



# Request for Qualifications and Quotations

PROMOTIONAL ITEMS

JOHNSON, JENNA



## REQUEST FOR QUALIFICATIONS AND QUOTATIONS

### Promotional Items

#### INTRODUCTION

This Request for Qualifications and Quotations (RFQQ) is a competitive procurement issued by the Washington's Lottery (Lottery) pursuant to chapter 39.26 of the Revised Code of Washington (RCW). Lottery intends to establish and award a contract for promotional items with a contract term of November 1, 2021, through October 31, 2023.

Lottery is seeking to contract with up to two vendors to supply promotional items. Lottery uses promotional items for various programs including, but not limited to, sporting events, fairs, sales promotions, recognition, and uniforms. Lottery's current contracts for these goods and services will expire in October of 2021.

This RFQQ is divided into 4 sections:

- [Section 1](#) - Deadlines and Questions
- [Section 2](#) - How to Prepare and Submit a Proposal for this RFQQ
- [Section 3](#) - Proposal Evaluation
- [Section 4](#) - Contract Award

In addition, this RFQQ includes the following [Exhibits](#):

**Exhibit A1 – Certification and Assurances:** This exhibit includes the bidder's acknowledgment of their compliance with the conditions of this RFQQ.

**Exhibit A2 – Wage Theft Certification:** This exhibit is the bidder's certification regarding Wage Theft.

**Exhibit A3 – Certification for Executive Order 18-03.** This exhibit is the bidder's certification regarding Executive order 18-03.

**Exhibit B – Bidder Profile.** Information the bidder must provide to be considered a responsive bid.

**Exhibit C1 – Scope of Work.** This exhibit outlines the general scope and requirements expected of the apparent successful bidder. Bidder will use this document as the outline for their response to assure Lottery evaluators of their qualifications and competencies in providing the goods and services identified in this RFQQ.

**Exhibit C2 - Product Specifications.** This exhibit provides specifications and/or description of the products outlined in Exhibit C3 Price Worksheet.



**Exhibit C3 Price Worksheet.** This exhibit outlines the products, quantity breakdown, and the proposal price RFQQ.

**Exhibit D – Sample Contract.** This exhibit is the form of the contract that will be awarded as a result of this RFQQ.

**Exhibit E - Complaint, Debrief, & Protest Requirements.** This exhibit details the applicable requirements to file a complaint, request a debriefing conference, or file a protest regarding this RFQQ.

**Exhibit F – Doing Business with the State of Washington.** This exhibit provides information regarding contracting with the State of Washington.



**SECTION 1 – DEADLINES AND QUESTIONS**

This section identifies important deadlines for this RFQQ and where to direct questions regarding the RFQQ.

Important dates: The following table identifies important dates for this RFQQ:

RFQQ Posting Date:	July 21, 2021
Question & Answer Period:	July 22, 2021 – August 13, 2021
Pre-bid Conference	<p>August 3, 2021; 1:00 p.m., Pacific Time</p> <p><b>RSVP (required) by: July 27, 2021;</b>  <a href="mailto:jenna.johnson@walottery.com">jenna.johnson@walottery.com</a></p> <p>The conference will be held through Microsoft (MS) Teams and will require an invitation. A meeting invitation will be sent out on July 28<sup>th</sup> for the call/meeting.</p>
<b>Deadline for Submitting Proposals:</b>	<b>August 19, 2021; 2:00 p.m., Pacific Time</b>
Anticipated Announcement of Apparent Successful Bidder:	September 9, 2021
Anticipated Contract Execution:	November 1, 2021

The RFQQ (and award of the contract) is subject to complaints, debriefs, and protests as explained in [Exhibit E – Complaint, Debrief & Protest Requirements](#), which may impact the dates set forth above.

Lottery reserves the right to amend and modify this RFQQ. Only bidders who have properly registered and downloaded the original RFQQ directly via WEBS will receive notifications of amendments to this RFQQ, which bidders must download, and other correspondence pertinent to this procurement. To be awarded a contract, bidders must be registered in WEBS. Visit <https://fortress.wa.gov/ga/webs> to register.

Questions: Questions or concerns regarding this RFQQ must be directed to the following Procurement Coordinator:

Name:	Jenna Johnson
Email:	Jenna.johnson@walottery.com



## SECTION 2 – HOW TO PREPARE AND SUBMIT A PROPOSAL FOR THIS RFQQ

This section identifies how to prepare and submit a proposal to Lottery for this RFQQ. By responding to this RFQQ and submitting a bid, bidder acknowledges having read and understood the entire RFQQ and accepts all information contained within this RFQQ.

