Supply Section
8543 Armstrong Road SW, Tumwater, WA 98512

INVITATION FOR BID

COMPETITIVE SOLICITATION – NO. IFB EO246870 – FIRE SERVICE SCBA UNITS AND CARBON CYLINDERS

***Interested bidders*:** On behalf of the Washington State Patrol, thank you for your interest in contracting with the State of Washington to provide goods/services. To ensure a fair and transparent procurement process that is open to all qualified vendors, Washington's Procurement Code for Goods/Services (RCW 39.26) requires that this procurement be conducted through a competitive solicitation process.

INTRODUCTION

The Washington State Patrol (WSP) is issuing this Competitive Solicitation pursuant to RCW 39.26. Pursuant to this Competitive Solicitation, WSP intends to conduct a competitive procurement to award an Agency Contract for WSP to purchase fifteen (15) MSA 4500psig G1 Fire Service Self-Contained Breathing Apparatus (SCBA) Units and Carbon Cylinders for the instructors at our Fire Training Academy located in North Bend, WA. Replacing our outdated equipment is essential for keeping everyone safe from equipment failures and maintaining a secure training environment.

This has been estimated to be valued at less than $150,000. Because it is estimated to be less than $150,000, the agency intends to award the contract to the lowest responsive and responsible bid from a small business (as defined in RCW 39.26.010(22)(a)) or Washington veteran-owned business (as certified with the WDVA), unless none of these businesses are responsible and responsive to this solicitation. Should Bidder's Cost Proposal exceed the average of all bids received by 10%, the agency will determine the ASB based on the most responsive and responsible bidder, regardless of small business or veteran owned standing.

Note to Bidders: This IFB is available on the Washington Electronic Business Solution (WEBS) Procurement Website at https://fortress.wa.gov/ga/webs/. All addenda to the RFQ and Bidder questions/WSP answers will be posted only on WEBS. All interested Bidders must download this document and be registered in WEBS under the following commodity code to receive further notifications: Commodity Codes 340-07, 340-45 and 340-87.

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

- Section 1 provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for WSP's Procurement Coordinator.
- 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, the form of the resulting Contract, and potential contract sales.
- Section 3 identifies how WSP will evaluate the bids.
- Section 4 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 details the applicable requirements to file a complaint, request a debrief conference, or file a protest regarding this Competitive Solicitation.
- Section 6 provides information pertaining to doing business with the State of Washington, including WSP's efforts to enable Washington's small and diverse businesses to compete for and participate in state procurements for goods/services.

In addition, this Competitive Solicitation includes the following Exhibits:

- *Exhibit A – Required Bidder Information*: These exhibits identify information that bidders must provide to WSP 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 required specifications/qualifications for the goods that are the subject of this Competitive Solicitation.
- *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 the Procurement Coordinator 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 WSP.
- *Exhibit E – Diverse Business Inclusion Plan – Subcontractors* - Required ***only if*** Bidder will be using subcontractors to perform the Contract: This exhibit outlines the inclusion plan for diverse business subcontractors pertaining to the Contract.

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.

1.1. **COMPETITIVE SOLICITATION DEADLINES**. The following table identifies important dates for this Competitive Solicitation:

COMPETITIVE SOLICITATION DEADLINES		
ITEM		DATE
Competitive Solicitation Posting Date:		September 4, 2026
Question & Answer Period:	Deadline for Submitting Questions:	September 18, 2026
	Anticipated Deadline for Answers	September 25, 2026
Deadline for Submitting Bids		October 16, 2026
Anticipated Announcement of Apparent Successful Bidder:		October 21, 2026
Anticipated Award of Contract:		October 28, 2026

1.2. **COMPETITIVE SOLICITATION QUESTIONS**. Questions or concerns regarding this Competitive Solicitation must be directed to the following Procurement Coordinator:

Procurement Coordinator	
Name:	Erica Oswalt
Telephone:	360-704-5456
Email:	erica.oswalt@wsp.wa.gov

1.3. **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.

1.4. **COMPETITIVE SOLICITATION – AMENDMENT & MODIFICATION**. WSP 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.** Visit 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.

