

**Competitive Solicitation – No. 25423**

**for**

**Graffiti Removal Services Contracts**

**Painting and/or Pressure Washing**

**To Be Awarded By
Specified Contract Category & Geographic Area**

**Introduction**

The Washington State Department of Enterprise Services (Enterprise Services) is issuing this Competitive Solicitation pursuant to RCW 39.26. Pursuant to this Competitive Solicitation, Enterprise Services intends to conduct a competitive procurement to establish and award Contracts, by specified geographic area, for Washington state agencies and other specified eligible purchasers to purchase certain specified painting and/or pressure washing services from qualified, innovative bidders to remove and/or cover graffiti on public property (collectively, “Graffiti Removal Services”).

Washington state agencies and other eligible purchasers own and/or manage public properties (e.g., buildings, bridges, freeways, walls, monuments, traffic signs, utility boxes, water towers, poles, roadway improvements) that are impacted by graffiti (i.e., any unauthorized inscription, word, figure, painting, design, label, marking, symbol, or other defacements marked, etched, scratched, engraved, drawn, painted, or sprayed on any surface of public property). These state agencies and other eligible purchasers, as part of their care, custody, and maintenance of such public properties, have an operational need to remove such graffiti. Accordingly, Enterprise Services intends to use this Competitive Solicitation to solicit and evaluate competitive bids, as set forth herein, to award Contracts for Graffiti Removal Services by specified contract category and by specified geographic area, as set forth below.

Pursuant to this Competitive Solicitation, Enterprise Services intends to award Contracts by specified contract category for the following contract categories:

* Category 1 – Painting
* Category 2 – Pressure Washing

For each contract category, Enterprise Services intends to award Contracts by specified geographic area as set forth below in the Contract Award Summary Table.

NOTE:

* Bidders may bid on any or all specified contract categories and geographic areas. County(ies) bids are ONLY for reserved awards (small and Veteran-owned business)
* Except for Reserved Awards for Contracts, the specified geographic areas are the six Regions (comprising the indicated counties) depicted in the map set forth below and identified in the Contract Award Summary Table. Bids must cover the entire specified Region.
* The specified geographic areas for Reserved Awards for Contracts (small and veteran-owned businesses) are Washington State Counties. Bids must cover the entire County.

As set forth in the *Contract Award Summary Table* provided below, Enterprise Services intends to make two types of Contracts awards, as follows:

* *Standard Awards for Contracts*. Standard Awards are open to all bidders and made, by contract category and specified geographic area, to the highest scored, responsive, responsible bidders. Enterprise Services intends to make up to three (3) Standard Awards for each contract category and each specified geographic area, which for purposes of the Standard Awards are the specified geographic regions.
* *Reserved Awards for Contracts*. Reserved Awards are best value procurement awards. Enterprise Services encourages the use of Washington Small Businesses and/or Certified Veteran-Owned Businesses for contract opportunities. Accordingly, to facilitate state agency purchases of goods/services from Washington Small Businesses and/or Certified Veteran-Owned businesses, Enterprise Services intends to make up to three (3) Reserved Awards, for each contract category and each specified geographic area, which for purposes of the Reserved Awards are each of the thirty-nine (39) separate Washington state counties, to the otherwise not awarded (i.e., bidder did not receive a Standard Award), highest scored, responsive, responsible bidder who certifies pursuant to *Exhibit A-1 – Bidder’s Certification* as either a Washington Small Businesses or Washington Certified Veteran-Owned Business in each category.

| *Contract Award Summary Table* |
| --- |
| Geographic Area | Standard Awards | Reserved Awards |
| Category 1Painting | Category 2Pressure Washing | Category 1Painting | Category 2Pressure Washing |
| Region: | Olympic Region | Up to 3for each Region | Up to 3for each Region |  |  |
| Counties: | Clallam, Jefferson, Kitsap, Mason, and Grays Harbor |  |  | Up to 4for each County | Up to 4for each County |
|  |
| Region: | Northwest Region | Up to 3for each Region | Up to 3for each Region |  |  |
| Counties: | Whatcom, San Juan, Island, Skagit, Snohomish, King, and Pierce |  |  | Up to 4for each County | Up to 4for each County |
|  |
| Region: | Southwest Region | Up to 3for each Region | Up to 3for each Region |  |  |
| Counties: | Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark |  |  | Up to 4for each County | Up to 4for each County |
|  |
| Region: | South Central Region | Up to 3for each Region | Up to 3for each Region |  |  |
| Counties: | Okanogan, Chelan, Douglas, Grant, and Kittitas |  |  | Up to 4for each County | Up to 4for each County |
|  |
| Region: | North Central Region | Up to 3for each Region | Up to 3for each Region |  |  |
| Counties: | Yakima, Franklin, Benton, Garfield, Columbia, Asotin, Walla Walla, and Klickitat |  |  | Up to 4for each County | Up to 4for each County |
|  |
| Region: | Eastern Region | Up to 3for each Region | Up to 3for each Region |  |  |
| Counties: | Ferry, Pend Oreille, Stevens, Lincoln, Spokane, Adams, and Whitman |  |  | Up to 4for each County | Up to 4for each County |



