

State of Washington  
LIQUOR CONTROL BOARD  
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<http://www.liq.wa.gov/>

## REQUEST FOR PROPOSALS (RFP)

### **K430 INITIATIVE 502 CONSULTING SERVICES**

Solicitation Number <b>K430</b>	Pre-Proposal Conference Date & Time <b>January 30, 2013 11:00 AM (PT)</b>	Proposal due date and time <b>February 15, 2013 2:00 PM (PT)</b>
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To request this information in alternative formats call (360) 664-1600

**Proposals must be received via email & electronically date/time stamped on or before the Proposal due date and time in the following inbox:**

[lcbids@liq.wa.gov](mailto:lcbids@liq.wa.gov)

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# 1 INTRODUCTION

## 1.1 SCOPE

The Washington State Liquor Control Board (WSLCB) is conducting this Request for Proposals (RFP) in order to establish a Contract(s) for Consulting Services to assist the WSLCB with the implementation of the Washington State Initiative 502 (I-502) requirements.

## 1.2 BACKGROUND

The WSLCB was formed in 1933 by the Steele Act to regulate the importation, manufacture, distribution, and sale of alcohol within the state of Washington. The current Mission of the WSLCB is to promote public safety by consistent and fair administration of liquor laws through education, voluntary compliance, responsible sales and preventing the misuse of alcohol and tobacco. In November 2012, Washington State voters passed Initiative 502, which authorizes the WSLCB to regulate and tax Marijuana for persons twenty-one (21) years of age and older. Currently, the WSLCB must implement the requirements of I-502, while keeping public safety a top priority.

Initiative 502 requires that Marijuana be a tightly regulated, state-licensed system similar to that for controlling spirits. This new Washington State system for growing, processing, retailing, and producing Marijuana is unprecedented and must be built from the ground up. The WSLCB is given until December 1, 2013 to finalize rules to implement all requirements of I-502. The WSLCB currently estimates that it will take the full time allowed to develop the rules and infrastructure required under I-502.

Proposers responding to this RFP must be familiar with the full text of I-502 in order to successfully provide the Consulting Services required herein. Full text of I-502 can be found here: [Initiative 502](#).

For the purposes of this RFP, the WSLCB's I-502 Consulting Services requirements have been divided into the following four Categories:

1. Product and Industry Knowledge
2. Product Quality Standards and Testing
3. Product Usage and Consumption Validation
4. Product Regulation

## 1.3 PURPOSE

The purpose of this RFP is to establish a Contract(s) for Consulting Services for each Category listed below, to assist the WSLCB with the implementation of the requirements of Initiative 502. The Awarded Contractor(s) shall have expertise in and provide assistance with, but not limited to, the following Categories:

➤ **Category 1: Product and Industry Knowledge**

This Category includes, but is not limited to:

- a. How Marijuana and/or Agricultural products are grown, cultivated, harvested, cured, and processed
- b. How Marijuana is infused into food and beverages
- c. How Marijuana should be packaged, labeled, transported, and sold at retail level
- d. How wholesale and retail Product should be recalled and accounted for
- e. How Marijuana should be destroyed if over produced, contaminated, or recalled

*Category 1 Minimum Qualifications:*

Proposers and/or associates responding to this Category must have at least three (3) years of consulting experience relating to the knowledge of the Cannabis industry, including but not limited to, product growth, harvesting, packaging, product infusion, and product safety.

➤ **Category 2: Product Quality Standards and Testing**

This Category includes, but is not limited to:

- a. Knowledge of the infrastructure required to test Marijuana to ensure product quality, content, ingredients and consumer safety considerations
- b. Assisting the WSLCB with establishing quality standards for testing

*Category 2 Minimum Qualifications:*

Proposers and/or associates responding to this Category must have a Bachelor's degree in Chemistry, Biology, Agriculture or related field, or at least five (5) years of experience with Cannabis testing to determine THC/CBD levels and ratios, mold or chemical contaminants and strain.

