



STATE OF WASHINGTON  
OFFICE OF THE ATTORNEY GENERAL  
OLYMPIA, WASHINGTON

REQUEST FOR PROPOSAL

*Health Equity Enforcement – Public Service Announcement (PSA) Campaign*

RFP NO. #22-03

**PROPOSAL DUE DATE:** Friday, July 8, 2022

**EXPECTED TIME PERIOD FOR CONTRACT:** September 1, 2022 – December 31, 2022

**BIDDER ELIGIBILITY:** This procurement is open to those Bidders that satisfy the minimum qualifications stated herein and that are available for work in Washington State.

**Prepared By:**

Office of the Attorney General  
7141 Cleanwater Drive SW  
PO Box 40107  
Olympia, WA 98504-0107  
Email: [Contracts@atg.wa.gov](mailto:Contracts@atg.wa.gov)



## SECTION 1 – INTRODUCTION

### 1.1 BACKGROUND

The Washington State Office of the Attorney General (“AGO”) is an independent constitutional office, and legal counsel to the State of Washington. Its mission is to provide excellent, independent, and ethical legal services to the State of Washington and protect the rights of its people. The AGO is comprised of more than 1600 attorneys and professional staff who work in 27 separate legal divisions located in twelve different cities across the State, and who provide legal services to more than 230 state agencies, boards and commissions.

The AGO is establishing a new Health Equity unit that will work at the intersection of multiple legal divisions in the AGO, including Civil Rights, Consumer Protection, and Complex Litigation, and respond to deceptive and discriminatory health care practices that disproportionately impact vulnerable communities and communities of color. The unit will focus on enforcement, outreach and education.

The AGO is issuing this Request for Proposal (RFP) to solicit responses from service providers interested in and qualified to develop a multimedia public service announcement (PSA) campaign regarding the passing of Washington state’s charity care law ([SHB 1616](#)) taking effect July 1, 2022, which provides access to free and reduced hospital care for millions of Washingtonians.

The goal of this RFP is to enter into one or more contracts with an Apparent Successful Bidder(s) to develop a multimedia public service announcement (PSA) campaign that will inform the public about Washington’s new charity care law and encourage Washingtonians who receive care at hospitals to ask about opportunities for financial assistance. The new law, which was written and proposed by the Attorney General’s Office, expands eligibility for financial assistance with hospital bills for Washington families (insured or uninsured) who make up to 400% of the federal poverty level, or approximately the Washington state median income. It also requires hospitals in the State of Washington to educate and inform patients about the availability of financial assistance.

Details of charity care eligibility following SHB 1616’s effective date:

Affordable Hospital Care					
Federal Poverty Level	2 Person HH Income	4 Person HH Income	Current Law	HB 1616 Sub: Category 1 Hospitals (80% of all beds)	HB 1616 Striker: Category 2 Hospitals (20% of all beds)
0-100%	Up to \$18,310	Up to \$27,750	No out-of-pocket costs	No out-of-pocket costs	No out-of-pocket costs
101-200%	\$18,311-\$36,620	\$27,751-\$55,500	Sliding scale discounts*	No out-of-pocket costs	No out-of-pocket costs
201-250%	\$36,621-\$45,775	\$55,501-\$69,375	<b>Not eligible</b>	No out-of-pocket costs	75% Discount*
251-300%	\$45,776-\$54,930	\$69,376-\$83,250	<b>Not eligible</b>	No out-of-pocket costs	50% Discount*
301-350%	\$54,931-\$64,085	\$83,251-\$97,125	<b>Not eligible</b>	75% Discount*	No Mandatory Discount
351-400%	\$64,086 - \$73,240	\$97,126- \$111,000	<b>Not eligible</b>	50% Discount*	No Mandatory Discount

\* Hospitals may factor patient’s assets

Category 1 hospitals include hospitals that: (1) are owned or operated by a health system that owns or operates three or more acute care hospitals in Washington; (2) have over 300 licensed beds located in the most populous county in the state; or (3) have over 200 licensed beds located in a county with at least 450,000 residents and located on Washington’s southern border. Category 2 hospitals are all hospitals not included in Category 1.

In addition, the PSA campaign will encourage Washingtonians to submit complaints to the Consumer Protection Division of the AGO if they believe hospitals in the State of Washington are not complying with the new charity



care law. The PSA campaign will also inform Washingtonians about lawsuits filed by the AGO against hospitals that illegally denied charity care to qualified individuals. This includes educating and informing patients about the availability of financial assistance.

## 1.2 DEFINITIONS

Any terms not defined within this RFP, or the attached Sample Contract, can be found defined within this section.

**AGO** – The Washington State Office of the Attorney General, the office of the state of Washington that is issuing this RFP.

**Apparent Successful Bidder** – The Bidder(s) whose proposal submission has been accepted by AGO and executes a resulting contract with the AGO pursuant to this competitive solicitation.

**ASB** – Apparent Successful Bidder is a bidder who is recommended for Award after evaluation of Responses.

**Award** – AGO’s acceptance of a Bidder’s offer to enter into a Contract.

**Bidder** – Individual, company, organization, public or private agency, or other entity submitting a proposal/response in order to attain a contract with the AGO.

**Bidder Pool** – Bidders who have been vetted and selected through a competitive qualification process.

**Contract** - The document formalizing the agreement between the parties pursuant to this RFP together with all incorporated schedules and exhibits, including the RFP, the Response, all Services requests or Statements of Work, and all amendments.

