



Approved by:	Agency Policy 301	Procurement and Contracts
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Responsible Contractor

1.0 Scope

1.1 This policy applies to all agency contracts.

2.0 Policy

2.1 Sound Transit strives to protect its best interests and fulfill the public trust by engaging in business with contractors that are committed to and consistently engage in fair and responsible business practices. To that end, Sound Transit utilizes best practices to ensure, consistent with the features of each contract, that it awards contracts to responsible contractors.

2.2 To ensure award to responsible contractors, before all contract awards, Sound Transit considers the following information to reach a responsibility determination:

2.2.1 Technical ability, capacity, availability and competence of the contractor to perform the required scope of work.

2.2.2 Financial capacity to support performance of the required scope of work. Financial capacity may be supported and achieved through participation in Disadvantaged Business Enterprise (DBE), Office of Minority and Women's Business Enterprise (OMWBE) or other small business development and support programs.

2.2.3 Record of business integrity, customer service and relevant experience.

2.2.4 Past performance of similar work.

2.2.5 Past and current compliance with law.

2.2.6 Eligibility to receive federally funded contracts.

2.3 To ensure award to responsible contractors, before the following categories of contract awards, Sound Transit verifies the following information, as applicable, to reach a responsibility determination:

2.3.1 For public works contracts, the bidder or proposer complies with all responsibility criteria required under RCW 39.04.350.

2.3.2 For architectural and engineering professional services contracts, the submitter has a state excise tax registration number required under RCW Title 82.

2.3.3 For goods and services contracts, the bidder or proposer:

2.3.3.a Has no unresolved wage violations with the State of Washington Department of Labor and Industries.

2.3.3.b Is not debarred by the State of Washington.

2.3.3.c Has industrial insurance coverage for its employees working in the State of Washington under RCW Title 51.

2.3.3.d Has an employment security department number under RCW Title 50.

2.3.3.e Has received training on the prevailing wage requirements under RCW Title 39.

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- 2.4 For best value or qualifications-based procurement selection processes, in addition to the responsibility factors described above, the agency may, as appropriate, encourage performance of the following business practices as weighted selection criteria in its evaluation and ranking of competitive proposals and submittals:
- 2.4.1 Compensation of the workforce at or above the prevailing or living wage.
 - 2.4.2 Provision of workforce benefits including, but not limited to, health insurance, retirement savings plan such as a 401(k) or similar and compensated days off.
 - 2.4.3 Positive history of wage compliance as reported by the Washington State Department Labor and Industries.
 - 2.4.4 Prioritization of worker safety and promotion of continuous improvement in the quality of the workforce.
 - 2.4.5 De-escalation training for employees that have regular interaction with the public.
 - 2.4.6 Respect of the right of employees to bargain collectively and commitment to remain neutral in labor organizing drives.
 - 2.4.7 An employee complaint/grievance procedure.
 - 2.4.8 Opportunity for, and support and mentoring of the growth of, certified small businesses and DBE firms.
 - 2.4.9 Policy that expresses the contractor's commitment to equity and inclusion and provides diversity, equity and inclusion training, or similar training, for all employees.
 - 2.4.10 Equal employment opportunity and harassment free workplace policies and training for all employees that includes how to report all forms of harassment.
 - 2.4.11 Anti-human trafficking policy and instruction for all employees that includes how to report suspicions of human trafficking.
 - 2.4.12 Support of environmental and energy efficiency initiatives and policies.
- 2.5 Failure to comply with this policy may result in corrective action up to and including termination.

3.0 References

- 3.1 Resolution No. R2018-40 Procurement, Agreements and Delegated Authority Policy
- 3.2 Resolution No. R99-21 Project Labor Agreements Policy
- 3.3 Resolution No. 60 Fair Work Environment Policy
- 3.4 Resolution No. R2004-06 Environmental Policy
- 3.5 Resolution No. R2007-12 Sustainability Initiative
- 3.6 Motion No. 17 Guiding Principles for Employment and Contracting
- 3.7 Agency Policy 603 Equal Employment Opportunity
- 3.8 Agency Policy 605 Harassment Free Workplace
- 3.9 Agency Policy 606 Equity and Inclusion
- 3.10 Agency Policy 609 Disadvantaged Business Enterprise Program
- 3.11 Agency Policy 2100 Anti-Human Trafficking