

**STATE OF WASHINGTON,  
OFFICE OF THE SECRETARY OF STATE**

**REQUEST FOR PROPOSALS  
RFP NO. 17-07**

**PROJECT TITLE: Nonprofit Corporations and Charities Training Program**

**PROPOSAL DUE DATE: June 15, 2017, 4:00PM Pacific Time**

**EXPECTED TIME PERIOD FOR CONTRACT: Through June 30, 2019.**

**CONSULTANT ELIGIBILITY:** This procurement is open to those Consultants that satisfy the minimum qualifications stated herein, and that are available for work across Washington State.

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## 1. INTRODUCTION

### 1.1 PURPOSE AND BACKGROUND

The Washington State Office of the Secretary of State ("OSOS") is initiating this Request for Proposals (RFP) regarding the development and implementation of a comprehensive training program for nonprofit organizations and charities. OSOS records show there are more than 60,000 registered nonprofit corporations, and approximately 11,000 registered charities (98% of which are nonprofit corporations) in the state. It is likely that more nonprofits should be registered as charities, but do not know about the registration requirement.

### 1.2 OBJECTIVE

OSOS is looking for a Contractor with the resources to develop and provide a training program for nonprofit corporations and charities over the next biennium, and collaborate with OSOS on curriculum for future educational needs.

### 1.3 MINIMUM QUALIFICATIONS

The Consultant must be licensed to do business in the State of Washington. The Consultant must be registered to do business with the State and have a current Unified Business Identifier (UBI) number. Failure to be registered with a valid UBI number when responding to the RFP will cause the submission to be nonresponsive and rejected. The consultant must have two years' experience in developing and providing training seminars, with the ability to address the needs of nonprofits, both large and small, across Washington State.

### 1.4 FUNDING

OSOS has budgeted an amount not to exceed \$600,000. Any contract awarded as a result of this procurement is contingent upon the availability of funding.

### 1.5 PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this RFP is expected to begin on or about July 17, 2017, and end no later than June 30, 2019.

### 1.6 DEFINITIONS

Definitions for the purposes of this RFP include:

**"Consultant"** or **"Proposer"** means the individual or entity submitting a Proposal in order to attain a contract with OSOS.

**"Contractor"** means the individual or entity whose Proposal has been accepted by OSOS and is awarded a fully executed, written contract.

**"OSOS"** or the **"Office of the Secretary of State"** means the agency that is issuing this RFP.

**"Proposal"** means a formal offer submitted in response to this Request for Proposals.

**"RFP"** or **"Request for Proposals"** means a 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 RFP is to permit the consultant community to suggest various approaches to meet the need at a given price.

## 2. GENERAL INFORMATION FOR CONSULTANTS

### 2.1 RFP COORDINATOR

The RFP Coordinator is the sole point of contact in OSOS for this procurement. All communication between the Consultant and OSOS upon receipt of this RFP shall be with the RFP Coordinator, as follows:

Name	Janell Stewart
Address	PO Box 40224
City, State, Zip Code	Olympia, WA 98504-0224
Phone Number	360-704-5263
Fax Number	360-704-7830
E-Mail Address	contracts@sos.wa.gov

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

## 2.2 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

Issue Request for Proposals	5/10/17
Question and answer period	5/10/17 – 5/25/17
Last date for questions regarding RFP	5/25/17
Place complete list of Q&As on WEBS and OSOS web site	5/31/17
Last amendment to RFP	5/31/17
Last day for complaint	6/8/17
Response to Complaints	6/13/17
Proposals due	6/15/17
Review (Evaluate) Proposals	6/16/17 – 6/23/17
Conduct oral interviews with finalists, if required	6/26/17 – 6/28/17
Announce apparently successful Contractor and notify unsuccessful Proposers	6/30/17
Hold debriefing conferences (if requested) (See 4.5)	7/6/17 – 7/11/17
Negotiate contract	6/30/17 – 7/14/17
Begin contract work	7/17/17

OSOS reserves the right to revise the above schedule.

## 2.3 SUBMISSION OF PROPOSALS

Consultants must submit an electronic copy of their Proposal to the RFP Coordinator at the e-mail address noted in Section 2.1. Attachments to the e-mail may be in Microsoft Word, PDF, or other standard electronic format.

The Proposal must be received by OSOS no later than 4:00 p.m., Pacific Time, on June 19, 2017.

Late Proposals will not be accepted and will be automatically disqualified from further consideration. All Proposals and any accompanying documentation become the property of OSOS.

