

REQUEST FOR QUOTATIONS AND QUALIFICATIONS (RFQQ) FOR BACKGROUND CHECK SERVICES



RFQQ #24-05
RESPONSES DUE: AUGUST 7, 2024



IDENTIFICATION OF OFFEROR’S PROPRIETARY INFORMATION

Offerors are advised that the Washington State Investment Board is a Washington State Public Agency and is thus subject to public records requests. There are permissible exemptions from public disclosure pursuant to chapter 42.56 Revised Code of Washington (RCW) but they are limited, narrow in scope, and strictly construed. Offerors wishing to claim portions of their response as confidential and exempt from public disclosure are advised to carefully read sections 5.5.1 and 5.6 of this RFQQ for more detail.

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SECTION 1: INTRODUCTION

1.1 BACKGROUND

The Washington State Investment Board (“WSIB”), a major institutional investor with over \$197 billion under management and a reputation for innovation, seeks to establish a pool of service providers (the “Pool”) conducting background check and related services covering international and domestic investment managers, consultants, and certain other third-party contactors (collectively, the “Subjects”) on an as needed basis. The Pool will include at least one Offeror capable of performing background check services on an international basis.

To learn more about the WSIB and to inform your response to the questionnaire, please visit our website at www.sib.wa.gov.

The WSIB is a public agency of the state of Washington, established to administer the state’s investment activity. The WSIB investment programs include both qualified (IRC § 401(a)) retirement programs and non-qualified programs. The WSIB manages the investment of defined-benefit retirement funds, a hybrid retirement plan consisting of defined-contribution and defined-benefit components, a deferred compensation plan (IRC § 457), a large pool of insurance fund assets, and a number of permanent and other trust funds.

1.2 PURPOSE

Pursuant to Chapter 39.26 of the Revised Code of Washington, the WSIB is issuing this RFQQ 24-05 to create a pre-qualified pool of Contractors to perform background checks and provide related services in connection with the WSIB’s engagement or retention of the Subjects on an as needed basis. These services will provide the WSIB with current, relevant information on the Subjects necessary for the WSIB to meet its fiduciary obligations in performing its duties. The role of the Contractors will be to provide investigative services, consisting of public records searches, to assist the WSIB in relevant decision processes.

1.3 SOLICITATION PROCESS

The solicitation process starts with the release of this RFQQ and results in the award of Contracts to one or more Offerors (collectively, the “Contracts”). The purpose of the RFQQ is to determine Offeror qualifications and to obtain a fixed fee schedule. The Contracts will define the general terms and conditions governing the contractual relationship. The term of the Contracts will be for a period of five years beginning on or about October 1, 2024 and ending September 30, 2029 (the “Initial Term”) and include the possibility of an additional term of five years at the option of the WSIB (the “Extension”). The number of Offerors awarded a Contract will be determined after review and scoring of responses to this RFQQ.

Please note: the Contracts will include a schedule of hourly rates at which future services will be invoiced during the Initial Term. These fees may only be renegotiated at the time of the Extension. The Contracts do not include a retainer fee, a guarantee of work, or a guarantee of compensation. Compensation is available through award of one or more Project Work Orders (“PWOs”).

Once the Pool is established, the WSIB will review rates, qualifications, and its own specific background check needs (e.g., location and anticipated role of Subjects) and determine which contractor is best qualified to provide background check services. Once identified, the WSIB and the selected contractor will enter into a PWO for the specific engagement.

1.4 UPDATING/REFRESHING THE POOLS

Due to market conditions or WSIB needs, the WSIB may choose to add Contractors, service categories, or additional pools within the term of the Contracts by issuing additional procurement processes as needed. Subsequent

procurements may be modified to meet WSIB needs and may include revised qualification requirements, evaluation criteria, terms and conditions.

1.5 OVERVIEW OF THE ORGANIZATION

The WSIB is a state agency with offices located in Olympia, Washington. The WSIB performs “all duties with respect to the investment of public trust and retirement funds.” (See, RCW 43.33A.010.) Led by an independent 15-member Board, as described in RCW 43.33A.020, the Board conducts its investment activities in accordance with applicable state laws and investment policies and procedures designed to maximize returns at a prudent level of risk and acts exclusively in the sole interests of the funds’ stakeholders and beneficiaries.

The agency is composed of three primary divisions: Investments, Operations, and Institutional Relations, and is headed by a Chief Executive Officer appointed by the Board. The Board and agency are governed by general statutes and rules established for all state agencies, officials, and employees in the performance of their public duties.

