby certify, under penalty of perjury under the laws of the state of Washington, that the certifications herein are true and correct and that I am authorized to make these certifications on behalf of the firm listed herein.  Firm Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name of Bidder – Print full legal entity name of firm | |
| By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of authorized person  Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Title of person signing certificate  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Print Name of person making certifications for firm  Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Print city and state where signed |

Bidder is to return Wage Laws Certification with bid submittals

## APPENDIX D Workers’ Rights Certification

**EXECUTIVE ORDER 18-03**

Bidder is to complete the Workers’ Rights Certification form and return it with their bid submittals.

**Mandatory Individual Arbitration Clauses and Class or Collective Action Waivers for Employees**

*Pursuant to the Washington State Governor’s Executive Order 18-03, the Washington State Department of Ecology is seeking to contract with qualified entities and business owners who certify that their employees are not, as a condition of employment, subject to mandatory individual arbitration clauses and class or collective action waivers.*

I hereby certify, on behalf of the firm identified below, as follows (check one):

**NO,** this 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.

**YES,** this firm **does require** its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

|  |  |
| --- | --- |
| I hereby certify, under penalty of perjury under the laws of the state of Washington, that the certifications herein are true and correct and that I am authorized to make these certifications on behalf of the firm listed herein.  Firm Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name of Bidder – Print full legal entity name of firm | |
| By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of authorized person  Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Title of person signing certificate  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Print Name of person making certifications for firm  Place:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Print city and state where signed |

Bidder is to return Workers’ Rights Certification with bid submittals

## APPENDIX E Statement of Work and Deliverables

**Purpose**

The objective of this project is to conduct a Feasibility Study (FS) to develop and evaluate cleanup action alternatives for pesticide contaminated soils on cannabis farms located in Okanogan County. The pesticides of interest include:

* Dichlorodiphenyltrichloroethane (DDT),
* Dichlorodiphenyldichloroethane (DDD), and
* Dichlorodiphenyldichloroethylene (DDE).

Ecology anticipates this project will include the following general work tasks:

* Review all Ecology available background information concerning this project.
* Review publicly available documentation concerning DDT/DDE/DDD soil contamination related to cannabis farms in Washington State and nationwide.
* A detailed review and evaluation of the following cleanup alternatives as they pertain to DDT/DDD/DDE contaminated soil:
  + Excavation and removal of contaminated soil,
  + Mixing of contaminated soil with clean soil,
  + Capping in place,
  + Consolidation and capping of contaminated soil,
  + Bioremediation of contaminated soil.
* Prepare associated documents for project activities, including the following:
  + Overall Project Feasibility Study Plan, and
  + A draft/Final Feasibility Study Report for Ecology review and comment.

**Background**

In April 2023, at the request of the Washington State Liquor and Cannabis Board (LCB), Ecology conducted soil sampling at cannabis farms in Okanogan County. Analytical results indicated possible historic lead arsenate and DDT pesticide application within the areas of cannabis productions sampled. Results from the study are available in Ecology Publication 23-09-011, Soil Sampling for Pesticides, VOCs, PAHs, and Metals in Selected Cannabis Farms in Okanogan County (<https://apps.ecology.wa.gov/publications/documents/2309011.pdf>).

Ecology has been tasked by the Washington State Legislature to undertake a further sampling and analysis project to address DDT and DDT remnant (DDD, DDE) soil contamination in cannabis farms located in Okanogan County (Section 3038, <https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bills/Senate%20Passed%20Legislature/5200-S.PL.pdf?q=20230516094055>). Specific tasks for this project are outlined below.

**Task 1 – Review Both Publicly and Ecology Available Project Documentation and draft/finalize an Overall Project Feasibility Study Plan**

Contractor shall review all applicable and available information both available publicly and provided by Ecology, regarding the project area, to develop the draft/final Overall Project Feasibility Study Plan. The Feasibility Study shall be conducted in accordance with WAC 173-340-350. The total time estimated for this task is three hundred and twenty (320) hours.