**Contractor** - Individual or company whose proposal has been accepted by the AGO.

**Effective Date** – The date a Contract is in full force and effect. It may be a specific date agreed to by the parties; or, if not so specified, the date of the last signature of a party to the Contract.

**Letter of Interest** – A letter created by the bidder to address the items in the Letter of Interest section to include a statement of understanding & compliance.

**Proposal/Response** – The formal offer submitted in response to this solicitation.

**RCW or the Revised Code of Washington** – The Revised Code of Washington. All references to RCW chapters or sections shall include any successor, amendment, or replacement statute.

**Request for Proposal (RFP)** – A formal procurement document in which a service or need is identified and skills and expertise are being sought to deliver the service or meet the need. The purpose of an RFP is to solicit from the Bidder or consultant community to propose the qualified Bidder(s) and associated pricing/costs to provide the service and/or meet the identified need.

**RFP Coordinator** – The AGO named solicitation Coordinator, or designee, employed by the AGO, and the individual responsible for conducting this RFP.

**Services** – Those services provided relating to services identified in section 1.2 above and any related services that are appropriate to the Contract’s Statement of Work.

**Statement of Work** – Those services to be provided by an ASB.



**Subcontractor** – One not in the employment of Bidder, who is performing all or part of the business activities under the Contract under a separate contract with Bidder. Subcontractors are not allowed under this Contract without permission, in writing, from the AGO Contract Administrator.

**Tier 1 Hospital** – Hospitals owned or operated by a health system that owns or operates 3+ acute hospitals and including Seattle Children’s, Overlake, Evergreen Kirkland, & Legacy Salmon Creek.

**Tier 2 Hospital** – Hospitals not identified in Tier 1.

**WAC or Washington Administrative Code** – The regulations of the Washington State executive branch agencies issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. All references to WAC chapters or sections shall include any successor, amended, or replacement regulation.

**WEBS or Washington’s Electronic Business Solution** – The Washington State Department of Enterprise Services’ (DES) on-line system that provides vendor registration and notification activities for governmental solicitations and procurements. WEBS provides vendors automatic email notification of new bidding opportunities, and is free to vendors and government organizations. The WEBS website is: <https://fortress.wa.gov/ga/webs/>.

### 1.3 SOLICITATION PURPOSE AND OBJECTIVE

The purpose and objective of this Request for Proposal (RFP) and any resulting contract(s) is to 1) promote the new charity care law, 2) inform Washingtonians about the process to submit a complaint about a hospital that isn’t following the new law, and 3) promote the work and efforts that the AGO has undertaken to enforce such laws.

The AGO expects to enter into one or more contracts for the development, production and distribution of public service announcements and paid advertising for, including but not limited to, audio/radio, video/TV, multimedia and social media. Contractor(s) would be responsible for developing a media campaign from start to finish, including market research, strategy, messaging, production and placement of PSAs and ads in appropriate media statewide, including appropriate ads targeting non-English speaking communities.

Any Contract(s) awarded as a result of this RFP will not be a guarantee that such service will be utilized, but will provide the AGO with access to specific resources as the need may arise.

### 1.4 PERIOD OF PERFORMANCE

The period of performance of any Contract resulting from this RFP is tentatively scheduled to begin on or about **Thursday, September 1, 2022**, and to end on **Saturday, December 31, 2022**. Amendments extending the period of performance, if any, shall be at the sole discretion of the AGO.

### 1.5 DOING BUSINESS WITH THE STATE OF WASHINGTON

#### 1.5.1 WASHINGTON ELECTRONIC BUSINESS SOLUTION (WEBS)

Notification of amendments and results of the solicitation will only be provided to those Bidders who have registered with WEBS and have downloaded the RFP from WEBS. Bidders accept full responsibility and liability for failing to receive any amendments resulting from their failure to register with WEBS and download the RFP from WEBS, and hold the State of Washington harmless from all claims of injury or loss resulting from such failure. Bidders are solely responsible for:



- A. Properly registering with the Department of Enterprise Services WEBS at: <https://des.wa.gov/services/contracting-purchasing/doing-business-state/webs-registration-search-tips>
- B. Maintaining an accurate Bidder profile in WEBS
- C. Downloading the solicitation consisting of the RFP with all attachments, appendices, and all current and subsequent amendments to the solicitation

### **1.5.2 STATEWIDE VENDOR NUMBER REGISTRATION AND PAYMENT**

Bidders awarded contracts or SOWs as a result of this RFP will be required to register as a Statewide Vendor (SWV). The SWV file is a central vendor file maintained by the Office of Financial Management (OFM) for use by Washington State agencies in processing vendor payments. This allows vendors to receive payments from all participating state agencies by direct deposit, the State's preferred method of payment. The Apparent Successful Bidder(s) is/are required to register as a Statewide Vendor; however, participation in direct deposit is optional. To obtain registration materials please visit: <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>.

### **1.5.3 DEPARTMENT OF REVENUE AND TAXES**

In accordance with the registration requirements of the Washington State Department of Revenue (<https://dor.wa.gov/doing-business/register-my-business>), the Apparent Successful Bidder(s) shall complete the required business application. Furthermore, the Apparent Successful Bidder(s) shall be responsible for payment of all taxes due on payments made under this Contract.

