

State of Oregon



**Department of Veterans' Affairs
Issues the Following
REQUEST FOR PROPOSALS (RFP)
RFP Number 274-1010-10
SITE FOR OREGON VETERANS HOME**

Date of Issuance: January 8, 2010

Proposals Due Date: February 16, 2010

By 4: 00 PM

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Section 1: Purpose and General Information

1.1 Introduction

1.1.1 Overview

The Oregon Department of Veterans' Affairs (“ODVA”, “Department” or “Agency”) is requesting proposals from public entities interested in donation of land and matching funds for Oregon’s 2nd Veterans’ Home. This Request for Proposals (RFP) is intended to provide Proposers a framework to describe their proposals and offer a specific property site for use as a State Veterans’ Home in the State of Oregon. It is an expectation that local funding will be proposed for the State’s entire share of the matching funds for construction of this facility. Information gathered through this RFP is intended for evaluation by review and comparison of site and financial proposals. Evaluation conclusions will be considered for final selection of a proposal. Interested jurisdictions should read the attached materials for more information regarding preparation and submittal of proposals. The ODVA expects to select a qualified jurisdiction for the site of the next Veteran’ Home in March 2010. No work may begin, however, until all approvals have been obtained from The United States Department of Veterans Affairs (USDVA), and all required documents have been properly executed.

1.1.2 Background and Objective

In the fall of 1997, Oregon opened its first Veterans’ Home. This 151-bed facility in The Dalles, Oregon has served veterans and their spouses from across the State of Oregon. The Home provides quality skilled nursing care, treatment for patients with Alzheimer’s Disease as well as rehabilitative and long-term care with compassion and dedication. We refer to the Oregon Veterans’ Home as “The Place Where Honor Lives.”

In 1995, while our first Oregon Veterans’ Home was under construction, the Oregon legislature passed HB 2761 authorizing the Director of the ODVA to proceed with the planning, construction and operation of a second State Veterans’ Home. Furthermore, the Bill requires the ODVA Director to solicit donations of land and funds from cities and counties to build this facility.

In 2000, the USDVA and the Veterans Health Administration (VHA) concluded future demand exists for veterans’ skilled nursing facility (SNF) expansion with an additional 804 beds. By this assessment, subsequent regulation is established authorizing ODVA to plan and construct facilities for its aging veteran population.

In 2007, the legislature passed HB 3009 which obviates the certificate of need process required by the Oregon Department of Human Services. By July 2008, Oregon's veteran population had reached 352,000. Although the World War II generation living today is decreasing daily, the Korean War and Vietnam generations are progressively aging and many require the care of a Veterans' Home. With only 151 beds presently available in the State, a 250-bed Veterans' Home will operate near maximum capacity on a continual basis.

In 2009, the Office of Oregon Health Policy and Research confirmed a general 12 % decline of licensed beds in SNF availability statewide. This same study also indicated the fastest growing age group is 64 years and older, with a 49.9% growth by 2015. These conclusions combined with VHA's assessment and the 1991 needs assessment; commissioned by the ODVA, illustrate the necessity and urgency for construction of a second Veterans' Home. At this time, ODVA is moving forward with plans to construct a Second Veterans' Home of approximately 200 SNF beds and 50 Alzheimer's beds.

1.2 Schedule

Event	Due Date
Release Date of RFP	January 8, 2010
Written Questions	January 18, 2010 by 3 PM
Answers to Proposal Questions (approx.)	January 25, 2010
RFP Closing	February 16, 2010 by 4 PM
Opening of Proposals	February 17, 2010 at 8 AM
Evaluation period (approx.)	February 18, 2010 – March 12, 2010
Award Notification (approx.)	March 15, 2010
Award Protests (approx.)	March 24, 2010 by 3 PM
Contract Award (approx.)	March 26, 2010

1.3 Definitions

For general definitions, see OAR 125-246-0110, which are incorporated by reference herein.

1.3.1 “Agency” means Oregon Department of Veterans' Affairs

1.3.2 “RFP” means this Request for Proposals.

1.3.3 “Statement of Site Requirements” means a description of the general character of the Site, the Agency’s expectations including Mandatory and Desirable site criteria as defined in Section 2.4.

1.3.4 “Cost Participation Requirements” means and includes direct cash contributions, subsidies or other types of contributions and a description of how the proposer intends to meet the requirements as set forth in Section 2.3.

