



**STATE OF WASHINGTON
HEALTH CARE AUTHORITY**

REQUEST FOR APPLICATIONS (RFA)

RFA NO. 2022HCA25

NOTE: *If you download this RFA from the Health Care Authority website or WEBS, you are responsible for monitoring the posting for updates and new amendments.*

PROJECT TITLE: Statewide Recovery Organization Funding

APPLICATION DUE DATE: October 20, 2022, by 11:59pm *Pacific Time*

All Applications must be submitted electronically via email to the email address listed below. It is within HCA's sole discretion to accept submission in any other format.

ESTIMATED TIME PERIOD FOR CONTRACT: November 11, 2022, to June 30, 2023

FUNDING: HCA has budgeted an amount not to exceed \$250,000 for this project. HCA is planning to award up to one (1) contract in the amount of \$250,000 for each organization.

RFA CONTACT: The RFA Coordinator is the sole point of contact in HCA for this procurement. All communication between the Applicant and HCA upon release of this RFA must be with the RFA Coordinator, as follows:

Name	Alexander Agidius
E-Mail Address	HCAProcurements@hca.wa.gov

Emails must have **RFA2022HCA25** in the subject line.

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

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1. DEFINITIONS

Definitions for the purposes of this RFA include:

“Administrative” or “Indirect Costs” – Elements of costs incurred by the Contractor as costs that are necessary to administrate or operate a program that are not considered direct program costs.

Apparent Successful Applicant (ASA) – The Applicant selected as the entity to perform the anticipated services under this RFA, subject to completion of contract negotiations and execution of a written contract.

Applicant – Individual or company interested in the RFA that submits an application in order to attain a contract with the Health Care Authority.

Application – A formal offer submitted in response to this solicitation.

Authorized Representative – A person to whom signature authority has been delegated in writing acting within the limits of his/her authority.

Health Care Authority or HCA – an executive agency of the state of Washington that is issuing this RFA.

Health Disparities - A particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage. Health Disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion.

Health Equity - When every person has the opportunity to attain their full health potential, and no one is disadvantaged from achieving this potential because of social position or other socially determined circumstances. To HCA, health equity means that everyone has a fair and just opportunity to be as healthy as possible. This requires removing obstacles to health such as poverty, discrimination, and their consequences, including powerlessness and lack of access to good jobs with fair pay, quality education and housing, safe environments, and health care. Health equity is a core value of HCA.

Application – A formal offer submitted in response to this solicitation.

Contract – The agreement between HCA and the Apparent Successful Applicant (ASA) to carry out the ASA's proposed program.

Division of Behavioral Health and Recovery (DBHR) - The Division of the Washington State Health Care Authority that provides program support for behavioral health including substance use disorder prevention and treatment, mental health promotion and treatment, and recovery support services.

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

2. INTRODUCTION

2.1. BACKGROUND AND PURPOSE

The Washington State Health Care Authority, hereafter called "HCA," is initiating this Request for Application (RFA) to solicit Applications from firms interested in participating on a project to provide behavioral health education, promote a recovery culture, support underrepresented and underserved communities, provide advocacy, skill training, and events to individuals, youth/young adults, parents/parent partners, families, and care givers within the lived experience communities in Washington state.

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

2.2. ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

HCA Release of Request for Applications	September 19, 2022
Questions Due from Applicants	October 6, 2022 11:59pm PT
HCA Posts Answers to Applicant(s) Questions	October 12, 2022
Application(s) Due Date	October 20, 2022 11:59pm PT
Evaluate Applications	October 21-28, 2022
Announce "Apparent Successful Applicant" and send notification via e-mail to unsuccessful Applicants	October 31, 2022
Applicant Request for Debrief Due Date	November 3, 2022
Estimated Contract Start Date	November 11, 2022

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

Applicants are strongly encouraged to register as a vendor on Washington's Electronic Bid System (WEBS), at <https://fortress.wa.gov/ga/webs/> and to download a copy of this RFA from WEBS, in order to view any Amendments that are issued by HCA which may modify the terms of this RFA.