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

* [Section 1](#Section_1) provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for Enterprise Services’ Procurement Coordinator.
* [Section 2](#Section_2) provides important information about the procurement that is designed to help interested bidders evaluate the potential opportunity, including the purpose of the procurement and Statewide Contracts, the form of the resulting Contract, and potential contract sales.
* [Section 3](#_Section_3_–) identifies how Enterprise Services will evaluate the bids.
* [Section 4](#Section_3) identifies how to prepare and submit a bid for this Competitive Solicitation, including detailed instructions regarding what to submit and how to submit your bid.
* [Section 5](#_Section_5_–Complaint,) details the applicable requirements to file a complaint, request a debrief conference, or file a protest regarding this Competitive Solicitation.
* [Section 6](#_Section_6_–Doing) provides information pertaining to doing business with the State of Washington.

In addition, this Competitive Solicitation includes the following Exhibits:

* *Exhibit A – Required Bidder Information*: These exhibits identify information that bidders must provide to Enterprise Services to constitute a responsive bid. *See* Section 4, below.
	+ *Exhibit A-1 – Bidder’s Certification*
	+ *Exhibit A-2 – Bidder’s Profile*
* *Exhibit B-1 – Performance Requirements for Category 1 – Paint*: This exhibit outlines the Competitive Solicitation’s required specifications/qualifications for Category 1 – Paint.
* *Exhibit B-2 – Performance Requirements for Category 2 – Pressure Washing*: This exhibit outlines the Competitive Solicitation’s required specifications/qualifications for Category 2 – Pressure Washing.
* *Exhibit C-1 – Bid Price*: This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that Enterprise Services will use to evaluate and compare bids.
* *Exhibit C-2 – Bidders Qualifications & Non-Cost Factors:* This exhibit provides the non-cost information bidders will complete as part of their bid and the non-cost evaluation tool that Enterprise Services will use to evaluate and compare bids.
* *Exhibit D – Contract*: This exhibit is a draft of the Contract that any successful bidder will execute with Enterprise Services.

# Section 1 – Deadlines, Questions, Procurement Coordinator, and Modification

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

1. **Competitive Solicitation Deadlines**. The following table identifies important dates for this Competitive Solicitation:

| **Competitive Solicitation Deadlines** |
| --- |
| **Item** | **Date** |
| Competitive Solicitation Posting Date: | April 1, 2024 |
| Pre-Bid Conference: | April 16, 2024, at 2 pm (Pacific Time)*Virtual Pre-Bid ConferenceAttend via Insert Platform*Weblink: [**Join the meeting now**](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_MWNjNzIzMTAtYzE1OS00ZDVjLWI4NGEtNWQ3MmQ1ZTM2MWIy%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%225724d0f8-4968-416b-8ae4-c263269a806f%22%7d). Meeting ID: 289 370 271 209 Passcode: DLmcoi *Telephone Pre-Bid ConferenceAttend via Conference Call*+1 564-999-2000, United States, Olympia Phone conference ID: 863 524 848#  |
| Question & Answer Period: | Deadline for Submitting Questions | May 25, 2024 |
| Anticipated Deadline for Answers | May 31, 2024 |
| Deadline for Submitting Bids: | June 04, 2024 |
| Anticipated Announcement of Apparent Successful Bidders: | July 20, 2024 |
| Anticipated Award of Contracts: | August 19, 2024 |

1. **Competitive Solicitation Questions**. Questions or concerns regarding this Competitive Solicitation must be directed to the following Procurement Coordinator:

|  |
| --- |
| **Procurement Coordinator** |
| Name: | Gideon Simukonda |
| Telephone: | 360-407-9296 |
| Email: | DESContractsTeamMaple@des.wa.gov |

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

1. **Complaints, Debriefs, & Protests**. The Competitive Solicitation (and award of any Contract) is subject to complaints, debriefs, and protests as explained in Section 5, which may impact the dates set forth above.
2. **Competitive Solicitation – Amendment & Modification**. Enterprise Services reserves the right to amend and modify this Competitive Solicitation. Only bidders who have properly registered and downloaded the original Competitive Solicitation directly via the Washington Electronic Business Solution (WEBS) will receive notifications of amendments and other correspondence pertinent to this Competitive Solicitation. Bidders must be registered in WEBS to be awarded a Contract. Visit [WEBS](https://fortress.wa.gov/ga/webs) to register.