➤ **Category 3: Product Usage and Consumption Validation**

This Category includes, but is not limited to:

- a. Expertise to estimate Product usage and consumption levels by geographic areas in Washington State.

*Category 3 Minimum Qualifications:*

Proposers and/or associates responding to this Category must have a Bachelor's degree in a field related to statistical research, or five (5) years of experience determining demographic and/or psychographic segmentation, preferably related to the use of Cannabis.

➤ **Category 4: Product Regulation**

This Category includes, but is not limited to:

- a. A strong understanding of State, local or Federal government processes and procedures
- b. Assisting the WSLCB in crafting Marijuana system regulations

*Category 4 Minimum Qualifications:*

Proposers and/or associates must have at least five (5) years of experience working within the confines of a regulatory system, and experience in creating/modifying rule, law, ordinance or guidelines. A Juris Doctor (JD) is preferred, but not required.

The Awarded Contractor(s) shall provide services and staff, and otherwise do all things necessary for or incidental to the performance of work, as stated in Section 1.6, Statement of Work. The WSLCB reserves the right to add or remove required areas of expertise to meet the operational and strategic objectives of the WSLCB to implement the requirements of Initiative 502.

Note: The WSLCB understands that potential Proposers may have limited experience in providing the expertise required in all Categories described above. In order to better leverage resources available for performing the services required herein, the WSLCB recommends that potential Proposers may form teams that combine their knowledge, skills, and abilities into one (1) Proposal to meet the requirements as stated herein.

## 1.4 AWARD

The WSLCB intends to award the Contract(s) resulting from this solicitation to the responsive responsible Proposer(s) with the highest total score(s).

It is the intent of the WSLCB to enter into a single Contract for all Categories (1-4) listed in Section 1.3 above. While awarding a single Contract to one (1) Proposer meeting the requirements of all Categories is preferred, the WSLCB reserves the right to make multiple awards by Category as necessary, to meet the operational and strategic objectives of the agency.

**The Washington State Liquor Control Board does not represent or guarantee any minimum purchase. This solicitation does not obligate the Washington State Liquor Control Board to contract for services specified herein.**

## 1.5 TERM

The initial term of the Contract(s) resulting from this RFP shall be two (2) years from date of award, with the option to extend for additional one (1) year term(s) or portions thereof. The majority of the work will be required during the first year of the Contract to meet the I-502 implementation deadline of December 1, 2013, with as needed consulting services thereafter.

Extensions for each additional term shall be offered at the sole discretion of the WSLCB and are subject to written mutual agreement. The total contract term, including the initial term and all subsequent extensions, shall not exceed five (5) years unless an emergency exists and/or special circumstances require a partial term extension. The WSLCB reserves the right to extend with all or some of the Contractors, as solely determined by the WSLCB.

## 1.6 STATEMENT OF WORK

The Awarded Contractor(s) shall:

Provide Consulting Services to the WSLCB which shall assist the agency with the implementation of I-502 requirements including, but not limited to, the following: development of reports, documents, strategies, standards, guidelines, project plans, protocol, stakeholder assessments, data, etc.

### **Category 1: Product and Industry Knowledge**

The Awarded Contractor shall assist the WSLCB with the implementation of I-502 requirements including, but not limited to, establishing the following:

1. Minimum standards relating to the growth, harvesting, transporting and sale of useable recreational Marijuana
2. Minimum standards for Product safety relating to the infusion of Marijuana or Marijuana byproducts in food, beverage, lotions, ointments or other Products to be sold in retail locations
3. Minimum standards for the tracking and reconciliation of Product grown, sold, and/or destroyed

### **Category 2: Product Quality Standards and Testing**

The Awarded Contractor shall assist the WSLCB with the implementation of I-502 requirements including, but not limited to, establishing the following:

1. Minimum standards allowed for testing and confirming Product safety from contaminants
2. Testing standards for Product testing of THC/CBD levels and ratios for Product offered
3. Labeling standards needed to meet the requirements as defined by law

