

# Request for Proposals

## RFP-2016-1201

### Washington State *Good To Go!* Back Office System

Offered by

## Washington State Department of Transportation

RFP ISSUE DATE: December 1, 2016

FINAL PROPOSAL DUE DATE: April 3, 2017



**Washington State  
Department of Transportation**

The RFP Administrator is the **SOLE POINT OF CONTACT** at WSDOT for this procurement.  
All communication between the bidding Proposers and WSDOT shall be with the RFP  
Administrator.

Rick Naten, WSDOT RFP Administrator  
Phone: 360-705-7741  
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**Washington State  
Department of Transportation  
Request For Proposals for  
*Good To Go! Back Office System***

## **1.0 Request For Proposals (RFP) Availability**

### **1.1 Electronic Availability**

The contents of this RFP and any Amendments and written answers to questions will be available on the Washington State Department of Transportation (WSDOT) website at <http://www.wsdot.wa.gov/Business/Contracts/default.htm> and at Washington's Electronic Business Solution (WEBS) website at <https://fortress.wa.gov/ga/webs/>. Vendors are solely responsible for:

- Properly registering with WEBS at <https://fortress.wa.gov/ga/webs/>, and maintaining an accurate vendor profile in WEBS.
- Downloading the RFP packet consisting of the RFP, all Appendices, and incorporated documents related to the RFP for which the Vendor is interested in submitting.
- Downloading all current and subsequent Amendments to the RFP to ensure receipt of all RFP documents.

Notification of Amendments to the RFP will only be generated by the WEBS system and be provided only to those Vendors who have registered with WEBS **and** have downloaded the RFP from WEBS. Failure to do so may result in a Vendor having incomplete, inaccurate, or otherwise inadequate information and RFP.

### **1.2 Alternate Formats**

Persons with disabilities may request information contained within this RFP and subsequent Amendments to be prepared and supplied in alternate formats by contacting the WSDOT RFP Administrator. Persons with hearing impairments may call 711.

## **2.0 Definitions**

All capitalized terms used in this RFP, but not expressly defined herein, have the respective meanings set forth in Appendix 1, attached hereto.

### 3.0 Introduction

WSDOT is soliciting Proposals from Vendors who are interested in submitting Proposals to design, develop, implement, and maintain a WSDOT *Good To Go!* Back Office System. **Only Vendors who, as a result of Request for Qualifications, RFQ-2016-0901(R), Washington State Good to Go! Back Office System offered by the Washington State Department of Transportation, were shortlisted and deemed Prequalified Vendors thereunder, may submit a Proposal to this RFP.** The Back Office System will, at WSDOT's discretion, include all or some of the following Washington State toll facilities:

- Interstate 405 Express Toll Lanes;
- State Route 16 Tacoma Narrows Bridge;
- State Route 99 Tunnel;
- State Route 167 High Occupancy Toll Lanes;
- State Route 520 Bridge;
- Any future planned Washington State toll facilities; and
- Other potential fee charging facility transaction integration, such as Washington State Ferries and parking.

The Back Office System may also be referred to in this RFP as the "Project."

Vendors shall satisfy all requirements specified in this RFP. Failure of the Vendor to meet these requirements may result in rejection of the Proposal. By submitting a Proposal, Vendors agree to be bound by the requirements outlined in this RFP.

Vendor certifies, by submittal of a Proposal to this RFP, that neither it nor its "principals" (as defined in 49 CFR. 29.105 or RCW 39.26.010 (8) or other applicable State statute, regulation or policy) is presently debarred by any Federal or State department or agency.

### 3.1 Authorization

The Washington State Department of Enterprise Services (DES) has authority over goods and services under RCW 39.26 and sets processes for procuring information technology based on the policies and standards set by the Washington Technology Services Board. Chapter 43.41A of the Revised Code of Washington (RCW) as amended establishes the Washington State Technology Services Board (TSB). While the TSB does not purchase for agencies, it establishes policies and standards addressing the manner in which State agencies may acquire information technology equipment, software, and services. Chapter 39.26 and Chapter 43.41A RCW. Washington State Department of Transportation (WSDOT) issues this Request for Proposal (RFP) acting under the delegated authority of DES and consistent with the policies and standards of the Washington State Office of the Chief Information Officer (OCIO).

### 3.2 Budget

The estimated budget range of the Project development phase defined as Contract execution through Final System Acceptance is \$16 million – \$21 million with additional Operations and Maintenance period assumed to be 10% annually of the development cost.

### **3.3 Contract Term**

The initial term of the Contract shall be six (6) years. WSDOT, at its sole option, may extend the operation and maintenance phase of the Contract up to six (6) additional one-year terms or a combination thereof.

### **4.0 Stipend**

WSDOT will pay a stipend of \$30,000.00 to each Vendor that submits an unsuccessful Responsive Proposal, provided that such Proposer has timely executed and delivered the Stipend Agreement Form (Appendix 13) to WSDOT and has timely submitted to WSDOT both the stipend invoice and Statewide Payee Registration forms (Appendix 13) requesting such payment, as detailed in the Stipend Agreement.

- A. The stipend will be paid within 45 Calendar Days after the Contract has been executed or WSDOT makes the decision to not award a Contract.
- B. No Vendor shall be entitled to reimbursement of any of its costs in connection with the RFP except as specified in this Section. The Vendor with whom WSDOT executes the Contract will not be paid a stipend.
- C. In consideration for paying the stipend, WSDOT reserves the right to use any conceptual ideas contained in the unsuccessful Proposals in connection with any Contract executed for the Project or with any subsequent procurement, without any obligation to pay additional compensation to the Vendor. Each Vendor acknowledges that WSDOT has the right to inform the Apparent Successful Vendor, after the announcement of the Apparent Successful Vendor, regarding the contents of Proposals for which stipends have been (or will be) paid, for the purpose of allowing concepts to be reviewed by the Apparent Successful Vendor and incorporated into the Contract, as deemed advisable by WSDOT.
- D. WSDOT acknowledges that the use of any of the unsuccessful Vendor conceptual ideas by WSDOT or the Apparent Successful Vendor is at the sole risk and discretion of WSDOT and the Apparent Successful Vendor, and such use will in no way be deemed to confer liability on the Vendor's whose work product is so used.
- E. If WSDOT cancels the Project before the Contract is executed, the Apparent Successful Vendor will then be eligible to receive a stipend.
- F. If WSDOT cancels the Project after Contract execution because the Project is not funded, the Apparent Successful Vendor will become eligible to receive a stipend as provided herein.
- G. In order to be eligible to receive a stipend, Vendor shall complete and include in its Proposal the Stipend Agreement Form, provided herein as Appendix 13, and submit the stipend invoice and Statewide Payee Registration form within the time period stated in the Stipend Agreement.

## **5.0 No Obligation**

This RFP does not obligate WSDOT to award a Contract to any Vendor. WSDOT reserves the right to amend, modify, cancel, or reissue this RFP, in whole or in part, without prior notice, at any time, and at its sole discretion.

Further, WSDOT reserves the right to modify the scope and requirements of the Project, including adding and deleting functionality, throughout the procurement process.

