

STATE OF WASHINGTON

OFFICE OF THE ATTORNEY GENERAL

OLYMPIA, WASHINGTON

REQUEST FOR PROPOSAL

RACIAL EQUITY TRAINING

RFP NO. 21-02

PROPOSAL DUE DATE: Friday, December 17, 2021

EXPECTED TIME PERIOD FOR CONTRACT: February 10, 2022 – February 10, 2024

BIDDER ELIGIBILITY: This procurement is open to those Bidders that satisfy the minimum qualifications stated herein and that are available for work in Washington State.

Prepared By:

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# 1. INTRODUCTION

## 1.1 BACKGROUND

The Washington State Attorney General’s Office (AGO) is an independent constitutional office and legal counsel to the State of Washington. The AGO is the largest public law office in the State with more than 1300 attorneys and professional staff who work in 27 separate legal divisions located in twelve different cities across the State. The AGO’s mission is to provide excellent, independent, and ethical legal services to the State of Washington and protect the rights of its people. This includes providing legal services to more than 230 state agencies, boards and commissions.

The AGO is committed to having a workplace that is anti-racist, fostering an atmosphere that is respectful, inclusive and welcoming. Our Core Leadership Team, which consists of the Attorney General and agency leadership at the Director and Deputy level, recently completed several months of racial equity training. As a result, the AGO recently made the following anti-racist commitment:

The Office of the Attorney General is committed to recognizing, addressing, and eradicating all forms of racism within the scope of its work and operations. Conversations about race require courage, respect, and compassion. We recognize that when we enter into these conversations, we may not always be comfortable and may need to lean into the discomfort. As an agency that strives to be anti-racist, it is our goal to identify, discuss, and challenge racial inequity in the workplace and the impact it has on our employees, and, within our authority, combat racism that impacts the people of the State of Washington.

In addition to this commitment, the AGO updated our core values to include anti-racism and fostering a culture of belonging. The following are the updated core values:

We will promote a collegial, diverse, inclusive, and anti-racist workplace that values, respects, and supports all of our employees.

We will foster a culture of belonging that upholds the dignity of every employee in the agency.

## 1.2 SOLICITATION PURPOSE AND OBJECTIVE

The AGO is issuing this Request for Proposal (RFP) to solicit proposals to provide training to more of our staff to build racial equity awareness and knowledge that will assist in racially equitable decision-making and support the AGO’s commitment to being an anti-racist organization. The AGO reserves the right to award multiple contracts. The specific services to be performed and the specifications, if any, are set forth in Attachment A – Statement of Work. Neither the release of this solicitation document, nor the execution of any resulting Contract(s) obligates the AGO to make any purchases.

## 1.3 MINIMUM QUALIFICATIONS

Bidders must meet the following minimum requirements at the time of proposal submittal to qualify for consideration. Proposals from not meeting the qualifications will not be evaluated. The RFP Coordinator will be the sole determiner of qualifications. Minimum qualifications are:

1. A minimum of 5 or more years of experience in curriculum development, small/large group facilitation, and training adult audiences; and
2. A minimum of 300 hours of training delivery on diversity, equity, anti-racism and inclusion topics, including race equity.

## 1.4 PERIOD OF PERFORMANCE

The period of performance of any Contract resulting from this RFP is tentatively scheduled to begin on or about Thursday, February 10, 2022, and end on Saturday, February 10, 2024. The option to extend for additional years shall be at the sole discretion of the AGO.

## 1.5 DEFINITIONS

Any terms not defined within this RFP, or the attached Sample Contract, can be found defined within **Attachment B – Definitions**, attached to this RFP.

## 1.6 DOING BUSINESS WITH THE STATE OF WASHINGTON

Information related to Washington’s procurement system, receiving payment from the state, Department of Revenue and Secretary of State taxes and filing, Washington’s minority, women-owned business, veteran owned business and small business participation can be found within Attachment C – Doing Business with the State of Washington. This attachment must be reviewed and adhered to by the Bidder(s).

## 1.7 ADA

The AGO complies with the Americans with Disabilities Act (ADA). Bidders may contact the RFP Coordinator to receive this Request for Proposals in Braille or on tape. The AGO is a fully accessible facility.