2.3. MINIMUM QUALIFICATIONS / ELIGIBILITY REQUIREMENTS

2.3.1. 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 Applicant.

The following minimum qualifications are based on funding requirements outlined in [Engrossed Substitute Senate Bill 5693 Section 215 \(111\)](#) :

2.3.2. Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by aiding in public understanding and shaping public policy.

2.3.3. Is led and governed by representatives of local communities of recovery.

2.3.4. Provides free community education, skills trainings, events and/or hosts conferences in order to increase the understanding of issues around behavioral health and recovery.

2.3.5. Is an organization that centers the voices of people with lived experience who are touched by substance use disorder and mental health challenges and harnesses the power of story to drive change in the mental health and substance use disorder treatment systems.

2.4. FUNDING AND CONTRACT PERIOD

HCA has budgeted an amount not to exceed Two hundred Fifty thousand Dollars (\$250,000) for this project. HCA is planning to award up to one (1) contract in the amount of Two hundred Fifty thousand Dollars (\$250,000) to an organization.

Applications in excess of Two hundred Fifty thousand Dollars (\$250,000) will be considered non-responsive and will not be evaluated.

Any contract awarded as a result of this procurement is contingent upon the availability of funding. HCA may provide additional funding or de-obligate unused funds, if it is deemed by HCA, in its sole discretion, to be in HCA's best interest relative to the overall purpose and objective as stated herein.

Estimated contract date range November 11, 2022 to June 30, 2023.

3. GENERAL INFORMATION FOR APPLICANTS

3.1. RESPONSIBILITIES AND ACCOUNTABILITY OF THE CONTRACTOR

The Applicant awarded a Contract for this work is referred to as a “Contractor”

The Contractor has full responsibility for the conduct of the project and the results achieved. Each project coordinator shall monitor the day-to-day performance of the grant project to assure adherence to statutes, regulations, and grant terms and conditions. The Contractor will carry out the activities described in the scope of work to achieve project goals, objectives, and desired outcomes.

The Contractor will be accountable for all funds and must ensure all funds are used solely for authorized purposes. Projects selected for this work will receive funding on a cost-reimbursement basis only.

The Contractor will ensure by written agreement the following:

- Funds will be used only for activities covered by the approved scope of work.
- Funds will not be used in violation of any restrictions and/or prohibitions of applicable statutes.
- All budget and performance reports will be completed and submitted in a timely manner.
- All project records will be kept for three years upon close-out of the award.
- An adequate accounting system is in place with good internal controls to ensure expenditures and reimbursements are reported accurately from all funding sources related to the project.

3.2. SCOPE OF WORK

The awarded Applicant will be required to work with HCA to provide behavioral health education, promote a recovery culture, support underrepresented and underserved communities, provide advocacy, skill training, events and conferences to individuals, youth/young adults, parents/parent partners, families, and care givers within the lived experience communities in Washington state. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of underserved and underrepresented communities.

The awarded Applicant will be required to submit a project plan to HCA that outlines how the Contractor will meet the work expectations of the Scope of Work. In addition, the awarded applicant will submit progress reports and a final report that meet the following requirements:

- Describe how they are meeting/met the goals of outlined in their Project Plan.
- Provide an overall summary of program expansion successes and challenges to date as they relate to the goals in the project plan and will identify ways to improve outcomes.
- Provide an expenditure report. This report shall consist of the total expenditures as the relate to the scope of work.

Applicants may review Exhibit G- Sample Contract, for additional details about the project Scope of Work.

3.3. PROPRIETARY INFORMATION / PUBLIC DISCLOSURE

Applications submitted in response to this RFA will become the property of HCA. All Applications received will remain confidential until the Apparent Successful Applicant is announced; thereafter, the Applications will be deemed public records as defined in chapter 42.56 of the Revised Code of Washington (RCW). Exceptions considered only if Applicant identifies content as proprietary in their Application materials.