### **5.1 Project Funding Contingency**

- A. The Project is currently not funded. It is anticipated, however, that the State Legislature will provide funding prior to execution of the Contract, but it may not. In the event the Project is not funded, WSDOT reserves the right to cancel or delay the Project.
- B. WSDOT reasonably anticipates the State Legislature will appropriate sufficient funds to pay all amounts due under the initial term of the Contract, and hereby covenants and agrees that it will use its best efforts to obtain and properly request and pursue funds from which Contract payments may be made, including making provisions for such payments to the extent necessary in the budget submitted for the purpose of obtaining funds, and will use its best efforts to have such budget approved. It is WSDOT's intention to make all payments due hereunder if funds are legally available for such purpose.
- C. If, despite best efforts, WSDOT is not appropriated sufficient funds for the Project, WSDOT may, at its sole discretion:
  - a. Terminate the Contract, by notice to the Vendor who has executed the Contract, without penalty, and such termination will not constitute an event of default or breach of the Contract; or
  - b. Delay the commencement of work under the Contract; or
  - c. Reduce Project scope.

WSDOT will give the Vendor who has executed the Contract notice of such non-availability of funds and whether WSDOT elects to reduce the Project scope, or terminate or delay the Contract within thirty (30) Calendar Days after WSDOT receives notice from the Washington State Legislature or the State Governor's Office that the funding is not available for the Project.

## **6.0 Procurement Process**

### **6.1 General**

WSDOT is utilizing a multi-step procurement process to select a Vendor to deliver the Project. The first step was to establish, through RFQ-2016-0901(R), a short-list of Prequalified Vendors who have been determined to be the most highly qualified Vendors to successfully deliver the Project. The Vendors who are listed on the short-list are Prequalified Vendors for the Project.

The next step in the procurement process for the Project is WSDOT's issuance of this RFP to the short-listed Prequalified Vendors. Only short-listed Prequalified Vendors will be eligible to submit Proposals for the Project.

## 6.2 RFP Schedule

All Vendors shall adhere to the schedule of activities set forth in Section 6.2. WSDOT reserves the right to modify dates and times related to this solicitation. Any and all changes will be posted on the WSDOT website and WEBS as amendments and sent electronically to all users of WEBS who downloaded this RFP. Late Proposals will not be accepted, nor will time extensions be granted.

**Table 1: RFP Procurement Schedule**

Activity	Due Date	Time <sup>1</sup>
Official Release of the RFP to Prequalified Vendors via the WSDOT website and WEBS	December 1, 2016	
Mandatory Pre-Bid Conference (via video conference, agenda to be provided in advance)	December 14, 2016	2 p.m. to 4 p.m.
Written Questions Due	December 16, 2016	3 p.m.
WSDOT Written Answers to Written Questions Issued by	January 6, 2017	
Vendor Solution Demonstration Review (script to be provided in advance)	January 9 – 13, 2017	
Conceptual Technical Submittal Due <sup>2</sup>	January 20, 2017	3 p.m.
Report Cards Issued	February 6, 2017	
Deadline for Vendor Submittal of Complaints	March 27, 2017	3 p.m.
Proposals Due	April 3, 2017	3 p.m.
Evaluation Period	April 3 - May 5, 2017	
BAFO (optional)	As applicable	
Financial Stability Assessment	May 2017	
Announce Apparent Successful Vendor	June 1, 2017	
Contract Negotiations	June 2017	
Execute Contract	July 1, 2017	

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<sup>1</sup> Times are Pacific Time

<sup>2</sup> Conceptual Technical Submittal is comprised of Vendor's technical response only and **does not include a Price Proposal**. See Section 12 herein.

## 7.0 Contact Information and Terms and Conditions

### 7.1 WSDOT RFP Administrator

The WSDOT RFP Administrator is the sole point of contact in WSDOT for this RFP. Upon issuance of this RFP and until WSDOT and the Apparent Successful Vendor have executed the Contract, all communication between Vendors and WSDOT shall be with the WSDOT RFP Administrator as follows:

**Rick Naten, WSDOT RFP Administrator**

Phone: (360) 705-7741

Email: [NatenR@wsdot.wa.gov](mailto:NatenR@wsdot.wa.gov)

#### If using US Postal Service:

WA State Department of Transportation  
Administrative Contracts Office  
Attn: WSDOT RFP Administrator  
P.O. Box 47408  
Olympia, WA 98504-7408

#### If using UPS, FedEx, etc.:

WA State Department of Transportation  
Administrative Contracts Office  
Attn: WSDOT RFP Administrator  
310 Maple Park Avenue SE 2B1  
Olympia, WA 98501-2348

### 7.2 Communications

Upon receipt of this RFP and until WSDOT has executed the Contract, the Vendors may not approach any WSDOT employee or consultant other than the WSDOT RFP Administrator regarding this procurement. All RFP-specific inquiries and other correspondence concerning this RFP shall be addressed to the WSDOT RFP Administrator. Communication regarding this RFP with any other WSDOT or State employee or consultant will be considered unofficial and non-binding to WSDOT. Vendors are expected to conduct themselves with professional integrity and to refrain from lobbying activities. **Solicitation to WSDOT employees or consultants is prohibited in any form.** Any verified allegation of an attempt to unduly influence the selection or a communication by a Vendor or its employees, agents, Subcontractors, or consultants directed to parties other than the WSDOT RFP Administrator may result in disqualification of the Vendor, all at the sole discretion of WSDOT.

Verbal responses to questions will be considered unofficial and non-binding. Only written responses posted to the WSDOT website and WEBS will be considered official and binding.

Vendors must use email for any communication required in this RFP, **except** for the Conceptual Technical Submittal, the formal submittal to this RFP (i.e. Proposal) and protest, if any. Vendors must submit Conceptual Technical Submittals, Proposals and protests by delivery to the post office or street address indicated in Section 7.1 above.

### **7.3 WSDOT Consultant/Technical Support**

WSDOT has retained the consulting firms of Jacobs Engineering, eVision Partners, and WSP | Parsons Brinkerhoff to provide assistance in developing the RFQ and RFP. Each of these firms is prohibited from joining or otherwise assisting any Vendor in connection with the procurement process.

### **7.4 Complaint Process**

#### **A. General**

(1) The purpose of the complaint process is to settle unresolved Vendor issues or concerns that either were not, or could not, be resolved during the question and answer period. Vendor complaints may not be raised again during the protest process.

(2) Vendors are expected to raise any questions they have concerning the RFP early in the RFP process. If a Vendor believes the RFP unnecessarily restricts competition, contains inadequate or insufficient requirements, or utilizes an evaluation process that is unfair or flawed, the Vendor may submit a formal written complaint to the WSDOT RFP Administrator identified in this RFP. The complaint process allows Vendors to focus on the solicitation requirements and evaluation process and raise issues with these processes early enough in the process to allow WSDOT to correct a problem before Proposals are submitted and time expended on evaluations.

**B. Deadline for Filing Complaints.** The deadline for filing complaints regarding this solicitation is by the date and time specified in Section 6.2.

#### **C. Form of Vendor Complaints**

- (1) The complaint must be in writing;
- (2) The complaint must be sent via email to the WSDOT RFP Administrator, by the due date set forth in Section 6.2;
- (3) The complaint must clearly articulate the basis for the complaint; and
- (4) The complaint must include a proposed remedy.

#### **D. Complaint Response.**

The WSDOT RFP Administrator will evaluate the validity of the complaint and make a good faith effort to promptly notify the Vendor of WSDOT's decision. WSDOT reserves the right to modify the RFP if it is determined, at the sole discretion of the agency that the complaint is valid or the recommended change is in the best interest of the agency. The agency's decision is final and no appeal process will be available to the Vendor once a decision has been made. WSDOT's response to the complaint, including any resulting changes to the RFP will be posted on the WSDOT website and WEBS. The WSDOT Secretary of Transportation will be notified of the complaint and provided with a copy of WSDOT's response.