1.4 Single Point of Contact (SPC)

All questions, whether about the technical requirements of the RFP, contractual requirements, the procurement process, or any other aspect of the project or needed services, shall be directed only to the person listed on the first page of the RFP. The RFP document may be reviewed upon request at the address listed on the first page of the RFP.

Section 2: Proposal Requirements

2.1 Administrative Proposal Requirements

2.1.1 Proposal Requirements.

All Proposals shall follow the format described in Section 3.4. Proposals shall respond to all elements of information requested, without exception. Proposal sections and pages shall be appropriately numbered per the outline below.

2.1.2 Copies.

Submissions in response to the RFP shall contain one (1) original Proposal signed in original ink and Six (6) copies of the proposal and all required supporting information and documents, plus 1 CD containing a pdf version of the signed Proposal]. The originals and all copies of the Proposal shall be submitted in a sealed envelope or box, labeled “Proposal to RFP #247-1010-10” and delivered to the SPC.

2.2 Minimum Proposal Requirements

A Proposal shall meet the minimum proposal requirements described in the Proposal Cover Sheet, Attachment A. and that which is outlined in Sec.2.3 and 2.4.

2.3 Cost Participation Requirements

Proposals must clearly describe all planned local contribution to the project, such as construction funding, land, utility subsidies, or other contributions. Jurisdiction contributions toward the 35% matching funds will weight heavily in the selection

process. At this time, the estimated contribution is \$15 Million not counting land acquisition and donation. The local jurisdiction will be required to show how it plans to fulfill this component of the RFP. If a jurisdiction plans to obtain funding by use of general obligation bonds requiring approval by voters, funding must be secured no later than December 31st 2010.

2.4 Statement of Site Requirements

Mandatory Criteria

These criteria must be met for a location to be considered. If a criterion is not met, it must be pledged, as a condition of acceptance or the proposer must demonstrate that it is proposing something that is the equivalent or better, functionally and otherwise, to the item specified.

1. A minimum of Ten (10) Acres must be proposed to allow construction of new facility and future expansion. The site must be level enough to allow for a structure free of any barriers to accessibility.
2. The site must be free of constraints imposed by wetlands, protected plants or animals, historic or archeological sites or alternatively, management/mitigation plans must be provided and all associated costs included with land donation.
3. Proposed sites must be free of environmental hazards such as flood plains, insect breeding areas, noise or air pollution, water or soil contamination or alternatively, management /mitigation plans must be provided and all associated costs included with the land donation.
4. Positive site drainage is required.
5. Direct frontage on a paved thoroughfare is required.
6. Public utilities and services are required. These would include sewer, water, gas, electric, telephone, fire protection, law enforcement, ambulance/paramedic, and the like. The specific range of services available to a site should be clearly identified in each proposal.
7. Conformance to all zoning and land use codes is required.
8. Federal and State law requires that to receive a grant under this program, title to the site must be vested solely to the Director of ODVA. Ownership of the site must be conveyed free of any liens or encumbrances, including

mineral rights, that would impose constraints on construction or operation of the facility.

9. Proposed site must be free of structures or the proposals must include demolition and disposal of any existing inappropriate structures included with land donation.

Desirable Criteria

Desirable Criteria are positive features of the property. A property should meet as many of the desirable criteria as possible to further its consideration.

1. Proximity to USDVA hospital/medical center.
2. Proximity to established medical/dental/acute care services and facilities.
3. Availability of trained personnel to assure adequate staffing; access to a university, community college, or vocational-technical school with appropriate programs. For example: Certified Nurse assistant (CAN), Registered Nurse (RN) and others.
4. Proximity to community activity centers such as parks, churches and synagogues, retail and entertainment centers, educational centers, libraries, and others community facilities.
5. Availability of public transportation for residents, staff and visitors.
6. Desirable site characteristics such as water, woodland, flora/fauna.
7. Prominence, visibility, orientation appropriate to the use.
8. Other site features or additional considerations.

Section 3: Solicitation Process

3.1 Procurement Authority and Method

Agency is conducting the RFP pursuant to its authority under ORS 279A.050. Agency intends to use the Competitive Sealed Proposals method pursuant to ORS 279B.060 and OAR 125-247-0260.

3.2 ODVA Solicitation

THIS SITE RFP WILL BE POSTED ON THE ODVA WEB SITE. THE RFP WILL NOT BE POSTED ON THE ORPIN WEB SITE.