The Washington State Investment Board manages globally diversified portfolios with long-term investment strategies that serve 17 public employee retirement plans, 5 state insurance funds, and 16 permanent and other funds. Defined benefit retirement fund assets are pooled into the Commingled Trust Fund (CTF) to efficiently manage investments, reduce administrative costs, and minimize fees.

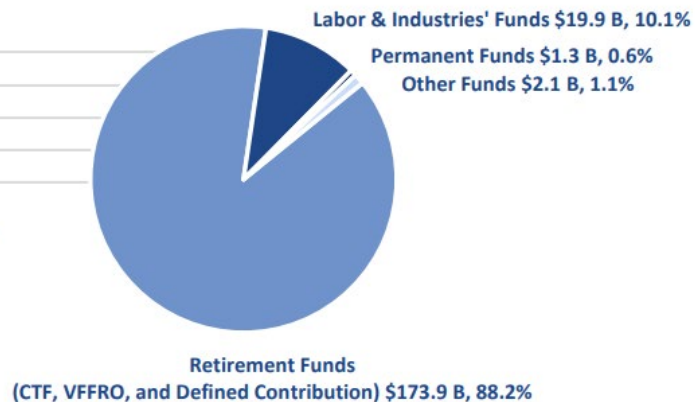
 Total Assets Under Management	Quarter Ended December 31, 2023
Stakeholder Overview	\$197,257,407,378

WSIB invests for 39 funds:

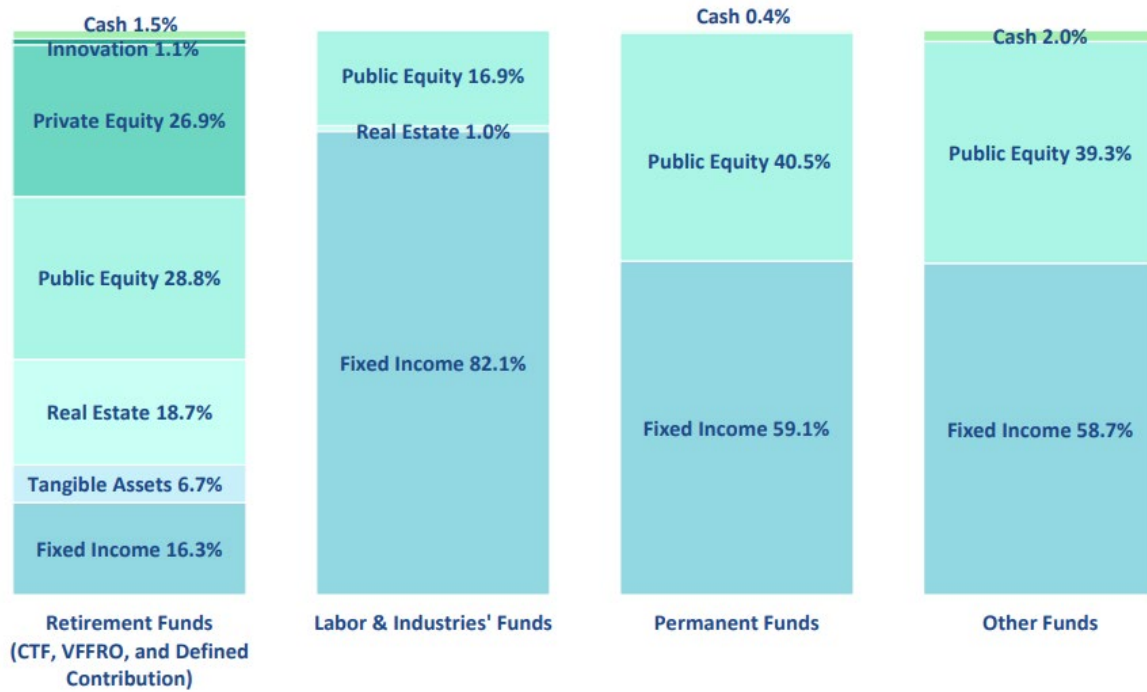
- 18 Retirement Funds
- 5 State Insurance Funds for injured workers
- 7 Permanent Funds
- 9 Other Funds

Asset Class Market Values for All Funds (\$ Billions)

Fixed Income	\$46.8
Tangible Assets	\$11.6
Real Estate	\$32.8
Public Equity	\$54.8
Private Equity	\$46.8
Innovation	\$1.9
Cash	\$2.6



Asset Class Overview for All Funds



(Figures as of December 31, 2023.)