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## 7.5 Organizational Conflicts of Interest

- A. Organizational conflict of interest means that because of other activities or relationships with other persons or entities, a person or entity:
  - a. Is unable or potentially unable to render impartial assistance or advice to WSDOT;  
or
  - b. Is or might be otherwise impaired in its objectivity in performing the Contract work;  
or
  - c. Has an unfair competitive advantage.
- B. Attention is directed to the requirement for disclosure of organizational conflicts of interest set forth in 23 CFR Section 636.116(a)(2) (applicable to federal aid procurements), WSDOT Secretary's Executive Order E-1059.00, and WSDOT Organizational Conflicts of Interest Manual 3043.
- C. In response to the RFQ, each Prequalified Vendor submitted Organizational Conflicts of Interest Certification and Organizational Conflicts of Interest Disclosure and Avoidance/Neutralization Plans to WSDOT as part of its Statement of Qualification. Vendors submitting a Proposal in response to this RFP shall submit the Supplemental Organizational Conflicts of Interest Certification and Organizational Conflicts of Interest Disclosure and Avoidance/Neutralization Plans (Appendix 12), which requires Vendors to either (a) affirmatively state that no additional organizational conflicts of interest have arisen since Vendor's submittal of its Statement of Qualification in response to the RFQ; or (b) to the extent additional conflicts of interest have arisen since Vendor's submittal of its Statement of Qualification, disclose all relevant facts concerning Vendor's past, present or currently planned interests, activities or relationships which may present an organizational conflict of interest. Further, such Vendors shall state how their interests, activities or relationships, or those of the chief executives, directors, key Project Roles or any proposed consultant, sub-consultant at any tier, contractor or Subcontractor at any tier may result, or could be viewed as, an organizational conflict of interest prior to or in the Proposal, in accordance with Secretary's Executive Order E-1059.00 and WSDOT Organizational Conflicts of Interest Manual (M 3043).
- D. If an Organizational Conflict of Interest is determined to exist, WSDOT may, at its sole discretion: offer the Vendor the opportunity to avoid or neutralize the Organizational Conflict of Interest; disqualify the Vendor from further participation in the RFP; or cancel this RFP.
- E. WSDOT will take steps to ensure that individuals involved in the procurement package, and evaluation of Proposals are not influenced by organizational conflicts of interest, and that no Vendor is given an unfair competitive advantage over another.

## 7.6 Equal Employment Opportunity

Discrimination in all phases of contracted employment, consultant activities, contracting activities, and training is prohibited by Title VI, Non-Discrimination, Title 49 C.F.R. Part 21 and Title VII of the Civil Rights Act; 42 U.S.C. § 12101 et seq.; Americans With Disabilities Act and Chapter 49.60 RCW, Washington Law Against Discrimination, and other Laws and Regulations. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as further detailed in the Contract.

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## **7.7 Minority and Women Business Enterprise, Small Business, and Veteran Business Participation**

WSDOT encourages participation in this contract by Minority and Women Business Enterprise, Small Business, and Veteran Business as defined in WAC 326-02-030, RCW 39.26.010, and RCW 43.60A.010.

Voluntary Minority and Women Business Enterprise, Small business, and Veteran business participation goals have been established for the Contract in the following amounts: 10% Minority, 6% Women, 5% Small Business, 5% Veteran. Achievement of these goals is encouraged. However, no minimum level of Minority, Women, Small Business, or Veteran participation shall be required as a condition of Contract award. Vendors will not be rejected or considered non-responsive if they do not include Minority and Women Business Enterprise, Small business, and Veteran business.

To find out the names of potential sub-contractor firms, Vendors may contact the Office of Minority and Women's Business Enterprises (OMWBE) for information on certified Minority and Women Business Enterprise firms at (360) 664-9750; WSDOT's Office of Equal Opportunity (OEO) for information on available Small Businesses at (360) 705-7090; and the Washington State Department of Veterans Affairs (WDVA) for information on certified Veteran and Service member owned Businesses at (360) 725-2200.

## **8.0 Questions and Amendments**

WSDOT must receive all written inquiries from Vendors by the date and time shown in Section 6.2 herein. Any inquiries, suggestions, or requests concerning interpretation, clarification, or additional information shall be made in writing and delivered to the WSDOT RFP Administrator via email at the email address as specified in Section 7.1 herein. WSDOT will not respond to Vendor questions submitted or received after said date and time. WSDOT will provide written answers by the date shown in Section 6.2 herein.

It is incumbent upon each Vendor to carefully examine the RFP requirements, terms, and conditions. Should any Vendor find discrepancies, omissions, or ambiguities in this RFP, the Vendor shall at once request, in writing, an interpretation from the WSDOT RFP Administrator.

Written answers to Vendor questions and amendments, if any, will be posted on the WSDOT website and WEBS.

The Vendor that submitted the question(s) will not be identified in the answer. Verbal responses to questions will be considered unofficial and non-binding. Only written answers and amendments to the RFP, if any, posted to the WSDOT website and WEBS will be considered official and binding.

## **9.0 WSDOT Goals**

It is WSDOT's expectation that the Vendor will design a Back Office System solution in consideration of WSDOT's Project goals. Results Washington ([www.results.wa.gov](http://www.results.wa.gov)) is WSDOT's strategy for moving Washington transportation forward. The cornerstone of the Back Office System procurement is WSDOT's Strategic Goal 6 – Smart Technology:

***“Improve information system efficiency to users and enhance service delivery by expanding the use of technology.”***

Following are WSDOT’s goals for the Back Office System:

- Goal 1:** Implement back office infrastructure that is sustainable, configurable and scalable throughout the full term of the contract including all potential contract extensions.
- Goal 2:** Implement an integrated solution that maximizes the use of commercial-off-the-shelf (COTS) products to provide multi-user and multi-tasking capabilities.
- Goal 3:** Provide data that is transparent, flexible and meets the needs of all users.
- Goal 4:** Improve customer service and the overall customer experience by optimizing the use of modern adaptive technology.
- Goal 5:** Integrate with multimodal systems, e.g. Washington State Ferries, parking, and transit and be interoperable with other toll agencies.