All other State Procurement Office (SPO) solicitation rules, as defined in the RFP, shall be applicable. The Site RFP, including all Addenda and Attachments shall be posted on the ODVA web site. The Agency is not required to mail the RFP, its Addenda or Attachments. Notification of any substantive clarifications provided in response to any question will be provided and published at the ODVA web site.

To download complete RFP documentation please go to the ODVA web site: <http://www.oregon.gov/ODVA/>. Proposers may also order hard copies from ODVA for a fee. To obtain hard copies contact the SPC.

3.2.1 Addenda on ODVA.

Addenda are incorporated within the RFP and may be viewed and downloaded on the ODVA web site. Proposers should consult the ODVA web site regularly until closing to ensure that they have not missed any Addenda announcements.

Any oral communications shall be considered unofficial and non-binding. Proposers shall rely only on written statements issued by the SPC.

3.3 Questions, Modifications and Protests relating to the RFP Provisions or Specifications

3.3.1 Submittal of Questions and Requests.

Questions, including requests for explanations of the meaning or interpretation of provisions of the RFP, shall be submitted in writing, arrive by the date and time specified in Section 1.2, and be addressed to the attention of the SPC. Faxes (including Proposer's fax number) and emails are acceptable.

3.3.1 Methods of Seeking Modifications to RFP, Contractual Provisions or Specifications.

3.3.1.1 Procedure.

The appropriate means of seeking modifications to provisions of the RFP are through a written (a) request for clarification; (b) formal submittal of requests for changes to the RFP, contractual terms or specifications; or (c) formal submittal of protests of the RFP, contractual terms or specifications.

3.3.1.2 Request for Clarification.

Any Proposer requiring clarification of any provision of the RFP, contractual terms or specifications may submit to the SPC a written request for clarification. To be considered, the request for clarification shall be received by the SPC by the deadline specified in Section 1.2 or any extension made by subsequent Addenda.

3.3.1.3 Request for Changes to RFP, Contractual Terms or Specifications.

Any Proposer may submit to the SPC a written request for changes to the RFP, contractual terms or specifications. To be considered, the request for changes shall be received by the SPC by the deadline specified in Section 1.2 or any extension made by subsequent Addenda. The request shall include the reason for requested changes, supported by factual documentation; any proposed changes and shall contain all other information required by ORS 279B.405 and OAR 125-247-0730.

3.3.1.4 Protest of RFP, Contractual Terms or Specifications.

Proposers may submit to the SPC a written protest of RFP, contractual terms or specifications. To be considered, Protests shall:

3.3.1.4.1 Identify the Proposer's name and reference the RFP number;

3.3.1.4.2 Contain evidence that supports the grounds on which the protest is based and specify the relief sought, including a statement of the proposed changes to the process or RFP provisions, requirements or terms and conditions that the Proposer believes shall remedy the conditions upon which the protest is based;

3.3.1.4.3 Be signed by the Proposer's authorized representative;

3.3.1.4.4 Be submitted to the SPC by the Solicitation Protest due date specified in Section 1.2; and

3.3.1.4.5 Be delivered or faxed to the SPC at the address specified on the first page of the RFP.

Agency shall not consider solicitation protests that do not meet the requirements of this Section. Agency shall resolve all solicitation protests in accordance with OAR 125-247-0730. Agency is not responsible for the successful transmission of faxed protests. Unless this specific due date is extended by Addenda to the RFP, Agency shall not consider solicitation protests to the originally-issued RFP submitted after the Solicitation Protest due date specified in Section 1.2. *Please note: Late or electronically transmitted (emailed) protests will not be accepted.*

3.3.1.4.6 Method of Submitting Requests for Modification of RFP Provisions. Envelopes containing requests for clarification, requests for change, and protests shall be marked as follows:

Request for Clarification /Change /Protest
RFP Number
Closing

Envelopes shall be received by the SPC by the date and time specified in Section 1.2. This deadline may be extended by Addendum. No requests for clarification, requests for change [, or protests] regarding the RFP, contractual terms or specifications shall be considered if received after the date specified in this Section or the date specified in a subsequent Addendum.

