

STATE OF OREGON



COVER PAGE

Oregon Department of Land Conservation and Development

Updating Oregon’s Estuary Management Plans: Facilitating a Multi-Jurisdictional Plan Update Process and Developing a Plan Update Guide for Local Jurisdictions.

Request for Proposal (RFP)

[660.1048-21]

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Closing Date and Time: March 19, 2021

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TABLE OF CONTENTS

SECTION 1: GENERAL INFORMATION	4
1.1 INTRODUCTION.....	4
1.2 SCHEDULE.....	4
1.3 SINGLE POINT OF CONTACT (SPC).....	5
SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE	5
2.1 AUTHORITY AND METHOD.....	5
2.2 DEFINITION OF TERMS.....	5
2.3 OVERVIEW AND PURPOSE.....	6
2.4 SCOPE OF WORK/SPECIFICATIONS.....	7
SECTION 3: PROCUREMENT REQUIREMENTS	9
3.1 MINIMUM QUALIFICATIONS.....	9
3.2 PROPOSAL REQUIREMENTS.....	100
SECTION 4: SOLICITATION PROCESS	122
4.1 PUBLIC NOTICE.....	122
4.2 PRE-PROPOSAL CONFERENCE.....	133
4.3 QUESTIONS / REQUESTS FOR CLARIFICATIONS.....	134
4.4 SOLICITATION PROTESTS.....	144
4.5 PROPOSAL DELIVERY OPTIONS.....	15
4.6 PROPOSAL MODIFICATION OR WITHDRAWAL.....	155
4.7 PROPOSAL DUE.....	155
4.8 PROPOSAL REJECTION.....	155
4.9 EVALUATION PROCESS.....	156
4.10 POINT AND SCORE CALCULATIONS.....	201
4.11 RANKING OF PROPOSERS.....	211
4.12 NEXT STEP DETERMINATION.....	211
SECTION 5: AWARD AND NEGOTIATION	21
5.1 AWARD NOTIFICATION PROCESS.....	21
5.2 INTENT TO AWARD PROTEST.....	222
5.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS.....	22
5.4 CONTRACT NEGOTIATION.....	244
SECTION 6: ADDITIONAL INFORMATION	24
4	
6.1 CERTIFIED FIRM PARTICIPATION.....	244
6.2 GOVERNING LAWS AND REGULATIONS.....	255
6.3 OWNERSHIP/PERMISSION TO USE MATERIALS.....	255
6.4 CANCELLATION OF RFP; REJECTION OF PROPOSAL; NO DAMAGES.....	255
6.5 COST OF SUBMITTING A PROPOSAL.....	255
6.6 STATEWIDE E-WASTE/RECOVERY PROCEDURE.....	255
6.7 RECYCLABLE PRODUCTS.....	25

LIST OF ATTACHMENTS

ATTACHMENT A SAMPLE CONTRACT/PRICE AGREEMENT

ATTACHMENT B DISCLOSURE EXEMPTION AFFIDAVIT

ATTACHMENT C PROPOSER INFORMATION AND CERTIFICATION SHEET

ATTACHMENT D REFERENCE CHECK FORM

ATTACHMENT E PRICE PROPOSAL FORM

ATTACHMENT F COBID CERTIFICATION / OUTREACH PLAN

ATTACHMENT G RESPONSIBILITY INQUIRY

SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon, acting by and through the Department of Land Conservation and Development, (“Agency”), is issuing this Request for Proposal for Updating Oregon’s Estuary Management Plans: Facilitating a Multi-Jurisdictional Plan Update Process and Developing a Plan Update Guide for Local Jurisdictions.

Oregon’s Estuary Management Plans (estuary plans) were first adopted in the 1980s and act to guide development and conservation within these important locations. Although estuary plans are extremely important to the comprehensive management of estuarine resources, none of them have been successfully updated since their original adoption. The main barrier to updating these plans come from the cost, complexity of the environment, and the technical need. The proposed project will serve to create a process and guidance document for updating Oregon’s estuary plans which can be implemented by local jurisdictions.

To accomplish this work, the OCMP will work with a contractor and local jurisdiction steering committee to update the Yaquina Bay estuary plan and utilize the process as a pilot to develop guidance that can be used by other jurisdictions during their respective estuary plan update processes. This will be accomplished through extensive coordination, hazards and resources data assessment, plan drafting, outreach and engagement, adoption of plans and associated ordinances, and the development of planning guidance.

Additional details on the Scope of the goods or services or both are included in the Scope of Work/Specifications section.

Agency anticipates the award of one Contract from this RFP. The term of the Contract is anticipated to be 12 months with a potential option to renew up to a maximum of 24 months. After a review of all proposals, a contract for services will be awarded to the successful proposer. The successful contractor will be selected based on an evaluation of criteria outlined in this RFP that provide the Agency with the needs and requirements of the Update to Oregon’s Estuary Management Plans.

1.2 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change. N/A denotes that event is not applicable to this RFP.

Event	Date	Time
Pre-Proposal Conference	March 03, 2021	9:00 AM
Questions / Requests for Clarification Due	March 05, 2021	5:00 PM
Answers to Questions / Requests for Clarification Issued (approx.)	March 12, 2021	
RFP Protest Period Ends	7 calendar days prior to RFP Closing	
Closing (Proposal Due)	See RFP cover page	
Opening of Proposal	March 22, 2021	8:00 AM
Issuance of Notice of Intent to Award (approx.)	April 14, 2021	1:00 PM
Award Protest Period Ends	7 calendar days after Notice of Intent to Award	

1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFP is identified on the Cover Page, along with the SPC’s contact information. Proposer shall direct all communications related to any provision of the RFP only to the SPC, whether about the technical requirements of the RFP, contractual requirements, the RFP process, or any other provision.