2.1. **PURPOSE OF THE PROCUREMENT – AWARD A CONTRACT**. The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award a Contract for WSP to procure fifteen (15) MSA 4500psig G1 Fire Service Self-Contained Breathing Apparatus (SCBA) Units and Carbon Cylinders as set forth herein. Pursuant to Washington's Procurement Code for Goods and Services, RCW chap. 39.26, state agency purchases of goods and services must be based on a competitive solicitation process in which the Contract is awarded to the lowest responsive, responsible bidder.

2.2. **PURCHASE ORDER**. The form of the Contract that will be awarded as a result of this Competitive Solicitation is attached as ***Exhibit D – Purchase Order.***

2.3. **CONTRACT TERM**. As set forth in the attached Contract for this Competitive Solicitation, the contract term and pricing is valid for up to sixty (60) months. Bidder pricing will be adjusted for inflation if future purchases are required.

2.4. **ESTIMATED CONTRACT VALUE**. Historically, for prior contracts, annual total sales were approximately $124,000 for the goods/services. Total potential or estimated contract sales for this Competitive Solicitation are not known. Although WSP does not represent or guarantee any minimum purchase from the Contract, WSP anticipates purchasing fifteen (15) MSA 4500psig G1 Fire Service Self-Contained Breathing Apparatus (SCBA) Units and Carbon Cylinders.

2.5. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES**. WSP 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: 5 points
- Washington Small Business: 10 points
- Certified Veteran-Owned Business: 10 points
- Statutory Preference for PCB-Free Products & Products-In-Packaging: 5 points

SECTION 3 – BID EVALUATION

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

3.1. **OVERVIEW**. WSP 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 reasons for this rejection.
- WSP 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.
- WSP will use the following process and evaluation criteria to determine eligibility for an award of the Contract:

STEP	ITEM	POINTS
Bid Responsiveness		
1	Bid Responsiveness	Pass/Fail

Bid Evaluation		
2	Non-Cost Factors Exhibit B – Performance Requirements	Pass/Fail
3	Cost Factors Exhibit C – Bid Price	70
	Total:	70
State Procurement Priorities		
4	Executive Order 18-03	5
	Washington Small Business	10
	Certified Veteran-Owned Business	10
	Statutory Preference for PCB-Free Products & Products-In-Packaging	5
	Total:	100
TOP-SCORED BIDDER(S) ADVANCE TO STEP 5		
Responsible Bidder		
5	Bidder Responsibility Analysis	Pass/Fail
Contract Negotiations		
6	Contract Negotiations	N/A

3.2. **BID RESPONSIVENESS/RESPONSIBILITY (STEP 1)**. WSP will review bids – on a pass/fail basis – to determine whether the bid is 'responsive' to this Competitive Solicitation. This means that WSP 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. WSP 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.

3.3. **PERFORMANCE REQUIREMENTS EVALUATION (STEP 2)**. WSP will evaluate each bid to ensure that each bidder's goods(s) and/or service(s) meet the specifications and/or performance requirements set forth in *Exhibit B – Performance Requirements*. WSP 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 WSP within ten (10) business days may result in disqualification.

3.4. **BID PRICING EVALUATION (STEP 3)**. WSP will evaluate bid pricing by reviewing and comparing the submitted bid prices provided in *Exhibit C-**Bid Price***.

3.5. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES (STEP 4)**. WSP 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* (dated June 12, 2018), WSP will evaluate bids for best value and will provide a bid preference in the amount of 5 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.
- WASHINGTON SMALL BUSINESSES. In furtherance of Washington's business inclusion goals WSP will evaluate bids for best value and will provide a bid preference in the amount of 10 points to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder's Certification***, that Bidder qualifies as a 'Washington Small Business' as set forth in ***Exhibit A-1 – Bidder's Certification***.
- CERTIFIED VETERAN-OWNED BUSINESSES. In furtherance of Washington's business inclusion goals, WSP will evaluate bids for best value and will provide a bid preference in the amount of 10 points to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder's Certification***, that Bidder qualifies as a Washington Department of Veterans' Affairs Certified Veteran-Owned Business.
- STATUTORY PREFERENCE FOR PCB-FREE PRODUCTS & PRODUCTS-IN-PACKAGING. Pursuant to RCW 39.26.280, WSP is providing a bid preference in the amount of 5 points to any bidder who certifies, pursuant to ***Exhibit A-1 – Bidder's Certification***, that Bidder's products or products-in-packaging do not contain Polychlorinated Biphenyls (PCBs).