**2.1. BIDDER COMMUNICATIONS AND QUESTIONS.** During the RFQQ process, all bidder communications regarding this RFQQ must be directed to the Procurement Coordinator as set forth in [Section 1](#) of this RFQQ. Bidders should rely only on this RFQQ and written amendments to the RFQQ issued by the Procurement Coordinator. In no event will oral communications regarding the RFQQ be binding.

- Bidders are encouraged to make any inquiry regarding the RFQQ as early in the process as possible to allow Lottery to consider and, if warranted, respond to the inquiry. If a bidder does not notify Lottery of an issue, exception, addition, or omission, Lottery may consider the matter waived by the bidder for protest purposes.
- If bidder inquiries result in changes to the RFQQ, written amendments to the RFQQ will be issued and posted on WEBS.
- Unauthorized contact regarding this RFQQ with other state employees involved with the RFQQ may result in bidder disqualification.

**2.2. PRE-BID CONFERENCE.** Lottery will host an RFQQ pre-bid conference through MS Teams at the time indicated in Section 1 of this RFQQ. Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the RFQQ as needed and raise any issues or concerns that bidders may have. If interpretations, specifications, or other changes to the RFQQ are required as a result of the pre-bid conference, the Procurement Coordinator will post an amendment to this RFQQ to WEBS. Assistance for disabled, blind, or hearing-impaired persons who wish to attend the pre-bid conference is available with prior arrangement by contacting the Procurement Coordinator.

**2.3. PRICING.** Proposal prices must include all cost components needed for the delivery of the goods and/or services as described in this RFQQ (including any setup fees). See [Exhibit C3 – Pricing Worksheet](#). A bidder's failure to identify all costs in a manner consistent with the instructions in this RFQQ is sufficient grounds for disqualification.

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

**2.4. PROPOSAL SUBMITTAL CHECKLIST – REQUIRED PROPOSAL SUBMITTALS.** This section identifies the proposal submittals that must be provided to Lottery to constitute a responsive proposal. The checklist provided below includes all of the documentation that must be submitted to be considered a complete proposal. Proposals which do not include the submittals identified below may be rejected as nonresponsive. In addition, a bidder's failure to complete any submittal as instructed may result in the proposal being rejected. Bidders must identify each page of the submittals and any supplemental materials with bidder's name and the following naming convention.



- EXHIBIT A1 – BIDDER’S CERTIFICATION AND ASSURANCES**  
This document is the Bidder’s Certification.  
Complete the certification (insert name of bidder, date, and sign) and submit with the proposal to Lottery..
- EXHIBIT A2 – WAGE THEFT CERTIFICATION**  
This document is required per RCW 39.26.  
Complete certification and submit with the proposal to Lottery..
- EXHIBIT A3 – CERTIFICATION FOR EO 18-03**  
This document is required information for contract administration purposes.  
Complete as instructed and submit with the proposal to Lottery.
- EXHIBIT B – BIDDER PROFILE**  
This document provides necessary bidder information.  
Complete as instructed and submit with the proposal to Lottery.
- EXHIBIT C2 – PRODUCT SPECIFICATIONS**  
Complete as instructed and submit with the proposal to Lottery.
- EXHIBIT C3 – PRICING WORKSHEET**  
Complete as instructed and submit with the proposal to Lottery.

**2.5. PROPOSAL FORMAT.** Proposals must be complete, legible, and, as applicable, signed. Unless otherwise specified in writing by Lottery, documents included must be prepared in MS Word, MS Excel, or Adobe PDF and on plain white paper. The proposal must **not** have bidder headings. The proposal must be signed (original, electronic, or scanned) by a person authorized to contract for the bidder.

**2.6. SUBMITTING PROPOSALS.** Your proposal must be delivered as follows:

Bidders are to submit their proposal electronically no later than **2:00 p.m., Pacific Time, on August 19, 2021**, to the Procurement Coordinator. The electronic copy must be labeled: **[Bidder Name] RFQQ81 Promotional Items**.

Lottery can only accept emails smaller than 25MB. If submitting in multiple emails, number label as needed (e.g. [Bidder Name] RQQ81 Promotional Items 1 of 2).

