



**Seattle**  
**Request for Proposals (RFP)**  
**Title: Cannabis Industry Needs Assessment**  
**RFP Number: OED 2024-Cannabis**

**RFP Schedule**

Schedule of Events	Date/Time
RFP Release	September 4, 2024
Deadline for Questions	October 2, by 5:00 p.m. (PDT)
<b>Proposal Due Date</b>	<b>October 18, by 5:00 p.m. (PDT)</b>
Announcement of Potential Virtual Interviews	October 25
Potential Virtual Interview Dates	October 28 and 29
Announcement of Successful Proposer(s)	November 4
Contract Execution	By December 6
End of Contract Period of Performance	June 30, 2025

*The City reserves the right to modify this schedule.*

**RFP Coordinator:**

<b>RFP Coordinator(s):</b> Scott Plusquellec, Vin Valentino
<b>Email:</b> <a href="mailto:OED@seattle.gov">OED@seattle.gov</a>
<b>Phone:</b> 206-684-8090

*Unless authorized by the RFP Coordinator, no other City official or employee may speak for the City regarding this RFP until award(s) is complete. Any proposer contacting other City officials or employees does so at proposer’s own risk. The City is not bound by such information.*

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## I. Purpose and Background

### **RFP Purpose**

This RFP seeks proposals from independent academic institutions that can conduct research and develop a report and presentation on equity issues in the Seattle cannabis industry, looking specifically at business finance issues and resources and worker professional development. Based on the findings, the report should recommend actions or policy changes the City of Seattle should consider addressing equity concerns in the industry.

### **Cannabis Industry - Definition**

For purposes of this RFP, the cannabis industry is composed of legal cultivators and producers, consumers, independent industrial standards bodies, ancillary products and services, regulators and researchers concerning cannabis and its industrial derivative, hemp. This needs assessment will deemphasize cannabis products that are not ingested, such as clothing made of hemp.

### **Who Can Submit a Response?**

An independent academic institution that has qualifications in performing the Scope of Work outlined in this RFP can submit a response. Responding institutions (and any partnering organizations) must demonstrate industry research capacity and understanding of the cannabis industry, its structure, and regulatory environment in Washington State.

### **RFP Background Context**

The City of Seattle recognizes that there are racial ownership gaps in the cannabis retail sector that are connected to drivers of the overall racial wealth gap in Seattle, as well as the system for initial distribution of cannabis licenses. Seattle also has an interest in promoting equitable small business development and career advancement in the Cannabis industry, and other industries.

In September 2022, Mayor Bruce Harrell signed [CB 120391](#) (See Attachment A) concerning support for cannabis workers and communities disproportionately harmed by the federal War on Drugs. The Seattle ordinance calls for a “Cannabis Needs Assessment to further clarify what investments and improvements in this burgeoning industry could be supported by the City moving forward. At a minimum, the study will provide demographic information about workers currently employed in Seattle’s cannabis industry. In addition to evaluating the training needs of the incumbent workforce, the study will evaluate and determine the highest training needs of those workers who wish to advance in the industry beyond entry-level positions and those seeking to become new owners. The study will include recommendations about whether and how to fund such training.”

The ordinance also called for the creation of a broadly representative advisory committee to help the city develop the scope of work for this RFP. This group was convened and met in person three times between November 2023 and April 2024. The group’s work is reflected herein.

### **Seattle Office of Economic Development Background**

The Office of Economic Development (OED) is committed to building an inclusive economy in the City of Seattle. OED works at all levels of the local economy to support businesses and workers. Our work is guided by the five pillars of the community-driven Future of Seattle Economy Framework: investing in talent and building our workforce; supporting small business and women- and minority-owned (WMBE) businesses, building BIPOC community wealth, investing in neighborhood business districts, and growing business and key industries.

### **Cannabis Needs Assessment Overview**

OED will partner with an independent academic institution to conduct a Needs Assessment in two areas of inquiry. The first area of inquiry is to develop an equity study of the industry that includes a financial analysis component. The second area of inquiry is to determine the professional development and advancement needs of cannabis industry workers in support of social equity.

Respondents are asked to develop a report which addresses the content described below. They will be asked to present their report findings to OED and other interested parties at the conclusion of the report development process. This work needs to be completed before the end of April 2025, unless extended by mutual agreement.

