

REQUEST FOR QUALIFICATIONS AND QUOTATIONS (RFQQ) FOR WORKFORCE EQUITY ASSESSMENT



RFQQ #25-02
OCTOBER 28, 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 of the 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 (the “WSIB”), a public institutional investor, seeks a contract with a consultant to measure our efforts towards fostering a workplace environment founded on the principles of equity. Our goal is to ensure that every member of our agency is treated fairly, with equal access to opportunities, resources, and advancement, regardless of individual identity, background, or societal barriers. Achieving workplace equity demands intentional design and implementation within our policies, procedures, and initiatives. We seek a measurable review of our work to establish a baseline for future development.

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

1.2 PURPOSE

The WSIB is issuing this RFQQ and awarding a contract to a qualified firm (the “Contractor”) to measure our efforts to foster a workplace environment founded on equity principles.

Firms intending to reply should have (i) experience developing comprehensive diversity, equity, inclusion, and belonging (“DEIB”) strategies within organizations; (ii) experience providing a review of ongoing DEIB strategies, policies, plans, and procedures; and (iii) experience conducting organizational climate assessments to measure inclusion in a hybrid work environment.

1.3 OVERVIEW OF THE ORGANIZATION

The WSIB is a Washington State agency created by the 1981 Washington State legislature.

The WSIB performs “all duties with respect to the investment of public trust and retirement funds” unless otherwise prescribed by law (RCW 43.33A.010). Led by an independent 15-member board, as described in RCW 43.33A.020, the WSIB is also governed by general statutes and rules established for all Washington State agencies, officials, and employees in performing their public duties. Ten voting members and five non-voting members comprise the Board.

The WSIB is organized like most investment management organizations, with a board and executive committee providing enterprise leadership. Distinct teams offer investment management, research and asset allocation, financial accounting and administration, legal services, and risk oversight.

The WSIB conducts its investment activities per applicable Washington State laws and with investment policies and procedures designed to maximize returns at a prudent level of risk, and exclusively in and for the sole interests of the funds’ stakeholders and beneficiaries.

The WSIB manages investments for 18 separate pension plans for public employees, teachers, school employees, law enforcement officers, firefighters, and judges. The defined benefit retirement funds are invested through the Retirement Commingled Trust Fund (CTF), unitized, valued, and priced monthly. The primary asset classes in the CTF are public equity, fixed income, private equity, real estate, and tangible assets. In addition, an overlay program is set up to invest in futures and other derivatives.

Other fund types managed by the WSIB include:

- Washington State Department of Labor and Industries (LNI) Industrial Insurance Funds
- Permanent Funds for the state of Washington
- Developmental Disabilities Endowment Trust (DDEF)
- Guaranteed Education Tuition (GET) Program
- Washington State Opportunities Scholarship (WSOS)
- Deferred Compensation Plan (DCP) funds and providing investment options for program participants

To inform your response and aid in preparing your answers to the questionnaire, please visit the WSIB website at www.sib.wa.gov. The most recent reports on the WSIB's activities are at [WSIB Reports \(wa.gov\)](http://www.sib.wa.gov).

SECTION 2: STATEMENT OF WORK

2.1 SCOPE OF WORK: WORKFORCE EQUITY ASSESSMENT

The Contractor will provide feedback on the WSIB's DEIB strategy design and outcomes, review organizational policies, plans, and processes for DEIB effectiveness, and conduct organizational climate surveys focusing on equity in a hybrid environment.

2.1.1 WSIB DEIB Workforce Data Identification and Assessment

The Contractor will be expected to:

- Leverage the WSIB Diversity Metrics Dashboard to analyze workforce data to identify disparities or patterns of inequality in areas such as representation, hiring, compensation, and retention.
- Conduct stakeholder interviews and surveys with employees at all levels of the organization to gather insights and perspectives on their experience with equity and inclusion. Engage with leadership, managers, HR personnel, and other stakeholders to understand their perspectives on equity-related issues and initiatives within the agency.
- Administer equity assessments to evaluate the overall organizational agency climate and culture regarding equity, inclusion, and diversity. Assess such factors as psychological safety, belonging, and perceptions of fairness and equity among employees.
- Administer implicit bias assessments to assess the presence and impact of implicit bias within the organization's decision-making processes, including recruitment, performance evaluation, and promotions. Identify strategies and interventions to mitigate the influence of implicit biases on agency practices and outcomes.
- Review existing policies, procedures, and practices related to recruitment, hiring, promotion, performance evaluation, compensation, and professional development.