Bidders must also submit one (1) original signed copy of their proposal, with their samples, no later than **2:00 p.m., Pacific Time on August 19, 2021**, to:

Washington’s Lottery  
Attn: RFQQ81 Jenna Johnson  
814 4<sup>th</sup> Ave E  
Olympia WA 98506



**SECTION 3 – PROPOSAL EVALUATION**

This section identified how Lottery will evaluate RFQQ proposals.

**3.1. OVERVIEW.** Lottery will evaluate proposals for this RFQQ as described below.

- Lottery reserves the right to determine a bidder’s compliance with the requirements specified in this RFQQ, request clarification(s), and waive informalities in a proposal. An informality is an immaterial variation from the exact requirements of the competitive RFQQ, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial, to bidders.
- Lottery reserves the right to: (1) Waive any informality; (2) Reject any or all proposal, or portions thereof; (3) Accept any portion of the items proposed unless the bidder stipulates all or nothing in their proposal; (4) Cancel the RFQQ and re-solicit proposal; and/or (5) Negotiate with the highest scored responsive and responsible bidder to determine if that proposal can be improved.
- Lottery will use the following process and evaluation criteria for an award of a contract
  - Step 1: Responsiveness
  - Step 2: Requirements and Pricing Evaluation
  - Step 3: Responsibility Analysis

**3.2. RESPONSIVENESS (STEP 1).** Lottery will review the proposal – on a pass/fail basis – to determine whether the proposal is “responsive” to this RFQQ. This means that Lottery will review each proposal to determine whether the proposal is complete. Lottery reserves the right – in its sole discretion – to determine whether a proposal is responsive. Bidders whose proposals are determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.

**3.3. REQUIREMENTS AND PRICING EVALUATION (STEP 2).** Lottery’s assigned Evaluation Team will evaluate and score each responsive proposal based on the evaluation criteria provided below.

Evaluation Criteria	Assigned Points
Mandatory Requirements	Pass/Fail
Non-Cost Evaluation	60
Cost	40
Subtotal	100
Procurement Priorities & Preferences	
Veteran Owned	3% (3 pts)
MWBE	3% (3 pts)
Executive Order 18-03 Certification	1% (1 pts)

Total	107 Points
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**SCORING NON-COST PROPOSAL**

The non-cost proposal will be evaluated based on the points above, however, the points will be broken down as follows:

Scope Section	Available Pts
Communication	10
Product Specifications/Listed Products	10
Non Listed Products	5
Purchase Order Pre-Production Sample	10
Non-Conforming Promotional Products	10
Materials and Workmanship	10
Warranties	5

Each section will be evaluated, by evaluators, using a 0 – 4 scale:

<b>4</b>	<b>Excellent-</b> Bidder is addressing all the key points listed in exceptional detail providing confidence that the requirements can be met in full.
<b>3</b>	<b>Good-</b> Bidder is addressing all the key points listed in sufficient detail providing confidence that the requirements can be met.
<b>2</b>	<b>Average-</b> Bidder has provided acceptable addressing of most of the key points OR bidder has provided all the key points but lacks detail in answering the question fully. The response provides confidence that the requirements can be met.
<b>1</b>	<b>Poor-</b> Bidder has addressed some of the key points in detail OR bidder has provided most of the key points listed above but lacks detail. The response provided does not provide confidence fully that the requirements can be met.
<b>0</b>	<b>Fail-</b> Bidder has failed to address the question, submitted a nil response, or any element of the response gives cause for major concern.

The Procurement Coordinator and evaluators will meet and come to a consensus on scoring. Using the equation below the Procurement Coordinator will calculate the non-cost score.

$$\frac{\text{EVALUATORS' SCORE}}{4} \times \text{AVAILABLE PTS}$$





**SCORING COST PROPOSAL**

The Procurement Coordinator will add the total cost of Retailer Supply & Promo Events items with the Online Store items and use that sum as the bidder’s cost proposal. Using the calculation below, the Procurement Coordinator will determine the points allotted to each bidder for cost.

$$\frac{\text{LOWEST BID}}{\text{BIDDERS PROPOSAL}} \times \text{AVAILABLE PTS}$$

Example:

Available Points: 40

Bidder Name	Bidder’s Proposal	Calculation	Cost Score
Bidder A	\$5	\$5/\$5 x 40	40
Bidder B	\$10	\$5/\$10 x 40	20
Bidder C	\$15	\$5/\$15 x 40	13.3