**Category 3: Product Usage and Consumption Validation**

The Awarded Contractor shall assist the WSLCB with the implementation of I-502 requirements including, but not limited to, providing the following:

1. A report detailing recreational, medical and total Marijuana use in Washington State, by county
2. A projected volume of Marijuana needed on an annual basis to satisfy demand, and establish plant yield and growth volume assumptions needed to keep pricing at or below black market levels

**Category 4: Product Regulation**

The Awarded Contractor shall assist the WSLCB with the implementation of I-502 requirements including, but not limited to, the following:

1. Conduct stakeholder focus groups for discussion and determination of best practice relating to the growth, harvesting, distribution, product infusion and sale of useable recreational Marijuana
2. Provide written independent third party assumptions, recommendations and oversight following guidelines established by the Open Government Act

**General Requirements:**

The Awarded Contractor(s) will work in conjunction with the WSLCB project manager and any other identified WSLCB personnel to ensure that the services are provided in accordance with industry standards and best practices.

**1.7 SOLICITATION SPECIFIC DEFINITIONS**

- Cannabis:** Marijuana
- Category:** For the purposes of this RFP, each area of expertise that the WSLCB is seeking to assist with the implementation of I-502, which include the following:
- Product and Industry Knowledge
  - Product Quality Standards and Testing
  - Product Usage and Consumption Validation
  - Product Regulation
- CBD:** Cannabidiol
- Marijuana:** Marijuana, useable marijuana, marijuana-infused products
- Marijuana System:** The new Washington State system for growing, processing, retailing, and producing marijuana
- Product:** Marijuana
- THC:** Tetrahydrocannabinol

**1.8 CONTRACTING WITH CURRENT OR FORMER STATE EMPLOYEES**

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

**1.9 ACQUISITION AUTHORITY**

This RFP is issued in accordance with RCW 39.26 and complies with the policies and procedures of the Department of Enterprise Services (DES).

## 1.10 SOLICITATION STANDARDS

The Solicitation Standards document has been included as [Appendix B](#).

This document contains important information for Proposers applicable to this solicitation. This information applies directly to, and is incorporated by reference, into the solicitation and contract(s) resulting from this solicitation. As such, Proposers do not need to attach this document with their response to the solicitation. It is the responsibility of the Proposer to read and fully understand the details of all items contained herein prior to Proposal submittal.

## 2 GENERAL INFORMATION

### 2.1 ESTIMATED PROCUREMENT SCHEDULE

The dates listed below represent the projected procurement schedule. The WSLCB reserves the right to change the schedule. Notification of amendments to the procurement schedule prior to Proposal opening may be sent electronically to all properly registered users of the Department of Enterprise Services' Washington's Electronic Business Solution (WEBS) who downloaded this RFP from WEBS.

Changes to the Procurement Schedule after Proposal Opening may be communicated to all Proposers reflecting the change.

Date	Time	Event
January 17, 2013		Issue Solicitation Document (Available for download at <a href="https://fortress.wa.gov/ga/webs/">https://fortress.wa.gov/ga/webs/</a> )
January 17, 2013 – February 13, 2013		Question and Answer Period
January 28, 2013		Amendment Issued, if applicable (Proposers should begin checking WEBS for any amendments)
January 30, 2013	11:00 a.m. (PT)	Proposer Pre-Proposal Conference
February 4, 2013		Amendment Issued, if applicable (Proposers should begin checking WEBS for any amendments)
February 15, 2013	2:00 p.m. (PT)	Proposals Due
February 19, 2013		Evaluation Begins
March 5, 2013		Apparent Successful Proposer Announcement
March 5, 2013 – March 8, 2013		Debriefing Period (see <a href="#">section 4.6</a> )
March 11, 2013 – March 15, 2013		Protest Period (see <a href="#">section 4.7</a> )
March 20, 2013		Anticipated Award Date

### 2.2 QUESTION AND ANSWER PERIOD

Proposer questions and/or comments regarding this RFP will be allowed consistent with the respective dates specified in the Procurement Schedule. All Proposer questions and/or comments must be submitted in writing to [K430@liq.wa.gov](mailto:K430@liq.wa.gov). Official written WSLCB responses will be provided for Proposer questions received by the respective deadlines.

