**Exhibit B – Bidders’ Certification**

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| --- | --- |
| **Competitive Solicitation:** | PR2423619 |
| **Solicitation Title:** | **Two-Way Radio System at Maple Lane** |
| **Bidder:** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Type/print full legal name of Bidder |
| **Bidder’s Address:** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Type/print Bidder’s Address |

**Part A**

Vendor’s Certification

Bidder, through the duly authorized undersigned, makes this certification as a required element of submitting a responsive bid. Bidder certifies, to the best of its knowledge and belief:

1. **Understanding**. Bidder has read, thoroughly examined, and fully understands all of the provisions in the Competitive Solicitation (including all exhibits) and the terms and conditions of the draft Purchase Order (Exhibit A) and any amendments or clarifications to the Competitive Solicitation, and agrees to abide by the same.
2. **Accuracy**. Bidder has carefully prepared and reviewed its bid and fully supports the accuracy of the same. Bidder further understands that Department of Social and Health Services (DSHS) shall not be responsible for any errors or omission on the part of Bidder in preparing its bid. The facts declared here are true and accurate. Bidder further acknowledges that the continuing compliance with these statements and all requirements of the Competitive Solicitation are conditions precedent to the award or continuation of the resulting Purchase Order.
3. **Firm** **Offer**. Bidder agrees that its bid, attached hereto, is a firm offer which cannot be withdrawn for a period of ninety (90) days from and after the bid due date specified in the Competitive Solicitation. DSHS may accept such bid, with or without further negotiation, at any time within such period. In the event of a protest, Bidder’s bid shall remain valid for such period or until the protest and any related court action is resolved, whichever is later.
4. **Conflict** **of** **Interest**. In preparing this bid, bidder has not been assisted by any current or former employee of the State of Washington whose duties relate (or did relate) to this Competitive Solicitation, or prospective DSHS Purchase Order, 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 bid.
5. **No** **Reimbursement**. Bidder understands that the State of Washington will not reimburse bidder for any costs incurred in the preparation of this bid. All bid submittals become the property of the State of Washington, and bidder claims no proprietary right to the ideas, writings, items, or samples unless so stated in the bid.

**Part B**

Statutory Preference for Firms without Mandatory Individual Arbitration for Employees (Executive order 18-03)

**Workers’** **Rights** ([Executive Order 18-03](https://www.des.wa.gov/sites/default/files/public/documents/About/Procurement_reform/Policies/EO18-03Policy.pdf?=5dd92)). Bidder certifies as follows (must check one) for statutory preference:

* ***No*** *Mandatory Individual Arbitration Clauses and Class or Collective Action Waivers for Employees*. Bidder 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.
* *Mandatory Individual Arbitration Clauses and Class or Collective Action Waivers for Employees*. Bidder **requires** its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

**Part C**

Bidder Certification Statutory Preference for PCB-Free Products or Products-In-Packaging

Pursuant to RCW 39.26.280, the Washington State Department of Social and Health Services is providing a bid preference in the amount of five (5) percent weight to the evaluation total, to any bidder that provides products or products-in-packaging that do not contain Polychlorinated Biphenyls (PCBs). All bidders must certify in Exhibit C – Polychlorinated Biphenyls (PCBs) bid preference, whether they are seeking the Statutory Preference for PCB-Free Products & Products-In-Packaging.

Bidders who seek to obtain bid preference for PCB-Free Products & Products-In-Packaging must, in regard to the products and products-in-packaging pertaining to this procurement, certify that their products or products-in packaging are PCB-free. To be deemed to be ‘PCB-free,’ the applicable products must be tested, within the previous 365 days, by an independent, third party laboratory using Environmental Protection Agency Analytical Method 1668c, and have been found NOT to contain PCBs per quantifiable limit. Such test for the applicable products **must** **be** attached to this certification.