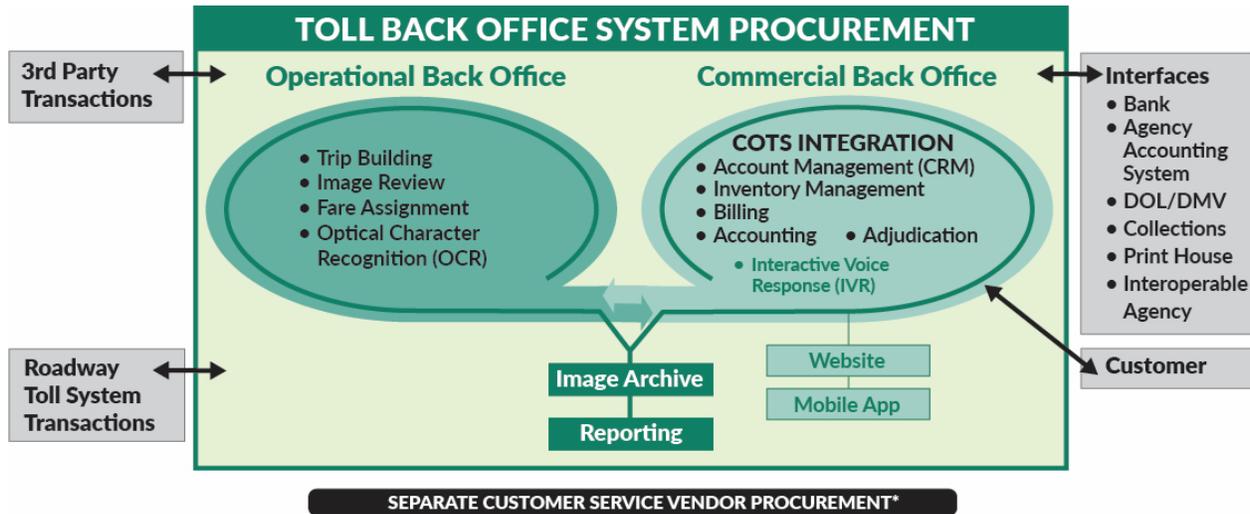
## **10.0 Project Description**

To provide context to WSDOT’s current and future Back Office System capacity, in fiscal year 2016, WSDOT handled 46.7 million transactions with toll revenue of \$161 million and civil penalty revenue of approximately \$7 million. WSDOT projects in the next decade (2020-2029) for existing toll facilities, 742 million toll transactions and 52 million high occupancy vehicle (HOV) transactions will be processed for revenue potential of \$2.3 billion. In the coming decade, WSDOT also plans to increase the number of toll facilities. Funding for the I-405 Project, SR 167 Project, and the SR 509 and SR 167 (“Gateway”) extensions were provided for in the transportation revenue package passed in July 2015. While funding is available for these facilities, legislative authorization for tolling has not yet been provided. Once fully authorized, an additional \$762 million will be generated of forecasted transactions of 360 million.

Key objectives of a new Back Office System are to efficiently and effectively process transactions; provide a full range of customer relationship management functions; and accurately account for all toll and tolling-related financial activities in compliance with Washington State statutes and Governmental Accounting Standards Board (GASB) statements.

WSDOT has identified two key aspects of the Back Office System components: (1) Operational Back Office System where the image review is performed, the trip is built, and the completed toll transaction is created; and (2) Commercial Back Office System where the customer information is stored and customer relationship management and tolling related financial functions are performed. This toll system architecture approach could combine the expertise and experiences of multiple system vendors into a forward-looking solution to meet WSDOT’s objectives.

**Figure 1: WSDOT Good To Go! Back Office System Concept**



COTS = Commercial Off the Shelf DOL = Department of Licensing DMV = Department of Motor Vehicles

\* Following award of the system contract, WSDOT will release a separate RFP for the Good To Go! customer service operations vendor.

WSDOT envisions much of the functionality in the Commercial Back Office System to be configuration-based and potentially include some integration of Commercial Off-The-Shelf (COTS) software found in Enterprise Resource Planning and/or Customer Relationship Management solutions. COTS are defined as software or hardware products that are ready-made and available for sale to the general public and are designed to be implemented easily into existing systems with minimal customization. As part of the Vendor solution WSDOT prefers a COTS accounting package instead of an in-house, custom-developed accounting solution, unless the in-house developed solution can meet the needs of WSDOT. WSDOT has also included its comprehensive financial and accounting requirements found in both Appendices 2 and 8.

The Business Requirements for the Project are provided in Appendix 2.

The Project shall comply with all applicable State information technology policies, procedures, and practices, and any amendments thereto, including but not limited to the Washington State Office of the Chief Information Officer IT Security Policy 141, IT Security Standards 141.10 and IT Security Guidelines Policy 402-G2.

## 11.0 Proposal Submittal Instructions and Format

### 11.1 Time and Manner of Submission

Vendors shall submit their Proposals in the number and format as set forth in Section 11.7 herein to the WSDOT RFP Administrator. Proposals must be addressed to the WSDOT RFP Administrator and received by WSDOT by the date and time indicated in Section 6.2 at the street address or post office box listed in Section 7.1 herein. Any Proposal received after the prescribed deadline will be marked as “Late” and will not be considered. Late Proposals will be returned to the Vendor unopened.

## **11.2 Vendor's Acknowledgement**

By submitting a Proposal in response to this RFP, each Vendor unequivocally acknowledges that the Vendor has read and fully understands this RFP and any amendments hereto, and that the Vendor has asked questions and received answers from WSDOT regarding any provisions of this RFP with regard to the Vendor's desired clarification.

## **11.3 Changes to Prequalified Vendor's Teams**

Following WSDOT's selection of a Prequalified Vendor under the RFQ and prior to the submittal of a Proposal, any Majority Participant identified by a Prequalified Vendor in its Statement of Qualification may not at any time be removed, replaced, have a change in equity position, a modified level of authority, or be added without the written approval of the WSDOT RFP Administrator. A Vendor may, at WSDOT's discretion, be released from the Prequalified Vendor short-list if any change of Majority Participant status occurs without prior written WSDOT approval. To qualify for said approval, the written request shall document that the proposed removal, replacement, change in equity position or addition will be equal to or better qualified than the Major Participant originally included in the Prequalified Vendor's team. The WSDOT RFP Administrator will use the criteria specified in this RFQ to evaluate all requests.

## **11.4 Vendor Expenses**

Except for payment of stipends, as provided in Section 4.0, WSDOT will not assume any expense incurred by the Vendor for or related to responding to this RFP. Except for payment of stipends, as provided in Section 4.0, Vendors are solely responsible for their own expenses in preparing, delivering, and/or presenting a Proposal, including, but not limited to expenses incurred to attend and present at the Vendor Solution Demonstration Review and the Contract negotiations phase.

## **11.5 Proprietary Information and Public Disclosure**

- A. Materials submitted in response to this RFP shall become the property of WSDOT. All Proposals received shall remain confidential until the procurement process is complete. Thereafter, the Proposals shall be deemed public records as defined in chapter 42.56 RCW.
- B. In the event a Vendor desires to claim portions of its Proposal as exempt from public disclosure, the Vendor shall identify those portions in the Letter of Submittal and provide the legal basis for the exemption. In addition, each page of the Proposal claimed to be exempt shall be clearly identified as "CONFIDENTIAL." Vendor's marking of the entire Proposal or entire sections of the Proposal as proprietary or confidential will be considered non-responsive. WSDOT will not accept Proposals in which pricing is marked proprietary or confidential, and the Proposal will be deemed non-responsive and rejected.
- C. To the extent consistent with chapter 42.56 RCW, the Public Disclosure Act, WSDOT shall maintain the confidentiality of Vendor's information marked confidential or proprietary. If a request is made to view the portions of the Proposal a Vendor has marked as proprietary or confidential, WSDOT will notify the Vendor of the request and of the date that the records will be released to the requester unless Vendor obtains a court order enjoining

that disclosure. If Vendor fails to obtain the court order enjoining disclosure, WSDOT will release the requested information on the date specified.

- D. WSDOT's sole responsibility shall be limited to maintaining the Vendor identified proprietary or confidential information in a secure area and to notify the Vendor of any request(s) for disclosure for so long as WSDOT retains the Vendor's information in WSDOT records. Failure to so label such materials or failure to timely respond after notice of request for public disclosure has been given shall be deemed a waiver by Vendor of any claim that such materials are exempt from disclosure.

## **11.6 Rejection/Waiver/Correction**

WSDOT reserves the right to reject any or all Proposals and to waive minor administrative irregularities contained in any Proposal received. Vendors will not be allowed to make changes to their Proposal after the Proposal submission deadline.

## **11.7 Proposal Organization and Format**

This section contains and describes the specific information that is to be provided in a Proposal in order to be considered by WSDOT. The Proposal shall contain all required information and address all requirements specified within this RFP. Failure to respond or provide required information may result in a determination by WSDOT, in its sole discretion, that a Proposal is non-responsive and may be disqualified from further consideration.

