



**STATE OF WASHINGTON
DEPARTMENT OF COMMERCE**

REQUEST FOR PROPOSALS (RFP)

RFP NO. S23-31462-300

NOTE:

REVISIONS TO THE RFP. *In the event it becomes necessary to revise any part of this RFP, amendments will be posted on Washington's Electronic Bid System (WEBS) at <https://fortress.wa.gov/ga/webs/> and the Commerce website at [Contracting with Commerce - Washington Department of Commerce](#). For this purpose, the published questions and answers and any other pertinent information shall be provided as an addendum to the RFP and will be placed on these websites. Interested applicants are responsible for checking the website(s) for any amendments prior to submitting an application. COMMERCE reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a contract.*

QUESTIONS. *Questions about this RFP must be submitted to the RFP Coordinator via email between October 26, 2022 and November 14, 2022 at 5:00 p.m. Pacific Time. COMMERCE will post answers on the Commerce website at [Contracting with Commerce - Washington Department of Commerce](#) on Fridays with a final Q&A document to be posted no later than November 15, 2022 at 5:00 p.m. Pacific Time. For this purpose, the published questions and answers shall be provided as an addendum to the RFP.*

PROJECT TITLE: Protection Order System Improvement Planning Grants

PROPOSAL DUE: **November 28, 2022 at 5:00 pm**, Pacific Time

ESTIMATED TIME PERIOD FOR CONTRACT: **December 27, 2022 – June 30, 2023**

PROPOSER ELIGIBILITY: This procurement is open to community-based non-profit 501(c)(3) organizations, courts and other local and tribal government agencies.



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1. INTRODUCTION

1.1 PURPOSE AND BACKGROUND

Background

Every 16 hours somewhere in the United States, a woman is killed by a current or former intimate partner. Nearly one million women alive today have been shot or shot at by an intimate partner. More victims are killed by firearms than by all other means combined. There is a 500 percent increase in risk of homicide when an abusive intimate partner has access to a gun. Perpetrators in possession of firearms pose an increased risk not only to intimate partners, but also their families and bystanders.

Firearms are also used to control, scare, or intimidate a survivor (e.g., threatening to shoot the victim, cleaning, loading, or brandishing the gun during an argument, threatening to shoot a person or pet the victim cares about, or firing a gun during an argument with the victim), with survivors knowing the gun could be used on them at any time.

In addition, research has identified connections between armed domestic violence abusers and mass violence, community violence, other crimes of violence, and violence against law enforcement. Data from mass violence incidents, such as school shootings, or incidents involving suicide, has shown that family members or friends often saw warning signs that people close to them were at risk of harming themselves or others. Suicides constitute 75% of firearm fatalities in Washington. For all of these types of lethal risks, the likelihood that someone in the home will die from suicide or homicide is much greater when there is access to a firearm.

Year after year, researchers and fatality reviews recommend improvements to the implementation of state and federal laws prohibiting individuals legally barred from having or acquiring guns, and more focus on ensuring firearms are swiftly removed from dangerous situations.

One of the most important ways that criminal and civil legal systems and communities can effectively reduce lethal violence and other threats of harm is by using best practices to issue, serve, and enforce court orders that prohibit firearm possession by individuals who present heightened risk of harm. For this reason, in recent years state and federal laws have more clearly set forth responsibilities and provided new tools for courts, law enforcement, and others working within civil and criminal legal systems.

In 2014, the Washington State Legislature enacted HB1840, prohibiting persons restrained under certain protection, no-contact, and restraining orders from possessing or purchasing a firearm while the order is in place. This law and similar laws adopted in other states, focused on reducing the risk of harm particularly for survivors and their families, by allowing immediate removal of firearms when there is heightened risk. Subsequently, through legislation and statewide ballot measures, Washington state has further strengthened that statute, and has added other protections, among them laws: requiring notification of victims before firearms are returned; creating Extreme Risk Protection Orders (ERPOs) allowing family and household members or law enforcement to petition a court to temporarily remove firearms from a person who is a threat to self or to others; requiring firearm dealers to notify law enforcement when an individual prohibited from firearm possession attempts to purchase firearms; mandating temporary removal of firearms and presenting firearms licensing and purchase history to the court when there is a 911 response to a domestic violence incident; and strengthening firearms prohibitions and procedures for all types of civil protection orders.

Sustainable, comprehensive, and consistent implementation and enforcement of these laws is essential to their effectiveness.

For the intent of laws to be fully realized, there must be concerted, coordinated, and timely actions taken by courts, law enforcement, prosecutors, and others working in and with the civil and criminal legal systems.

Before a protection order can be enforced, the respondent must receive the legally required notice of the protection order and the order to surrender and prohibit firearms. Swift service, particularly to those respondents who present the greatest risk, is critically important. Also critically important is temporarily removing firearms for safe-keeping at the time service occurs and ensuring that the correct verification of service is immediately entered into the appropriate databases. If a respondent is not served in a timely manner, or there is no verification that the service was timely, or that all orders were served, then the court will not proceed with the hearing, further delaying the removal of firearms, putting the victim at continued risk. If service is not quickly entered into the database, the information may not be available for other law enforcement personnel should an incident occur.

Some Washington law enforcement agencies have created units with the expertise, training, or specific personnel assigned to serve and enforce these orders. And some courts have created protection order and compliance calendars focused on these cases. These models have met with success. For example, ensuring that orders to surrender and prohibit weapons are issued when temporary protection orders are first issued, often a period of particularly heightened risk for victims, requiring comprehensive information be provided to the court to help verify all firearms and concealed pistol licenses have been immediately surrendered to law enforcement as the law requires, and taking additional steps to make sure the court's orders have been fully and swiftly complied with.