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

Agency is issuing this RFP pursuant to its authority under OAR 125-246-0170(2).

Agency is using the Competitive Sealed Proposal method, pursuant to ORS 279B.060 and OAR 125-247-0260. Agency may use a combination of the methods for Competitive Sealed Proposals, including optional procedures: a) Competitive Range; b) Discussions and Revised Proposals; c) Revised Rounds of Negotiations; d) Negotiations; e) Best and Final Offers; and f) Multistep Sealed Proposals.

2.2 DEFINITION OF TERMS

For the purposes of this RFP, capitalized words are defined in OAR 125-246-0110 or as defined below.

“**Agency**” means Oregon Department of Land Conservation and Development (DLCD).

“**Oregon Coastal Management Program**” or “**OCMP**” means the federally approved coastal management program of the State of Oregon as provided for under the Coastal Zone Management Act of 1972.

“**Jurisdictions**” means the Local County and cities holding authority over the Yaquina Bay Estuary Management Plan.

“**National Estuarine Research Reserve**” or “**NERR**” means the 5,900-acre natural area located in the Coos estuary on the south coast of Oregon, federally approved under the Coastal Zone Management Act and housed within the Department of State Lands.

2.3 OVERVIEW AND PURPOSE

2.3.1 Agency Overview and Background

The Oregon Department of Land Conservation and Development (DLCD) is a small state agency. DLCD works in partnership with local governments, and state and federal agencies, to address the land use needs of the public, communities, regions, and the state. The Land Conservation and Development Commission provides policy direction for the land use planning program and oversees DLCD operations. DLCD has been charged by the Legislature with managing urban growth; protecting farm and forest lands, coastal areas, and natural resource lands; and providing for safe, livable communities in concert with the vision of the local communities. Under the statewide land use planning program, each city and county is called upon to adopt and maintain a comprehensive plan and an implementing zoning code consistent with 19 statewide planning goals. Recognizing that each city and county has unique values and aspirations, DLCD’s job is to provide planning guidance and technical assistance to help communities plan for their future while considering the needs of the region and the state.

2.3.2 Project Overview and Background

The primary goal of this project is to develop and implement a practical strategy for updating Oregon’s estuary plans within a climate change and coastal hazards context. This will successfully demonstrate how to update an estuary plan via a pilot project and use the process to inform the development of guidance that can be utilized by other communities.

The specific objectives of this project are to:

- Objective 1: Work within one estuary and with associated jurisdictions to update an Estuary Management Plan for Yaquina Bay
- Objective 2: Develop a Guidance Document informed by Objective 1 to be adaptively used by other coastal jurisdictions for estuary management plan updates.
- Objective 3: Develop a report summarizing the coastal hazards and climate change impacts on the Yaquina Estuary.

Oregon’s planning-based approach to estuary management has provided a strong foundation for estuarine resource conservation and development decisions. Likewise, the locally focused nature of the estuary planning process has produced plans with broad based support and has increased awareness of the relationships between traditional community development planning and aquatic resource management.

The selected Contractor will work with Yaquina Bay Estuary Management Plan communities to update the EMP, understand and incorporate hazard and climate impacts for estuary management, and draft an EMP update guidance document in coordination with DLCD staff.

2.3.3 Purpose

DLCD is committed to working with local jurisdictions to update their Estuary Management

Plans to include the most up to date and relevant data to inform sustainable estuary management decisions. Local jurisdictions lack financial and staff capacity to initiate these efforts and this contract will help provide the additional capacity needed. The Yaquina Bay Estuary Management Plan will provide an example of how to update an estuary management plan and inform a guidance document that can be used by other jurisdictions along the Oregon coast. There are a variety of benefits to coastal management as a result of updating estuary management plans. First, the project would serve as a model for the coastal management community on how to effectively implement multijurisdictional environment and hazards planning. Second, the project would provide for updated resource inventories to be incorporated into the local land use process. This would ultimately support the appropriate management of a variety of coastal resources (e.g. wetlands, eelgrass, etc.), and would ensure the protection of associated ecosystem services that can be utilized for local community resilience initiatives. Finally, an updated vision and policy framework for the estuary management plan would incorporate current and future societal, environmental, and economic needs of the associated coastal communities and the State of Oregon.

This effort is in direct alignment with the State of Oregon’s priorities to update the network of estuary management plans along the Oregon Coast. The OCMP has been working over the last five years with Coos County, the cities of North Bend and Coos Bay, and South Slough NERR to update the Coos Bay Estuary Management Plan. This included a Coos Bay Estuary Land Use analysis and a conceptual evaluation for the update of the Coos Bay Estuary Management Plan. The final report and recommendations for Land Use Analysis were published in January 2019. An adoption framework and proposed plan policy and implementing regulation amendments were developed for this project, based on the Land Use Analysis recommendations. Additionally, hearing ready drafts for the CBEMP inventory update and CBEMP implementing zoning district updates were developed. The department joined the local partners and NERRS on the technical steering committee for this final critical phase of work. Efforts from this process will be used to inform this project to ensure success. The products from this proposed project will greatly modernize and enhance the ability for the Yaquina Bay EMP to be fully updated, while greatly enhancing guidance for local governments to update EMP’s through time.