### Available RFP Funding

- The available budget for this RFP is estimated to be \$160,000 through April 2025.
- There is no set minimum or maximum dollar amount that will be funded for proposals.
- Only one proposal will be awarded.
- The final amount for awarded proposal will be based on available funding and of the appropriateness of the funding level for the services proposed.
- Per Ordinance 120391, this study must be conducted by an independent academic institution.

## II. Eligibility Requirements

The Cannabis Needs Assessment shall be conducted by an independent academic institution with local expertise in identifying training needs for workers in a variety of industries, developing industry- and job-specific training, and delivering job skills programs.

Academic institutions may partner or subcontract with industry consultants or analysts in order to submit a proposal. Any partners and Subcontractors must be identified in proposal application. If an application has a subcontractor, preference shall be given to minority-owned and women-owned business enterprises (MWBE).

Applicants cannot be funded by cannabis businesses or employer associations. Awarded proposers will be expected to comply with the terms of the resultant contract. Contract terms can be found in section 13. General Terms and Requirements.

## III. Length of Contract for Awarded Proposers

Awarded proposals will have an anticipated contract term through end of April 2025, unless the services proposed by the organization(s) require less time. Prior to expiration, OED and the awarded institution may mutually agree to extend the contract and/or revise the scope of work, if needed.

## IV. Scope of Work

The desired outcome for this RFP is to conduct a review of professional advancement needs across the cannabis industry. To achieve this, we will prioritize proposals that:

- Demonstrate knowledge and experience with industry research, report writing, and workforce development systems.
- Have developed relationships with cannabis industry stakeholder groups and interests. Demonstrated knowledge of the cannabis industry.

### Joint Proposals

Institutions may submit joint proposals -- meaning two or more organizations (a prime and sub(s)) may submit a collaborative proposal. The academic institution must be the prime contractor. **Joint proposals are welcomed, but not required.** Please ensure all joint proposals comply with Section II: Eligibility Requirements.

## Report and Presentation Content

### Industry Analysis

**New Business Analysis:** Conduct an analysis of the impacts City land use policies have on new cannabis businesses. Identify policy levers related to land use and the siting of cannabis businesses that the City has the authority to change. Using GIS data that the City already possesses, conduct the following analysis:

- Identify where in Seattle new cannabis businesses can locate based on existing land use policies; and
- Identify and measure how possible policy changes related to land use would increase potential locations for future cannabis businesses.

### **Comparative Financial and Market Analysis:**

- Estimate the average start-up costs, operating costs, and revenue projections for a typical cannabis business located in Seattle and analyze how this compares to cannabis businesses located in other cities in Washington and across the country.
- Conduct an analysis of the cannabis industry in the Seattle region to estimate the degree of market saturation. Estimate the number of new cannabis businesses the Seattle market could realistically support if land use was not a limiting factor.

### Determining Equitable & Accessible Professional Development & Advancement Opportunities

Using anonymous surveys, interviews, focus groups, and other research methods, create a social equity-based analysis of the cannabis workforce in Seattle and their training needs.

- **Qualitative workforce study.** What is the state of the cannabis workforce in Seattle?
  - Demographic questions
  - Living situation questions
  - Job satisfaction
  - Career history
  - Barriers to advancement
  - Training needs
- Career pathways that exist and/or could be established for workers including and beyond owning their own establishments.
- Opportunities for advancement that exist now and opportunities we should create.
  - Understanding the needs and career aspirations for members of the cannabis industry workforce.
- What barriers exist for medical cannabis patients now? How can we reduce them?
  - What's the process to expand the qualifying conditions for obtaining a medical cannabis card?
- What can WA learn from other states' medical cannabis policy? What does certification look like in other states?
- What's the professional trajectory for people who obtain a Medical Cannabis certificate?
  - How are certification levels trending over time?
  - What are the ways the City or state could make obtaining a Medical Cannabis Certification easier?
  - What can the City do to incentivize businesses and workers to obtain medical certification (and raise standards of care)?
  - What is the relationship between medical cannabis certification and the healthcare community?
  - Could Community Health Centers connect with medical cannabis professionals?