The ability of the courts, policy-makers, or advocates to track compliance with court orders to surrender and prohibit firearms is made more complicated and problematic because of the number of agencies and procedures, and the myriad databases involved. There may be limited tracking of what firearms are surrendered and how long it takes for the firearms to be surrendered, inhibiting the ability to measure or evaluate whether community safety is being improved.

Effectively and uniformly issuing, serving, and enforcing civil protection orders and orders to surrender and prohibit weapons, including the immediate removal of firearms, can involve coordination among family members who report a concern, advocates and attorneys who help victims understand and navigate the system and assist with safety planning, judicial officers who craft orders appropriate to the unique needs of a situation, law enforcement officers who serve and enforce the orders, advocates, court, and prosecutors' office personnel who assist in providing the court as much information as possible, and law enforcement and prosecutors who address violations through search warrants, investigation, and compliance proceedings.

In the criminal legal system, coordination and collaboration is also needed to help ensure that law enforcement conducts appropriate inquiry, removes firearms from the scene, uses lethality assessments, documents firearms on domestic violence supplemental forms; and that prosecutors, advocates, and staff screen incident reports for the presence of firearms, interview victims, and check purchase and concealed pistol license history. This allows the presentation of comprehensive information to the court at first appearance hearings to help ensure that orders to surrender and prohibit weapons are issued and surrender of all firearms is verified prior to release.

Purpose

The Washington State Department of Commerce hereafter called "COMMERCE," is initiating this Request for Proposals (RFP) to solicit proposals from firms interested in participating in a project to support courts, law enforcement, and local communities in effective implementation of laws intended to reduce risk of harm by firearms, through collaborative, regional or county-wide approaches to enhance safety and protection for survivors and their families, colleagues, and communities. This process will identify immediate and longer-term opportunities to enhance safety and accountability, implement and institutionalize best practice protocols, training, organizational structures, and entry of data into the National Instant Background Check System (NICS), evaluation, reporting, and coordination with other system partners working on firearm violence intervention and prevention.

COMMERCE intends to award up to **four contracts** to undertake the projects described in this RFP.

1.2 OBJECTIVES AND SCOPE OF WORK

Objectives

The Washington State Department of Commerce hereafter "COMMERCE," is initiating this Request for Proposals (RFP) to solicit Proposals from community-based non-profit 501(c)(3) organizations, courts, or other local or tribal government agencies to convene a planning team to design an improved, regional or county-wide system to more effectively, timely and uniformly issue, serve, and enforce firearms prohibitions, including civil protection orders and orders to surrender and prohibit weapons. The objective is to develop a coordinated response to improve outcomes, including more immediate removal of firearms from individuals who are legally prohibited from possessing or purchasing firearms.

Projects will identify and implement improvements that can be made with existing resources and staffing, and make recommendations for improvements that can be accomplished with additional investment and support. Each project will take a comprehensive, culturally specific approach to design and implement an improved, regional or county-wide system, and propose strategies and mechanisms such as memoranda of understanding to guide ongoing work and fidelity to recommendations once the project period has concluded.

COMMERCE intends to award up to **four contracts** to undertake the projects described in this RFP. Multi-organizational, multi-disciplinary collaborative Proposals are highly encouraged. Proposers should consider leveraging existing, related county or regional collaborations including existing Coordinated Community Response Teams or legal service provider networks. However, only one of the partnering entities will enter into the Contract with COMMERCE. Subcontracting with other entities is permitted if helpful.

Proposals are **not limited to any geographic area** within the state, and should target system-wide improvements at the county level or regionally. Proposals are encouraged that focus on system improvements in geographic areas lacking such systems, or needing to strengthen existing systems; are responsive to the overall objectives of this RFP; are risk- and research-based; are survivor-informed and guided; are trauma and equity-informed; and contribute to data collection and ongoing system evaluation to help test and ensure fidelity to best practices and statutory requirements. Proposals will be considered that test new and innovative delivery strategies that, if proven effective, offer lessons for potential replication.

Scope of Work

At the end of the funding period, the Contractor(s) will produce a comprehensive Strategic Action Plan submitted to COMMERCE as the final deliverable under the Contract.

Proposals should describe the process to develop the Strategic Action Plan through a multi-disciplinary planning team made up of system partners. Applicants must address the following in their Proposal narrative's project design and implementation:

1. **Planning Team Creation and Convening:** A description of the planning team structure, leadership, membership, and project staffing should be included in the Proposal narrative. The planning team may be an existing, expanded, or new formal working group, committee, or collaboration. planning team membership should be tailored to best address the community's problems and needs, pulling in individuals with expertise and communities of focus who can assist in designing and championing the program to achieve the desired outcomes.

Planning team members may include, but are not limited to: judicial officers, court staff, clerks' offices, protection order advocates and non-profit service providers, survivors, elected officials and executive and legislative branch staff, legal aid attorneys, county prosecutors and city attorneys, public defenders, law enforcement agencies, jail and corrections administrators and officers, others working to address community violence, community residents, foundations and

fundors, and individuals with expertise in system reform. Planning team members must participate in the development of the Strategic Action Plan.

The Proposal narrative should also describe how the planning team will leverage the expertise of researchers, academicians, the National Council of Juvenile and Family Court Judges and the Center for Court Innovation, including the Judicial Engagement Network, and others across the state or elsewhere who have developed system reforms.

2. Strategic Action Plan Development: Proposals should describe the process that will be used to develop a Strategic Action Plan identifying barriers, gaps, and problematic practices and make recommendations for evidence-based system improvements that can be implemented quickly, as well as reforms that may require additional resources, staffing, or other changes to fully implement, describing the approaches that will be taken to achieve both.

The Strategic Action Plan should begin with an identification of gaps and barriers to effective, timely, and uniform issuance, service, and enforcement of court orders and firearms prohibitions, including more immediate removal of firearms, and updated approaches needed to fully implement RCW 7.105, 9.41, 10.99, and related state and federal laws, to achieve improved firearm violence prevention outcomes.