This work will be performed in accordance with Statewide Planning Goal 16: Estuarine Resources, ORS 197, and implementing administrative rules. This project may be impacted by the global COVID-19 pandemic and DLCDC recognizes that there may be a need to adapt the project to fit changing circumstances.

2.3.4 Schedule

The work identified in this RFP must be completed within 12 months, however there is a potential option to extend up to 24 months. There are no options for extension past this point due to federal funding constraints.

2.4 SCOPE OF WORK / SPECIFICATIONS

Task 1: Plan, Estuary & Hazards Data Assessment (Objective 1 and 3)

The contractor will conduct a three phase assessment for the project, including assessments on the EMP Plan, estuary data inventories, and hazards and climate vulnerability. This may include former project datasets supported through previous DLCDC projects, such as CMECs data and

new estuary extent maps. This task will enable the identification of (but is not limited to) areas of conflict between resource data, flood data, estuary zones, and shore land zones. Additionally, an overall assessment of the original Yaquina Bay Estuary Management Plan will be conducted, to include but not limited to a legal framework assessment, policy evaluation, and land use analysis. Final products for this task include a plan assessment report, hazards and climate vulnerability report, and a natural resources report. This task will be led by the contractor in partnership with the project steering committee (city and county representatives and DLCD staff). All methods for the assessment will be agreed upon by the contractor and steering committee.

Task 2: Yaquina Bay Plan Update (Objective 1 and 3)

Task Two is dedicated to the update of the Yaquina Bay EMP. As part of this task, the Taskforce will deliberate and review the analyses completed in Task One. These deliberations and review will guide the vision for the plan update. The plan will be drafted by the contractor and reviewed by the Taskforce through an iterative process. This task will conclude with the preparation of hearing reading drafts of planning documents and materials for the adoption process. Final products developed from this task include meeting notes and summaries, a scenarios report, and a list of adoption-ready documents, draft policies, and code amendments. This task will be led by the contractor in partnership with the Taskforce. Specifically, tasks should include the following:

1. Lead and facilitate the Task Force Review Process
2. Present recommendations from Task 1 assessments to the Task Force for review
3. Based on Task Force review and input, prepare draft plan updates that will include:
 - a. Incorporating updated resource inventory information
 - b. Updating and revising, as needed, overall plan policies and standards
 - c. Updating and revising, as needed, management unit descriptions and policies
 - d. Updating and revising, as needed, plan maps
 - e. Other plan revisions identified by the Task Force and/or the jurisdictions
 - f. Recommendations for implementing code/ordinance revisions
4. Present draft plan updates to the Task Force for review
5. Prepare and deliver to jurisdictions final hearing ready plan update documents

Task 3: Drafting & Completion of Guidance Document (Objective 2)

Task Three will consist of drafting and completing the guidance document. This document will serve as a step-by-step guide on how to conduct an EMP update process, identify challenges to expect, along with best practices for success. This task will include review by the Taskforce. The guide will incorporate lessons learned and process outcomes. Final products developed from this task will be a draft EMP Update Guidance Document. This task will be led by the contractor in partnership with the Taskforce.

SECTION 3: PROCUREMENT REQUIREMENTS

3.1 MINIMUM QUALIFICATIONS

To be considered for evaluation, Proposal must demonstrate how Proposer meets all requirements of this section:

Proposers must clearly demonstrate in their proposal that they have the following minimum qualifications:

- Knowledge of Oregon’s Statewide Land Use Program, with emphasis on Goals 16 and 17
- Knowledge of coastal hazards and climate threats to Oregon estuaries and adjacent communities.
- Demonstrated experience in successful public process management and facilitation
- Experience working with local jurisdictions on special area plans or similar spatially based resource or land use management plans.
- High level of technical expertise in GIS and technical reporting.

3.1.1 Proposal Submissions

To be considered for evaluation, Proposal must contain each of the following elements (further detailed in Proposal Requirements section below):

- Executive Summary
- Technical Proposal
- Disclosure Exemption Affidavit (Attachment B) – submit 1 copy only
- Proposer Information and Certification Sheet (Attachment C)
- Reference Check Form (Attachment D)
- Cost Proposal Form (Attachment E)
- COBID Certification / Outreach Plan (Attachment F) - submit 1 copy only
- Responsibility Inquiry (Attachment G) - submit 1 copy only
- Key Persons and Resumes (Attachment H)
- Work Samples

3.1.2 Proposal Page Limits

Proposal is limited to 10 pages. Any pages exceeding this limit will not be provided to the evaluation committee or considered in the evaluation. The following items do not count toward the page limit:

- Disclosure Exemption Affidavit (Attachment B)
- Proposer Information and Certification Sheet (Attachment C)
- Reference Check forms (Attachment D)
- Cost Proposal (Attachment E)

- COBID Certification / Outreach Plan (Attachment F)
- Responsibility Inquiry (Attachment G)
- Key Persons and Resumes (Attachment H)
- Work samples

3.1.3 Proposal Format and Quantity

Proposal should follow the format and reference the sections listed in the Proposal Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed. Cost information must be submitted as a separate electronic file/sealed envelope.