**PROCUREMENT PRIORITIES & PREFERENCES.** Lottery will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation:

- Procurement Preference for Veteran-Owned Businesses. In furtherance of Washington’s business inclusion goals, Lottery will evaluate bids for best value and provide a bid preference in the amount of 3% to any bidder who is a certified as a Veteran-owned business through the Washington Department of Veteran’s Affairs.
- Procurement Preference for minority and/or women-owned business. In furtherance of Washington’s business inclusion goals, Lottery will evaluate bids for best value and provide a bid preference in the amount of 3% to any bidder who is certified through [Washington State Office of Minority and Women’s Business Enterprises](#).
- Procurement Evaluation for Executive Order 18-03 (Firms without Mandatory Individual Arbitration for Employees). Pursuant to RCW 39.26.160(3) (best value criteria) and consistent with Executive Order 18-03 – Supporting Workers’ Rights to Effectively Address Workplace Violations (dated June 12, 2018), Lottery will evaluate bids for best value and provide a bid preference in the amount of 1% to any bidder who certifies, pursuant to the certification attached as [Exhibit A3 – 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.

**3.4. RESPONSIBILITY ANALYSIS (STEP 3).** Lottery will make a reasonable inquiry to determine the bidder’s responsibility. Lottery will determine bidder responsibility on a pass/fail basis. In determining whether the bidder is a responsible bidder, Lottery will consider the following elements:



- The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- Whether the bidder can perform the contract within the time specified;
- The quality of performance of previous contracts or services;
- The previous and existing compliance by the bidder with laws relating to the contract or services; and
- Such other information as may be secured having a bearing on the decision to award the contract.

Lottery may request financial statements, credit ratings, record of past performance, clarification of a bidder's offer, on-site inspection of a bidder's or subcontractor's facilities, or other information as necessary.

Lottery may use references to confirm satisfactory customer service, performance, satisfaction with service/product, knowledge of products/service/industry, and timeliness. Lottery reserves the right to be its own reference. Any negative or unsatisfactory reference can be reason for rejecting a bidder as non-responsible.



## SECTION 4 – CONTRACT AWARD

This section identifies how Lottery will award a contract.

- 4.1. ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER.** Lottery will determine the Apparent Successful Bidder (ASB). The ASB will be the responsive and responsible bidder, whose proposal, in the sole opinion of Lottery, best meets the requirements of this RFQQ and presents the best total value to Lottery.
- Designation as an ASB does not imply that Lottery will issue an award for a contract to your firm. Rather, this designation allows Lottery to perform further analysis and ask for additional documentation. A bidder's failure to provide requested information to Lottery within ten (10) business days may result in disqualification. The bidder must not construe this as an award, impending award, attempt to negotiate, etc. If a bidder acts or fails to act as a result of this notification, it does so at its own risk and expense.
  - Upon announcement of the ASB, bidders may request a debriefing conference as specified in [\*Exhibit E – Complaint, Debrief & Protest Requirements\*](#).
- 4.2. CONTRACT NEGOTIATIONS.** Lottery will negotiate with the ASB to finalize contract terms and to determine if the proposal may be improved. If, after a reasonable period of time, Lottery, in its judgment, cannot reach an agreement on acceptable contract terms with the ASB, Lottery may suspend negotiations and undertake negotiations with the next bidder as determined by the evaluations.
- 4.3. CONTRACT EXECUTION.** Subject to protests, if any, Lottery and the ASB will enter into a contract as set forth in [\*Exhibit D – Sample Contract\*](#).
- An award, in part or full, is made and a contract formed by signature of Lottery and awarded bidder on the contract. Lottery reserves the right to award on an all-or-nothing consolidated basis.
  - Following the award of the contract, all bidders will receive a Notice of Award, usually through an email to the bidder's email address provided in the bidder's proposal.

## EXHIBITS

<a href="#">Exhibit A1</a>	Page 13
<a href="#">Exhibit A2</a>	Page 15
<a href="#">Exhibit A3</a>	Page 16
<a href="#">Exhibit B</a>	Page 17
Exhibit C1	See WEBS
Exhibit C2	See WEBS
Exhibit C3	See WEBS
Exhibit D	See WEBS
<a href="#">Exhibit E</a>	Page 20
<a href="#">Exhibit F</a>	Page 23



**EXHIBIT A1 – BIDDER’S CERTIFICATION & ASSURANCES**

RFQQ No.:	81
Bidder Name:	

Bidder makes this certification as a required element of submitting this proposal, affirming the truthfulness of the facts declared here and acknowledging that the continuing compliance with these statements and all requirements of the RFQQ are conditions precedent to the award or continuation of the resulting Contract.

