

## STATE OF OREGON



## COVER PAGE

# DEPARTMENT OF EDUCATION OREGON FARM TO SCHOOL COMPETITIVE PROCUREMENT GRANT

Request for Grant Applications (RFA)

**0001-ODE-2020**

Date of Issue: February 19, 2021

Closing Dates and Time: see schedule

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In compliance with the Americans with Disabilities Act of 1990, this RFA may be made available in alternate formats such as Braille, large print, audiotape, oral presentation, and computer disk. To request an alternate format call the Oregon Department of Education, (503) 947-5600.

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## SECTION 1: GENERAL INFORMATION

### 1.1 INTRODUCTION

The State of Oregon, acting by and through the Department of Education (“Agency”), is issuing this Request for Grant Applications (“RFA”) to provide funding for a competitive procurement grant in the Farm to School program as charged by ORS 336.431, as amended by the Oregon Legislature in House Bill 2579 of the 2019 legislative session and OAR 581-017-0720 (the “Grant(s)”). Agency anticipates awarding multiple Grants per round of competition from this RFA ranging from \$500 - \$150,000 (the “Grant Funds”). Program funding fluctuates as funds not used from the Non-Competitive Procurement Grant will be added to this program’s Grant Funds. The Performance Period for the resulting Grants is retroactive to the start of the funding period: July 1, 2019 to June 30, 2021.

### 1.2 ELIGIBILITY

To be eligible for a Grant under this RFA, an entity must meet the following criteria:

- (1) Must be one of the following types of entities:
  - (a) School district;
  - (b) A provider of center-based programs for children in the Child and Adult Care Food Program; or
  - (c) An entity that provides meals through the Summer Food Service Program.
- (2) Both:
  - (a) Be the recipient of a noncompetitive Oregon Farm-to-School Program procurement grant; and
  - (b) Have a zero balance of its initial noncompetitive Oregon Farm-to-School Program Procurement Grant.

### 1.3 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Standard Time. All dates listed are subject to change.

Event	Date	Time
Questions/ Requests for Clarification Due		
Round 1:	February 26, 2021	10:00 AM
Round 2:	March 18, 2021	
Round 3:	April 23, 2021	
Round 4:	May 24, 2021	
Closing (Applications Due)		
Round 1:	March 19, 2021	2:00 PM
Round 2:	March 31, 2021	
Round 3:	April 30, 2021	
Round 4:	May 31, 2021	

Event	Date	Time
Notice of Intent to Award	ongoing	

## 1.4 SINGLE POINT OF CONTACT (SPC)

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

# SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

## 2.1 AUTHORITY

Agency is issuing this RFA pursuant to ORS 336.431(3) and (4).

## 2.2 OVERVIEW AND SCOPE OF WORK

The purpose of the Oregon Farm to School Competitive Procurement Grant is to encourage and sustain successful efforts to purchase or promote food that are: (1) produced in the State of Oregon; (2) more than minimally processed in the State of Oregon; or (3) both produced and processed in the State of Oregon. Through this grant program, eligible entities will be reimbursed for food purchases that meet the required criteria.

All entities that submit an Application (Attachment A Part 1) by closing date per round of competition will be awarded a Base Award Amount as listed below. Additional funds may be awarded based on a preference point calculation through the evaluation of responses (Attachment A Part 2). An entity may submit an Application during each round of competition; however, the entity must have a zero balance of Grant Funds in the previous round of competition before it can submit a new Application in a new round. The amount of Grant Funds available per Applicant per round of competition is contingent on the amount of its Non-Competitive Procurement Grant award. Entities may request an amount less than the Base Award Amount listed below. Use the following table as guidance.

Original Non-Competitive Procurement Grant Award Amount	Competitive Procurement Grant Award		
	Base Award Amount	OPTIONAL: Additional Amount Awarded via Preference Point Calculation	Maximum Award Amount
Tier A: \$500 - \$9,999	\$500	\$2,000	\$2,500
Tier B: \$10,000 - \$49,999	\$2,000	\$8,000	\$10,000
Tier C: \$50,000 - \$99,999	\$10,000	\$50,000	\$60,000
Tier D: \$100,000 - \$360,000	\$50,000	\$100,000	\$150,000

Applicants awarded Grant Funds must:

- Deposit the Grant Funds they receive in an account that is separate from their nonprofit food service account, if they have one, or assign those funds a separate account or index number;
- Comply with all applicable state, and local procurement laws and procedures when purchasing with Grant Funds; and
- Produce progress reports that include achievement toward performance measurements including, but not limited to Interim Report and Final Report.