3.3.1.4.7 Response to Requests for Clarification or Change and Protests. Agency shall respond to each properly submitted written request for clarification, request for change and protest in accordance with ORS 279B.405. Where appropriate, Agency shall issue revisions and clarify RFP provisions via Addenda posted on the ODVA web site. Agency may also informally respond to Proposer questions. **Informal responses, however, do not affect the provisions of the RFP. The RFP, contractual terms and specifications can only be changed via formal addenda issued by Agency.**

3.4 Submission of Proposals

Proposals shall be received by the SPC no later than February 16, 2010 by 4:00 PM at the address listed on the front page of the RFP.

Proposals may be delivered via U.S. Mail, courier, or hand-delivered. Proposals shall be sent to the attention of Chuck Moore, SPC at the ODVA. Late, faxed or electronically transmitted Proposals will not be accepted.

All proposals must be complete to ensure accurate evaluation and comparison. The Director of ODVA, following consultation with the Advisory Committee and recommendations of the evaluation team, will be the final judge as to suitability of proposal or the value of any component of a proposal. All Proposals shall follow the format described in this Section. Proposals shall respond to all elements of information requested, without exception. Proposal sections and pages shall be appropriately numbered per the outline below.

Proposal Cover Sheet: The Proposer shall sign and submit the Proposal Cover Sheet (see attachment A).

Executive summary: Description of the proposed site and funding with summarization of key features and strengths of the proposal. Preferred length is one typewritten page, maximum length of two typewritten pages.

Structured narrative: The structured narrative must describe the proposal in detail and demonstrate how outlined requirements are met. The narrative should follow the structure of the proposal requirements section. Please respond to each requirement, the Cost Participation element, and the Site Offering component individually, and any subsequent valued criteria.

Site information/attachments: If attachments are difficult to include in the body of the proposal due to size or format, they should be listed in this section. Any item submitted separately should be clearly labeled. Site information items 1-13 must be addressed in the proposal as follows:

1. Legal property description. Site size including total acreage and buildable acreage. Ownership information, including name address, and telephone number (if different from proposer).
2. Current utility and street maps.
3. Section map locating property boundaries and identifying adjacent land uses within 300 feet in all directions.
4. Aerial photos.
5. Zoning maps and land use guide. Affidavit of conformance of proposed use with zoning ordinances and /or land use guide.
6. USGS or better topographical map.

7. Soil report, for example: test report of boring, Soil Conservation Service maps, and county soils agent information.
8. Site diagram locating any existing structures or improvement.
9. Ground level photos of pertinent site features.
10. Identification of easements and restrictive covenants.
11. A copy of the most recent appraisal.
12. Information concerning availability of the site, including time frame and any constraints.
13. Proposal as to how the state would acquire ownership. Extent of local participation in land donation.

3.5 Withdrawal of Proposals

If a Proposer wishes to withdraw a submitted Proposal, it shall do so prior to the Closing date and time. The Proposer shall submit a written request to withdraw, signed by the Proposer, on the Proposer's letterhead, to the SPC at the address listed on the front page of the RFP, as required by OAR 125-247-0440(2).

3.6 Opening of Proposals

Proposals shall be opened and the names of all Proposers shall be read at the date and time listed in the Schedule, Section 1.2. Proposals will not be read aloud (OAR 125-247-0450(2)). Proposals shall be opened at the following location:

Oregon Department of Veterans' Affairs
700 Summer St. NE
Salem OR, 97301

3.7 Evaluation and Award

The evaluation and award process is described in Section 4.

3.8 Public Information, Confidentiality, and Trade Secrets

All Proposals are public information after the Proposals have been opened, and all protests are public information after the protest period ends. Proposals shall be opened by the SPC at the date and time listed in the Schedule, Section 1.2. Copies of Proposals, however, shall not be provided until the evaluation process has been completely closed and an award letter has been issued/a Notice of Intent to Award has been issued pursuant to OAR 125-247-0630. Copies of public information may be requested by any person. Proposers shall label any information that it wishes to protect from disclosure to third

parties as a trade secret under ORS 192.501(2) with the following: **"This material constitutes a trade secret under ORS 192.501(2) and is not to be disclosed except as required by law."** Agency shall take reasonable measures to hold in confidence all such labeled information, but the State shall not be liable for release of any information when required by law or court order to do so, whether pursuant to the Oregon Public Records Law or otherwise and shall also be immune from liability for disclosure or release of information under the circumstances set out in ORS 646.473(3).

3.9 Cost of Preparing Proposals

All costs incurred in preparing and submitting a Proposal in response to the RFP are the responsibility of the Proposer and shall not be reimbursed by Agency.