3.4. AMENDMENTS TO THE RFA

If HCA determines in its sole discretion that it is necessary to revise any part of this RFA or provide any additional information, HCA will post on Washington's Electronic Bid System (WEBS), at <https://fortress.wa.gov/ga/webs/>, an amendment capturing changes or additions. For this purpose, the published questions and answers and any other pertinent information will be provided as an addendum to the RFA and will be placed on the website.

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

3.5. CONTRACT AND GENERAL TERMS & CONDITIONS

The ASA 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 G – Sample Contract. HCA will not accept any draft contracts prepared by any Applicant. The Applicant may submit exceptions as allowed in Exhibit B - Certifications and Assurances. All exceptions must be submitted as an attachment to Exhibit B - Certifications and Assurances. HCA will review requested exceptions and accept or reject the same at its sole discretion.

HCA reserves the right to negotiate with applicants for project tasks, deliverables, and funding amounts.

If, after the announcement of the ASA, and after a reasonable period of time, the ASA 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 Applicant.

3.6. RECEIPT OF INSUFFICIENT NUMBER OF APPLICATIONS

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

3.7. NO OBLIGATION TO CONTRACT

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

3.8. REJECTION OF APPLICATIONS

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

3.9. COMMITMENT OF FUNDS

The Director of HCA or his/her delegate is the only individual who may legally commit HCA to the expenditures of funds for a contract resulting from this RFA. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

3.10. STATE AND FEDERAL COMPLIANCE

HCA complies with HCA, state and federal statutes and polices, to include, but not limited to:

- 3.10.1. ADA - HCA complies with the Americans with Disabilities Act (ADA). Applicants may contact the RFA Coordinator to receive this RFA in Braille or on tape.
- 3.10.2. Accessibility - HCA is committed to making its materials and programs accessible to all customers and employees. If you experience any difficulty accessing information provided by HCA, please contact us at HCAProcurements@hca.wa.gov. We will do our best to assist you, which may include providing the information to you in an alternative format.
- 3.10.3. Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 of the Revised Code of Washington. Applicants should familiarize themselves with the requirements prior to submitting an application that includes current or former state employees.
- 3.10.4. Discrimination - In accordance with federal law, HCA is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. HCA is an equal opportunity provider and employer.
- 3.10.5. In preparing this Application, Applicant has not been assisted by any current or former employee of the state of Washington whose duties relate (or did relate) to this Application or prospective contract, and who was assisting in other than their official, public capacity.
- 3.10.6. Applicant grants HCA the right to contact references and others who may have pertinent information regarding the ability of the Applicant and the lead staff person to perform the services contemplated by this RFA.
- 3.10.7. If any of the Applicant's staff members who will perform work on this contract have retired from the state of Washington under the provisions of the 2008 Early Retirement Factors legislation, their name(s) are noted on a separately attached page.

4. APPLICATION PROCESS

4.1. QUESTIONS, ANSWERS, & CLARIFICATIONS

Applicants who have questions and/or requests for clarifications regarding this RFA must submit via email to HCAProcurements@hca.wa.gov no later than October 6, 2022, at 11:59pm Pacific Time. All correspondence regarding this solicitation must reference the RFA number in the subject line.

HCA responses will be posted per the information provided in the *Estimated Schedule of Procurement Activities* section.

No phone calls or in-person inquiries will be accepted. Any verbal information received from an HCA employee, or any other entity, shall not constitute an official response to any questions regarding this RFA.

HCA will be bound only to HCA written answers to questions issued by the RFA Coordinator. Any communications with HCA employees other than the RFA Coordinator will not be considered official or binding. Questions arising at the pre- Application conference or in subsequent communication with the RFA Coordinator will be documented and answered in written form. A copy of the questions and answers will be posted on WEBS.

