



## **WASHINGTON STATE TRANSIT BUS COOPERATIVE**

### **COMPETITIVE SOLICITATION – No. 06719-01**

#### **STATE COOPERATIVE PURCHASING SCHEDULE**

##### **TRANSIT BUSES**

##### **HEAVY DUTY**

### **INTRODUCTION**

The Washington State Department of Enterprise Services (Enterprise Services) is issuing this Competitive Solicitation pursuant to Section 3019 of the FAST Act (Pub. L. No. 114-94) and RCW chapter 39.26. Pursuant to this Competitive Solicitation, Enterprise Services intends to conduct a competitive procurement and establish and award a Master Contract, for eligible purchasers to purchase Heavy Duty Transit Buses ("Transit Buses"). This Master Contracts is considered a State Cooperative Purchasing Schedule under the FAST Act for use of federal funds.

This Competitive Solicitation is for newly built transit buses used for fixed route and commuter service. Heavy Duty Transit Buses purchased under this Competitive Solicitation will be 30 foot, 35 foot, 40 foot, 45 foot, and 60 foot articulated available with diesel power, hybrid drive, compressed natural gas ("CNG"), Hydrogen Fuel Cell, and electric propulsion systems. This Competitive Solicitation is further divided into categories based on the table in section 2.1. This Competitive Solicitation and all relevant categories for Transit Buses include the services, accessories, equipment, parts, pieces, consulting, training, etc. required for operation of the buses for their operational life.

This Competitive Solicitation is part of the Washington State Transit Bus Cooperative. The resulting Master Contract will be available for use by all eligible purchasers at their option, including any approved Participant of the Washington State Transit Bus Cooperative. These Participants can include purchasers from any state under section 3019 of the FAST Act through this Master Contract as a State Cooperative Purchasing Schedule. Many of these Participants will be purchasing with FTA funds for Transit Buses. This competitive Solicitation is one of multiple Competitive Solicitations for eligible purchasers to procure heavy duty, medium duty, light duty, double decker, and rebuilt transit buses; accessories; replacement components; replacement subsystems; replacement parts; and obtain services for refurbishing and repowering transit buses through the Washington State Transit Bus Cooperative.

This Competitive Solicitation is divided into six (6) sections:

- [Section 1](#) provides a summary table of relevant deadlines for responding to the Competitive Solicitation and identifies contact information for Enterprise Services' Procurement Coordinator.
- [Section 2](#) provides important information about the procurement that is designed to help interested bidders evaluate the potential opportunity, including the purpose of the

procurement and Master Contracts, the form of the resulting Master Contract, and potential contract sales.

- [Section 3](#) identifies how Enterprise Services will evaluate the bids.
- [Section 4](#) identifies how to prepare and submit a bid for this Competitive Solicitation, including detailed instructions regarding what to submit and how to submit your bid.
- [Section 5](#) details the applicable requirements to file a complaint, request a debrief conference, or file a protest regarding this Competitive Solicitation.
- [Section 6](#) provides information pertaining to doing business with the State of Washington.

In addition, this Competitive Solicitation includes the following Exhibits:

- *Exhibit A – Required Bidder Information:* These exhibits identify information that bidders must provide to Enterprise Services to constitute a responsive bid. *See Section 4, below.*
  - *Exhibit A-1 – Bidder’s Certification*
  - *Exhibit A-2 – Bidder’s Profile*
  - *Exhibit A-3 – FTA Certifications*
- *Exhibit B-1 – Specifications:* This exhibit outlines the required specifications/qualifications for the Transit Buses that are the subject of this Competitive Solicitation.
- *Exhibit B-2 – Specification Modification Certification:* This exhibit provides the bidder with the opportunity to detail modification to the specifications.
- *Exhibit B-3 – Technical Information:* This exhibit has the bidder provide the technical information for their standard bus.
- *Exhibit C – Qualifications:* This exhibit provides the questions for evaluation of Technical, Company Information, and Warranty specifications.
- *Exhibit D-1 – Price Sheet Instructions:* This exhibit provides instructions and examples for completing Exhibit D-2 Price Sheet.
- *Exhibit D-2 – Price Sheet:* This exhibit provides the pricing information that bidders will complete as part of their bid and the price evaluation tool that Enterprise Services will use to evaluate and compare bids.
- *Exhibit E-1 – Master Contract:* This exhibit is a draft of the Master Contract that the successful bidder(s) will execute with Enterprise Services.
- *Exhibit E-2 – Master Contract Issues List:* This exhibit outlines bidder’s issues, if any, and bidder’s proposed resolution/solution if bidder has any business concerns with the form of the Master Contract (Exhibit E-1) to be awarded. Note, however, that Enterprise Services reserves the right not to modify the Master Contract and to award the Master Contract on the basis of a bidder’s willingness to agree to the Master Contract.

