

#	Feedback Category	Feedback Subcategory	Policy Comment #	Feedback Source	Feedback Source	Feedback	DES Response (to be completed by DES)
	(Choose a policy from the drop down menu)	(Choose a policy subcategory from the drop down menu)	If applicable, please enter the comment number	Name	Organization/Vendor Compay Name	What improvements, likes, and/or proposed edits would you like to share with DES?	
26	Procurement Bonds	Policy	Policy	Jackie Bayne	Washington State Department of Transportation	WSDOT is currently performing a statewide study on Bonding. I would recommend not issuing formal guidance on bonding until this study is complete (December 2020). We have shared the draft scope of work with DES, please review to ensure it does not conflict.	Thank you for this feedback. WSDOT has confirmed that their study is on construction bonds, and will not apply to goods/services contract bonds.
29	Procurement Bonds	Implementation		Anonymous Attendee		Performance bonds add about 3% to the cost of the project. The question must be asked if the elimination of risk is worth the higher cost to be borne by the taxpayers. How often does an awarded contractor not perform?	Thank you for this feedback. DES will incorporate this idea into its Bonds - Frequently Asked Questions (FAQ) document (Q&A #1). DES does not have access to statewide contractor performance data.
30	Procurement Bonds	Clarity of Policy		Mark Lyon	ATG	will the policy outline the "state procurement priorities" [slide 9, policy section: d.iii. "Does the bond hinder or further state procurement priorities"?	Thank you for this feedback. The use of the phrase "state procurement priorities" in the policy has been removed and replaced with "competition".
31	Procurement Bonds	Clarity of Policy		Cheryl Mills	Washington State Department of Labor and Industries	What is the resource used for #6 ["Responsible bidder determination"] on the slide #11?	Thank you for this feedback. DES will incorporate how to make a "responsible bidder determination" in its Bonds - Frequently Asked Questions (FAQ) document (Q&A #2).
32	Procurement Bonds	Other		Robert Armstead	redmondpartners.biz	Do bonds create barriers prohibited by the federal government as a condition for federal funding?	It depends. To the extent that federal grants do not allow the use of bonds, agencies should follow the federal guidance.
33	Procurement Bonds	Other		Philip Fecteau	eapstore.com	Is a responsible bidder determined by government jobs or all jobs done by the bidder?	Thank you for this feedback. DES will incorporate how to make a "responsible bidder determination" in its Bonds - Frequently Asked Questions (FAQ) document (Q&A #2). The responsible bidder determination also relies upon guidance that may be provided in the specific solicitation.
34	Procurement Bonds	Clarity of Policy		Darvl Huntsinger	Department of Corrections	The use of the term "Responsible Bidder" is confusing here because it's not entirely consistent with 39.26.160 which has many more factors than wage pav.	Thank you for this feedback. DES will incorporate how to make a "responsible bidder determination" in its Bonds - Frequently Asked Questions (FAQ) document (Q&A #2).
38	Procurement Bonds	Clarity of Policy		Anonymous Attendee		In the Bond policy you mention Escrow but dont outline the definition or process for escrow.	Thank you for this feedback. The definition of "escrow" is being included in the Bonds FAQ (#3). However, the process for escrow is outside the scope of this policy.
82	Procurement Bonds	Policy		Olu Agbaje	Washington State Department of Enterprise Services	Did you attempt to find out how other jurisdictions have defined them? Government Procurement-WTO may be a good source. Yes, but the financial threshold(s) should be defined.	Thank you for this feedback. Most procurement bonds in various states shared very similar language. We do note that in 2013, NASPO surveyed states about their protest bond practice and only four of 42 responding states require bonds to be posted as a part of the protest process. With regard to financial thresholds, the draft policy includes them for each bond type.
83	Procurement Bonds	Policy		Kelli Carmony	Washington State Department of Enterprise Services	Are there any existing procurement bonds in WA state, or are these completely new to Wa State Procurement?	Thank you or this feedback. State agencies have used various bonds for many years. The use of bonds was originally authorized in 1959. See Laws of 1959, ch. 178.
84	Procurement Bonds	Policy		Olu Agbaje	Washington State Department of Enterprise Services	Does Performance Bond incorporate Liquidated damages?	No. Liquidated damages are a separate mechanism for mitigating contractor non-performance, and are outside the scope of this policy.