Proposals must respond to all of the RFP requirements. Do not respond by referencing material presented elsewhere. The e-mailed Proposal must be complete and stand on its own merits. Failure to respond to any portions may result in rejection of the Proposal as non-responsive.

Include Consultant's contact information for this RFP with name, title, email, and telephone number.

## 2.4 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

Materials submitted in response to this competitive procurement shall become the property of OSOS.

All Proposals received shall remain confidential until the contract, if any, resulting from this RFP is executed; thereafter, the Proposals shall be deemed public records as defined under the Public Records Act, Chapter 42.56 RCW.

Any information in the Proposal that the Proposer desires to claim as proprietary and exempt from disclosure under the provisions of RCW 42.56.270 must be clearly designated. The page, and the particular exception from disclosure upon which the Proposer is making the claim, must be identified.

Each page claimed to be exempt from disclosure must be clearly identified by the word "Confidential" printed on the lower right hand corner of the page.

OSOS will consider a Proposer's request for exemption from disclosure; however, OSOS will make a decision predicated upon chapter 42.56 RCW and chapter 143-06 of the Washington Administrative Code. Marking the entire Proposal exempt from disclosure will not be honored. The Proposer must be reasonable in designating information as confidential. If any information is marked as proprietary in the Proposal, such information will not be made available until the affected proposer has been given an opportunity to seek a court injunction against the requested disclosure.

A charge will be made for copying and shipping, as outlined in RCW 42.56.120 or in OSOS' rules and statutes. No fee shall be charged for inspection of contract files, but twenty-four (24) hours' notice to the RFP Coordinator is required. All requests for information should be directed to the RFP Coordinator.

## **2.5 REVISIONS TO THE RFP**

Any amendments or revisions to this RFP, including any questions and answers, will be published on WEBS and the OSOS web site. The OSOS procurement website address is: <http://www.sos.wa.gov/office/procurements.aspx>.

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

## **2.6 MINORITY & WOMEN-OWNED BUSINESS PARTICIPATION**

The State of Washington encourages participation by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). Participation may be either on a direct basis in response to this RFP or on a subcontractor basis. However, no preference will be included in the evaluation of Proposals, no minimum level of MWBE participation shall be required as a condition for receiving an award, and Proposals will not be rejected or considered non-responsive on that basis.

## **2.7 ACCEPTANCE PERIOD**

Consultant, by submitting a Proposal, agrees to hold open its offer to OSOS for at least 60 days after submission of the Proposal.

## **2.8 RESPONSIVENESS**

All Proposals will be reviewed by the RFP Coordinator to determine compliance with administrative requirements and instructions specified in this RFP. Failure to comply with any part of the RFP may result in rejection of the Proposal as non-responsive. OSOS may deem a Proposal nonresponsive if: (1) any of the required information is not provided; (2) the submitted price is found to be excessive or inadequate as measured by the RFP criteria; or (3) the Proposal does not meet RFP requirements and specifications. OSOS may find any Proposal to be nonresponsive at any time during the procurement process. If OSOS deems a Proposal nonresponsive, it will not be considered further. OSOS also reserves the right, at its sole discretion, to waive minor administrative irregularities.

## **2.9 MOST FAVORABLE TERMS**

OSOS reserves the right to make an award without further discussion of the Proposal submitted. Therefore, the Proposal should be submitted initially on the most favorable terms which the Consultant can propose. There will be no best and final offer procedure. OSOS does reserve the right to contact a Consultant for clarification of its Proposal.

Consultants should be prepared to accept this RFP for incorporation into any resulting contract. Contract negotiations may incorporate some or all of the Consultant's Proposal. The Proposal will become a part of the official procurement file on this matter, without obligation to OSOS.

## **2.10 CONTRACT AND GENERAL TERMS & CONDITIONS**

The apparently successful Contractor will be expected to enter into a contract which is substantially the

same as the OSOS sample contract (including its General Terms and Conditions) attached to this RFP as Exhibit B. In no event is a Consultant to submit its own standard contract terms and conditions in response to this RFP. The Consultant may submit exceptions as allowed in the Certifications and Assurances form attached to this RFP as Exhibit A. All exceptions to the contract terms and conditions must be submitted as an attachment to Exhibit A, Certifications and Assurances form. OSOS will review requested exceptions and accept or reject the same at its sole discretion.