3.6. **BIDDER RESPONSIBILITY ANALYSIS (STEP 5)**. For responsive bids, WSP must determine whether the bidder is a 'responsible bidder.' Accordingly, WSP will make reasonable inquiry to determine bidder responsibility on a pass/fail basis. In determining bidder responsibility, WSP 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 the Contract.

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

- Financial Information: WSP 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: WSP 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.

3.7. **CONTRACT NEGOTIATIONS (STEP 7).** WSP may negotiate with the highest scored responsive, responsible bidder to finalize the Contract and to determine if the bid may be improved. If, after a reasonable period of time, WSP, in its sole judgement, cannot reach agreement on acceptable Contract terms with such bidder, WSP may suspend negotiations and undertake negotiations with the next highest scored responsive, responsible bidder as determined by the evaluations.

3.8. **ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER**. WSP will determine the Apparent Successful Bidder ("ASB"). The ASB will be the responsive and responsible bidder(s) that best meet(s) the Competitive Solicitation requirements and presents the best total value, including price, as calculated consistent with the instructions set forth in ***Exhibit C – Bid Price***, and other factors as set forth in this Competitive Solicitation including any applicable state procurement priority or preference.

- Designation as an ASB does not imply that WSP will issue an award for a Contract. Rather, this designation allows WSP to perform further analysis and ask for additional documentation. The bidder 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.

3.9. **AWARD OF CONTRACT**. Subject to protests, if any, WSP and the ASB will enter into a Contract as set forth in ***Exhibit D – Purchase Order***. An award is made and a contract formed by signature of WSP and the awarded bidder 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.

3.10. **BID INFORMATION AVAILABILITY**. Upon WSP's announcement of ASB, 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 announcement of ASBs, WSP will post all bid evaluations to WEBS.

SECTION 4 – HOW TO PREPARE AND SUBMIT A BID FOR THIS COMPETITIVE SOLICITATION

This section identifies how to prepare and submit your bid 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 the Procurement Coordinator 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.

4.1. **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 WSP to consider and, if warranted, respond to the inquiry. If a bidder does not notify the Procurement Coordinator of an issue, exception, addition, or omission, such matter may be considered to be 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 bidder contact regarding this Competitive Solicitation with other state employees involved with the Competitive Solicitation may result in bidder disqualification.

4.2. **PRICING**. Bid prices must include all cost components needed for 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 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.

4.3. **BID SUBMITTAL CHECKLIST – REQUIRED BID SUBMITTALS**. This section identifies the bid submittals that must be provided to the Procurement Coordinator 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 the Procurement Coordinator 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 the Procurement Coordinator
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 contract administration purposes.
Complete as instructed and submit it with the bid to the Procurement Coordinator.

☐ **EXHIBIT B – PERFORMANCE REQUIREMENTS**
Bidder will need to confirm that bidder's goods and/or 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 the Procurement Coordinator**.**

☐ **EXHIBIT C – BID PRICE**
Bidder will need to complete the price worksheet tools as instructed in ***Exhibit C – Bid Price*** and submit it with the bid to the Procurement Coordinator***.***

☐ **EXHIBIT [E] – BIDDER'S DIVERSE BUSINESS INCLUSION PLAN – SUBCONTRACTORS.** This exhibit is required ***only*** if Bidder will be using subcontractors to perform the Contract. This exhibit outlines the inclusion plan for diverse business subcontractors pertaining to the Contract.

4.4. **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 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.

4.5. **SUBMITTING BIDS**. Bidder's electronic bid must be emailed to the Procurement Coordinator at the following email address: Pennie.Clark@wsp.wa.gov. *Note*: This 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.

5.1. **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. WSP will consider all complaints but is not required to modify or cancel the Competitive Solicitation. If bidder complaints result in changes to the Competitive Solicitation, written amendments to the Competitive Solicitation will be issued and posted on WEBS.

a. 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.

b. INITIATING A COMPLAINT. A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for bid submittal; and (b) Be in writing (see Form and Substance, and Other below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.

c. RESPONSE. When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for bid submittals, unless more time is needed. WSP is required to promptly post the response to a complaint on WEBS.

d. RESPONSE IS FINAL. The Procurement Coordinator's response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to bid submittal may be deemed waived for protest purposes.