## V. Deliverables

The awardee is responsible for the following deliverables:

- Full Report that addresses all the items delineated in Section IV Scope of Work and accompanying Executive Summary.
- Oral presentation to OED and other interested parties on the content of the research report and accompanying slide deck.

## VI. Collaboration/Communication

Collaboration and communication is important to the success of this work. Awarded proposers will be expected to:

- Attend an onboarding orientation.
- Submit monthly progress reports to the contract manager via email.
- Attending calls or meetings requested by the contract manager.
- Submit timely drafts for review and incorporate feedback into final draft.
- Develop and present all items identified in Section V. Deliverables.

## VII. RFP Questions

### RFP Questions/Addenda

Questions and communications regarding the RFP to be directed to Scott Plusquellec and Vin Valentino. You can submit communications and questions through email at [OED@seattle.gov](mailto:OED@seattle.gov). A question-and-answer document will be available to anyone who requests to see it via email, beginning one week after the proposal release date. It will also be posted to the [Seattle OED Bottom Line blog](#).

Failure to request clarification of any inadequacy, omission, or conflict will not relieve the Consultant of responsibilities under any subsequent contract. It is the responsibility of the interested Consultant to assure they receive responses to questions if any are issued.

## VIII. Proposal Materials

### Proposal Order and Checklist

Please follow the checklist below to organize the order of your proposal. Failure to provide the required information below will result in your proposal not being considered.

#### Proposal Submittal Checklist:

- Proposal cover sheet
- Project proposal
- Proposal budget

Do not include any attachments. You may include links to supplemental information in the body of your proposal.

**Please limit responses to 15 pages or less.**

## IX. Proposal Submittal Instructions and Deadlines

Proposals are due by 5:00 pm (PST), October 4, 2024, unless revised by an Addenda. Response must be submitted in Adobe PDF format.

Your proposal should include the following elements:

- Cover sheet identifying the respondent(s) and contact information
- Description of the respondent institutions and relevant research experience
- Work plan, timeline, and proposed research methodology
- Description of the deliverable(s) to be provided to OED
- Project budget and charge rate

Email Your Proposal Submission to [OED@seattle.gov](mailto:OED@seattle.gov) with the subject line: "Cannabis Industry Needs RFP."

Your submission must be sent prior to the proposal due date of **October 4, 2024, 5:00 PM PDT**. We will acknowledge receipt as soon as possible via email. We strongly recommend that you give yourself sufficient time, and **at least ONE (1) day** before the due date to ensure that your submission was received. If you have problems, call OED at 206-684-8090.

The Proposer has full responsibility to ensure the submittal arrives by the due date. Proposals delivered after the deadline will not be considered unless waived as immaterial by the City given specific fact-based circumstances.

## X. Evaluation Process

### Initial Screening

Proposals that are responsive and responsible, based on an initial review, will proceed, and be reviewed for minimum requirements, satisfactory financial responsibility and other elements.

### Proposal Evaluation

An evaluation team, comprised of public agency employees, will evaluate proposals using the criteria below. Responses will be evaluated, scored, and ranked according to scores. Respondents may, at their option, organize their proposal in accordance with the evaluation criteria below.

#### Evaluation Criteria:

Criteria	Points
Relevant Industry Research Experience	25
Proposed Research Methodology and Work Plan	15
Expertise in identifying training needs for workers in a variety of industries	25
Strength of Local Relationships	25
Project Budget & Planned Use of Funds	10
<b>TOTAL POINTS</b>	<b>100</b>

### Virtual Interviews

After the proposal evaluation, the evaluation team may decide to interview the top ranked proposers. Proposer(s) invited to interview are to only bring the key personnel named in the proposal. If interviews are conducted, they will be worth 20 additional points.

### Selection

The City shall select the highest ranked proposer(s) for award. The City reserves the right to make a final selection based on the results of proposal evaluations and interviews (if applicable).

### **Contract Negotiations**

The City may negotiate elements of the proposal with the highest ranked successful proposer as required to best meet the needs of the City, with the apparent awardee(s). The City may negotiate any aspect of the proposal or the solicitation. The City does not intend to negotiate the base contract or the terms and conditions. The City cannot modify contract provisions mandated by Federal, State or City law: Equal Benefits, Audit (Review of Vendor Records), WMBE and EEO, Confidentiality, and Debarment or mutual indemnification.