# Section 2 – Information About the Procurement

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

1. **Purpose of the Procurement – Award Contracts**. The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award Contracts, as set forth above, for Graffiti Removal Services.
	1. **Statewide Contracts**. Enterprise Services has statewide responsibility to develop specified enterprise procurement solutions including ‘statewide contracts’ for goods and services. A Statewide Contract (Contract) is a contract for specific goods and/or services that is competitively solicited and established by Enterprise Services, on behalf of the State of Washington, for use by statutorily specified eligible purchasers (see below). Typically, such purchasers use our Contracts through a purchase order, work order, or similar document. The Contract is designed to function as a ‘procurement bridge’ between innovative vendors who have bid and won a competitive solicitation to supply goods/services and eligible purchasers who wish to purchase such goods/services pursuant to pre-determined, clear, consistent, easy to use, value-added Contracts. In short, the Contract will establish precisely what goods/services may be purchased, the relevant performance requirements for such goods/services as well as the vendor’s contractual performance, and the applicable price for such goods/services. Purchaser-specific purchase orders will specify, for example, the particular volume of goods/services, the Purchaser’s delivery location, etc.
	2. **Contract Users – Eligible Purchasers**. Any resulting Contract from this Competitive Solicitation will be available for use by the following entities, each of whom is an eligible purchaser (“Purchasers”):
		* Washington State Agencies. All Washington State agencies, departments, offices, divisions, boards, and commissions.
		* Washington State Institutions of Higher Education. Any of the following specific institutions of higher education (colleges) in Washington:
			+ State universities – i.e., University of Washington & Washington State University;
			+ Regional universities – i.e., Central Washington University, Eastern Washington University, & Western Washington University
			+ Evergreen State College;
			+ Community colleges; and
			+ Technical colleges.
		* Contract Usage Agreement Parties. Any resulting Contract also may be utilized by any of the following types of entities that have executed a Contract Usage Agreement with Enterprise Services:
			+ Political subdivisions (e.g., counties, cities, school districts, public utility districts, ports) in the State of Washington;
			+ Federal governmental agencies or entities;
			+ Public-benefit nonprofit corporations (i.e., public benefit nonprofit corporations as defined in RCW 24.3A.245) who receive federal, state, or local funding; and
			+ Federally recognized Indian Tribes located in the State of Washington.

Enterprise Services maintains a list of eligible Contract Usage Agreement parties on the [CUA Listing website](https://apps.des.wa.gov/DESContracts/Home/MCUAListing).

While Contract usage is optional for Purchasers other than Washington State agencies, these entities can increase Contract use significantly. All Purchasers are subject to the same contract terms, conditions, and pricing as Washington State agencies.

1. **Contract**. The form of the Contract that will be awarded as a result of this Competitive Solicitation is attached as ***Exhibit D – Contract***.
2. **Contract Term**. As set forth in the attached Contract for this Competitive Solicitation, the contract term is twenty-four (24) months, with a potential twenty-four (24) month performance-based extension. The maximum contract term is forty-eight (48) months. The Contract is subject to earlier termination.
3. **Estimated Sales**. Enterprise Services has not previously established a Contract for the services solicited in this Competitive Solicitation. Based on Market research shows that sales were approximately $2,568,000 in 2022 for Graffiti Removal Services, as shown in the chart:

|  |
| --- |
| TOTAL ESTIMATED SALES - 2022 |
| Purchaser | Spend ($) |
| Washington State Dep’t of Transportation | 1,293,000 |
| City of Seattle | 925,000 |
| Washington State Dep’t of Fish and Wildlife | 100,000 |
| University of Washington | 75,000 |
| Washington State Ferry | 65,000 |
| Port of Vancouver | 60,000 |
| City of Vancouver | 50,000 |
| **Total**  | **2,568,000** |

1. Total potential or estimated contract sales for this Competitive Solicitation are not known. As stated in this Competitive Solicitation, however, the resulting Contract will be available for use by all eligible Purchasers. Such Purchasers will decide whether the Contract meets their needs and whether they use the Contract. Enterprise Services does not represent or guarantee any minimum purchase from a Contract
2. **Washington State Procurement Priorities & Preferences**. Enterprise Services will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation, which, as set forth in Section 3.5, will impact the evaluation of bids for this Competitive Solicitation:
* Executive Order 18-03: 50 points

# aSection 3 – Bid Evaluation

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

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

| Step | Item | Category 1PaintingPossible Points | Category 2Pressure WashingPossible Points |
| --- | --- | --- | --- |
| **Bid Responsiveness** |
| 1 | Bid Responsiveness | Pass/Fail | Pass/Fail |
| **Bid Evaluation** |
| 2 | Performance Requirements EvaluationExhibit B-1 – Performance Requirements for Category 1 – Paint | Pass/Fail |  |
| Performance Requirements EvaluationExhibit B-2 – Performance Requirements for Category 2 – Pressure Washing |  | Pass/Fail |
|  |
| 3 | Cost FactorsExhibit C-1 – Bid Price | 400 | 400 |
| 4 | Non-Cost FactorsExhibit C-2 – Bidders Qualification & Non-Cost Factors | 550 | 550 |
| **Subtotal:** | **950** | **950** |
| **State Procurement Priorities** |
| 5 | Executive Order 18-03 | 50 | 50 |
| **Total:** | **1000** | **1000** |
| **Responsible Bidder** |
| 6 | Bidder Responsibility Analysis | Pass/Fail | Pass/Fail |

