



AGENCY CONTRACT COMPETITIVE SOLICITATION – NO. K3308

WASHINGTON ASPARAGUS DOMESTIC MARKETING AND PROMOTIONAL SERVICES

INTRODUCTION

The Washington State Asparagus Commission (WAC) is issuing this Competitive Solicitation pursuant to RCW 39.26. Pursuant to this Competitive Solicitation, WAC intends to conduct a competitive procurement to award an Agency Contract for WAC to purchase Marketing and Promotional Services for Washington's asparagus industry.

The Washington Asparagus Commission was created in March 1991 by a group of Washington farmers and asparagus growers. The Washington Asparagus Commission's mission is to support the economic and environmental sustainability of the Washington asparagus industry. The Commission is overseen by a board consisting of nine members, of which six are asparagus producers elected from designated districts, one represents fresh handlers of asparagus, one represents processors, and one represents the Washington State Department of Agriculture.

OBJECTIVES AND SCOPE OF WORK

Domestic Promotion and Marketing of Washington Asparagus – The Washington Asparagus Commission is seeking professional expertise from qualified firms to perform the services to promote and market Washington Asparagus within the domestic market.

The key objectives for the work of the bidder include the following:

- **Strategic communication and advertising planning.** Expertise must include planning, implementing, and evaluating effective communication and advertising campaigns for Washington Asparagus for targeted audiences, stakeholders, and/or the general public.
- **Media Planning.** Consultant must be able to determine where, when, and how often they will run an advertisement in order to maximize engagements and Return on Investment including procurement of space across television, radio, and other mediums.
- **Product development and production.** Consultants must provide expertise in developing and producing communications products for a variety of mediums, including print, web, social media and video.
- **Brand strategy.** Consultants must provide expertise in researching and developing brand standards that can be applied across written and visual communications.

- **Reporting.** Consultant will be required to provide written monthly report outlining the activities preformed during that month. Monthly report must have a minimum of five activities listed.

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

- [Section 1](#) provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for WAC'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 WAC 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 WAC's efforts to enable Washington's small and diverse businesses to compete for and participate in state procurements for goods/services.

In addition, this Competitive Solicitation includes the following Exhibits:

- *Exhibit A – Required Bidder Information:* These exhibits identify information that bidders must provide to WAC to constitute a responsive bid. See Section 4, below.
 - Exhibit A-1 – Bidder's Certification
 - Exhibit A-2 – Bidder's Profile
- *Exhibit B – Performance Requirements:* This exhibit outlines the required specifications/qualifications for the services that is/are the subject of this Competitive Solicitation.
- *Exhibit C – Bid Price:* This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that WAC will use to evaluate and compare bids.
- *Exhibit D – Contract:* This exhibit is a draft of the Contract that any successful bidder will execute with WAC.
- *Exhibit D1 – Contract Issues List:* This exhibit outlines the bidder's issues, if any, and proposed resolution for bidders who have business concerns with the form of the Contract. Note, however, that WAC reserves the right not to modify the Contract and to award the Contract on the basis of a bidder's willingness to agree to the Contract.

SECTION 1 – DEADLINES, QUESTIONS, PROCUREMENT COORDINATOR, AND MODIFICATION

This section identifies important deadlines for this Competitive Solicitation, where to direct questions regarding the Competitive Solicitation, and the process for potential amendments or modifications to the Competitive Solicitation.

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

COMPETITIVE SOLICITATION DEADLINES	
ITEM	DATE
Competitive Solicitation Posting Date:	October 5, 2022
Question & Answer Period:	October 5, 2022 – November 4, 2022
Deadline for submitting Bids:	November 11, 2022
Anticipated Interview Date(s)	December 5, 2022 – December 7, 2022
Anticipated Announcement of Apparent Successful Bidder:	December 14th, 2022
Anticipated Award of Contract:	January 1, 2023

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

Procurement Coordinator	
Name:	Alan Schreiber
Telephone:	509-539-4537
Email:	Aschreib@centurytel.net

Questions raised at the pre-bid conference and during the Q&A period will be answered and responses posted to Washington’s Electronic Business Solution (WEBS).

