



Administrative Policy No. 13.12

Subject: Competitive Procurements

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Authorizing Sources: [Chapter 39.19 RCW](#), Office of Minority and Women's Business Enterprises
[Chapter 39.29 RCW](#), Personal Services Contracts
[Chapter 43.19 RCW](#), Department of General Administration
[Chapter 43.105 RCW](#), Department of Information Services
[Chapter 236-51 WAC](#), Competitive Contracting

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Approved By: 
Chief Administrative Officer

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Purpose

The Department of Social and Health Services (DSHS) recognizes that, in order to ensure the highest quality and most cost-effective services to our clients, competitive processes should be open to as many providers as possible.

This policy is designed to meet these objectives by setting forth standards and mechanisms to be used in competitive processes to procure personal services, client services, and purchased goods and services.

This policy, and any procedures or guidelines referenced, is intended for internal use only. This policy is not intended, nor can it be relied upon, to create any substantive or procedural rights enforceable by any party involved in matters with the Department of Social and Health Services.

Scope

This policy applies to all personal service procurements governed by Chapter [39.29 RCW](#), and to client service procurements for which the administration determines a competitive process should be conducted.

This policy also applies to purchased goods and purchased service procurements, in accordance with Chapter [43.19 RCW](#), and information technology purchased service contracts under Chapter [43.105 RCW](#).

This policy requires compliance with the competitive contracting regulations set forth in Chapter [236-51 WAC](#) both prior to and during acquisition of services customarily and historically performed by state employees.

Definitions

Administration means the affected DSHS administration, division, office, program, or similar unit, and/or staff designated by the Assistant Secretary as being responsible for implementing this policy.

Business Assessment is a report generated by the Office of Risk Management (ORM), at the request of the responsible administration, summarizing information from public records and financial systems regarding a business entity's financial and structural viability. ORM has access to master business licenses, Employment Security, the Superior Court Management System, the Excluded Parties List System, Experian, and other information systems.

Businesses Owned or Controlled by Persons with Disabilities (BOCPD) means a self-identified business where people with disabilities own at least 51 percent interest or are in the majority of individuals on the governing board. They also must possess and exercise sufficient expertise specifically in the organization's field of operation to make decisions governing the long-term direction and the day-to-day operations of the organization.

Certified business means a business or the status of a business that has been examined by the Washington State Office of Minority and Women's Business Enterprises and deemed to be a Minority Business Enterprise (MBE), a Women's Business Enterprise (WBE), a Minority Woman's Business Enterprise (MWBE), a Combination Business Enterprise (CBE), or a Socially and Economically Disadvantaged Business Enterprise (SEDBE). (See [RCW 39.19](#))

Client services means services provided directly to DSHS clients. (See [RCW 39.29.006\[2\]](#).)

Competitive Contracting means the process by which classified employees may compete with businesses, individuals, nonprofit organizations, or other entities for the performance of services those employees have customarily and historically performed. (See [WAC 236-51](#).)

Community-Based Organization (CBO) means a not-for-profit agency, institution, or organization that provides services and benefits to the diverse population of the community in which they serve. A board of directors whose membership reflects the diversity of its service area population provides administration.

Competitive procurement means a formal, documented, and open competitive process for soliciting bids or proposals from potential contractors. Competitive procurements may be used to solicit Personal Services, Client Services, Purchased Services, IT Purchased Services, or Purchased Goods and may be referred to as [Requests for Proposal \(RFPs\)](#), [Requests for Qualifications and Quotations \(RFQOs\)](#), [Requests for Qualifications \(RFQs\)](#), [Invitations for Bid \(IFBs\)](#) or [Requests for Bid \(RFBs\)](#).

Cultural competence means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations when serving a linguistic, ethnic, or racial group. A culturally competent system or agency demonstrates respect for individuals and cultural differences, has the ability to foster open and honest communication, and adapts its services to meet culturally unique needs.

Evaluator means a person designated by the procuring DSHS administration to evaluate proposals received in response to a Competitive Procurement document.

Information Technology Purchased Services means Information Technology (IT) services to accomplish routine, continuing, and necessary functions. These include, but are not limited to network operations, data entry services, security services, systems testing, and website maintenance. IT purchased services are governed by [Chapter 43.105 RCW](#), and by the Department of Information Services (DIS) Information Service Board, subject to exceptions noted by law.

Noncertified business means a business eligible for certification as an MBE, WBE, MWBE, CBE, or SEDBE, which has voluntarily chosen not to apply for certification or has applied and is not yet certified.

Persons with disabilities means people who have a permanent physical, mental, or sensory impairment, which substantially limits one or more major life activities. Physical, mental, or sensory impairment means: (1) Any physiological or neurological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or function; or (2) Any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness or any specific learning disability. The impairment must be material rather than slight, and permanent in that it is seldom fully corrected by medical replacement, therapy, or surgical means.

