



# Washington State Gambling Commission

Competitive solicitation number: R2503

## Project title

Executive Recruiter

## Initial performance period

About September 1, 2024 through December 31, 2024.

## Pre-proposal conference call

July 30, 2024. Email by July 29, 2024 to receive a link to the conference. See [Section 4.1](#) for details.

## Deadline for submitting proposals

11:59 pm August 12, 2024

## Introduction and background

*Throughout this document, words or phrases appear in bolded small capital letters to indicate they are defined in section 1.5, Definitions.*

The Washington State Gambling Commission (GMB) is issuing this competitive solicitation pursuant to Revised Code of Washington (RCW) 39.26, Procurement of Goods and Services. GMB is conducting this competitive procurement with the intent to award a contract for executive level recruitment services, estimated to be valued of \$150,000.00 or less.

Because it is estimated to be \$150,000.00 or less, 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 **VETERAN-OWNED BUSINESS**, unless none of these businesses are responsible and responsive to this solicitation.

The successful bidder selected for this engagement will provide executive search (“recruiter”) services for GMB.

This Solicitation is divided into six (6) sections:

- **Section 1** provides a summary table of relevant deadlines for responding to the solicitation and identifies contact information for GMB’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 GMB 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 GMB efforts to enable Washington’s small and diverse businesses to compete for and participate in state procurements for services.

In addition, this Solicitation includes the following Exhibits:

- Exhibit A – Bidder certification
- Exhibit B – Bidder profile
- Exhibit C – Scope of work
- Exhibit D – Work requirements
- Exhibit E – Cost submittal
- Exhibit F – Non-cost submittals
- Exhibit G – Contract form
- Exhibit H – Bidder’s contract issues list
- Exhibit I – Subcontractor inclusion plan

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**“Contract”** means a contractual document incorporated by reference to this solicitation and executed between an eligible purchaser and an entity. Each contract shall be the result of a competitive solicitation. A contract generally contains project objectives, description of work, timeline and period of performance, compensation and payment, entity responsibilities, purchaser responsibilities, special terms and conditions, signature block, etc., and incorporates this solicitation by reference.

**“Electronic signature”** means an electronic process that includes verification of signer identity, including, but not limited to, AdobeSign or DocuSign. Typing or inserting a name without a verification process is not accepted as an electronic signature.

**“GMB”** means the Washington State Gambling Commission, any division, section, office, unit or other entity of the agency or any of the officers or other officials lawfully representing the agency.

**“Notification List”** means a list within WEBS which is categorized by technical service category for state purchasers to use for notification purposes when they seek competitive bids or proposals. An entity must first register in WEBS and complete this agreement in order to be added to any notification list.

**“Contractor”** means the individual or entity selected as the entity to perform the anticipated services that has completed full execution of a contract.

**“Purchaser”** means the authorized user of the program who may or actually does make purchases of material, supplies, services, and/or equipment under the resulting Work Order. Includes any Washington state agency and any authorized party to the [Master Contracts Usage Agreement \(MCUA\)](#). Includes institutions of higher education, boards, commissions, nonprofit corporations and political subdivisions such as counties, cities, school districts, or public utility districts.

**“Solicitation”** means the process of notifying prospective bidders of a request for competitive bids or proposals. Also includes reference to the actual documents used for that process, along with all amendments or revisions thereto.

**“Small business”** means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity that:

- a) Certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either:
  - i. Fifty or fewer employees; or
  - ii. A gross revenue of less than \$7,000,000 annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or
- b) Is certified with the Office of Women and Minority Business Enterprises (OMWBE) under chapter 39.19 RCW.

**“Vendor”** see Bidder.

**“Veteran-owned business”** means an in-state business that has certified its Veteran-Owned business status in WEBS, is certified by Washington Department of Veterans’ Affairs (WDVA) and listed on their website, and is at least fifty-one percent (51%) owned and controlled by one or more of the following:

- i. A veteran as defined as every person who at the time they seek certification has received a qualifying discharge as defined in RCW 73.04.005 and who has served in at least one of the capacities listed in RCW 41.04.007;
- ii. A person who is in receipt of disability compensation or pension from the department of veterans affairs; or
- iii. An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

**“Washington’s Electronic Business Solution or WEBS”** means DES’s web-based solicitation notification system.

**“You/Your”** means the entity responding to this work request and includes all of its officers and employees.

## 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 quality assurance provider services. Pursuant to Washington state's law for Procurement of Goods and Services, RCW 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 Contract

The form of the contract that will be awarded as a result of this Solicitation is attached as Exhibit G – Contract form.