### **1.5.4 OFFICE OF THE SECRETARY OF STATE**

In accordance with the registration requirements of Washington's Office of the Secretary of State and [RCW 23.95, Article 5](#), the Apparent Successful Bidder(s) shall complete the required [Foreign Registration Statement](#) if the certain requirements for registration are met.

### **1.5.5 MINORITY AND WOMEN WOMED BUSINESS, VETERAN BUSINESS AND SMALL BUSINESS PARTICIAPTION**

In accordance with the legislative findings and policies set forth in [RCW 39.19](#), the State of Washington encourages participation in all of its contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). Participation may be either on a direct basis in response to this solicitation or on a subcontractor basis. Bidders may contact OMWBE at (360) 753-9693 to obtain information on certified firms.

In accordance with the intent of [RCW 39.26.005](#), the state encourages agency purchases of goods and services from state small businesses. State small business, mini-business, and micro-business are defined in [RCW 39.26.010 \(22\), \(17\), and \(16\)](#) respectively.

In accordance with RCW 43.60A.200, the state encourages participation in all of its procurement contracts from firms certified by the Washington State Department of Veterans Affairs (DVA). For information on these certified firms, Bidders may contact the DVA at: <http://www.dva.wa.gov/BusinessRegistry/>.

While participation in these programs is encouraged, no minimum level of participation will be required as a condition for receiving an award and Bidders will not be rejected or considered non-responsive on that basis. Include proof of certification issued if a certified minority- and/or women-owned firm(s) will be participating on this project. No preference will be included in the evaluation of proposals, no minimum level of participation shall be required, as a condition for receiving an award and Proposals will not be rejected or considered non-responsive on that basis. Any affirmative action requirements set forth in federal



regulations or statutes included or referenced in the contract documents will apply.

### 1.5.6 ENVIRONMENTAL GOALS

In support of the state’s environmental goals, although not an award factor (unless otherwise specified herein), Bidders are encouraged to consider the following in responding to this RFP:

- A. Use of environmentally preferable goods and services, including post-consumer waste and recycled content.
- B. Products made or grown in Washington.

### 1.6 ADA

The AGO complies with the Americans with Disabilities Act (ADA). Bidders may contact the RFP Coordinator to receive this Request for Proposal in Braille or on tape. The AGO is a fully accessible facility.

## **SECTION II – GENERAL INFORMATION FOR BIDDERS**

### 2.1 RFP COORDINATOR

The RFP Coordinator is the sole point of contact in AGO for this procurement. All communication between the Bidder and AGO upon receipt of this RFP shall be with the RFP Coordinator, as follows:

<b>Name</b>	Sydney Wright
<b>Address</b>	7141 Cleanwater Drive SW
<b>City, State, Zip Code</b>	Olympia, WA 98501
<b>Phone Number</b>	360-586-4734
<b>E-Mail Address</b>	contracts@atg.wa.gov

All inquiries must be submitted in writing. Email is the preferred manner of submitting requests for clarification.

Any other communication will be considered unofficial and non-binding on AGO. Bidders are to rely on written statements issued by the RFP Coordinator. Communication directed to parties other than the RFP Coordinator may result in disqualification of the Bidder.

### 2.2 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

<b>Estimated Procurement Schedule</b> AGO reserves the right to revise the schedule <b>Times are Pacific Standard Time</b>	
Post Request for Proposal.	<b>June 7, 2022</b>
Bidder may submit written questions up and until 4:00 PM.	<b>June 24, 2022</b>
Bidder may submit complaint via email by 4:00 PM.	<b>June 30, 2022</b>
AGO will post responses to questions and amendments to RFP (if any).	<b>July 1, 2022</b>
<b>Bidder must submit Proposals by 4:00 PM.</b>	<b>July 8, 2022</b>
AGO Evaluation of Proposals	<b>July 11 – 22, 2022</b>
Interviews for Top Bidders	<b>July 25 – August 5, 2022</b>



Announce “Apparently Successful Bidder(s)” (ASB) and send notification via WEBS to unsuccessful Bidders. Evaluations may take up to several weeks.	<b>Upon conclusion of AGO evaluations.</b>
AMENDMENTS: Amendments to the solicitation will be posted to WEBS as they are deemed necessary.	
DEBRIEFING CONFERENCE: Unsuccessful Bidders may request Debriefing until 4:00 PM three business days from the ASB Announcement.	
PROTEST: Bidder may submit protest until 4:00 PM no later than five business days from the Bidder’s Debrief Conference.	
Protest Period Ends: 4:00 PM five business days from the last Debrief Conference.	

**2.3 REVISIONS TO THE RFP**

In the event it becomes necessary to revise any part of this RFP, amendments will be published on WEBS (<https://fortress.wa.gov/ga/webs/>). For this purpose, the published questions and answers from the pre-proposal bidder conference and any other pertinent information shall be considered an amendment to the RFP. If there is any conflict between amendments, or between an amendment and the solicitation, whichever document was issued last in time shall be controlling. **Only Bidders who have properly registered and downloaded the original solicitation directly via WEBS will receive notification of amendments and other pertinent correspondence.**

AGO also reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a Contract.