## SECTION 1 – DEADLINES, QUESTIONS, PROCUREMENT COORDINATOR, AND MODIFICATION

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

- 1.1. **COMPETITIVE SOLICITATION DEADLINES.** The following table identifies important dates for this Competitive Solicitation:

COMPETITIVE SOLICITATION DEADLINES		
ITEM	DATE	
Competitive Solicitation Posting Date:	March 4, 2020	
Pre-Bid Conference:	March 18, 2020 at 12:00 PM (Pacific Time)	
	<i>Attend in Person</i> Conf. Room: 2330 1500 Jefferson Street SE Olympia, WA 98501	<i>Attend via Phone</i> Join Zoom Meeting <a href="https://zoom.us/j/203203866">https://zoom.us/j/203203866</a> Meeting ID: 203 203 866 Phone: (669) 900-6833
Question & Answer Period:	March 18, 2020 – May 25, 2020	
Deadline for submitting Bids:	June 15, 2020	
Anticipated Announcement of Apparent Successful Bidder(s):	July 22, 2020	
Anticipated Award of Master Contract(s):	August 10, 2020	

- 1.2. **COMPETITIVE SOLICITATION QUESTIONS.** Questions or concerns regarding this Competitive Solicitation must be directed to the following Procurement Coordinator:

Procurement Coordinator	
Name:	David Mgebroff
Telephone:	360-407-8049
Email:	<a href="mailto:buspurchases@des.wa.gov">buspurchases@des.wa.gov</a>

Questions raised at the pre-bid conference and during the Q&A period will be answered and responses posted to the Washington Electronic Business Solution (WEBS).

- 1.3. **COMPLAINTS, DEBRIEFS, & PROTESTS.** The Competitive Solicitation (and award of the Master Contract) is subject to complaints, debriefs, and protests as explained in Section 5, which may impact the dates set forth above.

- 1.4. **COMPETITIVE SOLICITATION – AMENDMENT & MODIFICATION.** Enterprise Services reserves the right to amend and modify this Competitive Solicitation. Only bidders who have properly registered and downloaded the original Competitive Solicitation directly via WEBS will receive notifications of amendments and other correspondence pertinent to this Competitive Solicitation. Bidders must be registered in WEBS to be awarded a Master Contract. Visit [WEBS](#) to register.

## SECTION 2 – INFORMATION ABOUT THE PROCUREMENT

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This section describes the purpose of the Competitive Solicitation and provides information about this procurement, including the potential scope of the opportunity.

- 2.1. **PURPOSE OF THE PROCUREMENT – AWARD A MASTER CONTRACT.** The purpose of this Competitive Solicitation is to receive competitive bids and pursuant to the Washington State Transit Bus Cooperative award a Master Contract for Transit Buses, as a Federal Transit Administration (FTA) compliant State Cooperative Purchasing Schedule under Section 3019 of the FAST Act. Enterprise Services intends to award Master Contracts to the top three (3) highest scoring responsive, responsible bidders in each category. Enterprise Services intends to award Master Contracts to the top four (4) highest scoring responsive, responsible bidders in categories with greater use and anticipated future use: 40-foot CNG, 35-foot Diesel, 40-foot Diesel, 40-foot Hybrid, 30-foot Electric, 35-foot Electric, and 40-foot Electric categories.

Awards for Transit Buses will be made for each of the categories listed in the table below. Bidders must submit required submittals for the applicable category to be considered for an award in that category. Bidders may only provide Transit Buses for the categories under the resultant Master Contract for which they are awarded.

Category	Length	Propulsion	Anticipated Master Contracts
1	30 ft.	Diesel	3
2	35 ft.	Diesel	4
3	40 ft.	Diesel	4
4	45 ft.	Diesel	3
5	60 ft.	Diesel	3
6	30 ft.	Hybrid	3
7	35 ft.	Hybrid	3
8	40 ft.	Hybrid	4
9	45 ft.	Hybrid	3
10	60 ft.	Hybrid	3
11	30 ft.	CNG	3
12	35 ft.	CNG	3
13	40 ft.	CNG	4
14	45 ft.	CNG	3
15	60 ft.	CNG	3
16	30 ft.	Electric	4
17	35 ft.	Electric	4
18	40 ft.	Electric	4
19	45 ft.	Electric	3
20	60 ft.	Electric	3
21	30 ft.	Hydrogen Fuel Cell	3

Category	Length	Propulsion	Anticipated Master Contracts
22	35 ft.	Hydrogen Fuel Cell	3
23	40 ft.	Hydrogen Fuel Cell	3
24	45 ft.	Hydrogen Fuel Cell	3
25	60 ft.	Hydrogen Fuel Cell	3

