



REQUEST FOR PROPOSALS (RFP)

**RFP NO. 2023HCA34**

**NOTE:** *If you download this RFP from any source other than the Washington Electronic Business Solution (WEBS), you are responsible for registering in WEBS for your organization to receive any RFP amendments, including Bidder questions/agency answers. HCA is not responsible for any failure of your organization to register in WEBS or any other repercussions that may result to your organization because of this failure.*

**PROJECT TITLE:** Cost-to-Dispense Survey

**PROPOSAL DUE DATE:** April 30, 2024 by 3:00 p.m. *Pacific Time*, Olympia, Washington, USA.

Only e-mailed bids will be accepted.

**ESTIMATED TIME PERIOD FOR CONTRACT:** July 1, 2024 to March 31, 2025

The Health Care Authority reserves the right to extend the contract for up to 3 additional months at its sole discretion, dependent on mutual agreement of the contract terms by the parties.

**BIDDER ELIGIBILITY:** This solicitation is open to those Bidders that satisfy the minimum qualifications stated herein and that are available for work in Washington State.

**TABLE OF CONTENTS**

- 1. INTRODUCTION..... 3**
  - 1.1 DEFINITIONS.....3
  - 1.2 ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES .....3
  - 1.3 PURPOSE AND OBJECTIVES .....4
  - 1.4 BACKGROUND.....4
  - 1.5 SCOPE OF WORK .....5
  - 1.6 MINIMUM QUALIFICATIONS.....5
  - 1.7 FUNDING (OPTIONAL).....5
  - 1.8 PERIOD OF PERFORMANCE .....5
  - 1.9 ADA .....6
- 2. GENERAL INFORMATION FOR BIDDERS..... 7**
  - 2.1 RFP COORDINATOR.....7
  - 2.2 LETTER OF INTENT TO PROPOSE (MANDATORY).....7
  - 2.3 INTERESTED SUBCONTRACTOR LIST.....7
  - 2.4 BIDDER QUESTIONS PERIOD.....8
  - 2.5 SUBMISSION OF PROPOSALS.....9
  - 2.6 PROPRIETARY INFORMATION / PUBLIC DISCLOSURE.....9
  - 2.7 REVISIONS TO THE RFP .....10
  - 2.8 COMPLAINT PROCESS .....10
  - 2.9 RESPONSIVENESS .....11
  - 2.10 MOST FAVORABLE TERMS.....11
  - 2.11 RECEIPT OF INSUFFICIENT NUMBER OF PROPOSALS.....11
  - 2.12 NO OBLIGATION TO CONTRACT .....11
  - 2.13 REJECTION OF PROPOSALS.....11
- 3. PROPOSAL CONTENTS AND REQUIREMENTS ..... 12**
  - 3.1 PROPOSAL CONTENTS OVERVIEW .....12
  - 3.2 PROPOSAL REQUIREMENTS AND GUIDELINES.....12
  - 3.3 BIDDER PROFILE & SUBMITTAL FORM (MANDATORY).....13
  - 3.4 DIVERSE BUSINESS INCLUSION PLAN (MANDATORY).....13
  - 3.5 EXECUTIVE ORDER 18-03 (SCORED) .....13
  - 3.6 REFERENCES (MANDATORY/OPTIONAL SCORED).....13
  - 3.7 DRAFT CONTRACT (MANDATORY) .....14
  - 3.8 WRITTEN PROPOSAL (SCORED).....14
  - 3.9 COST PROPOSAL (SCORED).....14
  - 3.10 WASHINGTON STATE PURCHASING PRIORITIES (SCORED).....15
- 4. EVALUATION AND CONTRACT AWARD ..... 16**
  - 4.1 EVALUATION PROCEDURE .....16
  - 4.2 EVALUATION WEIGHTING AND SCORING .....16
  - 4.3 BEST AND FINAL OFFER (BAFO) .....20
  - 4.4 SUBSTANTIALLY EQUIVALENT SCORES.....20
  - 4.5 NOTIFICATION TO BIDDERS.....20
  - 4.6 DEBRIEFING OF UNSUCCESSFUL BIDDERS.....20
  - 4.7 PROTEST PROCEDURE .....21

5. RFP EXHIBITS ..... 23  
EXHIBIT A – BIDDER FORMS AND CERTIFICATIONS ..... 24  
EXHIBIT B – DRAFT CONTRACT ..... 25  
EXHIBIT C – WRITTEN PROPOSAL..... 26  
EXHIBIT D – COST PROPOSAL ..... 28  
EXHIBIT E – WASHINGTON STATE PURCHASING PRIORITIES ..... 29

# 1. INTRODUCTION

## 1.1 DEFINITIONS

Definitions for the purposes of this RFP include:

**Apparent Successful Bidder (ASB)** – The Bidder selected as the entity to perform the anticipated services under this RFP, subject to completion of contract negotiations and execution of a written contract.

**Bidder** – Individual or company interested in the RFP that submits a proposal to attain a contract with the Health Care Authority.

**Business Day** – Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington, unless otherwise specified within the RFP.

**Health Care Authority or HCA** – An executive agency of the state of Washington that is issuing this RFP.

**Proposal** – A formal offer submitted in response to this solicitation. To be responsive, a Proposal must include all items outlined in Section 3 (PROPOSAL CONTENTS AND REQUIREMENTS). Two such items that may be referred to throughout this document are:

- 1) **Cost Proposal** – Bidder’s cost as described in Section 3.9 and Exhibit D.
- 2) **Written Proposal** – Bidder’s written response as described in Section 3.8 and Exhibit C.

**Request for Proposals (RFP)** – Formal solicitation document in which a service or need is identified but no specific method to achieve it has been chosen. The purpose of an RFP is to permit the bidder community to suggest various approaches to meet the need at a given price.

**Revised Code of Washington (RCW)** – The laws of the state of Washington, as enacted by the Legislature. Any references to specific titles, chapters, or sections of the RCW includes any substitute, successor, or replacement title, chapter, or section. Pertinent RCW chapters can be accessed at: <http://apps.leg.wa.gov/rcw/>.

**Subcontractor** – A person, partnership, or entity not in the employment of or owned by the Bidder, who would be performing all or part of the services under this RFP under a separate contract with or on behalf of the Bidder. The term “Subcontractor” means Subcontractors in any tier.