### 2.3 Contract term

As set forth in the attached contract for this competitive solicitation, the contract term is through December 31, 2024. Bidders are to specify prices for the contract term. The contract is subject to earlier termination.

### 2.4 Washington state procurement priorities and preferences

GMB will apply the following Washington state procurement priorities and preferences to this solicitation which, as set forth in Section 3.5, will impact the evaluation of bids for this Competitive Solicitation:

- Executive Order 18-03 – Workers' Rights (Mandatory employee arbitration and class action waivers): 5 points
- Washington Small Business: 5 points
- Certified Veteran-Owned Business: 5 points

### 3 Proposal evaluation

#### 3.1 Overview

GMB will evaluate proposals for this solicitation as described below.

- Bidder responsiveness, performance requirements, price factors, and responsibility, will be evaluated based on the process described herein.
- GMB reserves the right to:
  - Request clarification regarding any bid;
  - Waive any informality;
  - Reject any or all bids, or portions thereof;
  - Accept any portion of the bid unless the bidder stipulates all or nothing in their bid;
  - Cancel the Solicitation and, if desired, re-solicit bids; and/or
  - Negotiate with the lowest responsive and responsible bidder(s) to determine if such bid can be improved.

Any bidder whose bid is determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.

GMB will use the following process and evaluation criteria for an award of the contract:

Step	Item	Points
1	Proposal responsiveness	Pass/fail
Proposal evaluation		
2a	Cost factors	20
2b	Non-cost factors	80
Total:		100
State procurement priorities		
3	Washington small business	5
	Certified veteran-owned business	5
	Executive order 18-03	5
Total:		15
<i>Top-scored small business or veteran-owned business proposals advance to Step 4</i>		
4	Interviews/Oral evaluations	10
Responsible bidder		
5	Responsibility analysis	Pass/fail
Contract negotiations		

#### 3.2 Step 1 - Proposal responsiveness

Bidders must submit complete bids, including all required attachments requested in Section 4. A Bidder’s failure to do so may result in a bid being deemed non-responsive and disqualified. GMB 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, and legible.

GMB 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 Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods 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 Steps 2a and 2b - Proposal evaluation

#### 3.3.1 Cost proposal

The score for the cost proposal will be computed as follows:

- Bidder commission percentage (%) TIMES current approximate salary for the position
- Add fees related to deliverables

The bidder with the lowest total will receive the maximum points available for cost. All others will have their cost score calculated by dividing the lowest commission received by the Proposer's total cost, then the resultant number will be multiplied by the maximum possible points for the cost section.

#### 3.3.2 Non-cost proposals

GMB will evaluate each bid to ensure that each bidder's service(s) meet the specifications and/or performance requirements set forth in Exhibit D – Work requirements. GMB reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder (ASB). A bidder's failure to provide requested information to GMB within five (5) business days may result in disqualification.

### 3.4 Step 3 - State procurement priorities

GMB 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), GMB 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 - 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 BUSINESS**. In furtherance of Washington's business inclusion goals GMB 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 – Bidder's Certification, that Bidder qualifies as a 'Washington Small Business' as set forth in Exhibit A – Bidder's Certification.
- Certified **VETERAN-OWNED BUSINESS**. In furtherance of Washington's business inclusion goals, GMB 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 – Bidder's Certification, that Bidder qualifies as a Washington Department of Veterans' Affairs Certified Veteran-Owned Business.

### 3.5 Step 4 – Interviews/Oral evaluations

GMB, at its discretion, may invite up to the top five (5) small business or certified **VETERAN-OWNED BUSINESSES** with the highest-scored proposals to interview with the evaluation committee. All **KEY PERSONNEL** will be required to participate in the interview process. The Procurement Coordinator will contact top bidders to schedule a date and time for demonstration/interview. Bidders are encouraged to hold the date(s) indicated in Section 1.1, Solicitation deadlines. The Procurement Coordinator will provide further instruction at the time of scheduling demonstrations/interviews. Prior points are not cumulative and will be reset to zero. There will be a maximum of ten (10) points awarded based on bidder's demonstration/interview.

### 3.6 Step 5 – Responsibility analysis

For responsive bids, GMB must determine whether the bidder is a ‘responsible bidder.’ Accordingly, GMB will make reasonable inquiry to determine bidder responsibility on a pass/fail basis. In determining bidder responsibility, GMB will consider the following statutory elements, as listed in RCW 39.26.160 (2):

- 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.