- a. **COOPERATIVE PURCHASING AGREEMENTS AND MASTER CONTRACTS.** Enterprise Services on behalf of the State of Washington is authorized to participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any goods/services. Enterprise Services has established the Washington State Transit Bus Cooperative. This cooperative is available to eligible purchases as set forth herein. Pursuant to the Cooperative, Enterprise Services will develop a Cooperative Master Contract. A Master Contract is a contract for specific goods and/or services that is competitively solicited and established by Enterprise Services, on behalf of the State of Washington, for use by statutorily specified 'purchasers' (see below). Typically, purchasers use our Master Contracts through a purchase order, work order, or similar document. The Master Contract is designed to function as a 'procurement bridge' between innovative vendors who have bid and won a competitive solicitation to supply goods/services and eligible purchasers who wish to purchase such goods/services pursuant to pre-determined, clear, consistent, easy to use, value-added Master Contracts.
- b. **MASTER CONTRACT USERS – ELIGIBLE PURCHASERS.** The resulting Cooperative Master Contract from this Competitive Solicitation will be available for use by the following entities, each of whom is an eligible purchaser ("Participants"):
- **WASHINGTON STATE AGENCIES.** All Washington State agencies, departments, offices, divisions, boards, and commissions.
  - **WASHINGTON STATE INSTITUTIONS OF HIGHER EDUCATION (COLLEGES).** Any of the following specific institutions of higher education in Washington:
    - State universities – i.e., University of Washington & Washington State University;
    - Regional universities – i.e., Central Washington University, Eastern Washington University, & Western Washington University
    - Evergreen State College;
    - Community colleges; and
    - Technical colleges.
  - **MCUA PARTIES.** The Master Contract also may be utilized by any of the following types of entities that have executed a Master Contract Usage Agreement (MCUA) with Enterprise Services:
    - Political subdivisions (e.g., counties, cities, school districts, public utility districts, ports) in the State of Washington;
    - Federal governmental agencies or entities;
    - Public-benefit nonprofit corporations (i.e., § 501(c)(3) nonprofit corporations that receive federal, state, or local funding); and
    - Federally-recognized Indian Tribes located in the State of Washington.

Enterprise Services maintains a list of eligible MCUA parties on the [MCUA Listing website](#).

- **TRANSIT BUS COOPERATIVE PARTICIPANTS.** The Master Contract also may be utilized by any entity that has executed a Washington State Transit Bus Cooperative Purchasing Agreement with Enterprise Services. The following types of entities are anticipated to execute a Washington State Transit Bus Cooperative Purchasing Agreement:
  - State agencies, local governments, local government agencies, or political subdivisions (e.g., counties, cities, school districts, public utility districts, ports) of any state of the United States;
  - Federal governmental agencies.
  - Federally-recognized Indian Tribes located outside of the State of Washington.

While use of the Master Contract is optional for purchasers other than Washington State agencies, these entities' use of the Master Contract can increase Master Contract use significantly. All purchasers are subject to the same contract terms, conditions, and pricing as Washington State agencies.

- 2.2. **MASTER CONTRACT.** The form of the Master Contract that will be awarded as a result of this Competitive Solicitation is attached as Exhibit E-1 Master Contract
- 2.3. **CONTRACT TERM.** As set forth in the attached Master Contract for this Competitive Solicitation, the contract term is twenty-four (24) months, with three (3) subsequent twelve (12) month extensions to be executed at Enterprise Services' option. Provided, notwithstanding any provisions to the contract, the Master Contract will not be extended with any bidder who cannot meet the applicable certifications at the time of the extension. The maximum contract term is sixty (60) months. Bidders are to specify prices for the entire contract term, including any potential extensions. The Master Contract is subject to earlier termination.
- 2.4. **ESTIMATED SALES AND QUANTITY.** Total potential or estimated contract sales is not known. Enterprise Services cannot provide exact use by transit entities purchasing with FTA funds. The following is an estimate only and not a guarantee in any way of the quantity to be purchased from the resulting contract(s). It is estimated the Purchases may purchase Transit Buses in the quantities indicated below over the next five years:
  - State of Washington: up to 1,000 buses
  - State of Oregon: 35 buses
  - State of Idaho: 50 buses
  - State of Alaska: 10 buses
  - State of Montana: 20 buses
  - State of Nevada: 20 buses
- 2.5. **PROCUREMENT PRIORITIES & PREFERENCES.** Enterprise Services will apply the following procurement priorities and preferences to this Competitive Solicitation:
  - a. EXECUTIVE ORDER 18-03 (10 Points)
  - b. OREGON REVISED STATUTE 279A.112 (10 Points)
  - c. EMISSIONS INFORMATION (10 Points)

- d. SUSTAINABILITY POLICY (10 Points)
- e. PROMPT PAYMENT (10 Points)

### SECTION 3 – BID EVALUATION

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This section identifies how Enterprise Service will evaluate Competitive Solicitation bids.

3.1. **OVERVIEW.** Enterprise Services will evaluate bids for this Competitive Solicitation as described below.

- a. Bidder responsiveness, performance requirements, price factors, and responsibility, will be evaluated based on the process described herein.
- b. Any bidder whose bid is determined to be non-responsive will be rejected and will be notified of the reasons for this rejection.
- c. Enterprise Services reserves the right to: (1) Waive any informality; (2) Reject any or all bids, or portions thereof; (3) Accept any portion of the items bid unless the bidder stipulates all or nothing in their bid; (4) Request clarification of submitted bids, (5) Cancel the Competitive Solicitation and re-solicit bids; and/or (6) Negotiate with the lowest responsive and responsible bidder(s) to determine if such bid can be improved.
- d. Enterprise Services will use the following process and evaluation criteria for an award of a Master Contract:

STEP	ITEM	POINTS
1	Responsiveness	Pass/Fail
2	Performance Requirements Evaluation Exhibit B-2, Exhibit B-3	Pass/Fail
3	Bid Evaluation	
	Cost Factors	
	Cost Factor: Price of Standard Bus Exhibit D-2 – Price Sheet	200
	Cost Factor: Options Exhibit D-2 – Price Sheet	100
	Non-Cost Factors	
	Quality of Standard Bus Exhibit B-2 Specification Modification Certification, Exhibit B-3 Technical Information, Exhibit D-2 Price Sheet	150
	Quality and Number of Options Exhibit B-2 Specification Modification Certification, Exhibit B-3 Technical Information, Exhibit D-2 Price Sheet	50

STEP	ITEM	POINTS
	Technical Evaluation Exhibit C – Qualifications	250
	Company Information Exhibit C – Qualifications	100
	Warranties/Repair Exhibit C – Qualifications	100
	Procurement Priorities and Preferences	
	Executive Order 18-03	10
	Oregon Revised Statute 279A.112	10
	Emissions Information	10
	Sustainability Policy	10
	Prompt Payment	10
	Total:	1000
4	Responsible Bidder	
	Responsibility Analysis	Pass/Fail

- 3.2. **RESPONSIVENESS (STEP 1).** Enterprise Services will review bids – on a pass/fail basis – to determine whether the bid is ‘responsive’ to this Competitive Solicitation. This means that Enterprise Services will review each bid to determine whether the bid is complete – i.e., does the bid include each of the required bid submittals, are the submittals complete, signed, legible. Enterprise Services reserves the right – in its sole discretion – to determine whether a bid is responsive – i.e., to determine a bidder’s compliance with the requirements specified in this Competitive Solicitation and to waive informalities in a bid. An informality is an immaterial variation from the exact requirements of the Competitive Solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the goods 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. Responsive bids will be evaluated as set forth herein.
- 3.3. **PERFORMANCE REQUIREMENTS EVALUATION (STEP 2).** Enterprise Services will evaluate each bid to ensure that each bidder’s product or service meets the performance requirements set forth in Exhibit B-1 Specifications. Enterprise Services will review Exhibit B-2 Specification Modification Certification and Exhibit B-3 Technical Information to determine whether performance requirements are met. Enterprise Services reserves the right to request additional information or perform tests and measurements before selecting the Apparent Successful Bidder. A bidder’s failure to provide requested information to Enterprise Services within ten (10) business days may result in disqualification.
- 3.4. **BID PRICING EVALUATION (STEP 3).** Enterprise Services will evaluate bids – to identify the highest evaluation total – by reviewing and comparing the submitted bid prices provided in *Exhibit D-2 Price Sheet*.



- a. **PRICING OF A STANDARD BUS.** A total of 200 points are available for pricing of standard bus. The price score will be determined from the base price including all standard components from the respective price sheet. The lowest price for each category will receive the maximum allocation of points. All other scores will be evaluated by the dividing the lowest price by the total price of the bid being evaluated and the result multiplied by the relative weight.

Example:  $\text{Lowest Bid Price} / \text{Bidder's Proposed Price} \times \text{Weight} = \text{Price Score}.$

- b. **OPTIONS.** A total of 100 points are available for options pricing. The price score will be determined by the price of a set of option categories, selected by Enterprise Services, in the options price sheet of Exhibit D-2. Enterprise Services will compare 10 of these pre-selected option category prices to determine the option price score. Each bidder will be evaluated on the average bid price for options in that category. The lowest average price for each selected option category will receive the maximum allocation of points for that option. Options that have no price listed, including those with quote or NA, will not be included in the evaluation. If there is no priced option in the assessed category the bidder will receive a 0. All other scores will be evaluated by the dividing the lowest average price for the assessed category by the average price for the assessed category of the bid being evaluated and the result multiplied by the relative weight. The sum of individual option points will determine bidder's total for option price comparison.

Formula:  $\text{Lowest Average Bid Price} / \text{Bidder's Average Proposed Price} \times \text{Weight} = \text{Price Score}.$

For example, Enterprise Service pre-selects "Body Bike Rack" as an option category to evaluate. Bidder A's average bid is \$100, the lowest average price for the selected option category. Bidder B's average bid is \$200. Bidder B's score is  $100(\text{lowest average bid price})/200 (\text{bidder's average proposed price}) \times 10 (\text{weight}) = 5 \text{ points}.$

**3.5. NON-COST EVALUATION (STEP 3).** Enterprise Services will evaluate bids based on a variety of factors:

- a. **QUALITY OF STANDARD BUS.** A total of 150 points is available for Quality of Standard Bus. Evaluation team will determine the quality of the standard bus by scoring the components listed as standard in the bidder's price sheet and reviewing Exhibit B-2 Specification Modification Certification and Exhibit B-3 Technical Information.
- b. **QUALITY AND NUMBER OF OPTIONS.** A total of 50 points is available for Quality and Number of Options. Evaluation team will determine the quality and number of the options by evaluating the components listed as options in Exhibit D-2 Price Sheet. The evaluation team will only consider options that meet the specifications in determining the number of options bidders offered
- c. **TECHNICAL EVALUATION.** A total of 250 points are available for technical evaluation score. The points for Technical Evaluation are determined by responses in Exhibit C – Qualifications for process overview; reliability; original testing compliance; useful life; serviceability; training; comfort, features, and styling; delivery process;

on-time performance and delivery; production capability; and nationwide capacity.