The Strategic Action Plan should identify roles and responsibilities, accountability, and a schedule for the deliverables.

Among other elements, the Strategic Action Plan process **could include**, for example:

- Review of:
 - The requirements set forth in relevant state laws and identification of existing training, practices, and policies that may not be fully aligned and need to be updated, strengthened, or modified
 - Sample cases, using process mapping and records analysis to identify existing barriers, delays, and opportunities for timelier and more effective outcomes
 - Input from survivors, legal advocates, civil legal aid practitioners, and others regarding barriers and opportunities for improvement
 - Understanding by law enforcement, community, and prosecutors regarding when and how extreme risk protection orders may be filed
 - Current training for judicial officers, law enforcement, prosecutors, and other system partners
 - Law enforcement policies and practices regarding firearms when responding to domestic violence calls, service of orders, removal of firearms, enforcement, verification of compliance, information provided to the court, data entry, records checks, reporting, storage and return of firearms, and victim notification
 - Court calendars, structures, orders, and information reviewed by judicial officers for hearings involving first appearances for crimes involving intimate partner violence, civil protection orders, and orders to surrender and prohibit weapons
 - Information provided by courts, clerks, law enforcement, prosecutors, attorneys, and advocates for petitioners seeking protection orders and to respondents to help them understand and comply with court-ordered relinquishment
 - Mechanisms used to monitor, track, evaluate, and improve outcomes
 - Coordination between and among system partners within and across jurisdictions
- Recommendations for implementation of:
 - Model law enforcement training, policies, and procedures regarding risk assessment and prioritization, collection of information from the victim for obtaining any firearms to which the defendant or respondent may have access at the time of service or at the scene of domestic violence incidents; use of lethality assessments; submitting to the court specific information indicating possible non-compliance with the court's order in the proof of service forms; documenting the presence of firearms in incident reports; use of search

- warrants; data entry and regularly reporting of key metrics as a measure of public safety to policy-makers and the public
- Model county prosecutors' and city attorney's training, policies, and procedures for filing and disposition standards for intimate partner violence cases and for other cases where charges may result in firearms prohibitions; practices used to provide courts information for weapons surrender verification in civil and criminal proceedings and to help ensure timely compliance with court orders; protocols for investigation of cases involving individuals who attempt to purchase weapons or use a concealed pistol license while prohibited
 - Model forms in plain language to assist the Petitioner in listing and describing firearms and assist law enforcement in retrieving all firearms
 - Approaches for aligning the processes used by law enforcement and courts with the need for more immediate action, particularly during times of heightened risk, including use of electronic service best practice protocols for non-firearms cases so that resources may be directed to quicker in-person service and enforcement in firearms cases; limiting delays and continuances; requiring same-day relinquishment when hearings are held and all firearms have not yet been turned in to law enforcement; and evening and weekend judicial officer availability for warrants and extreme risk protection orders
 - Approaches and staffing for helping to ensure that judicial officers have comprehensive information regarding firearms when presiding over proceedings involving protection orders or orders to surrender and prohibit weapons
 - Dedicated calendars for protection order cases; use of compliance calendars and procedures to ensure respondents meet the requisite burden of proof regarding court-ordered relinquishment; including submission of additional information that may be provided to the court by survivors, staff, prosecutors, or law enforcement; use of contempt proceedings and sanctions when appropriate
 - Timely notification procedures to petitioners and family members as required by law at key points in the process, including when firearms may be returned, and checking requisite databases to verify that the person requesting return of a surrendered firearm is eligible to possess firearms
 - Best practices for timely and accurate entry by courts and law enforcement into data systems
 - Best practices to collaboratively and comprehensively track, monitor, report out, and identify areas for improvement in the issuance, service, and enforcement of compliance with protection orders and orders to surrender and prohibit weapons
 - Creation of specialized units, teams, or assignment of dedicated personnel by key system partners
 - Evidence-based training for judicial officers and law enforcement to increase understanding of trauma-informed practices, procedural justice, intimate partner violence, coercive control, protection orders, orders to surrender and prohibit weapons, and lethality risks
 - Memoranda of understanding or other agreement among key system partners setting forth principles, practices, staffing, funding, approaches to problem-solving, and other commitments for long-term fidelity to the recommended system improvements

1.3 MINIMUM QUALIFICATIONS

To meet the minimum qualifications for this RFP an Applicant must:

- Be licensed to do business in the State of Washington or submit a statement of commitment that it will become licensed in Washington within thirty (30) calendar days of being selected as an Apparently Successful Contractor; and
- Be a community-based non-profit 501(c)(3) organization as verified by a copy of their Internal Revenue Service (IRS) 501(c)(3) determination letter, court or other local or tribal government agency.

For-profit businesses and organizations are NOT eligible applicants.

Proposals that do not clearly meet or exceed all minimum qualifications listed above are non-responsive and will not be evaluated.

1.4 FUNDING

COMMERCE has budgeted an amount not to exceed \$600,000 for up to four contracts under this RFP. **Proposals in excess of \$150,000 will be considered non-responsive and will not be evaluated.**

Any contract awarded as a result of this procurement is contingent upon the availability of funding.

1.5 PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this RFP is tentatively scheduled to begin on or about December 27, 2022 and to end on June 30, 2023. Amendments extending the period of performance, if any, shall be at the sole discretion of COMMERCE.

COMMERCE reserves the right to extend the contract for two one-year periods.

1.6 CONTRACTING WITH CURRENT OR FORMER STATE EMPLOYEES

Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 of the Revised Code of Washington. Proposers should familiarize themselves with the requirements prior to submitting a proposal that includes current or former state employees.