SECTION 2: STATEMENT OF WORK

2.1 SCOPE OF SERVICES

The following services may be requested during the term of the Contracts. The list is intended as a guide for the types of services contemplated. Additional services may be requested that align with but are not specifically identified in the examples below. Offerors are not required to provide all the services requested, but the scope of services offered and the expertise and experience in providing these services will be a factor in awarding Contracts.

Research of public sources:

- Credit header reporting that provides basic identifying information, identity verification, and address histories
- Commercial employment databases
- U.S. and international corporate registry filings
- Professional license verification and disciplinary history
- Federal criminal, civil, and bankruptcy records
- State/local criminal and civil filings
- Lien and judgment records
- UCC filings
- Federal, state, local, and occupational administrative boards hearings and cases
- U.S. and international sanctions and watchlists databases
- Local, regional, national, and international news and media sources
- Social media profiles and accounts, including accounts operated by family members (where applicable)
- Social media posts referencing the subjects

Domestic and International:

- All 50 states and U.S. territories
- Worldwide

Prepare comprehensive reports:

- Scope
- Executive Summary
- Personal Identifiers and Address History
 - A review of databases identifying identity
 - A review of credit header databases containing information compiled by the three major credit reporting agencies
- Background and Professional History
- Business Affiliations and Employment History
 - A review of commercial databases, media reports, and social networking profiles.
- Educational History
- Professional Licenses
- Federal Criminal Records
- Federal Civil Filings
- U.S. Tax Court Filings
- State and Local Criminal Filings
- State and Local Civil Filings
- Bankruptcy Filings
- Lien and Judgment Filings
- Administrative Hearings and Cases
- Compliance, Enforcement, and Sanctions Filings
- Media and Internet
- Summary

2.2 SERVICES TO BE PROVIDED AND ASSIGNMENT OF WORK

Work will be assigned to a Contractor in a manner consistent with the terms of the Contracts and documented through a PWO. The scope of each PWO will depend upon the particular needs for which the WSIB requests background check services. **If awarded a Contract, Offeror will not be permitted utilize subcontractors to provide the goods and/or services subject to this RFQQ.**

SECTION 3: OFFEROR QUALIFICATIONS

3.1 MANDATORY MINIMUM QUALIFICATIONS

Proposals in response to this RFQQ must meet the minimum requirements set forth below. Offerors who do not meet the following minimum requirements, or who do not comply with the material specifications, terms and conditions of this RFQQ, shall be considered non-responsive and shall be rejected.

- The Offeror must possess the system, expertise, and capacity sufficient to provide the services detailed in Section 2, Statement of Work.

- The key professionals and organization must not have, nor could they potentially have, a material conflict with the WSIB.
- The Offeror must accept the general form of the written contract as supplied by the WSIB. The Offeror must provide a redlined version of the sample contract highlighting and explaining any issues or needed amendments to the standard language.
- The Offeror must be able to and agree to maintain as secure and confidential all information concerning the business of the WSIB, its financial affairs, relations with its clients and its employees, and any other information which may be specifically classified as confidential by the WSIB in writing.
- The Offeror must have the ability to ensure that any personal information collected, used, or acquired will be used solely for purposes of the Contract. Offeror's systems must have sufficient security to prevent the release, disclosure, publishing, transfer, or sale to unauthorized persons of personal information without the express written consent of the WSIB or as required by law. Offeror must have the demonstrated ability to implement physical, electronic, and managerial safeguards to prevent unauthorized access to personal information.
- The Offeror must have at least three (3) years of experience providing similar services as requested in Section 2, Statement of Work.

SECTION 4: GENERAL INFORMATION

4.1 DEFINITIONS

- "Apparently Successful Offerors" or "Successful Offerors" shall mean the Offerors selected by the Washington State Investment Board (WSIB) as entities qualified to perform the anticipated services.
- "Business Day" shall mean any day of the week other than Saturday, Sunday, or a holiday observed by the State of Washington or the Federal Reserve Board.
- "Contract" shall mean the Optional-Use Contract awarded to an Offeror.
- "Contractor" shall mean an operations consulting firm awarded an Optional-Use Contract through this RFQQ.
- "Executive Director" shall mean the agency employee authorized by RCW 43.33A.100, who serves as the senior executive of all WSIB staff operations.
- "Offeror" shall mean an entity intending to submit or submitting a response to obtain an Optional-Use Contract.
- "Pool" shall mean a list of qualified operations consulting firms that have been awarded an Optional-Use Contract for transition management services.
- "Response" shall mean all information submitted in reply to this RFQQ, including any additional information requested by or provided to the WSIB.
- "RFQQ" shall mean this Request for Quotes and Qualifications, any addendum or erratum thereto, or Offeror's written questions and the respective answers, and any related correspondence that is: (1) addressed to all Offerors, and (2) signed by the Executive Director, their designee, or the RFQQ Coordinator.
- "WSIB" shall mean the Washington State Investment Board, described in RCW 43.33A.020 and staff authorized by RCW 43.33A.100. It may also be referred to as "Board" or "Agency" in this RFQQ.
- Additional contract definitions are provided in Exhibit D, on page one of the Attachment A General Terms and Conditions of the Sample Contract.