- 1.3. **COMPLAINTS, DEBRIEFS, & PROTESTS.** The Competitive Solicitation (and award of any Contract) is subject to complaints, debriefs, and protests as explained in Section 5, which may impact the dates set forth above.
- 1.4. **COMPETITIVE SOLICITATION – AMENDMENT & MODIFICATION.** WAC reserves the right to amend and modify this Competitive Solicitation. **Only bidders who have properly registered and downloaded the original Competitive Solicitation directly via the Washington Electronic Business Solution WEBS will receive notifications of amendments and other correspondence pertinent to this Competitive Solicitation.** Bidders must be registered in WEBS to be awarded a Contract. Visit [WEBS](#) to register.

SECTION 2 – INFORMATION ABOUT THE PROCUREMENT

This section describes the purpose of the Competitive Solicitation and provides information about this procurement, including the potential scope of the opportunity.

- 2.1. **PURPOSE OF THE PROCUREMENT – AWARD A CONTRACT.** The purpose of this Competitive Solicitation is to receive competitive bids to evaluate and, as appropriate, award a Contract for WAC to procure Marketing and Promotion of asparagus as set forth herein. Pursuant to Washington's Procurement Code for Goods and Services, RCW chap. 39.26, state agency purchases of goods and services must be based on a competitive solicitation process in which the Contract is awarded to the lowest responsive, responsible bidder.
- 2.2. **CONTRACT.** The form of the Contract that will be awarded as a result of this Competitive Solicitation is attached as ***Exhibit D – Contract***.
- 2.3. **CONTRACT TERM.** As set forth in the attached Contract for this Competitive Solicitation, the contract term is twelve (12) months. Bidders are to specify prices for the contract term. The Contract is subject to earlier termination.
- 2.4. **ESTIMATED CONTRACT VALUE.** Although WAC does not represent or guarantee any minimum purchase from the Contract, WAC anticipates purchasing \$90,000.
- 2.5. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES.** WAC will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation which, as set forth in Section 3.5, will impact the evaluation of bids for this Competitive Solicitation:
 - Executive Order 18-03
 - Washington Small Business
 - Certified Veteran-Owned Business
 - 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), WAC 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 the Bidder Certification attached as *Exhibit A-1 – Bidder's Certification*, that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.
 - WASHINGTON SMALL BUSINESSES. In furtherance of Washington's business inclusion goals WAC will evaluate bids for best value and will provide a bid preference in the amount of 15 points to any bidder who certifies, pursuant to the Bidder Certification attached as *Exhibit A-1 – Bidder's Certification*, and documents its status as a 'Washington Small Business' as set forth in *Exhibit A-1 – Bidder's Certification*.
 - CERTIFIED VETERAN-OWNED BUSINESSES. In furtherance of Washington's business inclusion goals, WAC will evaluate bids for best value and will provide a bid preference in the amount of 10 points to any bidder who certifies, pursuant to the Bidder

Certification attached as *Exhibit A-1 – Bidder’s Certification*, its status as a Washington Department of Veterans’ Affairs Certified Veteran-Owned Business.

SECTION 3 – BID EVALUATION

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

3.1. **OVERVIEW.** WAC will evaluate bids for this Competitive Solicitation as described below.

- Bidder responsiveness, performance requirements, price factors, and responsibility, will be evaluated based on the process described herein.
- Any bidder whose bid is determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.
- WAC reserves the right to: (1) Request clarification regarding any bid; (2) Waive any informality; (3) Reject any or all bids, or portions thereof; (4) Accept any portion of the bid unless the bidder stipulates all or nothing in their bid; (5) Cancel the Competitive Solicitation and, if desired, re-solicit bids; and/or (6) Negotiate with the lowest responsive and responsible bidder(s) to determine if such bid can be improved.
- WAC will use the following process and evaluation criteria for an award of the Contract:

STEP	ITEM	POINTS
1	Bid Responsiveness/Responsibility	Pass/Fail
Bid Evaluation		
2	Performance Requirements/Experience/Qualifications Exhibit B – Performance Requirements	600
3	Cost Factors Exhibit C – Bid Price	400
Total:		1000
State Procurement Priorities		
4	Washington Small Business	50
	Certified Veteran-Owned Business	25
	Executive Order 18-03	25
Total:		1100
TOP-SCORED BIDDER(S) ADVANCE TO STEP 5		
Presentation Evaluation		
5	Interview	200