The Proposer that submitted each question will not be identified. Verbal responses to questions will be considered unofficial and non-binding. Only written responses posted to WEBS will be considered official and binding.

### 2.3 PRE-PROPOSAL CONFERENCE

An optional Pre-Proposal conference to address solicitation requirements will be held at the time and location indicated below. While attendance is not mandatory, Proposers are encouraged to attend and actively participate. If interpretations, specifications, or other changes to the solicitation are required as a result of the conference, the Procurement Coordinator may make amendments to the solicitation and provide those amendments by posting them on WEBS at <https://fortress.wa.gov/ga/webs/>.

Assistance for disabled, blind or hearing-impaired persons who wish to attend is available with prior arrangement with the Procurement Coordinator.

**Pre-Proposal Date:** January 30, 2013  
**Pre-Proposal Time:** 11:00 a.m. (PT)  
**Pre-Proposal Location:** Greater Tacoma Convention & Trade Center  
1500 Broadway  
Tacoma, WA 98402

Driving directions and parking information for the Greater Tacoma Convention and Trade Center is available at [http://tacomaconventioncenter.com/plan\\_directions.html](http://tacomaconventioncenter.com/plan_directions.html).

### 2.4 AUTHORIZED COMMUNICATION

Upon release of this RFP, all Proposer communications concerning this solicitation must be directed to the Procurement Coordinator listed below. **Unauthorized contact regarding this solicitation with other State employees, including WSLCB employees, involved with the solicitation may result in disqualification.** All oral communications will be considered unofficial and non-binding on the WSLCB. Proposers should rely only on written statements issued by the Procurement Coordinator.

**Procurement Coordinator:** John Farley  
**Email Address:** [K430@liq.wa.gov](mailto:K430@liq.wa.gov)  
**Address:** Washington State Liquor Control Board  
3000 Pacific Avenue SE  
Olympia, WA 98504

### 2.5 CONTRACT FORMATION

A Proposal submitted in response to the Solicitation is an offer to contract with the WSLCB. The successful Proposal will become an element of the awarded Contract.

### 2.6 CONTRACT REQUIREMENTS

A Model Contract has been included as [Appendix B](#).

To be Responsive, Proposers must indicate a willingness to enter into a Contract substantially the same as the Contract in Appendix B, by signing the *Certifications and Assurances* located in the Submittal Document located in [Appendix A](#). Any specific areas of dispute with the attached terms and conditions must be identified in the Response and may, at the sole discretion of the WSLCB, be grounds for disqualification from further consideration in the award of a Contract.

Under no circumstances is a Proposer to submit their own standard contract terms and conditions as a Response to this solicitation. Instead, Proposer must review and identify the language in Appendix B that Proposer finds problematic, state the issue, and propose the language or contract modification Proposer is requesting. All of Proposer's exceptions to the contract terms and conditions in Appendix B must be submitted within the Response, attached to the Submittal Document. The WSLCB expects the final Contract(s) signed by the Successful Proposer(s) to be

substantially the same as the Contract located in Appendix B, but will consider proposed changes. Proposer's submission of a Response to this solicitation constitutes acceptance of these contract requirements.

The foregoing should not be interpreted to prohibit either party from proposing additional contract terms and conditions during negotiation of the final Contract.

## **2.7 INCORPORATION OF DOCUMENTS INTO CONTRACT**

This Solicitation document, any subsequent Amendments, and the Proposer's Response will be incorporated into the resulting Contract.

The WSLCB reserves the right to make an award without further discussion of the Response submitted; i.e., there may be no best and final offer request. Therefore, the Response should be submitted on the most favorable terms that Proposer intends to offer.

