



STATE OF WASHINGTON
Department of Ecology
Lacey, Washington

REQUEST FOR QUALIFICATIONS
RFQ NUMBER ECY RFQ 0912

RESPONSE TITLE: Sampling Observer for the Electronic Products Recycling Program

ELIGIBILITY: This request is open to those Respondents that satisfy the minimum qualifications stated in this RFQ.

PROPOSAL DUE DATE: Ecology will consider responses to this RFQ on an ongoing basis beginning December 1, 2008.

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1. INTRODUCTION

1.1 PURPOSE AND BACKGROUND

The Washington State Department of Ecology, referenced as "Ecology," is initiating this Request for Qualifications (RFQ) to solicit observers of sampling procedures conducted in support of the State of Washington's Electronic Products Recycling program.

Washington's Electronic Product Recycling Law (RCW 70.95N), passed in 2006, requires consumer electronics manufacturers to implement and finance the collection, transportation, and recycling of covered electronic products (CEPs) in Washington State. CEPs include televisions, monitors, desktop computers, and laptop computers.

Manufacturers meet this obligation by participating in a recycling plan approved by Ecology. The Electronic Product Recycling Law directs each recycling plan to "implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year." The sampling process will be used to allocate administrative and operational costs associated with the recycling of CEPs among recycling plans.

The Electronic Product Recycling Rule (Chapter 173-900 WAC) specifies that sampling must be conducted in the presence of a third-party observer approved by Ecology. Ecology will create a list of approved third parties. A recycling plan must engage one or more of these third parties on a contractual basis when conducting sampling to meet this requirement.

1.2 DEFINITIONS

Definitions for the purposes of this solicitation include:

Third-Party Observer – An individual or company that is contractually and otherwise independent of: all manufacturers of electronic products, all processors or recyclers of electronics, and all organizations involved in the administration or operation of electronic product recycling plans in the state of Washington.

Respondent – Individual or company submitting a request to be listed on the approved third-party observer list.

Ecology – The Department of Ecology is the agency of the state of Washington that is issuing this solicitation.

Response – A formal request for consideration by Ecology submitted in response to this solicitation.

1.3 SERVICES

Services performed by sampling observers include:

- Receipt of sampling instructions provided by Ecology.
- Maintenance of a sampling log for each day of observed sampling.

- Notification of processor twenty-four hours prior to the day when sampling will occur at the processor's facility.
- Verification that the sampling method in WAC 173-900-900 and the sampling instructions provided by Ecology are followed during the sampling event.
- Submission of sampling data and sampling logs to Ecology.

Between 10 and 60 sampling events will occur annually on a schedule determined by Ecology. Sampling events may occur outside of the state of Washington.

1.4 APPROVED THIRD-PARTY OBSERVER LIST

Respondents who are qualified under this RFQ will appear on the "Approved Third-Party Observer List" maintained on Ecology's web site:

<http://www.ecy.wa.gov/programs/swfa/eproductrecycle/index.html>

Ecology will consider responses to this RFQ for inclusion on the Approved Third-Party Observer List on a rolling basis beginning December 1, 2008.

Respondents who are qualified under this RFQ do not enter into a contractual arrangement with Ecology. Qualification under this RFQ does not constitute an agreement between Ecology and the Respondent, and shall in no way be interpreted as an endorsement of the Respondent. Respondents who meet the qualifications will be placed on a list from which they may be selected to be a third-party observer. However, qualification under this RFQ does not guarantee that any recycling plan will enter into a contractual arrangement with the Respondent.

1.5 MINIMUM QUALIFICATIONS

The Respondent must demonstrate:

- A. Knowledge of fundamental concepts of statistics and sample design, attained through post-secondary coursework or experience.
- B. Familiarity with the structure and purpose of Washington's Electronic Product Recycling Rules, particularly WAC 173-900-900. In your own words provide a description of the duties of a Third-Party Observer (maximum of one page).

2. GENERAL INFORMATION FOR RESPONDENTS

2.1 RFQ COORDINATOR

The RFQ Coordinator is the sole point of contact in Ecology for this solicitation. All communication between the Respondent and Ecology upon receipt of this RFQ shall be with the RFQ Coordinator, as follows:

Name	Miles Kuntz
Address	PO Box 47600
City, State, Zip Code	Olympia, WA 98504-7600
Phone Number	(360) 407-7157
E-Mail Address	miku461@ecy.wa.gov

Any other communication will be considered unofficial and non-binding on Ecology. Respondents are to rely on written statements issued by the RFQ Coordinator.