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

* **No Bid Preference**. Bidder is not seeking a bid preference for PCB-Free Products & Products-In-Packaging.
* **Bid Preference**. Bidder is seeking a bid preference for PCB-Free Products & Products-In-Packaging.

**Part D**

RECYCLED CONTENT PRODUCTS ENVIRONMENTAL PREFERENCE

Pursuant to RCW 39.26.255, a preference of ten (10) percent per product line item will be applied to any bidder that provides recycled-content products as designated by the Environmental Protection Agency’s (EPA) Comprehensive Procurement Guideline (CPG) Program (as it existed on July 1, 2001 [[link](https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program)]). The preference shall only be applied when the recycled content percentage bid exceeds one of the recommended content level percentages or the minimum product specifications, as designated by the EPA’s CPG. See the products section for specific requirements for each category of product.

The preference will be applied at time of bid evaluation. When evaluating the bid price of qualifying bidders, a ten (10) percent price reduction will be applied to those bidders’ items that qualify for the recycled content preference for price evaluation purposes. This preference is separate from and applied with any other preferences allowed by statue. In the event of a tie, the bidder with the larger post-consumer recovered content will break the tie and receive the award.

* **No Bid Preference**. Bidder is not seeking a bid preference for Recycled Content Products.
* **Bid Preference**. Bidder is seeking a bid preference for Recycled Content Products in \_\_\_\_ (number of line items meeting requirements).

**PART E**

ENVIRONMENTAL ELECTRONIC PRODUCTS PREFERENCE

Electronic products bid that have achieved [EPEAT Silver Standard](https://www.epa.gov/greenerproducts/electronic-product-environmental-assessment-tool-epeat) shall receive five (5) percent preference. Electronic products that have achieved [EPEAT Gold Standard](https://www.epa.gov/greenerproducts/electronic-product-environmental-assessment-tool-epeat) shall receive five (5) percent preference. If no EPEAT registered electronic product exists that meets the specific performance needs. Agencies may also use other environmental product certifications that reflect a reduction or elimination of hazardous materials.

Suppliers must provide reporting on the number of EPEAT registered products purchased under this contract. For each piece of equipment sold, the following information must be in the report: Product Type, number of products sold, and the EPEAT Registration Status (EPEAT Gold, Silver, Bronze, or Unregistered)

* **No Bid Preference**. Bidder is not seeking a bid preference for Environmental Electronic Products.
* **Bid Preference**. Bidder is seeking a bid preference for Environmental Electronic Products in \_\_\_\_ (number of line items meeting requirements).

**PART F**

HYDROFLUOROCARBONS (HFCs) ENVIRONMENTAL PREFERENCE

Pursuant to [RCW 39.26.310](https://apps.leg.wa.gov/rcw/default.aspx?cite=39.26&full=true#39.26.310), [Engrossed Second Substitute House Bill 1050](https://app.leg.wa.gov/billsummary?billnumber=1050&year=2021) (2021 Legislative Session), and [DES Policy DES-310-00](https://des.wa.gov/sites/default/files/policy-documents/POL-DES-310-00-Issued-2023-01-11.pdf) a preference shall be given to the purchase of products that contain no HFCs or HFCs with a comparatively low global warming potential, then a preference of five (5) percent will be given to the bidder who provides evidence as set forth herein, that the products in RFQ solicitation document, have an “Acceptable” Substitute Listing Status, as identified by the [Environmental Protection Agency’s (EPA) Significant New Alternatives Policy (SNAP) Program.](https://www.epa.gov/snap/snap-substitutes-sector)

Bidders must make the certification on the certification form below. Bidders who seek to obtain the five (5) percent bid preference for Products that Do Not Contain HFCs must, in regard to the products pertaining to this procurement, certify that the products specified in RFQ solicitation document have an “Acceptable” Substitute Listing Status, as identified by the EPA

SNAP Program.