**Washington’s Electronic Business Solution or WEBS** – An internet-based bid notification system HCA uses to post competitive solicitations. Individuals and firms interested in state contracting opportunities with the Department of Enterprise Services or any state agency should [register](#) for competitive solicitation notices on WEBS. *Note: There is no cost to register on WEBS.*

## 1.2 ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES

Issue Request for Proposals	March 7, 2024
Bidder Questions Due	March 21, 2024 – 5:00pm PST

Letter of Intent Due	March 22, 2024 – 5:00pm PST
HCA Answers Posted*	March 28, 2024
Interested Subcontractor Responses Due	March 25, 2024
Interested Subcontractor List Posted*	March 26, 2024
Complaints Due (if applicable)	April 8, 2024
Proposals Due	April 30, 2024 – 3:00pm PST
Evaluate Proposals*	May 1, 2024 – May 23, 2024
Conduct Oral Interviews with and/or reference reviews of Finalists, if required	May 29 - 30, 2024
Announce “Apparent Successful Bidder” via WEBS*	June 4, 2024
Debrief Request Deadline	June 7, 2024
Negotiate Contract	June 8 – June 29, 2024
Begin Contract Work	July 1, 2024

\*Dates are anticipated and subject to change without an official amendment.

HCA reserves the right in its sole discretion to revise the above schedule at any time.

### 1.3 PURPOSE AND OBJECTIVES

The Washington State Health Care Authority, hereafter called “HCA,” is initiating this Request for Proposals (RFP) to solicit Proposals from firms interested in participating on a project to implement and complete a Cost of Dispensing Survey (CODS) to estimate costs to all retail, long-term care, Section 340B, specialty and mail order pharmacies that dispense outpatient prescription drugs to Apple Health Fee-for-Service Medicaid clients.

HCA intends to award one contract to provide the services described in this RFP.

### 1.4 BACKGROUND

The Washington Health Care Authority (HCA) is responsible for the administration of Washington Apple Health (Medicaid) program, a medical assistance program established by Title XIX of the Social Security Act of 1965 and Chapter 74.09 of the Revised Code of Washington. Under federal law, the Centers for Medicare and Medicaid Services (CMS) requires HCA to follow certain standards in setting payment rates to pharmacies who participate in the fee-for-service portion of the Medicaid program. Among other things, HCA must determine a “professional dispensing fee.” HCA and various pharmacy groups entered into a Settlement Agreement on September 13, 2023, in the case of *National Association of Chain Drug Stores, et al., v. Washington State Health Care Authority, et al.* (Washington State Court of Appeals Case No. 51489-3-II). As part of the Settlement Agreement, HCA agreed to perform or procure a cost-of-dispensing survey.

## 1.5 SCOPE OF WORK

This is a description of the Scope of Work for the award Contract. To view the Scope of Work in full review Exhibit B, *Draft Contract*, Attachment 3, *Statement of Work*.

HCA is seeking a Contractor to design and administer a survey of the costs that retail pharmacies incur to dispense prescription drugs to certain Apple Health clients.

The Contractor will design a survey instrument to collect data elements to estimate the pharmacy costs related to dispensing prescriptions and other services for the Apple Health Fee-for-Service Medicaid program. The Contractor will also administer and analyze the survey data, including performing appropriate statistical comparisons of un-weighted and weighted means to identify significant differences between identified categories of pharmacy characteristics.

The Contractor will produce explanatory reports and validate the survey through a sound, documented statistical validation process, which includes comparing a random sample of participants' supporting documentation (tax records, blueprints, etc.) to the submitted surveys.

The Contractor will provide a final report containing aggregated, de-identified data from survey respondents to HCA.

## 1.6 MINIMUM QUALIFICATIONS

The following are the minimum qualifications for Bidders:

- A. Licensed to do business in the state of Washington or provide a commitment that it will become licensed in Washington within 30 calendar days of being selected as the Apparent Successful Bidder.
- B. Has experience in the last three (3) years conducting cost of dispensing surveys.
- C. Experience with two projects of similar or larger size and scope.
- D. Has three years (3) experience in the areas of statistical analysis of survey data.
- E. Has experience with pharmacy operations and federal Medicaid pharmacy reimbursement requirements including the definition of "professional dispensing fee".

## 1.7 FUNDING (OPTIONAL)

HCA has budgeted an amount not to exceed two-hundred fifty thousand Dollars (\$250,000.00) for this project. Proposals in excess of \$250,000.00 will be considered non-responsive and will not be evaluated.

Any contract awarded as a result of this solicitation is contingent upon the availability of funding.

## 1.8 PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this RFP is tentatively scheduled to begin on or about July 1, 2024 and to end on March 31, 2025. Amendments extending the period of performance, if any, will be at the sole discretion of HCA.

HCA reserves the right to extend the contract until June 30, 2025.

## **1.9 ADA**

HCA complies with the Americans with Disabilities Act (ADA). Bidders may contact the RFP Coordinator to receive written information in another format (e.g., large print, audio, accessible electronic formats, and other formats).

## 2. GENERAL INFORMATION FOR BIDDERS

### 2.1 RFP COORDINATOR

The RFP Coordinator is the sole point of contact in HCA for this solicitation. All communication between the Bidder and HCA upon release of this RFP must be with the RFP Coordinator, as follows:

Name	Alyssa McClure
E-Mail Address	<a href="mailto:HCAProcurements@hca.wa.gov">HCAProcurements@hca.wa.gov</a>

Any other communication will be considered unofficial and non-binding on HCA. Bidders are to rely on written statements issued by the RFP Coordinator. Communication directed to parties other than the RFP Coordinator may result in disqualification of the Bidder.

### 2.2 LETTER OF INTENT TO PROPOSE (MANDATORY)

To be eligible to submit a Proposal, a Bidder must submit a Letter of Intent to Propose. The Letter of Intent to Propose must be emailed to the RFP Coordinator, listed in Section 2.1, and must be received by the RFP Coordinator no later than the date and time stated in the Solicitation Schedule, Section 1.2. The subject line of the email must include the following: [Solicitation #] – Letter of Intent to Propose – [Your entity's name].

The Letter of Intent to Propose may be attached to the email as a separate document, in Word or PDF, or the information may be contained in the body of the email.

Information in the Letter of Intent to Propose should be placed in the following order:

- A. Bidder's Organization Name;
- B. Bidder's authorized representative for this RFP (who must be named the authorized representative identified in the Bidder's Proposal);
- C. Title of authorized representative;
- D. Address, telephone number, and email address;
- E. Statement of intent to propose; and
- F. A statement of how the Bidder meets ALL the minimum requirements specified in Section 1.6 of this RFP.