**Task 1 Description**

Contractor will perform the following related to this task, including:

* Review all project documentation provided by Ecology, including:
  + Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington.
    - (<https://apps.ecology.wa.gov/publications/documents/2109006.pdf>)
* Soil Sampling for Pesticides, VOCs, PAHs, and Metals in Selected Cannabis Farms in Okanogan County
  + (<https://apps.ecology.wa.gov/publications/documents/2309011.pdf>)
* Review all publicly available documentation concerning DDT/DDE/DDD soil contamination related to cannabis farms in Washington State and nationwide.
* Conduct a detailed review and evaluation of the following cleanup alternatives as they pertain to DDT, DDD and DDE contaminated soil:
  + Excavation and removal of contaminated soil,
  + Mixing of contaminated soil with clean soil,
  + Capping in place,
  + Consolidation and capping of contaminated soil,
  + Bioremediation of contaminated soil.
* Draft and finalize an Overall Project Feasibility Study Plan.

**Task 1 Deliverables:**

Note: Electronic (PDF) copies of the Task 1 deliverables shall be submitted via email to Ecology.

1. A draft Overall Project Feasibility Study Plan in PDF format with a MS Word file is due for review within thirty (30) days following agreement execution.
2. A final Overall Project Feasibility Study Plan, including Ecology’s comments on the draft version, are due to Ecology within two (2) weeks of receiving Ecology’s comments on the draft version.

**Task 2 – Feasibility Study Report**

The Contractor will prepare a Feasibility Study Report encompassing the outcomes of both project tasks to develop and evaluate cleanup action alternatives for pesticide contaminated soils (DDT/DDD/DDE) on cannabis farms located in Okanogan County. This total time estimated for this task is three hundred and twenty (320) hours.

**Task 2 Description**

Contractor will perform the following regarding this task:

* Prepare a Feasibility Study Report in accordance with criteria outlined in WAC 173-340-350.
  + Report will summarize the review all applicable and available background information, provided by Ecology, regarding the project area.
  + Report will summarize the review all applicable publicly available information concerning DDT/DDE/DDD soil contamination related to cannabis farms in Washington State and nationwide.
  + Report will include a detailed evaluation of the following cleanup alternatives as they pertain to DDE contaminated soil:
    - Excavation and removal of contaminated soil,
    - Mixing of contaminated soil with clean soil,
    - Capping in place,
    - Consolidation and capping of contaminated soil,
    - Bioremediation of contaminated soil.

**Task 2 Deliverables:**

Note: Electronic (PDF) copies of the Task 2 deliverables shall be submitted via email to Ecology.

1. Draft Feasibility Study Report, in PDF format with a MS word file of the text, is due to Ecology for review within sixty (60) days following completion.
2. Final Feasibility Study Report, including Ecology’s comments on the draft version, is due to Ecology within thirty (30) days after receiving Ecology’s comments on the draft version.

## APPENDIX F Sample Service Contract



**(Click icon to open the Sample Service Contract.)**

## APPENDIX G Complaint and Protest Procedures

This Complaint and Protest Procedures are in compliant with RCW 39.26.170 and Department of Enterprise Services Policy # DES-170-00. Complaints and Protests that do not follow these below procedures will not be considered.

These procedures provide the following information:

1) Requirements for a complaint process and protest process.

2) The criteria for filing a complaint or protest.

3) Agency response requirements and timelines.

**Complaint Process Before Bid Due Deadline:**

The purpose of a complaint process is to settle unresolved vendor issues or concerns that have not been resolved before the bid is due. The complaint process allows vendors to focus on the solicitation requirements and evaluation process, and raise issues with these processes to allow an agency time to correct a problem before bids are submitted. Any vendor may submit a Complaint.

1. Complaints must be based on any of the following reasons:
2. The solicitation unnecessarily restricts competition.
3. The solicitation evaluation or scoring process is unfair or flawed.
4. The solicitation requirements are inadequate or insufficient to prepare a response.
5. Complaints must meet the following requirements:
6. Be sent in writing, may be sent via email, to the Procurement Coordinator for the bid.
7. Be submitted at least five (5) business days before the bid submissions deadline.
8. Clearly state it is a “Complaint” in the correspondence or email subject line.
9. Clearly articulate the basis for the complaint.
10. Include a proposed remedy.
11. Complaints will be handled as follows:
12. All communications relative to a complaint must be coordinated through the Procurement Coordinator, or designee.
13. The Procurement Coordinator, or designee, will consider all the facts available and respond to complaints in writing, may use email.
14. The response to complaints, including any changes to the solicitation, will be posted on WEBS.
15. Agency Director will be notified of all complaints and will be provided a copy of the agency's response.
16. Vendor’s complaint may not be raised again during the protest period.
17. Agency complaint process does not include an appeal process.