4.2. SUBMISSION OF APPLICATIONS

The Application must be received by the RFA Coordinator no later than the Application Due deadline in Section 2.2 *Estimated Schedule of Procurement Activities*, and must be submitted electronically as an attachment to an e-mail as follows:

- 4.2.1. Send email addressed to Alexander Agidius at HCAProcurements@hca.wa.gov;
- 4.2.2. Email will have the subject line: RFA # 2022HCA25; Statewide Recovery Organization Funding.
- 4.2.3. Application documents must be submitted in the same order as presented in Section 5, *Application Contents*, with the same headings, adhering to page formatting and other criteria indicated in the Exhibits;

Failure to submit the Application by the date indicated above and/or as outlined above may result in the Applicant being found non-responsive.

Applicants should allow sufficient time to ensure timely receipt of the Application by the RFA Coordinator. Late Applications will not be accepted and will be automatically disqualified from further consideration, unless HCA e-mail is found to be at fault. HCA does not assume responsibility for problems with Applicant's e-mail. If HCA e-mail is not working, appropriate allowances will be made.

All Applications and any accompanying documentation become the property of HCA and will not be returned.

5. APPLICATION CONTENTS

Items marked “MANDATORY” must be included as part of the Application for the Application to be considered responsive; however, these items are not necessarily scored. Items marked “SCORED” are those that are awarded points as part of the evaluation conducted by the evaluation team.

5.1. BUDGET (MANDATORY)

The maximum fee for this work must be \$250,000 or less to be considered responsive to this RFA.

5.1.1. Budget (Mandatory)

Applicant must 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 Applicant is to submit a fully detailed budget including staff costs and any expenses necessary to accomplish the tasks and to produce the deliverables under the contract. Applicants are required to collect and pay Washington state sales and use taxes, as applicable. Applicant must detail how amounts sought are only for elements related to the purpose and objectives of the of the RFA. The budget must, to the furthest extent possible, provide a cost breakdown of each expense the Applicant intends to use the funding for.

Costs for subcontractors are to be broken out separately. Please note if any subcontractors are certified by the Office of Minority and Women’s Business Enterprises.

The evaluation process is designed to award this procurement not necessarily to the Applicant of least cost, but rather to the Applicant whose Application best meets the requirements of this RFA. However, Applicants are encouraged to submit Applications which are consistent with state government efforts to conserve state resources.

The budget is unscored but is mandatory as part of the Application for the Application to be considered complete. The Budget will be evaluated by the RFA Coordinator on a pass/fail basis for adherence of allowable costs and adequate detail for the proposed use of funding.

5.2. WRITTEN RESPONSE (MANDATORY/SCORED)

Exhibit F- Written Proposal, must be completed in its entirety in accordance with the page limits identified within the Exhibit. Applicant must respond using Exhibit F - Written Proposal as their template, to ensure compliance with the formatting requirements outlined in the Exhibit. Written Proposals will be scored out of 95 points.

5.3. COVID-19 VACCINATION CERTIFICATION (MANDATORY)

Applicant must review and complete Exhibit C - Proclamation 21-14 COVID-19 Vaccination Certification, to respond as to whether or not the Applicant complies with Proclamation 21-14.1 – COVID-19 Vaccination Requirement. Applicant must sign and return this certification as part of its Proposal.

Note: Compliance with the Proclamation is mandatory. For more information please visit <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/505-160-VaccinationRequirementFAQs.pdf>.

5.4. EXECUTIVE ORDER 18-03 (MANDATORY/SCORED)

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 Applications for best value and provide an Application preference in the amount of 5 points to any Applicant who certifies, pursuant to the certification attached as Exhibit D, 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. Applicants 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 evaluation of this RFA, however they will receive 0 out of 5 points for this section.

5.5. EXHIBITS

Refer to the instructions on each attachment to determine which ones are required to be included in your response.