HCA may use the Letters of Intent to Propose as a pre-screening to determine whether Minimum Qualifications are met.

### 2.3 INTERESTED SUBCONTRACTOR LIST

HCA supports and encourages contracts and subcontracts with small, diverse, and veteran-owned businesses. To support participation in this process, the RFP Coordinator will add a list of Interested Subcontractors to the RFP. The RFP Coordinator will prepare the List based on the timely and complete submission of specific information requested in this section. The purpose of the List is to



communicate to prime bidders the capabilities of interested subcontractors who can perform components of this RFP's Scope of Work.

A. Interested Subcontractor Instructions

- i. Failure to follow the instructions in this Section may prevent your information from being included in the List.
- ii. An interested party must complete the below table to submit their firm name, contact information, and the summary of their capabilities as they relate to this RFP's Scope of Work. Submissions are limited to what is requested in the table below and capability summaries must be two paragraphs or less.
- iii. The RFP Coordinator will only include the information requested below. Do not submit marketing materials.
- iv. Submissions must be emailed to the RFP Coordinator, with the subject line "RFP # Interested Subcontractor List – [Interested Subcontractor Name]" by the date specified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).
- v. All material submitted for the Interested Subcontractor List becomes a public record.

Interested Subcontract Name	Contact Name	Contact Address, Phone Number, and Email Address	Summary of your capabilities as it relates to the Scope of Work

B. Posting Date

Complete and timely submissions will be compiled and posted in alphabetical order by interested subcontractor name. HCA anticipates the List will be posted as an RFP amendment on the *Interested Subcontractor List Posted* date identified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES). Late submissions will not be posted.

C. Information Provided As-Is

The Interested Subcontractor List is provided as an opportunity to support participation in this RFP. HCA provides this information as a courtesy with no warranties or representations as to any party and no guarantee of a subcontract. The Interested Subcontractor List shall not be construed as an endorsement by the state of Washington or HCA. The interested party is responsible for the completeness and accuracy of their submission.

**2.4 BIDDER QUESTIONS PERIOD**

Bidders are provided an opportunity to ask questions during the bidder question period which starts on the date of the RFP posting and concludes on the *Questions Due* date specified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).

- A. Questions regarding the RFP will only be accepted in writing, sent by email to the RFP Coordinator. The Bidder must use the following email subject line when submitting questions: "RFP 2023HCA34 Question(s) – [Bidder Name]" to ensure timely receipt.
- B. HCA anticipates it will post answers to the questions in WEBS as an RFP amendment on the *Answers Posted* date specified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).
- C. HCA is under no obligation to respond to any questions received after the *Questions Due date* but may do so at its discretion.

## **2.5 SUBMISSION OF PROPOSALS**

Proposals must be received by the RFP Coordinator no later than the *Proposal Due* deadline in Section 1.2, (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES). Proposals must be submitted electronically as an attachment to an e-mail to the RFP Coordinator at the e-mail address listed in Section 2.1, and meet the following requirements:

- A. Attachments to e-mail must be in Microsoft Word format or PDF.
- B. The Cost Proposal must be submitted as a separate attachment.
- C. Zipped files cannot be received by HCA and cannot be used for submission of proposals.
- D. The forms and certifications that require authorized signature (as designated in section 3.1, PROPOSAL CONTENTS OVERVIEW) must have a signature of the individual within the organization authorized to bind the Bidder to the offer.
- E. HCA does not assume responsibility for problems with Bidder's e-mail. If HCA e-mail is not working, appropriate allowances will be made.

Bidders should allow sufficient time to ensure timely receipt of the proposal by the RFP Coordinator. Late proposals will not be accepted and will be automatically disqualified from further consideration, unless HCA e-mail is found to be at fault or HCA deems a grace period is in the best interest of the State. All proposals and any accompanying documentation become the property of HCA and will not be returned.

## **2.6 PROPRIETARY INFORMATION / PUBLIC DISCLOSURE**

Proposals submitted in response to this RFP will become the property of HCA. All proposals received will remain confidential until the Apparent Successful Bidder is announced; thereafter, the proposals will be deemed public records as defined in chapter 42.56 of the Revised Code of Washington (RCW).

Any information in the proposal that the Bidder desires to claim as proprietary and exempt from disclosure under chapter 42.56 RCW, or other state or federal law that provides for the nondisclosure of a document, must be clearly designated. Each page claimed to be exempt from disclosure must be clearly identified and must reference either: (1) the specific basis claimed under 42.56 RCW, or (2) a statement of why the information is designated proprietary. Each page containing the information claimed to be exempt from disclosure must be clearly identified by the words "Proprietary Information" printed on the lower right-hand corner of the page. Marking the entire proposal exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the Bidder has marked as “Proprietary Information,” HCA will notify the Bidder of the request and of the date that the records will be released to the requester unless the Bidder obtains a court order enjoining that disclosure. If the Bidder fails to obtain the court order enjoining disclosure, HCA will release the requested information on the date specified. If a Bidder obtains a court order from a court of competent jurisdiction enjoining disclosure pursuant to chapter 42.56 RCW, or other state or federal law that provides for nondisclosure, HCA will maintain the confidentiality of the Bidder’s information per the court order.

A charge will be made for copying and shipping, as outlined in RCW 42.56. No fee will be charged for inspection of contract files, but 24 hours’ notice to the RFP Coordinator is required. All requests for information should be directed to the RFP Coordinator.

The submission of any public records request to HCA pertaining in any way to this RFP will not affect the solicitation schedule, as outlined in Section 1.2, unless HCA, in its sole discretion, determines that altering the schedule would be in HCA’s best interests.

## **2.7 REVISIONS TO THE RFP**

If HCA determines in its sole discretion that it is necessary to revise any part of this RFP, then HCA will publish addenda on WEBS. For this purpose, the published questions and answers and any other pertinent information will be provided as an addendum to the RFP and will be published on WEBS.

HCA also reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a contract.

## **2.8 COMPLAINT PROCESS**

The complaint process allows potential Bidders to focus on the solicitation requirements and evaluation process and raise issues early enough in the process to allow HCA to correct a problem before proposals are submitted. The complaint period starts on the date of the RFP posting and concludes on the *Complaints Due* date identified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).