1. **Bid Responsiveness (Step 1)**. Enterprise Services will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that Enterprise Services will review each bid to determine whether the bid is complete – i.e., does the bid include each of the required bid submittals, are the submittals complete, signed, legible. Enterprise Services reserves the right – in its sole discretion – to determine whether a bid is responsive – i.e., to determine a bidder’s compliance with the requirements specified in this Competitive Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Competitive Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods or the quality, capability, or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders. Responsive bids will be evaluated as set forth herein.
2. **Performance Requirements Evaluation (Step 2)**. Enterprise Services will evaluate each bid to ensure that each bidder’s services meet the applicable performance requirements for the contract category as set forth in ***Exhibit B-1– Performance Requirements for Category 1 – Painting*** and ***Exhibit B-2 – Performance Requirements for Category 2 – Pressure Washing***. Enterprise Services reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder. A bidder’s failure to provide requested information to Enterprise Services within ten (10) business days may result in disqualification.
3. **Bid Pricing Evaluation – Cost Factors (Step 3**). Enterprise Services will evaluate bid prices – to identify the lowest – by comparing the submitted bid prices provided in ***Exhibit C 1 – Bid Price*** as described hereafter. It is imperative that bidders read all of the instructions found in ***Exhibit C 1– Bid Price*** and follow them precisely. Enterprise Services will evaluate submitted prevailing wage mark-up percentages by using the prevailing wage available as of December 1, 2023, to create an evaluated price. The Bidder with the lowest evaluated price for each region or county and contract category will receive 400 points. Those bids with a higher evaluated price will receive a proportionately lesser number of evaluation points based upon the lowest Bid, using the following formula:

The lowest total bid evaluation cost divided by a higher total bid evaluated cost (bid being evaluated) multiplied by the number of available points equals the cost factor evaluation points. Using the standard rounding method, points will be rounded to three places to the right of the decimal point.

*Sample Calculation using Bidder A = Prevailing Wage + 50% and Bidder B = Prevailing Wage + 66%. Example prevailing wage: Janitor: $30*

Bid B calculation: $45 / $50 = .9 x 340 (max points available) = 361 Cost points (rounded to the place to the right of the decimal point using standard rounding).

Bidder A is the lowest total bid evaluation cost, so it would be assigned 400 points. Bidder B would be assigned 361 points based on the formula above.

1. **Bid Evaluation – Non-Cost Factors (Step 4**). Enterprise Services will evaluate bids for non-cost factors set forth in ***Exhibit C-2 – Bidder Qualifications and Non-Cost Factors***. Bidders must submit all required responses to each item on ***Exhibit B-2 – Bidder Qualifications and Non-Cost Factors***. There are 550 points available for non-cost factors. Enterprise Services will review and assign points based on the Bidder’s responses.
2. **Washington State Procurement Priorities & Preferences (Step 5)**. Enterprise Services will apply the following Washington State procurement priorities and preferences, as set forth below, to this Competitive Solicitation:
* Procurement Preference for Executive Order 18-03 (Firms without Mandatory Individual Arbitration for Employees). Pursuant to RCW 39.26.160(3) (best value criteria) and consistent with [Executive Order 18-03 – *Supporting Workers’ Rights to Effectively Address Workplace Violations*](https://www.governor.wa.gov/sites/default/files/exe_order/18-03%20-%20Workers%20Rights%20%28tmp%29.pdf?=32717) (dated June 12, 2018), Enterprise Services will evaluate bids for best value and will provide a bid preference in the amount of 50 points to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder’s Certification***, that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.
1. **Bidder Responsibility Analysis (Step 6)**. For responsive bids, Enterprise Services must determine whether the bidder is a ‘responsible bidder.’ Accordingly, Enterprise Services will make reasonable inquiry to determine bidder responsibility on a pass/fail basis. In determining bidder responsibility, Enterprise Services will consider the following statutory elements:
	* Bidder’s ability, capacity, and skill to perform the contract or provide the service required;
	* Bidder’s character, integrity, reputation, judgment, experience, and efficiency;
	* Bidder’s ability to perform the contract within the time specified;
	* Bidder’s performance quality pertaining to previous contracts or services;
	* Bidder’s compliance with laws relating to the contract or services;
	* Whether, within the three-year period immediately preceding the date of the Competitive Solicitation, bidder has been determined by a final and binding citation and notice of assessment issued by the Washington State Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and
	* Such other information as may be secured having a bearing on the decision to award a Contract.

