

WAC 468-600-105 Issuance of requests for proposals. The department shall draft and issue requests for proposals at the direction or on behalf of the commission pursuant to WAC 468-600-102. When drafting requests for proposals (RFP), the department must specify requirements for proposal content, and may identify criteria and procedures under which proposals will be evaluated and selected. If the commission approves the projects and the RFP proposed for solicitation, the department shall issue the RFP and publish notice as provided in WAC 468-600-106. The department may set the deadline for responses as it sees fit to encourage full knowledge, opportunity and competition among private entities. At a minimum, the request for proposals for each transportation project must include the following:

(1) **General information.**

(a) Notice of any preproposal conference as follows:

(i) The time, date and location of any preproposal conference;

(ii) Whether attendance at the conference will be mandatory or voluntary; and

(iii) A disclaimer that statements made by the department's representatives at the conference are not binding upon the state unless confirmed by written addendum.

(b) The name and title of the person authorized and designated by the department to receive the proposals and contact person (if different).

(c) Instructions and information concerning submission requirements including the address of the office to which proposals must be delivered and any other special information, e.g., whether proposals may be submitted by facsimile or electronic data interchange (secured email).

(d) The time and date of closing after which the department will not accept proposals.

(e) The form and submission of proposals and any information required therein.

(f) If the agreement resulting from a solicitation will be a contract for a public work subject to chapter 39.12 RCW or the Davis-Bacon Act (40 U.S.C. section 3141 to 3148), a statement that no proposals will be considered by the state unless the proposal contains a statement by the proposer, as part of its proposal, that proposer agrees to be bound by and will comply with the provisions of chapter 39.12 RCW and 40 U.S.C. section 3141 to 3148.

(g) Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with state law.

(h) How the state will notify proposers of addenda and how the state will make addenda available.

(2) **Project description.** A description of the eligible project for which the department is requesting proposals for a public-private partnership in such detail as the department considers appropriate or feasible under the circumstance.

(3) **Evaluation process.** A description of the process by which the proposals will be evaluated, including:

(a) A statement that the commission and/or department may reject any proposal not in compliance with all prescribed procedures and requirements and other applicable laws, and that the state reserves its rights under WAC 468-600-810;

(b) The anticipated solicitation schedule, deadlines, protest process, and evaluation process, if any; and

(c) Evaluation criteria that the state will use to select a proposal(s) from among those submitted in response to the request for proposals.

(4) **Desired contract terms.** The department shall provide an outline or draft term sheet of those contract terms and conditions, including warranties and bonding requirements, that the department considers necessary.

(5) **Federal funds.** If federal funds are involved, the federal laws, rules and regulations applicable to the fund requirements shall govern in the event they conflict with a provision required by state law.

[Statutory Authority: RCW 47.29.030. WSR 07-04-095, § 468-600-105, filed 2/6/07, effective 3/9/07.]