1.7 DEFINITIONS

Definitions for the purposes of this RFP include:

Apparent Successful Contractor/Bidder/Vendor/Grantee/Awardee: The proposer selected as the entity to perform the anticipated services, subject to completion of contract negotiations and execution of a written contract.

Contractor: Proposer(s) whose proposal has been accepted by COMMERCE and is awarded a fully executed, written contract. Also called Grantee, Awardee, Recipient, or Vendor.

COMMERCE or AGENCY: The Department of Commerce is the agency of the state of Washington that is issuing this RFP.

Exhibit: Document attached to this RFP, also referred to as Attachment.

Proposal: A formal offer submitted in response to this solicitation.

Proposer: Individual, firm, organization, company, or other entity or group of entities that submits a proposal in order to attain a contract with COMMERCE.

Request for Proposals (RFP): Formal procurement document in which a service or need is identified but no specific method to achieve it has been chosen. The purpose of an RFP is to permit the proposer community to suggest various approaches to meet the need at or below a given funding level.

1.8 ADA

COMMERCE complies with the Americans with Disabilities Act (ADA). Proposers may contact the RFP Coordinator to receive this Request for Proposals in Braille or on tape.

2. GENERAL INFORMATION FOR PROPOSERS

2.1 RFP COORDINATOR

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

Name	Sharon Livernois
Email Address	Sharon.livernois@commerce.wa.gov

Any other communication will be considered unofficial and non-binding on COMMERCE. Proposers 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 Proposer.*

2.2 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

Issue Request for Proposals	10/26/2022
Question & answer period	10/26/2022 – 11/14/2022
Answers to Q&A posted no later than 5:00 pm, PT	11/15/2022
Proposals due no later than 5:00 pm, PT	11/28/2022
Evaluate proposals	11/29/2022-12/06/2022
Conduct oral interviews with finalists, if required	12/07/2022-12/08/2022
Announce “Apparent Successful Contractor” and send notification via e-mail to unsuccessful Proposers	12/09/2022
Hold debriefing conferences (if requested)	12/12/2022-12/13/2022
Negotiate contract	12/02/2022- 12/27/2022
Begin contract work	12/27/2022

COMMERCE reserves the right to revise the above schedule.

2.3 PRE-PROPOSAL CONFERENCE

There will **not** be a pre-proposal conference for this RFP.

COMMERCE will be bound only to COMMERCE written answers to questions. Questions arising at the pre-proposal conference or in subsequent communication with the RFP Coordinator will be documented and answered in written form. A copy of the questions and answers will be sent to each prospective Proposer that has received a copy of the RFP or made the RFP Coordinator aware of its interest in this procurement.

2.4 THIS SECTION REMOVED

2.5 SUBMISSION OF PROPOSALS

Proposals must be **received by the RFP Coordinator** no later than no later than **5:00 p.m., Pacific Time, on November 28, 2022.**

Proposals must be submitted electronically as an attachment to an e-mail to the RFP Coordinator, at the e-mail address listed in Section 2.1. Attachments to e-mail shall be in Microsoft Word format or PDF. Zipped files cannot be received by COMMERCE and cannot be used for submission of proposals. The cover submittal letter and the Certifications and Assurances form must have a scanned signature of the individual within the organization authorized to bind the Proposer to the offer. COMMERCE does not assume responsibility for problems with Proposer's e-mail. If COMMERCE email is not working, appropriate allowances will be made.

Proposals may not be transmitted using facsimile transmission.

Proposers should allow 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 COMMERCE e-mail is found to be at fault at COMMERCE'S sole determination. Proposals should be sent in one email, however if more than one email is needed all must be received by the due date and time. Exceptions will not be made for partial submissions. Requests for deadline extensions will not be granted. All proposals and any accompanying documentation become the property of COMMERCE and will not be returned.

2.6 PROPRIETARY INFORMATION AND PUBLIC DISCLOSURE

Proposals submitted in response to this competitive procurement shall become the property of COMMERCE. All proposals received shall remain confidential until the Apparent Successful Contractor is announced; thereafter, the proposals shall be deemed public records as defined in Chapter 42.56 of the Revised Code of Washington (RCW).

Any information in the proposal that the Proposer desires to claim as proprietary and exempt from disclosure under the provisions of Chapter 42.56 RCW, or other state or federal law that provides for the nondisclosure of your document, must be clearly designated. The information must be clearly identified and the particular exemption from disclosure upon which the Proposer is making the claim must be cited. Each page containing the information claimed to be exempt from disclosure must be clearly identified by the words "Proprietary Information" printed on the lower right hand corner of the page. Marking the entire proposal exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the Proposer has marked as "Proprietary Information," COMMERCE will notify the Proposer of the request and of the date that the records will be released to the requester unless the Proposer obtains a court order enjoining that disclosure. If the Proposer fails to obtain the court order enjoining disclosure, COMMERCE will release the requested information on the date specified. If a Proposer obtains a court order from a court of competent

jurisdiction enjoining disclosure pursuant to Chapter 42.56 RCW, or other state or federal law that provides for nondisclosure, COMMERCE shall maintain the confidentiality of the Proposer's information per the court order.

A charge will be made for copying and shipping, as outlined in RCW 42.56. 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.

2.7 REVISIONS TO THE RFP

In the event it becomes necessary to revise any part of this RFP, addenda will be published on Washington's Electronic Bid System (WEBS). The website can be located at <https://fortress.wa.gov/ga/webs/>. For this purpose, the published questions and answers and any other pertinent information shall be provided as an addendum to the RFP and will be placed on the website. Such addenda will also be published on an Agency page, located at <http://www.commerce.wa.gov/serving-communities/current-opportunities/>.

COMMERCE reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a contract.

