

28TH DISTRICT LEGISLATORS BRIEFING DOCUMENT

RE: Washington State Department of Commerce

Procurement Integrity Concerns — ESSB 5167

Charles Mitchell and George Washington Bush Study on Reparative Action for Washington State's Descendants of Victims of United States Chattel Slavery

Submitted by: Melannie Denise Cunningham (Peace Queen), Cornelius Winesberry, and Sharon Winesberry (**28th District Constituents**)

Organization: Washington Equity Now Alliance (WENA) - Pierce County Committee

Media: What Say U? Podcast, Channel 253, Tacoma, Washington

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WHY THIS MATTERS

The Charles Mitchell and George Washington Bush Study on Reparative Action is not an ordinary government contract. It is a legislatively mandated, historically overdue act of reckoning on behalf of the descendants of victims of United States chattel slavery — people who live in Pierce County, across Washington State, and throughout this nation. The potential outcomes of this study — including recommendations for direct payments, policy reform, and systemic investment — represent life-changing economic impact for our community.

Washington State has positioned itself as a national leader in reparations. Other states are watching and will follow. The integrity of this process is not a procedural matter. It is a moral one. It is a sacred one.

The descendants of Charles Mitchell and George Washington Bush cannot afford for this study to begin on a compromised foundation. Healing cannot be built on a process we cannot trust.

WHAT HAPPENED

1. Commerce Bypassed the WEBS Procurement Portal

The Washington Electronic Business Solution (WEBS) portal is the standard, legally established channel for competitive state solicitations — designed to ensure equitable, public access to state contracting opportunities. Commerce bypassed it entirely, conducting what amounts to an internal recruitment process that narrowed the field before open competition could begin.

2. A Qualified Proposal Was Quarantined — Scoring Completed Without It

Dr. Marcus Anthony Hunter — UCLA professor and author of *Radical Reparations* — submitted a proposal. It was quarantined and never reached evaluators. The scoring panel completed its evaluation, identified a winner, and the award decision was made. Only after

the outcome was determined was it “discovered” that Dr. Hunter’s proposal existed. He was never notified at any point in this process. Commerce allowed the award to stand.

3. Due Process Was Denied, Then Called a “Courtesy”

Dr. Hunter requested his debrief, a statutory right under RCW 39.26.170 and the required prerequisite to the formal protest process. Commerce denied it. Twice. Only after Dr. Hunter retained an attorney and intervened did Commerce grant the debrief — and then characterized it not as a legal right, but as a “courtesy.” The debrief answered none of his substantive questions.

4. The Successful Bidder’s Qualifications Are in Question

ESSB 5167, signed by Governor Ferguson, and Commerce’s own posted requirements mandate that the contractor be a “qualified research entity” with documented expertise in reparations, historical analysis, public policy, and economic valuation. The team must include a Ph.D.-level researcher and an experienced genealogist. Community leaders and former legislators have publicly questioned whether the selected contractor, Truclusion — a DuPont-based consulting firm — met these specific qualifications at the time of the bid, not after the award.

QUESTIONS THAT DEMAND WRITTEN ANSWERS

We are asking you to formally raise each of these questions with the Department of Commerce through the Commerce Oversight Committee and to demand written, documented responses within 30 days.

Procurement Process

1. Did Commerce use the WEBS portal to advertise this RFP? If not, why not?
2. What statutory or policy authority did Commerce rely on to bypass WEBS?
3. Who decided to conduct an internal recruitment process instead of a public competitive solicitation, and when?
4. What documentation exists for that decision — was it reviewed, approved, or disclosed to the Commission on African American Affairs or any oversight body before the RFP was issued?
5. Did Commerce analyze how bypassing WEBS would affect equitable access to the bid? Produce that analysis or explain why none exists.
6. How does Commerce define the limits of its discretionary authority in procurement, and what prevents that discretion from predetermining outcomes?

The Quarantined Proposal

1. Why was Dr. Hunter’s proposal quarantined, and what caused it?
2. When was it discovered, and by whom?
3. Had the panel already scored proposals and identified a winner before the quarantine was discovered? If so, what was communicated to evaluators? Produce those communications.

4. What steps did Commerce take when the quarantine was discovered — was Dr. Hunter notified? If not, why not?
5. Does Commerce have a written policy for handling quarantined proposals? Was it followed? If no policy exists, why not?
6. When a proposal fails to reach evaluators due to a technical failure on Commerce's end, what is the Department's legal obligation to that bidder?