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

* Financial Information: Enterprise Services may request financial statements, credit ratings, references, record of past performance, clarification of bidder’s bid, on-site inspection of bidder's or subcontractor's facilities, or other information as necessary to determine bidder’s capacity to perform and the enforceability of bidder’s contractual commitments. Failure to respond to these requests may result in a bid being rejected as non-responsive.
* References: Enterprise Services reserves the right to use references to confirm satisfactory customer service, performance, satisfaction with service/product, knowledge of products/service/industry and timeliness. Any negative or unsatisfactory reference can be reason for rejecting a bidder as non-responsible.
1. **Announcement of Apparent Successful Bidders**. Enterprise Services will determine the Apparent Successful Bidders (“ASBs”). The ASBs will be the responsive and responsible bidders who best meet the Competitive Solicitation requirements and presents the best total value, including price, as calculated consistent with the instructions set forth in ***Exhibit C-1 – Bid Price***, and other factors as set forth in this Competitive Solicitation including any applicable state procurement priority or preference.
* ASB designation does not imply that Enterprise Services will issue an award for a Contract. Rather, this designation allows Enterprise Services to perform further analysis and ask for additional documentation. Bidders must not construe ASB designation as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of such notification or designation, it does so at its own risk and expense.
* Upon ASB announcement, bidders may request a debrief conference as specified in Section 5.
1. **Contract Awards**. Subject to protests, if any, Enterprise Services and the ASBs will enter into Contracts as set forth in ***Exhibit D – Contract***. An award is made and a contract formed by signature of Enterprise Services and awarded bidder on the Contract. Following the Contract awards, all bidders registered in WEBS will receive a Notice of Award delivered to the bidder’s email address provided in the bidder’s profile in [WEBS](https://pr-webs-customer.des.wa.gov/).
2. **Bid Information Availability**. Upon Enterprise Services’ announcement of ASBs, all bid submissions and all bid evaluations are subject to public disclosure pursuant to Washington’s Public Records Act. *See* RCW 39.26.030(2). Upon Enterprise Services’ announcement of ASBs, Enterprise Services will post all bid evaluations to Enterprise Services’ website. In addition, Enterprise Services intends to post all winning bid submissions to its contract portal webpage after the Contracts are awarded.
3. **Additional Awards**. Enterprise Services reserves the right, during the resulting Contract term, to make additional Contract awards to responsive, responsible bidders who provided a bid but who were not awarded a Contract. Such awards would be on the same or substantially similar terms and conditions and would be designed to address an awarded Contractor vacancy (e.g., an awarded contractor is terminated or goes out of business), respond to Purchaser needs, or be in the best interest of the State of Washington.