1. Bidder has read, understands, and agrees to abide by the RFQQ.
2. Bidder’s proposal prices have been arrived at independently, without engaging in collusion, proposal rigging, or any other illegal activity, and without for the purpose of restricting competition any consultation, communication, or agreement with any other bidder or competitor relating to (a) those prices, (b) the intention to submit a proposal, or (c) the methods or factors used to calculate the prices offered. Bidder has not been and will not knowingly disclose its proposal prices, directly or indirectly, to any other bidder or competitor before award of a contract, unless otherwise required by law. No attempt has been made or will be made by the bidder to induce any other person to submit or not to submit a proposal for the purpose of restricting competition. Bidder, however, freely may join with other persons or organizations for the purpose of presenting a proposal.
3. Bidder’s attached proposal is a firm offer for a period of one hundred eighty (180) days following the proposal due date specified in the RFQQ. In the event of a protest, bidder’s proposal will remain valid for an additional ninety (90) days or until the protest and any related court action is resolved, whichever is later.
4. In preparing this proposal, bidder has not been assisted by any current or former employee of the State of Washington whose duties relate (or did relate) to this RFQQ, or prospective contract, and who was assisting in other than his or her official, public capacity. Neither does such a person nor any member of his or her immediate family have any financial interest in the outcome of this proposal.
5. Bidder understands that the Lottery will not reimburse bidder for any costs incurred in the preparation of this proposal. All proposals become the property of Lottery, and bidder claims no proprietary right to the ideas, writings, items, or samples unless so stated in the proposal.
6. Contract Terminations. “Termination for Default” means that notice was given to the contractor to stop performance due to the contractor’s nonperformance or poor performance, and the performance issue was either (a) not contested by the contractor or (b) litigated, with an unfavorable finding for the contractor.
  - Has the bidder’s firm had a contract, agreement, second-tier work order, or other contractual obligation Terminated for Default in the last five (5) years?  Yes  No



- If YES, provide a statement below fully describing the contract, the circumstances surrounding the termination, reason for the termination, date of the termination and the name, address and telephone number of the other party to the contract:
7. Bidder understands that its submittal of a proposal and execution of this Bidder's Certification certifies bidder's willingness to comply with the contract if awarded such. By submitting this proposal, bidder hereby offers to furnish materials, supplies, services and/or equipment in compliance with all terms, conditions, and requirements contained in the contract

DATED this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Print Name of Company

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_  
Print Name

Title: \_\_\_\_\_  
Print Title



EXHIBIT A2 – WAGE THEFT CERTIFICATION

Contractor Certification
Wage Theft Prevention – Responsible Bidder Criteria

Prior to awarding a contract, agencies are required to determine that a bidder is a 'responsible bidder.' Pursuant to legislative enactment in 2017, the responsible bidder criteria include a contractor certification that the contractor has not willfully violated Washington's wage laws. See RCW 39.26.160.

Procurement No.: RFQQ81

Procurement Solicitation Dated: \_\_\_\_\_, 2021

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

[ ] No Wage Violations. This firm has NOT been determined by a final and binding citation and notice of assessment issued by the Washington Department of Labor and Industries or through a civil judgement entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapters 49.46, 49.48, or 49.52 RCW within three (3) years prior to the date of the above-referenced procurement solicitation date.

Or

[ ] Violations of Wage Laws. This firm has been determined by a final and binding citation and notice of assessment issued by the Washington Department of Labor and Industries or through a civil judgement entered by a court of limited or general jurisdiction to have willfully violated as defined in RCW 49.48.082, a provision of chapters 49.46, 49.48, or 49.52 RCW within three (3) years prior to the date of the above-referenced procurement solicitation date.

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 firm listed herein.

Firm Name: \_\_\_\_\_

By: \_\_\_\_\_
Signature of authorized person

\_\_\_\_\_
Print Name of person making certifications for firm

Title: \_\_\_\_\_
Title of person signing certificate

Place: \_\_\_\_\_
Print city and state where signed

Date: \_\_\_\_\_



**EXHIBIT A3 – CERTIFICATION FOR EO 18-03**

**CONTRACTOR CERTIFICATION**

**EXECUTIVE ORDER 18-03 – WORKERS’ RIGHTS**

*Pursuant to the Washington State Governor’s Executive Order [18-03](#) (dated June 12, 2018), state agencies, including Washington’s Lottery, shall, to the extent possible under state and federal law, seek to contract with qualified entities and business owners who certify that their employees are not required to sign, as a condition of employment, mandatory individual arbitration clauses and class or collective action waivers.*

Procurement No.: RFQQ81

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

**NO MANDATORY INDIVIDUAL ARBITRATION CLAUSES AND CLASS OR COLLECTIVE ACTION WAIVERS FOR EMPLOYEES.** This firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

OR

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

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 firm listed herein.