## **2.8 INSURANCE**

The Successful Proposer(s) is required to obtain insurance to protect the WSLCB should there be any claims, suits, actions, costs, or damages or expenses arising from any negligent or intentional act or omission of the Proposer or its Subcontractor(s), or their agents, while performing work under the terms of any Contract resulting from this solicitation. Proposers will find a complete description of the specific insurance requirements in the proposed contract terms in the Model Contract Document located in [Appendix B](#).

# **3 PROPOSAL SUBMITTALS**

Respond to the following requirements in this section.

## **3.1 SUBMITTAL INSTRUCTIONS**

Proposer shall submit one (1) electronic copy of their complete Proposal to [lcbids@liq.wa.gov](mailto:lcbids@liq.wa.gov) in the following manner:

- Complete entire Submittal Document located in [Appendix A](#) and attach it to the email.
- Clearly mark the subject line of the email: RFP K430, Vendor Name (e.g. RFP-K430, ABC Company).
- The preferred software formats are Microsoft Word 2000 (or more recent version) and PDF. If this presents any problem or issue, contact the Procurement Coordinator immediately.
- It is preferred that electronic signatures appear on all documents requiring signature. However, an email date stamp will be accepted as signed by the legally authorized representative of the firm for the purpose of this Proposal only.
- To keep file sizes to a minimum, Proposers are cautioned not to use unnecessary graphics in their Proposals.

Proposals should be submitted in the format described in this solicitation. All Proposals and any accompanying documentation become the property of the WSLCB and will not be returned. Incomplete Proposals may be rejected. Proposals submitted by fax, will not be accepted and will be considered non-responsive.

### 3.2 PREPARATION OF PROPOSALS

Proposer shall complete and provide the following information (1-6). Incomplete or vague responses may be considered non-responsive and may be rejected. Failure to complete and submit the required items listed in this section may disqualify the Proposer from further participation in this RFP.

**1. Proposer's Authorized Offer**

Proposer's Authorized Offer, in the Submittal Document of [Appendix A](#), must be signed by the Proposer's Authorized Representative. For the purposes of this solicitation, an email date/time stamp will be accepted as signed by the legally authorized representative of the proposing firm. Proposer must complete the signature box information on the Proposer's Authorized Offer page.

**2. Proposer Information**

Using the Submittal Document in [Appendix A](#), the Proposer shall complete the Proposer Profile, Proposer Authorized Representative, Payment Options, and Categories of Service sections.

**3. Subcontractor Information**

Using the Submittal Document in [Appendix A](#), Proposer is instructed to complete the Subcontractor Information section if the Proposer intends on utilizing Subcontractors. If Proposer does not intend to use Subcontractors, the Proposer is not required to complete this section of the Submittal Document. If no information is entered, the WSLCB will assume that Subcontractors will not be used.

The WSLCB will accept Responses that include third party involvement only if the Proposer submitting the Response agrees to take complete responsibility for all actions of such Subcontractors. Proposer must state whether Subcontractors are/are not being used.

If applicable, Proposer shall identify all subcontractors who will perform services in fulfillment of contract requirements, including their name, the nature of services to be performed, address, telephone, facsimile, email, federal tax identification number (TIN), and anticipated dollar value of each subcontract. Proposer shall complete this section of [Appendix A](#). The WSLCB reserves the right to approve or reject any and all Subcontractors that Proposer proposes. Any Subcontractors not listed in the Proposer's Response, who are engaged after award of the Contract must be pre-approved, in writing, by the WSLCB, before providing services under the contract.

Specific restrictions apply to contracting with current or former state employees pursuant to [Chapter 42.52 RCW](#). Proposers should familiarize themselves with the requirements prior to submitting a Response.

**4. Letter of Submittal**

Proposer shall compose and submit a Letter of Submittal which meets the requirements set forth in the Submittal Document in [Appendix A](#).

**5. Non-Cost Proposal**

Using the Submittal Document located in [Appendix A](#), Proposer is instructed to complete and submit the Non-Cost Section. The Proposer may attach additional sheets if necessary.

