

**Exhibit E – Bidder’s Contract Issues List
(*Optional*)**

|  |  |
| --- | --- |
| Competitive Solicitation: | No. \_\_\_\_\_\_\_ – \_\_\_\_\_\_\_\_\_\_\_ |
| Bidder: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Type/print full legal name of Bidder |

**Instructions**

***This Exhibit is optional***. Bidders need only to complete and submit this Exhibit ***if*** bidder has issues, concerns, exceptions, or objections to any of the terms or conditions contained in *Exhibit D – Contract*. In such case, bidder must use this *Bidder’s Contract Issues List* to identify the same as set forth below.

The *Bidder’s Contract Issues List* is designed to frame contract discussions, if any, between [Agency] and bidders regarding the Contract terms and conditions. In completing the *Bidder’s Contract Issues List*, bidders **must**:

1. Identify the specific Contract section/subsection that creates a business issue, concern, exception, or objection;
2. Describe, in business terms, the issue, concern, exception, or objection pertaining to the Contract section/subsection;
3. Propose, in business terms, a solution that is reasonable in light of the Competitive Solicitation and the procurement solution being sought by [Agency]; and
4. Provide bidder’ reason or rationale supporting bidder’s proposed solution, including how the proposed solution is commercially reasonable for a public contract, benefits both the bidder and the [Agency] and equitably allocates contractual risk and return.

***Please be advised***. The Contract(s) to be awarded is the result of a Competitive Solicitation developed pursuant to Washington’s Procurement Code for Goods/Services that is designed to meet governmental needs for eligible purchasers. [Agency] endeavors to develop commercially reasonable Contracts that incentivize performance and equitably allocate risk and return based on stakeholder input from eligible purchasers, vendors, procurement professionals, and others. Accordingly:

* Contract revisions, if any, may NOT be bidder-specific, but must apply to all bidders.
* Redlined Documents Will Not Be Reviewed. Do not provide a redlined Contract or sections/subsections. Redlined text may result in [Agency] making potentially inaccurate assumptions regarding bidder’s issue(s). Instead, bidders must follow the instructions set forth above.
* ‘Standard’ Bidder Contracts Will Not Be Reviewed. Do not provide a copy of bidder's (or a third party’s) ‘standard’ contract or contract section. It will not be reviewed.
* No Substantial Changes. Bidders are cautioned that this is a competitive solicitation for a public contract and **[Agency] cannot and will not accept a bid or enter into a Contract that substantially changes the material terms and conditions set forth in this Competitive Solicitation and Contract**. Bids that are contingent upon [Agency] making substantial changes to material terms and conditions set forth in the Competitive Solicitation or Contract likely will be determined to be non-responsive.

[Agency] will consider the number and nature of the items on *Bidder’s Contract Issues List* in determining the likelihood of completing a Contract with such bidder.

| **Bidder’s Contract Issues List** |
| --- |
| No. | **A**ContractSection | **B**Issue Description | **C**Bidder’s Proposed Solution | **D**Bidder’s Rationale for Proposed Solution |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| 4. |  |  |  |  |
| 5. |  |  |  |  |

Return this Bidder’s Contract Issues List to Procurement Coordinator at:
\_\_\_\_\_\_\_\_\_\_\_\_@\_\_\_.wa.gov