* **No Bid Preference**. Bidder is not seeking a bid preference for Hydrofluorocarbons products content.
* **Bid Preference**. Bidder is seeking a bid preference for Hydrofluorocarbons products content in \_\_\_\_ (number of line items meeting requirements).

**PART G**

MERCURCY FREE ENVIRONMENTAL PREFERENCE

Pursuant to RCW 70A.230.060, a preference of five (5) percent per product line item will be applied to any bidder who provides:

Products that contain the least amount of mercury-added compounds or components as compared to other bidders, as designated by the [Interstate Mercury Education and Reduction Clearinghouse Mercury-Added Products Database](https://imerc.newmoa.org/publicsearch/NEWMOA_IMERC.aspx#/CustomizedSearch) (Internet Explorer recommended) OR

A product containing mercury that is designed to reduce electricity consumption by at least forty percent and there is no non-mercury or lower mercury alternative available that saves the same or a greater amount of electricity as the exempted product.

Accordingly, all bidders must certify whether they are seeking the statutory preference for products that contain the least amount of mercury-added compounds in this document.

Bidders who seek to obtain the five (5) percent bid preference for products that contain the least amount of mercury-added compounds must, in regard to the products pertaining to this procurement, certify that the products specified in RFQ solicitation document have:

The accurate amount of mercury compounds/components as listed OR

That the product containing mercury is designed to reduce electricity consumption by at least forty percent and there is no non-mercury or lower mercury alternative available that saves the same or a greater amount of electricity as the exempted product.

In the event there is a mercury-free product bid, then only those bidders who bid a mercury-free product are responsive and the preference doesn’t apply.

* **No Bid Preference**. Bidder is not seeking a bid preference for Mercury Free products content.
* **Bid Preference**. Bidder is seeking a bid preference for Mercury Free products content.

Contractor Priority - Product(s) Do Not Contain Mercury. Contractor represents and warrants that, during the term of this Contract, for any product(s) for which Contractor sought and was awarded a purchasing priority pursuant to RCW 70A.230.060 and Washington State Procurement Policy #DES-POL-70.230-00, such product(s) shall continue to be mercury free for the life of the contract.

Contractor Preference – Product(s) Containing the Least Amount of Mercury. Contractor represents and warrants that, during the term of this Contract, for any product(s) for which Contractor sought and was awarded a purchasing preference pursuant to RCW 70A.230-00 and Washington State Procurement Policy DES-POL-70A.230.060-00, such product(s) shall meet or exceed the lowest amount of mercury that enabled Contractor to be awarded such preference.

Notwithstanding any provision to the contrary, upon breach of warranty and Contractor’s failure to provide satisfactory evidence of compliance within thirty (30) days, Agency may suspend or terminate this Contract. The rights and remedies of the parties under this warranty are in addition to any other rights and remedies of the parties provided by law or equity, including, without limitation, actual damages, and, as applicable and awarded under the law, to a prevailing party, reasonable attorneys’ fees and costs.

**PART H**

LINE ITEM LIST FOR CERTIFICATION PREFERENCES

List below the line item number and description from the RFQ document. Check the appropriate box for the applicable certification (Part D, Part E, Part F, and Part G).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Req. Item Number | Item Description | Recycled Content Preference | Environmental Electronics Preference | HFC Exclusion Preference | Mercury Free/Reduced Preference |
|  |  | [ ]  | [ ]  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  | [ ]  | [ ]  |
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|  |  | [ ]  | [ ]  | [ ]  | [ ]  |

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 duly authorized to make these certifications on behalf of the Bidder listed herein.

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| --- |
| **Vendor Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print Name of Vendor/Bidder – Print full legal entity name of the business submitting the Bid |
| **By**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of Vendor’s authorized person**Title**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Title of person signing certificate**Date**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | **Print**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Print Name of person making certifications for Vendor**Place**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print city and state where signed |

**Return Vendor Certification with your Bid Submittal to the Procurement Coordinator at:
Chelsea.petrino@dshs.wa.gov**