

**Competitive Solicitation – No. 26223**

**For**

**Temporary Medical Staffing Services**

**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 Washington Statewide Contracts, by specified contract category, for Washington state agencies and other eligible purchasers to purchase specified temporary medical staffing services performed by qualified personnel with valid licenses, certifications, and/or qualifications as legally required (“Temporary Medical Staffing Services”).

Washington state agencies and other eligible purchasers (as defined below) have operational needs to purchase certain Temporary Medical Staffing Services. Such purchasers contract for Temporary Medical Staffing Services for a variety of operational reasons including covering temporary vacancies caused by employee leave, to offset staffing shortages during periods of high demand, and other situations as applicable.

Pursuant to Washington’s Procurement Code for Goods/Services (RCW 39.26), unless excepted or exempted from competition, state agencies must purchase goods/services, including Temporary Medical Staffing Services, through a competitive solicitation process. For commonly purchased goods/services, however, Enterprise Services solicits bids and awards Statewide Contracts (see Section 2.1 below for additional detail). This approach is designed, in part, to create contracting efficiencies for awarded bidders, eligible purchasers, and Washingtonians.

As set forth in the *Contract* *Award Summary* table provided below, Enterprise Services intends to award up to seventy-four (74) Statewide Contracts for Temporary Medical Staffing Services.

The Statewide Contracts will be awarded by Contract Category (Note: ***Exhibit C – Bid Price*** provides a detailed list of positions within each specified Contract Category). Bidders may bid on any or all Contract Categories.

In addition, except as noted for the ‘All Categories’ (which is limited to up to one Main Award for a Statewide Contract), Enterprise Services intends to issue both Main Awards and Reserved Awards for Statewide Contracts as set forth in the *Contract* *Award Summary* table*.*

* *Main Awards.* Main Awards are open to all bidders and awarded to the highest scored, responsive, responsible bidder(s). Enterprise Services intends to award Main Awards for each specified Contract Category as well as the ‘All Categories’ Contract Category.
* *Reserved Awards.* 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 Temporary Medical Staffing Services from Washington Small Businesses and/or Certified Veteran-Owned Businesses, Enterprise Services intends to award Reserved Awards for each specified Contract Category to the otherwise not awarded (i.e., bidder did not receive a Main Award in such Contract Category), highest scored, responsive, responsible bidder(s) who certify(ies) pursuant to ***Exhibit A-1 – Bidder’s Certification*** and qualifies as either a Washington Small Business or Washington Certified Veteran-Owned Business in each Contract Category.

| **Contract Award Summary** |
| --- |
| **Category Number** | **Contract Category Title** | **Main Awards** | **Reserved Awards** |
| 1 | Nursing (General) | Up to six (6) | Up to four (4) |
| 2 | Nursing (Specialty) | Up to three (3) | Up to two (2) |
| 3 | Prescribers | Up to six (6) | Up to four (4) |
| 4 | Mental/Behavioral Health | Up to six (6) | Up to four (4) |
| 5 | Dental | Up to three (3) | Up to two (2) |
| 6 | Dietetic | Up to two (2) | Up to one (1) |
| 7 | Pharmaceutical | Up to three (3) | Up to two (2) |
| 8 | Laboratory/Imaging | Up to three (3) | Up to two (2) |
| 9 | Other Providers | Up to six (6) | Up to four (4) |
| 10 | Administrative | Up to three (3) | Up to two (2) |
| 11 | Telehealth (Remote/Virtual) | Up to three (3) | Up to two (2) |
| All | All CategoriesInclusive of ALL Contract Categories set forth above | Up to one (1) | N/A |

**Note**: If, in Enterprise Services’ judgment, there are insufficient qualified best value bids to make the maximum number of potential Reserved Awards in a Contract Category, then Enterprise Services, in its discretion, may increase the number of total potential Main Awards by the amount of unused potential Reserved Awards. For example, if eight (8) bids were received in the Dental category, and of the remaining five (5) bids after the three (3) highest scoring, responsive, responsible bids were awarded only one (1) bid was from a qualifying Washington Small Business or Certified Veteran-Owned Business, then Enterprise Services, in its discretion, could consider one (1) of the four (4) unawarded bids for an additional Main Award regardless of whether the bidder certified and qualifies as a Washington Small Business and/or Certified Veteran-Owned Business. Essentially, although Enterprise Services is structuring this Competitive Solicitation to reduce participation barriers for Washington Small Businesses and/or Certified Veteran-Owned Businesses, Enterprise Services also is seeking to award a sufficient number of Statewide Contracts, by specified Contract Category, for Temporary Medical Staffing Services to qualified bidders to meet the anticipated needs of eligible purchasers.