**6. Cost Proposal**

Using the Submittal Document located in [Appendix A](#), Proposer is instructed to complete and submit the Cost Section. The Proposer may attach additional sheets if necessary.

Proposers shall extend unit pricing as required. In the event of an error in the extension of prices, the unit price shall prevail. For travel related costs, see the Model Contract located in [Appendix B](#).

Prices proposed are in U.S dollars. All costs associated with the services provided must be incorporated into the Proposer's Cost Submittal. Proposer must complete [Appendix A](#).

All pricing shall include the costs of Proposal preparation, servicing of accounts, and complying with all contractual requirements. Failure to identify all costs in a manner consistent with the instructions in this RFP is sufficient grounds for disqualification.

### 3.3 PROPOSER RESPONSIVENESS

Proposer must respond to each question/requirement contained in this RFP. Failure to comply with any applicable item may result in the Response being deemed non-responsive and disqualified.

Failure to provide adequate information to demonstrate to the evaluators that your firm meets the requirements may constitute grounds for disqualification and may be established by any of the following conditions:

- The Proposer states a requirement cannot be met.
- The Proposer fails to include information requested.
- The Proposer fails to include sufficient information to substantiate that a given requirement can be met.

The WSLCB reserves the right to consider the actual level of Proposer's compliance with the requirements specified in this solicitation and to waive informalities in a Proposal. 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 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 Proposers.

## 4 EVALUATION AND AWARD

### 4.1 OVERVIEW

The Proposer(s) who meets all of the RFP requirements and receives the highest number of total points as described in this section, will be declared the Successful Proposer(s) and enter into contract negotiations with the WSLCB.

It is the intent of the WSLCB to enter into a single Contract for all Categories (1-4) listed in [Section 1.3](#), Purpose. If it is deemed in the best interest of the Agency, the WSLCB may award Contract(s) by individual Category(ies).

### 4.2 ALLOCATION OF POINTS

The scores for each Proposal will be assigned a relative importance for each scored section. The relative importance for each section is as follows:

#### PHASE 1 EVALUATION

<b>Phase 1 Requirements</b>	<b>Available Points</b>
Non-Cost Proposal:	1000 points
Cost Proposal:	100 points
<b>Total Possible Phase 1 Points:</b>	<b>1100 points</b>

## **PHASE 2 EVALUATION (OPTIONAL)**

<b>Phase 2 Requirements</b>	<b>Available Points</b>
Oral Presentation (optional):	100 points
<b>Total Possible Phase 2 Points</b>	<b>100 points</b>

If it is deemed to be in the best interest of the WSLCB to only complete the Phase 1 Evaluation, there are a maximum of 1100 points available. If it is deemed to be in the best interest of the WSLCB to complete both the Phase 1 and Phase 2 Evaluations, there are a maximum of 1200 points available.

### **4.3 EVALUATION PROCESS**

#### **1. Initial Determination of Responsiveness (pass/fail)**

Responses will be reviewed initially by the Procurement Coordinator to determine on a pass/fail basis compliance with administrative requirements as specified in this RFP. Evaluators will only evaluate Responses meeting this requirement.

The WSLCB reserves the right to determine at its sole discretion whether Proposer's Response meets the Responsiveness criteria as set forth within this document. If, however, all responding Proposers are determined to be deemed Non-Responsive, the WSLCB will cancel the solicitation and reject all Proposals.

Only Responses that pass the Initial Determination of Responsiveness review will be evaluated based on the requirements in this Solicitation.

#### **2. Phase 1 Evaluation – Non-Cost and Cost Elements (scored)**

##### **a. Non-Cost Scoring:**

Evaluators will score each Non-Cost element of the Non-Cost portion of the Submittal. The Procurement Coordinator will tabulate evaluators' scoring. A statistical calculation will be performed to establish a single score for the Non-Cost section of each Proposal. There are a maximum of **1000 points** available in the Non-Cost section, broken down per Category as detailed in Table 1 below.