2.1.2 Benchmarking and Recommendations

The Contractor will also be expected to:

- Conduct benchmarking research to compare the WSIB's equity practices and outcomes with public pensions, finance, and investing industry norms and best practices. Identify leading practices and successful strategies other organizations employ to promote equity and inclusion in the workplace.
- Synthesize the assessment's findings to develop actionable recommendations and strategies for promoting equity and inclusion within the WSIB. Consult leaders and stakeholders to develop an action plan for implementing recommend changes and initiatives.

SECTION 3: OFFEROR QUALIFICATIONS

3.1 MANDATORY MINIMUM QUALIFICATIONS

Unless otherwise specified, as of the final date for response submission, Offerors must meet all of the mandatory minimum qualifications outlined below to be considered responsive to this RFQQ. Offerors who do not meet the following minimum requirements or who do not comply with the material specifications, terms, and conditions of this RFQQ may be considered non-responsive and may be rejected. All relevant work experience cited must be within the past five (5) years.

- Experience with Workforce Data Analysis: Demonstrated experience in analyzing workforce data, specifically using diversity metrics dashboards, to identify disparities and patterns of inequality in areas such as representation, hiring, compensation, and retention.
- Expertise in Equity and Inclusion Assessments: Proven expertise in conducting equity climate assessments, implicit bias assessments, and evaluating organizational policies and procedures related to equity, inclusion, and diversity, focusing on psychological safety, belonging, and perceptions of fairness.
- Experience in Stakeholder Engagement: Extensive experience conducting stakeholder interviews and surveys across various organizational levels, including leadership and HR personnel, to gather insights and perspectives on equity-related issues and initiatives.

3.2 DESIRABLE OFFEROR QUALIFICATIONS

Additional qualifications that the WSIB seeks from Offerors include but are not limited to those listed below. In responding to the scored elements of this RFQQ, Offerors should address how they and their proposed staff meet these qualifications.

- Knowledge of Benchmarking Best Practices: Strong understanding of industry norms and best practices for equity and inclusion, with experience conducting benchmarking research to compare an organization's practices and outcomes with those of leading organizations.
- Ability to Develop Actionable Recommendations: Demonstrated ability to synthesize findings from assessments and benchmarking research into actionable recommendations and strategies, including developing and consulting on action plans for implementing equity and inclusion initiatives.
- Experience in Policy and Procedure Review: Experience reviewing and assessing organizational policies, procedures, and practices related to recruitment, hiring, promotion, performance evaluation, compensation, and professional development, focusing on identifying and addressing equity gaps.

SECTION 4: GENERAL INFORMATION

4.1 DEFINITIONS

- **"Apparently Successful Offeror" or "ASO"** means the Offeror selected by the Washington State Investment Board (WSIB) as entities qualified to perform the anticipated services.
- **"Contract"** means the written agreement entered into by the WSIB and the Contractor to perform the services described in this RFQQ and the Contractor's Response pursuant to terms and conditions mutually negotiated by the parties.
- **"Contractor"** means a firm who enters into a contract through this RFQQ.
- **"Offeror"** means a person or entity intending to submit or submitting a response for the project.
- **"Response"** means all information submitted in response to this procurement, to include, questions, references, and requested additional information to ensure required screening and evaluation is conducted.

4.2 COMPENSATION AND PAYMENT

The fee schedule for the duration of this contract shall be fixed by negotiation from the fees set forth in the Offeror's Response. Once the Apparently Successful Offeror is selected, the fees may be negotiated further depending on the services described in the Response and the needs of the WSIB. In no event shall the fees exceed those set forth in the Offeror's Response, nor shall total compensation paid exceed the total amount of compensation described in the Contract (if any). The Offeror's fee must be guaranteed for the entire possible duration of the initial period of the Contract.

4.3 RFQQ EXPECTED TIME PERIOD FOR CONTRACT

The period of any contract resulting from this RFQQ is scheduled to begin on or about March 3, 2025, and be in effect through February 27, 2026.

SECTION 5: INSTRUCTIONS FOR COMPLETING AND SUBMITTING RESPONSES

5.1 WSIB CONTACT

The RFQQ Coordinator is the sole point of contact for this procurement action.

Throughout the procurement process, all communications are to be directed in writing to the contact listed below.