3.10 Reservation of Agency Rights

Agency reserves all rights regarding the RFP, including, without limitation, the right to:

- a. Amend, delay or cancel the RFP without liability if Agency finds it is in the best interest of the Agency to do so;
- b. Reject any or all Proposals received upon finding that it is in the best interest of the Agency to do so;
- c. Waive any minor informality or non-conformance with the provisions or procedures of the RFP, and seek clarification of any Proposal, if required;
- d. Reject any Proposal that fails substantially to comply with all prescribed RFP procedures and requirements;
- e. Negotiate separately in any manner necessary to serve the best interest of the public;
- f. Amend any Contracts that are a result of the RFP;
- g. Engage consultants by selection or procurement independent of the RFP process or any Contracts or agreements under it to perform the same or similar services; and
- h. To extend any Contracts that result from the RFP without an additional RFP process for up to a total of Three (3) years, pursuant to OAR 125-246-0560.

3.11 No Contractual Obligation

Agency is not obligated as a result of the submission of a Proposal to enter into a Contract with any Proposer, and has no financial obligation to any Proposer arising from the RFP.

Section 4: Evaluation and Award

4.1 Evaluation Process

4.1.1 Evaluation Overview.

Agency shall conduct an evaluation of the Proposals received in response to the RFP. The Director of ODVA, following consultation with the Advisory Committee and recommendations of the evaluation team, will be the final judge as to suitability of proposal or the value of any component of a proposal.

Agency shall evaluate and score all Proposals on the completeness, quality, and applicability of their content in accordance with the following Sections:

- 4.2: Evaluation of Mandatory Site Criteria (Pass/Fail)
- 4.3: Evaluation of Desirable site Criteria (Scored)
- 4.4: Evaluation, Scoring, and Ranking of Cost Participation (Scored)
- 4.5: Ranking of Proposals

Each Section is explained in more detail below.

4.1.2 Evaluation Committee.

The Agency shall establish an evaluation committee, which may consist of Agency staff, government partners and community partners to review, evaluate and score each Proposal. Proposals must contain sufficient information, as described in the “Submission Requirements” section of the solicitation, in order to receive a full and fair evaluation. The evaluation committee has the authority to request clarification from any candidate and to reject any incomplete proposal.

4.1.3 Disqualification.

Any attempt by a Proposer to improperly influence a member of the evaluation committee during the proposal review and evaluation process shall result in proposal rejection.

4.2 Evaluation of Mandatory Site Criteria (Pass/Fail)

Mandatory criteria must be met for a property to be considered. If any criterion is not met, the proposer must demonstrate that it is proposing some aspect that is equivalent or better, functionally and otherwise, to the item specified.

4.2.1 Site Offering Mandatory

Proposals shall be determined to have “**met**” or “**not met**” each mandatory element after careful consideration of all relevant elements, including any proposed alternative and equivalents.

1. A minimum size of ten (10) acres must be proposed to allow for construction of the new facility and future expansion. The site should be level to allow for a structure free of any accessibility issues.
2. Proposed sites must be free of environmental hazards such as flood plains, noise and air pollution, water and soil contamination, insect breeding areas or management /mitigation plan must be provided and all associated cost included in the land donation.
3. Positive site drainage is a requirement to ensure the health and safety of residents, the facility and other support elements.
4. Direct frontage to a paved thoroughfare is required. Access must exist from an all weather roadway to an existing highway system.
5. The site must be free of all constraints imposed by wetlands, protected plants or animals, historic or archeological sites or, alternatively, management/mitigation plans must be provided and all associated costs included with the land donation.
6. Site must conform to all zoning and land use codes. The site must be zoned to allow for the construction of the Veterans’ Home.
7. Utilities and other public services are required. This would normally include water, sewer, gas, electric, voice and data, fire protection, law enforcement, and ambulance/paramedic services. The full list of specific services must be identified.
8. Proposed sites must be free of existing structures or proposals must include demolition and disposal of the existing inappropriate structure.
9. Title to the site must be vested solely to the Director of ODVA as required by Federal and State law to satisfy program requirements.

4.3 Evaluation of Desirable Site Criteria (Scored)

The evaluation committee shall score all Proposals using the quantity and quality of information described in this Section. Points assigned by each evaluation committee member shall be added together and divided by the total number of evaluation committee members to compute an average score for the evaluation questions.