**2.4 QUESTIONS AND ANSWERS REGARDING THE SOLICITATION**

Specific questions concerning this RFP should be submitted in writing via e-mail to the RFP Coordinator at the email address listed in Section 2.1 – RFP Coordinator. Questions must be received by the RFP Coordinator no later than the date and time listed within the Anticipated Procurement Schedule of this RFP. Answers to Bidder’s questions will be posted on WEBS and may result in an amendment to the RFP.

**2.5 BIDDER CONFERENCE(S)**

A Bidder Conference is not anticipated. In the event that the AGO determines a Bidder Conference is necessary, the AGO will delineate the reason for the conference and communicate the details with all responsive Bidder(s). The AGO, at its sole discretion, will determine if a Bidder Conference is mandatory. If deemed mandatory, any Bidder that does not attend the conference shall be considered nonresponsive and shall not be given further consideration.

**2.6 EXPANDING THE POOL (if applicable)**

The AGO reserves the right, at its sole discretion, to expand and / or refresh the RFP to include the addition of new subcategories or services or to add an additional Bidder if it is deemed to be in the State’s best interest. The AGO will review and assess the need to refresh at least annually.

**2.7 PROPRIETARY INFORMATION AND PUBLIC DISCLOSURE**

Materials submitted in response to this competitive procurement shall become the property of AGO.

All proposals received shall remain confidential until the contract, if any, resulting from this RFP is signed by the AGO and the Apparent Successful Bidder; thereafter, the proposals shall be deemed public records as defined in the [Public Records Act, RCW 42.56](#).

Any information in the Proposal that the Bidder desires to claim as proprietary and exempt from disclosure under the provisions of [RCW Section 42.56.270](#) must be clearly designated. The page must be identified and the particular



exception from disclosure upon which the Bidder is making the claim. Each page claimed to be exempt from disclosure must be clearly identified by the word "Confidential" printed on the lower right hand corner of the page.

AGO will consider a Bidder's request for exemption from disclosure; however, AGO will make a decision predicated upon [RCW Chapter 42](#). **Marking the entire proposal exempt from disclosure will not be honored.** The Bidder must be reasonable in designating information as confidential. If any information is marked as proprietary in the proposal, such information will not be made available until the affected Bidder has been given an opportunity to seek a court injunction against the requested disclosure.

A charge will be made for copying and shipping, as outlined in [RCW Section 42.56.120](#) or in the AGO's rules and statutes. No fee shall be charged for inspection of contract files, but twenty-four (24) hours' notice to the RFP Coordinator is required. All requests for information should be directed to the RFP Coordinator.

## **2.8 ACCEPTANCE PERIOD**

Bidder agrees that it may not modify, withdraw or cancel its Proposal for a 60-day period following the Proposal due date. This does not include requested proposal modifications made by the AGO.

## **2.9 INITIAL DETERMINATION OF RESPONSIVENESS**

All Proposals will be reviewed by the RFP Coordinator to determine compliance with administrative requirements and instructions specified in this RFP. The Bidder is specifically notified that failure to comply with any part of this RFP may result in rejection of the Proposal as non-responsive. AGO reserves the right, however, at its sole discretion, to waive minor administrative irregularities or ask Bidder to modify its non-compliant proposal.

## **2.10 PUBLICITY AND NON-ENDORSEMENT**

The award of a Contract to the Apparent Successful Bidder is not in any way an endorsement of Apparent Successful Bidder or their services provided to AGO and must not be so construed by Apparent Successful Bidder in any advertising or other publicity materials. Apparent Successful Bidder may not use AGO, the State or any state agency in advertising, sales promotion, and other publicity materials relating to this Contract or any product or service furnished by Apparent Successful Bidder wherein AGO's name is mentioned, language is used, or internet links are provided from which the connection of AGO's name therewith without AGO's prior written consent, which it may grant or withhold in its sole discretion.

## **2.11 COSTS TO PROPOSE**

AGO will not be liable for any costs incurred by the Bidder in preparation of a Proposal submitted in response to this RFP, in conduct of a presentation, or any other activities related to responding to this RFP.

## **2.12 REJECTION OF PROPOSALS**

AGO reserves the right at its sole discretion to reject any and all Proposals received without penalty to the agency. The release of this solicitation document does not obligate the state of Washington to contract for the services specified herein.

## **2.13 COMMITMENT OF FUNDS**

The Attorney General or those with authority delegated by the Attorney General are the only individuals who may legally commit AGO to the expenditures of funds for a Contract resulting from this RFP. No cost chargeable to the proposed Contract may be incurred before receipt of a fully executed Contract.





## **2.14 FUNDING AVAILABILITY**

The AGO anticipates a total budget not to exceed \$1 million through 12/31/2022. This solicitation may be dependent upon funding availability. In the event additional funding becomes available, any contract awarded may be renegotiated and amended to provide for additional related services. If for any reason the funding is reduced, suspended, withdrawn, terminated, or funding authorization is revoked, AGO reserves the right to cancel this procurement.

## **2.15 INSURANCE COVERAGE**

If a Bidder is selected as an Apparent Successful Bidder, Bidder is required to carry insurance in accordance with the instructions in **Attachment A – Insurance Requirements** to this RFP. Required insurance types, coverage and limits may be negotiated.

The Apparent Successful Bidder will at all times comply with all applicable workers' compensation, occupational disease, and occupational health and safety laws, statutes, and regulations to the full extent applicable. The state will not be held responsible or liable in any way for claims filed by Apparent Successful Bidder or its employees for services performed under the terms of the Contract.