WASHINGTON STATE INVESTMENT BOARD
2100 EVERGREEN PARK SW, P.O. BOX 40916
OLYMPIA, WA 98504 0916
ATTN: JAMES GAYTON, RFQQ COORDINATOR
TELEPHONE: (360) 704-8915
E-MAIL: contracts@sib.wa.gov

NOTE: After the issuance of this RFQQ, contact with other WSIB staff or Board members not previously authorized by the RFQQ Coordinator regarding this procurement may disqualify the Offeror.

5.2 OFFEROR QUESTIONS

All questions received by the below due date will be responded to in writing and posted to the WSIB Jobs & Searches page at [Jobs and Searches \(wa.gov\)](https://www.wa.gov/jobs-and-searches) for retrieval and review. Offerors are encouraged to check the website frequently for updates to this posting. It is incumbent on Offerors to obtain this information once posted to ensure their Response is responsive.

5.3 SCHEDULE OF PROCUREMENT ACTIVITIES

The following schedule of activities must be adhered to by all offerors.

EVENT	DATE
PUBLISH RFQQ	10/28/2024
QUESTIONS DUE	11/1/2024 at 5:00 pm Pacific Time
WSIB ANSWERS TO WRITTEN QUESTIONS POSTED TO THE WSIB WEBSITE	11/8/2024
RESPONSES DUE	11/15/2024 at 3:00 pm Pacific Time
NOTIFICATION OF FINALISTS BY THE WSIB	12/20/2024
INTERVIEWS (IF REQUIRED BY THE WSIB)	1/21/2025 – 1/31/2025
CONTRACT NEGOTIATIONS WITH FINALISTS	2/3/2025 – 2/13/2025
ANNOUNCEMENT OF APPARENTLY SUCCESSFUL OFFEROR	2/20/2025
CONTRACT BEGINS	3/3/2025

5.4 PROCUREMENT MODIFICATION

The WSIB reserves the right to change the Schedule or modify any part of the process, prior to the date fixed for submission of Responses, by issuance of an addendum to this RFQQ. 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 website. Offerors are advised to check the site regularly.

5.5 PROCUREMENT INSTRUCTIONS

5.5.1 Submitting Responses

Please send an electronic copy of your Response to contracts@sib.wa.gov. The Response should be clearly labeled with the firm’s name and “RFQQ 25-02 Workforce Equity Assessment.” Please include the full version of the complete Response marked as “Master Copy.” The Response should be in Adobe Portable Document format (.pdf) with an available text layer (i.e., not flattened into an image). Please do not submit Responses as an Adobe portfolio or in any locked format.

The completed electronic version of an Offeror’s Response must be delivered by the date and time listed in the schedule above. Earlier Responses are welcome, but any delivered after the deadline will not be considered. If multiple Responses are submitted without clear instruction from the Offeror, the WSIB will consider the last received in time.

5.5.2 Offeror Confidential Information

If a Response contains information the Offeror considers confidential and proprietary, please mark it as such and include a second electronic version of the Response labeled “Copy for Reproduction” with the confidential portions redacted or omitted. Delete only sections or passages of “confidential” information, not the entire page, unless the entire page can be deemed “confidential.”

This electronic version will be used as the basis of a response to any Public Records Requests made for a copy of such Response. Where sections of confidential information have been deleted in this electronic version, insert this parenthetical text: “(CONFIDENTIAL INFORMATION REMOVED)” in at least 24-point bold-faced type. Please secure this

electronic version of the “Copy for Reproduction” in a manner that will still allow the WSIB to copy the protected electronic file onto its servers but will not allow editing of the information nor allow access to redacted materials or information. In addition to the “Copy for Reproduction,” please identify those portions that are claimed as confidential in a Summary Letter pursuant to section 5.5.3, below. Those Responses not marked “Confidential” are subject to full disclosure under the Washington State Public Records laws, as will be any Responses marked “Confidential” in their entirety. For more complete information on the treatment of public records and confidential information, please see Section 5.6.

The WSIB reserves the right to retain all Responses and accompanying documentation submitted and to use any ideas contained in Responses regardless of whether that Response is selected for award. Responses retained shall become the property of the WSIB 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 submitted and confirmed and expressly accepted in the subsequent contract between the firm and WSIB.

