



**STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE**

**REQUEST FOR APPLICATIONS (RFA)  
RFA NO. 202526**

**PROJECT TITLE:** Homelessness Diversion Grant

**APPLICATION RESPONSE DUE DATE:** 04/10/2025

**GRANT PERIOD OF PERFORMANCE:** 07/01/2025 - 6/30/2027

**CONTRACTOR ELIGIBILITY:** This procurement is open to organizations which satisfy the minimum qualifications.

**FUNDING SOURCE AND METHOD:** Funds are authorized in the Washington state Operating Budget. Reimbursement for grant eligible expenses will be made electronically on a monthly basis.

## Introduction

### ***Purpose and Background***

The Washington State Department of Commerce hereafter called "Commerce," is initiating this Request for Applications (RFA) to solicit applications from agencies qualified and interested to administer grant funding for Homelessness Diversion services in their service area and communities.

Applicants can apply to create a NEW Diversion Program at their organization (complete NEW Program Proposal tab) OR to expand a current Diversion Program (complete EXPAND Program Proposal tab). Please only complete one of the two tabs, not both.

***What are Diversion services:*** Commerce believes that a Diversion intervention is a practical and effective way to prevent homelessness. It focuses on using problem-solving conversations and personal advocacy to help individuals and families quickly find safe solutions to their housing crisis. During these conversations, providers work with households to explore their current situation and identify realistic housing options within their personal networks and available resources. By addressing the issue early, diversion helps resolve housing crises efficiently and keeps people safely housed.

***Who can Diversion services help:*** A homelessness Diversion Program provides low barrier, trauma-informed, and culturally responsive services and is designed to help individuals and families at risk of homelessness by providing support and alternatives to emergency shelter placements if and when possible. The program assists people facing eviction, living in unsafe or overcrowded conditions, or experiencing housing crises due to financial hardship, health issues, or other circumstances.

### ***What are the minimum qualifications of applicant organizations to become a grantee and deliver Diversion services?***

Applicants must meet the minimum qualifications, which include:

- Licensed to do business in Washington or submit a statement of commitment that it will become licensed in Washington within thirty (30) calendar days of being selected.
- Be a nonprofit organization or Tribal government.
- Have at least 1 year of experience in serving individuals and families experiencing homelessness, or imminently homeless or at risk of homelessness.
- Provide services to one or more of the following groups or communities that have a demonstrated disproportionate representation in homelessness, housing instability and housing affordability:
  - o Black, Indigenous, and People of Color (BIPOC), including people identified as socially disadvantaged as defined in 13 CFR Sec. 124.103.
  - o People with disabilities
  - o People who are deaf
  - o People with behavioral health conditions, including substance use disorder
  - o People who identify as LGBTQIA+
  - o Survivors of family violence and/or intimate partner violence
  - o Incarcerated and formerly incarcerated individuals
  - o Undocumented individuals, immigrants and refugees, and mixed-immigration status families and communities.

Applications which do not clearly meet or exceed these minimum qualifications will be rejected as non-responsive and will not receive further consideration. Any Application that is rejected as non-responsive will not be evaluated or scored.

### ***How much funding is available?***

Funding for the Homeless Diversion Program comes from state general funds and Commerce is anticipating a total budget of \$2 million for the 2025-2027 state biennium. Commerce estimates awarding between 5-7 grants with an average award of \$140,000 for each fiscal year.

***What is the grant period?***

The grant period is tentatively scheduled to begin on or about 07/01/2025 and to end on 06/30/2027. Commerce reserves the option at its sole discretion to extend the grant for two additional one-year periods.

***What are the allowable homeless diversion grant expenses?***

Diversion Program Grant funds can be used for administrative expenses, program operations and flex funding for clients. The Grant Guidelines detail allowable charges to the grant. The Guidelines are posted on the Homelessness Diversion website and the link below

<https://deptofcommerce.box.com/s/7jck3msr6pji14pkgaxh06eeayxzy964>

***What are the data and reporting requirements?***

Diversion Program Grantees are required to enter client data in the Homeless Management Information System (HMIS). Commerce will train grantee staff on data entry and provide support in developing reports. Monthly narrative reports will also be required on program activities.