In addition, GMB may consider the following:

- Financial Information: GMB 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: GMB 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

GMB 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, GMB, in its sole judgement, cannot reach agreement on acceptable contract terms with such bidder, GMB 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

GMB will determine the 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 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 GMB will issue an award for a contract. Rather, this designation allows GMB 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, GMB and the ASB will enter into a Contract as set forth in Exhibit F – Contract. An award is made, and a contract formed, by signature of GMB 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 GMB’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, GMB will post all bid evaluations to WEBS.

### 3.11 Additional awards

GMB reserves the right, during the resulting contract term, to make additional contract awards to responsive, responsible bidders who provided a bid but who were not awarded a contract. Such awards would be on the same or substantially similar terms and conditions and would be designed to address an awarded contractor vacancy (e.g., an awarded contractor is terminated or goes out of business) or be in the best interest of Washington state.

## 4 How to prepare and submit a proposal 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 Pre-proposal conference

GMB will host a Competitive Solicitation pre-proposal conference call on **July 30, 2024 at 10:30 am PST**. To receive a link to the conference call, please email your interest in attending to the procurement coordinator as listed in Section 1.2 no later than 4:00 pm PST July 29, 2024.

Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the competitive solicitation as needed and raise any issues or concerns that bidders may have. If changes to the Competitive Solicitation are required as a result of the pre-bid conference, the Procurement Coordinator will post an amendment to this Competitive Solicitation to WEBS. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the Procurement Coordinator.

### 4.2 Bidder communications regarding this competitive solicitation

During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator specified in Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to this Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding this Competitive Solicitation be binding.

- Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow GMB 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.

### 4.3 Pricing

Bidders must include all cost elements in their pricing. In the event that bidder is awarded a contract, the total price for services shall be bidder's price as submitted. Except as provided in the contract, there shall be no additional costs of any kind.

### 4.4 Proposal submittal checklist – required submittals

This section identifies the bid submittals that must be provided to constitute a responsive bid. The submittals must be delivered as set forth below and should be in a single email. Proposals 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 proposal being rejected. Bidders may not provide unsolicited materials. For any supplemental materials expressly required by GMB in writing, bidders must identify such supplemental materials with the bidder's name.

1. Bidder's certification, Exhibit A to this solicitation (**Mandatory**)
  - a. Complete the provided certification and include it as part of the proposal along with any exceptions or required explanations.  
*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.*
2. Bidder's profile, Exhibit B to this solicitation (**Mandatory**)
  - a. This document is required bidder information for GMB contract administration purposes. Complete as instructed and submit as part of the proposal.
3. Cost submittal (**Mandatory**)
  - a. Referring to Exhibit C, Scope of work **and** Exhibit D, Work requirements, respond to Exhibit E, cost submittal. As stated in Section 4.3, Pricing, responses must include all costs.
4. Non-cost submittal (**Mandatory**)
  - a. Requirements and qualifications
    - i. Referring to Exhibit C, Scope of work **and** Exhibit D, Work requirements, respond to Exhibit F, Non-cost submittals.
      1. Responses to Exhibit E must clearly demonstrate how the bidders meets or exceeds required experience and, where appropriate, desired experience.
5. Contract issues list, Exhibit H to this solicitation (optional)
  - a. A response to this document is a required submittal **only if** bidder has business issues with Exhibit F, Contract form. If so, bidder must complete and submit to the Procurement Coordinator. Note, however, GMB reserves the right to not modify the contract and to award the contract on the basis of a bidder's willingness to agree to the contract.
6. Bidder's diverse business inclusion plan – subcontractors, Exhibit I to this solicitation (optional)
  - a. 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.

#### 4.5 Proposal 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 a proposal must be prepared in MS Word, MS Excel, Adobe PDF, or any combination of the three. Where required to do so, bidders may sign using either a physical or **ELECTRONIC SIGNATURE**.

#### 4.6 Submitting proposals

All proposals must be emailed to the solicitation coordinator as listed in Section 1.2 of this solicitation. Facsimile transmissions, mailed proposals, and hand-delivered proposals will not be accepted. Improperly delivered proposals will be rejected as non-responsive.

GMB assumes no responsibility for confirmation of receipt and cannot discuss contents prior to the due date and time.

All proposals and any accompanying documentation become the property of GMB and will not be returned.

## 5 Complaint, debrief, and 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-and-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. GMB 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.