The evaluation committee may request additional clarification from Proposers for any portion of the Proposals. If a Proposal is unclear, Proposer may be asked to provide

clarification. No new information or documentation may be submitted, however, and clarifications may not be used to rehabilitate a non-responsive Proposal. Proposers shall submit written signed clarification(s) within Three (3) days of the request (Monday-Friday) following receipt of the request. Failure to provide clarification may result in a lower score. The evaluation committee shall assign points to its evaluation of each Proposal as follows:

4.3.1 Site Offering-Desirable

Desirable criteria are additional positive features of the property. A property should meet many of the desired criteria to further its consideration.

Each criterion has been assigned a maximum possible number of points that can be awarded based on the criteria’s value to the project, with a maximum of 900 points possible.

50 points	Availability of public transportation for residents, staff and visitors with means to accommodate disabled individuals.
50 points	Desirable site characteristics such as water, woodlands, flora/fauna.
300 points	Proximity to USDVA hospital /medical center. Proximity is evaluated on both highway miles and travel time during various traffic and weather conditions.
200 points	Proximity to established medical /dental/ acute care hospital.
150 points	Proximity to community activity centers such as parks, churches and synagogues, retail and entertainment center, educational centers, libraries, and other community facilities.
50 points	Availability of trained personnel to assure adequate staffing. Proximity to state university, community college, or vocational-technical school with appropriate programs for CNA’s and RN’s etc.
50 points	Prominence, visibility, orientation appropriate to the use.
50 points	Additional site features or other considerations.

4.4 Evaluation, Scoring and Ranking of Cost Participation

This element of site evaluation is among the most important components for selection of a jurisdiction. Proposals should clearly describe all planned local contributions to the

project, such as construction funding, land, utility subsidies or other contributions. The Federal VA requires a 35% local Cost Participation. If a jurisdiction is proposing less than 100% of the required contribution, they must explain how they plan to fulfill this mandatory requirement. The winning jurisdiction will need to contribute the entire 35% of the non-federal share. At this time, the estimated contribution is \$15 Million not counting land acquisition and donation. In addition, funds must be secured no later than December 31st 2010.

The element of Cost Participation shall be measured as follows:

“Excellent”: the proposal includes all, or no less than 90%, of the 35% non-federal share of project costs.

“Good”: the proposal includes one-half, or more, of the 35% non-federal share of project costs.

“Minimal”: the proposal includes less than one-half of the 35% non-federal shares of project costs.

If Agency requests clarification of any information included in a Proposal, Proposer shall provide the clarification within two (2) business days (Monday through Friday, state-observed holidays excluded) or the Proposal may be rejected as non-responsive at the sole discretion of Agency.

4.5 Ranking of Proposals

The evaluation committee shall add together the points awarded, as described in Section 4.3, to determine the total score and ranking of each Proposal.

4.5.1 Responsive and Responsible Determinations.

4.5.2 Responsive.

To be considered responsive, the Offer shall substantially comply with all requirements of the RFP and all prescribed public solicitation procedures. In making such evaluation, Agency may waive minor informalities and irregularities. Prior to award of a Contract, Agency intends to evaluate whether the apparent successful Proposer meets the applicable standards of responsibility identified in OAR 125-247-0500. In doing so, Agency may investigate Proposer and request information in addition to that already required in the RFP, when Agency, in its sole discretion, considers it necessary or advisable.

4.5.3 Responsible.

Agency reserves the right, pursuant to OAR 125-247-0500, to investigate and evaluate, at any time prior to award and execution of the Contract, the apparent successful Proposer's responsibility to perform the Contract. Submission of a signed Proposal shall constitute approval for Agency to obtain any information Agency deems necessary to conduct the evaluation. Agency shall notify the apparent successful Proposer in writing of any other documentation required, which may include but is not limited to: recent profit-and-loss history; current balance statements; assets-to-liabilities ratio, including number and amount of secured versus unsecured creditor claims; availability of short and long-term financing; bonding capacity; credit information; material; equipment; facility and personnel information; performance record of Contract performance; etc. Failure to promptly provide this information shall result in proposal rejection.

Agency may postpone the award of the Contract after announcement of the apparent successful Proposer in order to complete its investigation and evaluation. Failure of the apparent successful Proposer to demonstrate Responsibility, as required under OAR 125-247-0500, shall render the Proposer non-responsible and constitute grounds for offer rejection, as required under ORS 297B.100.