- d. **COMPANY INFORMATION.** A total of 100 points are available for company information score. The points for Company Information are determined by responses in Exhibit C – Qualifications for organization, past performance, references, employee experience, and employee certifications.
- e. **WARRANTY/REPAIR.** A total of 100 points are available for warranty/repair score. The points for warranty/repair are determined by responses in Exhibit C – Qualifications for quality of warranties, prior warranty claims, and warranty repair.

3.6. **PROCUREMENT PRIORITIES & PREFERENCES (STEP 3).** Enterprise Services will apply the following Washington State procurement priorities and preferences to this Competitive Solicitation

- a. **PROCUREMENT PREFERENCE 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), Enterprise Services will evaluate bids for best value and will provide a bid preference in the amount of 10 points to any bidder who certifies, pursuant to *Exhibit A-1 – Bidder Certification*, 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.
- b. **OREGON REVISED STATUTE 279A.112.** Enterprise Services will evaluate bids for best value and provide a bid preference in the amount of 10 points to any bidder who certifies pursuant to *Exhibit A-1 – Bidder Certification*, that their firm has a written policy and practice preventing sexual harassment, sexual assault and discrimination against employees who are members of a protected class.
- c. **EMISSIONS INFORMATION.** Enterprise Services will evaluate bids for best value and provide a bid preference in the amount of 10 points to any bidder who certifies pursuant to *Exhibit A-1 – Bidder Certification*, that their firm has a written policy and practice to assess and provide accurate emission information on products to Participants.
- d. **SUSTAINABILITY POLICY.** Enterprise Services will evaluate bids for best value and provide a bid preference in the amount of 10 points to any bidder who certifies pursuant to the Bidder Certification attached at *Exhibit A-1 – Bidder Certification*, that their firm has a written policy and practice, detailing own sustainability policies and programs in place and to provide services in line with the principles established therein.
- e. **PROMPT PAYMENT.** Enterprise Services will evaluate bids for best value and provide a bid preference in the amount of 10 points to any bidder who certifies pursuant to *Exhibit A-1 – Bidder Certification*, that their firm will offer a Prompt Payment Discount. To be considered for this preference the Prompt Payment Discount must be for payments within 20 days and a minimum 0.1% discount.

3.7. **RESPONSIBILITY ANALYSIS (STEP 4).** For responsive bids, Enterprise Services will make reasonable inquiry to determine the responsibility of any bidder. Determination of responsibility will be made on a pass/fail basis. In determining responsibility, Enterprise Services will consider the following:

- 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;
- Whether, within the three-year period immediately preceding the date of the Competitive Solicitation, the bidder has been determined by a final and binding citation and notice of assessment issued by the Washington State Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW;
- Whether the bidder is in compliance with applicable Disadvantaged Business Enterprise (DBE) requirements;
- Whether the bidder has been either debarred or suspended from Federal programs under DOT regulations, "Non-procurement Suspension and Debarment," 2 C.F.R. parts 180 and 1200, or under the FAR at 48 C.F.R. part 9, subpart 9.4; and
- Such other information as may be secured having a bearing on the decision to award the Master Contract.

In addition, Enterprise Services may consider the following:

- a. Financial Information: Enterprise Services may request financial statements, credit ratings, references, record of past performance, clarification of bidder's offer, on-site inspection of bidder's or subcontractor's facilities, or other information as necessary. Failure to respond to these requests may result in a bid being rejected as non-responsive.
- b. References: Enterprise Services reserves the right to use references to confirm satisfactory customer service, performance, satisfaction with service/product, knowledge of products/service/industry and timeliness. Any negative or unsatisfactory reference can be reason for rejecting a bidder as non-responsible.

3.8. **CONTRACT NEGOTIATIONS (STEP 5).** Enterprise Services may negotiate with the highest scored responsive, responsible bidder(s) (Top Bidder) to finalize the Master Contract and to determine if the bid may be improved. If, after a reasonable period of time, Enterprise Services, in its judgement, cannot reach agreement on acceptable Master Contract terms with the Top Bidder, Enterprise Services may suspend negotiations and undertake negotiations with the next bidder as determined by the evaluations.

- 3.9. **ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER.** Enterprise Services will determine the Apparent Successful Bidder (“ASB”). The ASB will be the responsive and responsible bidder(s) that best meet(s) the Competitive Solicitation requirements and presents the best total value, including price, as calculated consistent with the instructions set forth in Exhibit D-2 Price Sheet, and other factors as set forth in this Competitive Solicitation including any applicable state procurement priority or preference.
- a. Designation as an ASB does not imply that Enterprise Services will issue an award for a Master Contract to your firm. Rather, this designation allows Enterprise Services to perform further analysis and ask for additional documentation. 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.
  - b. Upon announcement of the ASB, bidders may request a debrief conference as specified in Section 5.
- 3.10. **AWARD OF MASTER CONTRACT.** Subject to protests, if any, Enterprise Services and the ASB will enter into a Master Contract as set forth in Exhibit E-1 – Master Contract. An award, in part or full, is made and a contract formed by signature of Enterprise Services and awarded bidder on the Master Contract. Enterprise Services reserves the right to award on an all-or-nothing consolidated basis. Following the award of the Master Contract, all bidders registered in WEBS will receive a Notice of Award delivered to the bidder’s email address provided in the bidder’s profile in WEBS.
- 3.11. **BID INFORMATION AVAILABILITY.** Upon Enterprise Services’ announcement of ASB, all bid submissions and all bid evaluations are subject to public disclosure pursuant to Washington’s Public Records Act. See RCW 39.26.030(2).
- 3.12. **ADDITIONAL AWARDS.** Enterprise Services reserves the right, during the resulting Master Contract term, to make additional Master Contract awards to responsive, responsible bidders who provided a bid but who are not awarded a Master Contract. Such awards would be on the same or substantially similar terms and conditions and would be designed to address a Contractor vacancy (e.g., a contractor is terminated or goes out of business), respond to Participants needs, or be in the best interest of the State of Washington.