## **XI. Award and Contract Execution**

The RFP coordinator(s) will provide notice of award status to the highest ranked proposer responding to the RFP.

### **Instructions for the Apparent Awardee**

The Apparent Awardee will receive an Intent to Award Letter from the RFP Coordinator(s). The Letter will include instructions for final submittals due prior to execution of the contract.

Once the City has finalized and issued the contract for signature, the awarded Consultant must execute the contract and provide all requested documents within 10 business days unless the City extends the time. This includes attaining a Seattle Business License, payment of associated taxes due, and providing proof of insurance. If the awarded Consultant(s) fails to execute the contract with all documents within 10 days, the City may cancel the award and proceed to the next ranked awardee or cancel or reissue this solicitation. Cancellation of an award for failure to execute the Contract as attached may disqualify the awardee from future RFPs for this same work.

## **XII. General Terms and Requirements**

**The City reserves the right in its sole discretion to reject or terminate any proposal or contract that fails to comply with the terms.**

### **13.1 Registration into the Online Business Directory**

If you have not previously done so, register at: <http://www.seattle.gov/obd>. The City expects all firms to register. Women- and minority- owned firms are asked to self-identify (see section 13.23). For assistance, email [FAS\\_PC@seattle.gov](mailto:FAS_PC@seattle.gov).

### **13.2 Changes to the RFP**

The City may make changes to this RFP if, in the sole judgment of the City, the change will not compromise the City's objectives in this solicitation. Any change to this RFP will be made by formal written addendum issued by the City and shall become part of this RFP.

### **13.3 Receiving Addenda and/or Question and Answers**

It remains the obligation and responsibility of the proposer to learn of addenda, responses, or notices issued by the City. Some third-party services independently post City of Seattle solicitations on their websites. The City does not guarantee that such services have accurately provided all the information published by the City. Updates may be posted at the [Seattle OED Bottom Line blog](#)

All proposals submitted to the City may be considered compliant with or without specific confirmation from the Consultant that any and all addenda was received and incorporated into your response. However, the RFP Coordinator(s) reserve the right to reject any submittal that does not fully incorporate Addenda that is critical to the project.

### **13.4 Proposer Responsibility to Provide Full Response**

It is the proposer's responsibility to respond in a manner that does not require interpretation or clarification by the City. The proposer is to provide all requested materials, forms, and information. The proposer is to ensure the materials submitted properly and accurately reflect the proposer's offering. During scoring and evaluation (prior to

interviews if any), the City will rely upon the submitted materials and shall not accept materials from the proposer after the RFP deadline; this does not limit the City's right to consider additional information (such as references that are not provided by the proposer but are known to the City, or past City experience with the consultant), or to seek clarifications as needed.

### 13.5 Prohibited Contacts

Proposers shall not interfere in any way to discourage other potential and/or prospective proposers from proposing or considering a proposal process. Prohibited contacts includes but is not limited to any contact, whether direct or indirect (i.e., in writing, by phone, email or other, and by the proposer or another person acting on behalf of the proposer) to a likely firm or individual that may discourage or limit competition. If such activity is evidenced to the satisfaction and in sole discretion of the City department, the proposer that initiates such contacts may be rejected from the process.

### 13.6 License and Business Tax Requirements

The awarded Consultant must meet all applicable licensing requirements immediately after contract award or the City may reject the Consultant. Companies must license, report, and pay revenue taxes for the Washington State business License (UBI#) and Seattle Business License, if required by law. Carefully consider those costs before submitting an offer, as the City will not separately pay or reimburse such costs.