Proposer shall submit one copy of its Proposal and all other submittal requirements, with Attachment C - Proposer Information and Certification Sheet bearing the Proposer’s authorized representative’s Signature, electronically by email in one of the following formats: Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx). Please be mindful of email attachment size limitations when submitting. If Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall submit a fully redacted version of its Proposal, clearly identified as the redacted version.

3.1.4 Authorized Representative

Failure of the authorized representative to sign the Proposal may subject the Proposal to rejection by Agency.

3.2 PROPOSAL REQUIREMENTS

Proposal must address each of the items listed in this section and all other requirements set forth in this RFP. Proposer shall describe the Goods to be provided or the Services to be performed or both. A Proposal that merely offers to provide the goods or services as stated in this RFP shall be considered non-Responsive to this RFP and will not be considered further.

Proposal should not include extensive artwork, unusual printing or other materials not essential to the utility and clarity of the Proposal. Do not include marketing or advertising material in the Proposal, unless requested. Proposal should be straightforward and address the requests of the RFP. Proposal containing unsolicited marketing or advertising material may receive a lower evaluation score if specific information is difficult to locate.

3.2.1 Proposer Information and Certification Sheet

Proposer shall complete and submit the Proposer Information and Certification Sheet (**Attachment C**).

Failure to demonstrate compliance with Oregon Tax Laws and sign the Proposer Information and Certification Sheet may result in a finding of non-Responsibility.

3.2.2 Responsibility Inquiry

Proposer shall complete and submit with its Proposal **Attachment G** — Responsibility Inquiry.

3.2.3 Key Persons and their Resumes (Required, will be used for evaluation purposes)

Proposer shall submit, on **Attachment H**, the name, work phone, work email, title, and area of expertise for each Key Person who will be assigned to perform the Work described in this RFP. For each Key Person listed, the Proposer must include a current resume (not to exceed two pages each) that demonstrates each Key Person’s qualifications and experience to provide the Work described in the RFP.

3.2.4 Proposal Evaluation Criteria (100 Points Possible)

Proposer shall include the following in its Proposal:

3.2.4.1 Key Persons (10 Points Possible)

Proposer shall identify which of the Key Persons described above in Section 3.3.3 will be the Key Persons for completing the.

3.2.4.2 Project Management & Approach (20 Points Possible)

Describe how Proposer would carry out the major activities of this project in context with the Scope of Work. Provide an inclusive project management plan that the Proposer intends to follow. Illustrate how the plan will serve to coordinate and accomplish the Work.

3.2.4.3 Specific Experience (30 Points Possible)

Proposer shall provide a description of a minimum of two previous projects Proposer has completed in the last five years, similar to the work proposed here. The projects should be similar in scope, size, and requirements to that described in this RFP. The projects must demonstrate Proposer has the experience, knowledge, and qualified staff to provide the Work being requested. Project descriptions must at a minimum include the following:

- An overview of each project;
- The type and size of the project;
- Goals and objectives of the project;
- A description of the results;
- Key Persons assigned and their roles;
- If the projects were completed within Proposer’s estimated budget and schedule or if they required adjustments. Please include an explanation for the adjustments; and
- Any other important and relevant information regarding the project.

3.2.4.4 Work Samples (10 Points Possible)

Provide actual pages demonstrating the Proposer’s ability to communicate key information and inform decisions from one or more projects of similar scope and magnitude. Pages should be marked only to call out a specific section (circle or highlight a particular area of a page); any explanation should be included within the page limit of the Proposal. Work Samples are included in the Proposal page limit identified for this solicitation.

The Work Samples will be scored by evaluators on applicability to Project as well as format, including: appropriate use of tables and graphics; clear, concise text; and errors, including misspellings, grammatical, and typographic.

3.2.4.5 Clarity of Proposal (10 Points Possible)

Proposers should not provide a written response to this criterion.

The Proposal will be scored by evaluators on format including appropriate use of tables and graphics; ease of finding clear, concise information that correlates with the SOW and proposal requirements; errors, including misspellings, grammatical, and typographic; and Proposers’ ability to follow instructions.

3.2.5 References (Required, not Scored)

Provide 3 references from current or former client firms for similar projects performed for any clients within the last 5 years. References must be able to verify the quality of previous, related Work.

Agency may check to determine if references provided support Proposer’s ability to comply with the requirements of this RFP. Agency may use references to obtain additional information, or verify any information needed. Agency may contact any reference (submitted or not) to verify Proposer’s qualifications.

Proposer shall send the Reference Check Form (**Attachment D**) to its references. Reference forms must be completed by the reference, returned to the Proposer and submitted with the Proposal.

3.2.6 Cost Proposal (20 Points Possible)

Submit a detailed Cost Proposal (**Attachment E**) in a separate electronic file via email that includes the following items:

- For each activity described in the Scope of Work, the Cost Proposal must include identifiable costs, time estimates for completing each activity, and a summary of all proposed costs,
- The Cost Proposal must include separate line items for personnel, travel, supplies, other costs, and administrative and overhead charges; and
- For all fully loaded personnel costs, the Cost Proposal must include the name and title of all positions for each individual staff person who will perform the Work, and list the salary/wage and fringe rate separately for each such individual.

SECTION 4: SOLICITATION PROCESS

4.1 PUBLIC NOTICE

The RFP and attachments are published in the Oregon Procurement Information Network (ORPIN) at <https://orpin.oregon.gov>. RFP documents will not be mailed to prospective Proposers.