- A. Potential Bidders may submit a complaint to HCA based on any of the following:
  - i. The RFP unnecessarily restricts competition;
  - ii. The RFP evaluation or scoring process is unfair or unclear; or
  - iii. The RFP requirements are inadequate or insufficient to prepare a response.
- B. For a complaint to be considered, it must be received by HCA by 5:00 pm PT on the *Complaints Due* date identified in Section 1.2. The complaint must:
  - i. Be in writing;
  - ii. Be sent to the RFP Coordinator, or designee;
  - iii. Clearly articulate the basis for the complaint; and
  - iv. Include a proposed remedy.
- C. HCA will address any complaint as follows:

- i. The RFP Coordinator, or designee will respond to the complaint in writing.
- ii. The response to the complaint and any changes to the RFP will be posted on WEBS.
- iii. The Director of HCA will be notified of all complaints and will be provided a copy of HCA's response.

Complaints may not be raised again during a protest and HCA's action or inaction in response to a complaint will be final. There is no appeal process.

## **2.9 RESPONSIVENESS**

The RFP Coordinator will review all proposals to determine compliance with administrative requirements and instructions specified in this RFP. A Bidder's failure to comply with any part of the RFP may result in rejection of the proposal as non-responsive.

HCA also reserves the right at its sole discretion to waive minor administrative irregularities.

## **2.10 MOST FAVORABLE TERMS**

HCA reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted initially on the most favorable terms which the Bidder can propose. HCA reserves the right to contact a Bidder for clarification of its proposal.

The ASB should be prepared to accept this RFP for incorporation into a contract resulting from this RFP. The contract resulting from this RFP will incorporate some, or all, of the Bidder's proposal. The proposal will become a part of the official solicitation file on this matter without obligation to HCA.

## **2.11 RECEIPT OF INSUFFICIENT NUMBER OF PROPOSALS**

If HCA receives only one responsive proposal as a result of this RFP, HCA reserves the right to either: 1) directly negotiate and contract with the Bidder; or 2) not award any contract at all. HCA may continue to have the bidder complete the entire RFP. HCA is under no obligation to tell the Bidder if it is the only Bidder.

## **2.12 NO OBLIGATION TO CONTRACT**

This RFP does not obligate HCA to enter into any contract for services specified herein.

## **2.13 REJECTION OF PROPOSALS**

HCA reserves the right, at its sole discretion, to reject any and all proposals received without penalty and not to issue any contract as a result of this RFP.

### 3. PROPOSAL CONTENTS AND REQUIREMENTS

#### 3.1 PROPOSAL CONTENTS OVERVIEW

Proposals must be submitted per the instructions in Sections 2.6 (SUBMISSION OF PROPOSALS) and 3.2 (PROPOSAL REQUIREMENTS AND GUIDELINES) in the order noted below.

A. Bidder Forms and Certifications (Exhibit A)

All the following are included in Exhibit A:

- i. Bidder Profile & Submittal Form\* (Section 3.3 and Exhibit A, Section A)
- ii. Diverse Business Inclusion Plan (Section 3.4 and Exhibit A, Section B)
- iii. Executive Order 18-03 Worker's Rights\* (Section 3.5 and Exhibit A, Section C)
- iv. References (Section 3.6 and Exhibit A, Section D)

B. Draft Contract (Section 3.7 and Exhibit B)

C. Written Proposal (Section 3.8 and Exhibit C)

D. Cost Proposal (Section 3.9 and Exhibit D)

E. Washington State Purchasing Priorities (Section 3.10 and Exhibit E)

*\*Authorized signature required*

#### 3.2 PROPOSAL REQUIREMENTS AND GUIDELINES

Proposals must comply with the requirements or restrictions listed below. Failure to do so may result in the disqualification of the Bidder's Proposal:

- A. State the Bidder's full legal name on the first or cover page of the Proposal.
- B. Proposals must provide information in the same order as presented in this RFP and with the same headings. Title and number each item in the same way it appears in the RFP. Each question must be restated prior to the Bidder's response.
- C. **All items listed in Section 3.1 (PROPOSAL CONTENTS OVERVIEW) must be included as part of the Proposal for the Proposal to be considered responsive**; however, only the following items will be scored during the evaluation process: Executive Order 18-03 Worker's Rights, Written Proposal, Cost Proposal, and Washington State Purchasing Priorities.
- D. Page limits stated in this RFP are determined by counting single sides of the response. HCA has no obligation to read, consider, or score any material exceeding the stated page limits. There will be no grounds for protest if critical information is on the pages exceeding the specified page limit that is not reviewed.
- E. Bidders are liable for all errors or omissions contained in their Proposals. Bidders will not be allowed to alter Proposal documents after the deadline for Proposal submission. HCA is not liable for any errors in Proposals.

HCA is under no obligation to consider any supplemental materials submitted that were not requested.

### **3.3 BIDDER PROFILE & SUBMITTAL FORM (MANDATORY)**

Exhibit A, Bidder Forms and Certifications, Section A, Bidder Profile & Submittal Form must be completed in its entirety and signed and dated by a person authorized to legally bind the Bidder to a contractual relationship (e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship).

### **3.4 DIVERSE BUSINESS INCLUSION PLAN (MANDATORY)**

Exhibit A, Bidder Forms and Certifications, Section B, Diverse Business Inclusion Plan must be completed in its entirety. In accordance with legislative findings and policies set forth in RCW 39.19 the state of Washington encourages participation in all contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE), set forth in RCW 43.60A.200 for firms certified by the Washington State Department of Veterans Affairs, and set forth in RCW 39.26.005 for firms that are Washington Small Businesses. Participation may be either on a direct basis or on a Subcontractor basis. However, no preference on the basis of participation is included in the evaluation of Diverse Business Inclusion Plans submitted, and no minimum level of minority- and women-owned business enterprise, Washington Small Business, or Washington State certified Veteran Business participation is required as a condition for receiving an award. Any affirmative action requirements set forth in any federal governmental regulations included or referenced in the contract documents will apply.

### **3.5 EXECUTIVE ORDER 18-03 (SCORED)**

*(Maximum available points: 40)*

Bidder must review Exhibit A, Bidder Forms and Certifications, Section C and respond as to whether the Bidder requires its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses and class or collective action waivers.