- Proposals shall be organized into the Proposal Sections and subsections set forth in Section 13 of this RFP. The section and subsection numbers and titles must be restated in the Vendor's Proposal in the order specified.
- Proposals shall be prepared on standard 8½ x 11-inch paper.
- Use three ring binders. Binder maximum thickness is three inches at the spine.
- Use tabbed separators (labeled) for the major numbered sections of the Proposal.
- All pages must be numbered.
- All information must be in English.
- Vendor shall provide one Original and ten copies of the Proposal

Originals shall contain original signatures, be single-sided, and marked Original. Each copy shall be double-sided. Additionally, an electronic copy (unlocked and unencrypted) of the Proposal shall be provided on a USB flash drive.

## **12.0 Vendor Solution Demonstration Review, Conceptual Technical Submittal, and Report Card**

In effort to obtain refined Proposals that fully address WSDOT's Business Requirements (Appendix 2) for the Back Office System, WSDOT is including an unscored pre-Proposal process in which Vendors provide a Vendor Solution Demonstration followed by the submittal of a written preliminary conceptual technical approach. WSDOT will provide feedback to each Vendor via a

report card that summarizes areas that need clarification and/or specificity. The intent of this process is to allow WSDOT to provide limited feedback on each Vendor's preliminary approach so as to allow the submittal of more refined Proposals that better meet WSDOT's Project needs. The dates for each step in this pre-Proposal process are outlined in Section 6.2 herein.

## 12.1 Vendor Solution Demonstration Review

Vendor shall provide to WSDOT an in-person presentation and demonstration of its proposed Back Office System solution to show how their Back Office System solution fits WSDOT Business Requirements. Each Vendor Solution Demonstration Review period is limited to three (3) hours' maximum, including any breaks. The WSDOT RFP Administrator will contact Vendors to schedule an appointment during the timeline identified in Section 6.2. This will allow the Evaluation Team and WSDOT to better understand the Vendor's conceptual solution and will provide a visual framework for WSDOT when they provide input to the Vendor via the report card.

The Vendor will get a paper copy of the agenda/script to work from in the Vendor Solution Demonstration Review. The sessions are anticipated to be structured as follows:

- Introductions - 10 minutes
- Vendor Solution Demonstration - 90 minutes
- Break (*WSDOT Closed Session*) - 30 minutes
- WSDOT Questions and Vendor Clarifications - 45 minutes
- Executive Closing - 5 minutes

The Vendor Solution Demonstration should include:

- The proposed Vendor Project Manager shall lead the demonstration with Vendor team members supporting key Business Requirements as needed.
- Presentation of solution overview
- Back Office System and hosting demonstration highlighting elements required in the Conceptual Technical Submittal contents (see Section 12.2).
- Any value added elements the Vendor wishes to provide.

## 12.2 Conceptual Technical Submittal Contents

Each Vendor shall submit to the WSDOT RFP Administrator at the address set forth in Section 7.1 a Conceptual Technical Submittal by the date shown in Section 6.2. The Conceptual Technical Submittal shall include enough material to provide an understanding of how the Vendor intends to meet key Business Requirements (Appendix 2). The purpose of the Conceptual Technical Submittal is not to provide a complete preliminary response to all Business Requirements, instead it is to provide Vendor responses on requirements that WSDOT deems high priority, as listed below under letter F, and emphasize key BOS concepts as described in Section 10.0.

The Conceptual Technical Submittal shall include the following:

- A. Cover Letter with signature. The Cover Letter must be signed by a person authorized to bind the Vendor's organization to a contract (Vendor Representative). In the event of vendor teaming, the Cover Letter must be signed by a representative of each team

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member who is authorized to bind the team member's organization. The letter shall certify the truth and correctness of the contents of the Conceptual Technical Submittal.

- B. Prequalified Vendor's name
- C. Name, title, phone number, and email address of the Prequalified Vendor Representative
- D. Mailing address
- E. Submittal Checklist for the Conceptual Technical Submittal (Appendix 10)
- F. Completed Business Requirements Response Guide (Appendix 4) for the following Business Requirements (Appendix 2):
  - a. All Requirements within 1.0 – Overview of Scope of Work
  - b. All Requirements within 2.0 - Operational Back Office
  - c. All Requirements within 3.0 - Commercial Back Office
  - d. All Requirements within 4.0 - Account Management
  - e. All Requirements within 5.0 - Civil Penalty Program
  - f. All Requirements within 11.1 - Computer Telephony/IVR System Integration
  - g. All Requirements within 12.0 - Accounting and Financial Requirements
  - h. All Requirements within 13.0 - Management Reporting Requirements
  - i. All Requirements within 23.0 - Data Migration from RITE System

The Conceptual Technical Submittal shall be provided in these quantities: One (1) original and ten copies. Originals shall contain original signatures, be single-sided, and marked Original. Each copy shall be double-sided. Additionally, an electronic copy (unlocked and unencrypted) of the Conceptual Technical Submittal shall be provided on a USB flash drive.

## 12.3 Report Card

WSDOT will issue a report card to each Vendor to provide specific, structured feedback to the Conceptual Technical Submittal and Vendor Solution Demonstration Review. The feedback will be formatted based on the requirements outlined in Sections 12.1 and 12.2. Each Vendor will get a report card pertaining only to the Vendor's Conceptual Technical Submittal. The report card will be emailed to each Vendor per the email address identified in Section 12.2.

## 13.0 Proposal Content

This section details the order in which the Proposal shall be organized and the required information which shall be included within the Proposal. Proposals must be complete in and of themselves. Proposals may not exceed 500 pages in length. Vendors including supplementary information as part of the Business Requirements Response Guide may attach an additional 50 pages over and above the 500-page limit if the supplementary information adds value to the Proposal. Material must be included completely in order to be considered in the evaluation. Links and references to other documents will be disregarded.

## 13.1 Proposal Section 1: Table of Contents

The Table of Contents shall include section and subsection titles and corresponding page numbers for all sections following the Table of Contents.

## 13.2 Proposal Section 2: Letter of Submittal

The Letter of Submittal must be signed by a person authorized to bind the Vendor's organization to a contract (Vendor Representative). In the event of vendor teaming, the Letter of Submittal must be signed by a representative of each team member who is authorized to bind the team member's organization. The letter shall certify the truth and correctness of the contents of the Proposal. This information will be used to identify the Vendor and its designated contact.

The Letter of Submittal shall be addressed to the WSDOT RFP Administrator identified in Section 7.1 of this RFP.

**The Letter of Submittal must include the following in the order given:**

- A. Prequalified Vendor's name
- B. Name, title, phone number, and email address of the Vendor Representative
- C. Mailing address
- D. Contractor License number issued by the Washington State Department of Labor and Industries. In the event of vendor teaming, provide contractor license numbers for each team member.
- E. Vendor's Federal Employer Tax Identification number (TIN). In the event of vendor teaming, each vendor team member must provide this number.
- F. Vendor's Washington Uniform Business Identification (UBI) number. A UBI number is a nine-digit number that registers the vendor with several State agencies and allows a vendor to do business in Washington State. Please visit the Washington State Department of Revenue's website below for more information on business registration requirements.

<http://dor.wa.gov/Content/DoingBusiness/RegisterMyBusiness/Default.asp>

If you do not have a UBI number, you must indicate in your response to this section as follows: "<Vendor Name> confirms that it will register for a UBI number within ten (10) Business Days of notification of being the Apparent Successful Vendor. (In the event of vendor teaming, each vendor team member must provide either their UBI or this response, as applicable.)"