# 2. GENERAL INFORMATION FOR BIDDERS

## 2.1 RFP COORDINATOR

The RFP Coordinator is the sole point of contact in AGO for this procurement. All communication between the Bidder and AGO upon receipt of this RFP shall be with the RFP Coordinator, as follows:

|  |  |
| --- | --- |
| Name | Sydney M. Wright |
| Address | 7141 Cleanwater Drive SW |
| City, State, Zip Code | Olympia, WA 98501 |
| Phone Number | 360-789-7058 |
| E-Mail Address | [Contracts@atg.wa.gov](mailto:Contracts@atg.wa.gov) |

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

## 2.2 ANTICIPATED SCHEDULE OF PROCUREMENT ACTIVITIES

|  |  |
| --- | --- |
| Anticipated Procurement Schedule  AGO reserves the right to revise the schedule  Times are at Pacific Standard Time | |
| Post Request for Proposal. | October 28, 2021 |
| Bidder may submit written questions by 4:00 PM. | November 15, 2021 |
| AGO will post responses to questions and amendments to RFP (if any). | November 29, 2021 |
| Bidder may submit complaint via email by 4:00 PM. | December 10, 2021 |
| Bidder must submit Proposals by 4:00 PM. | December 17, 2021 |
| AGO Evaluation of Proposals | January 3-7, 2022 |
| Oral Interviews/Presentations (if any). | January 18-21, 2022 |
| Announce “Apparently Successful Contractor(s)” (ASC) and send notification via WEBS to unsuccessful Bidders. Evaluations may take up to several weeks. | Upon completion of evaluations & oral interviews (if any) |
| AMENDMENTS: Amendments to the solicitation will be posted to WEBS as they are deemed necessary. | |
| DEBRIEFING CONFERENCE: Unsuccessful Bidders may request Debriefing until 4:00 PM three business days from the ASC Announcement. | |
| PROTEST: Bidder may submit protest until 4:00 PM no later than five business days from the Bidder’s Debrief Conference. | |
| Protest Period Ends: 4:00 PM five business days from the last Debrief Conference. | |

## 2.3 REVISIONS TO THE RFP

In the event it becomes necessary to revise any part of this RFP, amendments will be published on WEBS (<https://fortress.wa.gov/ga/webs/>).For this purpose, the published questions and answers from the pre-proposal conference and any other pertinent information shall be considered an amendment to the RFP. If there is any conflict between amendments, or between an amendment and the solicitation, whichever document was issued last in time shall be controlling. Only bidders who have properly registered and downloaded the original solicitation directly via WEBS will receive notification of amendments and other pertinent correspondence.

AGO also reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a Contract.

## 2.4 BIDDER QUESTIONS AND ANSWERS

Specific questions concerning this RFP should be submitted in writing via e-mail to the RFP Coordinator at the email address listed in Section 2.1 – RFP Coordinator. Questions must be received by the RFP Coordinator no later than the date and time listed within the Anticipated Procurement Schedule of this RFP. Answers to Bidder’s questions will be posted on WEBS and may result in an amendment to the RFP.

## 2.5 BIDDER CONFERENCE(S)

A Bidder Conference is not anticipated. In the event that the AGO determines a Bidder Conference is necessary, the AGO will delineate the reason for the conference and communicate the details with all responsive Bidder(s). The AGO, at its sole discretion, will determine if a Bidder Conference is mandatory. If deemed mandatory, any Bidder that does not attend the conference shall be considered nonresponsive and shall not be given further consideration.

## 2.6 SUBMISSION OF PROPOSALS

Bidders are required to submit an electronic copy of their proposal. The proposal must be received by AGO no later than no later than 4:00 p.m., local time, Friday, December 17, 2021 Attachments to the e-mail must be in Microsoft Word or PDF format. All requirements of the Proposal submission are detailed within Attachment D – Proposal Submission Instructions.

## 2.7 REFRESH OPPORTUNITIES

The AGO reserves the right, at its sole discretion, to expand and / or refresh the RFP to include the addition of new subcategories or services or to add an additional Bidder if it is deemed to be in the State’s best interest. The AGO will review and assess the need to refresh at least annually.

## 2.8 PROPRIETARY INFORMATION AND PUBLIC DISCLOSURE

Materials submitted in response to this competitive procurement shall become the property of AGO.

All proposals received shall remain confidential until the contract, if any, resulting from this RFP is signed by the AGO and the Apparent Successful Contractor; thereafter, the proposals shall be deemed public records as defined in the [Public Records Act, RCW 42.56](https://apps.leg.wa.gov/RCW/default.aspx?cite=42.56&full=true).

