**Background**

[Senate Bill 6245](https://app.leg.wa.gov/billsummary?BillNumber=6245&Year=2019) calls for change in how Washington State agencies procure interpreter services. It requires the Department of Enterprise Services (DES) to create a procurement model that can be used by all eligible purchasers\* by directly contracting through scheduling and coordinating entities or interpreters or both. The bill also calls for the OPI and VRI services to be provided through a single entity/vendor. Bill changes have to be in place by September 1, 2020\*\*. Codified in [RCW 39.26.300](https://app.leg.wa.gov/rcw/default.aspx?cite=39.26.300).

\*Note: DES is required to ensure that MC’s resulting from this bill implementation, meets all purchaser requirements so that they are able to use the MC’s. This includes requirements related to security, technology, privacy, and Collective Bargaining Agreements (CBA).

\*\*Note: DES determined that meeting the RCW deadlines is executing master contracts by that date.

**Stakeholder Engagement**

DES’s work to implement 2SSB 6245 started in November 2019 with monthly stakeholder engagement sessions called Customer Forums. The Customer Forums included a wide range of stakeholders from directors to program managers to social workers – the purpose was to gather momentum and interest in the DES led project. By April 2019, the group evolved into a bi-weekly “Subject Matter Expert (SME)” meeting where the SMEs would share information with DES for procurement design. It was a smaller group of people that could speak to the industry, the history, etc. This group participated in the Request for Information (RFI) sessions that were hosted by DES to determine if a scheduling and coordinating software solution for interpreters would be a possibility. The final evolution of this team is the “Interpreter Services Sourcing Team,” which meets weekly, and comprised of SMEs who are program managers of their respective agencies or divisions. This team supported and contributed to developing [02819](https://apps.des.wa.gov/DESContracts/Home/ContractSummary/02819), [03519](https://apps.des.wa.gov/DESContracts/Home/ContractSummary/03519) and eventually [06821](https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06821) solicitations and/or MCs. Contract evaluators were from this group as well.

**Collective Bargaining Agreement (CBA)**

The legislature allows for multiple interpreter CBAs, there is just one CBA currently. The current CBA applies to the type of appointment vs a group of interpreters – the type of appointments are those made at or through the DSHS, DCYF, HCA (Medicaid) appointments. This arrangement causes confusion when discussing CBA terms, and it also causes difficulty in designing a procurement and outlining expectations for the vendor. There are “administrative” responsibilities that the vendor will have to take on, but what and how much per agency varies, and needs to be discussed further during in implementation by agency. Please note, the Collective Bargaining Agreement refers to the interpreters as Language Access Providers (LAPs), this term should only be used when the CBA applies to avoid confusion and limiting scope. There may be an interpreter union forming around LNI work.

**Request for Information (RFI)**

RFIs were scheduled through summer of 2019. Through the RFIs we learned that there are multiple scheduling and coordinating vendor options. There were companies that offered the software only, services only (but using a software service for the technology), or offered both. All had a mobile application, offered level of flexibility in designing information fields of the solution, parent-child account set up, and cloud based solution. Some had OPI/VRI technology built into their system. This RFI confirmed that DES can go out to market for an interpreter services software scheduling and coordinating solution.

**Spoken language interpreter services, scheduling and coordinating software solution** **(03519)**

A statewide model was determined to be the best option that would encompass both the 6245 bill direction and intent. The statewide model is to award to a single vendor that would manage scheduling and coordinating, and interpreter services. Managing interpreters mean – vendor would ensure they have the required credentials, their experience is valid, background checks are completed, etc. The software solution would connect the purchasers and interpreters for services. The benefit of one vendor is that both customers and interpreters would only need to learn one system/solution, and consolidated scheduling services. The drawback is that customers and interpreters would only have one solution, system outages would be felt across the state. Mitigating solutions are required through MC – vendor must have phone number in place for when the software system is down.

Pricing structure was debated multiple times but ultimately the decision was made to move forward with hourly interpreting pricing. This would encompass all costs associated with administering this contract (interpreter payment, scheduling software solution, overhead, profit, etc.). This option was selected because it would be a better option for the vendor community – vendors would be paid more and hopefully ensure full compensation for the work that is required of them. This is important to consider since the current contract (03514, which does not include the administration of a software solution) spend is about $1.5M, and we are asking the vendor to do much more. The alternate pricing model that was considered was to pay the vendor a transaction fee per encounter, and to separate the hourly payment to the interpreter. We decided against this, since the vendor would make less very little base on $1.5M and cost modeling scenarios. Further, there would be little incentive to ensure interpreting rates are competitive or ensure the hard to fill appointments are filled.

The intent of OPI/VRI services it to allow remote services through the in-person interpreters of this MC. The OPI and VRI technology will need to be tested for security compliance, since this is a new element to the industry, the MC is allowing the vendor one year to get this technology to work and be in compliance.

**COVID19 Impact.** Prior to COVID19, there was limited interest from stakeholders for OPI and VRI services, especially through the in-person interpreters. After COVID19, there is strong interest in using OPI and VRI technology from both the stakeholders and the interpreters. Consequently, there may be usage creep or overlap with the 02819 OPI and VRI contract, which was not previously present.

**Over the Phone and Video Remote Interpreter Services (02819)**

Historically, DES provided OPI and VRI services to the eligible purchasers through the NASPO cooperative contract. Due to the bill changes, we moved forward with a DES MC to ensure that all of DES’ preferences, priorities, and bill requirements were incorporated. There is a Decision Paper in the Language Access Folder that outlines the benefits and drawbacks of the options, as well as recommendations. This is a brand new master contract for DES. We decided do award up to two vendors on this contract for coverage. There is a Multiple Award Decision paper in the Language Access Folder that outlines the benefits and costs of the options, as well as recommendations.

The original plan was to include all OPI and VRI interpreters in the OPI VRI MC procurement, meaning Washington State specific interpreters as well as global interpreters via Category 1 and Category 2 respectively. However, due to the requirements of the Collective Bargaining Agreement, which clashed with OPI/VRI global market norms, we made the decision to remove the Washington State OPI/VRI interpreters into the next procurement (03519 which resulted into 06821), which is designed for the Washington State Interpreter specifically.

**Notes:**

* This procurement and project was complicated due to the vagueness of the Bill/RCW as well as the complexity and the multiple moving parts required for putting the contract into place. Some of the more complex elements include – the CBA, OCIO requirements (technology, security, and privacy), stakeholder group, and ensuring quality of service (services are required by Title VI).
* There were many competing project priorities in this suite. The major projects included: implementing 01618, full procurement of 04218, and full procurement of 02819 as new MC.
* Standard IT language was not available for goods and services – it had to be discussed and created. There was disagreement with agencies about resourcing languages – agencies believed it needs to come from DES/OCIO. There was extensive work to figure out what language is required to ensure compliance with IT, security, privacy requirements.
* A DES Language Access Unit as the Procurement Model was briefly discussed as the solution to meet the requirements of the bill. However, lack of funding for such a unit as well as absence of direct instruction from Bill/RCW resulted in continuing forward with a solution as a Master Contract.
* Stakeholders often looked to DES, as the central facilitating agency, to provide guidance for some of the nuanced provisions and terms.