## **2.16 NO OBLIGATION TO CONTRACT**

Neither this RFP, nor an announcement of an ASB, obligates the State of Washington or the AGO to contract for services specified herein.

## **2.17 REJECTION DUE TO UNSATISFACTORY PERFORMANCE**

Pursuant to the provisions of [RCW 39.26.160](#), the AGO may reject Proposals of any Bidder who has failed to perform satisfactorily under any previous contract. The AGO shall notify the Bidder of such a rejection.

## **2.18 FEDERAL RESTRICTIONS ON LOBBYING (if applicable)**

The Bidder certifies, by submittal of a Proposal to this RFP, that under the requirements of [Lobbying Disclosure Act, 2 U.S.C., Section 1601](#) et seq., no Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. See the Federal Restrictions on Lobbying subsection of the proposed Contract.

## **2.19 DEBARMENT**

The Bidder certifies, by submittal of a Proposal to this RFP, that neither it nor its "principals" (as defined in [2 CFR 200.213](#) or [RCW 39.26.010 \(8\)](#)) are presently debarred by any Federal or state department or agency.

## **2.20 USE OF SUBCONTRACTORS**

AGO will accept Proposals that include third party involvement only if the Bidder submitting the Proposal agrees to take complete responsibility for all actions of such subcontractors. Specific restrictions apply to Contracting with current or former state employees pursuant to chapter [42.52 RCW](#). Bidders should familiarize themselves with the requirements prior to submitting a Proposal.



## **SECTION III –SUBMISSION INSTRUCTIONS AND REQUIRED CONTENT**

### **3.1 SUBMISSION INSTRUCTIONS**

Bidders are required to submit an electronic copy of their proposal. The RFP number and the Bidder's company name must be included in the subject line of the email submission. Bidders may break email submittals into multiple emails, provided that each email clearly indicates in the subject line its overall place in the series, as well as the total number of separate emails being sent. For example, if Bidder is submitting their response in three (3) separate emails, the subject line of the first should be "RFP XXX\_Company Name\_Response 1 of 3"; the next email's subject line would be "RFP XXX\_Company Name\_Response 2 of 3"; etc.

The three major sections of the proposal are to be submitted in the order noted below:

1. Letter of Submittal, including signed Attachments xx – xx to this RFP;
2. Business Information;
3. Qualifications;
4. Costs;
5. References

Proposals must provide information in the same order as presented in this document with the same headings. This will not only be helpful to the evaluators of the Proposals, but should also assist the Bidder in preparing a thorough response.

Items in this section marked as "mandatory" must be included as part of the Proposal for the Proposal to be considered responsive, however, these items are not scored. Items marked "scored" are those that are awarded points as part of the evaluation conducted by the evaluation team.

Paper hard copies or facsimile transmissions of Proposals will not be considered unless an electronic copy has also been submitted to the RFP Coordinator at the email listed in this RFP. The AGO will not accept zipped files as a part of a submission, and zipped files cannot be used for the overall submission of the proposal. The use of links, either in a proposal document or to a cloud based program, is not an acceptable method of submittal. Any proposals submitted that include such links will be rejected as non-responsive and will not receive further consideration.

Bidders should allow for sufficient time to ensure timely receipt of the Proposal by the RFP Coordinator. Late Proposals will not be accepted and will be automatically disqualified from further consideration, unless the AGO's email is found to be at fault. All Proposals and any accompanying documentation become the property of the AGO and will not be returned.

### **3.2 LETTER OF SUBMITTAL (MANDATORY)**

The Proposal must contain a letter of submittal that shall condense and highlight the major components of the Proposal that the Bidder believes will provide the AGO evaluation team with a broad understanding of the entire Proposal. The letter should also include a description of the organization, areas of services, number of years in business, customer base, and any other pertinent information that would aid evaluators in formulating a determination about the capability, stability and strength of the Bidder's organization.

The Submittal Letter must be signed and dated by a person authorized to legally bind the Bidder to a contractual relationship, e.g., the President or Executive Director of a corporation, the managing partner of a partnership, or the proprietor of a sole proprietorship.



**3.3 BUSINESS INFORMATION (MANDATORY)**

Please provide the following business information as well as any other information requested below. The information below will be used for the purpose of drafting a contract, should a contract be awarded:

<b>Legal Company Name</b>	
<b>Doing Business As</b>	
<b>Legal Status</b>	
<b>Year Company Established</b>	
<b>Washington State Tax ID Number OR Universal Business Identifier Number (UBI)</b>	
<b>OMWBE Certification Number</b>	
<b>Statewide Vendor Number</b>	
<b>Website URL Address</b>	
<b>Street Address</b>	
<b>Mailing Address, if different from Street Address</b>	
<b>Billing Address</b>	
<b>Company Contact Name</b>	
<b>Contact Phone Number</b>	
<b>Email</b>	

- A. How many employees are employed by Bidder.. List the Bidder’s principles and their roles.
- B. If the State of Washington has engaged the Bidder or subcontractors of Bidder within the past 24 months, indicate the contract number and/or any other information available to identify the engagement.
- C. If the Bidder has had a contract terminated for default in the past 5 years, describe such incident. Termination for default is defined as notice to stop performance due to the Bidder’s non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Bidder, or (b) litigated and such litigation determined that the Bidder was in default.