**Protest Process Before Final Award:**

The purpose of a protest process is to allow unsuccessful Bidders, after the announcement of the Apparent Successful Bidder, to raise issues related to the evaluation process as set out in the solicitation or how the process was executed. The protest procedure allows the agency to correct evaluation process errors and problems before a contract is executed.

1. Debriefing Opportunity:
   1. Unsuccessful Bidders may request a debriefing conference after the announcement of the Apparent Successful Bidder (ASB).
   2. Bidders have three (3) business days after the ASB announcement date to request a debriefing conference.
   3. Debriefing conference may be held in person at the agency or by phone.
   4. Only those Bidders that participated in a debriefing conference are allowed to file a protest.
2. Protest Period:
   1. Bidder has five (5) business days after their debriefing conference to submit a written Intent to Protest, may be via email, to the Procurement Coordinator for the bid.
   2. The protest must be received within five (5) calendar days after the written Intent to Protest is submitted.
   3. The protest must be submitted to the Procurement Coordinator, who will acknowledge receipt.
   4. The protest must be in writing and signed by the Bidder, may be submitted via email.
   5. If a protest is not received within the above protest periods, it will be considered untimely and the Procurement Coordinator may proceed with the award without further obligation.
3. Protest Reason, a protest must be based on any of the following reasons:
4. A matter of bias, discrimination, or conflict of interest on the part of an evaluator.
5. Errors in computing the scores.
6. Non-compliance with procedures described in the procurement document or Department of Enterprise Services’ requirements.
7. A Protest must include the following:
8. Reference the bid title and number.
9. Clearly state it is a “Protest” in the correspondence or email subject line.
10. A clear and orderly presentation of the protested reason(s) with supportive facts.
11. Description of the relief or corrective action being requested.
12. Agency Review Actions:
13. Agency will assign a neutral party that had no involvement in the evaluation and award process as the official contact person to investigate and respond to the protest.
14. Agency will communicate to the Protester who is the official contact person for their protest. All communications relative to the protest must be coordinated through the official contact person for the protest.
15. Agency will notify the ASB that a protest was filed and may provide the ASB an opportunity to submit its views and any relevant information on the protest.
16. Agency will issue a written protest response no more than ten (10) business days from receipt of the protest, unless additional time is needed by the agency. If additional time is needed, the agency will notify the protesting bidder.
17. Protest final determination shall take one of the following actions:
18. Find the protest lacking in merit and uphold the agency’s action, and reject the protest.
19. Find only insignificant technical, immaterial, or harmless errors in the procurement process and determine the agency to be in substantial compliance and reject the protest.
20. If the agency determines that the protest is without merit, then the agency will enter into a contract with the ASB.
21. If the protest is determined to have merit, then one of the alternatives noted below will occur:
    1. Correct the errors and re-evaluate all bids/proposals.
    2. Reissue the solicitation document and begin a new process.
    3. Make other findings and determine other courses of action as appropriate.
22. Agency Protest Decision:
23. Once the agency’s protest response is issued, both the Agency Director and the Department of Enterprise Services’ Director will be provided a copy of the original protest and the agency's response.
24. Agency may sign a contract before the protest process is completed when the Department of Enterprise Services’ Director grants the agency the authority to do so.
25. Agency protest decision is final and no appeal process is allowed. If a protesting bidder does not accept the agency’s protest response, the bidder may try to seek relief from superior court.

## APPENDIX H Small Business and Veteran Business Certification Form

**Washington Small Business.**

Bidder certifies as follows (*check box*): Bidder is a Washington Small Business as defined in RCW 39.26.010. To qualify as a Washington Small Business, Bidder must meet three (3) requirements:

* + *Location*. Bidder’s principal office/place of business must be located in and identified as being in the State of Washington. A principal office or principal place of business is a firm’s headquarters where business decisions are made and the location for the firm’s books and records as well as the firm’s senior management personnel.
  + *Size*. Bidder must be owned and operated independently from all other businesses and have either: (a) fifty (50) or fewer employees; or (b) gross revenue of less than seven million dollars ($7,000,000) annually as reported on Bidder’s federal income tax return or its return filed with the Washington State Department of Revenue over the previous three consecutive years).
  + *WEBS Certification*. Bidder must have certified its Washington Small Business status in Washington’s Electronic Business Solution ([WEBS](https://www.des.wa.gov/sell/how-work-state)).