### **2.11 COSTS TO PROPOSE**

OSOS will not be liable for any costs incurred by the Consultant in relation to its Proposal, presentation, or any other activities related to an RFP response.

### **2.12 NO OBLIGATION TO CONTRACT**

This RFP does not obligate the State of Washington or OSOS to contract for services specified herein.

### **2.13 REJECTION OF PROPOSALS**

OSOS reserves the right, at its sole discretion, to reject any and all Proposals received.

### **2.14 COMMITMENT OF FUNDS**

The Secretary of State or her delegate are the only individuals who may legally commit OSOS to the expenditures of funds for a contract resulting from this RFP. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

### **2.15 ELECTRONIC PAYMENT**

The State of Washington prefers to utilize electronic payments. The Contractor will be provided a form to authorize such payment method.

### **2.16 INSURANCE AND WORKERS' COMPENSATION COVERAGE**

Should a contract be awarded pursuant to this RFP, the Contractor will be required to provide insurance coverage as described in Exhibit B to this RFP. The Contractor must also comply with all applicable workers' compensation, occupational disease, and occupational health and safety laws, statutes, and regulations.

## **3. PROPOSAL CONTENTS**

Proposals must include the following four sections:

1. Letter of Submittal (including signed Certifications and Assurances).
2. Technical Proposal.
3. Management Proposal.
4. Cost Proposal.

Proposals must provide information in the same order they are presented in this RFP, and with the same headings. This will not only be helpful to the evaluators, but should assist the Consultant in preparing a thorough Proposal.

Items in this RFP identified as "mandatory" must be included as part of the Proposal for the Proposal to be considered responsive; however, these items are not scored. Items marked "scored" are those that are awarded points as part of the evaluation conducted by the evaluation team.

### **3.1 LETTER OF SUBMITTAL (MANDATORY)**

The Letter of Submittal and the attached Certifications and Assurances form (Exhibit A to this RFP) must be signed and dated by a person authorized to legally bind the Consultant to a contractual relationship (e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship). Along with introductory remarks, the Letter of Submittal is to include by attachment the following information about the Consultant and any proposed subcontractors:

1. Name, address, principal place of business, telephone number, and fax number/e-mail address of legal entity or individual with whom contract would be written;
2. Name, address, and telephone number of each principal officer (President, Vice President, Treasurer, Chairperson of the Board of Directors, etc.);
3. Legal status of the Consultant (sole proprietorship, partnership, corporation, etc.) and the year the entity was organized to do business as the entity now substantially exists;
4. Federal Employer Tax Identification number or Social Security number and the Washington Uniform Business Identification (UBI) number issued by the State of Washington Department of Revenue;
5. Location of the facility from which the Consultant would operate; and
6. Identify any State employees or former State employees employed or on the firm's governing board as of the date of the Proposal. Include their position and responsibilities within the Consultant's organization. If following a review of this information, it is determined by OSOS that a conflict of interest exists, the Consultant may be disqualified from further consideration for the award of a contract.

### 3.2 TECHNICAL PROPOSAL (SCORED)

The Technical Proposal must contain a comprehensive description of services including the following elements:

- A. **Project Approach/Methodology** – Include a complete description of the Consultant's proposed approach and methodology for the project. This should convey Consultant's understanding of the proposed project. Contractor will develop, organize, and implement a curriculum for educational seminars, workshops and/or conferences to improve the operations of nonprofits and charities across the State of Washington.
- B. **Work Plan** – Include all project requirements and the proposed tasks, services, and activities necessary to accomplish the scope of the project defined in this RFP. This portion of the Proposal must contain sufficient detail to convey the Consultant's skills and knowledge of subjects necessary to successfully complete the project. Include any required involvement of OSOS staff. The Consultant may also present any creative approaches that might be appropriate and may provide any pertinent supporting documentation. Consultants must have knowledge of Washington State laws and regulations regarding the operation of nonprofit corporations and charities, including internal operations and external compliance requirements. Contractor will develop and implement a program using the criteria described in Exhibit C to this RFP.
- C. **Deliverables** – Provide a detailed description of all proposed deliverables, using specified curriculum topics and other criteria identified in Exhibit C to this RFP.
- D. **Project Schedule** – Include a project schedule showing when each deliverable would be provided. This project is expected to last from the date of contract execution through June 30, 2019.
- E. **Outcomes and Performance Measurement** – Describe the impacts/outcomes the Consultant proposes to achieve through the deliverables. Include a description of how these outcomes would be monitored, measured, and reported to OSOS. OSOS will require outcomes be reported at least annually.