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 – Performance Requirements*: This exhibit outlines the Competitive Solicitation’s required specifications/qualifications for Temporary Medical Staffing Services.
* *Exhibit C – Bid Price*: This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that 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.
* *Exhibit E – Diverse Business Inclusion Plan – Subcontractors*: For those bidders who, if awarded a Contract, intend or want the option to utilize subcontractors to provide the specified Temporary Medical Staffing Services, this exhibit outlines Enterprise Services’ guidelines and goals for the inclusion of small/diverse Washington businesses in our supplier pool.
* *Exhibit F – Job Specifications:* This exhibit provides the typical work, qualifications, and other details of the positions to be bid in each Contract Category. Specifications for the positions in each Contract Category will be attached to *Exhibit D – Contract at Exhibit A*, if awarded.

# 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: | July 12, 2024 |
| Pre-Bid Conference: | July 24, 2024, at 9:00am(Pacific Time)*Virtual Pre-Bid ConferenceAttend via Teams*Weblink: [Join the meeting now](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_ZGQ5NzhkN2YtNDFlNS00NDQxLWFmZmMtYjk4YmQ4ZjlhNWJi%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22c9c8a98a-d8bc-4cf7-9a37-c0c0fd1c4566%22%7d)Password: dqaMVL**or***Telephone Pre-Bid ConferenceAttend via Conference Call*Dial-In Number\*: +1 564-999-2000,,849999045# United States, Olympia (833) 322-1218,,849999045# United States (Toll-free) Phone conference ID: 849 999 045# \**Please note phone attendees are welcome to listen in but will be muted to prevent background noise and so will be unable to ask questions. Please plan accordingly.* |
| Question & Answer Period: | Deadline for Submitting Questions | August 14, 2024 |
| Anticipated Deadline for Answers | August 21, 2024 |
| Deadline for Submitting Bids: | September 5, 2024 |
| Anticipated Announcement of Apparent Successful Bidders: | October 30, 2024 |
| Anticipated Contract Awards: | November 30, 2024 |

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

|  |
| --- |
| **Procurement Coordinator** |
| Name: | Samantha Johnson |
| Telephone: | 360-407-2213 |
| Email: | DESContractsTeamFir@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). *Note*: If bidders have questions and/or concerns regarding the Contract terms and conditions (*see* ***Exhibit D – Contract***), bidders must raise such questions and/or concerns before the above-referenced deadline for submitting questions.

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 Statewide Contracts**. The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award Statewide Contracts for Temporary Medical Staffing Services, as set forth above. This Competitive Solicitation (and resulting Contracts) is **not** an employment recruitment.
	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 (colleges). Any of the following specific institutions of higher education 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 who 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 24.03A.245) who also 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 initial contract term is thirty-six (36) months with potential performance-based extension for up to twenty-four (24) additional months. Bidders are to specify prices for the first twelve (12) months of the contract term (such prices then will be adjusted as set forth in Section 3.3 of ***Exhibit D – Contract***). The Contract is subject to earlier termination.
3. **Estimated Sales**. The intended Statewide Contracts for Temporary Medical Staffing Services will be newly created procurement solutions. Accordingly, Enterprise Services does not have existing statewide sales data for the various specified Contract Categories of Temporary Medical Staffing Services. Nonetheless, given existing workload staffing availability, Enterprise Services believes the intended Statewide Contracts for Temporary Medical Staffing Services will provide a needed procurement solution for certain Washington state agencies and other eligible Purchasers. The resulting Contracts will be available for use by all eligible Purchasers. Such Purchasers will decide whether the Contracts meet their needs and whether they use the Contracts. Although Enterprise Services does not represent or guarantee any minimum purchase from the Contracts, Enterprise Services believes that total contract sales could be approximately $25 million annually.
4. **Limited Historical Usage Data**. Some historical hourly usage for Washington state agencies is provided in the following chart, but is not a comprehensive reflection of total estimated sales:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Category Number** | **Category Title** | **Hours Worked2022** | **Hours Worked2023** | **Hours Worked2024\*** | **Total Hours** |
| 1 | Nursing (General) |  -  |  131,604.60  |  75,373.35  |  206,977.95  |
| 3 | Prescribers |  1,592.00  |  27,889.03  |  6,280.59  |  35,761.62  |
| 4 | Mental/Behavioral Health |  -  |  18,127.89  |  3,662.77  |  21,790.66  |
| 5 | Dental |  -  |  231.92  |  -  |  231.92  |
| 8 | Laboratory/Imaging |  -  |  1,559.66  |  299.98  |  1,859.64  |
| 9 | Other Providers |  -  |  2,334.18  |  887.40  |  3,221.58  |
|   |
|   | Total Hours |  1,592.00  |  181,747.28  |  86,504.09  |  269,843.37  |
|   |
| *\*Reporting January through April.* |