FIRM NAME: \_\_\_\_\_  
 Name of Contractor/Bidder – Print full legal entity name of firm

By: \_\_\_\_\_ \_\_\_\_\_  
 Signature of authorized person                      Print Name of person making certifications for firm

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

Date: \_\_\_\_\_





**EXHIBIT B – BIDDER PROFILE**

Company Information	
Legal Name/Address	
Legal Company Name:	
Address:	
City, State, Zip:	
Phone:	
Principal Officers	
Name:	
Title:	
Address:	
City, State, Zip:	
Phone:	
Name:	
Title:	
Address:	
City, State, Zip:	
Phone:	
Name:	
Title:	
Address:	
City, State, Zip:	
Phone:	
Contract Management Point of Contact	
Name:	
Email:	
Phone:	
Indicate entity type (L.L.C., Inc., Corp., etc.):	
Indicate state of registration/incorporation:	



<b>Wash. Dept. of Revenue Registration No.</b>	
<b>Federal Tax ID No. (TIN)</b> If TIN is a Social Security number, provide only the last four digits.	
<b>Is your firm certified as a minority or woman owned business with the Office of Minority and Women's Business Enterprises (OMWBE)?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, provide MWBE certification no.
<b>Is your firm certified as Veteran Owned with Washington State Department of Veteran's Affairs (WSDVA)?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, provide WSDVA certification no.
<b>No. of years in business?</b> <b>No. of years of experience working with government entities?</b> <b>Average net income?</b>	

**CURRENT CONTRACTS WITH WASHINGTON STATE**

If the bidder contracted with the state of Washington during the past 24 months, provide the name of the agency, the contract number, and a description and/or other information available to identify the contract.

<b>Agency:</b>	
<b>Contract Number:</b>	
<b>Description of Requirement(s):</b>	

**CURRENT LITIGATION AND INVESTIGATIONS**

The Lottery has a strong interest in contractors' current and continuing ability to produce and secure high-quality products and services. Each interested bidder must list and summarize, all pending or threatened litigation, administrative or regulatory proceedings, or similar matters that could affect its ability to produce and/or deliver the desired product or services. Bidders must also state whether they or any owners, officers, or primary partners have ever been convicted of a felony.

NOTE: Failure to disclose such matters may result in rejection of the bid or termination of any contract. This is a continuing disclosure requirement; any such matter commencing after submission of a bid and, with respect to the successful contractor after the execution of a contract, must be disclosed in a timely manner in a written statement to the Lottery.



**PERSONS EMPLOYED BY BIDDER AND WASHINGTON STATE**

Bidders employing or having on their governing board as of the date of their submission, State employees, or former State employees, shall identify such persons and their position and responsibilities within the bidder’s organization. If, following a review of this information it is determined by the Lottery that a conflict of interest exists, the bidder may be disqualified from further consideration for the award of ensuing contracts. If no such relationship exists, the bidder must so declare.

<b>Name:</b>	
<b>Agency:</b>	
<b>Title:</b>	
<b>Responsibilities, current or former:</b>	
<b>If former, provide separation date:</b>	

**SUBCONTRACTORS**

If applicable, identify any subcontractors who will perform services in fulfillment of contract requirements. State the nature of services to be performed and include a federal tax identification number (TIN) for each subcontractor. If TIN is a SSN, only provide the last four (4) digits. If a subcontractor is a certified minority or woman-owned business, small business, or Veteranowned indicate that in the “Status” column of the table below. Expand the table below as needed.

The bidder, by including subcontractor(s) as part of your signed proposal, agrees to assume responsibility for contract obligations and any liability for all actions of such subcontractors. Lottery reserves the right to approve or disapprove any subcontractor.

<b>Subcontractor</b>	<b>TIN</b>	<b>Status</b>	<b>Services covered by Subcontractor</b>

**HISTORY**

Provide the following information for the bidder (company) and for any subsidiary or intermediary company, parent company, holding company, or partnership in which the bidder was a general partner.