5.2. **DEBRIEF CONFERENCES**. A Debrief Conference is an opportunity for a bidder and WSP, 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 the bid evaluation, WSP will issue an ASB announcement. That the ASB announcement may be made by any means, but WSP 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, WSP 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, WSP likely will schedule the Debrief Conference shortly after the ASB announcement and the bidder's request for a Debrief Conference. WSP 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 is a required prerequisite for a bidder wishing to file a protest**.

a. TIMING. A Debrief Conference may be requested by a bidder following the Apparent Successful Bidder (ASB) announcement.

b. PURPOSE OF DEBRIEF CONFERENCE. Any bidder who has submitted a timely bid response may request a Debrief Conference (see also Section 5.4 below). A Debrief Conference provides an opportunity for the bidder to meet with WSP to discuss bidder's bid and evaluation. It does not provide an opportunity to discuss other bids and evaluations.

c. REQUESTING A DEBRIEF CONFERENCE. The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the ASB announcement. Debrief conferences may be conducted either in person at the WSP's offices in Tumwater, Washington, or virtually (e.g., by telephone or web-based virtual meeting such as Zoom, Skype, MS Teams), as determined by WSP, and may be limited by WSP 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.

5.3. **PROTESTS**. Following a Debrief Conference, a bidder may protest the award of a Contract.

a. CRITERIA FOR A PROTEST. A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the Competitive Solicitation.

b. 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 Debriefing 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.

c. PROTEST RESPONSE. After reviewing the protest and available facts, WSP's Protest Officer will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.

d. DECISION IS FINAL. The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept WSP's protest response, the bidder may seek relief in Thurston County Superior Court.

5.4. **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.

a. FORM, SUBSTANCE, & OTHER. All complaints, debrief conference requests, and protests must:

i. Be in writing;

ii. Be signed by the complaining, requesting, or protesting bidder or an authorized agent;

iii. Be delivered within the time frame(s) outlined herein;

iv. Identify the Competitive Solicitation Number;

v. Conspicuously state "Complaint," "Debrief," or "Protest" in any subject line of any correspondence or email; and

vi. Be sent to the address identified below.

b. COMPLAINTS & PROTESTS. All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.

5.5. **HOW TO CONTACT WSP**.

a. 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
WSP Supply Section
P.O. Box 42625
Olympia, WA 98504

b. 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.

c. TO SUBMIT A PROTEST. Send an email message to the Protest Officer at the following email address: erica.oswalt@wsp.wa.gov. The email message must include "Protest" and the Solicitation number in the subject line of the email message. Alternatively, mail the protest to the Protest Officer at the following address:

Attn: Protest Officer
WSP Supply Section
P.O. Box 42625
Olympia, WA 98504

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 WSP's efforts to enable Washington's small, diverse, and veteran-owned businesses to compete for and participate in state procurements for goods/services.

6.1. **WASHINGTON'S PUBLIC RECORDS ACT – PUBLIC RECORDS DISCLOSURE REQUESTS**.

- All documents (written and electronic) submitted to the Procurement Coordinator and/or WSP 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. WSP strongly discourages bidders from unnecessarily submitting sensitive information (e.g., information that bidder might categorize as 'confidential,' 'proprietary,' 'sensitive,' trade secret,' etc.).
  - If, in bidder's judgment, Washington's Public Records Act provides an applicable statutory exemption from disclosure for certain portions of bidder's 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 WSP 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, WSP, prior to disclosure, will do the following:
  - WSP's 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, WSP will redact or withhold the document(s) as appropriate.
  - For documents marked 'sensitive' or for documents where WSP either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, WSP will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that WSP 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 WSP from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, WSP will release the requested document(s) on the date specified. Bidder's failure properly to identify exempted or sensitive information and timely respond after notice of request for public disclosure has been given shall be deemed a waiver by bidder of any claim that such materials are exempt or protected from disclosure.