### **3.6 REFERENCES (MANDATORY/OPTIONAL SCORED)**

*(Maximum available points: 500)*

Provide three (3) business references for the Bidder using the reference forms provided in Exhibit A, Bidder Forms and Certifications, Section D, References. References must be independent of the Bidder's and Subcontractor's company corporation (e.g., non-Bidder owned, in whole or in part, or managed, in whole or in part) and be for work similar to the scope of work contained herein. At least one (1) of the listed references must be a Medicaid state entity within the United States. Complete all boxes of the reference form for each reference, including a description of the services provided, the timeframe in which services were provided, and the Bidder's team members who provided the services. By submitting a proposal in response to this solicitation, the Bidder and team members grant permission to HCA to contact these references and others, who from HCA's perspective, may have pertinent information. HCA may or may not, at HCA's discretion, contact references. Listed references must also be available for a phone call during the review period if requested. If contacted HCA will ask the listed references to respond to the following questions:

- 1.1 Describe the services the Bidder provided to you.
- 1.2 Did the listed Bidder meet all of the deadlines for their contracted work? If not, please provide an explanation.

- 1.3 Describe your satisfaction with timely completion of the project.
- 1.4 Did the listed Bidder complete all deliverables in their contracted work? If not, please provide an explanation.
- 1.5 Describe your satisfaction with the deliverables provided by the Bidder.
- 1.6 Did the listed Bidder communicate sufficiently throughout the project they were contracted for? If not, please provide an explanation.
- 1.7 Did the Bidder's account team respond to your concerns in a timely manner? If not, please provide an explanation.
- 1.8 With which aspects of the Bidder's services are you most satisfied?
- 1.9 With which aspects of the Bidder's services are you least satisfied?
- 1.10 How likely are you to use the Bidder again for these services?

### **3.7 DRAFT CONTRACT (MANDATORY)**

The ASB will be expected to enter into a contract which is substantially the same as the sample contract and its general terms and conditions attached as Exhibit B. HCA will not accept any draft contracts prepared by any Bidder. The Bidder must be prepared to agree to all terms of the attached Exhibit B, Draft Contract, as presented or the Proposal may be rejected. If Bidder has exceptions to the terms and conditions, they must include with their Proposal a copy of the Draft Contract with redline edits/comments documenting the changes they propose to be made if selected as ASB. If the Bidder fails to identify an objection to any particular term or condition, the term or condition will be deemed agreed to by the Bidder. HCA will review requested exceptions and accept or reject the same at its sole discretion.

If, after the announcement of the ASB, and after a reasonable period of time, the ASB and HCA cannot reach agreement on acceptable terms for the Contract, the HCA may cancel the selection and Award the Contract to the next most qualified Bidder.

### **3.8 WRITTEN PROPOSAL (SCORED)**

*(Maximum available points: 700)*

Exhibit C, Written Proposal must be completed in its entirety in accordance with the page limits identified within the Exhibit (See Section 3.2(E)). Bidder should respond using Exhibit C as its template, to ensure compliance with the formatting requirements outlined in Section 3.2(B).

### **3.9 COST PROPOSAL (SCORED)**

*(Maximum available points: 310)*

The maximum cost proposed for this contract must be two hundred fifty thousand Dollars (\$250,000.00) or less to be considered responsive to this RFP.

The evaluation process is designed to award this solicitation not necessarily to the Bidder of least cost, but rather to the Bidder whose proposal best meets the requirements of this RFP. However, Bidders are

encouraged to submit proposals which are consistent with state government efforts to conserve state resources.

A. Identification of Costs

- i. Identify all costs in U.S. dollars including expenses to be charged for performing the services necessary to accomplish the objectives of the contract. The Bidder is to submit a fully detailed budget including staff costs, estimates for any applicable sales and use taxes (see 3.A(ii) below), and any expenses necessary to accomplish the tasks and to produce the deliverables under the contract.
- ii. ASB(s) will be required to collect Washington state sales and use taxes from HCA, as applicable, and for remittance of payment to the Washington State Department of Revenue (DOR). Bidders must identify any expenses to which Washington State sales and use taxes apply in the Cost Proposal and include an estimated amount for such taxes (based on the current tax rate(s)). HCA understands these amounts may fluctuate as tax rates fluctuate. If a tax isn't specifically identified, HCA will assume it is included in the costs identified.

B. Cost Proposal

- i. Quotation should be provided in Bidder's Proposal as Exhibit D.
- ii. The Cost Proposal must include all costs, including but not limited to: personnel salaries/benefits, travel expenses, mass mailings, fees, commissions, compensation, equipment and other charges specific to completing the cost of dispensing survey and deliverables.
- iii. The Cost Proposal must be in the form of a firm and fixed fee for completion of all activities set forth in this RFP and the Exhibit B, *Draft Contract* and include an anticipated invoicing schedule based on milestones as listed in Exhibit B, *Draft Contract*.

<b>3.10 WASHINGTON STATE PURCHASING PRIORITIES (SCORED)</b>
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*(Maximum available points: 50)*

Exhibit E, Washington State Purchasing Priorities must be completed and returned by Bidder. Bidders should check the applicable box(es) indicating which, if any, of the identified certifications are applicable to the Bidders' business. Definitions for listed certifications can be found at: [Department of Enterprise Services \(DES\) \(wa.gov\)](http://www.wa.gov/DES).



## 4. EVALUATION AND CONTRACT AWARD

### 4.1 EVALUATION PROCEDURE

Responsive Proposals will be evaluated strictly in accordance with the requirements stated in this RFP and any addenda issued. The evaluation of proposals will be accomplished by an evaluation team, to be designated by HCA, which will determine the ranking of the proposals. Evaluation teams could be comprised of internal (HCA) and external individuals. Evaluations will only be based upon information provided in the Bidder's Proposal.

- A. All proposals received by the stated deadline in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES) will be reviewed by the RFP Coordinator to ensure that they contain all of the required information requested in the RFP. Only responsive proposals that meet the requirements will be evaluated by the evaluation team. Any Bidder who does not meet the stated qualifications or any proposal that does not contain all the required information will be rejected as non-responsive.
- B. HCA may, at its sole discretion, waive minor administrative irregularities.
- C. The RFP Coordinator may, at their sole discretion, contact the Bidder for clarification of any portion of the Bidder's Proposal. Bidders should take every precaution to ensure that all answers are clear, complete, and directly address the specific requirement.
- D. Responsive Written Proposals will be reviewed and scored by an evaluation team using the weighted scoring system described in Section 4.2 (EVALUATION WEIGHTING AND SCORING). Written Proposals will be evaluated strictly in accordance with the requirements set forth in this RFP and any addenda issued.
- E. The evaluation of the Cost Proposal, Executive Order 18-03, and Washington State Purchasing Priorities will be completed by the RFP Coordinator.
- F. HCA, at its sole discretion, may elect to select finalists for an oral presentation.
- G. HCA reserves the right to award the contract to the Bidder whose proposal is deemed to be in the best interest of HCA and the state of Washington.