85	Procurement Bonds	Other		Cindy Zielinski	Washington State Department of Enterprise Services	I have worked with agencies that have done bid and protest bonds dot and Ini	Thank you for this feedback.
86	Procurement Bonds	Other		Olu Agbaje	Washington State Department of Enterprise Services	Bonds are actually more applicable to construction contracts.	Thank you for this feedback.
87	Procurement Bonds	Implementation		Alexander Kenesson	Washington State Department of Enterprise Services	Is there any research on how procurement bonds will affect the ability for small businesses to protest/bid? Perhaps lower the bar for Small/Vets if we go the bond route. My two cents about bid bonds, are having a tied specific project/no pull back date as it refers to bids. Addressing that at a certain stage it isn't feasible to remove the bid without effecting the entirety of the project and I feel for higher risk, complexity and potential high revenue contracts, the bid bonds are something to help lower the risk on the Government's part.	Thank you for the feedback. We could not locate any. However, we did locate a NASPO Research Brief that observes that there is insufficient data to show that protest bonds discourage frivolous protests. In addition, we noted that Hawaii requires a \$1,000 bond for contracts valued at less than \$500,000; a \$2,000 bond for contracts valued between \$500,001 and \$1,000,000; and a bond equal to one-half per cent of the estimated contract value if that value is greater than \$1,000,000. In no event, however, may a protest bond exceed \$10,000. Also, we include consideration of small/veteran-owned businesses in the agency discretion section of the policy.
88	Procurement Bonds	Other		Anonymous Attendee	Washington State Department of Enterprise Services		Thank you for this feedback. Section #2 of the policy has incorporated this idea.
89	Procurement Bonds	Other		Ashly McBunch	Washington State Department of Enterprise Services	I agree with Olu that is the case especially with Federal Contracting.	Thank you for this feedback.
92	Procurement Bonds	Policy		Alexander Kenesson	Washington State Department of Enterprise Services	Is the DES specifically considering Protest bonds? I got this feedback from Clayton (LCS) about Procurement/Protest bonds, I know the discussion was more an in-general and not geared toward DES specific policies.  I am definitely a fan for raising the bar for Protests for the DES; but am cognizant at the problems that bonds can create, especially for small businesses.  That said it is all too easy for on a large contract to hire a team of lawyers to find something to protest on, and even if it isn't upheld, the delays and complications alone are tough.  No specific ask, but to just put it in your files for if/when DES embarks on this discussion.	Yes. See Section #3 of the policy.
118	Procurement Bonds	Other		Alexander Kenesson	DES		Thank you for this feedback.
119	Procurement Bonds	Procedure	Policy	Sal Militello	Sal Militello Inc	This is a significant burden on small business, not the bond but the process	Thank you for this feedback.
124	Procurement Bonds	Policy		DDR Procurement & Contracts Team	Dept of Revenue	There needs to be a training to go with this policy. There should be a procedure to go with this policy, and samples of RFP language for the different bond types. It would be great if DES could provide or list a couple people who are experienced using procurement bonds and would be willing to be a resource to other agency's procurement staff. Where does the 21 day solicitation timeframe come from for solicitations involving bonds?	Thank you for the great suggestions. We will work with the DES Procurement Training Team to address a training program regarding Bonds. We will work with the DES Contracts & Procurement Team to develop sample bond language. The 21 day solicitation time frame accommodates small businesses that may need additional time to secure funding.
189	Procurement Bonds	Policy		Clayton Long	DES C&P	I suggest that there be no requirement for a bond to be submitted when bidding.	Thank you for this feedback.
190	Procurement Bonds	Policy		Clayton Long	DES C&P	I suggest that a bond would only be posted if a bidder protests a bid.	Thank you for this feedback.
25	Procurement Bonds	Policy	Policy	Jackie Bayne	Washington State Department of Transportation	WSDOT is currently performing a statewide study on Bonding. I would recommend not issuing formal guidance on bonding until this study is complete (December 2020) and recommendations incorporated.	Thank you for this feedback. WSDOT has confirmed that their study is on construction bonds, and will not apply to goods/services contract bonds.