***What other requirements are there of grantees?***

Diversion Program Grantees will be required to do the following:

- Participate in a 1-hour monthly virtual peer learning meeting to discuss activities, challenges, successes, and other important updates.
- Submit monthly reports detailing key metrics such as the number of people served, diverted, types of interventions used, the amount of Flex funding required, and any success stories.
- Distribute an online satisfaction survey to participants to help us understand their experience with the process and identify areas for improvement. The survey link will be shared at a later date.
- Make efforts to meet the specific performance targets set for this program. Additional information will be provided prior to the start of the contract.
- Participate in additional training related to trauma-informed care, housing-first approaches, or cultural competency to ensure that diversion strategies are effective and appropriate for diverse populations.

General Information						
<p>This Excel workbook contains the information and forms needed to submit an application: complete yellow tabs, non-yellow tabs are informational only.</p>						<p><b>TABS TO BE COMPLETED:</b>                      Applicant Information                      Eligibility                      NEW Program Proposal                      OR                      EXPAND Program Proposal                      Budget Proposal                      Exhibit A</p>
<p><b>Who can I talk to about this application if I have questions?</b></p> <p>The RFA Coordinator is the sole point of contact in Commerce for all communication related to this application. Communication directed to staff other than the RFA Coordinator may result in disqualification and is considered unofficial and non-binding. Applicants are to rely on written statements issued by the RFA Coordinator.</p> <p>RFA Coordinator: Yasmine Atiroko                      E-mail: <a href="mailto:Yasmine.atiroko@commerce.wa.gov">Yasmine.atiroko@commerce.wa.gov</a></p>						
<p><b>Where can I learn more about the Commerce Diversion program and this application?</b></p> <p>The RFA Coordinator will host a virtual informational meeting about the program and this application on 02/24/2025 at 12pm. All prospective Applicants are encouraged to attend, however, attendance is not mandatory. Click the link below to register for the webinar:</p> <p><a href="https://events.gcc.teams.microsoft.com/event/c2872473-e038-46a4-95f4-4d3c97500310@11d0e217-264e-400a-8ba0-57dcc127d72d">https://events.gcc.teams.microsoft.com/event/c2872473-e038-46a4-95f4-4d3c97500310@11d0e217-264e-400a-8ba0-57dcc127d72d</a></p> <p>The RFA Coordinator will host a virtual informational meeting about the program and this application on 02/24/2025 at 9:00 a.m. Email Yasmine Atiroko to request the meeting link. All prospective Applicants are encouraged to attend, however, attendance is not mandatory.</p> <p>Questions from the informational meeting will be documented and answered in written form. A copy of the questions and answers will be posted on the Commerce Diversion Program webpage below no later than March 11, 2025.</p> <p><a href="https://www.commerce.wa.gov/homelessness-response/family-adult-homelessness/homelessness-diversion/">https://www.commerce.wa.gov/homelessness-response/family-adult-homelessness/homelessness-diversion/</a></p>						
<p><b>How do I submit questions and when will I hear back?</b></p> <p>The RFA Coordinator will accept written questions sent by email about the application through March 10, 2025. Commerce will post answers to questions in a "Diversion Application Q&amp;A" no later than March 11, 2025 at the link below.</p> <p><a href="https://deptofcommerce.box.com/s/5979dp26jgpgz04daf817dhafi5wi4b">https://deptofcommerce.box.com/s/5979dp26jgpgz04daf817dhafi5wi4b</a></p>						
<p><b>How do I submit the application?</b></p> <p>The Application is due to Commerce no later than April 10, 2025, by 5:00 p.m. Applications must be submitted electronically as a Microsoft Excel format attachment and emailed to the RFA Coordinator: <a href="mailto:yasmine.atiroko@commerce.wa.gov">yasmine.atiroko@commerce.wa.gov</a>. See the "Response" tab of this application for more detailed information.</p>						
<p><b>What happens after I submit my application?</b></p> <p>Applications will be evaluated between April 14 - April 23, 2025 by a panel of reviewers with a background in homeless services. Commerce will announce successful applicants on or about May 1, 2025 and the debrief/protest period will run through May 14, 2025. The estimated start date of the contract is July 1, 2025. See the "Evaluation &amp; Debrief" of this application for more detailed information.</p>						
<p><b>If I am awarded a grant, how will I be reimbursed for grant expenses?</b></p> <p>Grantees will request an advance payment (that must be reconciled) or will submit a monthly reimbursement requests through an online Commerce portal and payments will be made electronically within thirty (30) days and sent to the bank account designated by the grantee. Grantees must have or obtain a <a href="https://ofm.wa.gov/it-systems/accounting-systems/statewide-vendorpayee-services">https://ofm.wa.gov/it-systems/accounting-systems/statewide-vendorpayee-services</a>.</p>						
<p><b>What kind of insurance is required?</b></p> <p>Grantees must send a insurance certificate showing compliance with the insurance requirements within 15 days of grant execution. The standard insurance requirements are included in the template contract, which must be revised at any time before it is signed by Commerce. The contract <a href="https://deptofcommerce.box.com/s/kflyw607dh176h7m2o9zx68o2ul4g0ox">https://deptofcommerce.box.com/s/kflyw607dh176h7m2o9zx68o2ul4g0ox</a></p>						
<p><b>How do I know if there have been updates to the application or process?</b></p>						