- G. A list of the portions of the Proposal Vendor deems to contain confidential or proprietary information; if none, so state.
- H. A statement that the Vendor understands the WSDOT General Ledger Posting Rules as outlined in Appendix 8 of this RFP.
- I. A statement that the Vendor received the Contract (Appendix 3).
- J. A statement that Vendor will comply with all applicable Laws and Regulations.
- K. Vendor must provide its Washington Statewide Vendor (SWV) number. If the Vendor does not have a SWV when it files its Proposal, it must affirmatively state that it will, within five (5) Business Days of being notified as the Apparent Successful Vendor, register with the

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Washington State Department of Enterprise Services as a SWV. For more information related to obtaining an SWV number, visit the following website:

<http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>

### 13.3 Proposal Section 3: Signed Required Documents

The Vendor shall complete and provide each required signed agreement in the order listed below.

- A. **Acknowledgment of Receipt of Amendments** – Complete and sign the form found in Appendix 9.
- B. **Submittal Checklist for the Proposal** – Complete and sign the submittal checklist found in Appendix 10.
- C. **State Certifications and Assurances** – Complete and sign the form found in Appendix 11.
- D. **Supplemental Organizational Conflicts of Interest Certification and Organizational Conflicts of Interest Disclosure and Avoidance/Neutralization Plan** – Complete and sign the form found in Appendix 12. If the Vendor comprises of a team, each team member must complete and sign.
- E. **Stipend Agreement Forms** – Complete and sign the forms found in Appendix 13.

### 13.4 Proposal Section 4: Corporate Financial Information

Each Vendor submitting a Proposal will include in a sealed envelope (marked as “Financial Information”) a copy of their reviewed or audited 2015 financials with the Independent Accountant Review Report (reviewed) or Auditor Report (audited) attesting to the review or audit (reviewed and audited as defined by the American Institute of Certified Public Accountants), 2012 net sales (sales minus returns, allowance for damaged or missing goods, and any discounts) and a recent standard Dun and Bradstreet Credit Report (no more than 6 months old). The information provided should equate as closely as possible to the business unit responding to this RFP.

### 13.5 Proposal Section 5: Business Requirements Response

The Vendor shall provide the Business Requirements Response by completing the Business Requirements Response Guide (Appendix 4). The guide includes directions for its completion. The Business Requirements Response Guide requires the Vendor to respond to each requirement detailed in the Business Requirements (Appendix 2). The Business Requirements contain references to WSDOT Business Rules, (Appendix 7). WSDOT recommends the Vendor use the electronic version of the Business Requirements Response Guide, available as described in Section 1.0. This guide may not be modified except by entering data into the template as indicated. The Vendor may include supplementary information as part of the Business Requirements Response Guide by attaching up to an additional 50 pages over and above the 500-page limit of the Proposal if the supplementary information adds value to the Business Requirements proposal.

### **13.6 Proposal Section 6: Price Proposal**

The Vendor shall provide the Price Proposal by completing the price forms as provided in Appendix 5. WSDOT recommends the Vendor use the electronic version of these forms, available as described in Section 1.0. The forms include directions for their completion. The pricing table may not be modified except by entering data into the spreadsheet cells indicated.

**This Price Proposal shall be packaged separately from the rest of the Proposal, as a separate envelope or notebook, with a copy of the Letter of Submittal and labeled as the Price Proposal.**

### **13.7 Proposal Section 7: Proposal Bond**

The Vendor shall provide a single Proposal Bond in the amount of 5% of its total Project Price. The Proposal Bond shall be submitted with the Price Proposal. The Proposal Bond shall be in the Proposal Bond Form attached as Appendix 6 and shall be signed by the Vendor and the surety. The Proposal Bond shall not be conditioned in any way to modify the 5% required. The surety shall (1) be registered with the Washington State Insurance Commissioner; and (2) appear on the current Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner.

Alternatively, Vendors may submit a certified check or cashier's check payable to WSDOT in this amount.

The failure of Vendor to furnish a Proposal Bond as required herein shall make the Proposal non-responsive and shall cause the Proposal to be rejected by WSDOT.

### **13.8 Proposal Section 8: Contract Exception Log**

The Vendor may utilize Appendix 19: Contract Exception Log to submit any Contract exceptions or recommendations for additional Contract language. The Vendor shall submit any exceptions it wants WSDOT to consider as part of the submission of its Technical Proposal. No new Contract language changes/exceptions may be raised during negotiations if the exception was not initially documented as part of the Vendor's Contract Exception Log submitted with its Technical Proposal. If the Vendor has no contract exceptions, it should state that it is taking no exceptions in its response to this section in Appendix 4: Business Requirements Response Guide.

The Contract Exception Log must set out by Section or paragraph a description of each exception. In completing the Contract Exception Log, Vendor must describe, in business terms and not in proposed Contract or legal language, the issue, concern, exception or objection and then propose a compromise that is reasonable in light of the commitment being sought. The Contract Exception Log must provide the reason or rationale supporting the issue, concern, exception or objection. Simply stating that a paragraph is "not acceptable" or supplying proposed Contract terms without describing (in business language) the reason or rationale will be considered non-responsive.

Vendors are reminded that this is a competitive solicitation for a public Contract and that WSDOT cannot accept a Proposal or enter into a Contract that substantially changes the material terms and specifications published in this RFP.

## 14.0 Evaluation of Proposals

This section outlines the scoring WSDOT will use for the RFP. If the information provided by the Vendor for an evaluation factor is not complete, WSDOT may eliminate the Vendor from further consideration. Scoring will be based on how well the Proposal responds to the requirements described in Section 13 of this RFP.

### 14.1 Pass/Fail Screening Factors

If a Vendor receives a “pass” on all pass/fail evaluation factors, its Proposal will be further evaluated using the weighted criteria. If a Vendor fails on any single pass/fail requirement, the Proposal may be rated as unacceptable, the weighted evaluation factors may not be scored, and at WSDOT’s discretion the Vendor’s Proposal may not be evaluated. Table 2 details each pass/fail evaluation factor with the corresponding Proposal Section reference.

**Table 2: Pass/Fail Screening**

Proposal Section	Qualifications Factor	Weight
N/A	Proposal submitted on time, properly labeled and addressed	Pass / Fail
N/A	Electronic media and files are usable and in correct formats	Pass / Fail
N/A	Proposal is in the correct format – All pages are numbered, sections are tabbed, binders are labelled, etc.	Pass / Fail
1	Table of Contents is included, complete, and page numbers appear to be correct (spot check)	Pass / Fail
2	Letter of Submittal is included	Pass / Fail
3	Signed Documents are included, in the correct order	Pass / Fail
4	Vendor’s Corporate Financial Information is included	Pass / Fail
5	Completed Business Requirements Response Guide	Pass / Fail
6	Price Proposal is provided in its separate binder or envelope	Pass / Fail
7	Proposal Bond documents are included with the Price Proposal, demonstrating bond has been provided	Pass / Fail
8	Contract Exception Log is included	Pass / Fail

## 14.2 Technical Evaluation and Scoring

For Proposals that advanced beyond the Pass/Fail Screening, the RFP Evaluation Team will score each requirement within the Vendor's Business Requirements Response. Table 3 outlines the weighting for each of the four (4) categories being scored in the technical evaluation.