### 4.2 EVALUATION WEIGHTING AND SCORING

Bidders' final scores will be based on the following scored items: Executive Order 18-03, Written Proposal, Cost Proposal, Washington State Purchasing Priorities, References if applicable, and Oral Presentations if applicable.

- A. Executive Order 18-03

Pursuant to RCW 39.26.160(3) and consistent with Executive Order 18-03 – Supporting Workers' Rights to Effectively Address Workplace Violations (dated June 12, 2018), HCA will evaluate proposals for best value and provide a preference in the amount of 40 points to any Bidder who certifies, pursuant to the certification included in Exhibit A, Bidder Forms and Certifications, Section C, 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. Bidders that do require their employees, as a condition of employment, to sign or agree to mandatory individual arbitration

clauses or class or collective action waiver will not be disqualified from evaluation of this RFP, however they will receive 0 out of 40 points for this section. Scoring of Written Proposal

B. Scoring of Written Proposal

Each question in Exhibit C, Written Proposal has been assigned a weight. Points will be assigned to each question based upon the average of all evaluation team members scores for the question (0-10) multiplied by the weight indicated below. Individual question scores will then be combined to result in the Bidder's total weighted score. Any point calculations that result in decimal points will be rounded to the nearest whole number. The weight and maximum points for each question are as outlined in the following Evaluation Table:

<b>Evaluation Table</b>		
<b>Section Title</b>	<b>Weight</b>	<b>Maximum Points</b>
Project Approach/Methodology	10.0	100
Deliverables	30.0	300
Work Plan	5.0	50
Project Schedule	5.0	50
Project Management	5.0	50
Bidder Experience	10.0	100
Outcomes and Performance Management	2.5	25
Risks	2.5	25
<b>Written Proposal Maximum Points</b>		<b>700</b>

C. Scoring Rubric for Written Proposal

Evaluators will score questions 1 - 8 outlined in Exhibit C, *Written Proposal* using the following (0-10) scoring rubric:

<b>Scoring Rubric</b>		
<b>Score</b>	<b>Description</b>	<b>Scoring Criteria</b>
10	Far Exceeds Requirements	The Bidder has provided an innovative, detailed, and thorough response to the requirement, and clearly demonstrates a high level of experience with, or understanding of the requirement.
7	Exceeds Requirements	The Bidder has demonstrated an above-average capability, approach, or solution and has provided a complete description of the capability, approach, or solution.
5	Meets Requirements	The Bidder has an acceptable capability of solution to meet this criterion and has described its approach in sufficient detail to be considered "as substantially meeting the requirements".
3	Below Requirements	The Bidder has established some capability to perform the requirement but descriptions regarding their approach are not sufficient to demonstrate the Bidder will be fully able to meet the requirements.

1	Substantially Below Requirements	The Bidder has not established the capability to perform the requirement, has marginally described its approach, or has simply restated the requirement.
0	No Value	The Bidder does not address any component of the requirement, or no information was provided.

D. Scoring of Cost Proposal

Exhibit D, Quotation will be scored based on the proposed total cost. Points will be computed according to the range ranking below. The maximum number of points possible is 300. Any point calculations that result in decimal points will be rounded to the nearest whole number. The maximum points for tier are as outlined in the following Cost Proposal scoring:

Quotation	
Quoted Cost Total	Awarded Points
\$0 - \$149,999	300
\$150,000 - \$199,999	232
\$200,000 - \$250,000	155

E. Oral Presentations

HCA may after evaluating the Written Proposals elect to schedule oral presentations of the Bidders who scored highest on the Written Proposal (finalists). Should oral presentations become necessary, HCA will contact the finalists to provide further details and schedule the presentations. Commitments made by the Bidder at the oral presentation, if any, will be considered binding. The evaluation and ranking of oral presentations will be accomplished by an evaluation team, to be designated by HCA. Internal and external participants/evaluators may be present at oral presentations.

Evaluation team members will score oral presentations using a consensus-based Strengths-Weaknesses-Opportunities-Risks (SWOR) analysis.

SWOR Analysis Table	
<b>Internal</b>	
<b>Strengths</b>	<b>Weaknesses</b>
1.	1.
<b>External</b>	
<b>Opportunities</b>	<b>Risk</b>
1.	1.
<b>SWOR Analysis Summary:</b>	

The Evaluation Team will use the SWOR analysis to determine the Bidders' ranks via a consensus-based evaluation. The Bidder's rank will result in Bidder's being awarded the points as described below:

SWOR Analysis Ranking Scores Table	
Rank	Score
1	
2	
3	

4	
5	
6	

F. Reference Review

HCA may after evaluating the Written Proposals elect to contact the listed references of the Bidders who scored highest on the Written Proposal (finalists). Should reference reviews become necessary, HCA will contact the listed references of the finalists to respond to the questions identified in Section 3.6, *References (Mandatory)*. If contacted references will be emailed. References may also be asked to be available for a phone call if necessary. The evaluation and ranking of references will be accomplished by an evaluation team, to be designated by HCA.

Evaluation team members will score reference responses using a consensus-based Strengths-Weaknesses-Opportunities-Risks (SWOR) analysis.

<b>SWOR Analysis Table</b>	
<b>Internal</b>	
<b>Strengths</b>	<b>Weaknesses</b>
1.	1.
<b>External</b>	
<b>Opportunities</b>	<b>Risk</b>
1.	1.
<b>SWOR Analysis Summary:</b>	

The Evaluation Team will use the SWOR analysis to determine the Bidders' ranks via a consensus-based evaluation. The Bidder's rank will result in Bidder's being awarded the points as described below:

<b>SWOR Analysis Ranking Scores Table</b>	
<b>Rank</b>	<b>Score</b>
1	
2	

G. Washington State Purchasing Priorities

The RFP Coordinator will Exhibit E, *Washington State Purchasing Priorities* using the following (0 & 10) scoring rubric:

<b>Scoring Rubric</b>		
<b>Score</b>	<b>Description</b>	<b>Scoring Criteria</b>
10	Bidder Certification Applies	The Bidder has checked box indicating their designated certification applies.
0	Bidder Certification Does Not Apply	The Bidder has checked the box 'None of these designations apply' or does not have designated certification listed.

