



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
P.O. Box 45010, Olympia, Washington 98504-5010

March 1, 2016

Sariney Mourng
Cayzen Technologies
4317 Sixth Avenue SE, Suite 203
Lacey, WA 98503

**RE: Response to Complaint and Amendment #2 regarding DSHS
RFQQ #1623-583 Child Welfare Caseworker and Foster Parent
Mobile Applications**

Dear Sariney Mourng:

The Department of Social and Health Services ("Department" or "DSHS") received your complaint in connection with the above RFQQ on February 26, 2016.

The deadline for receipt of complaints set forth in the RFQQ was 2:00 p.m. Pacific Time. We received your complaint at 3:28 p.m. Pacific Time – past the deadline required for submissions. Due to the lateness of your complaint, we are not required to respond under the terms of the RFQQ. Nevertheless, we have elected to do so because the Department takes very seriously concerns regarding the fairness and openness of our procurement processes. We strive always to ensure that our procurement processes are fair, open and transparent.

You state that the Department's requirement for experience developing mobile applications "for a Human Services Governmental entity, specifically for Child Welfare entities," is "limiting the number of vendors who can response to this RFQQ" and that this "suggests that DSHS might already has a vendor in mind with this particular experience."

The specific qualification you object to is set forth in *Section A.4* of the RFQQ, which requires that bidders must have "[t]hree (3) years of experience with developing mobile applications **for a Health and Human Services governmental entity, specifically for Child Welfare entities** with both Apple and Android platforms." (Emphasis added.) You have asked that the Department strike the requirement for experience with a "Human Services governmental entity, specifically for Child Welfare entities."

Sariney Mourng, page 2
March 1, 2016

I have discussed with the DSHS program its reason for including this particular type of experience as a requirement. The DSHS program seeking these services has legitimate concerns regarding the amount of time, resources and costs associated with educating an inexperienced vendor about the many specific operational concerns and requirements that attend the child welfare mission. The ultimate success of the project to create specific mobile applications for use within a child-welfare setting will depend in part upon the chosen vendor's level of understanding of certain aspects of their programs and operations. At the same time, the program has been tasked with completing this project within a very short time-frame. The DSHS program managers felt that these concerns could be best addressed by requiring significant prior experience in the child welfare context.

I did not find any evidence to support your suggestion that this requirement was included, as you alleged, because "DSHS might already has a vendor in mind with this particular experience." However, I do find that the requirement for experience in this particular setting constitutes a higher level of restriction on participation in the competitive solicitation process than is strictly necessary to meet DSHS's objectives.

Rather than make the requirement for this particular experience a mandatory minimum qualification, we could have evaluated the extent of bidders' experience as a scored element of the procurement by asking bidders to describe their particular experience working in the child-welfare setting. This would allow the procurement to remain more competitively open while still ensuring DSHS was informed regarding each bidder's specific, relevant experience. By including such experience as a scored element rather than a minimum qualification, DSHS could still take each bidder's level of experience in the child-welfare setting into account in its selection of an Apparent Successful Bidder and award of the contract.

Therefore, DSHS is modifying the RFQQ in this manner to address the concerns regarding fair and open competition as stated in your complaint. Please carefully review Amendment #2 to the RFQQ.

Please also note that although we have elected to respond to your complaint despite it being received past the due date for submission, we will not accord similar latitude to bidders when it comes to submission of bids. The deadline for receipt of bids is absolute and your bid will not be evaluated or receive any consideration if it is received past the deadline for receipt.

Thank you for bringing your concerns to our attention.

Sincerely,



Monika Vasil, Chief
Central Contracts and Legal Services
Operations Support and Services Division
Department of Social and Health Services