Modifications, if any, to this RFP will be made by written Addenda published in ORPIN.

Prospective Proposer is solely responsible for checking ORPIN to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

4.2 PRE-PROPOSAL CONFERENCE

A Pre-Proposal conference will be held at the date and time listed in the Schedule. Prospective Proposers’ participation in this conference is highly encouraged but not mandatory.

The purpose of the Pre-Proposal conference is to:

- Provide additional description of the project;
- Explain the RFP process; and
- Answer any questions Proposers may have related to the project or the process.

Statements made at the Pre-Proposal conference are not binding upon Agency. Proposers may be asked to submit questions in Writing. Nothing stated at the pre-Proposal conference shall change the RFP unless a change is made by Written addenda.

Interested parties may participate in the Pre-Proposal Conference via a web meeting:

DATE	TIME	LOCATION
<p>Wednesday, March 03, 2021</p>	<p>9:00 AM</p>	<p>ZOOM Only</p> <p>https://us02web.zoom.us/j/4681028247?pwd=cWNPWUFTL3l5YmxDc1hNNGM0bnloZz09</p> <p>Meeting ID: 468 102 8247 Passcode: 418642</p> <p>Dial by your location</p> <p>855 880 1246 US Toll-free 877 853 5257 US Toll-free 888 683 5191 US Toll-free</p> <p>Meeting ID: 468 102 8247 Passcode: 418642</p> <p>Skype for Business (Lync)</p> <p>https://us02web.zoom.us/skype/4681028247</p>

4.3 QUESTIONS / REQUESTS FOR CLARIFICATIONS

All inquiries, whether relating to the RFP process, administration, deadline or method of award, or to the intent or technical aspects of the RFP must:

- Be delivered to the SPC via email;
- Reference the RFP number;
- Identify Proposer’s name and contact information;
- Refer to the specific area of the RFP being questioned (i.e. page, section and paragraph number); and
- Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule.

4.4 SOLICITATION PROTESTS

4.4.1 Protests to RFP

Prospective Proposer may submit a written protest of anything contained in this RFP, including but not limited to, the RFP process, Specifications, Scope of Work, and the proposed Sample Contract. This is prospective Proposer’s only opportunity to protest the provisions of the RFP, except that Proposer may protest Addenda as provided below and Proposer may take exception to the terms and conditions of the Sample Contract marked as negotiable as set forth in the Negotiations Section.

4.4.2 Protests to Addenda

Prospective Proposer may submit a written protest of anything contained in the respective Addendum. Protests to Addenda, if issued, must be submitted by 5 p.m. Pacific Time of the second Business Day or the date/time specified in the respective Addendum, or they will not be considered. Protests of matters not added or modified by the respective Addendum will not be considered.

4.4.3 All Protests must:

- Be delivered to the SPC via email;
- Reference the RFP number;
- Identify prospective Proposer’s name and contact information;
- Be sent by an authorized representative;
- State the reason for the protest, including:
 - the grounds that demonstrate how the Procurement Process is contrary to law, Unnecessarily Restrictive, legally flawed, or improperly specifies a brand name; and
 - evidence or documentation that supports the grounds on which the protest is based
- State the proposed changes to the RFP provisions or other relief sought;
- Protests to the RFP must be received by the due date and time identified in the Schedule; and
- Protests to Addenda must be received by the due date identified in the respective Addendum.

4.5 PROPOSAL DELIVERY OPTIONS

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before Closing. Agency is not responsible for any delays in mail or by common carriers or by transmission errors or delays, or for any mis-delivery for any reason. A Proposal submitted by any means not authorized below will be rejected. The following delivery options are permitted for this RFP:

Delivery through email to the SPC.

4.6 PROPOSAL MODIFICATION OR WITHDRAWAL

If a Proposer wishes to make modifications to a submitted Proposal it must submit its modification in one of the authorized methods listed in the Proposal Delivery Options section. To be effective the notice must include the RFP number and be submitted to the SPC prior to Closing.

If a Proposer wishes to withdraw a submitted Proposal, it must submit a written notice signed by an authorized representative of its intent to withdraw to the SPC via email prior to closing in accordance with OAR 125-247-0440. To be effective the notice must include the RFP number.

4.7 PROPOSAL DUE

A Proposal (including all required submittal items) must be received by the SPC on or before Closing. All Proposal modifications or withdrawals must be received prior to Closing.

A Proposal received after Closing is considered LATE and will NOT be accepted for evaluation. A late Proposal will be returned to the Proposer or destroyed.

4.8 PROPOSAL REJECTION

Agency may reject a Proposal for any of the following reasons:

- Proposer fails to substantially comply with all prescribed RFP procedures and requirements, including but not limited to the requirement that Proposer’s authorized representative sign the Proposal.
- Proposer has liquidated and delinquent debt owed to the State or any department or agency of the State.
- Proposer fails to meet the responsibility requirements of ORS 279B.110.
- Proposer makes any contact regarding this RFP with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Proposer attempts to influence a member of the Evaluation Committee.
- Proposal is conditioned on Agency’s acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFP or Addenda.