1. **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: 40 Points

# Section 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, by specified Contract Categories:

| Step | Item | Points |
| --- | --- | --- |
| Bid Responsiveness |
| 1 | Bid Responsiveness | Pass/Fail |
| Bid Evaluation |
| 2A | Non-Cost Factors***Exhibit B – Performance Requirements*** | 560 |
| 2B | Cost Factors\****Exhibit C – Bid Price*** | 282 – 400 |
| Subtotal\*: | 842 – 960 |
| State Procurement Priorities |
| 3 | Executive Order 18-03 | 40 |
| Total\*: | 882 – 1000 |
| Responsible Bidder |
| 4 | Bidder Responsibility Analysis | Pass/Fail |
| Contract Terms & Conditions |
| 5 | Contract Terms & Conditions – No Substantive Negotiations | N/A |

\**Scoring totals are dependent upon Contract Category(ies) bid.* *For maximum points per category, see Section 3.4 below.*

* Awards will be evaluated by specified Contract Category for responsive, responsible bidders based on the total number of points accumulated in Bid Evaluation and State Procurement Priorities (Steps 2A, 2B, and 3 above).
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 2A)**. Enterprise Services will evaluate each bid to ensure that each bidder’s goods and/or services meet the specifications and/or performance requirements set forth in ***Exhibit B – Performance Requirements***. Enterprise Services reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder(s). A bidder’s failure to provide requested information to Enterprise Services within ten (10) business days may result in disqualification.
3. **Bid Pricing Evaluation (Step 2B)**. Enterprise Services will evaluate bid pricing by reviewing and comparing the submitted bid prices as provided in ***Exhibit C – Bid Price***. Cost Factors shall be scored by Contract Category as follows:

|  |  |  |
| --- | --- | --- |
| **Category** | **Type of Positions** | **Maximum Cost Points Possible** |
| 1 | Nursing (General) | 317 |
| 2 | Nursing (Specialty) | 317 |
| 3 | Prescribers | 312 |
| 4 | Mental/Behavioral Health | 319 |
| 5 | Dental | 282 |
| 6 | Dietetic | 282 |
| 7 | Pharmaceutical | 283 |
| 8 | Laboratory/Imaging | 295 |
| 9 | Other Providers | 298 |
| 10 | Administrative | 282 |
| 11 | Telehealth (Remote/Virtual) | 317 |
| All | All Categories, All Positions | 400 |

Service cost for all awards shall be comprised of three scored components as follows (for a scoring example, *see* ***Exhibit C – Bid Price***):

* + - 1. **Fully Loaded Labor Rate**: Each position bid shall receive (1) point. Bidders **do not** have to bid all positions in a Contract Category to be eligible for award unless seeking consideration for award for All Categories, All Positions. For this cost component, maximum points in each category are as follows:

| **Category** | **Type of Positions** | **Maximum Fully Loaded Labor Rate Points** |
| --- | --- | --- |
| 1 | Nursing (General) | 7 |
| 2 | Nursing (Specialty) | 7 |
| 3 | Prescribers | 4 |
| 4 | Mental/Behavioral Health | 12 |
| 5 | Dental | 3 |
| 6 | Dietetic | 3 |
| 7 | Pharmaceutical | 2 |
| 8 | Laboratory/Imaging | 11 |
| 9 | Other Providers | 19 |
| 10 | Administrative | 3 |
| 11 | Telehealth (Remote/Virtual) | 7 |
| All | All Categories, All Positions | 78 |

* + - 1. **Working Condition Rates**: Each applicable Working Condition bid shall receive one (1) point. Outside Groups 1,2, and, as applicable, 3, bidders **do not** have to bid all Working Conditions to be eligible for award. For this cost component, maximum points in each category are as follows:

| **Category** | **Type of Positions** | **Maximum Working Condition Rate Points** |
| --- | --- | --- |
| 1 | Nursing (General) | 45 |
| 2 | Nursing (Specialty) | 45 |
| 3 | Prescribers | 43 |
| 4 | Mental/Behavioral Health | 42 |
| 5 | Dental | 14 |
| 6 | Dietetic | 14 |
| 7 | Pharmaceutical | 16 |
| 8 | Laboratory/Imaging | 19 |
| 9 | Other Providers | 14 |
| 10 | Administrative | 14 |
| 11 | Telehealth (Remote/Virtual) | 45 |
| All | All Categories, All Positions | 57 |