Any information in the Proposal that the Bidder desires to claim as proprietary and exempt from disclosure under the provisions of [RCW Section 42.56.270](https://apps.leg.wa.gov/RCW/default.aspx?cite=42.56&full=true#42.56.270) must be clearly designated. The page must be identified and the particular exception from disclosure upon which the Bidder is making the claim. Each page claimed to be exempt from disclosure must be clearly identified by the word “Confidential” printed on the lower right hand corner of the page.

AGO will consider a Bidder’s request for exemption from disclosure; however, AGO will make a decision predicated upon [RCW Chapter 42](https://apps.leg.wa.gov/RCW/default.aspx?cite=42.56&full=true). Marking the entire proposal exempt from disclosure will not be honored. The Bidder must be reasonable in designating information as confidential. If any information is marked as proprietary in the proposal, such information will not be made available until the affected Bidder has been given an opportunity to seek a court injunction against the requested disclosure.

A charge will be made for copying and shipping, as outlined in [RCW Section 42.56.120](https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.120) or in the AGO’s rules and statutes. No fee shall be charged for inspection of contract files, but twenty-four (24) hours’ notice to the RFP Coordinator is required. All requests for information should be directed to the RFP Coordinator.

## 2.9 ACCEPTANCE PERIOD

Bidder agrees that it may not modify, withdraw or cancel its Proposal for a 60-day period following the Proposal due date.

## 2.10 COMPLAINT, DEBRIEF & PROTEST PROCESS

Complaints, requests for a debriefing conference and protest procedures must be submitted in accordance with the instructions listed in Attachment E – Complaint, Debrief & Protest Processto this RFP.

## 2.11 INITIAL DETERMINATION OF RESPONSIVENESS

All Proposals will be reviewed by the RFP Coordinator to determine compliance with administrative requirements and instructions specified in this RFP. The Bidder is specifically notified that failure to comply with any part of this RFP may result in rejection of the Proposal as non-responsive. AGO reserves the right, however, at its sole discretion, to waive minor administrative irregularities.

## 2.12 PUBLICITY AND NON-ENDORSEMENT

The award of this Contract to Apparent Successful Contractor is not in any way an endorsement of Apparent Successful Contractor or their services provided to AGO and must not be so construed by Apparent Successful Contractor in any advertising or other publicity materials. Apparent Successful Contractor may not use AGO, the State or any state agency in advertising, sales promotion, and other publicity materials relating to this Contract or any product or service furnished by Apparent Successful Contractor wherein AGO’s name is mentioned, language is used, or internet links are provided from which the connection of AGO’s name therewith without AGO’s prior written consent, which it may grant or withhold in is sole discretion.

## 2.13 COSTS TO PROPOSE

AGO will not be liable for any costs incurred by the Bidder in preparation of a Proposal submitted in response to this RFP, in conduct of a presentation, or any other activities related to responding to this RFP.

## 2.14 REJECTION OF PROPOSALS

AGO reserves the right at its sole discretion to reject any and all Proposals received without penalty to the agency. The release of this solicitation document does not obligate the state of Washington to contract for the services specified herein.

## 2.15 COMMITMENT OF FUNDS

The Attorney General of the Office of the Attorney General or those with authority delegated by the Attorney General are the only individuals who may legally commit AGO to the expenditures of funds for a Contract resulting from this RFP. No cost chargeable to the proposed Contract may be incurred before receipt of a fully executed Contract.

## 2.16 FUNDING

This solicitation may be dependent upon the availability of funding. If for any reason the funding is reduced, suspended, withdrawn, terminated, or funding authorization is revoked, AGO reserves the right to cancel this procurement.

## 2.17 INSURANCE COVERAGE

If a Bidder is selected as an Apparent Successful Contractor, Bidder is required to carry insurance in accordance with the instructions in Attachment F – Insurance Requirements to this RFP.

The Apparent Successful Contractor will at all times comply with all applicable workers’ compensation, occupational disease, and occupational health and safety laws, statutes, and regulations to the full extent applicable. The state will not be held responsible or liable in any way for claims filed by Apparent Successful Contractor or its employees for services performed under the terms of the Contract.

## 2.18 NO OBLIGATION TO CONTRACT

This RFP does not obligation the State of Washington or the AGO to contract for services specified herein.