Exhibit A - Minimum Qualifications (Mandatory)

Exhibit B -Certifications and Assurances (Mandatory)

Exhibit C - Proclamation 21-14 COVID-19 Vaccination Certification (Mandatory)

Exhibit D- Executive Order 18-03 Worker’s Rights (Mandatory/Scored)

Exhibit E – Applicant Intake Form (Mandatory)

Exhibit F - Written Proposal (Mandatory/Scored)

Exhibit G - Draft Contract

6. EVALUATION AND CONTRACT AWARD

6.1. ACCEPTANCE PERIOD

Applicants must provide one hundred twenty (120) calendar days for acceptance by HCA from the due date for receipt of Applications.

6.2. MOST FAVORABLE TERMS

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

6.3. EVALUATION PROCEDURE

6.3.1. Administrative Review

RFA Coordinator will perform an error check of all submitted applications for completeness and technical errors. Failure to respond by the date indicated by the RFA Coordinator and/or failure to submit the correct documents by the date indicated may result in the applicant being found non-responsive.

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

6.3.2. Responsiveness

Responsive Applications will be evaluated strictly in accordance with the requirements stated in this RFA and any addenda issued. The evaluation of Applications will be accomplished by an evaluation team(s), to be designated by HCA, which will determine the ranking of the Applications. Evaluations will only be based upon information provided in the Applicant's Application.

Applications that have passed Administrative Review will be reviewed and scored by an evaluation team using a weighted scoring system, Section 6.4, *Evaluation Weighting and Scoring*. Applications will be evaluated strictly in accordance with the requirements set forth in this RFA and any addenda issued.

6.4. EVALUATION WEIGHTING AND SCORING

Applicants' final scores will be based on the following scored items: Executive Order 18-03, Written Proposal, Cost Proposal, and Oral Presentations.

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 5 points to any Applicants who certifies, pursuant to the certification included in Exhibit D - Executive Order 18-03, 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. Applicants 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 RFA, however they will receive 0 out of 5 points for this section.

B. Scoring of Written Proposal

Each question in Exhibit F - 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 (0-5) multiplied by the weight indicated below. Individual question scores will then be combined to result in the Applicant'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:

Evaluation Table		
Question #	Weight	Maximum Points
1	1	5
2	1	5
3	1	5
4	1	5
5	1	5
6	1	5
7	1	5
8	1	5
9	1	5
10	1	5
11	1	5
12	1	5
13	1	5
14	1	5
15	1	5
16	1	5
17	1	5
18	1	5
19	1	5
Written Proposal Maximum Points		95

C. Scoring Rubric for Written Proposal

Evaluators will score the sections outlined in the Evaluation Table above using the following (1-5) scoring rubric:

Scoring Rubric		
Score	Description	Scoring Criteria
5	Far Exceeds Requirements	The Applicants 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.
4	Exceeds Requirements	The Applicants has demonstrated an above-average capability, approach, or solution and has provided a complete description of the capability, approach, or solution.

3	Meets Requirements	The Applicants 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”.
2	Below Requirements	The Applicant has established some capability to perform the requirement but descriptions regarding their approach are not sufficient to demonstrate the Applicant will be fully able to meet the requirements.
1	Substantially Below Requirements	The Applicants has not established the capability to perform the requirement, has marginally described its approach, or has simply restated the requirement.
0	No Value	The Applicant does not address any component of the requirement, or no information was provided.

D. Scoring of Budget

Applicant must follow the instructions outlined in Section 5.1 Budget to be considered responsive. Budget Narrative will be scored on a Pass/Fail basis individually based on the receipt and completeness of the submitted materials and based at the sole discretion of the HCA Procurement Coordinator.

E. Total Score

Evaluation Table – All Scored Items		
Section/Exhibit	Title	Maximum Points
5.1/ Exhibit - D	Executive Order 18-03	5
5.2/ Exhibit - F	Written Proposal	95
5.4	Budget	Pass/Fail
Total Maximum Points		100

6.5. RFA NOTIFICATION TO APPLICANTS

HCA will notify the ASA(s) of their selection in writing upon completion of the evaluation process. Unsuccessful will be notified separately in writing.