**Certified Veteran-Owned Business**.

Bidder certifies as follows (*check box*): Bidder is a Certified Veteran-Owned Business under RCW 43.60A.190. To qualify as a Certified Veteran-Owned Business, Bidder must meet requirements:

* + *Washington Incorporation/Location*. Bidder must be either an entity that is incorporated in the state of Washington as a Washington domestic corporation or, if not incorporated, an entity whose principal place of business is located within the State of Washington.
  + *WDVA Certification*. Bidder must have provided certification documentation to the Washington Department of Veterans’ Affairs WDVA) and be certified by WDVA and listed as such on WDVA’s website ([WDVA – Veteran-Owned Businesses](https://www.dva.wa.gov/veterans-their-families/veteran-owned-businesses/vob-search)).
  + *WEBS Certification*. Bidder must have certified its Veteran-Owned business status in Washington’s Electronic Business Solution ([WEBS](https://www.des.wa.gov/sell/how-work-state)).

|  |  |
| --- | --- |
| I hereby certify, under penalty of perjury under the laws of the state of Washington, that the certifications herein are true and correct and that I am authorized to make these certifications on behalf of the firm listed herein.  Firm Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name of Bidder – Print full legal entity name of firm | |
| By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of authorized person  Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Title of person signing certificate  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Print Name of person making certifications for firm  Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Print city and state where signed |

## APPENDIX I Diverse Business Inclusion Plan – Subcontractors Declaration form

|  |  |
| --- | --- |
| **Bidder’s name** |  |
| Bidder who, if awarded a Contract: | * does NOT intend to use subcontractors for this Contract and does not complete *Diverse Business Inclusion Plan – Subcontractors,* Appendix J. |
| * intends to use subcontractors, then Bidder is to complete and submit with their bid the *Diverse Business Inclusion Plan – Subcontractors* form set forth herein, Appendix J. |

## APPENDIX J Diverse Business Inclusion Plan – Subcontractors

**For**

**Bidders Who Plan to Utilize Subcontractors to Perform the Contract,**

**if Awarded**

Diverse Business Inclusion Plan – Subcontractor

The Department of Ecology (Ecology) is committed to providing opportunities for minority, women, veteran, and small businesses to do business with Ecology. Subcontractor Inclusion Plan outline commitments a bidder will make toward the state's goal to increase spending with small and diverse businesses. The plan:

1. Identifies the anticipated percent of small and diverse business participation on this contract. Participation can be as a prime contractor, subcontractor, or joint venture partner.
2. Provides a list of small and diverse businesses that will be utilized on the contract. This can include contracted services that support company operations and administration.
3. Describes planned efforts to support small and diverse businesses,

Examples may include:

* Policies and procedures the business will use to promote small and diverse business goals, and inclusion.
* Current or planned small and diverse business programs such as apprenticeships, mentoring, workshops, special events, bonding and surety programs, financing programs, and early payment programs.
* Staff training for the small and diverse business subcontractor inclusion plan strategies, include a list of trainings, who attended, and percentage of relevant staff who received training.
* Efforts to assist interested small and diverse businesses in obtaining related assistance or services.
* Plan for outreach to the small and diverse business community. Include participation and outreach plans that provide community education about government projects and opportunities to participate in those projects. For example, tradeshows, workshops, seminars, Washington State Office of Minority and Women’s Business Enterprises (OMWBE) webinars, sponsorships, and teaming with public or non-profits event organizers.

1. *Diverse Business Inclusion Plan – Subcontractors* is divided into the following three sections:

Section 1 – Provides information about Ecology and Small/Diverse business categories.

Section 2 – Provides instructions and information regarding who is to submit ***Diverse Business Inclusion Plan – Subcontractors*** and what is required.

Section 3 – Provides the template for the ***Diverse Business Inclusion Plan – Subcontractors*** for the above referenced Competitive Solicitation and the information that bidders, if required (i.e., bidder, if awarded, plans to use subcontractors), is to complete.