Detailed information on the Oregon Farm to School Program and information on additional resources can be found on Agency's website: <https://www.oregon.gov/ode/students-and-family/childnutrition/F2S/Pages/ORf2sGrant.aspx>

### 2.3 PREFERENCE POINTS

An applicant that successfully describes and indicates to Agency's satisfaction how it meets the preference criteria described in Section 3.3.2 will be awarded additional funds based on the number of preference points awarded up to the maximum amount of preference funds available and in accordance with Table 1.

Table 1

Preference Points	OPTIONAL: Preference Points in Dollar Amounts			
	(Tier A) \$ 2,000	(Tier B) \$ 8,000	(Tier C) \$ 50,000	(Tier D) \$ 100,000
5	\$ 100	\$ 400	\$ 2,500	\$ 5,000
10	\$ 200	\$ 800	\$ 5,000	\$ 10,000
15	\$ 300	\$ 1,200	\$ 7,500	\$ 15,000
20	\$ 500	\$ 2,000	\$ 12,500	\$ 25,000
25	\$ 500	\$ 2,000	\$ 12,500	\$ 25,000
30	\$ 600	\$ 2,400	\$ 15,000	\$ 30,000
35	\$ 700	\$ 2,800	\$ 17,500	\$ 35,000
40	\$ 800	\$ 3,200	\$ 20,000	\$ 40,000
45	\$ 900	\$ 3,600	\$ 22,500	\$ 45,000
50	\$ 1,000	\$ 4,000	\$ 25,000	\$ 50,000
55	\$ 1,100	\$ 4,400	\$ 27,500	\$ 55,000
60	\$ 1,200	\$ 4,800	\$ 30,000	\$ 60,000
65	\$ 1,300	\$ 5,200	\$ 32,500	\$ 65,000
70	\$ 1,400	\$ 5,600	\$ 35,000	\$ 70,000
75	\$ 1,500	\$ 6,000	\$ 37,500	\$ 75,000
80	\$ 1,600	\$ 6,400	\$ 40,000	\$ 80,000
85	\$ 1,700	\$ 6,800	\$ 42,500	\$ 85,000
90	\$ 1,800	\$ 7,200	\$ 45,000	\$ 90,000
95	\$ 1,710	\$ 6,840	\$ 42,750	\$ 85,500
100	\$ 2,000	\$ 8,000	\$ 50,000	\$ 100,000

For example, if an Applicant received a non-competitive Procurement Grant in the amount of \$43,000 and it was awarded 40 preference points, it will receive a new Grant Agreement in the amount of \$5,200 for the Competitive Procurement Grant.

[ Base Award Amount (\$2,000) + Preference Points in Dollars (\$3,200) = \$5,200 Award Amount ]

Preference point factors to address in the Application include:

- (A) Increasing purchases of foods produced or processed in the State of Oregon;
- (B) Purchasing foods produced or processed in the State of Oregon by a federally recognized Indian tribe or Native American-owned business;
- (C) Implementing a plan for incorporating culturally relevant foods produced or processed in the State of Oregon into its menu;
- (D) Purchasing foods produced or processed in the State of Oregon by producers or processors that have been certified in a specific production or management practice, such as fair trade, sustainability, or animal welfare;
- (E) Developing new commercial relationships with producers or processors of foods produced or processed in the State of Oregon that have been certified as disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses owned by a service-disabled veteran, or emerging small businesses under ORS 200.005;
- (F) Healthful foods (fruits, vegetables, whole grains, minimally processed beans and legumes) will be incorporated into school meal offerings;
- (G) Purchasing intent made directly with producers or processors (rather than distributors); and
- (H) Oregon products that have had historically low sales in school meals (pork, poultry, beef, seafood, eggs).