2.8 DIVERSE BUSINESS INCLUSION PLAN

Proposers are required to submit a Diverse Business Inclusion Plan with their proposal. 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 set forth in RCW 39.26.005 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. Any affirmative action requirements set forth in any federal governmental rules included or referenced in the contract documents will apply.

COMMERCE has the following agency goals:

- 10% participation by Minority Owned Business
- 6% participation by Women Owned Business
- 5% participation by Veteran Owned Business
- 5% participation by Small Businesses

2.9 ACCEPTANCE PERIOD

Proposals must provide 60 days for acceptance by COMMERCE from the due date for receipt of proposals.

2.10 COMPLAINT PROCESS

Vendors may submit a complaint to COMMERCE based on any of following:

- a) The solicitation unnecessarily restricts competition;
- b) The solicitation evaluation or scoring process is unfair; or
- c) The solicitation requirements are inadequate or insufficient to prepare a response.

A complaint may be submitted to COMMERCE at any time prior to 5 days before the bid response deadline. The complaint must meet the following requirements:

- a) The complaint must be in writing;

- b) The complaint must be sent to the RFP coordinator in a timely manner;
- c) The complaint should clearly articulate the basis for the complaint; and
- d) The complaint should include a proposed remedy.

The RFP coordinator will respond to the complaint in writing. The response to the complaint and any changes to the solicitation will be posted on WEBS. The Director of COMMERCE will be notified of all complaints and will be provided a copy of COMMERCE'S response. The complaint may not be raised again during the protest period. COMMERCE'S action or inaction in response to the complaint will be final. There will be no appeal process.

2.11 RESPONSIVENESS

All proposals will be reviewed by the RFP Coordinator to determine compliance with administrative requirements and instructions specified in this RFP. The Proposer is specifically notified that failure to comply with any part of the RFP may result in disqualification of the proposal as incomplete and/or non-responsive.

Disqualified Proposers will be notified after the announcement of the Apparently Successful Contractor(s).

Disqualified Proposers will be afforded a Debriefing consistent with Section 4.5.

COMMERCE reserves the right at its sole discretion to waive minor administrative irregularities.

2.12 MOST FAVORABLE TERMS

COMMERCE reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted initially on the most favorable terms which the Proposer can propose. There will be no best and final offer procedure. COMMERCE reserves the right to contact a Proposer for clarification of its proposal.

The Apparent Successful Contractor should be prepared to accept this RFP for incorporation into a contract resulting from this RFP. Contract negotiations may incorporate some, or all, of the Proposer's proposal. It is understood that the proposal will become a part of the official procurement file on this matter without obligation to COMMERCE.

2.13 CONTRACT GENERAL TERMS & CONDITIONS

The apparent successful contractor will be expected to enter into a contract which is substantially the same as the sample contract and its general terms and conditions attached as Exhibit D. This sample contract is for information and review only and should not be returned with your proposal. In no event is a Proposer to submit its own standard contract terms and conditions in response to this solicitation. The Proposer may submit exceptions as allowed in the Certifications and Assurances form, Exhibit A to this solicitation. All exceptions to the contract terms and conditions must be submitted as an attachment to Exhibit A, Certifications and Assurances form. COMMERCE will review requested exceptions and accept or reject the same at its sole discretion.

2.14 COSTS TO PROPOSE

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

2.15 NO OBLIGATION TO CONTRACT

This RFP does not obligate the state of Washington or COMMERCE to contract for services specified herein.

2.16 REJECTION OF PROPOSALS

COMMERCE reserves the right at its sole discretion to reject any and all proposals received without penalty and not to issue a contract as a result of this RFP.

2.17 COMMITMENT OF FUNDS

The Director of COMMERCE or delegate is the only individual who may legally commit COMMERCE 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.

2.18 ELECTRONIC PAYMENT

The state of Washington prefers to utilize electronic payment in its transactions. The successful contractor will be provided a form to complete with the contract to authorize such payment method.

2.19 INSURANCE COVERAGE

The Contractor is to furnish COMMERCE with a certificate(s) of insurance executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth within the contract.

The Contractor shall, at its own expense, obtain and keep in force insurance coverage which shall be maintained in full force and effect during the term of the contract. The Contractor shall furnish evidence in the form of a Certificate of Insurance that insurance shall be provided, and a copy shall be forwarded to COMMERCE within fifteen (15) days of the contract effective date. Standard insurance requirements are included within the sample contract and its special terms and conditions attached as Exhibit D.

3. PROPOSAL CONTENTS

Proposals must be written in English and submitted electronically to the RFP Coordinator in the order noted below:

1. Letter of Submittal
2. Certifications and Assurances (Exhibit A to this RFP)
3. Technical Proposal
4. Management Proposal
5. Cost Proposal
6. Diverse Business Inclusion Plan (Exhibit B to this RFP)
7. Workers' Rights Certification (Exhibit C to this RFP)

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 proposal, but should assist the Proposer in preparing a thorough response.

Items marked "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.

3.1 CERTIFICATIONS AND ASSURANCES AND LETTER OF SUBMITTAL (MANDATORY)

The Certifications and Assurances form (Exhibit A to this RFP) and the Proposer's Letter of Submittal each **must** be signed and dated by a person authorized to legally bind the Proposer to a contractual relationship, e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship.

Along with introductory remarks, the Letter of Submittal must include the following information about the Proposer and any proposed subcontractors:

- A. Name, address, principal place of business, telephone number, and fax number/e-mail address of legal entity or individual with whom contract would be written.
- B. Name, address, and telephone number of each principal officer (President, Vice President, Treasurer, Chairperson of the Board of Directors, etc.)
- C. Legal status of the Proposer (sole proprietorship, partnership, corporation, etc.) and the year the entity was organized to do business as the entity now substantially exists.
- D. Federal Employer Tax Identification number or Social Security number and the Washington Uniform Business Identification (UBI) number issued by the state of Washington Department of Revenue. If the Proposer does not have a UBI number, the Proposer must state that it will become licensed in Washington within thirty (30) calendar days of being selected as the Apparently Successful Contractor.
- E. Location from which the Proposer would operate.
- F. Identify any state employees or former state employees employed or on the firm's governing board as of the date of the proposal. Include their position and responsibilities within the Proposer's organization. If following a review of this information, it is determined by COMMERCE that a conflict of interest exists, the Proposer may be disqualified from further consideration.