4.6 Award Notification and Process

If the apparent successful proposer is unable to fulfill the requirements set forth in this RFP, the Agency reserves the right to withdraw the Site Award and begin negotiations with the next highest ranked proposer.

4.6.1 Award Consideration.

The Contract shall be determined by Agency in its sole and absolute discretion to be in the best interest of the State. Agency reserves the right to withdraw any and/or all items from award consideration.

4.6.2 Intent-to-Award Notice.

Agency reserves the right to announce its intent to award prior to Contract award by posting the tabulation sheet of Proposal results and Intent to Award Letter on ODVA web site or by letter or fax ("Intent-to-Award Notice"). The Intent-to-Award Notice shall serve as notice to all Proposers that Agency intends to make an award.

4.6.3 Review of Proposal Files.

Proposers may have five (5) calendar days from the date of the Intent-to-Award Announcement within which to view the proposal files (by appointment).

4.6.4 Protest of Intent to Award.

Adversely affected or aggrieved Proposers shall have seven (7) calendar days from the date of the Intent-to-Award Notice within which to file a written protest. Protests submitted after that date shall not be accepted. Protests shall specify the grounds upon which the protest is based (Refer to OAR 125-247-0740.)

4.6.5 Response to Intent-to-Award Protests.

Agency intends to respond in writing to properly filed intent-to-award protests submitted by adversely affected or aggrieved Proposers. Any response provided by Agency, however, is not intended to, and may not in and of itself constitute, confirmation that the Proposer is in fact adversely affected or aggrieved and therefore entitled to protest an intent to award.

4.7 Reservation of Rights regarding the Evaluation Process and Criteria

4.7.1 Revised Rounds of Negotiations.

Agency reserves the right to implement revised rounds of negotiations at any time in accordance with OAR 125-247-0261(6), if Agency determines that to do so is in the best interest of Agency. If Agency elects to implement revised rounds of negotiations, then Agency shall advise Proposers of the revised rounds of negotiations process and requirements in the RFP. The Rule allows for certain revisions, successive rounds of Proposals, and new scoring to determine the best Proposal for purposes of awarding a Contract.

4.7.2 Competitive Range Process.

Agency reserves the right to implement a competitive range process in accordance with OAR 125-247-0261(2) and incorporate within that process one or more evaluation criteria described in Section 4.3, if Agency determines that to do so is in the best interest of Agency. If Agency elects to implement the competitive range process, then before the Evaluation Process begins, Agency shall advise Proposers of the competitive range process to be implemented and which evaluation criteria shall be incorporated within that competitive range process.

Section 5: Attachments

Attachment A – Proposal Cover Sheet

All Attachments are incorporated by reference herein.

Attachment A - Proposal Cover Sheet

Proposer Information

Organization Name: _____

Primary Contact Person: _____ Title: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Name and title of the person(s) authorized to represent the Proposer in any negotiations and sign any memorandums of agreement or other related documents. that may result:

Name: _____ Title: _____

Minimum Proposal Requirements: This Proposal:

- Meets all Mandatory and Desirable Site Requirements described in Section 4.2 and 4.3.
- Addresses the Cost Participation Requirements described in Section 4.4.

Representations, Attestations, and Certifications: The undersigned further acknowledges, attests and certifies individually and on behalf of the Proposer that:

1. No attempt has been made or shall be made by the Proposer to induce any other person or organization to submit or not submit a Proposal.
2. Information and prices included in this Proposal shall remain valid for one hundred and twenty (120) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The undersigned recognizes that this is a public document and open to public inspection.
4. The Proposer acknowledges receipt of all Addenda issued under the RFP.
5. Proposer does not discriminate in its employment practices with regard to race, creed, age, religious affiliation, sex, disability, sexual orientation or national origin,

nor has Proposer or will Proposer discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, women or emerging small business enterprise certified under ORS 200.055.

- 6. Affirmative Action Program:** Agency is an equal-employment-opportunity employer and value diversity in its work force. Agency requires its Contractors to have an operating policy as an equal employment opportunity employer. Jurisdictions of 50 employees or less do not need to have a formal equal employment opportunity program, but shall have an operating policy supporting equal employment opportunity. _____ (Name of Jurisdiction) has an operating policy supporting equal employment opportunity. Jurisdictions of 50 employees or more shall also have a formal equal employment opportunity program.