## 2.4 USE OF FUNDS

The purchase of certain foods produced or processed in the State of Oregon may not be supplanted with Grant Funds. The list of allowable and unallowable foods is found on the Agency's website: <https://www.oregon.gov/ode/students-and-family/childnutrition/F2S/Pages/0Rf2sGrant.aspx>

Grant Funds may be used to supplant purchases of food produced or processed in the State of Oregon that the eligible entity regularly purchased prior to the date it first received a noncompetitive Oregon Farm to School Program procurement grant if either the food produced or processed, or the food components of that food, were:

- (A) Produced in the State of Oregon; or
- (B) More than minimally processed in the State of Oregon; or
- (C) Both produced and processed in the State of Oregon.

Eligible entities awarded Grant Funds may:

- A. reserve up to twenty-five percent of the total amount awarded for all reasonable costs incurred for:

- a. Growing, harvesting, processing, packaging, sourcing, or transporting food produced or processed in the State of Oregon, including but not limited to purchasing supplies, labor costs, and mileage; and
- b. Developing or sustaining successful efforts to purchase or promote foods produced or processed in the State of Oregon.

- B. May not use more than ten percent (10%) of their total award for any direct administrative costs, including administrative labor and supplies.
- C. May not charge indirect costs to their grant award.

## **SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION**

### **3.1 MINIMUM APPLICANT REQUIREMENTS**

To be considered for evaluation, Applicant must be an eligible entity as detailed in Section 1.1.

### **3.2 MINIMUM SUBMISSION REQUIREMENTS**

#### **3.2.1 Authorized Representative**

A representative authorized to bind the Applicant (“Authorized Representative”) must sign the Applicant Information and Certification Sheet (Attachment A). Failure of the Authorized Representative to sign may subject the Application to rejection by Agency.

#### **3.2.2 Application Content Requirements**

Application must address each of the items listed in this section and all other requirements set forth in this RFA. An Application that merely offers to complete activities or to work with preferred individuals as stated in this RFA will be considered non-responsive to this RFA and will not be considered further.

The Application Template (Attachment A, Part 1 and 2) serves as an example and guide to the requirements of the Application, and is intended to assist in the Application submission. All fields of the Application Part 1 are mandatory. Complete Application Part 2 to also be considered for the Optional Preference Point Grant Funds.

The following list of attachments must be submitted within the Application submission in MS Word and MS Excel formats, as detailed below:

- Applicant Information and Self-Certification Sheet (Attachment A); and

At the discretion of the Applicant, the Application may include the Applicant Producer List (Attachment B) to provide support for the Preference Point responses; however, submission of the Applicant Producer List alone will not be accepted without a completed Application Part 2.

#### **3.2.3 Questions/ Requests for Clarification**

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

- Be emailed to the SPC;
- Reference the RFA number;
- Identify Applicant’s name and contact information;

- Be sent by an Authorized Representative;
- Refer to the specific area of the RFA 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.

### **3.2.4 Application Submission**

Applicant is solely responsible for ensuring its Application is received by the SPC in accordance with the RFA requirements before the Closing Date per round of competition identified in the Schedule above in Section 1.2. Applications submitted by means other than those authorized in this RFA may be rejected.

#### **Electronic Copy Only**

Applicant shall submit one copy of its Applicant Information and Certification Sheet (Attachment A) bearing the Applicant's authorized representative's Signature, via email to SPC Noemi Rios, in one of the following formats: Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx). The total combined file size of all documents should be compressed so it does not exceed 10 megabytes.

Email Subject line must contain RFA 0001-ODE-20 and the Applicant's full business name.

Only complete Applications submitted by Closing per round of competition will be evaluated and scored. Failure of the authorized representative to sign the Application may subject the Application to rejection by Agency.

### **3.2.5 Modification or Withdrawal of Applications**

Any Applicant who wishes to make modifications to an Application already received by Agency must submit its modification in the manner indicated in the Application Submission section.

If an Applicant wishes to withdraw a submitted Application, it must do so prior to the Closing Date per Round. The Applicant must submit a written notice signed by an Authorized Representative of its intent to withdraw its Application. The notice must include the RFA number and be submitted to the SPC.

### **3.2.6 Application Due**

Applications and all required submittal items must be received by the SPC on or before the Closing Date per round of competition. Applications received after the Closing Date per Round will not be accepted. All Application modifications or withdrawals must be completed prior to the Closing Date per round of competition.