General Information

Any updates regarding this funding opportunity will be posted at the link below.							
<a href="https://deptofcommerce.box.com/s/dwyrocrkq55dafp2sgo463o3owmii7x">https://deptofcommerce.box.com/s/dwyrocrkq55dafp2sgo463o3owmii7x</a>							
<b>What else should I know?</b>							
This RFA does not obligate the state of Washington or Commerce to contract for services. Commerce reserves the right at its sole discretion to reject any and all applications received without penalty and not to issue a contract as a result of this RFA.							
Revised Code of Washington 42.52 identifies specific restrictions apply to contracting with current or former state employees. Applicants should familiarize themselves with the requirements prior to submitting a proposal that includes current or former state employees.							
Commerce does not assume responsibility for problems with non-Commerce e-mail. If Commerce email is not working, appropriate allowances will be made. Late Applications will not be accepted and will be automatically disqualified from further consideration, unless Commerce e-mail is found to be at fault.							
All Applications and any accompanying documentation become the property of Commerce and will not be returned. Any information received as a result of this RFA may be collected and considered for continuous improvement purposes. Commerce will not be liable for any costs incurred by the Applicant in							
<b>What if I have a complaint about the application process?</b>							
<p>Applicants may submit a complaint to Commerce based on any of following:</p> <ul style="list-style-type: none"> <li>a) The solicitation unnecessarily restricts competition;</li> <li>b) The solicitation evaluation or scoring process is unfair; or</li> <li>c) The solicitation requirements are inadequate or insufficient to prepare an application.</li> </ul> <p>A complaint may be submitted to Commerce at any time prior to 5 days before the bid response deadline. The complaint must meet the following requirements:</p> <ul style="list-style-type: none"> <li>a) The complaint must be in writing;</li> <li>b) The complaint must be sent to the RFA coordinator in a timely manner;</li> <li>c) The complaint should clearly articulate the basis for the complaint; and</li> <li>d) The complaint should include a proposed remedy.</li> </ul> <p>The RFA coordinator will respond to the complaint in writing. The Director of Commerce will be notified of all complaints and will be provided a copy of Commerce's response. The complaint may not be raised again during the protest period. Commerce's action or inaction in response to the complaint will be final. There is no appeal process.</p>							

Applicant Information

**Applicant Information**

Full Legal Name of Organization:

Year Incorporated:	County service area:
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Mailing Address:  
Street:

City:	State:	Zip Code:
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Physical Address (if different than mailing address):  
Street:

City:	State:	Zip Code:
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Website or other relevant social media, if available:

Statewide Vendor Number (SWV): If you don't have an SWV number, contact us for more information.

Uniform Business Number: If you don't have an UBI number, contact the WA State Dept. of Revenue. Not required for a Tribal government.

Has your organization ever contracted with Commerce's Homelessness Assistance Unit before?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, tell us about the most recent or current grant/s:
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**Contact Information**

	Primary Contact person for application:
Name/title	
Phone	
Email	

	<b>Executive</b> This person would sign the grant agreement with Commerce.	<b>Grant Manager</b> This person would be the primary grant contact with Commerce.	<b>Finance/ bookkeeper</b> This person would be the contact with questions about invoices.	<b>Data Manager</b> This person would be the contact with questions about Diversion HMIS data.
Name				
Title				
Phone				
Email				

**Audit Information, as applicable**

Applicant Information

What is the last fiscal year your organization received a financial audit?