1. If during the last five years you have had a contract terminated for default or for cause, fully describe the circumstances of that termination, including the other party’s name, address, and telephone number.



2. If during the past three years you have been involved in any billing disputes of \$10,000 or more, fully describe the circumstances and resolution of those disputes.
3. If during the last two years you have been assessed any fine, penalty, liquidated or non-liquidated damages, claims or performance bond penalties, or have traded or given anything of value under any of its existing or past contracts, fully describe the reason for each such incident and state the estimated cost of that incident to the entity. A summary report is permitted when incidents would present a large volume of data. If a summary report is presented, however, additional information must be available upon request.
4. If during the last two years you were the subject of an order, judgment, or decree barring, suspending, or otherwise limiting your right to engage in any business, practice, or activity, fully explain those circumstances and include relevant dates.
5. If trading in your stock has ever been suspended, fully explain those circumstances and include relevant dates.
6. Without regard to whether the conduct in question related to services provided to a lottery, provide a detailed description of any state or federal felony conviction of the vendor, any portion of the vendor, any person whose name is required by this RFP, any vendor employee, owner, director, general partner or officers, and any person who owns 10% or more of the vendor's stock.
7. Provide a detailed description of any bankruptcy, insolvency, pending sale, reorganization, appointment of receivership, or litigation of the vendor.

**REFERENCES**

Provide a minimum of three (3) commercial or government references for which the bidder has delivered goods and/or services similar in scope as described in the RFP.

<b>Reference 1</b>	
Entity Name:	_____
Contact:	_____
Phone:	_____
Email:	_____
<b>Reference 2</b>	
Entity Name:	_____
Contact:	_____
Phone:	_____
Email:	_____
<b>Reference 3</b>	
Entity Name:	_____
Contact:	_____
Phone:	_____
Email:	_____



## EXHIBIT E – COMPLAINT, DEBRIEF, & PROTEST REQUIREMENTS

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

### Complaints

This RFQQ offers a complaint period for bidders wishing to voice objections to this solicitation. The complaint period ends five (5) business days before the proposal due date. The complaint period is an opportunity to voice objections, raise concerns, or suggest changes that were not addressed during the Question & Answer Period or at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. Lottery will consider all complaints but is not required to adopt a complaint, in part or full. If bidder complaints result in changes to the RFQQ, written amendments will be issued and posted on WEBS.

- *Criteria for Complaint:* A formal complaint may be based only on one or more of the following grounds: (a) The solicitation unnecessarily restricts competition; (b) The solicitation evaluation or scoring process is unfair or flawed; or (c) The solicitation requirements are inadequate or insufficient to prepare a response.
- *Initiating A Complaint:* A complaint must: (a) Be submitted to and received by the Procurement Coordinator no less than five (5) business days prior to the deadline for proposal submittal; and (b) Be in writing (see *Form and Substance, and Other* below). A complaint clearly should articulate the basis of the complaint and include a proposed remedy.
- *Response:* When a complaint is received, the Procurement Coordinator (or designee) will consider all the facts available and respond in writing prior to the deadline for proposal submittals, unless more time is needed. Lottery is required to promptly post the response to a complaint on WEBS.
- *Response is Final:* The Procurement Coordinator's response to the complaint is final and not subject to administrative appeal. Issues raised in a complaint may not be raised again during the protest period. Furthermore, any issue, exception, addition, or omission not brought to the attention of the Procurement Coordinator prior to proposal submittal may be deemed waived for protest purposes.

### Debrief Conferences

A Debrief Conference is an opportunity for a bidder and the Procurement Coordinator to meet and discuss the bidder's bid. A debrief is a required prerequisite for a bidder wishing to file a protest. Following the evaluation of the bids, Lottery will issue an announcement of the Apparent Successful bidder (ASB). That announcement may be made by any means, but Lottery likely will use email to the bidder's email address provided in the Bidder's Profile. Bidders will have three (3) business days to request a Debrief Conference. Once a Debrief Conference is requested, Lottery will offer the requesting bidder one (1) meeting opportunity and notify the bidder of the Debrief Conference place, date, and time. Lottery will not allow the debrief process to delay the award. Therefore, bidders should plan for contingencies and alternate



representatives; bidders who are unwilling or unable to attend the Debrief Conference will lose the opportunity to protest.

### **Protests**

Following a Debrief Conference, a bidder may protest the award of the contract.