Applications received after the Closing Date per round of competition are considered LATE and will NOT be accepted for evaluation.

### **3.2.7 Application Rejection**

Agency may reject an Application for any of the following reasons:

- Applicant fails to substantially comply with all prescribed RFA procedures and requirements, including but not limited to the requirement that Applicant's Authorized Representative sign the Application.
- Applicant makes any contact regarding this RFA with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Applicant attempts to inappropriately influence a member of the evaluation committee.
- Application 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 RFA or Addenda.

### **3.3 EVALUATION PROCESS**

#### **3.3.1 Responsiveness Determination**

Applications received prior to the Closing Date per round of competition will be reviewed for Responsiveness to all RFA requirements including compliance with minimum requirements in sections 3.1 and 3.2. If the Application is unclear, the SPC may request clarification from Applicant. However, clarifications may not be used to rehabilitate a non-Responsive Application. If the SPC finds the Application non-Responsive, the Application may be rejected, however, Agency may waive minor mistakes in its sole discretion.

#### **3.3.2 Preference Point Criteria**

Each Application meeting all Responsiveness requirements will be awarded at minimum, the Base Award amount listed in Section 2.2. Agency may award additional Grant Funds based on the evaluated responses for the preference point criteria.

Applications will be independently evaluated by members of an Evaluation Committee. Evaluation Committee members may change and Agency may have additional or fewer evaluators for each Round 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 Application. A response to a clarification request must be to clarify or explain portions of the already submitted Application and may not contain new information not found in not included in the original Application.

**Preference Point 1:** Applicant will use Grant Funds to purchase from Oregon producers or processors that identify as minority-owned businesses, woman-owned businesses, businesses owned by a service disabled veteran, or emerging small businesses as described in ORS 200.005 or a member of a federally recognized Tribe or identifies as Native American. (25 points ("pts")).

- Applicant describes how it will use Grant Funds to purchase food from woman-owned businesses. (5 pts)
- Applicant describes how it will use Grant Funds to purchase food from minority-owned businesses. (5 pts)
- Applicant describes how it will use Grant Funds to purchase food from a service disabled veteran businesses. (5 pts)

- Applicant describes how it will use Grant Funds to purchase food from emerging small businesses. (5 pts)
- Applicant describes how it will use Grant Funds to purchase food from a federally recognized Tribe or Native American businesses. (5 pts)

**Preference Point 2:** Applicant's implementation plan includes activities to incorporate and promote culturally sensitive foods into school menus. (25 pts)

- Applicant's implementation plan describes how culturally sensitive meal items will be purchased with Grant Funds. (10 pts)
- Applicant's implementation plan describes how culturally sensitive foods will be promoted or education materials will be provided. (5 pts)
- Applicant's implementation plan describes how school meals will include a celebration of culinary traditions of students with diverse backgrounds. (5 pts)
- Applicant's implementation plan describes how students and families from diverse cultures are involved in leading cultural events. (5 pts)

**Preference Point 3:** Applicant's plan to use Grant Funds to purchase a variety of Oregon products. (25 pts)

- Applicant describes how Healthy foods (fruits, vegetables, whole grains, minimally processed beans and legumes) will be incorporated into school meal offerings. (5 pts)
- Applicant describes how it will purchase food directly from farmers, ranchers, fishers, producers and/or processors rather than using Grant Funds to purchase foods from distributors. (5 pts)
- Applicant describes how it will purchase Oregon food products that historically have had low sales in school meals (i.e. pork, poultry, beef, seafood, and eggs). (5 pts)
- Applicant describes how it will purchase food from Oregon producers or processors that carry certification for fair trade, sustainability, animal welfare, or other management practice from a third party certification. (5 pts)
- Applicant is able to provide at least 50% matching funds (not reimbursable) for the purchase of Oregon grown or processed products. (5pts)

**Preference Point 4:** Applicant's plan to use Grant Funds to purchase new Oregon products and will develop new commercial relationships. (25 pts)

- Applicant describes how it will increase its purchases of Oregon food products not previously or currently purchased. (12.5 pts)
- Applicant describes how it will develop new commercial relationships. (12.5 pts)

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

### 3.4 PREFERENCE POINT CALCULATIONS

Points are the total possible value for each section as listed in the table below.