Type of audit:

FALSE	A-133				
FALSE	Financial Statement Audit				
FALSE	Financial Review				

Name of company or organization performing financial audit or review:

Were there *Findings* or a *Management Letter* as a result of the last audit?

0	No				
FALSE	Yes, please detail:				

**Current or former state employees**

Identify any state employees or former state employees employed by the Applicant or on the Applicant's governing board as of the date of submission. Include their position and responsibilities within the Applicant's organization. If, following a review of this information, it is determined by Commerce that a conflict of interest may exist, the Applicant may be disqualified from further consideration for the award of a contract.

Name	Title	Responsibilities	State Agency	Last Year Worked

I/we certify no current or former state employees are employed by this organization nor serve on the governing board.

**Contract defaults in previous 5 years**

If the Applicant has had any contract terminated for default in the last five years, describe below. Termination for default, also called termination for cause, is defined as notice to stop contract work for reasons related to contract performance and/or compliance and the termination was either (a) not litigated due to inaction on the part of the Applicant, or (b) litigated and such litigation determined that the Applicant was in default. Submit full details of the terms for default, adding additional pages if needed and include: the other party's and contact information, as well as your position on the matter. Commerce will evaluate the facts and may, in its sole discretion, reject the Application on these grounds.

Other Party	Contract Purpose	Date of Termination	Details

I/we certify the Applicant has had no contracts of any kind terminated for default in the last five years.

**Does your organization identify as a By and For\* organization?**

<input type="checkbox"/>	No
<input type="checkbox"/>	Yes and we have a determination letter from Commerce. (Attach it to this application.)
<input type="checkbox"/>	Yes, but we don't have a determination letter from Commerce and will complete the Housing Division By-and-For Application Type Assessment below by <b>03/10/2025</b>
<input type="checkbox"/>	



## Applicant Information

### Housing Division By-and-For Application Type Assessment

\*By and For organizations are operated by-and-for the communities they serve. Their primary mission and history is serving a specific community. They are culturally based, directed, and substantially controlled by individuals from the population they serve. At the core of their programs, the organizations embody the community's central cultural values. These communities have a demonstrated disproportionate representation in homelessness, housing instability, and housing affordability and include the following:

- Black, Indigenous, and People of Color (BIPOC), including people identified as socially disadvantaged as defined in 13 CFR Sec. 124.103.
- People with disabilities
- People who are deaf
- People with behavioral health conditions, including substance use disorder
- People who identify as LGBTQIA+
- Survivors of family violence and/or intimate partner violence
- Incarcerated and formerly incarcerated individuals
- Undocumented individuals, immigrants and refugees, and mixed-immigration status families and communities

Sheet "By and For (if applicable)" is too large to be previewed. Please download the file to view this sheet.

Eligibility

Eligibility	
Licensed to do Business in Washington? (Check box that apply)	
FALSE	Yes, and I submitted my UBI number on the "Applicant Information" tab of this application.
FALSE	No, but I will become licensed with the WA State Dept. of Revenue within 30 days if awarded a grant.
FALSE	Not applicable, we are a federally recognized tribal government.
Type of organization/agency? (Check box that apply)	
FALSE	Nonprofit (state or federal designation)
FALSE	Tribal Government
FALSE	Neither
Does your organization/agency have at least one year of experience in serving individuals and families experiencing homelessness, imminent homeless, or at risk of homelessness? (Check box that apply)	
FALSE	Yes
FALSE	No
Select the populations your organization/agency provides services to: (Check all that apply)	
FALSE	Black, Indigenous, or other People of Color including people identified as socially disadvantaged as defined in 13 CFR Sec. 124.103.
FALSE	People with disabilities
FALSE	People who identify as part of the d/Deaf and hard of hearing community
FALSE	People with behavioral health conditions, including substance use disorder
FALSE	People who identify as LGBTQIA+
FALSE	Survivors of family violence and/or intimate partner violence
FALSE	Incarcerated and formerly incarcerated individuals
FALSE	Undocumented individuals, immigrants and refugees, and mixed-immigration-status families and communities