3.2 TECHNICAL PROPOSAL (SCORED)

The Technical Proposal must contain a comprehensive description of services including **meeting the Objectives and addressing each criteria set forth in the Scope of Work in Section 1.2** of this RFP, including Planning Team Creation and Convening and Strategic Action Plan Development, and the following elements:

- A. Project Approach/Methodology:** Include a complete description of the Proposer's proposed approach and methodology for the project. This section should convey Proposer's understanding of the proposed project as set forth in Section 1.2, Objectives and Scope of Work.
- B. Work Plan:** Include all project requirements and the proposed tasks, services, activities, etc. necessary to accomplish the project as set forth in Section 1.2, Objectives and Scope of Work. This section of the technical proposal must contain sufficient detail to convey to members of the evaluation team the Proposer's knowledge of the subjects and skills necessary to successfully complete the project. Include any required involvement of COMMERCE staff. The Proposer may also present any creative approaches that might be appropriate and may provide any pertinent supporting documentation.
- C. Project Schedule:** Include a project schedule indicating when the elements of the work will be completed to support the requirements set forth in Section 1.2, Objectives and Scope of Work. Project schedule must ensure that any deliverables requested are met.
- D. Risks:** The Proposer must identify potential risks that are considered significant to the success of the project. Include how the Proposer would propose to effectively monitor and manage these risks, including reporting of risks to the COMMERCE contract manager.
- E. Deliverables:** Fully describe deliverables to be submitted under the proposed contract. Deliverables must support the requirements set forth in Section 1.2, Objectives and Scope of Work.

3.3 MANAGEMENT PROPOSAL

A. Project Management (SCORED)

- 1. **Project Team Structure and Internal Controls:** Provide a description of the proposed project team structure and internal controls to be used during the course of the project, including any subcontractors. Provide an organizational chart of your organization or agency indicating lines of authority for personnel involved in performance of this potential contract and relationships of this staff to other programs or functions of the firm. This chart must also show lines of authority to the next senior level of management. Include who within the organization or agency will have prime responsibility and final authority for the work.
- 2. **Staff Qualifications and Experience:** Identify staff, including subcontractors, who will be assigned to the potential contract, indicating the responsibilities and qualifications of such personnel, and include the amount of time each will be assigned to the project. Provide resumes for the named staff, which include information on the individual's particular skills related to this project, education, experience, significant accomplishments and any other pertinent information. The Proposer must commit that staff identified in its proposal will actually perform the assigned work. Any staff substitution must have the prior approval of the AGENCY.

B. Experience of the Proposer (SCORED)

Indicate the experience the Proposer and any subcontractors have in the following areas:

- a. Projects requiring the participation of multidisciplinary teams made up of cross-system partners.
- b. Implementation of Washington's protection order laws and court orders directing the relinquishment of firearms;
- c. Requirements and legislative intent of RCW 7.105, 9.41.800 et seq., 10.99, and other state laws regarding Orders to Surrender & Prohibit Weapons (OTSWs), Civil Protection Orders, including Extreme Risk Protection Orders (ERPOs), Domestic Violence, Sexual Assault, and Stalking.

Indicate other relevant experience that indicates the qualifications of the Proposer, and any subcontractors, for the performance of the potential contract.

Include a list of contracts the Proposer has had during the last five years that relate to the Proposer's ability to perform the services needed under this RFP. List contract reference numbers, contract period of performance, contact persons, telephone numbers, and fax numbers/e-mail addresses.

C. Related Information (MANDATORY)

1. If the Proposer or any subcontractor contracted with the state of Washington during the past 24 months, indicate the name of the agency, the contract number and project description and/or other information available to identify the contract.
2. If the Proposer's staff or subcontractor's staff was an employee of the state of Washington during the past 24 months, or is currently a Washington State employee, identify the individual by name, the agency previously or currently employed by, job title or position held and separation date.
3. If the Proposer has had a contract terminated for default in the last five years, describe such incident. Termination for default is defined as notice to stop performance due to the Proposer's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer, or (b) litigated and such litigation determined that the Proposer was in default.
4. Submit full details of the terms for default including the other party's name, address, and phone number. Present the Proposer's position on the matter. COMMERCE will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience. If no such termination for default has been experienced by the Proposer in the past five years, so indicate.

D. References (MANDATORY)

List names, addresses, telephone numbers, and fax numbers/e-mail addresses of three (3) business references for the Proposer and three (3) business references for the lead staff person for whom work has been accomplished and briefly describe the type of service provided. Do not include current COMMERCE staff as references. By submitting a proposal the Proposer and any partners or agents authorize COMMERCE to contact these references and others, who from COMMERCE'S perspective, may have pertinent information. COMMERCE may or may not, at COMMERCE'S discretion, contact references. COMMERCE may evaluate references at COMMERCE'S discretion.

E. OMWBE Certification (OPTIONAL AND NOT SCORED)

Include proof of certification issued by the Washington State Office of Minority and Women's Business Enterprises (OMWBE) if certified minority-, women-, or veteran-owned firm(s) will be participating on this project. For more information please visit: <http://www.omwbe.wa.gov>.

3.4 COST PROPOSAL

The maximum fee for this contract must not exceed the amount specified in section 1.4 to be considered responsive to this RFP.