5.5.3 Information and Format Requirements

All of the conditions set forth in this section must be included and addressed thoroughly and completely by the Offeror before the WSIB will accept a Response to this RFQQ. The RFQQ and exhibits are available at the WSIB website, www.sib.wa.gov, 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. If other exhibit forms attached hereto are not utilized for responding, it is nevertheless mandatory that the same format be retained when drafting Offeror’s proposed approach to accomplishing the services to be provided in Section 2: Statement of Work in this RFQQ.

Offerors are encouraged to describe the ways in which its service is unique or would add particular value to the WSIB. Please be succinct in the Response and, if certain services described in this RFQQ cannot be provided, please so state when appropriate. Responses must (i) include answers to all questions, (ii) comply with all requests for information to permit full and fair evaluation, and (iii) be separated into the following parts:

SECTION 1: Summary Letter

Please provide a stand-alone summary letter of the contents of the Offeror’s Response including all the subsection topics set forth therein. Please identify the portions of the Response claimed as confidential. DO NOT structure it in the format of a reference to sections of your firm’s overall response.

SECTION 2: General Information

Complete and include the General Information and Contact Sheet attached as part of Exhibit “A” by providing the following information:

- Name, mailing address, phone number, and fax number of legal entity with whom the contract is to be written.
- Name, mailing address, phone number, fax number, and email address of at least primary contact for purposes of the administration of this RFQQ.
- Name, mailing address, and phone number(s) of principal officer(s) of the Offeror.
- Legal status of Offeror (e.g., sole proprietorship, partnership, corporation, etc.).
- Federal employer identification number.
- Washington State Department of Revenue Registration Number (UBI number) if available.
- The location of the facilities from which the Offeror will primarily provide services under any Contract.

SECTION 3: Offeror Certifications and Assurances

The Certifications and Assurances form, Exhibit “B,” must be signed by someone who can legally bind the organization, and included in the Offeror’s Response.

SECTION 4: Questionnaire

Offerors should complete and include the Questionnaire attached as part of Exhibit “A” with all appendices.

Please note that additional sheets may be necessary to adequately respond to the Questionnaire. If an Offeror chooses not to use the Questionnaire form provided with this RFQQ, please type and number each question as it appears in the Questionnaire.

SECTION 5: References

Please provide a listing of relevant references utilizing Exhibit “A”, who contracted with the Offeror for services similar in scope and purpose as that sought by the WSIB. Include a description of work performed, company name and address, contact person, phone number and duration of project. A minimum of five (5) references should be provided.

SECTION 6: Proof of Insurance

Once selected for a Contract, 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 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:

- Professional Liability Insurance
- Auto Insurance (if there is any automotive travel expected by the Offeror in performing the requested services)
- Commercial General Liability

A Contract will not be executed until verification of acceptable insurance coverage as set forth in the template contract have been verified.

SECTION 7: Proposed Fees

The compensation for providing services and advice under this RFQQ shall be subject to negotiation based on the Offeror’s Response. Other expenses shall be affixed to the proposed fees accordingly.

The fee proposed must provide the information, and be completed in the format, set forth in Exhibit “A.” The services detailed in the “Services to be Provided” section and the questionnaire of this RFQQ must be used to form the basis for the proposed fee. Front loading of fees is not permitted. In no case will fees for the contract be higher than the fee contained in the response.

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 Records requests pursuant to Washington’s Public Records Act (PRA), 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:
https://www.sib.wa.gov/docs/policies/2_00_250.pdf

All materials submitted will be treated as confidential and exempt from disclosure until the successful Offeror(s) resulting from this RFQQ, if any, is announced by the WSIB. Thereafter, those materials are subject to disclosure unless it

has been properly designated as confidential, and such material is exempt from disclosure under Washington laws. In general, unless particular material has been properly designated as confidential and exempt from disclosure under Washington laws, such materials will be deemed public records and subject to public records requests.

In the event that an Offeror seeks to designate portions of its response as exempt from disclosure under the provisions of Washington's laws, as noted, it is incumbent upon that Offeror to clearly identify those portions which are claimed as confidential (for example, listing specific sections in a letter or spreadsheet). The generally available exemptions from disclosure are noted in the WSIB's public records policy. In addition, each page claimed to be exempt must be specifically and clearly identified by the word "CONFIDENTIAL" printed on the page. **Designating the entire Response as confidential or proprietary information is not acceptable and will not be honored and may subject the Offeror's Response to being rejected for not being responsive.**

WSIB will consider all requests for exemption from disclosure; however, the agency will make a decision predicated upon RCW 42.56.040 - .570 and the current WSIB Public Records Policy. In so doing, WSIB will exercise good faith in responding to requests for disclosure of public records, will not discriminate between persons requesting records, and will protect legitimate and legally defensible 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 Chapter 42.56 RCW, such information will not be made available until three (3) business days after the affected Offeror has been notified that the information has been requested, to permit the Offeror an opportunity to contest the release of records sought in the Public Records request by seeking an injunction (court order).