## 2.19 REJECTION DUE TO UNSATISFACTORY PERFORMANCE

Pursuant to the provisions of [RCW 39.26.160](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.160), the AGO may reject Proposals of any Bidder who has failed to perform satisfactorily under any previous contract. The AGO shall notify the Bidder of such a rejection.

## 2.20 FEDERAL RESTRICTIONS ON LOBBYING (if applicable)

The Bidder certifies, by submittal of a Proposal to this RFP, that under the requirements of [Lobbying Disclosure Act, 2 U.S.C., Section 1601](https://uscode.house.gov/view.xhtml?req=%28title:2%20section:1601%20edition:prelim%29%20OR%20%28granuleid:USC-prelim-title2-section1601%29&f=treesort&edition=prelim&num=0&jumpTo=true) et seq., no Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. See the Federal Restrictions on Lobbying subsection of the proposed Contract.

2.21 DEBARMENT

The Bidder certifies, by submittal of a Proposal to this RFP, that neither it nor its “principals” (as defined in [2 CFR 200.213](https://ecfr.io/Title-02/se2.1.200_1213) or [RCW 39.26.010 (8)](https://apps.leg.wa.gov/rcw/default.aspx?cite=39.26.010)) are presently debarred by any Federal or state department or agency.

2.22 USE OF SUBCONTRACTORS

AGO will accept Proposals that include third party involvement only if the Bidder submitting the Proposal agrees to take complete responsibility for all actions of such subcontractors. Specific restrictions apply to Contracting with current or former state employees pursuant to chapter [42.52 RCW](https://apps.leg.wa.gov/RCW/default.aspx?cite=42.52&full=true). Bidders should familiarize themselves with the requirements prior to submitting a Proposal.

2.23 COVID-19 VACCINATION CERTIFICATION

The Apparent Successful Contractor will be expected to execute a COVID-19 Contractor Vaccination Requirement Declaration, which is substantially the same as Attachment G – COVID Contractor Vaccination Requirement Declaration. Contractors providing on-site services must comply with Governor Inslee's [Proclamation 21-14.2 COVID-19 Vaccination Requirement](https://www.governor.wa.gov/sites/default/files/proclamations/21-14.2%20-%20COVID-19%20Vax%20Washington%20Amendment%20%28tmp%29.pdf) ("Proclamation") (https://www.governor.wa.gov/office-governor/official-actions/proclamations), in order to be awarded a Contract.

# 3. PROPOSAL CONTENT AND SUBMISSION INSTRUCTIONS

## 3.1 SUBMISSION INSTRUCTIONS

Proposals must be submitted in accordance with the instructions contained within Attachment D – Proposal Submission Instructions.

## 3.2 REQUIRED PROPOSAL CONTENT

Proposals that do not contain one or more of the mandatory attachments described below may be determined as not having met the minimum qualifications of this proposal. The AGO reserves the right to allow Bidders the opportunity to provide additional information if requested, or to correct clerical errors if deemed necessary by the AGO. Do not return Attachments A – G, and Q with your proposal contents.

### 3.2.1 EXECUTIVE SUMMARY

The Proposal must contain an executive summary that shall condense and highlight the major components of the Proposal that the Bidder believes will provide the AGO evaluation team with a broad understanding of the entire Proposal. The contents of the Proposal must contain sufficient detail to convey to the members of the evaluation team the Bidder’s knowledge of the tasks, subject(s) and skill(s) necessary to provide the services and/or goods as described within this RFP.

### 3.2.2 STATEMENT OF WORK DESCRIPTION

The Proposal must include detailed information as to how the requirements of Attachment A – Statement of Work will be accomplished.

### 3.2.3 BIDDER’S COMPANY PROFILE

Bidder must complete and return with their Proposal submission Attachment H – Bidder’s Company Profile.

### 3.2.4 OFFER, CERTIFICATIONS AND ASSURANCES

Bidder must complete and return with their Proposal submission Attachment I – Offer, Certifications and Assurances.

### 3.2.5 BIDDER QUESTIONNAIRE

Bidder must complete and return with their Proposal submission Attachment J – Bidder Questionnaire.

### 3.2.6 COST PROPOSAL – RATES FOR SERVICES

Bidder must complete and return with their Proposal submission Attachment K – Cost Proposal – Rates for Services.