4.9 EVALUATION PROCESS

4.9.1 Responsiveness and Responsibility determination

4.9.1.1 Responsiveness determination

A Proposal received prior to Closing will be reviewed to determine if it is Responsive to all RFP requirements including compliance with Minimum Qualifications section and Minimum Submission Requirements section. If the Proposal is unclear, the SPC may request clarification from Proposer. However, clarifications may not be used to rehabilitate a non-Responsive proposal. If the SPC finds the Proposal non-Responsive, the Proposal may be rejected, however, Agency may waive mistakes in accordance with OAR 125-247-0470.

4.9.1.2 Responsibility determination

Agency will determine if an apparent successful Proposer is Responsible prior to award and execution of the Contract. Proposers shall submit a signed Responsibility Inquiry form (Attachment G) with their Proposal.

At any time prior to award, Agency may reject a Proposer found to be not Responsible.

4.9.2 Evaluation Criteria

Each Proposal meeting all Responsiveness requirements will be independently evaluated by members of an Evaluation Committee. Evaluation Committee members may change and Agency may have additional or fewer evaluators for optional rounds of competition. Evaluators will assign a score for each evaluation criterion listed below in this section up to the maximum points available in the Point and Score Calculation section.

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposal. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

Proposal Evaluation Criteria (100 Points Possible)

4.9.2.1 Key Persons (10 Points Possible)

- Do the key persons on this project have the appropriate expertise to do the project successfully?
- How well does the proposal explain the suitability of the project team?

Rating scale and explanation for Key Persons:

SCORE	EXPLANATION
9-10	OUTSTANDING - Proposal meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and Project. Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
6-8	VERY GOOD – Proposal provides useful information, while showing experience and knowledge within the product category. Proposal demonstrates above average knowledge and ability with no apparent deficiencies noted.

4-5	ADEQUATE – Proposal meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
2-3	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0-1	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

4.9.2.2 Project Management and Approach (20 Points Possible)

- How well does the proposal project management and approach fit the needs of the project?
- How does the management and approach to the project fit the needs of the cities and counties responsible for the Yaquina Estuary Management Plan?

Rating scale and explanation for Project Management & Approach:

SCORE	EXPLANATION
17-20	OUTSTANDING - Proposal meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and Project. Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
12-16	VERY GOOD – Proposal provides useful information, while showing experience and knowledge within the product category. Proposal demonstrates above average knowledge and ability with no apparent deficiencies noted.
8-11	ADEQUATE – Proposal meets all requirements in an adequate manner. Proposal demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
4-7	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0-3	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

4.9.2.3 Specific Experience (30 Points Possible)

- How well does the proposal demonstrate the specific experience necessary for project success?
- How well does the experience align with estuary management planning?

Rating scale and explanation for Specific Experience:

SCORE	EXPLANATION
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25-30	OUTSTANDING - Proposal meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and Project. Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
19-24	VERY GOOD – Proposal provides useful information, while showing experience and knowledge within the product category. Proposal demonstrates above average knowledge and ability with no apparent deficiencies noted.
13-18	ADEQUATE – Proposal meets all requirements in an adequate manner. Proposal demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
7-12	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0-6	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

4.9.2.4 Work Samples (10 Points Possible)

- How well do the work samples demonstrate the necessary expertise for this project?
- How well do the work samples convey a professional caliber of deliverables?

Rating scale and explanation for Work Samples:

SCORE	EXPLANATION
9-10	OUTSTANDING - Proposal meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and Project. Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
6-8	VERY GOOD – Proposal provides useful information, while showing experience and knowledge within the product category. Proposal demonstrates above average knowledge and ability with no apparent deficiencies noted.
4-5	ADEQUATE – Proposal meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
2-3	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0-1	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

4.9.2.5 Clarity of Proposal (10 Points Possible)

- How well does the proposal convey the task approach to the project?
- How well does the proposal identify all required information as outlined in the RFP?

Rating scale and explanation for clarity of proposal:

SCORE	EXPLANATION
9-10	OUTSTANDING - Proposal meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and Project. Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
6-8	VERY GOOD – Proposal provides useful information, while showing experience and knowledge within the product category. Proposal demonstrates above average knowledge and ability with no apparent deficiencies noted.
4-5	ADEQUATE – Proposal meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
2-3	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0-1	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

4.9.2.6 Proposal Cost (20 Points Possible)

- How well does the proposal cover the anticipated costs of the project and is that cost feasible?
- How well does the proposal justify the anticipated costs and is there anything missing or unnecessary?

Rating scale and explanation for Cost Proposal:

SCORE	EXPLANATION
17-20	OUTSTANDING – The Cost Proposal meets all the requirements and presents a comparatively very high degree of economy without raising doubts that the Proposer has underestimated the resources necessary to complete the Project. When considered in relation to the quality of Proposal, Cost represents an outstanding value.
12-16	VERY GOOD – The Cost Proposal meets all requirements and offers the Services at a cost that falls within a reasonably competitive range. When considered in relation to the quality of Proposal, Cost represents very good value.

8-11	ADEQUATE – The Cost Proposal meets all requirements in a reasonably adequate manner but offers pricing at the upper end of reasonable competitiveness as compared with the Cost Proposals of other Proposers. When considered in relation to the quality of Proposal, Cost represents adequate value.
4-7	FAIR – The Cost Proposal meets all requirements in a reasonably adequate manner but offers pricing that approaches the bounds of failing to be reasonably competitive as compared with the Cost Proposals of other Proposers. When considered in relation to the quality of Proposal, Cost represents a fair value.
0-3	RESPONSE OF LITTLE VALUE – The Cost Proposal either calls for unsustainably high pricing or proposes pricing that is objectively inadequate to sustain the Proposer’s efforts on the Project. OR the Cost Proposal fails to substantially meet all Cost Proposal requirements. When considered in relation to quality of the Proposal, Cost is either unrealistic or unreasonably high.