PREFERENCE POINTS	POINTS POSSIBLE
<b>Item 1:</b> Purchase from Oregon producers or processors	25
<b>Item 2:</b> Implementation Plan	25
<b>Item 3:</b> Purchase a variety of Oregon food products	25
<b>Item 4:</b> Purchase new Oregon products and develop new commercial relationships	25
<b>TOTAL POINTS POSSIBLE</b>	100

### 3.5 FUNDING AMOUNT

Agency reserves the right to award Preference Point dollars in an amount that differs from Table 1 (Section 2.3)

### 3.6 NEXT STEP DETERMINATION

Agency may conduct additional rounds of competition if in the best interest of the State.

If Agency elects to conduct additional round(s), Agency will provide written notice to all Responsive Applicants describing the next step. At any time, Agency may dispense with the selected additional round and: (1) issue Notices of Intent to Award to the selected Responsive Applicants; or (2) elect to conduct an alternative round of competition; or (3) cancel the solicitation.

## SECTION 4: AWARD AND NEGOTIATION

### 4.1 AWARD NOTIFICATION PROCESS

#### 4.1.1 Award Consideration

As noted above, subject to the Grant Funds available, and to the receipt of quality Applications of sufficient quantity, Agency intends to award Grants to Applicant(s) based upon the scoring methodology and process described in Section 3.

Agency may award less than the full scope described in this RFA. **AGENCY RESERVES THE RIGHT TO NOT AWARD ANY APPLICANTS A GRANT UNDER THIS RFA. AGENCY MAY DETERMINE IN ITS SOLE DISCRETION THAT AN AWARD SHOULD NOT BE MADE OR GRANT FUNDS DISTRIBUTED.**

#### 4.1.2 Notice of Intent to Award

Agency will notify all Applicants in writing that Agency intends to award a Grant to the selected Applicant(s) subject to successful negotiation of any negotiable provisions.

### 4.2 GRANT NEGOTIATION

By submitting an Application, Applicant agrees to comply with the requirements of the RFA, including the terms and conditions of the Sample Grant (Attachment D), with the exception of those terms reserved for negotiation. Applicant must review the attached Sample Grant and note exceptions. **Unless Applicant notes exceptions in its Application, the State intends to enter into**

**a Grant with the successful Applicant substantially in the form set forth in Sample Grant**

**(Attachment C).** It may be possible to negotiate some provisions of the final Grant; however, many provisions cannot be changed. Applicant 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 Applications.

Any Application that is conditioned upon Agency's acceptance of any other terms and conditions may be rejected. Any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice.

All items, except those listed below, may be negotiated between Agency and the apparent successful Applicant in compliance with Oregon State laws:

- Choice of law
- Choice of venue
- Constitutional requirements
- All applicable federal and State requirements

In the event that the parties have not reached mutually agreeable terms within 5 calendar days, Agency may terminate negotiations.

## **SECTION 5: ADDITIONAL INFORMATION**

### **5.1 GOVERNING LAWS AND REGULATIONS**

This RFA is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFA, 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 will 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 from the jurisdiction of any court.

### **5.2 OWNERSHIP/PERMISSION TO USE MATERIALS**

All Applications submitted in response to this RFA become the property of Agency. By submitting an Application in response to this RFA, Applicant 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 Application solely for the purpose of evaluating the Application, negotiating a Grant Agreement with a successful Applicant, or as otherwise needed to administer the RFA process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Applications, including supporting materials, may not be returned to Applicant unless the Application is submitted late.

### **5.3 CANCELLATION OF RFA; REJECTION OF APPLICATIONS; NO DAMAGES**

Agency may reject any or all Applications in-whole or in-part, or may cancel this RFA 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 Applicant for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFA, award, or rejection of any Application.

#### **5.4 COST OF SUBMITTING AN APPLICATION**

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

### **SECTION 6: LIST OF ATTACHMENTS**

- ATTACHMENT A      APPLICANT INFORMATION AND SELF-CERTIFICATION SHEET (Part 1 and 2)
- ATTACHMENT B      APPLICANT PRODUCER LIST (Optional)
- ATTACHMENT C      SAMPLE GRANT