- 3.2. **BID RESPONSIVENESS (STEP 1).** WAC will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that WAC will review each bid to determine whether the bid is complete – i.e., does the bid include each of the required bid submittals, are the submittals complete, signed, legible. WAC reserves the right – in its sole discretion – to determine whether a bid is responsive – i.e., to determine a bidder’s compliance with the requirements specified in this Competitive Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Competitive Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods or 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. For responsive bids, WAC will make reasonable inquiry to determine the responsibility of any bidder. WAC will determine responsibility on a pass/fail basis. In determining responsibility, WAC will review *Exhibit B – Performance Requirements* on bidder’s ability to meet the minimum pass/fail requirements.
- 3.3. **PERFORMANCE REQUIREMENTS EVALUATION (STEP 2).** WAC will evaluate each bid to ensure that each bidder’s product(s) or service(s) meet the specifications and/or performance requirements set forth in *Exhibit B – Performance Requirements*. WAC reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder. A bidder’s failure to provide requested information to WAC within ten (10) business days may result in disqualification.
- 3.4. **BID PRICING EVALUATION (STEP 3).** WAC will evaluate bids – to identify the lowest evaluation total – by reviewing and comparing the submitted bid prices provided in *Exhibit C*.
- 3.5. **WASHINGTON STATE PROCUREMENT PRIORITIES & PREFERENCES (STEP 4).** WAC will apply the following Washington State procurement priorities and preferences, as set forth below, to this Competitive Solicitation
- Executive Order 18-03 (25 points)
 - Washington Small Business (50 points)
 - Certified Veteran-Owned Business (25 points)
- 3.6. **ORAL PRESENTATION EVALUATION (STEP 5).** WAC may invite the bidder(s) with the top-scored proposals to interview with the evaluation committee. All key personnel will be required to participate in the interview process. WAC will contact the bidder(s) to schedule a date and time for interview, (anticipated on December 5-7, 2022). Bidder is encouraged to secure the date(s) indicated in Competitive Solicitation Section 1.1. WAC will provide further instruction at the time of scheduling interviews. Prior points are not accumulative and will be reset to zero. There will be a maximum of 200 points awarded based on bidder’s interview.
- 3.7. **BIDDER RESPONSIBILITY ANALYSIS.** For responsive bids, WAC must determine whether the bidder is a ‘responsible bidder.’ In determining bidder responsibility, WAC will consider the following statutory elements:
- The bidder’s ability, capacity, and skill to perform the contract or provide the service required;

- The bidder's character, integrity, reputation, judgment, agricultural experience, and efficiency;
- Whether the bidder can perform the contract within the time specified;
- The bidder's performance quality pertaining to previous contracts or services;
- The 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, the bidder has been determined by a final and binding citation and notice of assessment issued by the Washington State Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and
- Such other information as may be secured having a bearing on the decision to award the Contract.

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

- Financial Information: WAC may request financial statements, credit ratings, references, record of past performance, clarification of bidder's offer, 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: WAC 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.

3.8. **CONTRACT NEGOTIATIONS.** WAC 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, WAC, in its sole judgement, cannot reach agreement on acceptable Contract terms with such bidder, WAC may suspend negotiations and undertake negotiations with the next highest scored responsive, responsible bidder as determined by the evaluations.

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

- Designation as an ASB does not imply that WAC will issue an award for a Contract to your firm. Rather, this designation allows WAC to perform further analysis and ask for additional documentation. The bidder must not construe this as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of this notification, it does so at its own risk and expense.
- Upon announcement of the ASB, bidders may request a debrief conference as specified in Section 5.