#### Seattle Business Licensing and associated taxes.

- a. If you have a "physical nexus" in the city, you must obtain a Seattle Business license and pay all taxes due before the Contract can be signed.
- b. A "physical nexus" means you have physical presence, such as: a building/facility/employee(s) in Seattle, you make sales trips into Seattle, your own company drives into Seattle for product deliveries, and/or you conduct service work in Seattle (repair, installation, service, maintenance work, on-site consulting, etc.).
- c. We provide a Consultant Questionnaire Form in our submittal package items later in this RFP/RFQ, and it will ask you to specify if you have "physical nexus".
- d. All costs for any licenses, permits and Seattle Business License taxes owed shall be borne by the Consultant and not charged separately to the City.
- e. The apparent successful Consultant(s) must immediately obtain the license and ensure all City taxes are current, unless exempted by City Code due to reasons such as no physical nexus. Failure to do so will cause rejection of the submittal.
- f. The City of Seattle Application for a Business License and additional licensing information can be found this page here: [Business Licenses - City Finance | seattle.gov](#)
- g. You can find Business License Application help here: [Business Taxes & Licenses - City Finance | seattle.gov](#)
- h. Self-Filing You can pay your license and taxes on-line using a credit card [Customer Service - City Finance | seattle.gov](#)
- i. For Questions and Assistance, call the Revenue and Consumer Protection (RCP) office which issues business licenses and enforces licensing requirements. The general e-mail is [rca@seattle.gov](mailto:rca@seattle.gov). The main phone is 206-684-8484.
- j. The licensing website is <http://www.seattle.gov/licenses>
- k. The City of Seattle website allows you to apply and pay on-line with a Credit Card if you choose.
- l. If a business has extraordinary balances due on their account that would cause undue hardship to the business, the business can contact the License and Tax Administration office at [tax@seattle.gov](mailto:tax@seattle.gov) to request additional assistance.
- m. Those holding a City of Seattle Business license may be required to report and pay revenue taxes to the City. Such costs should be carefully considered by the Consultant prior to submitting your offer. When allowed by City ordinance, the City will have the right to retain amounts due at the conclusion of a contract by withholding from final invoice payments.

### 13.7 State Business Licensing

Before the contract is signed, you must have a State of Washington business license (a "Unified Business Identifier" known as a UBI#). If the State of Washington has exempted your business from State licensing (some foreign companies are exempt and sometimes, the State waives licensing because the company has no physical presence in



the State), then submit proof of that exemption to the City. All costs for any licenses, permits and associated tax payments due to the State because of licensing shall be borne by the Consultant and not charged separately to the

City. Instructions and applications are at <http://bls.dor.wa.gov/file.aspx> and the State of Washington Department of Revenue is available at 1-800-647-7706.

### **13.8 Federal Excise Tax**

The City is exempt from Federal Excise Tax. (Certificate of Registry #9173 0099K exempts the City).

### **13.9 Paid Sick Time and Safe Time Ordinance**

Be aware that the City has a Paid Sick Time and Safe Time ordinance that requires companies to provide employees who work more than 240 hours within a year inside Seattle, with accrued paid sick and paid safe time for use when an employee or a family member needs time off from work due to illness or a critical safety issue. The ordinance applies to employers, regardless of where they are located, with more than four full-time equivalent employees. This is in addition and additive to benefits a worker receives under prevailing wages per WAC 296-127-014(4). City contract specialists may audit payroll records or interview workers as needed to ensure compliance to the ordinance. Please see <http://www.seattle.gov/laborstandards>, or may call the Office of Labor Standards at 206.684.4500 with questions.

### **13.10 No Guaranteed Utilization**

The City does not guarantee utilization of any contract(s) awarded through this RFP process. The solicitation may provide estimates of utilization; such information is for Consultant convenience and not a usage guarantee. The City reserves the right to issue multiple or partial awards, and/or to order work based on City needs. The City may turn to other appropriate contract sources or supplemental contracts to obtain these same or similar services. The City may re-solicit for new additions to the Consultant pool. Use of such supplemental contracts does not limit the right of the City to terminate existing contracts for convenience or cause.

### **13.11 Expansion Clause**

The contract limits expansion of scope and new work not expressly provided for within the RFP. Expansion for New Work (work not specified within the original Scope of Work Section of this Agreement, and/or not specified in the original RFP as intended work for the Agreement) must comply with the following:

(a) New Work is not reasonable to solicit separately; (b) is for reasonable purpose; (c) was not reasonably known by the City or Consultant at time of solicitation or was mentioned as a possibility in the solicitation (i.e. future phases of work, or a change in law); (d) is not significant enough to be regarded as an independent body of work; (e) would not attract a different field of competition; and (f) does not change the identity or purpose of the Agreement.