### 3.3 MANAGEMENT PROPOSAL

#### A. Project Management (SCORED)

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

2. **Staff Qualifications/Experience** – Identify staff, including subcontractors, who will be assigned to the potential contract, indicating the responsibilities and qualifications of such personnel, and include the amount of time each will be assigned to the project. Provide resumes for the named staff, which include information on the individual's particular skills related to this project, education, experience, significant accomplishments and any other pertinent information. The Consultant must commit that staff identified in its Proposal will actually perform the assigned work. Any staff substitution must have the prior approval of OSOS.

### **B. Experience of the Consultant (SCORED)**

1. The Consultant must have a minimum of two years' experience in the following areas. Consultant must also be able to demonstrate their knowledge, and/or provide references regarding their experience in these areas:
  - a. Curriculum development;
  - b. Use of media including, but not limited to, print, web pages and web video;
  - c. Fiduciary and legal obligations of nonprofit corporations;
  - d. Best practices for nonprofit corporations, including those that are also charities soliciting from the public; and
  - e. Washington State compliance requirements for nonprofit corporations, including, Secretary of State, Department of Revenue, Labor and Industry, and Employment Security.
2. Indicate other relevant experience that indicates the qualifications of the Consultant, and any subcontractors, for the performance of the potential contract. Other relevant experience would be conducting similar trainings or working with other state agencies in a similar manner.
3. Include a list of contracts the Consultant has had during the last five years that relate to the Consultant's ability to perform the services needed under this RFP. List contract reference numbers, contract period of performance, contact persons, telephone numbers, and fax numbers/e-mail addresses.

### **C. References (SCORED)**

List names, addresses, telephone numbers, and fax numbers/e-mail addresses of 3 business references for whom work has been accomplished and briefly describe the type of service provided. The Consultant must grant permission to OSOS to contact the references. Do not include current OSOS staff as references. References will be contacted for the top-scoring Proposal(s) only.

### **D. Related Information (MANDATORY)**

1. If the Consultant or any subcontractor contracted with the State of Washington during the past 24 months, indicate the name of the agency, the contract number and project description and/or other information available to identify the contract.
2. If the Consultant's staff or subcontractor's staff was an employee of the State of Washington during the past 24 months, or is currently a Washington State employee, identify the individual by name, OSOS division previously or currently employed by, job title or position held and separation date.
3. If the Consultant has had a contract terminated for default in the last five years, describe such incident. Termination for default is defined as notice to stop performance due to the Consultant's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer, or (b) litigated and such litigation determined that the Proposer was in default.
4. Submit full details of the terms for default including the other party's name, address, and phone number. Present the Consultant's position on the matter. OSOS will evaluate the facts and may, at its sole discretion, reject the Proposal on the grounds of the past experience. If no such termination for default has been experienced by the Consultant in



the past five years, so indicate.

#### **E. OMWBE Certification (Optional)**

Include proof of certification issued by the Washington State Office of Minority and Women's Business Enterprises if certified minority-owned firm and/or women-owned firm(s) will be participating on this project.

### **3.4 COST PROPOSAL**

The fee for this contract must be \$600,000 or less for the biennium, July 2017 through June 2019.

The evaluation process is designed to award this procurement not necessarily to the Consultant of least cost, but rather to the Consultant whose Proposal best meets the requirements of this RFP. However, Consultants are encouraged to submit Proposals which are consistent with State government efforts to conserve state resources.

#### **A. Identification of Costs (SCORED)**

Costs are to be identified per deliverable. The Consultant's Cost Proposal should be a listing of costs per prescribed deliverable. Each deliverable will be billable upon acceptance by OSOS and will be billable at the amount of the cost proposal for the given deliverable.

Identify all costs including expenses to be charged for performing the services necessary to accomplish the objectives of the contract. The Consultant 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. Consultants are required to collect and pay Washington State sales tax, if applicable.

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.

#### **B. Computation**

The score for the cost proposal will be computed by dividing the lowest cost bid received by the Consultant's total cost, and multiplying the resultant number by the maximum possible points for the cost section.

## **4. EVALUATION AND CONTRACT AWARD**

### **4.1 EVALUATION PROCEDURE**

Responsive Proposals will be evaluated strictly in accordance with the requirements stated in this RFP and any addenda issued. The evaluation team designated by OSOS will score the Proposals. OSOS, at its sole discretion, may select top-scoring Proposers to provide oral presentations. Any oral presentations will be utilized, along with scores from written Proposals, in selecting the apparent successful Contractor.

