# 01124 – Relocated Building Solutions (Sourcewell #120822)

Frequently Asked Questions (FAQ)

**Contract FAQs**

## Purchaser Related

#### Can I choose any awarded contractor to purchase from this Participation Agreement “contract”?

All contractors went through the competitive solicitation process and were selected to be awarded on this contract as the highest scoring, responsive, responsible bidders. State of Washington Agency purchasers are not required to conduct further competition to choose an awarded contractor. Other eligible purchasers should follow their applicable rules regarding contractor selection.

#### How are Cooperative Agreements developed?

This contract is an authorized cooperative contract originally conducted by another state, for more information about the overarching contract, please see the following link [Sourcewell Relocatable Building Solutions](https://www.sourcewell-mn.gov/cooperative-purchasing/120822-mmr):

Participation Agreements help Enterprise Services deliver government contracting services more cost-effectively and efficiently for eligible purchasers. At the same time, Pas are designed to help optimize Enterprise Services’ relationship with Contractors and accomplish increasing stakeholder expectations for public procurement.

The State of Washington’s participation in a particular form of public procurement contracts that are developed and awarded by another state through a cooperative purchasing agreement administered by a third-party (NASPO ValuePoint, Sourcewell, etc.). The State of Washington must ensure that its participation in cooperative purchasing agreements meets certain fundamental objectives. In short, the State of Washington must ensure that the procurement – which was not developed, competed, evaluated, or awarded by Enterprise Services – does:

* Align with Washington’s procurement code for goods and services (RCW chap. 39.26); and
* Meet Washington stakeholder objectives pertaining to state procurement of goods and services.

In addition, the NASPO ValuePoint Cooperative Purchasing Contract/Sourcewell must meet Washington’s statutory competitive procurement requirements. See RCW 39.26.060(2).

#### What is the pricing model?

Pricing is based off of a discount percentage off of the vendor’s catalog price list, please contact the Contractor for specific pricing.

Pricing is project-specific based on required specifications. Purchasers must contact the awarded Contractor and request a quote/estimate with the purchaser’s specific details including however not limited to: Size, all installation & all removal costs, delivery costs, tie downs (If yes, what type and how many), is the trailer to be set at cement and/or will the wheels need to be removed to be set on the space, skirting, stairs/steps/ramp (ADA/OSHA) including any accessibility features apart from ADA compliance, air conditioning/HVAC, restrooms, sink, electrical, blinds, security kit for doors and/or windows, preferred delivery time frame, insurance requirements, maintenance and upkeep, internet and communication, etc.

Consider previewing the relocated building if not brand new, and check for professional appearance on: flooring, paint and finishes (any cosmetic issues), doors and door locks, windows, safety features, ventilation, lighting fixtures, plumbing, structural soundness (any signs of wear/tear, cracks, leaks, or damage to the foundation or framework), roof condition (any signs of damage, leaks, or required maintenance), accessibility to utilities, internet connectivity, etc., all other specific requirements

**Pricing** is either Line-Item Pricing or Percentage Discount from Catalog Pricing, or a combination of these:

**a. Line-item Pricing** is pricing based on each individual product or services. Each line must indicate the proposer’s published “List Price,” as well as the “Contract Price.”

**b. Percentage Discount from Catalog or Category** is based on a percentage discount from a catalog or list price, defined as a published Manufacturer’s Suggested Retail Price (MSRP) for the products or services. Individualized percentage discounts can be applied to any number of defined product groupings. Contractors will be responsible for providing and maintaining current published MSRP with Sourcewell, and this pricing must be included provided throughout the term of any contract.

* The Contractor’s not to exceed price. A not to exceed price is the highest price for which equipment, products, or services may be billed to a Participating Entity. However, it is permissible for suppliers to sell at a price that is lower than the contracted price.
* Clearly understandable, complete, and fully describe the total cost of acquisition (e.g., the cost of the proposed equipment, products, and services delivered and operational for its intended purpose in the Participating Entity’s location).

Contractors should clearly identify any costs that are NOT included in the product or service pricing. This may include items such as installation, set up, mandatory training, or initial inspection. Include identification of any parties that impose such costs and their relationship to the proposer. Additionally, proposers should clearly describe any unique distribution and/or delivery methods or options offered.