## **SECTION 4 – HOW TO PREPARE AND SUBMIT A BID FOR THIS COMPETITIVE SOLICITATION**

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This section identifies how to prepare and submit your bid to Enterprise Services for this Competitive Solicitation. In addition, bidders will need to review and follow the Competitive Solicitation requirements including those set forth in the exhibits, which identifies the information that bidders must provide to Enterprise Services to constitute a responsive bid. By responding to this Competitive Solicitation and submitting a bid, bidders acknowledge having read and understood the entire Competitive Solicitation and accept all information contained within this Competitive Solicitation.

- 4.1. **PRE-BID CONFERENCE.** Enterprise Services will host a Competitive Solicitation pre-bid conference at the time and location indicated in Section 1.1 of this Competitive Solicitation. Attendance is not mandatory. Bidders, however, are encouraged to attend and participate. The purpose of the pre-bid conference is to clarify the Competitive Solicitation as needed and raise any issues or concerns

that bidders may have. If changes to the Competitive Solicitation are required as a result of the pre-bid conference, the Procurement Coordinator will post an amendment to this Competitive Solicitation 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.

4.2. **BIDDER COMMUNICATIONS REGARDING THIS COMPETITIVE SOLICITATION.** During the Competitive Solicitation process, all bidder communications regarding this Competitive Solicitation must be directed to the Procurement Coordinator for this Competitive Solicitation. See Section 1.2 of this Competitive Solicitation. Bidders should rely only on this Competitive Solicitation and written amendments to the Competitive Solicitation issued by the Procurement Coordinator. In no event will oral communications regarding the Competitive Solicitation be binding.

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

4.3. **PRICING.** Bid prices must include all cost components needed for the delivery of the goods and/or services as described in this Competitive Solicitation. See *Exhibit D-2 – Price Sheet*. A bidder's failure to identify all costs in a manner consistent with the instructions in this Competitive Solicitation is sufficient grounds for disqualification.

- a. Inclusive Pricing: Bidders must identify and include all cost elements in their pricing. In the event that bidder is awarded a Master Contract, the total price for the goods and/or services shall be bidder's price as submitted. Except as provided in the Master Contract, there shall be no additional costs of any kind.
- b. Vendor Management Fee: The resulting Master Contract from this Competitive Solicitation will include a Vendor Management Fee as specified in the Master Contract attached as *Exhibit E-1 – Master Contract*.

4.4. **BID SUBMITTAL CHECKLIST – REQUIRED BID SUBMITTALS.** This section identifies the bid submittals that must be provided to Enterprise Services to constitute a responsive bid. The submittals must be delivered as set forth below. Bids that 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 bid being rejected. Bidders must identify any supplemental materials with the bidder's name.

**BIDDER MAY SUBMIT A SINGLE DOCUMENT FOR EACH OF THE FOLLOWING THAT WILL APPLY TO ALL CATEGORIES.**

<input type="checkbox"/> <b>EXHIBIT A-1 – BIDDER’S CERTIFICATION</b> This document is the Bidder’s Certification. Complete the certification, attach it to the bid along with any exceptions or required explanations, and submit it to Enterprise Services. Note: the Certification must be complete. Where there are choices, Bidder must check a box. The certification must be signed and submitted by a duly authorized representative for the Bidder.
<input type="checkbox"/> <b>EXHIBIT A-2 – BIDDER’S PROFILE</b> This document is required bidder information for Enterprise Services’ contract administration purposes. Complete as instructed and submit with the bid to Enterprise Services.
<input type="checkbox"/> <b>EXHIBIT A-3 – FTA CERTIFICATIONS</b> Complete as instructed and submit with the bid to Enterprise Services.
<input type="checkbox"/> <b>EXHIBIT D-2 – PRICE SHEET</b> Complete as instructed and submit with the bid to Enterprise Services
<input type="checkbox"/> <b>EXHIBIT E-2 MASTER CONTRACT ISSUES LIST</b> Complete as instructed and submit with the bid to Enterprise Services
<b>BIDDER MUST SUBMIT SEPARATE DOCUMENT FOR EACH OF THE FOLLOWING FOR EACH CATEGORY THEY ARE BIDDING ON.</b>
<input type="checkbox"/> <b>EXHIBIT B-3 – TECHNICAL INFORMATION.</b> Complete as instructed and submit with the bid to Enterprise Services.
<input type="checkbox"/> <b>EXHIBIT C – NON-COST EVALUATION RESPONSE</b> Complete as instructed and submit with the bid to Enterprise Services.