- 3.10. **AWARD OF CONTRACT.** Subject to protests, if any, WAC and the ASB will enter into a Contract as set forth in **Exhibit D – Contract**. A contract award is made and a contract formed by signature of WAC and awarded bidder on the Contract. WAC reserves the right to award on an all-or-nothing consolidated basis. Following the award of the Contract, 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.
- 3.11. **BID INFORMATION AVAILABILITY.** Upon WAC’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).
- 3.12. **ADDITIONAL AWARDS.** WAC 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 a Contractor vacancy (e.g., a contractor is terminated or goes out of business) or be in the best interest of the State of Washington.

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

This section identifies how to prepare and submit your bid to WAC 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 WAC to constitute a responsive bid. By responding to this Competitive Solicitation and submitting a bid, bidders acknowledge having read and understood the entire Competitive Solicitation and accept all information contained within this Competitive Solicitation.

- 4.1. **BIDDER COMMUNICATIONS REGARDING THIS COMPETITIVE SOLICITATION.** During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator for this Competitive Solicitation. See Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to the Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding the Competitive Solicitation be binding.
- Bidders are encouraged to make any inquiry regarding the Competitive Solicitation as early in the process as possible to allow WAC to consider and, if warranted, respond to the inquiry. If a bidder does not notify WAC of an issue, exception, addition, or omission, WAC may consider the matter waived by the bidder for protest purposes.
 - If bidder inquiries result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.
 - Unauthorized bidder contact regarding this Competitive Solicitation with other state employees involved with the Competitive Solicitation may result in bidder disqualification.
- 4.2. **PRICING.** Bid prices must include all cost components needed for the goods and/or services as described in this Competitive Solicitation. See **Exhibit C – Bid Price**. A bidder’s failure to identify

all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.

- Inclusive Pricing: Bidders must identify and include all cost elements in their pricing. In the event that bidder is awarded a Contract, the total price for the goods and/or services shall be bidder's price as submitted. Except as provided in the Contract, there shall be no additional costs of any kind.

4.3. **BID SUBMITTAL CHECKLIST – REQUIRED BID SUBMITTALS.** This section identifies the bid submittals that must be provided to WAC to constitute a responsive bid. The submittals must be delivered as set forth below. Bids that do not include the submittals identified below may be rejected as nonresponsive. In addition, a bidder's failure to complete any submittal as instructed may result in the bid being rejected. Bidders may not provide unsolicited materials. For any supplemental materials expressly required by WAC in writing, bidders must identify such supplemental materials with the bidder's name.

☐ **EXHIBIT A-1 – BIDDER'S CERTIFICATION**

This document is the Bidder's Certification.

Complete the certification, attach it to the bid along with any exceptions or required explanations, and submit it to WAC.

Note: the Certification must be complete. Where there are choices, bidder **must** check a box. The certification must be signed and submitted by a duly authorized representative for the bidder.

☐ **EXHIBIT A-2 – BIDDER'S PROFILE**

This document is required bidder information for WAC's contract administration purposes. Complete as instructed and submit with the bid to WAC.

☐ **EXHIBIT B – PERFORMANCE REQUIREMENTS**

Bidder will need to confirm that the services and/or bidder's performance meets or exceeds the detailed specifications/qualifications set forth in ***Exhibit B – Performance Requirements***.

☐ **EXHIBIT C – BID PRICE**

Bidder will need to complete the price worksheet templates as instructed in ***Exhibit C – Bid Price***.

☐ **EXHIBIT D-1 – CONTRACT ISSUES LIST**

This document is a required submittal IF bidder has business issues with the Contract attached as ***Exhibit D – Contract***. If so, bidder must complete and submit to WAC. Note, however, that WAC reserves the right not to modify the Contract and to award the Contract on the basis of a bidder's willingness to agree to the Contract.

- 4.4. **BID FORMAT.** Bids must be complete, legible, signed, and follow all instructions stated in the Competitive Solicitation (including the exhibits). Unless otherwise specified in writing by WAC, documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF. Where required to do so, bidders may sign using either a physical or electronic signature.
- 4.5. **SUBMITTING BIDS.** Your electronic bid must be emailed to Aschreib@centurytel.net. WAC's email boxes only can accept emails that total less than 30MB in size. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted.

SECTION 5 – COMPLAINT, DEBRIEF, & PROTEST REQUIREMENTS

This section details the applicable requirements for complaints, debriefs, and protests.