* + - 1. **Contractor Service Rate**: The lowest percentage bid shall receive the maximum 265 points with each higher percentage bid receiving proportionately fewer points using the following formula:
	1. Lowest percentage bid divided by a higher percentage bid (bid that is being evaluated) multiplied by the maximum number of available points (265) equals the awarded points. Calculations will be rounded to two places to the right of the decimal point using standard rounding method and final points shall be allocated in the nearest whole number using standard rounding.

*Sample Calculation using Bidder A = 2% and Bidder B = 2.35%*

Bid B calculation: 2% (A) / 2.35% (B) = 0.85 x 265 = 226 points

Bidder A is the lowest percentage bid, so it would be assigned 265 points.

Bidder B would be assigned 226 points based on the formula above.

1. **Washington State Procurement Priorities & Preferences (Step 3)**. 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 forty (40) 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 4)**. 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. **Contract Terms & Conditions – No Substantive Contract Negotiations (Step 5)**. EnterpriseServices does not intend to negotiate substantive contract terms and conditions pertaining to the resulting Contracts at contract award. Rather, Enterprise Services intends to provide all awarded bidders with substantively equivalent Contracts absent unique considerations. This approach enhances fairness for all bidders and provides eligible Purchasers with confidence that the resulting Contracts are substantively equivalent. Accordingly, issues or concerns with ***Exhibit D – Contract*** must be raised during the Question & Answer Period (set forth in Section 1.1 of this Competitive Solicitation) for consideration and response. Bidders are encouraged to review ***Exhibit D – Contract*** to identify objections or concerns during the Question & Answer Period. If, after a reasonable period of time, Enterprise Services, in its sole judgement, cannot reach agreement on acceptable Contract terms with a Top Bidder, Enterprise Services may suspend negotiations and undertake negotiations with the next highest scored responsive, responsible bidder as determined by the evaluations.
2. **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 present the best total value, including 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 a Contract award. 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 awarded bidder and Enterprise Services on the Contract. Following the Contract award, all bidders registered in WEBS will receive a Notice of Award delivered to the bidder’s email address provided in the bidder’s profile in WEBS.
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 Contract is 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.
* 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 – 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 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 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 – Performance Requirements
Bidder will need to confirm that bidder’s services and/or bidder’s performance meets or exceeds the detailed specifications/qualifications set forth in *Exhibit B – Performance Requirements* and submit it with the bid to Enterprise Services.
* **Exhibit C – Bid Price**Bidder will need to complete the price worksheet tool as instructed in ***Exhibit C – Bid Price*** and submit it with the bid to Enterprise Services.
* **Exhibit E – Bidder’s Diverse Business Inclusion Plan – Subcontractors**This document is a required bid submittal **IF** bidder intends to utilize subcontractors if awarded a Contract. If so, bidder must complete ***Exhibit E – Bidder’s Diverse Business Inclusion Plan – Subcontractors*** as instructed therein 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 DESContractsTeamFir@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. Enterprise Services will send an acknowledgement of bid receipt. Acknowledgement of bid receipt is not a determination on the bid’s responsiveness. If Bidder does not receive an acknowledgement within a reasonable time, it is the responsibility of the Bidder to contact Enterprise Services for acknowledgement of bid receipt.

# 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 an 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 Services 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 A-2 – 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 – Performance Requirements

*See* attached *Exhibit B – Performance Requirements*.

Note: As set forth above, Bidder must complete and return the Performance Requirements to Enterprise Services.

Exhibit C – Bid Price

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

Note: As set forth above, Bidder must complete and return the Bid Price to Enterprise Services.

Exhibit D – Contract

*See* attached *Exhibit D – Contract* for Competitive Solicitation No. 26223 – Temporary Medical Staffing Services.

Exhibit E – Bidder’s Diverse Business Inclusion Plan – Subcontractors

*See* attached *Exhibit E – Bidder’s Diverse Business Inclusion Plan – Subcontractors.*

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

Exhibit f – Job Specifications

*See* attached *Exhibit F – Job Specifications.*