4.9.3 PRICE EVALUATION

The SPC will conduct the price evaluation. The SPC will award a price score to each Price Proposal based upon the percentage of the proposed price as compared to the lowest Proposer’s price using the following formula:

$$\frac{\text{lowest price of all Proposers}}{\text{price being scored}} \times \text{price points possible} = \text{price score}$$

4.9.4 PREFERENCES

4.9.4.1 Reciprocal Preference

For evaluation purposes per OAR 125-246-0310, Agency shall add a percent increase to each out-of-state Proposer’s Proposal price that is equal to the percent preference, if any, given to a Resident Proposer in the [Proposer's state](#).

4.9.4.2 Recycled Materials

In comparing Goods from two or more Proposers, if at least one Proposer offers Goods manufactured with Recycled Materials, and at least one Proposer does not, Agency will select the Proposer offering Goods manufactured from Recycled Materials if each of the conditions specified in ORS 279A.125 (2) exists following any adjustments made to the price of the Goods according to any applicable reciprocal preference.

4.9.4.3 Tiebreakers

Oregon Supplies: If Agency receives Proposals identical in price, fitness, availability and quality and chooses to award a Contract, Agency shall award the Contract in accordance with the procedures outlined in OAR 125-246-0300.

4.10 POINT AND SCORE CALCULATIONS

Scores are the points assigned by each evaluator. The maximum points possible for each evaluation item are listed in the table below. The SPC will average all scores for each evaluation criterion. Points are the total possible for each section as listed in the table below.

[CONTRACT TITLE] POINTS POSSIBLE		100
4.9.2.1	Key Persons and their Resumes	10
4.9.2.2	Project management & approach	20
4.9.2.3	Specific Experience	30
4.9.2.4	Clarity of Proposal	10
4.9.2.5	Work Samples	10
4.9.2.6	Cost Proposal	20

4.11 RANKING OF PROPOSERS

The SPC will average the scores for each Proposal in a given round of competition (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members).

Agency will rank all Proposers at the conclusion of the evaluation and scoring and may, in Agency’s sole discretion, determine an apparent successful Proposer with no additional rounds of competition. If additional rounds are conducted, Agency will rank advancing Proposers at the conclusion of each subsequent round and may determine an apparent successful Proposer at any time during the solicitation process.

4.12 NEXT STEP DETERMINATION

At the conclusion of a round of competition, Agency may choose to conduct additional round(s) of competition if in the best interest of the State. Additional rounds of competition may consist of, but will not be limited to:

- Interviews
- Presentations/Demonstrations/Additional Submittal Items
- Discussions and submittal of revised Proposals
- Serial or simultaneous negotiations
- Best and Final Offers

SECTION 5: AWARD AND NEGOTIATION

5.1 AWARD NOTIFICATION PROCESS

5.1.1 Award Consideration

Agency, if it awards a Contract, shall award a Contract to the highest ranking Responsible Proposer(s) based upon the scoring methodology and process described in Section 4. Agency may award less than the full Scope defined in this RFP.

5.1.2 Intent to Award Notice

Agency will notify all Proposers through ORPIN that Agency intends to award a Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

5.2 INTENT TO AWARD PROTEST

5.2.1 Protest Submission

An Affected Proposer shall have 7 calendar days from the date of the Intent to Award notice to file a written protest.

A Proposer is an Affected Proposer only if the Proposer would be eligible for Contract award in the event the protest was successful and is protesting for one or more of the following reasons as specified in ORS 279B.410:

- All higher ranked Proposals are non-Responsive.
- Agency has failed to conduct an evaluation of Proposals in accordance with the criteria or process described in the RFP.
- Agency abused its discretion in rejecting the protestor’s Proposal as non-Responsive.
- Agency’s evaluation of Proposal or determination of award otherwise violates ORS Chapter 279B or ORS Chapter 279A.

If Agency receives only one Proposal, Agency may dispense with the evaluation process and Intent to Award protest period and proceed with Contract Negotiations and award.

5.2.1.1 Protests must:

- Be delivered to the SPC via email
- Reference the RFP number
- Identify Proposer’s name and contact information
- Be signed by an authorized representative
- Specify the grounds for the protest
- Be received within 7 calendar days of the Intent to Award notice

5.2.2 Response to Protest

Agency will address all timely submitted protests within a reasonable time and will issue a written decision to the respective Proposer. Protests that do not include the required information may not be considered by Agency.

5.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS

Proposer(s) who are selected for a Contract award under this RFP will be required to submit additional information and comply with the following:

5.3.1 Insurance

Prior to award, Proposer shall secure and demonstrate to Agency proof of insurance as required in this RFP or as negotiated. Insurance Requirements are found in Exhibit B of Attachment A.

5.3.2 Taxpayer Identification Number

Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form when requested by Agency or when the backup withholding status or any other relevant information of Proposer has changed since the last submitted W-9 form, if any.