**Table 3: Weighting Table**

<b>Appendix 2 Section</b>	<b>Requirement Header</b>	<b>Weight</b>
<b><u>Back Office System</u></b>		<b>50%</b>
<b>2.0</b>	Operational Back Office	
<b>3.0</b>	Commercial Back Office	
<b>4.0</b>	Account Management	
<b>5.0</b>	Civil Penalty Program	
<b>6.0</b>	Collections	
<b>7.0</b>	Settlements	
<b>8.0</b>	Customer Website	
<b>9.0</b>	Inventory Management	
<b>10.0</b>	Washington State Ferries Integration	
<b>11.0</b>	Additional CSC Support Tools	
<b>12.0</b>	Accounting and Financial Requirements	
<b>13.0</b>	Management Reporting Requirements	
<b>27.0</b>	Go-Live and Acceptance of the System and Services	
<b><u>Project Delivery</u></b>		<b>25%</b>
<b>20.0</b>	Project Management	
<b>21.0</b>	Quality Management	
<b>22.0</b>	Organizational Change Management	
<b>23.0</b>	Data Migration from RITE System	

<b>Appendix 2 Section</b>	<b>Requirement Header</b>	<b>Weight</b>
<b>24.0</b>	Testing Program	
<b>25.0</b>	Operations and Maintenance Services	
<b>26.0</b>	Project Organization and Staffing	
<b>28.0</b>	Project Office Space	
<b>30.0</b>	Deliverables	
<b><u>Integration and Security</u></b>		<b>20%</b>
<b>1.0</b>	Overview of Scope of Work	
<b>15.0</b>	Regional and National Interoperability	
<b>16.0</b>	Integration with WSDOT and Partner Systems	
<b>17.0</b>	Security and Access Control	
<b>18.0</b>	Hardware and Software Requirements	
<b>19.0</b>	Back Office Hosting	
<b><u>Data Warehouse</u></b>		<b>5%</b>
<b>14.0</b>	Data Warehouse and Business Intelligence Requirements	
<b>TOTAL</b>		<b>100%</b>

Upon completion of the individual scoring by each evaluator, the Evaluation Team will meet and go through a normalization process on each requirement to ensure all Evaluation Team members clearly understood the response provided by each Vendor for each requirement. During this process, an evaluator may elect to change a score for a specific requirement. For each Vendor Proposal, the scores from each evaluator will then be averaged by requirement to produce a composite score for each requirement. The process is repeated for all requirements in each Vendor Proposal. For each Vendor Proposal, the composite score for each requirement is added together to establish a Raw Technical Score for the respective Vendor. The Raw Technical Scores are used in establishing the Adjusted Technical Score, as set forth in Section 14.3 below.

### 14.3 Adjusted Technical Score

The maximum Adjusted Technical Score available is 700 points. The adjusted technical score for the Vendor with the highest Technical Score will be 700 points. Technical scores of all remaining Vendors shall be adjusted as follows:

$$\frac{\text{Raw Technical Score}}{\text{Highest Unadjusted Technical Score Among All Proposals}} \times 700 = \text{Adjusted Technical Score}$$

### 14.4 Competitive Range for Adjusted Technical Scores

Evaluation Team will identify Vendors within the competitive range based on adjusted technical scores. The competitive range established for this procurement is 525-700 Adjusted Technical Score points. Only those Vendors with an Adjusted Technical Score within this competitive range will advance to the next stage in the evaluation, cost scoring, as detailed in Section 14.5 below.

### 14.5 Cost Scoring

The Vendors whose Adjusted Technical Score fall within the competitive range will proceed to the cost scoring stage of the evaluation process. The WSDOT RFP Administrator or designated team may analyze Vendors' Price Proposals independently at the same time as the Evaluation Team is analyzing the Business Requirements Responses. The WSDOT RFP Administrator or designated team will not disclose the Price Proposals or the cost analysis to the Evaluation Team until after the Adjusted Technical Scores have been established.

The cost scoring evaluation will consider the Total Price Proposal Cost as listed in Vendor's Price Proposal Summary of Prices. This includes the Prices of Design and Implementation Tasks 1-12 plus O&M Initial Term Years 1-4 Task 13 plus O&M Extended Term Years 5-10 Task 14.

The Adjusted Cost Score for the Vendor with the lowest Total Price Proposal Cost will be 300 points. The Cost Score for each remaining Vendor shall be calculated as follows:

$$\frac{\text{Lowest Total Proposal Cost Proposal Among All remaining Competitive Range Proposals}}{\text{Highest Proposal Cost of Competitive Range Proposal}} \times 300 = \text{Adjusted Cost Score}$$

## 14.6 Total Adjusted Score

The Total Adjusted Score for each remaining Proposal is the sum of Adjusted Technical Score and the Adjusted Cost Score. The Vendor with the highest Total Adjusted Score will proceed to Financial Stability Evaluation, as detailed in Section 14.10 below.

The following scoring example is provided **for illustrative purposes only**. The points used in the below example are for the limited purpose of providing an example scoring process and do not necessarily represent the point configurations that will be used in the scoring of Proposals in this RFP.

For simplicity the following assumptions are made:

1. The total possible points for Raw Technical Score is 2000.
2. The maximum Adjusted Technical Score available is 700 points.
3. The competitive range is 525-700 points.
4. The maximum Adjusted Cost Score available is 300 points.
5. Three (3) Vendors proposals evaluated

	<b>Vendor #1</b>	<b>Vendor #2</b>	<b>Vendor #3</b>
Raw Technical Score	1800 Points	1500 Points	1200 Points
Adjusted Technical Score	$1800/1800 \times 700 =$ <b>700</b>	$1500/1800 \times 700 =$ <b>583</b>	$1200/1800 \times 700 =$ <b>466</b>
Within 525-700 Point Competitive Range?	Yes	Yes	No
Total Price Proposal Cost	\$18M	\$16M	--
Adjusted Price Score	$\$16M/\$18M \times 300 =$ <b>266</b>	$\$16M/\$16M \times 300 =$ <b>300</b>	--
Total Adjusted Score	$700 + 266 =$ <b>966</b>	$583 + 300 =$ <b>883</b>	--
Proceed to financial Stability Evaluation and Contract Negotiations	Yes	No	--

All remaining Vendors would be notified of the results. The #2 ranked Vendor will assume contract negotiations pending unsuccessful completion of negotiations with the #1 ranked lowest responsive and responsible Vendor.

At the completion of the RFP procurement, contract award will be made to the Prequalified Vendor that WSDOT determines to be the lowest responsive and responsible Vendor based on information provided as part of the RFP submittal.

### **14.7 Best and Final Offers (BAFOs)**

Once a Proposal has been submitted, Vendors will not be allowed to make changes to those Proposals unless they receive a request for a Best and Final Offer (BAFO) from WSDOT. At any point, WSDOT may notify all remaining responsive and responsible Vendors that WSDOT will require them to submit BAFOs.

The notice will be in writing and will set a specific time and date by which the BAFO must be submitted to the WSDOT RFP Administrator. The BAFO notice may set additional conditions and requirements for the submission of the BAFO. The notice will advise Vendors that the BAFO shall be in writing and that upon the closing date for submission, WSDOT intends to select a lowest responsive and responsible Vendor. The BAFO notice will be posted on the WSDOT website and WEBS.

For purposes of the BAFO, Vendors may make such changes to their original bids as they believe appropriate to enhance their potential for selection and award under the scoring criteria set forth in the RFP. Changes to the original bid must be clearly identified in the re-submitted proposal using the Track Changes function in Microsoft Word.