Debrief Denial

1. Under what provision did Commerce initially deny Dr. Hunter's debrief request?
2. What changed between the two denials and the eventual grant?
3. RCW 39.26.170 mandates a transparent protest process; the debrief is the statutory prerequisite. What legal interpretation led Commerce to call a codified right a "courtesy" — and who authorized that characterization?
4. What substantive questions from the debrief remain unanswered, and why?
5. Does Commerce understand that framing statutory rights as discretionary favors chills future bidders who lack resources to retain counsel?

Successful Bidder's Qualifications

ESSB 5167 and Commerce's own posted requirements state the contractor must be a "qualified research entity" with expertise in reparations, historical analysis, public policy, and economic valuation. The team must include a Ph.D.-level researcher and an experienced genealogist. Governor Ferguson signed this into law. These are not suggestions — they are legislatively mandated qualifications. Show the bid.

1. At the time of submission, did Truclusion have demonstrated, documented expertise specifically in reparations — not general DEI or diversity consulting, but reparations scholarship, reparations policy, or reparations implementation? Provide the evidence from the bid.
2. At the time of submission, did the team include a Ph.D.-level researcher in the fieldvcxz required? Identify that person by name, their doctoral field, and their specific published work or professional record in reparations.
3. At the time of submission, did the team include an experienced genealogist as required? Identify that person by name and their specific qualifications in genealogical research related to descendants of U.S. chattel slavery.
4. At the time of submission, did the team have documented expertise in historical analysis of slavery and its enduring impacts? What peer-reviewed publications, reports, or prior government studies did the team present in the bid?
5. At the time of submission, did the team have documented expertise in public policy development and economic valuation? What specific policy work or economic analyses related to reparative action did the team present?
6. How did Commerce's evaluation panel verify these qualifications were met at the time of the bid — not after award, not through later subcontracting, but at the time the proposal was submitted and scored?
7. Were any of the required qualifications added to the team after the bid was submitted? If so, when, and was the evaluation panel made aware?

8. Did the successful bidder's proposal cite any prior reparations studies, task force work, or reparations-specific engagements they had completed? If not, on what basis did evaluators determine the team was "skilled in reparations" as required by the proviso?
9. Governor Ferguson signed ESSB 5167 with these qualification requirements into law. How does Commerce reconcile the selection of this contractor with the Governor's own legislatively mandated standard? Produce the sections of the winning bid demonstrating compliance with each requirement.

Scoring & Selection

1. How many proposals were received?
2. Provide the complete scoring records, evaluator identities, and scoring rubric.
3. What were the panelists' specific qualifications in reparations scholarship, historical analysis, and public policy — not general DEI work?
4. Were any evaluators personally connected to or previously known to the selected contractor?
5. What distinguished the winning proposal on reparations expertise, and where is that documented in the scoring record?

WHAT WE ARE ASKING YOU TO SECURE

1. Complete written answers from Commerce to every question above, within 30 days.
2. All proposals received for this RFP released for public review, with only necessary privacy redactions.
3. All scoring records and evaluation criteria released for public review.
4. The winning bid itself — specifically the sections demonstrating compliance with the legislatively mandated qualifications: reparations expertise, Ph.D.-level researcher, experienced genealogist, historical analysis, public policy, and economic valuation.
5. A formal inquiry raised with the Commerce Oversight Committee — on the record — requiring Commerce to account for the bypassing of WEBS, the handling of the quarantined proposal, and the qualification verification process.
6. A transparent, community-accountable oversight process for this study going forward — one that includes African American community leaders, reparations scholars, and representatives of the descendant communities this study is meant to serve.

KEY REFERENCES

ESSB 5167 (Budget Proviso) — Signed by Governor Ferguson. Mandates Commerce contract with a "qualified research entity"; team must have expertise in reparations, historical analysis, public policy, and economic valuation; must include Ph.D.-level researcher and experienced genealogist.

Commerce's Own Posted Requirements — commerce.wa.gov/community-initiatives/reparations-study/ — mirrors the proviso's qualification standards.

RCW 39.26.170 — Protest process and debrief requirements.

WEBS Portal (Dept. of Enterprise Services) — Standard competitive solicitation channel.

Dr. Marcus Anthony Hunter's Open Letter — AFRO American Newspapers.

What Say U? Podcast — Channel 253, Tacoma. Episodes documenting this matter are on record and available upon request.

Charles Mitchell was enslaved as a child on Washington soil. George Washington Bush was turned away from land he helped build. They could not speak for themselves then. This study — their study, bearing their names — was supposed to be the beginning of this state finally speaking for them, and for every descendant living with the weight of that history today.

We will not allow it to begin in the shadow of a compromised process. The stakes are too high. The potential economic impact on our community is too significant. And the debt owed to our ancestors is too sacred to be handled with anything less than full transparency and unimpeachable integrity.

The milk ain't clean. Please check on this.

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