**SHIPPING AND SHIPPING COSTS.** All delivered Equipment and Products must be properly packaged. Damaged Equipment and Products may be rejected. If the damage is not readily apparent at the time of delivery, Supplier must permit the Equipment and Products to be returned within a reasonable time at no cost to Sourcewell or its Participating Entities.

Participating Entities reserve the right to inspect the Equipment and Products at a reasonable time after delivery where circumstances or conditions prevent effective inspection of the Equipment and Products at the time of delivery. In the event of the delivery of nonconforming Equipment and Products, the Participating Entity will notify the Supplier as soon as possible and the Supplier will replace nonconforming Equipment and Products with conforming Equipment and Products that are acceptable to the Participating Entity. Supplier must arrange for and pay for the return shipment on Equipment and Products that arrive in a defective or inoperable condition.

Sourcewell may declare the Supplier in breach of this Contract if the Supplier intentionally delivers substandard or inferior Equipment or Products

**HOT LIST PRICING.** At any time during this Contract, Supplier may offer a specific selection of Equipment, Products, or Services at discounts greater than those listed in the Contract. When Supplier determines it will offer Hot List Pricing, it must be submitted electronically to Sourcewell in a line-item format. Equipment, Products, or Services may be added or removed from the Hot List at any time through a Sourcewell Price and Product Change Form as defined in Article 4 below. Hot List program and pricing may also be used to discount and liquidate close-out and discontinued Equipment and Products as long as those close-out and discontinued items are clearly identified as such. Current ordering process and administrative fees apply. Hot List Pricing must be published and made available to all Participating Entities.

#### Does a Purchaser Order have to be submitted? What information should the Purchaser Order contain?

**Yes, a Purchase Order is required.** See provision ***5.9 Contractor’s Sales Authority; Purchase Orders; & Invoices (b) (page 7)*** detailing invoice requirements.

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| **Purchaser Orders shall contain the following:** |
| DES Contract No. **01124**  |
| Sourcewell Master Agreement **#: 120822-MMR** |
| Applicable Purchaser’s Purchaser Order No. and Purchaser’s Contact information:  i.e name, invoicing address, delivery address; delivery contact person, telephone number, email address, etc.) |
| Purchaser Order amount (including applicable sales tax) |

#### Are there any templates that Purchasers can use to engage awarded contractors?

Enterprise Services has provided a [Guidelines & Suggestions document](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fapps.des.wa.gov%2Fcontracting%2F01124_Modular_Guidelines_%26_Suggestions.xlsx&wdOrigin=BROWSELINK) as a resource for purchasers to use, if needed, when requesting estimate/proposals from potential contractors. The Guidelines & Suggestions documents is also available in the resources drop-down menu on the contract summary page.

#### What are key performance commitments from Contractors (e.g. quote timeliness, services, invoicing, emergency services, etc.)?

This Cooperative Contract establishes coverage for the service and supply of Relocatable Buildings & Storage Solutions which includes [temporary](https://www.sourcewell-mn.gov/cooperative-purchasing/040621-mec#tab-products-and-services) modular offices, permanent modular offices, modular SCIF, modular dormitories, prefabricated multi-story, modular classrooms, modular kitchen, portable container, modular swing space, relocatable modular buildings, and blast resistant modulars, however not limited to relocatable, demountable, portable, modular, temporary, and reusable buildings or storage and related services related to the offerings such as: assembly, disassembly, upkeep, repair, maintenance, leasing, rental, delivery, and transportation of the building or storage solutions. Contractors may include related equipment, accessories, and services to the extent that these solutions are complementary to the equipment, products, or service(s).

It is expected that Contractors have knowledge of all applicable industry standards, laws, and regulations and possess an ability to market and distribute the equipment, products, or services to Purchasers and/or Participating Entities.

* **Safety Requirements.** All items proposed must comply with current applicable safety or regulatory standards or codes.
* **Deviation from Industry Standards**. Deviations from industry standards must be identified with an explanation of how the equipment, products, and services will provide equivalent function, coverage, performance, and/or related services.
* **New Equipment and Products.** Proposed equipment and products must be for new, current models; however, Contractor may offer certain close-out equipment or products if it is specifically noted in the Pricing.
* **Delivered and operational.** Unless clearly noted in the proposal, equipment and products must be delivered to the Participating Entity as operational.
* **Warranty**. All equipment, products, supplies, and services must be covered by a warranty that is the industry standard or better.