The City may make exceptions for immaterial changes, emergency or sole source conditions, or other situations required in City opinion. Certain changes are not subject to these limitations, such as additional phases of Work anticipated during solicitation, time extensions, and Work Orders issued on an On-Call contract. Expansion must be mutually agreed and issued by the City through written Addenda. New Work performed before an authorizing Amendment may not be eligible for payment. The City reserves the right to independently solicit and award any New Work to another firm when deemed appropriate or required by City policy.

### **13.12 Negotiations.**

The City may open discussions with the apparent successful Proposer, to negotiate modifications to align the proposal or contract to meet City needs within the scope sought by the solicitation.

### **13.13 Effective Dates of Offer**

Solicitation responses are valid until the City completes award. Should any proposer object to this condition, the proposer must object prior to the Q&A deadline on page 1.

### **13.14 Cost of Preparing Proposals**

The City is not liable for costs incurred by the proposer to prepare, submit and present proposals, interviews and/or demonstrations.

### **13.15 Readability**

The City's ability to evaluate proposals is influenced by the organization, detail, comprehensive material, and readable format of the response.

### **13.16 Errors in Proposals**

Proposers are responsible for errors and omissions in their proposals. No error or omission shall diminish the proposer's obligations to the City.

### **13.17 Rejection of Proposals**

The City may reject any or all proposals with no penalty. The City may waive immaterial defects and minor irregularities in any submitted proposal.

### **13.18 Incorporation of RFP and Proposal in Contract**

This RFP and proposer's response, including promises, warranties, commitments, and representations made in the successful proposal once accepted by the City, are binding and incorporated by reference in the City's contract with the Proposer.

### **13.19 Independent Contractor**

The Consultant works as an independent contractor. The City will provide appropriate contract management, but that does not constitute a supervisory relationship to the Consultant. Consultant workers are prohibited from supervising City employees or from direct supervision by a City employee. Prohibited supervision tasks include conducting a City of Seattle Employee Performance Evaluation, preparing and/or approving a City of Seattle timesheet, administering employee discipline, and similar supervisory actions.

Contract workers shall not be given City office space unless expressly provided for below, and in no case shall such space be provided for over 36 months without specific authorization from the City.

The City will not provide space in City offices for performance of this work. Consultants will perform most work from their own office space or the field.

### **13.20 Equal Benefits**

Seattle Municipal Code Chapter 20.45 (SMC 20.45) requires consideration of whether proposers provide health and benefits that are the same or equivalent to the domestic partners of employees as to spouses of employees, and of their dependents and family members. The Consultant Questionnaire requested in the Submittal instructions includes materials to designate your equal benefits status.

### **13.21 Women and Minority Subcontracting**

Consistent with SMC 20.42, Proposers shall use good faith efforts to promote and seek maximum utilization of woman and minority businesses for any subcontracting within the contract scope of work. A woman or minority business is one that self-identifies to be at least 51% owned by a woman and/or minority. Such firms do not have to be certified by the State of Washington but must be registered in the City Online Business Directory. Efforts may include use of solicitation lists, advertisements in minority community publications, breaking requirements into tasks or quantities that promote WMBE utilization, making schedule or requirement modifications likely to assist WMBE firms, targeted recruitment, using minority community and public organizations to perform outreach.

### **13.22 Insurance Requirement**

Any special insurance requirements are outlined in the Insurance Transmittal Form provided in section 13.37. Proof of insurance and additional insured endorsement policy language must be provided to the City before Contract execution. Consultants are encouraged to immediately contact their Broker to begin preparation of the required insurance documents, if the Consultant is selected as a finalist. Proposers may elect to provide the requested insurance documents within their Proposal.

### **13.23 Proprietary Materials**

*The State of Washington's Public Records Act (Release/Disclosure of Public Records): Under Washington State Law (reference RCW Chapter 42.56, the Public Records Act) all materials received or created by the City of Seattle are considered public records. These records include but are not limited to bid or proposal submittals, agreement documents, contract work product, or other bid material.*

The State of Washington's Public Records Act requires that public records must be promptly disclosed by the City upon request unless that RCW or another Washington State statute specifically exempts records from disclosure. Exemptions are narrow and explicit and are listed in Washington State Law (Reference RCW 42.56 and RCW 19.108).