H. Total Score

The scores from the evaluation (Executive Order 18-03, Written Proposal, Washington State Purchasing Priorities, and Cost Proposal) and if necessary the oral presentation and/or references combined will determine the Apparent Successful Bidder.

<b>Evaluation Table – All Scored Items</b>		
<b>Section/Exhibit</b>	<b>Title</b>	<b>Maximum Points</b>
	Executive Order 18-03	40
	Written Proposal	700
	Cost Proposal	300
	Washington State Purchasing Priorities	60
<b>Total Maximum Points without Oral Presentation</b>		<b>1,100</b>
	Oral Presentation (if applicable)	500
<b>Total Maximum Points with Oral Presentation</b>		<b>1,600</b>
<b>Total Maximum Points without References</b>		<b>1,100</b>
	References (if applicable)	500
<b>Total Maximum Points with References</b>		<b>1,600</b>
<b>Total Maximum Points with Oral Presentation and References</b>		<b>2,100</b>

### **4.3 BEST AND FINAL OFFER (BAFO)**

HCA reserves the right to use a Best and Final Offer (BAFO) before awarding any contract to further assist in determining the ASB(s).

### **4.4 SUBSTANTIALLY EQUIVALENT SCORES**

Substantially Equivalent Scores are scores separated by two percent or less in total points. If multiple proposals receive a Substantially Equivalent Score, HCA may leave the matter as scored, or select as the ASB the one proposal that is deemed by HCA, in its sole discretion, to be in HCA's best interest relative to the overall purpose and objective as stated in Section 1.3 of this RFP.

If applicable, HCA's best interest will be determined by HCA staff, who have sole discretion over this determination. The basis for such determination will be communicated in writing to all Bidders with Substantially Equivalent Scores.

### **4.5 NOTIFICATION TO BIDDERS**

HCA will announce the ASB to all Bidders via the WEBS notification system.

### **4.6 DEBRIEFING OF UNSUCCESSFUL BIDDERS**

Any Bidder who has submitted a proposal and been notified it was not selected for contract award may request a debriefing conference. The request for a debriefing conference must be received by the RFP Coordinator no later than 5:00 p.m., Pacific Time, within three (3) Business Days after the Unsuccessful Bidder Notification is e-mailed to the Bidder. The debriefing will be held within three (3) Business Days of the request, or as schedules allow.

Discussion at the debriefing conference will be limited to the following:

- A. Evaluation and scoring of the Bidder's Proposal;
- B. Critique of the Proposal based on the evaluation; and

- C. Review of the Bidder's final score in comparison with other final scores without identifying the other Bidders.

Topics a Bidder could have raised as part of the COMPLAINT PROCESS (Section 2.9) cannot be discussed as part of the debriefing conference, even if the Bidder did not submit a complaint.

Comparisons between proposals, or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of thirty (30) minutes.

#### **4.7 PROTEST PROCEDURE**

A protest may be made only by Bidders who submitted a response to this RFP and who have participated in a debriefing conference. Upon completing the debriefing conference, the Bidder is allowed five (5) Business Days to file a protest. Protests must be received by the Contracts Administrator no later than 4:30 p.m., Pacific Time, on the fifth Business Day following the Bidder's debriefing. Protests must be submitted by e-mail to ensure timely receipt.

Consistent with RCW 39.26.030, proposal submissions and proposal evaluations will be available for public inspection following the announcement of ASB(s). If requested by a Bidder who received a debriefing pursuant to Section 4.6, the protest period will not conclude before the requestor has been provided with the applicable proposal submissions and proposal evaluations and provided five (5) Business Days to review the same. Bidder is responsible for notifying the RFP Coordinator of any such public disclosure requests so the timeline can be adjusted accordingly.

Bidders protesting this RFP must follow the procedures described below. Protests that do not follow these procedures will not be considered. This protest procedure constitutes the sole administrative remedy available to Bidders under this RFP.

- A. All protests must be in writing, addressed to the Contracts Administrator, and signed by the protesting party or an authorized agent. The protest must state (1) the RFP number, (2) the grounds for the protest with specific facts, (3) complete statements of the action(s) being protested, and (4) the relief or corrective action being requested. Protests must be emailed to [contracts@hca.wa.gov](mailto:contracts@hca.wa.gov) with the following subject line: "RFP # Protest – [Bidder Name]"
- B. Only protests alleging an issue of fact concerning the following subjects will be considered:
  - i. A matter of bias, discrimination, or conflict of interest on the part of an evaluator;
  - ii. Errors in computing the score; or
  - iii. Non-compliance with procedures described in the RFP, HCA's protest process, or Department of Enterprise Services (DES) policy requirements (POL-DES-170-00).

Protests based on anything other than those items listed above will not be considered. Protests will be rejected as without merit to the extent they address issues such as: 1) an evaluator's professional judgment on the quality of a proposal; or 2) HCA's assessment of its own needs or requirements.

- C. Upon receipt of a protest, HCA will undertake a protest review. The HCA Director, or an HCA employee delegated by the HCA Director who is a neutral party with no involvement in the evaluation and award process (Protest Officer), will review and respond to the protest. If the HCA Director delegates the protest review to an HCA employee, the Director nonetheless reserves the right to make the final agency decision on the protest. The Protest Officer will have the right to seek

additional information regarding the solicitation from sources they deem appropriate in order to fully consider the protest.

- D. If HCA determines in its sole discretion that a protest from one Bidder may affect the interests of another Bidder, then HCA may invite such Bidder to submit its views and any relevant information on the protest to the Protest Officer. In such a situation, the protest materials submitted by each Bidder will be made available to all other Bidders upon request.
- E. The Protest Officer will issue a written protest response no more than ten (10) Business Days after receipt of the protest, unless additional time is needed, in which case HCA will notify the protesting Bidder in writing. The Protest Officer's decision is final unless the HCA Director exercises their right to make the final agency decision on the protest. There will be no appeal process.
- F. The final determination of the protest will:
  - i. Find the protest lacking in merit and uphold HCA's action; or
  - ii. Find only technical or harmless errors in HCA's acquisition process and determine HCA to be in substantial compliance and reject the protest; or
  - iii. Find merit in the protest and provide options to the HCA Director, which may include:
    - 1) Correct the errors and re-evaluate all proposals; or
    - 2) Issue a new solicitation document and begin a new process; or
    - 3) Make other findings and determine other courses of action as appropriate.