**SOURCEWELL’S TERM:**

[**EXPIRATION DATE AND EXTENSION**](https://files.sourcewell.org/public/Shared%20Documents/Solicitations/10617/00004771/Contract%20Documents/Mobile%20Modular%20Contract%20120822.pdf) **(link).** This Contract expires February 24, 2027, unless it is cancelled sooner pursuant to Article 22. This Contract may be extended one additional year upon the request of Sourcewell and written agreement by Supplier.

**SURVIVAL OF TERMS.** Notwithstanding any expiration or termination of this Contract, all payment obligations incurred prior to expiration or termination will survive, as will the following: Articles 11 through 14 survive the expiration or cancellation of this Contract. All other rights will cease upon expiration or termination of this Contract.

**ADDITIONAL TERMS AND CONDITIONS/PARTICIPATING ADDENDUM.** Additional terms and conditions to a purchase order, or other required transaction documentation, may be negotiated between a Participating Entity and Supplier, such as job or industry-specific requirements, legal requirements (e.g., affirmative action or immigration status requirements), or specific local policy requirements. Some Participating Entities may require the use of a Participating Addendum, the terms of which will be negotiated directly between the Participating Entity and the Supplier or its authorized dealers, distributors, or resellers, as applicable. Any negotiated additional terms and conditions must never be less favorable to the Participating Entity than what is contained in this Contract.

#### Are there any restrictions?

This Participation Agreement does not cover any services that would qualify as Public Works, Architecture and Engineering Services, or Engineering and Land Surveying services, including but not limited to, permanent construction, connection of utilities, or installation on a foundation.

DES WA/OR Cooperative Purchasing Agreements are established in accordance with [RCW 39.26](https://app.leg.wa.gov/rcw/default.aspx?cite=39.26) which governs Competitive Purchasing.

This WA/OR Cooperative Purchasing Agreement was evaluated under common Goods and Services procurement law (RCW39.26). DES WA/OR Cooperative Purchasing Agreement **excludes** [RCW 39.04](https://app.leg.wa.gov/rcw/default.aspx?cite=39.04) for Public Works, [RCW 39.80](https://app.leg.wa.gov/rcw/default.aspx?cite=39.80) for Architecture and Engineering Services, and  [RCW 18.43](https://app.leg.wa.gov/rcw/default.aspx?cite=18.43) for Engineers and Land Surveyors. It is critical that each organization follow these and other Public Works requirements accordingly. For assistance, and other important information, see Restrictions Resources below.

**Restriction Resources for Projects with Public Works Elements**

Local governments, special purpose districts, and other political subdivisions of the state may also find assistance via the [Municipal Services Research Center (MRSC)](https://mrsc.org/Home.aspx) webpage. This website provides links to resources and services provided by MRSC in relation to purchasing, bidding, and contracting in Washington State.

Facility Planning Services- FPS may also assist state agencies, local governments, special purpose districts, and other political subdivisions of state government to address environmental consulting needs. For details about DES Facility Planning Services Team and it services, visit [DES Facility Professional Services](http://des.wa.gov/services/facilities-leasing/public-works-design-construction/state-agencies-and-educational-facilities) or contact the DES FPS Team by phone at: (360) 902-7272 or email: EASMail@des.wa.gov.

#### Who is authorized (or not) to use this Purchasing Agreement?

**Eligible purchasers include:**

**Washington State Agencies.** All Washington state agencies, departments, offices, divisions, boards, and commissions.

**Washington State Institutions of Higher Education (Colleges).** Any of the following institutions of higher education in Washington: State universities – i.e., University of Washington & Washington State University; Regional universities – i.e., Central Washington University, Eastern Washington University, & Western Washington University; Evergreen State College; Community colleges; and Technical colleges.