4.2 COMPENSATION AND PAYMENT

There is no set level of compensation attributable under a Contract. Compensation for services under Contracts resulting from this RFQQ shall not exceed the fee schedule set forth in each Contractor's Response, which shall be incorporated into each resulting Contract. It is recognized that each assignment will vary by the nature of the work and methods required. The total compensation negotiated for a PWO shall be consistent with those fees set forth in the Contract.

4.3 EXPECTED TIME PERIOD FOR CONTRACT

The WSIB expects to execute Contracts on or about October 1, 2024.

SECTION 5: INSTRUCTIONS FOR COMPLETING AND SUBMITTING BIDS

5.1 WSIB CONTACT

The RFQQ Coordinator is the sole point of contact at the WSIB. All communications to the WSIB are to be directed in writing to Contracts@sib.wa.gov. **Contact not previously authorized by the RFQQ Coordinator with other WSIB staff or Board members regarding this procurement after issuance of this RFQQ may disqualify the Offeror.**

WASHINGTON STATE INVESTMENT BOARD
 ATTN: JAMES W. GAYTON, RFQQ Coordinator
 2100 EVERGREEN PARK DRIVE SW, P.O. BOX 40916
 OLYMPIA, WA 98504-0916
 TELEPHONE: (360) 956 - 4719
 E-MAIL: Contracts@sib.wa.gov

5.2 RFQQ QUESTIONS

Questions about the RFQQ can be sent to the RFQQ Coordinator at Contracts@sib.wa.gov on or before June 12, 2024. The WSIB will respond to all questions in writing and post responses on the WSIB website at www.sib.wa.gov, and through the Washington Electronic Business Solution (“WEBS”), for retrieval and review. Offerors are encouraged to check both locations frequently. It is incumbent on an Offeror to obtain this information once posted to ensure its Response is truly responsive.

5.3 SCHEDULE OF PROCUREMENT ACTIVITIES

The following schedule of activities must be adhered to by all Offerors:

Schedule	
Event	Date
RFQQ Instructions Posted on WSIB Website	May 1, 2024
Pre-Bid Conference	June 7, 2024, 2:30 pm Pacific Time

Microsoft Teams

Meeting ID: 247 922 544 316
 Passcode: rJ5hDX

Dial-in by phone

[+1 564-999-2000,,130854775#](tel:+15649992000) United States, Olympia
 [\(833\) 322-1218,,130854775#](tel:+18333221218) United States (Toll-free)

[Find a local number](#)

Phone conference ID: 130 854 775#

Offeror Questions Due	June 12, 2024
WSIB Answers to Offerors Questions	June 19, 2024
Responses Due	August 7, 2024, 2:00 pm Pacific Time
In-Person / Telephone / Video Interviews with Semi-Finalists (if necessary)	August 29 – September 6, 2024
Award Decision	September 16, 2024
Optional-Use Contract Begins on or about	October 1, 2024

5.4 PROCUREMENT MODIFICATION

The WSIB reserves the right to change the Schedule or modify any part of the RFQQ process by issuance of an addendum. The WSIB also reserves the right to cancel or reissue the RFQQ in whole or in part, and for any reason, at the sole discretion of the WSIB at any time prior to execution of a contract. In the event it becomes necessary to revise any part of the RFQQ, addenda will be posted on the WSIB web site and published through WEBS. Offerors are advised to check both regularly prior to the due dates.

5.5 PROCUREMENT INSTRUCTIONS

5.5.1 Submitting Responses

Please send an electronic copy of your response prior to the final due date and time listed in the schedule, to Contracts@sib.wa.gov. Earlier Responses are welcome, and any Response delivered after the deadline may be disqualified.

WSIB reserves the right to retain all Responses and accompanying documentation submitted and to use any ideas contained in Responses regardless of whether that Offeror is selected for a Contract. Responses shall become the property of WSIB when submitted and will not be returned. Submission of a Response constitutes acceptance of all conditions contained in this RFQQ, unless clearly and specifically noted in the Response and confirmed and expressly accepted in the subsequent Contract.