Bidders/proposers must be familiar with the Washington State Public Records Act and the limits of record disclosure exemptions. For more information, visit the Washington State Legislature's website at <http://app.leg.wa.gov/rcw/default.aspx?cite=42.56>.

If you have any questions about disclosure of the records you submit with your bid, contact the Procurement Contact named in this document.

#### ***Marking Your Records Exempt from Disclosure (Protected, Confidential, or Proprietary)***

As mentioned above, all City of Seattle offices ("the City") are required to promptly make public records available upon request. However, under Washington State Law some records or portions of records are considered legally exempt from disclosure and can be withheld. A list and description of records identified as exempt by the Public Records Act can be found in RCW 42.56 and RCW 19.108.

If you believe any of the records you are submitting to the City as part of your bid/proposal or contract work products, are exempt from disclosure you can request that they not be released before you receive notification. To do so you must complete the City Non-Disclosure Request Form ("the Form") provided by the City (see page 4 on the Consultant Questionnaire) and very clearly and specifically identify each record and the exemption(s) that may apply. (If you are awarded a City contract, the same exemption designation will carry forward to the contract records).

The City will not withhold materials from disclosure simply because you mark them with a document header or footer, page stamp, or a generic statement that a document is non-disclosable, exempt, confidential, proprietary, or protected. Do not identify an entire page as exempt unless each sentence is within the exemption scope; instead, identify paragraphs or sentences that meet the specific exemption criteria you cite on the Form. Only the specific records or portions of records properly listed on the Form will be protected and withheld for notice. All other records will be considered fully disclosable upon request.

If the City receives a public disclosure request for any records you have properly and specifically listed on the Form, the City will notify you in writing of the request and will postpone disclosure. While it is not a legal obligation, the City, as a courtesy, will allow you up to ten business days to file a court injunction to prevent the City from releasing the records (reference RCW 42.56.540). If you fail to obtain a Court order within the ten days, the City may release the documents.

The City will not assert an exemption from disclosure on your behalf. If you believe a record(s) is exempt from disclosure you are obligated to clearly identify it as such on the Form and submit it with your solicitation. Should a public record request be submitted to Purchasing for that record(s), you can then seek an injunction under RCW 42.56 to prevent release. By submitting a bid document, the bidder acknowledges this obligation; the proposer also acknowledges that the City will have no obligation or liability to the proposer if the records are disclosed.

## **Requesting Disclosure of Public Records**

The City asks bidders and their companies to refrain from requesting public disclosure of bids until an intention to award is announced. This measure is intended to protect the integrity of the solicitation process particularly during the evaluation and selection process or in the event of a cancellation or re-solicitation. With this preference stated, the City will continue to be responsive to all requests for disclosure of public records as required by State Law. If you do wish to make a request for records, visit <https://www.seattle.gov/public-records/public-records-request-center>.

### **13.24 Ethics Code**

Familiarize yourself with the City Ethics code: <http://www.seattle.gov/ethics/ethics>. For an in-depth explanation of the City's Ethics Code for Contractors, Vendors, Customers and Clients, visit: <http://www.seattle.gov/ethics/ethics/frequently-asked-questions>. Any questions should be addressed to Seattle Ethics and Elections Commission at 206-684-8500.

### **No Gifts and Gratuities**

Consultants shall not directly or indirectly offer anything (such as retainers, loans, entertainment, favors, gifts, tickets, trips, bonuses, donations, special discounts, work, or meals) to any City employee, volunteer or official, if it is intended or may appear to a reasonable person to be intended to obtain or give special consideration to the Consultant. An example of this is giving sporting event tickets to a City employee who is also on the evaluation team of a solicitation to which you submitted or intend to submit. The definition of what a "benefit" would be is broad and could include not only awarding a contract but also the administration of the contract or evaluating contract performance. The rule works both ways, as it also prohibits City employees from soliciting items from Consultants.

### **Involvement of Current and Former City Employees**

The Consultant Questionnaire within your submittal documents prompts you to disclose any current or former City employees, official or volunteer that is working or assisting on solicitation of City business or on completion of an awarded contract. Update that information during the contract.

### **Contract Workers with over 1,000 Hours**

The Ethics Code applies to Consultant workers that perform over 1,000 cumulative hours on any City contract during any 12-month period. Any such employee must abide by the City Ethics Code. The Consultant is to be aware and familiar with the Ethics Code accordingly.