The evaluation process is designed to award this procurement not necessarily to the Proposer of least cost, but rather to the Proposers whose proposal best meets the requirements of this RFP. However, Proposers are encouraged to submit proposals which are consistent with state government efforts to conserve resources.

A. Identification of Costs (SCORED)

Identify all costs in U.S. dollars including expenses to be charged for performing the services necessary to accomplish the objectives of the contract. Please use the following template to submit a fully detailed budget including staff costs and any expenses necessary to accomplish the tasks and to produce the deliverables under the contract. Proposers are required to collect and pay Washington state sales and use taxes, as applicable.

Cost Category	Cost Description	Unit Amount x Cost	Quotation
EXAMPLE: Personnel Costs	Principal Researcher and Research Assistant time to conduct project work	1000 hours @ \$60/hr	\$60,000.00
Identification of Costs			
Personnel Costs (includes any benefits)			
Subcontractor Costs (As Applicable)			
Travel Costs (mileage, parking, Etc.)			
Supplies			
Equipment			
Other Costs (Describe any other costs in detail)			
TOTAL Costs			\$ _____

Costs for subcontractors are to be broken out separately. Please note if any subcontractors are certified by the Office of Minority and Women’s Business Enterprises.

4. EVALUATION AND CONTRACT AWARD

4.1 EVALUATION PROCEDURE

Responsive proposals will be evaluated strictly in accordance with the requirements stated in this solicitation and any addenda issued. The evaluation of proposals shall be accomplished by an evaluation team(s), to be designated by COMMERCE, which will determine the ranking of the proposals.

COMMERCE, at its sole discretion, may elect to invite the top-scoring Proposers as finalists for an oral presentation.

The RFP Coordinator may contact the Proposer for clarification of any portion of the Proposer's proposal. Proposers are not permitted to submit, or resubmit, any materials of any kind after the date and time stated in section 2.5 SUBMISSION OF PROPOSALS.

As described in section 1.2 of this RFP:

COMMERCE intends to award up to **four contracts** to undertake the projects described in this RFP. Multi-organizational, multi-disciplinary collaborative Proposals are highly encouraged. Proposers should consider leveraging existing, related county or regional collaborations including existing Coordinated Community Response Teams or legal service provider networks. However, only one of the partnering entities will enter into the Contract with COMMERCE. Subcontracting with other entities is permitted if helpful.

Proposals are **not limited to any geographic area** within the state, and should target system-wide improvements at the county level or regionally. Proposals are encouraged that focus on system improvements in geographic areas lacking such systems, or needing to strengthen existing systems; are responsive to the overall objectives of this RFP; are risk- and research-based; are survivor-informed and guided; are trauma and equity-informed; and contribute to data collection and ongoing system evaluation to help test and ensure fidelity to best practices and statutory requirements. Proposals will be considered that test new and innovative delivery strategies that, if proven effective, offer lessons for potential replication.

4.2 EVALUATION BREAKDOWN

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

Technical Proposal – 75%

Work Plan
Project Schedule
Risks
Deliverables

Management Proposal – 20%

Project Team Structure and Internal Controls
Staff Qualifications and Experience
Experience of the Proposer

Cost Proposal – 5%

Workers' Rights Certification – Those Proposers that certify they **do not** require their employees to sign an individual arbitration clause as a condition of employment will receive an extra 5% added to their score (see Exhibit C).

OVERALL POINTS AVAILABLE = 105 + possible 5% of total score for Exhibit C

COMMERCE reserves the right to award the contract to the Proposer whose proposal is deemed to be in the best interest of COMMERCE and the state of Washington.

4.3 ORAL PRESENTATIONS MAY BE REQUIRED

After evaluating the written proposals COMMERCE may elect to schedule oral presentations of the finalists. Should oral presentations become necessary, COMMERCE will contact the top-scoring firm(s) from the written evaluation to schedule a date, time, and location. Commitments made by the Proposer at the oral interview, if any, will be considered binding.

The scores from the written evaluation and the oral presentation combined together will determine the Apparent Successful Contractor.

4.4 NOTIFICATION TO PROPOSERS

COMMERCE will notify the Apparent Successful Contractor(s) of their selection in writing upon completion of the evaluation process. Proposers who were not selected for further negotiation or award will be notified separately by e-mail.

4.5 DEBRIEFING OF UNSUCCESSFUL PROPOSERS

Any Proposer who has submitted a proposal and received notice that they were not selected for contract award may request a debriefing. The request for a debriefing conference must be received by the RFP Coordinator within three (3) business days after the Unsuccessful Proposer Notification is e-mailed or faxed to the Proposer. Debriefing requests must be received by the RFP Coordinator no later than 5:00 PM, local time, in Olympia, Washington, on the third business day following the transmittal of the Unsuccessful Proposer Notification. The debriefing must be scheduled within three (3) business days of the request.

Discussion at the debriefing conference is strictly limited to the following:

- Evaluation and scoring of that Proposer's proposal;
- Any written comments from evaluators;
- Review of proposer's final score in comparison with the other final scores *without* identifying the other Proposers or reviewing their proposals.

Comparisons between proposals or evaluations of the other proposals is not allowed. Debriefing conferences may be conducted on the telephone or by other electronic means and will be scheduled for a maximum of thirty (30) minutes.

4.6 PROTEST PROCEDURE

Protests may be made only by Proposers who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Proposer is allowed five (5) business days to file a protest with the RFP Coordinator. Protests must be received by the RFP Coordinator no later than 5:00 PM, local time, in Olympia, Washington on the fifth business day following the debriefing. Protests must be submitted by email.

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

All protests must be in writing, addressed to the RFP Coordinator, and signed by the protesting party or an authorized Agent. The protest must state the RFP number, the grounds for the protest from the

list below with specific facts and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included.