Should an Offeror obtain a court order from a Washington State court of competent jurisdiction prohibiting disclosure of parts of its materials prior to the execution of the Contract, 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 three (3) days, the WSIB will not disclose such information until resolution of the court proceeding. Upon failure to make an application for judicial relief within the allowed period and providing proper notice thereof, 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 Offeror, the WSIB will retain all products of information received under this procurement in accordance with Washington 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. 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. 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 review of Responses will be based upon the completeness of the Response, the appropriateness of the Offeror’s qualifications to meet the WSIB’s anticipated needs, cost of services, quality of previous performance, and any subsequently requested materials. Responses will be reviewed by an evaluation team for the purpose of selecting finalist(s).

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 Offeror, which, in the opinion of the WSIB, best meets the requirements set forth in the RFQQ and is in the best interest of the WSIB, and may not be either the highest scoring or lowest cost Response.

The selection will be accomplished through the following process:

- Initially, the evaluation team will review each Response for compliance with minimum RFQQ mandatory requirements for responsiveness. Non-responsive Responses will be rejected from further consideration. The WSIB will make the final determination on all such rejections.
- Those Responses meeting the mandatory minimum qualifications will then be evaluated by the evaluation team against the items shown in the “Evaluation Criteria” section, assigning a numeric score for each of the criteria. The resulting scores will establish the evaluation ranking determining finalists.
- WSIB seeks to retain the highest quality organization to provide these consulting services in an open, fair, and competitive process. Through the selection process, the WSIB reserves its sole discretion in awarding a contract. The WSIB reserves the right at its sole discretion: (i) not to select any Response and to reject, without penalty, any and all Responses received; (ii) to select any portions of a particular Response for further consideration; (iii) to award a Response other than the lowest cost Response submitted; or (iv) to award a Response other than the highest scoring or ranking Response submitted.

5.9.2 Evaluation Criteria

The following criteria and relative values will be used by the evaluation committee to evaluate each written response for the selection of finalists:

Criteria	Total Points
Overall approach	30
Past experience of the Offeror providing similar services	20
Work plan	20
Cost	20
Registered as a small or veteran-owned business	10

In addition, pursuant to RCW 39.26.160(3) and consistent with Executive Order 18-03, the WSIB will evaluate Responses for Offerors who certify, pursuant to the certification included in this RFQQ, 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. Offerors that do require their employees, as a condition of employment, to sign or agree to

mandatory individual arbitration clauses or class or collective action waiver will not be disqualified from evaluation of this RFP.

5.10 ADDENDA TO THE RFQQ

In the event that it becomes necessary to revise any part of this RFQQ, an addendum or amendment will be provided to all offerors who have indicated an intention to submit a response and posted on the WSIB solicitations page found at: [Jobs & Searches \(wa.gov\)](https://www.wa.gov/jobs-searches).

5.11 SUBMISSION LIMIT

After the due date and time for Responses, Offerors will not be allowed to amend their Response unless specifically asked to by the RFQQ Coordinator or their designee.

SECTION 6: WSIB RIGHTS

6.1 INFORMATION CLARIFICATION/REJECTIONS

Determination of clarity and completeness in the information requested under this procurement 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.

6.2 CONTRACT AWARD

The State intends to award a contract to the Offeror with the best combination of attributes based on the evaluation criteria listed in this RFQQ.

The State reserves the right to make an award without further discussion of the Responses submitted. Therefore, the Response should be submitted initially on the most favorable terms which the Offeror can propose.

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 the Apparently Successful Offeror, the WSIB reserves the right to negotiate and contract with the next most qualified Offeror. The WSIB also reserves the right to contract with more than one Offeror.

6.3 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 procurement 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, an email indicating whether or not the Offeror was selected as the Apparently Successful Offeror will be sent to each Offeror in accordance with the procedures specified in this procurement.