6.2. **SMALL & DIVERSE BUSINESSES**. WSP, 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 43.60A.200 (WDVA certified veteran-owned businesses); and RCW 39.26.005 (Washington small businesses). In support of the state's economic goals and to support a diverse supplier pool, WSP has established the following voluntary numerical goals for WSP's Competitive Solicitations:

- Six point six percent (6.6%) Washington Small Businesses, five percent (5%) of which are microbusinesses or Mini businesses as defined in RCW 39.26.010(16) and (17);
- One point four seven percent (1.47%) Veteran-Owned Businesses certified by the Washington State Department of Veterans Affairs (WDVA)

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

- WDVA CERTIFICATION. Bidders may contact the Washington State Department of Veterans' Affairs (WDVA) for information regarding Certified Veteran-Owned businesses or to become a Certified Veteran-Owned Business. The WDVA can be reached by telephone, (360) 725-2169, or through their website at WDVA. The qualification requirements to be a Certified Veteran-Owned Business are set forth in ***Exhibit A-1 – Bidder's Certification***.

- WASHINGTON SMALL BUSINESSES. Bidders may contact WSP about small and diverse business inclusion and qualification as a Washington Small Business. If you qualify as a Washington Small Business, identify yourself as such in WEBS. Call WEBS Customer Service at 360-902-7400. The qualification requirements to self-certify as a Washington Small Business are set forth in ***Exhibit A-1 – Bidder's Certification***.

6.3. **WEBS REGISTRATION**. Individuals and firms interested in state contracting opportunities with WSP or any state agency should register for competitive solicitation notices at the Washington Electronic Business Solution (WEBS) WEBS Registration. *Note*: There is no cost to register on WEBS.

6.4. **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.

6.5. **NONDISCRIMINATION REQUIREMENT**. During the term of this Contract, Contractor, including any subcontractor, shall not discriminate on the bases enumerated at RCW 49.60.530(3). In addition, Contractor, including any subcontractor, shall give written notice of this nondiscrimination requirement to any labor organizations with which Contractor, or subcontractor, has a collective bargaining or other agreement.

- Obligation to Cooperate. Contractor, including any subcontractor, shall cooperate and comply with any Washington state agency investigation regarding any allegation that Contractor, including any subcontractor, has engaged in discrimination prohibited by this Contract pursuant to RCW 49.60.530(3).

- Default. Notwithstanding any provision to the contrary, WSP may suspend Contractor, including any subcontractor, upon notice of a failure to participate and cooperate with any state agency investigation into alleged discrimination prohibited by this Contract, pursuant to RCW 49.60.530(3). Any such suspension will remain in place until WSP receives notification that Contractor, including any subcontractor, is cooperating with the investigating state agency. In the event Contractor, or subcontractor, is determined to have engaged in discrimination identified at RCW 49.60.530(3), WSP may terminate this Contract in whole or in part, and Contractor, subcontractor, or both, may be referred for debarment as provided in RCW 39.26.200. Contractors or subcontractors may be given a reasonable time in which to cure this noncompliance, including implementing conditions consistent with any court-ordered injunctive relief or settlement agreement.

- Remedies for Breach. Notwithstanding any provision to the contrary, in the event of Contract termination or suspension for engaging in discrimination, Contractor, subcontractor, or both, shall be liable for contract damages as authorized by law

including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, which damages are distinct from any penalties imposed under Chapter 49.60, RCW. WSP shall have the right to deduct from any monies due to Contractor or subcontractor, or that thereafter become due, an amount for damages Contractor or subcontractor will owe WSP for default under this provision.

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 the Procurement Coordinator.

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 the Procurement Coordinator.

EXHIBIT B – PERFORMANCE REQUIREMENTS

See attached *Exhibit B – Performance Requirements*.

EXHIBIT C – BID PRICE

See attached *Exhibit C – Bid Price*.

Note: As set forth above, Bidder must complete and return *Exhibit C – Bid Price* to the Procurement Coordinator.

EXHIBIT D – CONTRACT

See attached *Exhibit D – Contract* for Competitive Solicitation No. IFB EO246870 – SCBA Units and Carbon Cylinders.

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 *Exhibit E – Diverse Business Inclusion Plan – Subcontractors* to the Procurement Coordinator ***if*** bidder intends to utilize subcontractors if awarded a Contract.