**Section 1: Information about Small and Diverse Businesses**

As set forth in the Competitive Solicitation, Ecology, in accordance with Washington law and to the maximum extent practicable, encourages and supports small and diverse businesses to compete for and participate in state procurements as contractors and as subcontractors to awarded bidders. Review*, e.g.*, [RCW 39.19](https://app.leg.wa.gov/RCW/default.aspx?cite=39.19) (OMWBE certified businesses); [RCW 43.60A.200](https://app.leg.wa.gov/RCW/default.aspx?cite=43.60A.200) (WDVA certified veteran-owned businesses); and [RCW 39.26.005](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.005) (Washington small businesses).

For purposes of this Competitive Solicitation, the following terms have the following meanings:

| Small/Diverse Business Category | Definition |
| --- | --- |
| Minority-Owned Business: | Limited to firms certified by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE) as a minority-owned business (MBE). *See*, [RCW 39.19.120](https://app.leg.wa.gov/RCW/default.aspx?cite=39.19.120) and [WAC 326-20](https://app.leg.wa.gov/WAC/default.aspx?cite=326-20&full=true). |
| Woman-Owned Business: | Limited to firms certified by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE) as a woman-owned business (WBE). *See*, [RCW 39.19.120](https://app.leg.wa.gov/RCW/default.aspx?cite=39.19.120) and [WAC 326-20](https://app.leg.wa.gov/WAC/default.aspx?cite=326-20&full=true). |
| Veteran-Owned Business: | Limited to firms certified by the Washington State Department of Veterans Affairs (WDVA) as a Certified Veteran-Owned Business. *See*, [RCW 43.60A.010(7)](https://app.leg.wa.gov/RCW/default.aspx?cite=43.60A.010) & [RCW 43.60A.190](https://app.leg.wa.gov/RCW/default.aspx?cite=43.60A.190). Such firms must meet four requirements:   * + *51% Ownership*. The firm must be at least fifty-one percent (51%) owned and controlled by:     - A veteran as defined as every person who at the time he or she seeks certification has received a discharge with an honorable characterization or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the capacities listed in [RCW 41.04.007](https://app.leg.wa.gov/RCW/default.aspx?cite=41.04.007);     - A person who is in receipt of disability compensation or pension from the department of veterans affairs; or     - An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.   + *Washington Incorporation/Location*. The firm must be either an entity that is incorporated in the state of Washington as a Washington domestic corporation or, if not incorporated, an entity whose principal place of business is located within the State of Washington.   + *WEBS Certification*. The firm must have certified its Veteran-Owned Business status in Washington’s Electronic Business Solution ([WEBS](https://www.des.wa.gov/sell/how-work-state)).   + *WDVA Certification*. The firm must have provided certification documentation to the WDVA and be certified by WDVA and listed as such on WDVA’s website ([WDVA – Veteran-Owned Businesses](https://www.dva.wa.gov/veterans-their-families/veteran-owned-businesses/vob-search)). |
| Washington Small Business: | Limited to firms that meet the following three (3) requirements:   1. *Location*. The firm’s principal office/place of business must be located in and identified as being in the State of Washington. A principal office or principal place of business is a firm’s headquarters where business decisions are made and the location for the firm’s books and records as well as the firm’s senior management personnel. 2. *Size*. The firm must be owned and operated independently from all other businesses and have either: (a) fifty (50) or fewer employees; or (b) gross revenue of less than seven million dollars ($7,000,000) annually as reported on the firm’s federal income tax return or its return filed with the Washington State Department of Revenue (WDOR) over the previous three consecutive years. 3. *WEBS Certification*. Bidder must have certified its Washington Small Business status in Washington’s Electronic Business Solution ([WEBS](https://www.des.wa.gov/sell/how-work-state)).   *See*, [RCW 39.26.010(22) & .010(13)](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.010).  Washington Small Business can also include Minibusinesses and Microbusinesses. Such firms just have a small ‘size’ requirement:   * *Minibusiness Size Requirement*: The firm must be owned and operated independently from all other businesses and have a gross revenue of at least one million dollars ($1,000,000) but less than three million dollars ($3,000,000) annually as reported on the firm’s federal income tax return or its return filed with the WDOR. *See*, [RCW 39.26.010(17)](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.010). * *Microbusiness Size Requirement*: The firm must be owned and operated independently from all other businesses and has a gross revenue of less than one million dollars ($1,000,000) annually as reported on the firm’s federal income tax return or its return filed with the WDOR. *See*, [RCW 39.26.010(16)](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.010). |

**Section 2: Instructions for completing the Diverse Business Inclusion Plan – Subcontractors**

Bidder who, if awarded a Contract, intends to use subcontractors, is to complete Diverse ***Business Inclusion Plan – Subcontractors*** form set forth herein.