- 5.1. **COMPLAINTS.** This Competitive Solicitation offers a complaint period for bidders wishing to voice objections to this solicitation. The complaint period ends five (5) business days before the bid due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the Question & Answer Period or, if applicable, at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. WAC will consider all complaints but is not required to modify or cancel the Competitive Solicitation. If bidder complaints result in changes to the Competitive Solicitation, written amendments to the Competitive Solicitation will be issued and posted on WEBS.
- a. **CRITERIA FOR COMPLAINT.** A formal complaint may be based only on one or more of the following grounds: (a) The solicitation unnecessarily restricts competition; (b) The solicitation evaluation or scoring process is unfair or flawed; or (c) The solicitation requirements are inadequate or insufficient to prepare a response.
 - b. **INITIATING A COMPLAINT.** A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for bid submittal; and (b) Be in writing (see Form and Substance, and Other below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
 - c. **RESPONSE.** When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for bid submittals, unless more time is needed. WAC is required to promptly post the response to a complaint on WEBS.
 - d. **RESPONSE IS FINAL.** The Procurement Coordinator's response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to bid submittal may be deemed waived for protest purposes.
- 5.2. **DEBRIEF CONFERENCES.** A Debrief Conference is an opportunity for a bidder and WAC, 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 evaluation of the bids, WAC will issue an announcement of the ASB. That announcement may be made by any means, but WAC 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. Once a Debrief Conference is requested, WAC 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, WAC likely will schedule the Debrief Conference shortly after the announcement of the ASB and the bidder's request for a Debrief Conference. WAC will not allow the debrief process to delay the award. Therefore, bidders should plan for contingencies and alternate representatives. **Bidders who wish to protest must first participate in a debrief conference. Bidders who are unwilling or unable to attend the Debrief Conference will lose the opportunity to protest. A debrief is a required prerequisite for a bidder wishing to file a protest.**

- a. **TIMING.** A Debrief Conference may be requested by a bidder following announcement of the Apparent Successful Bidder (ASB).
- b. **PURPOSE OF DEBRIEF CONFERENCE.** Any bidder who has submitted a timely bid response may request a Debrief Conference (see Form and Substance, and Other below). A Debrief Conference provides an opportunity for the bidder to meet with WAC to discuss bidder's bid and evaluation. It does not provide an opportunity to discuss other bids and evaluations.
- c. **REQUESTING A DEBRIEF CONFERENCE.** The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the announcement of the Apparent Successful Bidder. Debrief conferences may be conducted either in person at the WAC's offices in Eastern Washington, or virtually (e.g., by telephone or web-based virtual meeting such as Zoom, Skype, MS Teams), as determined by WAC, and may be limited by WAC to a specified period of time. The failure of a bidder to request a debrief within the specified time and attend a debrief conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the procurement coordinator before or during the debrief conference may be deemed waived for protest purposes.

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

- a. **CRITERIA FOR A PROTEST.** A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the Competitive Solicitation.
- b. **INITIATING A PROTEST.** Any bidder may protest an award to the ASB. A protest must: (a) Be submitted to and received by the Protest Officer specified below, within five (5) business days after the protesting bidder's Debriefing Conference (see Form and Substance, and Other below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.
- c. **PROTEST RESPONSE.** After reviewing the protest and available facts, WAC's Protest Officer will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
- d. **DECISION IS FINAL.** The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept WAC's protest response, the bidder may seek relief in Thurston County Superior Court.

5.4. **COMMUNICATION DURING COMPLAINTS, DEBRIEFS, AND PROTESTS.** With the exception of protests, all communications about this Competitive Solicitation, including complaints and debriefs, must be addressed to the Procurement Coordinator unless otherwise directed. Protests must be addressed to the Protest Officer.

- a. **FORM, SUBSTANCE, & OTHER.** All complaints, requests for debrief, and protests must:
 - i. Be in writing;
 - ii. Be signed by the complaining or protesting bidder or an authorized agent, unless sent by email;
 - iii. Be delivered within the time frame(s) outlined herein;
 - iv. Identify the Competitive solicitation number;
 - v. Conspicuously state "Complaint," "Debrief," or "Protest" in any subject line of any correspondence or email; and
 - vi. Be sent to the address identified below.
- b. **COMPLAINTS & PROTESTS.** All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.