5.5.2 RFQQ Response and Format Requirements

All of the conditions set forth in the following sections must be included and addressed thoroughly and completely by the Offeror. Failure to do so may result in the disqualification of the Response as non-responsive.

When responding to this RFQQ, we encourage you to describe the ways in which you believe your organization's service is unique or would add particular value. Please be succinct in your answers and, if certain services cannot be provided, please so state when appropriate. Responses must include answers to all questions, comply with all requests for information to permit evaluation, and shall include bookmarks and section titles separating the following parts:

Part 1: Minimum Qualifications Compliance Certificate (Exhibit A)

Utilizing the format of Exhibit A with supplemental pages as needed, please set forth a full explanation of how each mandatory minimum qualification is met by Offeror. A conclusory assertion that a mandatory qualification is met is not sufficient. Failure to adequately describe how you meet each specified minimum qualification may result in disqualification of the Response.

Part 2: Certifications and Assurances (Exhibit B)

The Certifications and Assurances form, Exhibit B, must be signed by the president, chief executive officer, or other person with authority to legally bind the Offeror.

Part 3: General Information and Questionnaire (Exhibit C)

General Information: Complete and include the General Information and Contact Sheet attached as part of Exhibit C.

Questionnaire: Offerors should complete and include the Questionnaire attached as part of Exhibit C with all appendices. The RFQQ and exhibits are available at the WSIB website www.sib.wa.gov or through WEBS and should be downloaded for preparation of your response. Offerors are encouraged, but not required, to use the forms provided as exhibits to the RFQQ. Please note that additional sheets will be necessary to adequately respond to the Questionnaire, Exhibit C. In those instances when the form provided is not used for your Response, type and number each question as it appears in the questionnaire. If other exhibit forms attached hereto are not utilized for responding, it is nevertheless mandatory that the same format be retained when drafting your proposed approach to accomplishing the services described in this RFQQ.

All information provided in response to this RFQQ must concern the Offeror as the WSIB will not allow the use of subcontractors in the performance of any background check services. Responses that include the use of subcontractors may be disqualified as unresponsive.

5.5.3 Proof of Insurance

An Apparently Successful Offeror must, at its own expense, obtain insurance coverage which shall be maintained in full force and effect during the term of the Contract. The Apparently Successful Offeror(s) shall furnish evidence in the form of a Certificate of Insurance, and a copy shall be forwarded to the Agency within fifteen (15) days of the notification as the Apparently Successful Offeror for the following applicable insurance:

- Commercial general liability insurance
- Professional liability insurance

5.5.4 Pre-Bid Conference

The RFQQ Coordinator will host a pre-bid conference at the time set forth in Section 5.3. Attendance is not mandatory. The purpose of the pre-bid conference is to clarify the RFQQ as needed and raise any issues or concerns that potential Offerors may have. If changes to this RFQQ are required as a result of the pre-bid conference, the RFQQ Coordinator will post an amendment. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the RFQQ Coordinator.

5.6 PROPRIETARY INFORMATION

All material submitted in Response to this RFQQ shall become the property of the WSIB. Such material is subject to public disclosure requests pursuant to Washington's Public Records Act, found in chapter 42.56 RCW, as well as pursuant to rules promulgated by the WSIB, in chapter 287-02 Washington Administrative Code (WAC) and cases decided by Washington courts. The WSIB's public records policy may be viewed at: www.sib.wa.gov/boardandcommittees/policies/2_00_250.pdf

All submissions will be treated as confidential and exempt from public disclosure until the Successful Offeror(s), if any, is announced by the WSIB. Thereafter, submissions are subject to public disclosure, unless material has been properly designated as confidential and satisfies one of the exemptions from public disclosure under Washington laws.

The materials submitted by the Apparently Successful Offeror will be attached to the resulting Contract and incorporated therein. In general, unless particular material has been properly designated as confidential and exempt from public disclosure under Washington laws, such materials will be deemed subject to public disclosure requests.

In the event that an Offeror desires to claim portions of their Response as exempt from disclosure under the provisions of Washington's laws, it is incumbent upon that Offeror to clearly identify those portions which are claimed as confidential in its Response transmittal letter and to provide a "Copy for Reproduction." The transmittal letter must identify the page and particular exemption(s) from disclosure upon which Offeror is making its claim. The generally available exemptions from public disclosure are noted in the WSIB's public disclosure policy, which may be accessed at the WSIB's web site at the address noted above. Designating the entire response as confidential or proprietary information is not acceptable and will not be honored, and it may subject the Offeror's Response to being rejected for not being responsive.