### 3.2.7 BUSINESS REFERENCE FORM

Bidder must complete and return with their Proposal submission Attachment L – Business Reference Form.

### 3.2.8 WAGE THEFT CERTIFICATION

Bidder must complete and return with their Proposal submission Attachment M – Wage Theft Certification. Pursuant to legislative enactment in 2017, the Bidder shall certify that the Bidder has not willfully violated Washington’s wage laws.

### 3.2.9 WORKERS’ RIGHTS CERTIFICATION

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), the AGO will evaluate bids for best value and provide a bid preference in the amount of 5 points to any bidder who certifies, pursuant to the certification attached as Attachment N – Contractor Certification for Executive Order 18-03 – Workers’ Rights, that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waiver.

### 3.2.10 CONTRACT TERMINATION(S)

If the Bidder has had a contract terminated for default in the last five years, describe such incident within the Proposal. Termination for default is defined as notice to stop performance due to the Bidder’s non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Bidder, or (b) litigated and such litigation determined that the Bidder was in default. Submit full details of the terms for default including the other party's name, address, and phone number. Present the Bidder’s position on the matter. AGO will evaluate the facts and may, at its sole discretion, reject the Proposal on the grounds of the experience. If the Bidder has experienced no such termination for default in the past five years, so indicate.

## 3.3 EXCEPTIONS TO MODEL CONTRACT

The Apparent Successful Contractor will be expected to enter into a contract which is substantially the same as attached as Attachment O – Sample Contract. In no event is a Bidder to submit its own standard contract terms and conditions in response to this solicitation.

Issues, concerns, exceptions or objections, if any, to any of the terms or conditions contained in the Sample Contract and Project documents must be set out in writing by Section or paragraph by the Bidder in the ‘Exceptions to Contract’ a description of each issue, concern, exception and/or objection, and exact edits being proposed to the Sample Contract in Track Changes. Attachment P – Exceptions to Model Contract, sets forth the template to be used for the response. The Bidder must propose all exceptions in this format and must incorporate any Third Party Solution Provider or other Subcontractor’s exceptions as well.

The Exceptions to Model Contract must provide the reason or rationale supporting the issue, concern, exception or objection. Simply stating that a paragraph is "not acceptable" or supplying proposed Contract terms without describing (in business language) the reason or rationale will be considered non-responsive. If the Exceptions to Sample Contract fails to identify a particular term or condition, the term or condition will be deemed accepted, and AGO will not negotiate further changes to such paragraphs or Sections.

AGO reserves the right to discuss the exceptions to Sample Contract with the Bidders and require Bidder to clarify the exceptions. The exceptions to Sample Contract frames discussions between AGO and Bidder regarding the Terms and Conditions contained in the Contract and Project documents.

Proposed exceptions to contract terms and conditions that violate Washington State law or Washington procurement rules and standards will not be accepted, and may result in disqualification of a proposal.

# 4. EVALUATION AND AWARD

The award evaluation and criteria for this RFP is set forth in Attachment Q – Evaluation and Award Criteria. Contract awards will be based on the Evaluation and Award Criteria and will be in accordance with provisions identified in [RCW 39.26.160](http://apps.leg.wa.gov/RCW/default.aspx?cite=39.26.160) and other criteria identified in the RFP.

# 5. RFP ATTACHMENTS

|  |  |
| --- | --- |
| *Attachment A – Statement of Work* |  |
| *Attachment B – Definitions* |  |
| *Attachment C – Doing Business with the State of Washington* |  |
| *Attachment D – Proposal Submission Instructions* |  |
| *Attachment E – Complaint, Debrief and Protest Instructions* |  |
| *Attachment F – Insurance Requirements* |  |
| *Attachment G – COVID-19 Contractor Vaccination Requirement Declaration* |  |
| *Attachment H – Bidder’s Company Profile* |  |
| *Attachment I – Offer, Certifications and Assurances* |  |
| *Attachment J – Bidder Questionnaire* |  |
| *Attachment K – Cost Proposal & Rates for Services* |  |
| *Attachment L – Business Reference Form* |  |
| *Attachment M – Wage Theft Certification* |  |
| *Attachment N - Contractor Certification for Executive Order 18-03 – Workers’ Rights* |  |
| *Attachment O – Sample Contract* |  |
| *Attachment P – Exceptions to the Model Contract* |  |
| *Attachment Q – Evaluation and Award* |  |