Submit full details of the terminations for default, including the other party’s name, address and phone number. Present the Bidder’s position on the matter. The AGO will evaluate the facts and may, at its sole discretion, reject the Proposal on the grounds of the past experience.

**3.4 QUALIFICATIONS (MANDATORY)**

The services to be provided under this project are outlined in Section 1.2 – Solicitation Purpose and Objective; qualifications and experience desired and/or required are described below. The Proposal must include responses that address the following sections related to qualifications:

**A. DESIRED QUALIFICATIONS (MANDATORY)**

An ideal Apparent Successful Bidder would possess the following qualifications at the time the Proposal is submitted. These qualifications are not mandatory, however, if they are qualifications that the Bidder does possess, please clearly indicate such in the Proposal. If they are qualifications that the Bidder does not possess, please also clearly indicate such in the Proposal. The desired qualifications are:



- Licensed to do business in the state of Washington or provide a commitment that it will become licensed in Washington within thirty (30) calendar days of being selected as the Apparent Successful Bidder.
- 5+ years' experience in media production and purchasing, including broadcast television, cable, streaming, radio, and social media advertising.
- Proven experience with media purchasing, including broadcast television, cable, streaming, radio, and social media
- Experience producing and placing multimedia Public Service Announcements for government agencies and/or advertising campaigns for non-profits.
- Experience in media production and purchasing for non-English speaking audiences.

**B. EXPERIENCE (SCORED)**

- i.* Describe and provide samples of previous experience in developing media/ad campaigns, particularly for public and government clients. Include the purpose of the campaign, the client, the target audience, and how the campaign was designed, developed and executed. Also, detail results and outcomes compared to goals.
- ii.* Describe and provide examples of overall experience and expertise in developing cost effective strategies to meet the goals of the client.
- iii.* Describe experience in identifying target audiences based upon geography and social and economic status.
- iv.* Describe approach to developing content for media campaigns, including messages, scripting, images, and other elements that effectively persuade the target audience to take the desired action.
- v.* Describe process to assure Quality Assurance related to the services that it provides.
- vi.* Describe ability to meet deadlines, especially on a short time frame, and give examples of how past deadlines have been successfully met.

**C. STAFFING (SCORED)**

- i.* Describe the proposed team structure and the internal controls to be used during the course of the project, including any subcontractors.
- ii.* Provide the name and job description for all staff involved in the project Proposal, including information on the individual's particular skills related to this project, education, experience, significant accomplishments and any other pertinent information.
- iii.* Identify which staff member will be the lead contact on the project.
- iv.* List any subcontractors you may want to include to complete your suite of services. Please note if any subcontractors are certified by the Washington State Office of Minority and Women's Business Enterprises, and include their certification number. Describe what services each subcontractor would provide. For each subcontractor included, the required business information listed in Section 3.2 above must be provided.

**3.5 COSTS (SCORED)**

The costs section of the Bidder's Proposal must list all hourly rates in U.S. dollars for services anticipated under the proposed contract. The hourly rates are to represent fully weighted costs. This includes the hourly rates of staff that would be assigned to the project, administrative costs, travel costs, or any other applicable fees or costs, including ongoing advertisements, which may be charged under this contract. Subcontractor costs are to be broken out separately.



The evaluation process is designed to award this procurement not necessarily to the Bidder of least cost, but rather to the Bidder whose Proposal best meets the requirements of this RFP. Bidders are encouraged, however, to submit Proposals which are consistent with state government efforts to conserve state resources.

### **3.6 OFFER, CERTIFICATIONS AND ASSURANCES (MANDATORY)**

Bidder must complete and return with their Proposal submission **Attachment B – Offer, Certifications and Assurances**.

### **3.7 REFERENCES (MANDATORY)**

List the names, addresses, telephone numbers, and email addresses of three business references for whom work has been accomplished within the last 10 years, and briefly describe the type of service provided to them. By submitting a Proposal in response to this RFP, the Bidder grants permission to the AGO to contact these references, and others, who from the AGO's perspective, may have pertinent information. The AGO may or may not, at the AGO's discretion, contact references. Do not include AGO staff as references. The AGO may evaluate references at its discretion, up and until contracts or SOWs are executed.

### **3.8 OMWBE CERTIFICATION (OPTIONAL, NOT SCORED)**

Include proof of certification issued by the Washington State Office of Minority and Women's Business Enterprises if certified minority-owned firm and/or women-owned firm(s) will be participating in this project.

### **3.9 WAGE THEFT CERTIFICATION (MANDATORY)**

Bidder must complete and return with their Proposal submission **Attachment C – Wage Theft Certification**. Pursuant to legislative enactment in 2017, the Bidder shall certify that the Bidder has not willfully violated Washington's wage laws.

### **3.10 WORKERS' RIGHTS CERTIFICATION (MANDATORY)**

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), the AGO will evaluate bids for best value and provide a bid preference in the amount of 5 points to any bidder who certifies, pursuant to the certification attached as **Attachment D – Contractor Certification for Executive Order 18-03 – Workers' Rights**, 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.