7.2 COMPLAINTS

This RFQQ offers a complaint period for Offerors wishing to voice objections to the process described herein. The complaint period ends five (5) business days before the Response due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes. Failure by an Offeror to raise a complaint at this stage shall waive its right to raise the objection for later consideration. The WSIB will consider complaints but is not required to modify or cancel the RFQQ. If complaints result in changes to the RFQQ, written amendments will be issued and posted as described above.

A complaint may be based only on one or more of the following grounds:

- The RFQQ unnecessarily restricts competition;
- The RFQQ evaluation or scoring process is unfair or flawed; or
- The RFQQ requirements are inadequate or insufficient to prepare a response.

A complaint must:

- Be submitted to and received by the RFQQ Coordinator no less than five (5) business days prior to the deadline for bid submittal; and
- Be in writing.

A complaint should clearly articulate the basis of the complaint and include a proposed remedy.

When a complaint is received, the RFQQ Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for Responses, unless more time is needed. The WSIB is required to promptly post the response to a complaint.

The RFQQ 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 described below. Furthermore, any issue, exception, addition, or omission not brought to the attention of the RFQQ Coordinator prior to bid submittal shall be deemed waived for protest purposes.

7.3 SUCCESSFUL OFFEROR NOTIFICATION

On or about the date specified in Section 5.3, an email indicating whether or not the Offeror was selected as the Apparently Successful Offeror will be sent to each Offeror in accordance with the procedures specified in this procurement.

7.4 DEBRIEFING OF UNSUCCESSFUL OFFERORS

Any Offeror who has submitted a Response and been notified that they were not selected as an Apparently Successful Offeror may request a debriefing. The request for a debriefing conference must be received by the RFQQ Coordinator within three (3) business days after such notice.

Discussion at the debriefing conference will be limited to the following:

- Evaluation and scoring of the Offeror's Response, and
- Critique of the requesting Offeror's Response based on the evaluation.

Comparisons between Responses or evaluations of the other Responses will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of thirty minutes.

7.5 PROTEST PROCEDURE

Protests may be made only by Offerors who submitted a Response to this RFQQ and participated in a debriefing conference. Upon completing the debriefing conference, an Offeror is allowed five (5) business days to file a protest of the results with the RFQQ Coordinator. Protests may be submitted by e-mail.

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

All protests must be in writing, addressed to the RFQQ Coordinator, and signed by the protesting party or an authorized agent. The protest must state the RFQQ number, the grounds for the protest with specific facts, and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included.

Only protests stipulating an issue of fact concerning the following subjects shall be considered:

- A matter of bias, discrimination or conflict of interest on the part of an evaluator
- Errors in computing the score
- Non-compliance with procedures described in the RFQQ

Upon receipt of a protest, the RFQQ Coordinator will forward it to a WSIB Protest Officer, who will be an employee delegated who was not involved in the solicitation. The Protest Officer will consider the record and all available facts and issue a decision within five (5) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may affect the interest of another Offeror that also submitted a Response, such other Offeror will be given an opportunity to submit its views and any relevant information on the protest to the RFQQ Coordinator.

The final determination of the protest shall:

- Find the protest lacking in merit and uphold the WSIB's action; or
- Find only technical or harmless errors in the WSIB's process and determine the WSIB to be in substantial compliance and reject the protest; or
- Find merit in the protest and provide the WSIB options, which may include:
 - Correct the errors and re-evaluate all Responses, and/or
 - Reissue the RFQQ and begin a new process, or
 - Make other findings and determine other courses of action as appropriate.

If the WSIB determines that the protest is without merit, the WSIB will enter into a contract with the Apparent Successful Offeror. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

7.6 STAY OF CONTRACT EXECUTION DURING PROTESTS

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

7.7 ENTITLEMENT TO COSTS

In addition to any other relief, when a protest is sustained and the protesting Offeror should have been awarded the contract under the procurement but is not, then (except if the protesting Offeror is found to be substantially at fault) the protesting Offeror shall be entitled to its reasonable submission preparation costs, but not attorneys' fees or anticipated profits.

7.8 MINORITY & WOMEN-OWNED BUSINESS PARTICIPATION

In accordance with the legislative findings and policies set forth in Chapter 39.19 RCW, and WSIB Policy 4.60.300, the State encourages participation in all of its contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). Participation may be either on a direct basis in response to this solicitation or on a subcontractor basis. 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 nor 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.