#### 5.1.1 Criteria for complaint

A complaint may be based only on one or more of the following grounds: (a) The Competitive Solicitation unnecessarily restricts competition; (b) The Competitive Solicitation evaluation or scoring process is unfair or flawed; or (c) The Competitive Solicitation requirements are inadequate or insufficient to prepare a response.

#### 5.1.2 Initiating a complaint

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

#### 5.1.3 Response

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

#### 5.1.4 Response is final

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

### 5.2 Debrief conferences

A Debrief Conference is an opportunity for a bidder and GMB, 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, GMB will issue an ASB announcement. That the ASB announcement may be made by any means, but GMB 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, GMB 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, GMB likely will schedule the Debrief Conference shortly after the ASB announcement and the bidder's request for a Debrief Conference. GMB 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.

### **5.2.1 Timing**

A Debrief Conference may be requested by a bidder following the ASB announcement.

### **5.2.2 Purpose of debrief conference**

Any bidder who has submitted a timely, responsive 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 GMB to discuss bidder's bid and evaluation. It does not provide an opportunity to discuss other bids and evaluations.

### **5.2.3 Requesting a debrief conference**

The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the ASB announcement. Debrief conferences will be conducted virtually (e.g., by telephone or web-based virtual meeting such as Zoom, Skype, MS Teams) and may be limited by GMB 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.

### **5.3.1 Criteria for a protest**

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

- a) Bias, discrimination, or conflict of interest on the part of an evaluator;
- b) Error in computing evaluation scores; or
- c) Non-compliance with any procedures described in the Competitive Solicitation.

### **5.3.2 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.

### **5.3.3 Protest response**

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

### **5.3.4 Decision is final**

The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept GMB'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.

#### **5.4.1 Form, substance, and other**

All complaints, debrief conference requests, and protests must:

1. Be in writing;
2. Be signed by the complaining, requesting, or protesting bidder or an authorized agent;
3. Be delivered within the time frame(s) outlined herein;
4. Identify the Competitive solicitation number;
5. Conspicuously state "Complaint," "Debrief," or "Protest" in any subject line of any correspondence or email; and
6. Be sent to the address identified below.

#### **5.4.2 Complaints and 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 GMB**

*Note: Proposals mailed to the address below will not be accepted as responsive.*

#### **5.5.1 To submit a complaint**

Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (see Section 1.2 of this document). 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  
Business and Financial Services  
Gambling Commission  
PO Box 42400  
Olympia, WA 98504-2400

#### **5.5.2 To request a debrief conference**

Send an email message to the Procurement Coordinator listed in this Competitive Solicitation (see Section 1.2 of this document). The email message must include "Debrief" in the subject line of the email message.

#### **5.5.3 To submit a protest**

Send an email message to the Protest Officer at the following email address: [contracting@wsgc.wa.gov](mailto:contracting@wsgc.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  
Business and Financial Services  
Gambling Commission  
PO Box 42400  
Olympia, WA 98504-2400



## 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 GMB'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 GMB 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. GMB 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 GMB 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, GMB, prior to disclosure, will do the following:

- GMB'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, GMB will redact or withhold the document(s) as appropriate.
- For documents marked 'sensitive' or for documents where GMB either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, GMB will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that GMB 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 GMB from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, GMB 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 and diverse businesses

GMB, in accordance with Washington law, encourages small and diverse businesses to compete for and participate in state procurements as contractors and as subcontractors to awarded bidders. See, e.g., [RCW 39.19](#) (OMWBE certified businesses); [RCW 43.60A.200](#) (WDVA certified veteran-owned businesses); and [RCW 39.26.005](#) (Washington small businesses).

- OMWBE certification  
Bidders may contact Washington state OMWBE regarding information on Minority-Owned and Women-Owned certified firms, state and federal certification programs, or to become certified. OMWBE can be reached by telephone, 866-208-1064, or through their website at [OMWBE.wa.gov](#). OMWBE-Certified firms may provide their certification information on Exhibit B – Bidder's Profile.

- **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 – Bidder's Certification.
- **Washington small businesses**  
Bidders may contact GMB 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 – Bidder's Certification.

### 6.3 WEBS registration

Individuals and firms interested in state contracting opportunities with GMB 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.

## 7 Solicitation exhibits

Exhibit A	Bidder certification
Exhibit B	Bidder profile
Exhibit C	Scope of work
Exhibit D	Work requirements
Exhibit E	Cost submittal
Exhibit F	Non-cost submittals
Exhibit F	Contract format
Exhibit G	Bidder's contract issues list
Exhibit H	Subcontractor inclusion plan