The WSIB will consider all requests for exemption from disclosure; however, the agency will make a decision predicated upon RCW 42.56.210-.480 and the current WSIB Public Records Policy. In so doing, the WSIB will exercise good faith in responding to requests for public disclosure of public records, will not discriminate between persons requesting records, and will protect legitimate confidentiality interests.

If any of the specifically requested information is marked as "confidential" in the Response but in the opinion of the WSIB does not conform to any one of the enumerated exemptions from disclosure in RCW 42.56.210-.480, such information will not be made available until at least five (5) business days after the affected Offeror has been notified that the information has been requested, to permit the Offeror an opportunity to contest the public disclosure request.

Should an Offeror obtain a court order from a Washington State court of competent jurisdiction prohibiting disclosure of parts of its Response, the WSIB will comply with the court order. The burden is upon an Offeror to evaluate and anticipate its need to maintain confidentiality and to proceed accordingly.

If the affected Offeror has undertaken proceedings within the timeframe to obtain a court order restraining the WSIB from disclosure of the "confidential" information within those five (5) days, the WSIB will not disclose such information until resolution of the court proceeding. Upon failure to make application for judicial relief within the allowed period, the information will be disclosed.

It should be noted, however, that time is of the essence in this solicitation process. Although the WSIB will work in good faith to accommodate legal proceedings concerning confidential information, a delay in execution of the Contract to accommodate a petition to the courts might not be possible or might not be granted.

5.7 RECORDS RETENTION

After the date of the announcement of the Apparently Successful Offerors, the WSIB will retain all information received under this procurement in accordance with state record retention laws.

5.8 PREPARATION AND TRAVEL COSTS

Expenses for the development and submission of required information are the sole responsibility of the Offeror(s). The WSIB will not be liable for any costs associated with preparation and submission of information submitted in response to this RFQQ.

The Offeror assumes responsibility for their personnel's travel and associated costs as they relate to this RFQQ, including any interviews conducted as part of the evaluation process. These costs must be considered in the cost of the fees that will be proposed.

5.9 RESPONSE EVALUATION

5.9.1 Evaluation Process

The evaluation of each Offeror will be based upon the completeness of the Response, the appropriateness of the candidates' qualifications to meet the WSIB's requirements, approach to engagement, cost of services, quality of previous performance (if any), and any subsequently requested materials and interviews which may be used in selecting the winning Responses. Responses will be reviewed by evaluators who are representatives of the WSIB. After review of the Responses, the evaluators may select a group of Offerors for either phone or face-to-face interviews. The WSIB reserves the right to award at least one Offeror capable of performing background check services on an international basis.

Notwithstanding anything to the contrary in this RFQQ, the WSIB reserves the right, at its sole discretion, to reject, without penalty, any and all Responses received. The final selection, if any, will be the Responses which, in the opinion of the WSIB, best meet the requirements set forth in this RFQQ and are in the best interest of the WSIB and the state of Washington.

The selection will be accomplished through the following process:

- A. Initially, the WSIB will review each Response for compliance with the minimum mandatory requirements as stipulated within the RFQQ. In order to meet such minimum qualifications, Offerors must provide adequate and appropriate information with its Response such that the WSIB can reasonably form a basis for determining that Offeror meets each qualification. Offerors should demonstrate or explain how they meet the minimum qualifications beyond merely offering a summary statement that one or all requirements are met. Failure to provide adequate information, or indicating that a subcontractor will be used to provide services, may result in a determination that the Response is unresponsive, or the Offeror is not responsible, and may be rejected from further consideration. The WSIB has the right, but not the duty, to request additional information from an Offeror to make this determination.
- B. The WSIB will evaluate remaining Responses against the items shown in the "Evaluation Criteria" section.
- C. Through the Response evaluation process, the evaluators may identify a group of Offerors for further consideration (the "Finalists"), or make award decisions based the results of the evaluation described in subsection B.

Through the selection process, the WSIB reserves the right: (i) not to select any Response; (ii) to select any portions of a particular Response for further consideration; (iii) to accept a Response other than the lowest cost or highest scoring Response submitted; or (iv) to reject any and all Responses received if such action is considered by the WSIB in its sole discretion to be in the best interests of the WSIB.

5.9.2 Evaluation Criteria

The evaluators will use their independent, professional judgement to score each Response for the selection of Apparently Successful Offerors or finalists for additional interviews and reference checks with existing clients. Those criteria may include but not be limited to the following:

- Depth, breadth, and relevance of experience (e.g., years of experience performing similar services for similar Subjects on behalf of similarly situated clients as the WSIB and as described above)
- Experience, past performance, and stability of the organization as well as training and education of individuals providing these services

- Ability to provide background check services internationally
- Comprehensiveness of approach to searches and providing written reports

5.9.3 Finalist Evaluation Criteria

The WSIB may choose to conduct oral interviews for final selection of Contractors. Interviews may be conducted in person or by telephone at the WSIB’s discretion. The oral presentations will be evaluated to develop a consensus decision of the Apparently Successful Offeror(s).