5.5. **HOW TO CONTACT WAC.**

- a. **TO SUBMIT A COMPLAINT.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation. 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
WA Asparagus Commission
2621 Ringold Rd.
Eltopia, WA 99330

- b. **TO REQUEST A DEBRIEF CONFERENCE.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation. The email message must include "Debrief" in the subject line of the email message.
- c. **TO SUBMIT A PROTEST.** Send an email message to the Protest Officer at the following email address: Aschreib@centurytel.net. The email message must include "Protest" in the subject line of the email message. Alternatively, mail the protest to the Protest Officer at the following address:

Attn: Protest Officer
WA Asparagus Commission
2621 Ringold Rd.
Eltopia, WA 99330
Aschreib@centurytel.net

SECTION 6 – DOING BUSINESS WITH THE STATE OF WASHINGTON

This section provides additional information regarding Washington's Public Records Act and doing business with the State of Washington, including WAC'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 WAC 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. WAC 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 WAC 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, WAC, prior to disclosure, will do the following:
 - WAC'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, WAC will redact or withhold the document(s) as appropriate.
 - For documents marked 'sensitive' or for documents where WAC either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, WAC will notify bidder, at the address provided in the bid submittal, of the public records disclosure request and identify the date that WAC 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 WAC from such disclosure. In the event bidder fails to timely file a motion for a court order enjoining such disclosure, WAC will release the requested document(s) on the date specified. Bidder's failure properly to identify exempted or sensitive information and timely respond after notice of request for public disclosure has been given shall be deemed a waiver

by bidder of any claim that such materials are exempt or protected from disclosure.

6.2. **SMALL & DIVERSE BUSINESSES.** WAC, 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). In support of the state's economic goals and to support a diverse supplier pool, WAC has established the following voluntary numerical goals for WAC's Competitive Solicitations:

- Ten percent (10%) Minority-Owned Businesses certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE);
- Six percent (6%) Women-Owned Businesses certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE);
- Five percent (5%) Veteran-Owned Businesses certified by the Washington State Department of Veterans Affairs (WDVA); and
- Twenty-Five percent (25%) Washington Small Businesses, five percent (5%) of which are microbusinesses or minibusinesses as defined in RCW 39.26.010(16) and (17).

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

- **OMWBE CERTIFICATION.** Bidders may contact the Washington State [Office of Minority and Women's Business Enterprises](#) (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](#). OMWBE-Certified firms may provide their certification information on ***Exhibit A-2 – 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-1 – Bidder's Certification***.
- **WASHINGTON SMALL BUSINESSES.** Bidders may contact WAC about small and diverse business inclusion and qualification as a Washington Small Business. If you qualify as a Washington Small Business, identify yourself as such in WEBS. Call WEBS Customer Service at 360-902-7400. The qualification requirements to self-certify as a Washington Small Business are set forth in ***Exhibit A-1 – Bidder's Certification***.

6.3. **WEBS REGISTRATION.** Individuals and firms interested in state contracting opportunities with WAC 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.

EXHIBIT A-1 – BIDDER’S CERTIFICATION

See attached Exhibit A-1 – Bidder’s Certification.

Note: As set forth above, Bidder must complete, sign, and return the *Exhibit A-1 – Bidder’s Certification* to WAC.

EXHIBIT A-2 – BIDDER’S PROFILE

See attached Exhibit A-2 – Bidder’s Profile.

Note: As set forth above, Bidder must complete and return the *Exhibit A-2 – Bidder’s Profile* to WAC.

EXHIBIT B – PERFORMANCE REQUIREMENTS

Note: Insert (or attach as *Exhibit B – Performance Requirements*) the procurement-specific requirements/qualifications for the specific service at issue.

EXHIBIT C – BID PRICE

See attached Exhibit C – Bid Price.

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

EXHIBIT D – CONTRACT

See attached Exhibit D –Contract for Competitive Solicitation No. K3308 – Washington Asparagus Domestic Marketing and Promotional Services.