6.6. DEBRIEFING OF UNSUCCESSFUL APPLICANTS

Any Applicant who submitted an Application and has been notified that it was not selected for contract award may request a debriefing. The request for a debriefing conference must be received by the RFA Coordinator no later than 5:00 p.m., local time, in Olympia, Washington, within three business days after the Unsuccessful Applicant Notification is e-mailed to the Applicant. The debriefing will be held within three business days of the request, or as schedules allow.

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

- 6.6.1. Evaluation and scoring of the Applicant’s Application;

6.6.2. Critique of the Application based on the evaluation; and

6.6.3. Review of the Applicant's final score in comparison with other final scores without identifying the other Applicants.

Topics an Applicant could have raised as part of the complaint process (Section 6.7 *Complaint Process*) cannot be discussed as part of the debriefing conference, even if the Applicant did not submit a complaint.

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

6.7. COMPLAINT PROCESS

6.7.1 Applicants may submit a complaint to HCA based on any of the following:

6.7.1.1. The RFA unnecessarily restricts competition;

6.7.1.2. The RFA evaluation or scoring process is unfair or unclear; or

6.7.1.3. The RFA requirements are inadequate or insufficient to prepare a response.

6.7.2 A complaint must be submitted to HCA prior to five business days before the bid response deadline. The complaint must:

6.7.1.4. Be in writing;

6.7.1.5. Be sent to the RFA Coordinator in a timely manner;

6.7.1.6. Clearly articulate the basis for the complaint; and

6.7.1.7. Include a proposed remedy.

The RFA Coordinator will respond to the complaint in writing. The response to the complaint and any changes to the RFA will be posted on WEBS. The Director of HCA will be notified of all complaints and will be provided a copy of HCA's response. An Applicant or potential Applicant cannot raise during a protest any issue that the Applicant or potential Applicant raised in a complaint. HCA's action or inaction in response to a complaint will be final. There will be no appeal process.

6.8. PROTEST PROCEDURE

A protest may be made only by Applicants who submitted a response to this RFA and who have participated in a debriefing conference. Upon completing the debriefing conference, the Applicant is allowed five (5) Business Days to file a protest. Protests must be received by the Contracts Administrator no later than 5:00 p.m., Pacific Time, on the fifth Business Day following the Applicant'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 ASA(s). If requested by an Applicant who received a debriefing pursuant to Section 6.6 *Debriefing of Unsuccessful Applicants*, 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. Applicant is responsible for notifying the RFA Coordinator of any such public disclosure requests so the timeline can be adjusted accordingly.

Applicants protesting this RFA 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 Applicant under this RFA.

6.8.1. 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 RFA 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 with the following subject line: "RFA #2022HCA25- Protest – [Applicant Name]"

6.8.2. Only protests alleging an issue of fact concerning the following subjects will be considered:

6.8.2.1. A matter of bias, discrimination, or conflict of interest on the part of an evaluator;

6.8.2.1.1. Errors in computing the score; or

6.8.2.1.2. Non-compliance with procedures described in the RFA, 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.

6.8.3. 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 procurement from sources they deem appropriate in order to fully consider the protest.

6.8.4. If HCA determines in its sole discretion that a protest from one Applicant may affect the interests of another Applicant, then HCA may invite such Applicant 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 Applicant will be made available to all other Applicants upon request.

6.8.5. 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 Applicant 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.

6.8.6. The final determination of the protest will:

6.8.6.1. Find the protest lacking in merit and uphold HCA's action; or

6.8.6.1.1. Find only technical or harmless errors in HCA's acquisition process and determine HCA to be in substantial compliance and reject the protest; or

6.8.6.1.2. 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 ASA(s), assuming the parties reach agreement on the contract's terms.