- 4.5. **BID FORMAT.** Bids must be complete, legible, signed, and follow all instructions stated in the Competitive Solicitation (including the exhibits). Unless otherwise specified in writing by Enterprise Services, documents included with an electronic bid must be prepared in MS Word, MS Excel, or Adobe PDF.
- 4.6. **SUBMITTING BIDS.** Your electronic bid must be emailed to [buspurchases@des.wa.gov](mailto:buspurchases@des.wa.gov). Enterprise Services’ email boxes only can accept emails that total less than 30MB in size. Bidders are cautioned to keep email sizes to less than 25MB to ease delivery. Zipped files cannot be accepted. In the event that the submission uses multiple emails, the subject line should include the bidder’s name, the solicitation number 06719-01, the solicitation title Transit Buses: Heavy Duty, and an indication of multiple emails (e.g. 1 of 3, 3 of 3).

## SECTION 5 –COMPLAINT, DEBRIEF, & PROTEST REQUIREMENTS

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

- 5.1. **COMPLAINTS.** This Competitive Solicitation offers a complaint period for bidders wishing to voice objections to this solicitation. The complaint period ends five (5) business days before the bid 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, if applicable, at the Pre-Bid Conference. Failure by the bidder to raise a complaint at this stage may waive its right for later consideration. Enterprise Services will consider all complaints but is not required to adopt a complaint, in part or in full. If bidder complaints result in changes to the Competitive Solicitation, written amendments will be issued and posted on WEBS.
- a. **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.
  - b. **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 bid submittal; and (b) Be in writing (see *Form and Substance, and Other* below). A complaint should clearly articulate the basis of the complaint and include a proposed remedy.
  - c. **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 bid submittals, unless more time is needed. Enterprise Services is required to promptly post the response to a complaint on WEBS
  - d. **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 bid submittal may be deemed waived for protest purposes.
- 5.2. **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, Enterprise Services will issue an announcement of the ASB. That announcement may be made by any means, but Enterprise Services 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, Enterprise Services will offer the requesting bidder one meeting opportunity and notify the bidder of the Debrief Conference place, date, and time. Please note, because the debrief process must occur before making an award, Enterprise Services likely will schedule the Debrief Conference shortly after the announcement of the ASB and the bidder's request for a Debrief Conference. Enterprise Services 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.
- a. **TIMING.** A Debrief Conference may be requested by a bidder following announcement of the Apparent Successful Bidder.

- b. **PURPOSE OF DEBRIEF CONFERENCE.** Any bidder who has submitted a timely bid response may request a Debrief Conference (see Form and Substance, and Other below). A Debrief Conference provides an opportunity for the bidder to meet with Enterprise Services to discuss its bid and evaluation.
  - c. **REQUESTING A DEBRIEF CONFERENCE.** The request for a Debrief Conference must be made in writing via email to the Procurement Coordinator and received within three (3) business days after the announcement of the Apparent Successful Bidder. Debrief conferences may be conducted either in person at the Enterprise Services offices in Olympia, Washington, or by telephone, as determined by Enterprise Services, and may be limited by Enterprise Services to a specified period of time. The failure of a bidder to request a debrief within the specified time and attend a debrief conference constitutes a waiver of the right to submit a protest. Any issue, exception, addition, or omission not brought to the attention of the procurement coordinator before or during the debrief conference may be deemed waived for protest purposes.
- 5.3. **PROTESTS.** Following a Debrief Conference, a bidder may protest the award of a Master Contract.
- a. **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 Competitive Solicitation.
  - b. **INITIATING A PROTEST.** Any bidder may protest an award to the ASB. A protest must: (a) Be submitted to and received by the Protest Officer, within five (5) business days after the protesting 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.
  - c. **PROTEST RESPONSE.** After reviewing the protest and available facts, Enterprise Services' Protest Officer will issue a written response within ten (10) business days from receipt of the protest, unless additional time is needed.
  - d. **DECISION IS FINAL.** The protest decision is final and not subject to administrative appeal. If the protesting bidder does not accept Enterprise Services' protest response, the bidder may seek relief in Thurston County Superior Court.
- 5.4. **COMMUNICATION DURING COMPLAINTS, DEBRIEFS, AND PROTESTS.** With the exception of protests, all communications about this Competitive Solicitation, including complaints and debriefs, must be addressed to the Procurement Coordinator unless otherwise directed. Protests must be addressed to the Protest Officer.
- a. **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 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.
  - b. **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.



#### 5.5. HOW TO CONTACT ENTERPRISE SERVICES.

- a. **TO SUBMIT A COMPLAINT.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation. The email message must include “Complaint” in the subject line of the email message. Alternatively, mail the complaint to the Procurement Coordinator listed in this Competitive Solicitation at the following address:

Attn: Procurement Coordinator – Complaint  
Contracts & Procurement Division  
Washington State Department of Enterprise Services  
P.O. Box 41411  
Olympia, WA 98504-1411

- b. **TO REQUEST A DEBRIEF CONFERENCE.** Send an email message to the Procurement Coordinator listed in this Competitive Solicitation. The email message must include “Debrief” in the subject line of the email message.