*Table 1: Non-Cost Point Summary*

<b>Category</b>	<b>Available Non-Cost Points</b>
<b>Category 1:</b> Product & Industry Knowledge	200
<b>Category 2:</b> Product Quality Standards & Testing	250
<b>Category 3:</b> Product Usage & Consumption Validation	200
<b>Category 4:</b> Product Regulation	350
<b>Total</b>	<b>1000</b>

*Individual Category Award:* If it is deemed to be in the best interest of the WSLCB to award by Category, an individual Non-Cost score will be established for each Category, using the maximum available Non-Cost points for each Category described in Table 1 above.

##### **b. Cost Proposal Evaluation:**

The Procurement Coordinator will calculate the Cost score for the Cost Proposal section of the Response using Proposer's Cost submittal. The total available points for the Cost

Proposal section are **100 points**. Cost scoring will be calculated by combining elements of the Cost Proposal to determine the overall cost to the WSLCB.

The Proposer’s Cost Proposal shall be scored in relation of the other Cost Proposals received.

*Individual Category Award:* If it is deemed to be in the best interest of the WSLCB to award by Category, the available Cost points for each Category shall be in accordance with Table 2 below.

Table 2: Individual Category Award Available Cost Points

Category	Available Cost Points
Category 1	20
Category 2	25
Category 3	20
Category 4	35

c. **Proposer Total Score:**

Proposers’ Total Scores will be calculated by summing Cost and Non-Cost factor points (maximum of **1100 points**) to determine the Proposer’s total Phase 1 score.

*Individual Category Award:* If it is deemed to be in the best interest of the WSLCB to award by Category, the Total Score(s) will be calculated by summing the Non-Cost and Cost factor points for each individual Category, to determine the Proposer’s total Phase 1 score for each Category. The maximum points per Category are detailed in Table 3 below.

Table 3: Available Cost and Non-Cost Points per Category

Category	Available Non-Cost Proposal Points	Available Cost Proposal Points	Total Possible Phase 1 Points
Category 1	200	20	<b>220</b>
Category 2	250	25	<b>275</b>
Category 3	200	20	<b>220</b>
Category 4	350	35	<b>385</b>

**3. Phase 2 Evaluation - Oral Presentation (scored) (Optional)**

The WSLCB reserves the right to schedule Oral Presentations if determined to be in the best interest of the WSLCB. In the event Oral Presentations are required, the WSLCB will contact the top-scoring Proposer(s) to schedule a presentation date, time, and location. A score of up to **100** additional points may be awarded for the Oral Presentation. The Proposer’s score for the Oral Presentation may be added to the Proposer’s total score described in Step 2 above.

Commitments made by the Proposer during the Oral Presentation, if any, will be considered binding.

**4. References (pass/fail)**

The WSLCB reserves the right to request and check references after Proposal submittal, to assist in determining the overall responsibility of the Proposer. Failure to submit references to the Procurement Coordinator within three (3) business days of the reference request may result in the Proposer being deemed non-responsive and thus be disqualified.

References may be checked prior to announcement of the Apparent Successful Proposer to determine the responsibility of Proposers. Failure by Proposers to achieve an average performance level of two (2) or greater from all references contacted may deem the Proposer irresponsible and thus be disqualified.

The WSLCB reserves the right to reject any proposal submittal if the Proposer receives unfavorable references based on the following criteria:

References with which contact is established will be asked to rate Proposer's past performance on the following scale:

Performance Level 3: Performance exceeds expectations.

Performance Level 2: Performance meets minimum expectations and is adequate.

Performance Level 1: Performance is often or always incomplete. Deficiencies exist in critical areas.

Performance Level 0: Contacted reference fails or refuses to respond when asked to rate Proposer.

The WSLCB will only attempt to make contact with a Proposer's provided references a maximum of three (3) times. If such contact cannot be established with any of the references provided, then those references with which contact cannot be established may be deemed non-responsive and no further attempts will be made to contact that particular reference.

The WSLCB reserves the right to seek and substitute other references to determine the sufficiency of the Proposer's level of responsibility.