# Section 4 – How to Prepare and Submit a Bid for this Competitive Solicitation

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

1. **Pre-Bid Conference**. Enterprise Services will host a Competitive Solicitation pre-bid conference at the time set forth in Section 1.1 of this Competitive Solicitation. Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the Competitive Solicitation as needed and raise any issues or concerns that bidders may have. If changes to the Competitive Solicitation are required as a result of the pre-bid conference, the Procurement Coordinator will post an amendment to this Competitive Solicitation to WEBS. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the Procurement Coordinator.
2. **Bidder Communications Regarding this Competitive Solicitation**. During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator specified in Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to this Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding this Competitive Solicitation be binding.
* Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow Enterprise Services to consider and, if warranted, respond to the inquiry. If a bidder does not notify Enterprise Services of an issue, exception, addition, or omission, Enterprise Services may consider the matter waived by the bidder for protest purposes.
* If bidder inquiries result in changes to the Competitive Solicitation, written amendments will be issued and posted on [WEBS](https://pr-webs-customer.des.wa.gov/).
* Unauthorized contact regarding this Competitive Solicitation with other state employees involved with the Competitive Solicitation may result in bidder disqualification.
1. **Pricing**. Bid prices must include all cost components needed for the delivery of the goods and/or services as described in this Competitive Solicitation. *See* ***Exhibit C-1 – Bid Price***. A bidder’s failure to identify all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.
* Inclusive Pricing: Bidders must identify and include all cost elements in their pricing. In the event that bidder is awarded a Contract, the total price for the goods and/or services shall be bidder’s price as submitted. Except as provided in the Contract, there shall be no additional costs of any kind.
* Credit Cards (P-Cards): In the event that bidder is awarded a Contract, the total price for the goods and/or services shall be the same regardless of whether Purchasers make payment by cash, credit card, or electronic payment. Bidder shall bear, in full, any processing or surcharge fees associated with the use of credit cards or electronic payment.
* Vendor Management Fee: The resulting Contract from this Competitive Solicitation will include a Vendor Management Fee as specified in the Contract attached as ***Exhibit D – Contract***.
1. **Bid Submittal Checklist – Required Bid Submittals**. This section identifies the bid submittals that must be provided to Enterprise Services to constitute a responsive bid. The submittals must be delivered as set forth below. Bids that do not include the submittals identified below may be rejected as nonresponsive. In addition, a bidder’s failure to complete any submittal as instructed may result in the bid being rejected. Bidders may not provide unsolicited materials. For any supplemental materials expressly required by Enterprise Services in writing, bidders must identify such supplemental materials with the bidder’s name.
* Exhibit A-1 – Bidder’s Certification
This document is the Bidder’s Certification.
Complete the certification, along with any exceptions or required explanations, and submit it with the bid to Enterprise Services.
*Note*: The Certification must be complete. Where there are choices, bidder must check a box. The certification must be signed and submitted by a duly authorized representative for the bidder.
* Exhibit A-2 – Bidder’s Profile
This document is required bidder information for Enterprise Services’ contract administration purposes.
Complete as instructed and submit it with the bid to Enterprise Services.
* Exhibit B-1 – Performance Requirements for Category 1 – Painting
Bidder will need to confirm that bidder’s performance and bidder’s goods and/or services meets or exceeds the detailed specifications/qualifications set forth in *Exhibit B-1 – Performance Requirements for Category 1 – Paint* and submit it with the bid to Enterprise Services.
* Exhibit B-2 – Performance Requirements for Category 2 – Pressure Washing
Bidder will need to confirm that bidder’s performance and bidder’s goods and/or services meets or exceeds the detailed specifications/qualifications set forth in *Exhibit B-2 – Performance Requirements for Category 2 – Pressure Washing* and submit it with the bid to Enterprise Services
* **Exhibit C-1 – Bid Price**Bidder will need to complete the price worksheet tool as instructed in ***Exhibit C 1– Bid Price*** and submit it with the bid to Enterprise Services.
* **Exhibit C-2 – Bidder’s Qualification & Non-Cost Factors**Bidder will need to respond and complete all questions as instructed in ***Exhibit C-2 – Bidder’s Qualification & Non-Cost Factors*** and submit it with the bid to Enterprise Services.
1. **Bid Format**. Bids must be complete, legible, signed, and follow all instructions stated in the Competitive Solicitation (including the exhibits). Unless otherwise specified in writing by Enterprise Services, documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF. Where required to do so, bidders may sign using either a physical or electronic signature.
2. **Submitting Bids**. Bidder’s electronic bid must be emailed to DESContractsTeamMaple@des.wa.gov. Enterprise Services’ email only can accept emails (including attachments) that total less than 30MB in size. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted.

