



Meeting on revisions to Supplier Diversity Policy and Handbook

Pre-meeting questions

July 30, 2024 questions asked during registration

1. Question: How do we know what parts of the policy are mandatory, and what parts are guidance?

DES Response: Thank you for this question. All parts of the Supplier Diversity Policy document are required. However, regarding the Handbook (SDPH), we specifically created [Checklists 1 and 2](#) to answer this question:

Checklist 1: For Cabinet Agencies

This checklist is for all cabinet agencies and those that have accepted the invitation to follow the [Executive Order 22-01, Equity in Public Contracting](#). Full compliance also requires adherence to the Supplier Diversity Policy.



Checklist 1 for Cabinet Agencies.docx
160.5 KB



Checklist 2: For All Other Agencies

This checklist is required for all other agencies not subjected to Executive Order 22-01.



Checklist 2 All Other Agencies.docx
154.4 KB



The Checklists contain all the items that are mandatory. All other parts of the Handbook are considered guidance.

2. Question: How are complex or high-risk procurements defined?

DES Response: The definition has been updated as part of the updates to the Policy and Handbook (see red text).

Complex solicitations are now defined in the Glossary as follows:

- i. Solicitations resulting in contracts with a value of \$500,000 or more; or
- ii. **(For IT contracts only)** Solicitations resulting in contracts with a duration of longer than **six** months; or



Meeting on revisions to Supplier Diversity Policy and Handbook

Pre-meeting questions

- iii. *Solicitations that could result in multiple-awarded contracts; or*
- iv. *Solicitations in which an agency is aware that more than 50% of the cost of a resulting contract will be distributed amongst multiple subcontractors; or*
- v. *Solicitations in which a Statement of Work contains technical language (not easily understood by the average reader, and/or requires technical awareness to understand what the State wants from the vendor), the specification is difficult to understand, or is an innovative or specialized product or service.*

NOTE: The definition in section C5- Pre-Bid Conferences is not correct and will be edited in the next revision.

3. Question: Would you consider adding categories for LGBTQ+ owned businesses and businesses owned by disabled persons?

DES Response: No. Under the current legal framework in Washington State, we cannot include any categories based on a protected class. The United States Equal Opportunity Commission has taken the position that LGBTQ people are protected under Title VII. Similarly, the Americans with Disability Act prohibits discrimination against a person based on their disability. Therefore, neither protected class can be added at this time.

4. Question: Are there changes to legislation or another disparity study coming through?

DES Response: We have not heard about new legislation as yet. As to disparity studies, it appears that WSDOT will conduct a new study.

5. Question: What is included in bid award documents?

DES Response: Agencies are required to publicly post awarded bids and bid award documents for each competitive procurement after award is made and makes other bids available by request. This includes the awarded bid(s) and bid tabulation document, at a minimum. Other documents could include any documentation supporting the award of the contract, such as a memo to file, etc.

If the bid award documents include confidential material, the agency shall follow the rules for public disclosure and may want to consult with its assigned assistant attorney general.

6. Question: How can we be sure we're doing this correctly, and what are the consequences if we don't get it right?



Meeting on revisions to Supplier Diversity Policy and Handbook

Pre-meeting questions

DES Response: The DES Policy Team is always available to address compliance questions. Agency compliance will be assessed during the Procurement Risk Assessment process.

7. Question: Why were these current changes made?

DES Response: Stakeholder feedback identified areas that were either vague, or missing important information, or needed better explanations. These revisions were designed to address these concerns.

8. Question: Is DES open to further requests for changes/revisions?

DES Response: Yes. Our current practice will continue: we gather feedback for five-six months and then provide responses in writing on our web site, and in meetings such as the current one. Thus, practitioners should anticipate revisions approximately twice a year.

9. Question: Are federal contracts exempt from the SDP?

DES Response: It depends. Agencies are responsible for confirming whether a procurement is funded (in part or fully) by the federal government and, if so, whether the Supplier Diversity Policy would jeopardize the federal funding. If the federal funding would be jeopardized, then the Supplier Diversity Policy and Handbook do not apply. Please document this decision point in your contract file to explain why this exception applies to the procurement.

10. Question: What are the specific changes to the handbook?

DES Response: These are provided in the new section, [Handbook Updates](#), which contains a list of revisions, as well as a redline version of the previous Handbook.