#### **5. Determination of Proposer Responsibility (pass/fail)**

After Proposal submittal, the WSLCB reserves the right to make reasonable inquiry and/or requests for additional information, to assist in determining the overall responsibility of any Proposer. Requests may include, but are not limited to, educational degrees, business licenses, financial statements, credit ratings, references, record of past performance, criminal background check, clarification of Proposer's offer, and on-site inspection of Proposer's or Proposer's subcontractor's facilities. Failure to respond to said request(s) may result in the Proposer being deemed non-responsive and thus disqualified.

#### **4.4 SELECTION OF APPARENTLY SUCCESSFUL PROPOSER(S)**

The Proposer(s) with the highest total score(s) who represents the overall best value to the WSLCB will be declared the Apparent Successful Proposer(s). The WSLCB may enter into contract negotiations with the Apparent Successful Proposer(s).

Should contract negotiations fail to be completed within one (1) month after initiation, the WSLCB may immediately cease contract negotiations and declare the Proposer with the second highest score as the new Successful Proposer and enter into contract negotiations with that Proposer. This process will continue until the Contracts are signed or no qualified Proposers remain.

The Successful Proposer(s) will be expected to execute the final Contract within ten (10) Business Days of its receipt. If the selected Proposer fails to sign the Contract within the allotted ten (10) Business Day timeframe, the WSLCB may consider the Successful Proposer to be non-responsive and elect to cancel the award and award the Contract to the next ranked Proposer, or cancel or reissue this solicitation.

#### **4.5 NOTIFICATION OF APPARENT SUCCESSFUL PROPOSER(S)**

All Responsive Proposers responding to this solicitation will be notified when the WSLCB has determined the Successful Proposer(s).

The date of notification of the Apparent Successful Proposer(s) will be the date of announcement from the WSLCB.

#### **4.6 DEBRIEFING OF UNSUCCESSFUL PROPOSERS**

Only Proposers who submit a Response may request an optional debriefing conference to discuss the evaluation of the Response. The request for a debriefing conference must be made in writing and be received by the Procurement Coordinator listed in this RFP within three (3) business days after notification of the Apparent Successful Proposer(s).

The optional debriefing will not include any comparison between the Proposer's Response and any other Responses submitted. However, the WSLCB will discuss the factors considered in the evaluation of the requesting Proposer's Response and address questions and concerns about Proposer's performance with regard to the solicitation requirements.

#### **4.7 PROTEST PROCEDURES**

Only Proposers who have submitted a Response to this solicitation and have had a debriefing conference may make protests. Upon completion of the debriefing conference, a Proposer is allowed five (5) business days to file a formal protest of the solicitation with the Procurement Coordinator. Further information regarding the grounds for filing and resolution of protests are contained in the Solicitation Standards located in [Appendix B](#).

#### **4.8 POST AWARD CONFERENCE**

The Awarded Contractor(s) may be required to attend a post award conference scheduled by the Procurement Coordinator to discuss contract performance requirements. The time and place of this conference will be scheduled following Contract award.

**APPENDIX A**  
**PROPOSAL SUBMITTALS**

**Submittal Document:** Proposers must complete and submit the below document with their Proposal.



K430 Submittal  
Document

## APPENDIX B

**Model Contract Document:** The WSLCB expects the final Contract signed by the Successful Proposer to be substantially the same as this Contract. This document does not need to be submitted however Proposers are instructed to be familiar with it.



K430 Model Contract

**Solicitation Standards:** This document contains the Standard Definitions, Instructions to Proposers and Terms and Conditions. This document does not need to be submitted, however Proposers are instructed to be familiar with it as it governs this solicitation and will be incorporated into the resulting Contract.



K430 Solicitation  
Standards

**Initiative 502:** The link to the Initiative 502 document is provided below for Proposers' convenience. It does not need to be submitted with your proposal. Proposers are instructed to be familiar with the Initiative 502 and all of its requirements.

[Initiative 502](#)