**CUA Parties.**  Any of the following types of entities that have executed a [Contract Usage Agreement](https://apps.des.wa.gov/DESContracts/Home/MCUAListing) with Enterprise Services: Political subdivisions (e.g., counties, cities, school districts, public utility districts, ports) in the State of Washington; Federal governmental agencies or entities; Public-benefit nonprofit corporations (i.e., public benefit nonprofit corporations as defined in RCW 24.03A.245 who receive federal, state, or local funding); and Federally-recognized Indian Tribes located in the State of Washington.

Enterprise Services maintains a list of eligible Contract Usage Agreement parties on the [CUA Listing website.](https://apps.des.wa.gov/DESContracts/Home/MCUAListing)

**Local Government Contractor Selection**: Under [RCW 39.34.030 local governments that choose to piggyback](https://sao.wa.gov/the-audit-connection-blog/2019/piggybacking-law-change-eases-contract-requirement) can visit the State Auditors resource document for more information: [Piggybacking under Washington State Law](https://sao.wa.gov/sites/default/files/2023-05/Piggybacking-under-Washington-state-law.pdf). An optional checklist is available to help document the steps taken ([see Appendix A](https://sao.wa.gov/sites/default/files/2023-05/Piggybacking-under-Washington-state-law.pdf)). If an eligible Political subdivisions purchaser has questions the information document does not address, it’s recommended the Political subdivisions consult with your Legal counsel and/or Attorney General’s Office to help ensure compliance with your local and state laws.

#### What if an Agency wants to make a payment using a credit card (P-card)?

Contractors/Vendors total price for the goods and/or services shall be the same regardless of whether the Purchaser makes a payment by cash, credit card, or electronic payment. Some Contractors/Vendors prefer payments electronic payment; not all Contractors/Vendors accept credit card payments.

**NOTE:** No credit card fees shall be charged or billed to the Purchaser.

Purchaser shall return any invoice directly to the Contractor and notify the Contractor credit card fees are not allowed per the WA Participation Agreement #01124.

#### What does it mean if the contractor is the main award vs reserved award?

**N/A – Reserved Awards were not awarded as a part of this WA Participation Agreement #01124 – Relocatable Building Solutions.**

The contractors designated as main awards are businesses that participated in the competitive solicitation and were determined to be the highest scored, responsive, responsible bidders with no preference.

Reserved awards are set aside contracts awarded only to the next highest scored, responsive, responsible bidders certified as Washington Small and/or Veteran-owned businesses that participated in the competitive solicitation but did not achieve the highest overall scores to be designated as main awards.

All contract awards are the result of the competitive solicitation with the specified best value evaluation criteria in compliance with RCW 39.26 and state procurement policies. Per the guidance DES received from the Attorney General’s Office, since the competitive solicitation separated main and reserved award structures, purchasers that utilize federal funds can utilize main awards that achieved highest overall scores without preferences but might not be able to utilize contractors that were awarded only as reserved awards, since these awards are based on a preference. For questions related to a specific federal grant or funding source and how it might impact the purchasers’ ability to utilize the awards on this contract, please check with your Legal and/or Attorney General’s Office.

#### How can I provide feedback about the Contractor’s performance whether positive or negative?

Complete the feedback form and submit your comments: [Vendor And Contract Performance Feedback](https://apps.des.wa.gov/ContractEval/ContractFeedback.aspx?s=C&c=00820)

#### How can I be involved with or participate in developing the solicitation that will replace this contract?

Enterprise Services generally makes a determination on developing a new contract that replaces expiring contracts one year before the current contract expires. The solicitations that are currently in development appear on the [planned procurement](https://apps.des.wa.gov/DESContracts/Home/PlannedProcurement) page. If you are interested in participating, please contact the contract administrator listed on that page.

1. **How can I purchase greener products? How do I know a product is toxics free? Where did the environmental certifications/factors come from?**

Please refer to the Enterprise Services [environmentally preferred purchasing page](https://des.wa.gov/services/contracting-purchasing/policies-training/resources/environmentally-preferred-purchasing) for more information.

## Contractor Related

#### When can my Firm be added as a Contractor to the contract?

Contracts are awarded only to contractors who submitted a bid at the time the competitive solicitation was posted to WEBS.