Budget Proposal

Budget Proposal		
<p><i>Submit a budget proposal for each state fiscal year. We estimate awarding between 5 -7 contracts with an average award of \$140,000. Applications with a budget exceeding \$140,000 for each fiscal year will not be considered for evaluation.</i></p>		
Column1	Column2	Column3
<u>Budget Category</u>	<u>State Fiscal Year 2026</u> July 1, 2025 - June 30, 2026	<u>State Fiscal Year 2027</u> July 1, 2026 - June 30, 2027
<b>Admin</b> - no more than 20% of the total for each fiscal year See section 4.1 of the <i>Guidelines</i> for allowable expenses		
<b>Program Operations</b> See section 4.2 of the <i>Guidelines</i> for allowable expenses		
<b>Flex Funding</b> See section 4.3 of the <i>Guidelines</i> for allowable expenses		
<i>Admin % check - will turn red if more than 20%</i>	#DIV/0!	#DIV/0!
<b>Total each fiscal year</b>	\$ -	\$ -
Total Budget Proposal for both fiscal years		\$ -



**EXHIBIT A**

**CERTIFICATIONS AND ASSURANCES**

**I/we make the following certifications and assurances as a required element of my/our Application, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award or continuation of the related contract(s):**

I/we declare that all answers and statements made in the Application are true and correct.

The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for the purpose of restricting competition. However, I/we may freely join with other persons or organizations for the purpose of presenting a single Application.

The attached Application is a firm offer for a period of 60 days following receipt, and it may be accepted by COMMERCE without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 60-day period.

In preparing this Application, I/we have not been assisted by any current or former employee of the state of Washington whose duties relate (or did relate) to this Application or prospective contract, and who was assisting in other than his or her official, public capacity. (Any exceptions to these assurances are described in full detail on a separate page and attached to this document.)

I/we understand that COMMERCE will not reimburse me/us for any costs incurred in the preparation of this Application. All Applications become the property of COMMERCE, and I/we claim no proprietary right to the ideas, writings, items, or samples, unless so stated in this Application.

Unless otherwise required by law, the prices and/or cost data that have been submitted have not been knowingly disclosed by the Applicant and will not knowingly be disclosed by him/her prior to opening, directly or indirectly to any other Applicant or to any competitor.

I/we agree that submission of the attached Application constitutes acceptance of the solicitation contents and the attached sample contract and general terms and conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.

No attempt has been made or will be made by the Applicant to induce any other person or organization to submit or not to submit an Application for the purpose of restricting competition.

I/we grant COMMERCE the right to contact references and others, who may have pertinent information regarding the Applicant's prior experience and ability to perform the services contemplated in this procurement.

If any staff member(s) who will perform work on this contract has retired from the State of Washington under the provisions of the 2008 Early Retirement Factors legislation, his/her name(s) is noted on a separately attached page.

**I/We have reviewed the Contract and General Terms and Conditions and I/we:** (check one and sign)

**are** submitting proposed Contract edits. If proposed Contract edits are being submitted, I/we have attached them to this form.

**are not** submitting proposed Contract edits. *(Default if neither are checked)*

On behalf of the organization submitting this Application, my signature below attests to the accuracy of the above statements as well as my authority to bind this organization. Electronic signatures accepted.

Signature

Printed Name and Title



## Evaluation & Debrief

### **EVALUATION PROCEDURE**

Complete and responsive Applications will be evaluated strictly in accordance with the requirements stated in this RFA and any addenda issued. The evaluation of Applications will be accomplished by an evaluation team to be designated by Commerce, which will determine the ranking of the Applications.

### **EVALUATION AND SCORING**

The following weighting will be assigned for evaluation purposes:

Eligibility- Pass/Fail

By and For -20%

Program Proposal - 70%

Budget Proposal- 10%

Geographic distributions with a mix of urban, suburban and rural organizations will also be considered.

Commerce reserves the right to award the contract to the Applicant whose proposal is deemed to be in the best interest of the state of Washington.

### **CLARIFICATION OF RESPONSE**

The RFA Coordinator may contact Applicants for clarification of any portion of the Applicant's Application. Submission or alteration of any materials after the due date is prohibited.