2.2 SUBMISSION OF RESPONSES

Responses must be submitted in hard copy or electronically. Responses shall not be transmitted via facsimile. Submit hard copy response with two (2) copies. One (1) copy must have original signatures and second copy can have photocopied signatures. The submittals are to be sent to the RFQ Coordinator at the address noted in Section 2.1 of this solicitation.

If submitting the response electronically, the response must be submitted as a WORD document and as an attachment to an e-mail to the RFQ Coordinator, see Section 2.1. Ecology does not assume responsibility for any problems in the e-mail system(s).

Responses must be submitted or be printable on eight and one-half by eleven (8½ x 11) inch paper.

2.3 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

Materials submitted in response to this solicitation shall become the property of Ecology. Responses shall be deemed public records as defined in RCW 42.17.250 to 42.17.340, "Public Records."

Any information in the response that the Respondent desires to claim as proprietary and exempt from disclosure under the provisions of RCW 42.17.250 to 42.17.340 must be clearly designated. Ecology will consider the request for exemption from disclosure. Marking the entire response exempt from disclosure will not be honored.

2.4 REVISIONS TO THE SOLICITATION

In the event it becomes necessary to revise any part of this solicitation, addenda will be published on Ecology's web site at:

<http://www.ecy.wa.gov/services/contract/contract.html>

2.5 SCORING THE RESPONSES

The following points will be assigned to the response for evaluation purposes:

A. Respondent's knowledge of statistics and sampling, education, and experience	70 points
B. Description of the duties of the third-party observer provided by the Respondent	30 points
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TOTAL POSSIBLE POINTS	100 points

2.6 NOTIFICATION TO RESPONDENTS

Respondents with a score of 75 points or greater will be placed on the "Approved Third-Party Observer List."

Respondents with a score of less than 75 points will be notified via e-mail that they did not meet the minimum qualifications.

2.7 DEBRIEFING OF UNSUCCESSFUL RESPONDENTS

Upon request, a debriefing conference will be scheduled with an unsuccessful Respondent. The request for a debriefing conference must be received by the RFQ Coordinator within three (3) business days after the Respondent is notified that they did not meet the minimum qualifications. The debriefing must be held within five (5) business days of the request.

Discussion will be limited to a critique of the Respondent's proposal. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one-half (1/2) hour.

2.8 PROTEST PROCEDURE

This procedure is available to Respondents who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Respondent is allowed three (3) business days to file a protest of Ecology's determination with the RFQ Coordinator.

Respondents protesting Ecology's determination shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Respondents under this solicitation.

All protests must be in writing and signed by the protesting party or an authorized Agent. The protest must state the grounds for the protest with specific facts and complete statements of the action(s) being protested. A description of the relief or corrective action being requested must also be included. All protests shall be addressed to the RFQ Coordinator.

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.
- Ecology failed to follow procedures establish in the solicitation.

Protests not based on procedural matters will not be considered.

Upon receipt of a protest, a protest review will be held by Ecology. Ecology Director or an employee delegated by the Director who was not involved in the solicitation will consider the record and all available facts and 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.

The final determination of the protest shall:

- Find the protest lacking in merit and uphold Ecology's action; or
- Find only technical or harmless errors in Ecology's acquisition process and determine Ecology to be in substantial compliance and reject the protest; or
- Find merit in the protest and provide Ecology options which may include:
 - –Correct the errors and re-evaluate all responses, and/or
 - –Reissue the solicitation document and begin a new process, or
 - –Make other findings and determine other courses of action as appropriate.

If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

2.9 COSTS TO RESPOND

Ecology will not be liable for any costs incurred by the Respondent in preparation of a response to this RFQ, in conduct of a presentation, or any other activities related to responding to this RFQ.

2.10 ADA

Ecology complies with the Americans with Disabilities Act (ADA). Respondents may contact the RFQ Coordinator to receive this Request for Qualifications on tape or in another format.

2.11 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). However, no preference will be included in the evaluation of responses. Respondents may contact OMWBE at 360/753-9693 to obtain information on certified firms.

2.12 REJECTION OF PROPOSALS

Ecology reserves the right at its sole discretion to reject any and all responses to this RFQ without penalty.

3. RESPONSE CONTENTS

3.1 LETTER OF SUBMITTAL

The Letter of Submittal must be signed and dated by a person authorized to legally bind the Respondent 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 Respondent and any proposed subcontractors:

1. Name, address, principal place of business, telephone number, and fax number/email address of legal entity or individual with whom a 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 Respondent (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 (if available).
5. Location of the facility from which the Respondent would operate.

3.2 STATEMENT OF QUALIFICATIONS

The Statement of Qualifications should address the minimum qualifications enumerated in Section 1.5. Please include the date, institution, and course title of any post-secondary coursework substantially related to the minimum qualifications for this solicitation.