5.3.3 Business Registry

If selected for award, Proposer shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Contract. Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

5.3.4 Pay Equity Certification

If selected for award and the Contract value exceeds \$500,000 and Proposer employs 50 or more full-time workers, Proposer shall submit to Agency a true and correct copy of an unexpired Pay Equity Compliance Certificate, issued to the Proposer by the Oregon Department of Administrative Services. For instructions on how to obtain the Certificate, visit <https://www.oregon.gov/das/Procurement/Pages/PayEquity.aspx>.

ORS 279B.110(2)(f) requires that Proposer provide this prior to execution of the Contract.

5.3.5 Nondiscrimination in Employment

As a condition of receiving the award of a Contract under this RFP, Proposer must certify by their Signature on Attachment C - Proposer Information and Certification Sheet, in accordance with ORS 279A.112, that it has in place a policy and practice of preventing sexual harassment, sexual assault, and discrimination against employees who are members of a protected class. The policy and practice must include giving employees a written notice of a policy that both prohibits, and prescribes disciplinary measures for, conduct that constitutes sexual harassment, sexual assault, or unlawful discrimination.

5.3.6 Pay Equity Compliance

As required by [ORS 279B.235 or ORS 279C.520], Contractor shall comply with ORS 652.220 and shall not discriminate against any of Contractor’s employees in the payment of wages or other compensation for work of comparable character, the performance of which requires comparable skills, or pay any employee at a rate less than another for comparable work, based on an employee’s membership in a protected class.

Commencing on January 1, 2019, Contractor must comply with ORS 652.220 as amended and shall not unlawfully discriminate against any of Contractor’s employees in the payment of wages or other compensation for work of comparable character on the basis of an employee’s membership in a protected class. “Protected class” means a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age. Contractor’s compliance with this section constitutes a material element of this Contract and a failure to comply constitutes a breach that entitles Agency to terminate this Contract for cause.

Contractor may not prohibit any of Contractor’s employees from discussing the employee’s rate of wage, salary, benefits, or other compensation with another employee or another person. Contractor may not retaliate against an employee who discusses the employee’s rate of wage, salary, benefits, or other compensation with another employee or another person.

5.4 CONTRACT NEGOTIATION

5.4.1 Negotiation

After selection of a successful Proposer, Agency may enter into Contract negotiations with the successful Proposer. By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of the Sample Contract (Attachment A), with the exception of those terms listed below for negotiation.

Proposer shall review the attached Sample Contract and note exceptions.

Proposer must submit those exceptions to Agency during the Questions / Requests for Clarification period set forth in Section 1.2. Unless Agency agrees to modify any of the terms and conditions, Agency intends to enter into a Contract with the successful Proposer substantially in the form set forth in Sample Contract (Attachment A).

It may be possible to negotiate some provisions of the final Contract; however, Agency is not required to make any changes and many provisions cannot be changed. Proposer is cautioned that the State of Oregon believes modifications to the standard provisions constitute increased risk and increased cost to the State. Therefore, Agency will consider the Scope of requested exceptions in the evaluation of Proposal.

Any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice.

In the event that the parties have not reached mutually agreeable terms within 10 calendar days, Agency, at its discretion, may terminate Negotiations and commence Negotiations with the next highest ranking Proposer.

SECTION 6: ADDITIONAL INFORMATION

6.1 CERTIFIED FIRM PARTICIPATION

Pursuant to Oregon Revised Statute (ORS) Chapter 200, Agency encourages the participation of small businesses, certified by the Oregon Certification Office for Business Inclusion and Diversity (“COBID”) in all contracting opportunities. This includes certified small businesses in the following categories: disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business. Agency also encourages joint ventures or subcontracting with certified small business enterprises. For more information, visit:

<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>

If the Contract has potential subcontracting opportunities, the successful Proposer may be required to submit a completed Certified Disadvantaged Business Outreach Plan (Attachment F) prior to execution.

6.2 GOVERNING LAWS AND REGULATIONS

This RFP is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFP, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

6.3 OWNERSHIP/PERMISSION TO USE MATERIALS

All Proposals are public record and are subject to public inspection after Agency issues the Notice of the Intent to Award. Application of the Oregon Public Records Law will determine whether any information is actually exempt from disclosure.

All Proposals submitted in response to this RFP become the Property of Agency. By submitting a Proposal in response to this RFP, Proposer grants the State a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Proposal solely for the purpose of evaluating the Proposal, negotiating a Contract, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Proposals, including supporting materials, will not be returned to Proposer unless the Proposal is submitted late.

6.4 CANCELLATION OF RFP; REJECTION OF PROPOSAL; NO DAMAGES.

Pursuant to ORS 279B.100, Agency may reject any or all Proposals in-whole or in-part, or may cancel this RFP at any time when the rejection or cancellation is in the best interest of the State or Agency, as determined by Agency. Neither the State nor Agency is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

6.5 COST OF SUBMITTING A PROPOSAL

Proposer shall pay all the costs in submitting its Proposal, including, but not limited to, the costs to prepare and submit the Proposal, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with protests.

6.6 STATEWIDE E-WASTE/RECOVERY PROCEDURE

If applicable, Proposer shall include information in its Proposal that demonstrates compliance with the Statewide E-Waste/Recovery Procedure #107-011-050_PR. Visit the DAS website www.oregon.gov/das and use the search bar feature to locate the procedure.

6.7 RECYCLABLE PRODUCTS

Proposer shall use recyclable products to the maximum extent economically feasible in the performance of the Services or Work set forth in this document and the subsequent Contract. (ORS 279B.025)