# Section 5 – Complaint, Debrief, & Protest Requirements

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

1. **Complaints**. This Competitive Solicitation offers a complaint period for bidders wishing to voice objections to this Competitive Solicitation. The complaint period ends five (5) business days before the bid due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the Question & Answer Period or, if applicable, at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. Enterprise Services will consider all complaints, but is not required to adopt a complaint, in part or in full. If bidder complaints result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.
	1. Criteria for Complaint. A complaint may be based only on one or more of the following grounds: (a) The Competitive Solicitation unnecessarily restricts competition; (b) The Competitive Solicitation evaluation or scoring process is unfair or flawed; or (c) The Competitive Solicitation requirements are inadequate or insufficient to prepare a response.
	2. Initiating A Complaint. A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for bid submittal; and (b) Be in writing (see Form and Substance, and Other below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
	3. Response. When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for bid submittals, unless more time is needed. Enterprise Services is required to promptly post the response to a complaint on WEBS.
	4. Response is Final. The Procurement Coordinator’s response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to bid submittal may be deemed to be waived for protest purposes.
2. **Debrief Conferences**. A Debrief Conference is an opportunity for a bidder and Enterprise Services, through its Procurement Coordinator, to meet and discuss the bidder’s bid (and, as further explained below, is a necessary prerequisite to filing a protest). Following bid evaluation, Enterprise Services will issue an ASB announcement. The ASB announcement may be made by any means, but Enterprise Services likely will use email to the bidder’s email address provided in the Bidder’s Profile. Bidders will have three (3) business days to request a Debrief Conference, if desired. If a Debrief Conference is timely requested, Enterprise Services will offer the requesting bidder one meeting opportunity and notify the bidder of the Debrief Conference place, date, and time. Please note, because the debrief process must occur before making an award, Enterprise Services likely will schedule the Debrief Conference shortly after the ASB announcement and the bidder’s request for a Debrief Conference. Enterprise Services will not allow the debrief process to delay the Contract award. Accordingly, bidders should plan for contingencies and alternate representatives. **Bidders who wish to protest must first participate in a Debrief Conference. Bidders who are unwilling or unable to attend the Debrief Conference will lose the opportunity to protest. A Debrief Conference is a required prerequisite for a bidder to file a protest.**
	1. Timing. A Debrief Conference may be requested by a bidder following the Apparent Successful Bidder (ASB) announcement.
	2. Purpose of Debrief Conference. Any bidder who has submitted a timely bid may request a Debrief Conference (*see also* Section 5.4, below). A Debrief Conference provides an opportunity for the bidder to meet with Enterprise Services to discuss bidder’s bid and evaluation. It does not provide an opportunity to discuss other bids and evaluations.
	3. Requesting a Debrief Conference. The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after ASB announcement. Debrief conferences may be conducted either in person at the Enterprise Services offices in Olympia, Washington, or virtually (e.g., by telephone or web-based virtual meeting such as MS Teams), as determined by Enterprise Services, and may be limited by Enterprise Services to a specified period of time. A bidder’s failure to request a Debrief Conference within the specified time and attend the Debrief Conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator before or during the Debrief Conference may be deemed waived for protest purposes.
3. **Protests**. Following a Debrief Conference, a bidder may protest the award of a Contract.
	1. Criteria for a Protest. A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the Competitive Solicitation.
	2. Initiating a Protest. Any bidder may protest an award to the ASB. A protest must: (a) Be submitted to and received by the Protest Officer specified below, within five (5) business days after the protesting bidder’s Debrief Conference (see also Section 5.4, below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.
	3. Protest Response. After reviewing the protest and available facts, Enterprise Services’ Protest Officer will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
	4. Decision is Final. The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept Enterprise Services’ protest response, the bidder may seek relief in Thurston County Superior Court.
4. **Communication During Complaints, Debriefs, and Protests**. With the exception of protests, all communications about this Competitive Solicitation, including complaints and debriefs, must be addressed to the Procurement Coordinator unless otherwise directed. Protests must be addressed to the Protest Officer.
	1. Form, Substance, & Other. All complaints, debrief conference requests, and protests must:
		1. Be in writing;
		2. Be signed by the complaining, requesting, or protesting bidder or an authorized agent;
		3. Be delivered within the time frame(s) outlined herein;
		4. Identify the Competitive Solicitation number;
		5. Conspicuously state “Complaint,” “Debrief,” or “Protest” in any subject line of any correspondence or email; and
		6. Be sent to the address identified below.
	2. Complaints & Protests. All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.
5. **How to Contact Enterprise Services**.
	1. To Submit a Complaint. Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (*see* Section 1.2, above). The email message must include “Complaint” in the subject line of the email message. Alternatively, mail the complaint to the Procurement Coordinator listed in this Competitive Solicitation at the following address:

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

* 1. To Request a Debrief Conference. Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (*see* Section 1.2, above). The email message must include “Debrief” in the subject line of the email message.
	2. To Submit A Protest. Send an email message to the Protest Officer at the following email address: DESDLProcurementProtest@des.wa.gov. The email message must include “Protest” in the subject line of the email message. Alternatively, mail the protest to the Protest Officer at the following address:

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

# Section 6 – Doing Business with the State of Washington

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

1. **Washington’s Public Records Act – Public Records Disclosure Requests**.
	* All documents (written and electronic) submitted to Enterprise Services as part of this procurement are public records. Unless statutorily exempt from disclosure, such records are subject to disclosure ***if*** requested. *See* RCW 42.56, Public Records Act. Enterprise Services strongly discourages bidders from unnecessarily submitting sensitive information (e.g., information that you might categorize as ‘confidential,’ ‘proprietary,’ ‘sensitive,’ ‘trade secret,’ etc.).
		+ If, in bidder’s judgment, Washington’s Public Records Act provides an applicable statutory exemption from disclosure for certain portions of bidder’s bid, please mark the precise portion(s) of the relevant page(s) of the bid that bidder believes are statutorily exempt from disclosure and identify the precise statutory basis for exemption from disclosure.
		+ In addition, if, in bidder’s judgment, certain portions of bidder’s bid are not statutorily exempt from disclosure but are sensitive because these particular portions of bidder’s bid (NOT including pricing) include highly confidential, proprietary, or trade secret information (or the equivalent) that bidder protects through the regular use of confidentiality or similar agreements and routine enforcements through court enforcement actions, please mark the precise portion(s) of the relevant page(s) of bidder’s bid that include such sensitive information.
	* In the event that Enterprise Services receives a public records disclosure request pertaining to information that bidder has submitted and marked either as (a) statutorily exempt from disclosure; or (b) sensitive, Enterprise Services, prior to disclosure, will do the following:
		+ Enterprise Services’ Public Records Officer will review any records marked by bidder as statutorily exempt from disclosure. In those situations, where the designation comports with the stated statutory exemption from disclosure, Enterprise Services will redact or withhold the document(s) as appropriate.
		+ For documents marked ‘sensitive’ or for documents where Enterprise Services either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, Enterprise Services will notify the bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that Enterprise Services intends to release the document(s) (including documents marked ‘sensitive’ or exempt from disclosure) to the requester unless the bidder, at bidder’s sole expense, timely obtains a court order enjoining Enterprise Services from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, Enterprise Services will release the requested document(s) on the date specified. Bidder’s failure properly to identify exempted or sensitive information or timely respond after notice of request for public disclosure has been given shall be deemed a waiver by bidder of any claim that such materials are exempt or protected from disclosure.
2. **Small & Diverse Businesses**. Enterprise Services, in accordance with Washington law, encourages small and diverse businesses to compete for and participate in state procurements as contractors and as subcontractors to awarded bidders. *See, e.g.*, [RCW 39.19](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). In support of the state’s economic goals and to support a diverse supplier pool, Enterprise Services has established the following voluntary numerical goals for Enterprise Services’ Competitive Solicitations:
	* + Ten percent (10%) Minority-Owned Businesses certified by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE);
		+ Six percent (6%) Women-Owned Businesses certified by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE);
		+ Five percent (5%) Veteran-Owned Businesses certified by the Washington State Department of Veterans Affairs (WDVA); and
		+ Twenty-five percent (25%) Washington Small Businesses, five percent (5%) of which are microbusinesses or minibusinesses as defined in RCW 39.26.010(16) and (17).