Yes No Does your firm have 50 or more employees?

Yes No Does your firm have a formal equal employment opportunity program?

Yes No This Proposal has been printed on recycled paper.

- 7.** The Proposer, acting through its authorized representative, has read and understands all RFP instructions, specifications, and terms and conditions contained within the RFP and all Addenda, if any;
- 8.** The Proposer agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the RFP, including all Addenda, if any;
- 9.** The Proposal submitted is in response to the specific language contained in the RFP, and Proposer has made no assumptions based upon either (a) verbal or written statements not contained in the RFP, or (b) any previously-issued RFP, if any.
- 10.** Agency shall not be liable for any claims or be subject to any defenses asserted by Proposer based upon, resulting from, or related to, Proposer's failure to comprehend all requirements of the RFP.
- 11.** The Agency shall not be liable for any expenses incurred by Proposer in either preparing and submitting its Proposal, or in participating in the proposal evaluation/selection or Contract negotiation process, if any.
- 12. Recycled Products Certification**
Vendors must use recyclable products to the maximum extent economically feasible in the performance of the Contract work set forth in this document.

Authorized Agencies must use, or require persons with whom they Contract with to use in the performance of the Contract work, to the maximum extent economically feasible, recycled paper products as well as other recycled plastic resin products. (ORS 279B.270(1)(e)).

“Recycled paper” means a paper product with not less than fifty percent of its fiber weight consisting of secondary waste materials; or twenty-five percent of its fiber weight consisting of post-consumer waste. (ORS 279A.010(1)(g)).

ORS 279A.010 (1) (ii) states: "'Recycled product' means all materials, goods and supplies, not less than 50 percent of the total weight of which consists of secondary and post-consumer waste with not less than 10 percent of total weight consisting of post-consumer waste. 'Recycled product' also includes any product that could have been disposed of as a solid waste, having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of the product's form."

ORS 279A.010(1)(u) states: "'Post-consumer waste' means a finished material which would normally be disposed of as solid waste, having completed its life cycle as a consumer item. 'Post-consumer waste' does not include manufacturing waste."

ORS 279A.010(1)(jj) states: "'Secondary waste materials' means fragments of products or finished products of a manufacturing process which has converted a virgin resource into a commodity of real economic value, and includes post-consumer waste, but does not include excess virgin resources of the manufacturing process. For paper, 'secondary waste materials' does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, mill broke, wood slabs, chips, sawdust, or other wood residue from a manufacturing process."

I, the undersigned duly authorized representative of the Proposer, hereby certify that the products, if any, offered in this Proposal contain the following minimum percentages:

- a) ____ % (recycled product as defined in ORS 279A.010 (1)(ii))
- b) ____ % (post-consumer waste as defined in ORS 279A.010 (1)(u))
- c) ____ % (secondary waste materials as defined in ORS 279A.010 (1)(jj))

It is the Proposer's responsibility to provide additional signed copies of the Certification of Compliance for each item which contains a different percentage of recycled materials than listed above.

- 14. Office of Foreign Assets Control and US Department of State:** Proposer and Proposer's employees and agents are not included on:
- a) the list entitled "Specially Designated Nationals and Blocked Persons" maintained by the Office of Foreign Assets Control of the United States Department of the Treasury and currently found at <http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf>;
 - or
 - b) the list entitled "Current List of Designated Foreign Terrorist Organizations of the US Department of State" and currently found at <http://www.state.gov/s/ct/rls/fs/37191.htm>.
- 15.** The signatory of this Proposal Cover Sheet is a duly authorized representative of the Proposer, has been authorized by Proposer to make all representations, attestations, and certifications contained in this Proposal document and all Addenda, if any, issued, and to execute this Proposal document on behalf of Proposer.
- 16.** By signature below, the undersigned Authorized Representative hereby certifies on behalf of Proposer that all contents of this Proposal Cover Sheet and the submitted Proposal are truthful, complete and accurate. Failure to provide information required by the RFP may ultimately result in rejection of the Proposal.

THIS OFFER SHALL BE SIGNED IN BLUE OR BLACK INK BY AN AUTHORIZED REPRESENTATIVE OF THE PROPOSER; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF PROPOSER'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: _____

Print Name: _____

Title: _____

Contact Person (Type or Print): _____

Telephone Number: (____) _____

Fax Number: (____) _____