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

- A matter of bias, discrimination, or conflict of interest on the part of an evaluator;
- Errors in computing the score;
- Non-compliance with procedures described in this procurement document or COMMERCE policy.

Protests not based on procedural matters 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) COMMERCE'S assessment of its own and/or other agencies' needs or requirements.

Upon receipt of a protest, a protest review will be held by COMMERCE. The COMMERCE Director or an employee delegated by the Director 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 Proposer that also submitted a proposal, such Proposer will be given an opportunity to submit its views and any relevant information on the protest to the RFP Coordinator.

The final determination of the protest shall:

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

If COMMERCE determines that the protest is without merit, COMMERCE will enter into a contract with the Apparent Successful Contractor(s). If the protest is determined to have merit, one of the options above will be taken.

5. RFP EXHIBITS

- Exhibit A Certifications and Assurances
- Exhibit B Diverse Business Inclusion Plan
- Exhibit C Workers' Rights Certification
- Exhibit D Service Contract Format with General Terms and Conditions

CERTIFICATIONS AND ASSURANCES

I/we make the following certifications and assurances as a required element of the proposal to which it is attached, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award or continuation of the related contract:

1. I/we declare that all answers and statements made in the proposal are true and correct.
2. The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for the purpose of restricting competition. However, I/we may freely join with other persons or organizations for the purpose of presenting a single proposal.
3. The attached proposal is a firm offer for a period of 60 days following receipt, and it may be accepted by COMMERCE without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 60-day period.
4. In preparing this proposal, I/we have not been assisted by any current or former employee of the state of Washington whose duties relate (or did relate) to this proposal or prospective contract, and who was assisting in other than his or her official, public capacity. If there are exceptions to these assurances, I/we have described them in full detail on a separate page attached to this document.
5. I/we understand that COMMERCE will not reimburse me/us for any costs incurred in the preparation of this proposal. All proposals become the property of COMMERCE, and I/we claim no proprietary right to the ideas, writings, items, or samples, unless so stated in this proposal.
6. Unless otherwise required by law, the prices and/or cost data which have been submitted have not been knowingly disclosed by the Proposer and will not be knowingly disclosed by him/her prior to opening, directly or indirectly, to any other Proposer or to any competitor.
7. I/we agree that submission of the attached proposal constitutes acceptance of the solicitation contents and the attached sample contract and general terms and conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.
8. No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.
9. I/we grant COMMERCE the right to contact references and others who may have pertinent information regarding the ability of the Proposer and the lead staff person to perform the services contemplated by this RFP.
10. If any staff member(s) who will perform work on this contract has retired from the State of Washington under the provisions of the 2008 Early Retirement Factors legislation, his/her name(s) is noted on a separately attached page.
11. I/we are not debarred from doing business with the state of Washington or the United States.

We (check one):

- are** submitting proposed Contract exceptions. (See Section 2.13, Contract and General Terms and Conditions.) If Contract exceptions are being submitted, I/we have attached them to this form.
- are not** submitting proposed Contract exceptions (*default if neither are checked*).

On behalf of the Proposer submitting this proposal, my signature below attests to the accuracy of the above statement as well as my authority to bind the submitting organization.

Signature of Proposer Date

Printed Name Title

DIVERSE BUSINESS INCLUSION PLAN

	Yes	No
Do you anticipate using, or is your organization, a State Certified Minority Business?	<input type="checkbox"/>	<input type="checkbox"/>
Do you anticipate using, or is your organization, a State Certified Women's Business?	<input type="checkbox"/>	<input type="checkbox"/>
Do you anticipate using, or is your organization, a State Certified Veteran Business?	<input type="checkbox"/>	<input type="checkbox"/>
Do you anticipate using, or is your organization, a Washington State Small Business?	<input type="checkbox"/>	<input type="checkbox"/>

If you answered No to all of the questions above, please explain:

Please list the approximate percentage of work to be accomplished by each group:

Minority ___%
Women ___%
Veteran ___%
Small Business ___%

Please identify the person in your organization who will manage your Diverse Inclusion Plan responsibility:

Name: _____
Phone: _____
E-Mail: _____

**CONTRACTOR CERTIFICATION
EXECUTIVE ORDER 18-03 – WORKERS’ RIGHTS
WASHINGTON STATE GOODS & SERVICES CONTRACTS**

Pursuant to the Washington State Governor’s Executive Order 18-03 (dated June 12, 2018), the Washington State Department of Commerce is seeking to contract with qualified entities and business owners who certify that their employees are not, as a condition of employment, subject to mandatory individual arbitration clauses and class or collective action waivers.

Solicitation No.: S23-31462-300

I hereby certify, on behalf of the organization identified below, as follows (check one):

NO MANDATORY INDIVIDUAL ARBITRATION CLAUSES AND CLASS OR COLLECTIVE ACTION WAIVERS FOR EMPLOYEES. This organization 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.

OR

MANDATORY INDIVIDUAL ARBITRATION CLAUSES AND CLASS OR COLLECTIVE ACTION WAIVERS FOR EMPLOYEES. This organization requires its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

OR

This organization certifies it has no employees.

I hereby certify, under penalty of perjury under the laws of the State of Washington, that the certifications herein are true and correct and that I am authorized to make these certifications on behalf of the organization listed herein.

NAME: _____
Print full legal entity name of organization

By: _____
Signature of authorized person Printed Name

Title: _____ Place: _____
Title of person signing certificate Print city and state where signed

Date: _____

Return to Procurement Coordinator as part of your complete response.

Unit of Local Government or Tribal Organization:

<https://deptofcommerce.box.com/s/g3tkajxk0te684f5mlpngzieqikqj9rl>

Non-Profit and For Profit Organizations:

<https://deptofcommerce.box.com/s/gi5rimx45au1i5bcmguh05hzpli4qv8>