### **3.11 DIVERSE BUSINESS INCLUSION PLAN (OPTIONAL)**

In accordance with legislative findings and policies set forth in [RCW 39.19](#), the state of Washington encourages participation in all contracts by firms certified by the office of Minority and Women's Business Enterprises (OMWBE), set forth in [RCW 43.60A.200](#) for firms certified by the Washington State Department of Veterans Affairs, and for firms that are Washington Small Businesses. Participation may be either on a direct basis or on a subcontractor basis. However, no preference on the basis of participation is included in the evaluation of Diverse Business Inclusion Plans submitted, and no minimum level of minority- and women-owned business enterprise (MWBE), Washington Small Business, or Washington State certified Veteran Business participation is required as a condition for receiving an award. If one exists, Bidders may submit a Diverse Business Inclusion Plan with their Proposal. Any affirmative action requirements set forth in any federal Governmental Rules included or referenced in the contract documents will apply



**3.12 MODEL CONTRACT / STANDARD TERMS & CONDITIONS (MANDATORY)**

The Apparent Successful Bidder will be expected to enter into a contract which is substantially the same as attached as **Attachment E – Sample Contract**. In no event is a Bidder to submit its own standard contract terms and conditions in response to this solicitation.

Issues, concerns, exceptions or objections, if any, to any of the terms or conditions contained in the Sample Contract and Project documents must be set out in writing by Section or paragraph by the Bidder with a description of each issue, concern, exception and/or objection, and exact edits being proposed to the Sample Contract in Track Changes. The Bidder must propose all exceptions in the below format and must incorporate any Third Party Solution Provider or other Subcontractor’s exceptions as well.

The Exceptions to Model Contract must provide the reason or rationale supporting the issue, concern, exception or objection. Simply stating that a paragraph is "not acceptable" or supplying proposed Contract terms without describing (in business language) the reason or rationale will be considered non-responsive. If the Exceptions to Sample Contract fails to identify a particular term or condition, the term or condition will be deemed accepted, and AGO will not negotiate further changes to such paragraphs or Sections.

<b>Item Number</b>	<b>Model Contract Section #</b>	<b>Issue and Rationale</b>	<b>Bidder’s Proposed Solution/Language</b>
1			
2			
3			
4			
5			

The AGO reserves the right to discuss the exceptions to Sample Contract with the Bidders and require Bidder to clarify the exceptions. The exceptions to Sample Contract frames discussions between AGO and Bidder regarding the Terms and Conditions contained in the Contract and Project documents.

Proposed exceptions to contract terms and conditions that violate Washington State law or Washington procurement rules and standards will not be accepted, and may result in disqualification of a proposal.

**SECTION IV – EVALUATION AND AWARD**

**4.1 EVALUATION PROCEDURE**

Responsive Proposals will be evaluated strictly in accordance with the requirements stated in this solicitation and any addenda issued. Only those Proposals meeting all mandatory submittal requirements will be evaluated for possible contract award. The evaluation of Proposals shall be accomplished by and through an evaluation committee to be designated by the AGO, which will determine the ranking of the Proposals. The Evaluation Committee will evaluate the Bidders to this RFP based on the written responses to this RFP and any additional written information submitted as requested.



The AGO reserves the right, at its sole discretion, to reject, without penalty, any and all responses received and make a selection, if any, which is deemed in the opinion of the Evaluation Committee to be in the best interest of the AGO.

**4.2 EVALUATION WEIGHTING AND SCORING**

The following weighting and points will be assigned to the proposal for evaluation purposes:

<b>Qualifications Section – 70%</b>	<b>70 points</b>
Firm Experience and Relevance.....	25 points (max)
Effectiveness of past work.....	15 points (max)
Approach to content development.....	15 points (max)
Staff Qualifications.....	15 points (max)
<b>Cost Section – 30%</b>	<b>30 points</b>
<b>Grand Total</b>	<b>100 Points</b>

The score for the Cost portion of the proposal will be computed by dividing the lowest average hourly rate received by the Consultant’s average hourly rate. Then the resultant number will be multiplied by the maximum possible points for the cost section.

**4.3 OPPORTUNITY FOR DISCUSSIONS, NEGOTIATIONS AND/OR INTERVIEWS**

After receipt of Proposals and prior to the recommendation of award, the RFP Coordinator may initiate discussions with one or more Bidders, should any clarification or negotiation be deemed necessary.

**4.4 ORAL PRESENTATIONS MAY BE REQUIRED**

Oral presentations, if considered necessary by the AGO, may be utilized in Proposal selection. The AGO, at its sole discretion, may elect to select the top-scoring Bidders from the written evaluation for an oral presentation and contact those top-scoring Bidder(s) to schedule a date, time and location for an oral presentation. Commitments made by the Bidder at the oral interview, if any, will be considered binding.

**4.5 NOTIFICATION OF SELECTED APPARENT SUCCESSFUL BIDDER**

All Bidders who have registered in WEBS will be notified when the AGO has determined the Apparent Successful Bidder(s) via WEBS.

If Bidder has downloaded this RFP from the AGO Website, the OMWBE Website, or by any other means than WEBS, Bidder is responsible for checking WEBS to ensure that you have received any amendments or questions and answers documents.

**SECTION V – COMPLAINT, DEBRIEF AND PROTEST PROCESS AND INSTRUCTIONS**

**5.1 COMPLAINTS**

The complaint period is an opportunity for Bidders to voice objections, raise concerns, or suggest changes that were



not addressed during the Question & Answer Period or at the Pre-Bid Conference. The complaint period ends five (5) business days before the Proposal due date, and complaints must be received on or before the date and time indicated on the Anticipated Procurement Schedule of the RFP.