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## 4.2 EVALUATION WEIGHTING AND SCORING

The following weighting and points will be assigned to the Proposal for evaluation purposes:

### Technical Proposal – 35% (Maximum 70 Points)

Project Approach/Methodology	15 points (maximum)
Quality of Work Plan	35 points (maximum)
Project Schedule	10 points (maximum)
Project Deliverables	10 points (maximum)

### Management Proposal – 30% (Maximum 60 Points)

Project Team Structure/Internal Control	15 points (maximum)
Staff Qualifications/Experience	15 points (maximum)
Experience of the Consultant	30 points (maximum)

### Cost Proposal – 35% (Maximum 70 Points)

References will be contacted for the top-scoring Proposer(s) only, and will then be scored and added to the total written proposal score.

Sub-Total (Technical, Management, and Cost): Maximum 200 points

References [top-scoring Proposer(s) only]: Maximum 10 points

**GRAND TOTAL FOR WRITTEN PROPOSAL: Maximum 210 POINTS**

## 4.3 ORAL PRESENTATIONS MAY BE REQUIRED

Written submissions, and oral presentations if necessary, will be utilized to select the winning Proposal. OSOS, at its sole discretion, may select top scoring finalists from the written evaluation for an oral presentation. OSOS will contact the top-scoring firm(s) regarding scheduling any such presentation. Commitments made by Consultant during the oral presentation, if any, will be considered binding. The score from the oral presentation will be considered independently, and will help determine the apparent successful Contractor.

## 4.4 NOTIFICATION TO PROPOSERS

Proposers not selected for further negotiation or award will be notified via e-mail.

## 4.5 DEBRIEFING OF UNSUCCESSFUL PROPOSERS

Upon request, a debriefing conference will be scheduled with an unsuccessful Proposer. The request for a debriefing conference must be received by the RFP Coordinator within 3 business days following notification to unsuccessful Proposers. Any debriefing will be held within 3 business days of the request.

Discussion will be limited to a critique of the requesting Consultant's Proposal. Comparisons between Proposals or evaluations of the other Proposals will not be allowed. Debriefing conferences may be conducted in person or by telephone, and will be scheduled for a maximum of 1 hour.

## 4.6 PROTEST PROCEDURE

The protest procedure is available to Consultants who submitted a Proposal in response to this RFP and participated in a debriefing conference. Protests that do not follow the below procedures will not be considered. This protest procedure constitutes the sole administrative remedy available to Consultants under this procurement.

All protests must be in writing and signed by the protesting party or an authorized agent. Protests must be dated, and received by the OSOS RFP Coordinator within 5 business days following the Consultant's debriefing conference. A signed protest may be submitted electronically, but should be followed by hardcopy with an original signature. It must state the grounds for the protest, with specific facts and complete statements of the action(s) being protested. It should also describe the requested relief or corrective action.

Only protests stipulating an issue of fact concerning the following subjects shall be considered:

- A matter of bias, discrimination or conflict of interest on the part of the evaluator.
- Errors in computing the score.
- Non-compliance with procedures described in the procurement document or OSOS policy.

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) an evaluator's professional judgment on the quality of a Proposal, or 2) OSOS' assessment of its own and/or other agencies needs or requirements.

Upon receipt of a protest, a protest review will be held by OSOS. OSOS director or an employee delegated by the Director who was not involved in the procurement will consider the record and all available facts and issue a decision within five business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may affect the interest of another Consultant which submitted a Proposal, such Consultant will be given an opportunity to submit its views and any relevant information on the protest to the RFP Coordinator.

The final determination of the protest shall:

- Find the protest lacking in merit and uphold OSOS' action; or
- Find only technical or harmless errors in OSOS' process and determine OSOS to be in substantial compliance and reject the protest; or
- Find merit in the protest and provide OSOS options which may include:
  - Correcting the errors and re-evaluating Proposals,
  - Initiating a new solicitation process, and/or
  - Making other findings and taking other courses of action as appropriate.

If OSOS determines that the protest is without merit, OSOS will enter into a contract with the apparently successful Contractor. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

## **5. RFP EXHIBITS**

- Exhibit A Certifications and Assurances.
- Exhibit B OSOS Sample Contract with General Terms and Conditions.
- Exhibit C Training Program Expectations.