Category	Points Available
Depth, Stability, and Capacity of Organization	30
Quality and Experience of Personnel	20
Background Check Services and Approach	30
Cost Proposal	20
Total	100

The final evaluation will be based on:

- The technical criteria specified in this RFQQ (e.g., depth of overall service offering in relationship to services requested, including the ability to conduct international background checks; quality, experience, and sufficiency of personnel assigned; depth and capacity of your organization; quality of existing client relationships and references; fees)
- The cohesiveness of the oral presentations (if any).
- Consistency between the oral interviews and the firm’s written bid.
- Reference checks (if any), focusing on past performance (including the WSIB’s experience, if applicable) and the firm’s ability to:
 - Perform quality and relevant consulting services
 - Provide adequate staffing to meet the current and future needs of the WSIB
 - Work well with the Board and staff.
 - Respond to special requests.
 - The firm’s responsiveness during the interview process.

5.10 ADDENDA TO THE RFQQ

In the event that it becomes necessary to revise any part of this RFQQ, an addendum or amendment in numerical sequence will be posted on the WSIB’s website.

5.11 SUBMISSION LIMIT

After submission, Offerors will not be allowed to amend the information submitted unless specifically asked to by WSIB staff.

SECTION 6: WSIB RIGHTS

6.1 INFORMATION CLARIFICATIONS/REJECTIONS

Determination of clarity and completeness in the Responses to any of the provisions in this RFQQ will be made solely by the WSIB. The WSIB reserves the right to require clarification, additional information, and materials in any form relative to any or all of the provisions or conditions of this RFQQ.

The WSIB reserves the right to reject any or all Responses at any time prior to the execution of a Contract acceptable to the WSIB, without any penalty to the WSIB.

6.2 CONTRACT AWARD

The WSIB intends to award one or more Contracts to the Apparently Successful Offeror(s) with the best combination of attributes based on the evaluation criteria described in this RFQQ.

The WSIB reserves the right to make an award without further discussion of the Response submitted. Therefore, the Response should be submitted initially on the most favorable terms which the Offeror can propose. There will be no best and final offer procedure. The WSIB does reserve the right to contact an Offeror for clarification of its Response.

The Offeror should be prepared to accept this RFQQ for incorporation into a Contract resulting from this RFQQ. Contract negotiations may incorporate some or all of the Offeror's Response. It is understood that the Response will become a part of the official procurement file on this matter without obligation to the WSIB.

Should the WSIB fail to negotiate a Contract with an Apparently Successful Offeror, the WSIB reserves the right to negotiate and contract with the next most qualified Offeror.

6.3 PUBLICITY

No informational pamphlets, notices, press releases, research reports, and/or similar public notices concerning this project may be released by the Apparently Successful Offerors without obtaining prior written approval from the WSIB.

6.4 WAIVERS

The WSIB reserves the right to waive specific terms and conditions contained in this RFQQ.

It shall be understood by Offerors that the information provided is predicated upon acceptance of all terms and conditions contained in this RFQQ unless the Offeror has obtained such a waiver, in writing, from the WSIB prior to submission of any requested information. Any waiver, if granted, will be granted to all Offerors.

SECTION 7: MISCELLANEOUS TERMS AND CONDITIONS

7.1 SUCCESSFUL OFFEROR NOTIFICATION

On or about the date specified in Section 5.3, "Schedule of Procurement Activities," of this RFQQ, the WSIB will communicate whether the Offeror was selected as an "Apparently Successful Offeror" in accordance with the procedures specified in this RFQQ.

7.2 RIGHT TO PROTEST, DETERMINATION OF TIMELINESS, AND PROTEST PROCEDURES

Any Offeror who submitted a Response who believes it is aggrieved in connection with the procurement or award of a contract may protest, in writing, to the WSIB.

Offerors protesting this RFQQ or award shall follow the procedures described herein. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Offerors under this procurement.

All protests must be in writing and signed by the protesting party or an authorized agent. The protest must state all facts and arguments on which the protesting party is relying. All protests shall be addressed to the the RFQQ Coordinator.