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

* + OMWBE Certification. Bidders may contact the Washington State [Office of Minority and Women’s Business Enterprises](http://www.omwbe.wa.gov/) (OMWBE) regarding information on Minority-Owned and Women-Owned certified firms, state and federal certification programs,or to become certified. OMWBE can be reached by telephone, 866-208-1064, or through their website at [OMWBE](http://www.omwbe.wa.gov/). OMWBE-Certified firms may provide their certification information to Enterprise Serviced through ***Exhibit A-2 – Bidder’s Profile***.
	+ WDVA Certification. Bidders may contact the [Washington State Department of Veterans’ Affairs](https://www.dva.wa.gov/veterans-their-families/veteran-owned-businesses/vob-search) (WDVA) for information regarding Certified Veteran-Owned Businesses or to become a Certified Veteran-Owned Business. The WDVA can be reached by telephone, (360) 725-2169, or through their website at [WDVA](http://www.dva.wa.gov/). The qualification requirements to be a Certified Veteran-Owned Business are set forth in ***Exhibit A-1 – Bidder’s Certification***.
	+ Washington Small Businesses. Bidders may contact Enterprise Services about small and diverse business inclusion and qualification as a Washington Small Business. If bidder qualifies as a Washington Small Business, identify bidder as such in WEBS. Call WEBS Customer Service at 360-902-7400. The qualification requirements to self-certify as a Washington Small Business are set forth in ***Exhibit A-1 – Bidder’s Certification***.
1. **WEBS Registration**. Individuals and firms interested in state contracting opportunities with Enterprise Services or any Washington state agency should register for competitive solicitation notices at the Washington Electronic Business Solution [(WEBS) WEBS Registration](https://www.des.wa.gov/sell/how-work-state/register-bid-opportunities). *Note*: There is no cost to register in WEBS.
2. **Polychlorinated Biphenyls (PCBs) Notice**. Polychlorinated biphenyls, commonly known as PCBs, have adverse effects on human health and the environment. Accordingly, the State of Washington, through its procurements of goods/services, is trying to minimize the purchase of products with PCBs and to incentivize its contractual vendors to sell products and products-in-packaging without PCBs.

**Included Exhibits**

Exhibit A-1 – Bidder’s Certification

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

Note: As set forth above, Bidder must complete, sign, and return the Bidder’s Certification to Enterprise Services.

Exhibit A2 – Bidder’s Profile

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

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

Exhibit B-1 – Performance Requirements for Category 1 – Painting

See attached *Exhibit B 1 – Performance Requirements for Category 1 – Painting*.

Exhibit B-2 – Performance Requirements for Category 2 – Pressure Washing

See attached *Exhibit B 2 – Performance Requirements for Category 2 – Pressure Washing*

Exhibit C-1 – Bid Price

*See* attached *Exhibit C-1 – Bid Price*.

Note: As set forth above, Bidder must complete and return *Exhibit C-1 – Bid Price* to Enterprise Services.

Exhibit C-2 –Bidder’s Qualification & Non-Cost Factors

*See* attached *Exhibit C-2 –Bidder’s Qualification & Non-Cost Factors*.

Note: As set forth above, Bidder must complete and return *Exhibit C-2 – Bidder’s Qualification & Non-Cost Factors* to Enterprise Services.

Exhibit D – Draft CONTRACT

*See* attached *Exhibit D – Contract* for Competitive Solicitation No. 25423 – Graffiti Removal Services.