- A. *Criteria for Complaint:* A formal complaint may only be based 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. Complaints based on other criteria will not be considered or addressed by the AGO. A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
- B. *Initiating A Complaint:* A complaint must be submitted to the RFP Coordinator via email.
- C. *Response:* When a complaint is received, the RFP Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for proposal submittals, unless more time is needed.
- D. *Response is Final:* The RFP Coordinator's response to the complaint is final and not subject to administrative appeal.
- E. *Other:*
  - i. Issues raised in a complaint may not be raised again during the protest period.
  - ii. Any issue, exception, addition, or omission not brought to the attention of the RFP Coordinator prior to proposal submittal may be deemed waived for protest purposes.
  - iii. The AGO will consider all complaints but is not required to adopt a complaint, in part or full.
  - iv. If bidder complaints result in changes to the RFP, written amendments will be issued and posted on WEBS.

## 5.2 DEBRIEF CONFERENCES

A Debrief Conference is an opportunity for a Bidder and the AGO to meet and discuss the Bidder's Proposal. A request for a debrief conference is a required prerequisite for a Bidder wishing to file a protest.

- A. *Announcement:* Following the evaluation of the bids, the AGO will issue an announcement on WEBS of the Apparent Successful Bidder (ASB) and send a Notification of Unsuccessful Bidder to all unsuccessful Bidders through WEBS.
- B. *Debrief Request:* A Bidder's request for a debriefing conference must be received via email by the RFP Coordinator within three (3) business days after the Announcement of ASB and Notification of Unsuccessful Bidder is posted through WEBS.
- C. *Debrief Conference:* When the Debrief Conference request is received, the AGO will offer the requesting Bidder one meeting opportunity and notify the Bidder of the Debrief Conference place, date, and time.
- D. The AGO will not allow the debrief process to delay the award. Therefore, Bidders should plan for contingencies and alternate representatives. Bidders who do not attend the Debrief Conference will lose the opportunity to protest.

## 5.3 PROTESTS

The protest procedure is available to Bidders who submitted a response to this solicitation document and have participated in a Debriefing Conference. Bidders protesting this procurement shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest constitutes the sole administrative remedy available to Bidders under this procurement.

Upon completing the Debriefing Conference, the Bidder is allowed three (3) business days to file a protest of the acquisition with the AGO Contracts Administrator via email to the RFP Coordinator at the email address listed on Page 1 of the RFP.

- A. *Criteria for a protest:* A protest may be based only on one or more of the following:
  - i. Bias, Discrimination, or conflict of interest on the part of an evaluator;
  - ii. Error in computing evaluating scores; or
  - iii. Non-compliance with any procedures described in the RFP.








- B.** *Criteria not met:* Protests not based on the above three issues will not be considered. Protests will be rejected as without merit if they address issues such as: 1) An evaluator’s professional judgment on the quality of a proposal, or 2) the AGO’s assessment of its own and/or other agencies’ needs or requirements.
- C.** Initiating a Protest: Any bidder that has filed a Complaint and a Request for Debrief Conference may protest selection of the ASB. A protest must:
  - i.* Be in writing;
  - ii.* Include a specific and complete statement of facts forming the basis of the protest;
  - iii.* Include a description of the relief or corrective action requested;
  - iv.* Be received by the AGO on or before 5:00 pm on the fifth (5<sup>th</sup>) business day after the Bidder’s Debrief Conference (not including the conference day).
- D.** *Protest Response:* Upon receipt of a protest, the AGO will hold a protest review. The Chief Financial Officer of the AGO or an employee delegated by the Chief Financial Officer who was not involved in the procurement will consider the record and all available facts and issue a decision within ten (10) 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 Bidder that submitted a proposal, such Bidder will be given an opportunity to submit its views and any relevant information on the protest to the AGO Contracts Administrator.
- E.** *Decision is Final:* The protest decision is final and not subject to administrative appeal. If the protesting Bidder does not accept the AGO’s protest response, the Bidder may seek relief in Thurston County Superior Court. The final determination of the protest shall:
  - i.* Find the protest lacking in merit and uphold the AGO’s action;
  - ii.* Find only technical or harmless errors in the AGO’s acquisition process and determine the AGO to be in substantial compliance and reject the protest.
  - iii.* Find merit in the protest and provide options to the AGO, including correcting errors and reevaluating all proposals; reissuing the solicitation document; or making other findings and determining other courses of action as appropriate.
- F.** After reviewing the protest and available facts, the AGO will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.

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

#### 5.4 COMMUNICATION REGARDING COMPLAINTS, DEBRIEFS AND PROTESTS

All communications about this RFP, including complaints, debriefs, and protests, must be addressed to the RFP Coordinator, in writing, at the email addresses listed in Section 2.1 of this RFP.

### SECTION VI – RFP ATTACHMENTS

<b><i>Attachment A – Insurance Requirements</i></b>	 AttA_InsuranceRqm ts
<b><i>Attachment B – Offer, Certifications and Assurances</i></b>	 AttB_OfferCertsAss urances
<b><i>Attachment C – Wage Theft Certification</i></b>	 AttC_WageTheftCer t



***Attachment D - Contractor Certification for Executive Order 18-03 – Workers’ Rights***



AttD\_ExecOrd18-03

***Attachment E – Sample Contract***



AttE\_SampleContract