### **VIRTUAL PRESENTATIONS MAY BE REQUIRED**

Commerce, at its sole discretion, may select the top-scoring Applicant(s) from the written evaluation for a virtual presentation. If so, Commerce will contact the top-scoring Applicant(s) to schedule a date and time to meet on a platform such as Zoom or Microsoft Teams. Commitments made by the Applicant at the virtual presentation, if any, will be considered binding.

If held, the virtual presentation shall determine the Apparent Successful Applicant(s).

### **NOTIFICATION TO APPLICANTS**

Applicants that are not selected for further negotiation or award will be notified by e-mail.

### **DEBRIEFING OF UNSUCCESSFUL APPLICANTS**

Upon request, a debriefing conference will be scheduled with an unsuccessful Applicant. The request for a debriefing conference must be received by the RFA Coordinator within three (3) business days after the Notification of Unsuccessful Applicant notice is emailed to the Applicant. The debriefing must be scheduled within three (3) business days of the request.

Discussion at the debriefing conference is strictly limited to the following:

Evaluation and scoring of that organization's Application;

Evaluation & Debrief

Any written comments from evaluators related to that Applicant;	
Review of their final score in comparison with the other final scores <b>without</b> identifying the other participants or	
reviewing their Applications.	
Comparisons between proposals or evaluations of the other proposals is not allowed. Debriefing conferences may be	
conducted on the telephone or by other electronic means and will be scheduled for a maximum of thirty (30) minutes.	
COMMERCE reserves the right to end a debriefing for any reason.	

## Responses Contents

### **ELECTRONIC RESPONSES:**

Applications must be written in English and submitted electronically to the RFA Coordinator in the order noted below:  
Diversion Grant Competitive Application (Excel)  
By and For Determination letter (Word, if applicable)  
(Zipped files cannot be received by Commerce and cannot be used for submission of Applications.)

Applications must provide information in the same order as presented in this document with the same headings. This will not only be helpful to the evaluators of the Application, but should also assist the Applicant in preparing a thorough response.

**All tabs in YELLOW must be completed but the applicant should only complete the New Program Proposal or Expand Program Proposal, depending upon thier proposal. If any question or section does not apply, please enter "N/A" or "None".**

**All items marked "mandatory" must be included as part of the Application for the Application to be considered responsive, however, these items are not scored. Items marked "scored" are those that are awarded points as part of the evaluation conducted by the evaluation team.**

### **CERTIFICATIONS AND ASSURANCES (MANDATORY)**

**The Certifications and Assurances form (Exhibit A) must be signed and dated** by a person authorized to legally bind the Applicant 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. Those wishing to submit any proposed contract edits must indicate so on this form (see Section 2.12).

## Protest Procedures

This procedure is available to Applicants who submitted an Application in response to this RFA document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Applicant is allowed five (5) business days to file a protest of the RFA process with the RFA Coordinator. Protests must be received by the RFA Coordinator no later than 5:00pm Pacific time on the fifth business day following the debriefing. Protests must be submitted by email. Applicants may choose to copy COMMERCE'S Central Contracts Office at [centralcontracts@commerce.wa.gov](mailto:centralcontracts@commerce.wa.gov). Do not copy any other COMMERCE staff.

Anyone protesting this procurement must 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 under this RFA.

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 should also be included. All protests shall be addressed to the RFA 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  
Non-compliance with procedures described in this procurement document or current COMMERCE policy

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) An evaluator's professional judgment on or assessment of the quality of an Application, or 2) COMMERCE'S assessment of its own and/or other agencies' needs or requirements.

Scores received are not a valid basis of protest and will be dismissed as without merit unless included with facts supporting bias, discrimination, or conflict of interest on the part of an evaluator.

Upon receipt of a protest, a protest review will be held by COMMERCE. COMMERCE'S Chief Contracts Officer, or other employee delegated by the Director who was not involved in the award process, will consider the record and all available facts and issue a decision within ten (10) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may directly impact the actual interest of another Applicant, such Applicant may be given an opportunity to submit its views and any relevant information on the protest.

The final determination of the protest shall:

Find the protest lacking in merit and uphold COMMERCE'S action, or  
Find only technical or harmless errors in COMMERCE'S acquisition process and determine COMMERCE to be in substantial compliance and reject the protest, or  
Find merit in the protest and provide COMMERCE options which may include:  
Correct the error(s) and re-evaluate all Applications