7.2.1 Contents of Protest

The written protest shall include, at a minimum, the following:

- The name and address of the protester
- The appropriate identification of the procurement.
- A statement of reason(s) for the protest.
- Any supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case a descriptive title of the document and its expected availability date shall be indicated.

If a protest may affect the interest of any Offeror(s), such Offeror(s) will be given an opportunity to submit its view and any relevant information on the protest to the WSIB Contracts Office.

7.2.2 Types of Protest

- Protests regarding the RFQQ documents or processes must be received by the WSIB Contracts Office no later than 3:00 p.m., Pacific Standard Time five (5) business days prior to the date Responses are due. Filing of such a protest does not entitle the protesting party to an extension of time for submitting its Response. Such protests must be based only on any of the following:
 - This RFQQ unnecessarily restricts competition;
 - This RFQQ's evaluation or scoring process is unfair or flawed; or
 - This RFQQ's requirements are inadequate or insufficient to prepare a response.
- If the protest is for rejection of an Offerors' submitted Response, the protest must be received by the WSIB Contracts Office no later than 3:00 p.m., Pacific Standard Time on the fifth business day following Offeror's receipt of the notice of rejection, whether oral or written, or the announcement of the Apparently Successful Offeror(s), whichever occurs first. Only those who are eligible to submit a Response under the criteria established for the particular procurement involved may protest the rejection of submitted information.
- If the protest is regarding the award of a contract to an Apparently Successful Offeror under this RFQQ, the protest must be received by the WSIB Contracts Office no later than 3:00 p.m., Pacific Standard Time on the fifth business day following the date of the notification of Apparently Successful Offeror letter, outlined in Section 7.2 of this RFQQ. Only those who have submitted a valid bid under the criteria established for this RFQQ may protest the award of a contract. Such protests must be based only on any of the following:
 - A matter of bias, discrimination, or conflict of interest on the part of an evaluator;
 - Errors in computing the scores; or
 - Non-compliance with procedures described in this RFQQ or applicable state policy requirements.

Upon receipt of a protest, a protest officer will be appointed by the WSIB. The protest officer will be a neutral party who had no involvement in the evaluation and award process to investigate and respond to the protest. This is not a review of Responses submitted. The review is to ensure agency policy and procedures were followed, all requirements were met, and all Offerors were treated equally and fairly.

The protest officer will consider the record and all facts available and issue a decision within five (5) business days of receipt of the protest unless additional time is required. In which case, the protesting party will be notified of the delay. The decision of the protest officer will be final and conclusive.

7.3 DEBRIEFING OF UNSUCCESSFUL OFFERORS

Unsuccessful Offerors will be afforded a debriefing conference upon request. The request for a debriefing conference must be received by the RFQQ Coordinator within three (3) business days after emailing by WSIB of a notification to the

unsuccessful Offerors. Discussion will be limited to a critique of the requesting Offeror's Response. Comparisons between Responses or evaluations of the other Offeror's Responses will not be allowed. Debriefing conferences may be conducted in person or by telephone/video conference and will be scheduled for a maximum of thirty (30) minutes. The debriefing conference must be held within thirty (30) days after mailing by the WSIB of notification to the unsuccessful Offerors.

7.4 STAY OF CONTRACT EXECUTION DURING PROTESTS

In the event of a timely protest, the WSIB may proceed further with the process but shall not execute any Contract unless the protest is decided or until the Executive Director or a designee makes a written determination that the award of the Contract without delay is necessary to protect substantial interests of the WSIB.

7.5 MINORITY & WOMEN-OWNED BUSINESS PARTICIPATION

In accordance with the legislative findings and policies set forth in chapter 39.19 RCW, the state of Washington encourages participation in all of its contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). However, no preference will be included in the evaluation of Responses, no minimum level of MWBE participation shall be required as a condition for receiving an award and Responses will not be rejected or considered non-responsive on that basis. Any affirmative action requirements set forth in federal regulations or statutes included or referenced in the contract documents will apply.

7.6 GENERAL CONTRACT TERMS AND CONDITIONS

A contract may result between WSIB and the successful Offeror(s) from this procurement process. Exhibit D of this RFQQ contains the special and general terms and conditions that shall be agreed to.

Unless otherwise noted, the submission of a Response constitutes acceptance by the Offeror of the special and general terms and conditions.

The WSIB's intent is to have the sample contract accepted as presented without material changes. It is strongly recommended that your firm's legal counsel review the attached contract. If an Offeror is unwilling or unable to accept the terms of the contract set forth, a markup in a Microsoft Word format must be attached to your Certifications and Assurances (Exhibit B). The WSIB reserves the right at its sole discretion to approve or disapprove changes to the contract.