- *Criteria for a Protest:* A protest may be based only on one or more of the following: (a) Bias, discrimination, or conflict of interest on the part of an evaluator; (b) Error in computing evaluation scores; or (c) Non-compliance with any procedures described in the RFQ.
- *Initiating a Protest:* Any bidder may protest selection of the Apparent Successful Bidder. A protest must: (a) Be submitted to and received by the Procurement Coordinator, within five (5) business days after the bidder's Debriefing Conference (see *Form and Substance, and Other* below); (b) Be in writing; (c) Include a specific and complete statement of facts forming the basis of the protest; and (d) Include a description of the relief or corrective action requested.
- *Protest Response:* After reviewing the protest and available facts, Lottery will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
- *Decision is Final:* The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept Lottery's protest response, the bidder may seek relief in Thurston County Superior Court.

### **Communication During Complaints, Debriefs, and Protests**

All communications about this RFQ, including complaints, debriefs, and protests, must be addressed to the Procurement Coordinator unless otherwise directed.

- *Form, Substance, & Other:* All complaints, requests for debrief, and protests must (a) Be in writing; (b) Be signed by the complaining or protesting bidder or an authorized agent, unless sent by email; (c) Be delivered within the time frame(s) outlined herein; (d) Identify the solicitation by Lottery number; (e) Conspicuously state "Complaint," "Debrief" or "Protest" in any subject line of any correspondence or email; and (f) Be sent to the address identified in the table below.
- *Complaints & Protests:* All complaints and protests must (a) State all facts and arguments on which the complaining or protesting bidder is relying as the basis for its action; and (b) Include any relevant documentation or other supporting evidence.

### **Format to submit a Complaint, Debrief, or Protest**

#### **Complaint Email**

**To:** Send to the Procurement Coordinator listed in this RFP.

**Subject line** must include "Complaint"



**Debrief Conference Email**

**To:** Send to the Procurement Coordinator listed in this RFP.

**Subject line** must include "Debrief"

**Protest Email**

**To:** Send to the procurement coordinator listed in this RFP.

**Subject line** must include "Protest"



## EXHIBIT F— DOING BUSINESS WITH THE STATE OF WASHINGTON

### Washington's Public Records Disclosure Act

All documents submitted by bidders to Lottery as part of this procurement will become public records. Such records are subject to public disclosure unless specifically exempt under [chap. 42.56 RCW](#). Lottery strongly discourages submittal of confidential material – i.e. any portion of your submittal clearly marked “Confidential,” “Proprietary,” or “Trade Secret” (or the equivalent). In the event Lottery receives a public records request, for such documents, Lottery will notify such bidder of the date of disclosure and it is that bidder's responsibility to take legal action to block disclosure if it chooses to do so. Lottery will not withhold or redact your documents without a court order requiring such action.

### Economic Goals

In support of the state's economic goals, although not an award factor (unless otherwise specified herein), bidders are encouraged to consider the following in responding to this RFQQ:

- Support for a diverse supplier pool, including small, veteran-owned, minority-owned and women-owned business enterprises. Achievement of these goals is encouraged whether directly or through subcontractors. Bidders may contact the [Office of Minority and Women's Business Enterprises](#) for information on certified firms or to become certified.
- Lottery supports the purchase of goods and/services from Washington Small Businesses. If you qualify as a Washington small business, identify yourself in WEBS. Call WEBS Customer Service at 360-902-7400.
- Veterans and U.S. active duty, reserve or National Guard service-members are eligible for the registry. The veteran or service-member must control and own at least 51 percent of the business and the business must be legally operating in the State of Washington. Control means the authority or ability to direct, regulate or influence day-to-day operations.

### 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 RFQQ:

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

### Polychlorinated biphenyls

- Polychlorinated biphenyls, commonly known as PCBs, have adverse effects on human health and the environment. Accordingly, the State of Washington, through its procurements of goods, is trying to minimize the purchase of products with PCBs. (RCW 39.26.280)





### Other Resources

- Register for free for solicitation notices at the Washington Electronic Business Solution (WEBS)  
[www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx](http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx)
- Contact the Washington State Department of Veterans' Affairs about certification at (360) 725-2169 or [www.dva.wa.gov](http://www.dva.wa.gov).
- Servando Patlan, Business Diversity and Outreach Manager at the Washington State Department of Enterprise Services: (360) 407-9390 or [servando.patlan@des.wa.gov](mailto:servando.patlan@des.wa.gov)