- c. **TO SUBMIT A PROTEST.** Send an email message to the Protest Officer, [DES\\_DLProcurementProtest@des.wa.gov](mailto:DES_DLProcurementProtest@des.wa.gov). The email message must include “Protest” in the subject line of the email message. Alternatively, mail the protest to the Protest Officer at the following address:

Attn: Protest Officer  
Contracts & Procurement Division  
Washington State Department of Enterprise Services  
P.O. Box 41411  
Olympia, WA 98504-1411

### SECTION 6 –DOING BUSINESS WITH THE STATE OF WASHINGTON

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This section provides information regarding how to contract with and do business with the State of Washington.

#### 6.1. WASHINGTON’S PUBLIC RECORDS ACT – PUBLIC RECORDS DISCLOSURE REQUESTS.

- All documents (written and electronic) submitted to Enterprise Services as part of this procurement are public records. Unless statutorily exempt from disclosure, such records are subject to disclosure *if* requested. See RCW chapter 42.56, Public Records Act. Enterprise Services strongly discourages bidders from unnecessarily submitting sensitive information (e.g., information that you might categorize as ‘confidential,’ ‘proprietary,’ ‘sensitive,’ ‘trade secret,’ etc.).
  - If, in your judgment, there is an applicable statutory exemption from disclosure for certain portions of your bid, please mark the precise portion(s) of the relevant page(s) of your bid that you believe are statutorily exempt from disclosure and identify the precise statutory basis for exemption from disclosure.
  - In addition, if, in your judgment, certain portions of your bid are not statutorily exempt from disclosure but are sensitive because these particular portions of your bid (NOT including pricing) include highly confidential, proprietary, or trade secret information (or the equivalent) that your firm protects through the regular

use of confidentiality or similar agreements and routine enforcements through court enforcement actions, please mark the precise portion(s) of the relevant page(s) of your bid that include such sensitive information.

- In the event that Enterprise Services receives a public records disclosure request pertaining to information that you have submitted and marked either as (a) statutorily exempt from disclosure; or (b) sensitive, Enterprise Services, prior to disclosure, will do the following:
  - Enterprise Services' Public Records Officer will review any records marked as statutorily exempt from disclosure. In those situations, where the designation comports with the stated statutory exemption from disclosure, Enterprise Services will redact or withhold the document(s) as appropriate.
  - For documents marked 'sensitive' or for documents where Enterprise Services either determines that no statutory exemption to disclosure applies or is unable to determine whether the stated statutory exemption to disclosure properly applies, Enterprise Services will notify the bidder at the address provided in the bid submittal of the public records disclosure request and identify the date that Enterprise Services intends to release the document(s) (including documents marked 'sensitive' or exempt from disclosure) to the requester unless the bidder, at bidder's sole expense, timely obtains a court order enjoining Enterprise Services from such disclosure. In the event Bidder fails to timely file a motion for a court order enjoining such disclosure, Enterprise Services will release the requested document(s) on the date specified. Bidder's failure properly to identify exempted or sensitive information or timely respond after notice of request for public disclosure has been given shall be deemed a waiver by Bidder of any claim that such materials are exempt or protected from disclosure.

**6.2. ECONOMIC GOALS.** In support of the state's economic goals, bidders are encouraged to consider the following in responding to this Competitive Solicitation:

- Support for a diverse supplier pool, including, veteran-owned, minority-owned and women-owned business enterprises. Results Washington has established the following voluntary numerical goals for this Competitive Solicitation:
  - Ten (10) percent minority-owned businesses (MBE);
  - Six (6) percent women-owned businesses (WBE);
  - Five (5) percent veteran-owned businesses (VB).

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

- 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 fifty-one (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.

**6.3. PCB STATEMENT.** 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 and to incentive its vendors to sell products and products in packaging without them.

**6.4. RESOURCES.**

- Register for competitive solicitation notices at the Washington Electronic Business Solution (WEBS) [WEBS Registration](#). Note: There is no cost to register on WEBS.
- If you qualify as a Washington small business, identify yourself in WEBS. Call WEBS Customer Service at 360-902-7400.
- Contact the Washington State Office of Minority and Women's Business Enterprises about state and federal certification programs at Phone 866-208-1064 or [OMWBE](#).
- Contact the Washington State Department of Veterans' Affairs about veteran-owned businesses certification at (360) 725-2169 or [DVA](#).
- Contact Enterprise Services about small and diverse business inclusion.

## EXHIBITS

All Exhibits listed below have been posted as separate documents in WEBS.

*Exhibit A-1 – Bidder's Certification.*

*Exhibit A-2 – Bidder's Profile.*

*Exhibit A-3 – FTA Certifications*

*Exhibit B-1 – Specifications*

*Exhibit B-2 – Specification Modification Certification*

*Exhibit B-3 – Bus Technical Information*

*Exhibit C – Non-Cost Response*

*Exhibit D-1 – Price Sheet Instructions*

*Exhibit D-2 – Price Sheet*

*Exhibit E-1 – Master Contract*

*Exhibit E-2 – Master Contract Issues List*