### **No Conflict of Interest**

Consultant (including officer, director, trustee, partner or employee) must not have a business interest or a close family or domestic relationship with any City official, officer or employee who was, is, or will be involved in selection, negotiation, drafting, signing, administration or evaluating Consultant performance. The City shall make sole determination as to compliance.

### **Campaign Contributions (Initiative Measure No. 122)**

Elected officials and candidates are prohibited from accepting or soliciting campaign contributions from anyone having at least \$250,000 in contracts with the City in the last two years or who has paid at least \$5,000 in the last 12 months to lobby the City. See Initiative 122 or call the Ethics Director with questions.

### **13.25 Background Checks and Immigrant Status**

Background checks will not be required for workers that will be performing the work under this contract. The City has strict policies regarding the use of Background checks, criminal checks, immigrant status, and/or religious affiliation for contract workers. The policies are incorporated into the contract and available for viewing on-line at <http://www.seattle.gov/purchasing-and-contracting/social-equity/background-checks>.

### **13.26 Notification Requirements for Federal Immigration Enforcement Activities**

Prior to responding to any requests from an employee or agent of any federal immigration agency including the Immigration and Customs Enforcement (ICE), the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI), Enforcement Removal Operations (ERO), Customs and Border Protection (CBP), and U.S.

Citizenship and Immigration Services (USCIS) regarding your City contract, Consultants shall notify the Project Manager immediately.

Such requests include, but are not limited to: requests for access to non-public areas in City buildings and venues (i.e., areas not open to the public such as staff work areas that require card key access and other areas designated as “private” or “employee only”); or requests for data or information (written or oral) about workers engaged in the work of this contract or City employees.

No access or information shall be provided without prior review and consent of the City. The Consultant shall request the ICE authority to wait until the Project Manager is able to verify the credentials and authority of the ICE agent and will direct the Consultant on how to proceed.

### **13.27 References**

The City may contact one or more references. The City may use references named or not named by the Proposer. The City may also consider the results of performance evaluations issued by the City on past projects.

### **13.28 Right to Award to next ranked Proposer**

If a contract is executed resulting from this solicitation and is terminated within 90-days, the City may return to the solicitation process to award to the next highest ranked responsive proposer by mutual agreement with such proposer. New awards thereafter are also extended this right.

### **13.29 Repeat of Evaluation**

If no Consultant is selected at the conclusion of all the steps, the City may return to any step in the process to repeat the evaluation with those proposals active at that step. The City shall then sequentially step through all remaining steps as if conducting a new evaluation process. The City reserves the right to terminate the process if no proposals meet its requirements.

### **13.30 Protests**

Interested parties that wish to protest any aspect of this RFP selection process shall provide written notice to the RFP Coordinator(s). Note the City shall notify Federal Transit Administration if protesting a solicitation for contracts with FTA funds.

### **13.31 Protests – Purchasing and Contracting**

The City has rules to govern the rights and obligations of interested parties that desire to submit a complaint or protest to this process. See the City website at <https://www.seattle.gov/purchasing-and-contracting/doing-business-with-the-city/solicitation-and-selection-protest-protocols>. Interested parties have the obligation to know of and understand these rules, and to seek clarification from the City. Note there are time limits on protests, and submitters have final responsibility to learn of results in sufficient time for such protests to be filed in a timely manner.

### **13.32 Debriefs**

For a debrief, contact OED at [OED@seattle.gov](mailto:OED@seattle.gov) or 206-684-8090.

### **13.35 Checklist of Final Submittals Prior to Award**

The Consultant(s) should anticipate the Award Letter will require at least the following. Consultants are encouraged to prepare these documents, when possible, to eliminate risks of late compliance.

- Seattle Business License is current and all taxes due have been paid.
- State of Washington Business License.
- Evidence of Insurance (if required)
- Special Licenses (if any)

### **13.36 Taxpayer Identification Number and W-9**

Unless the Consultant has already submitted a Taxpayer Identification Number and Certification Request Form (W-9) to the City, the Consultant must execute and submit this form prior to the contract execution date.  
<http://www.irs.gov/pub/irs-pdf/fw9.pdf>.