If the protest is not successful, HCA will enter into a contract with the ASB(s), assuming the parties reach agreement on the contract's terms.

## 5. RFP EXHIBITS

Exhibit A	Bidder Forms and Certifications (included as a separate attachment)
Exhibit B	Draft Contract (included as a separate attachment)
Exhibit C	Written Proposal
Exhibit D	Cost Proposal
Exhibit E	Washington State Purchasing Priorities



## **EXHIBIT A – BIDDER FORMS AND CERTIFICATIONS**

Exhibit A is included as a separate document.

## **EXHIBIT B – DRAFT CONTRACT**

Exhibit B is included as a separate document.

## **EXHIBIT C – WRITTEN PROPOSAL**

*Maximum Points for Written Proposal: 700*

1. Project Approach/Methodology (*Maximum available points: 100*)

Include a complete description of the Bidder's proposed approach and methodology for the project as described in Section 1.5, Objectives and Scope of Work and Exhibit B, *Draft Contract Attachment 3: Statement of Work*. This section should convey Bidder's understanding of the proposed project.

2. Deliverables (*Maximum available points: 300*)

2.1 Fully describe deliverables to be submitted under the proposed contract. Deliverables must support the requirements set forth in Section 1.5, Objectives and Scope of Work and Exhibit B, *Draft Contract Attachment 3: Statement of Work*. (*Maximum available points: 150*)

2.2 Include a full sample analysis of a previously completed cost-to-dispense survey. Redact proprietary, private, and protected information as needed. (*Maximum available points: 75*)

2.3 Provide a full sample of a previously completed cost-to-dispense survey. Redact proprietary, private, and protected information as needed. (*Maximum available points: 75*)

3. Work Plan (*Maximum available points: 50*)

Include all project requirements and the proposed tasks, services, activities, etc. necessary to accomplish the scope of the project defined in this RFP. This section must contain sufficient detail to convey to members of the evaluation team the Bidder's knowledge of the subjects and skills necessary to successfully complete the project. Include any required involvement of HCA staff. The Bidder may also present any creative approaches that might be appropriate and may provide any pertinent supporting documentation.

4. Project Schedule (*Maximum available points: 50*)

Include a project schedule indicating when the elements of the work will be completed. Project schedule must ensure that any deliverables requested are met.

5. Project Management (*Maximum available points: 50*)

5.1 Project Team Structure/Internal Controls (*Maximum available points: 25*)

Provide a description of the proposed project team structure and internal controls to be used during the course of the project, including any Subcontractors. Provide an organizational chart of your firm indicating lines of authority for personnel involved in performance of this potential contract and relationships of this staff to other programs or functions of the firm. This chart must also show lines of authority to the next senior level of management. Include who within the firm will have prime responsibility and final authority for the work.

5.2 Staff Qualifications/Experience (*Maximum available points: 25*)

Identify staff, including Subcontractors, who will be assigned to the potential contract, indicating the responsibilities and qualifications of such personnel, and include the amount of time each will be assigned to the project. Provide resumes for the named staff, which include information on the individual's particular skills related to this project, education, experience, significant accomplishments, and any other pertinent information. The Bidder must commit

that staff identified in its proposal will actually perform the assigned work. Any staff substitution must have the prior approval of HCA.

6. Bidder Experience (*Maximum available points: 100*)

6.1 Indicate the experience the Bidder and any Subcontractors have with surveys of pharmacies cost-to-dispense. (*Maximum available points: 40*)

6.2 Indicate other relevant experience that indicates the qualifications of the Bidder, and any Subcontractors, for the performance of the potential contract. (*Maximum available points: 30*)

6.3 Include a list of contracts the Bidder has had during the last five years that relate to the Bidder's ability to perform the services needed under this RFP. List contract reference numbers, contract period of performance, contact persons, telephone numbers, and fax numbers/e-mail addresses. (*Maximum available points: 30*)

7. Outcomes and Performance Measurement (*Maximum available points: 25*)

Describe the impacts/outcomes the Bidder proposes to achieve as a result of the delivery of these services including how these outcomes would be monitored, measured, and reported to HCA.

8. Risks (*Maximum available points: 25*)

The Bidder must identify potential risks that are considered significant to the success of the project. Include how the Bidder would propose to effectively monitor and manage these risks, including reporting of risks to the HCA contract manager.

## **EXHIBIT D – COST PROPOSAL**

HCA will accept Cost Proposals from Bidders that must include:

1. All costs, including but not limited to: personnel salaries/benefits, travel expenses, mass mailings, fees, commissions, compensation, equipment and other charges specific to completing the cost of dispensing survey and deliverables.
2. The Cost Proposal must be in the form of a firm and fixed fee for completion of all activities set forth in the Exhibit B, *Draft Contract* and include an anticipated invoicing schedule based on milestones as listed in Exhibit B, *Draft Contract*.
3. Complete the table below with breakdown of total budget allocated for each deliverable with the anticipated invoice amount listed in a full dollar amount.

<b>Deliverable</b>	<b>Date Due to HCA</b>	<b>Invoice Amount</b>
Final Workplan	July 15, 2024	% of total budget
Draft Survey	August 15, 2024	% of total budget
Final Survey	September 15, 2024	% of total budget
Survey Released & Completed	October 1, 2024	% of total budget
Methodology for analysis	November 1, 2024	% of total budget
Interim Report	January 14, 2025	% of total budget
Draft Final Report	February 15, 2025	% of total budget
Final Report	March 15, 2025	% of total budget
Final Report Presentation	March 25, 2025	% of total budget
Delivery of Aggregate Survey Data File	March 31, 2025	% of total budget

## **EXHIBIT E – Washington State Purchasing Priorities**

HCA will apply the following Washington State procurement priorities and preferences to this RFQ which will impact the evaluation of Bids for this solicitation. Bidder should check a box to indicate which certification(s) apply below. Bidder will be awarded ten (10) points for every qualifying certification. Definitions for the certification can be found at: [Department of Enterprise Services \(DES\) \(wa.gov\)](https://www.wa.gov/Departments/DES). (60 total points possible)

- Combination Business Enterprise (CBE), 10 points
- Minority Business Enterprises (MBE), 10 points
- Minority/ Women Business Enterprise (MWBE), 10 points
- Socially and Economically Disadvantaged Business Enterprise (SEDBE), 10 points
- Women Business Enterprise (WBE), 10 points
- Certified Veteran-Owned Business, 10 points
- None of these designations apply, 0 points