Evaluation of BAFOs and selection of the lowest responsive and responsible Vendor will be based upon the evaluation criteria set out in the RFP. Terms proposed as part of a BAFO must be in accordance with the terms requested in this RFP and may not alter the requirements of the RFP. In the event WSDOT elects to implement a BAFO, the revised Proposals will be re-scored in accordance with the scoring process described above.

### **14.8 Irregularities or Defects**

WSDOT may, at its sole discretion, waive any irregularities or defects in a Proposal, or accept or reject any item or combination of items, when to do so would be to the advantage of the State. WSDOT reserves the right to seek clarification of a Vendor's Proposal from the Vendor or verification of information contained in a Vendor's Proposal from any other source.

### **14.9 Rejection of Proposals / Cancellation of RFP**

WSDOT reserves the right to reject any or all Proposals. It is also within the right of WSDOT to reject Proposals that do not contain all elements and information requested in this RFP or amendments. WSDOT reserves the right to cancel this RFP at any time.

### **14.10 Financial Stability Evaluation**

As part of the evaluation process, WSDOT will be evaluating financial stability risks once the Apparent Successful Vendor is identified through the scoring process. Vendor financial information, as described in Section 13.4, will be subjected to several standard metrics to determine if stability concerns are present in the financials. In the event that concerns are noted, the Vendor will be provided an opportunity to mitigate those concerns. It will be the sole discretion

of WSDOT to determine if the concerns rise to a level where mitigation is required and whether mitigation strategies are acceptable.

Once the Total Adjusted Score calculation has been completed and Vendor ranking established, the "Financial Information" sealed envelope will be opened for evaluation only for the number one ranked Vendor. The WSDOT Financial Evaluation Team will evaluate the Financial Information and note the areas of concern, if any. The financial stability evaluation will involve identifying any financial concerns from the perspective of the Vendor being able to perform for the entire period of the Contract (six years). In the event concerns are noted, the Financial Evaluation Team will recommend possible mitigation options to WSDOT that may provide some added assurance that the Vendor is capable of performing the Contract for the duration of the Contract term. This information would be provided to WSDOT to be used as they deem appropriate in the Contract negotiation process. For any reason should the Apparent Successful Vendor award not materialize, the WSDOT Financial Evaluation Team would reconvene to review the next ranked Vendor selected through the scoring criteria set forth in the RFP.

## **15.0 Contract Awards and Debriefing**

### **15.1 Notification of Successful Vendors**

WSDOT will notify the Apparent Successful Vendor via email, followed by a formal Letter of Intent to Award.

### **15.2 Notification to Unsuccessful Vendors**

Vendors whose Proposals have not been selected will be so notified via email.

### **15.3 Debriefing of Unsuccessful Vendors**

Vendors that submitted a Proposal and were not selected will be given the opportunity for a debriefing conference. The WSDOT RFP Administrator must receive the request for a debriefing conference within three (3) Business Days after the notification is sent to the unsuccessful Vendor. The debriefing shall be held within five (5) Business Days of the request.

Discussion will be limited to WSDOT's evaluation of the requesting Vendor's Proposal. WSDOT will discuss the factors considered in the evaluation of the Vendor's response and address questions and concerns about Vendor's performance with regard to procurement requirements. Comparisons between responses or evaluations of the other Proposals will not be allowed. Debriefing conferences may be conducted, at WSDOT's option, in person or on the telephone and will be scheduled for a maximum of one (1) hour.

### **15.4 WSDOT Right to Withdraw Letter of Intent to Award**

WSDOT reserves the right to withdraw the Letter of Intent to Award prior to executing the Contract for any of the following reasons:

- A receiver is appointed to take possession of Vendor's assets.

- The Vendor makes a general assignment for the benefit of creditors.
- The Vendor becomes insolvent.
- The Vendor takes or suffers action under the federal Bankruptcy Act.
- If Majority Participant and/or key Project position are removed or altered from the Vendor without notification to and approval from the WSDOT RFP Administrator.

## **15.5 Performance Bond**

The Apparent Successful Vendor shall provide a single Performance Bond in the amount of 50% of the price reflected for the total cost of Design and Implementation as completed in the Price Proposal in Appendix 5. The Performance Bond Form shall be attached as part of the Contract Documents in Exhibit H and shall be signed by the Vendor and the surety. The Performance Bond shall not be conditioned in any way to modify the 50% required. The surety shall (1) be registered with the Washington State Insurance Commissioner; and (2) appear on the current Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner.

The cost of this bond, is to be included in the total prices proposed and will not be recoverable as a separate cost item. The Apparent Successful Vendor shall deliver the performance bond to WSDOT within five (5) Business Days after being notified of the proposed Contract award.

Alternatively, Proposers may submit a certified check or cashier's check payable to WSDOT in this amount.

## **16.0 Protests**

### **16.1 Protests**

This protest procedure is available to Vendors who submitted a Proposal to this RFP and have requested and attended a debriefing conference. Protests must be made to WSDOT after the Apparent Successful Vendor has been announced. To be considered, Vendor protests must be received, in writing, by WSDOT within five (5) Business Days after the Vendor debriefing conference.

#### **16.1.1 Grounds for Protest**

Protests may be made on only these grounds:

- A matter of bias, discrimination, or conflict of interest on the part of an evaluator;
- Errors in computing the scores; or
- Non-compliance with procedures described in the procurement document or agency protest process or Department of Enterprise Services requirements.

Protests not based on these criteria will not be considered

### **16.1.2 Procedure for Protest**

A Vendor must file a written protest with WSDOT within five (5) Business Days after their debriefing conference. WSDOT will immediately notify Department of Enterprise Services of receipt of the protest. WSDOT will also postpone further steps in the procurement process until the protest has been resolved.

A protest shall be in writing, shall contain the facts and arguments upon which the protest is based, and shall be signed by a person authorized to bind the Vendor to a contractual relationship. At a minimum, the protest shall include the following information:

- The name of the protesting Vendor, its mailing address and phone number, and the name of the individual responsible for submission of the protest.
- The RFP document name and number and reference to WSDOT as the issuing agency.
- Specific and complete statement of WSDOT's action(s) being protested.
- Specific reference to the grounds for the protest.
- Description of the relief or corrective action requested.

Protests shall be addressed to:

Chief Information Officer  
Washington State Department of Transportation  
7345 Linderson Way SW  
Tumwater, WA 98501-7430

The Vendor shall also provide a copy of the protest to the WSDOT RFP Administrator at the same time the protest is sent to the Chief Information Officer.

### **16.1.3 WSDOT Review Process**

Upon receipt of a protest, a protest review will be held by WSDOT. WSDOT will postpone executing the Contract until the Vendor protest has been resolved. Individuals not involved in the protested acquisition will objectively review the written protest material submitted by the Vendor and all other relevant facts known to WSDOT. All available facts will be considered, and the director of the department responsible for administration of the Contract, or his/her delegate will issue a decision within five (5) Business Days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay within five (5) Business Days of receipt of the protest.

### **16.1.4 WSDOT Determination**

The final determination shall:

- Find the protest lacking in merit and uphold the agency's action;
- Find only technical or harmless errors in the agency's acquisition process conduct, determine the agency to be in substantial compliance, and reject the protest;
- Find merit in the protest and provide the agency with options that may include:
  - Correct errors and reevaluate all Proposals; or
  - Reissue the RFP document; or

- Make other findings and determine other courses of action as appropriate; or
- Not require the agency to prequalify a vendor or award a contract to the protesting party or any other Vendor, regardless of the outcome.
- The determination of WSDOT is final and no further administrative appeals are available.

\*END OF RFP MAIN BODY\*

All Appendices will be provided separately on WSDOT's website and on WEBS.