Contracts for the state are awarded through a competitive solicitation process via the [online solicitation system WEBS.](https://pr-webs-vendor.des.wa.gov/) Is your company registered in WEBS?   If not, please consider registering, as [WEBS](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpr-webs-customer.des.wa.gov%2F&data=05%7C02%7CDESContractsTeamCedar%40des.wa.gov%7C2b7c4210c43b4fa311ef08dc6de64118%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C638506083574983566%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=uv0ILjGE562KCA1sqDDBUFyB2Yl6zu1oE%2B3TeL15nqY%3D&reserved=0) is where all Enterprise Services official communications is posted. Enterprise Services has a [registration page](https://des.wa.gov/sell/how-work-state/register-bid-opportunities) that explains the registration process. If you have questions on the registration process, please contact WEBS customer service, (360) 902-7400.

Enterprise Services also has information on [doing business with the state](https://des.wa.gov/sell/how-work-state) for review. There is also a page on [bid opportunities](https://des.wa.gov/sell/bid-opportunities) with Enterprise Services, though all official opportunities are posted through WEBS.

#### What information should the Contractor include when invoicing the Purchaser?

See provision ***5.9 Contractor’s Sales Authority; Purchase Orders; & Invoices (c) (page 7)*** detailing invoice requirements.

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| **Invoices shall reflect accurately Purchaser Agreement prices and must itemize the following :** |
| DES Contract No. **01124**  |
| Sourcewell Master Agreement **#: 120822-MMR** |
| Contractor statewide vendor registration number assigned by WA State of Office of Financial Mgt (OFM)  |
| Applicable Purchaser’s Purchaser Order No., name, address; and email address |
| Applicable Goods/Services |
| Invoice Amount  |

#### Who do I contact if I have an invoice or vendor management fee (VMF) question?

Please contact the contract administrator listed on the DES contract summary page.

#### When are quarterly sales reporting due?

See provision ***5.3 (c):*** Quarterly sales reports are due and past due based on the following timeframes:

| Quarter | For Sales Made In Calendar Quarter | Contract Sales Report |
| --- | --- | --- |
| Due By | Past Due |
| 1 | January 1 – March 31 | April 30 | May 1 |
| 2 | April 1 – June 30 | July 31 | August 1 |
| 3 | July 1 – September 30 | October 31 | November 1 |
| 4 | October 1 – December 31 | January 31 | February 1 |

Contractor shall pay to Enterprise Services a Vendor Management Fee (“VMF”) of 1.5% percent on the purchase price for all Contract sales (the purchase price is the total invoice price less applicable sales tax).

Please check the [sales reporting website](https://apps.des.wa.gov/CSR/login.aspx) which has the following general [reporting instructions](https://apps.des.wa.gov/CSR/Vendor_Qtrly_Sales_Rpt.pdf).

#### Does our Firm have to maintain a WEBS account?

***Section 5.1 Washington’s Electronic Business Solutions (WEBS) System*** provision states Contractor shall register in WEBS and shall ensure that all of their Firm’s information therein is current and accurate and that throughout the term of the Sourcewell Master Agreement, Contractor shall maintain an accurate profile in WEBS.

#### When are Vendor Management Fee (VMF) invoices due?

After sales have been reported, contractors will receive an invoice to remit to Enterprise Services the vendor management fee payment. Please wait to receive an invoice from Enterprise Services before sending payment. This is to ensure your payment can be identified, accepted, and applied correctly. Contractor must pay the vendor management fee (VMF) invoice within thirty (30) calendar days.

#### Who do I contact at Enterprise Services for contact updates?

Please contact the contract administrator listed on the DES contract summary page.

#### How do I check for authorized purchasers?

Please check the [Contracts Usage Agreement (CUA) signed agreement list](https://apps.des.wa.gov/DESContracts/Home/MCUAListing) to see the list of authorized purchasers for Enterprise Services contracts. The [[Washington State website](https://wa.gov/)](https://wa.gov/) can help navigate to the governmental entities on the list.

1. **How do I report EPP purchases? How do I submit products with green certifications?**

Please refer to the Enterprise Services [environmentally preferred purchasing page](https://des.wa.gov/services/contracting-purchasing/policies-training/resources/environmentally-preferred-purchasing) for more information.