1. As part of the *Diverse Business Inclusion Plan – Subcontractors*, bidder is encouraged to include an anticipated list of small/diverse subcontractors who may assist bidder in fulfilling bidder’s contractual obligations, if bidder is awarded a Contract pursuant to this Competitive Solicitation. This list should identify any subcontractors who are small/diverse businesses as defined above.

* The businesses included in the *Diverse Business Inclusion Plan – Subcontractors* are listed as examples of the businesses that bidder may use as subcontractors and does NOT obligate bidder to utilize those specific businesses in performing the Contract, if awarded.
* If awarded, the bidder’s *Diverse Business Inclusion Plan – Subcontractor* will be incorporated into the terms and conditions of the resulting Contract and bidder will report performance and progress to Ecology as set forth in the Contract and in contract management meetings.

1. Bidder is to describe their efforts in engaging and reducing any barriers to participation by small/diverse businesses, including outreach, education/mentorship, and process changes designed to increase small/diverse business participation.
2. If the proposed subcontractors are self-identified diverse businesses, bidder will encourage and support efforts for their certification with the appropriate Washington State agencies.
3. Ecology will review the *Diverse Business Inclusion Plan – Subcontractors* for a genuine effort and the maximum opportunity to contribute towards Ecology’s aspirational goals. Awarded bidders who utilize subcontractors will meet with Ecology Contract Managers regarding their small/diverse business aspirational inclusion goals and efforts set forth in their *Diverse Business Inclusion Plan – Subcontractors*.
4. The small/diverse business goals set forth herein are voluntary. Bidders will not be considered non-responsive if the *Diverse Business Inclusion Plan – Subcontractors* has a zero small/diverse business participation amount. Ecology, however, encourages bidders to be proactive in engaging small/diverse business participation. No preference will be included in the evaluation of bids based on the *Diverse Business Inclusion Plan – Subcontractors*. No minimum level of small/diverse business participation is required as a condition for receiving a Contract award.

**Section 3. Form for the Bidder’s Diverse Business Inclusion Plan – Subcontractors**

|  |  |  |
| --- | --- | --- |
| 1. **Bidder’s Anticipated Diverse Business Participation (Goals)**   List bidder’s anticipated small/diverse business category participation goals for subcontractor participation, if bidder is awarded a Contract. Bidders may list any goal amount. These goals are aspirational goals for bidder’s use of small/diverse business subcontractors, if awarded a Contract pursuant to this Competitive Solicitation. | | |
| Small/Diverse Business category | Dept of Ecology Goals | Bidder’s Anticipated Percent of Contract Amount (Goals) |
| Minority-Owned Business | 10% |  |
| Woman-Owned Business | 5% |  |
| Veteran-Owned Business | 5% |  |
| Washington Small Business | 10% |  |
| 1. **Bidder’s Diverse Business Subcontracting list**   Provide the firm information of the relevant small/diverse business subcontractors that bidder anticipates utilizing, if awarded a Contract pursuant to this Competitive Solicitation. Please identify the names of the firms as they are listed in Washington’s Electronic Business Solution (WEBS) and provide the firm’s applicable state certification numbers (for Minority, Woman, and Veteran-Owned firms). | | |
| State certification category | List of Firms (attach list if needed) | |
| Minority-Owned Businesses |  | |
| Woman-Owned Businesses |  | |
| Veteran-Owned Businesses |  | |
| Washington Small Businesses |  | |
| 1. **Describe Bidder’s Plan to Meet or Exceed Bidder’s Voluntary *Diverse Business Inclusion Plan – Subcontractors* Goals, Including Outreach.**   Response: | | |
| 1. **Identify Bidder’s Primary Contact for Bidder’s Diverse Business inclusion Plan – Subcontractors Goals.(INCLUDE phone number and email)**   Response: | | |
| **Bidder’s Commitment:**  Bidder commits to a make a genuine effort to achieve the proposed subcontract amounts with small/diverse business subcontractors as stated above. Bidder will develop a comprehensive outreach strategy that will engage small/diverse businesses registered with the State of Washington in WEBS.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Bidder’s Authorized Representative Dated Signed | | |

END OF RFQQ DOCUMENT