Personal services means services that are provided to DSHS, and that accomplish a specific study, project, task, or other work statement. (See [RCW 39.29.006](#).)

Procurement document is the document that outlines the requirements and process for

submitting a proposal or bid to acquire services or goods that the agency desires, and is released to prospective bidders or other interested persons. Procurement documents include Requests for Proposal (RFPs), Requests for Qualifications and Quotation (RFQQs), Requests for Qualifications (RFQs), Invitations for Bid (IFBs) and Requests for Bid (RFBs).

Purchased services means services to accomplish routine, continuing, and necessary functions. These services include, but are not limited to equipment maintenance and repair, janitorial services, security, computer hardware, software installation and maintenance, data entry, and programming services. (See chapters [43.19](#) and [43.105](#) RCW)

Stakeholders are those clients, advocates, interested members of the public, DSHS, and other state and federal agencies who have a direct interest in the subject matter of the Competitive Process.

Policy Requirements

A. Increasing Participation of CBOs, BOCPDs, and Certified and Noncertified Businesses

1. Administrations shall comply with [Chapter 39.19 RCW](#) by developing strategies appropriate to their programs to ensure the opportunity for CBOs, BOCPDs, and Certified and Noncertified businesses to participate in procurements and contracts.
2. Each administration shall keep records sufficient to document CBO, BOCPD, and Certified and Noncertified business participation for any client service competitive procurements coordinated without Central Contract Services (CCS) assistance.
3. Each administration, in coordination with CCS or the Central Purchasing Unit (CPU), shall develop procedures to determine **after** the award of a contract whether the contractor qualifies as a Certified or Noncertified business.

B. Notice to Certified and Noncertified Businesses

1. For all competitive procurements, the coordinating office, whether CCS or CPU, shall be responsible for:
 - a. Posting the solicitation on the Department of General Administration's Washington Electronic Business Solution (WEBS), at www.ga.wa.gov/webs.
 - b. Sending a copy of the competitive procurement notice letter for further distribution to: the Office of Minority and Women's Business Enterprises;

the Governor's ethnic minority commissions; the DSHS Diversity Affairs Office; and others deemed appropriate by the administration, CCS, or CPU.

2. In addition to the above, where CCS or CPU determines that additional notice is advisable to reach a larger pool of potential service providers, CCS or CPU will advertise in at least one major daily newspaper.
3. Where the administration determines it is feasible, CCS or CPU will advertise in at least one major minority-targeted publication and one community-based publication in the area being served.
4. For Information Technology competitive procurements, CCS or CPU will advertise on the DIS ListServ as required by DIS policy.

C. Competitive Procurement Document

1. The administration and CCS or CPU shall determine the appropriate page limit for bidder responses.
2. The procurement document may include weighted evaluation and scoring criteria. However, the relative weight accorded to prior experience should not be of such degree that it prevents qualification of newly established contractors.
3. CCS and CPU shall apply the plain language requirements of Executive Order 97-02 and Executive Order 05-03 to all procurement documents.

D. Evaluations

1. The procurement document shall clearly set forth the criteria by which proposals will be evaluated. These criteria may include, but are not limited to, factors such as:
 - a. Quality of previous performance.
 - b. Cultural competence with respect to the community for which the services will be provided.
 - c. Bidder's comparable experience in meeting the needs of their local community.
 - d. Effective and innovative approach to service delivery.
2. Oral evaluations are optional. If administrations want the option of holding oral evaluations, this option must be stated in the procurement document. If an administration exercises the option of inviting bidders to oral evaluations, the

administration must develop written evaluation criteria against which all oral evaluations will be evaluated. These criteria must be developed before the oral evaluation. Oral interviews would take place before an evaluation panel.

3. CCS, CPU and the contracting administration **must** thoroughly document the evaluation and selection process to substantiate that each competitive procurement is conducted in a fair, equitable, and impartial manner.

E. Business Assessment

1. CCS will collaborate with requesting administrations to determine when a Business Assessment should be completed for an apparently successful bidder(s).
2. Administrations should consider requesting a Business Assessment for any apparently successful bidder(s) resulting from a client service procurement when it would be in the best interests of DSHS to do so.

F. Recruiting Evaluators

1. Administrations shall select evaluators for their expertise in the subject matter and their ability to render an unbiased selection and shall put forth their best efforts to convene a diverse panel of evaluators to evaluate the written proposals and oral evaluations. Whenever possible, the panel shall provide cultural, ethnic, economic, and geographic representation.
2. Evaluators may be state employees or community stakeholders. Evaluators must not be drawn from individuals or organizations that have submitted a proposal for the competitive procurement being evaluated. Evaluators must certify that they are free of bias and have no conflicts of interest in serving as an evaluator.