

# STATE OF OREGON



## COVER PAGE

OREGON DEPARTMENT OF EDUCATION

# OREGON FARM TO SCHOOL GRANT PROGRAM EVALUATION

Intermediate Request for Proposal (RFP)

**RFP #ODE-2521-21**

Date of Issue: April 9, 2021

Closing Date: April 23, 2021

Single Point of Contact (SPC): Peter Park, Procurement & Contract Specialist

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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 Proposal for the Oregon 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. The purpose of this RFP is to hire a contractor to evaluate the effectiveness of the Farm to School Grant Program including program administration and the economic impact, educational outcomes and health outcomes of the program. For the purpose of conducting the evaluation, Agency may enter into a contract with a public or private entity.

Agency anticipates the award of one Contract from this solicitation. This will be a one-time Contract anticipated to start from the date of execution and terminate on June 30, 2021.

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

### 1.2 ELIGIBILITY

To be eligible under this RFP, Offerors must be a public or private entity.

### 1.3 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 solicitation.

Event	Date	Time
Questions / Requests for Clarification Due	April 16, 2021	2:00 PM
Closing (Proposal Due)	April 23, 2021	2:00 PM
Issuance of Notice of Award (approx.)	May 7, 2021	

### 1.4 SINGLE POINT OF CONTACT (SPC)

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

## SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

### 2.1 AUTHORITY AND METHOD

Agency is issuing this solicitation pursuant to its authority under ORS 279A.050 and ORS 336.431.

Agency is using the solicitation method, pursuant to ORS 279B.070 and OAR 125-247-0270.

## 2.2 DEFINITION OF TERMS

### 2.2.1 General Definitions

Capitalized terms not specifically defined in this document are defined in OAR 125-246-0110.

### 2.2.2 Project Specific Definitions

“ORFSSGN” means Oregon Farm to School and School Garden Network.

“CNP” means Child Nutrition Program.

## 2.3 OVERVIEW

Agency is in need of program evaluation services to satisfy the legislative mandate from HB 2579 to evaluate the effectiveness of the Farm to School Grant Program, including economic impact, educational outcomes, health outcomes, and program administration of the program. Additionally, Agency would like to understand what areas of the grant have shown to be effective or ineffective to help Agency make appropriate changes in its approach, process, and procedures to improve the overall effectiveness of the Program.

The Oregon Farm to School Program is managed by the Agency’s Child Nutrition Program (“CNP”) staff. The main objectives of the Program is: 1) to support the purchasing of Oregon grown and processed food for CNP Sponsors that might otherwise be cost prohibitive, and thus support Oregon’s economy; and 2) to teach Oregon students about the Oregon grown and processed food.

The Oregon Farm to School Program began in 2012 with only two grant programs: procurement grant and education grant. At the time, grants were only awarded to nine (9) school districts. Later, when additional funding was added to the Program, grants became available to all Oregon school districts for reimbursement of Oregon grown and processed food.

The Oregon Farm to School Program’s portfolio of individual programs is comprised of the following (collectively “Programs”): 1) Non-Competitive Procurement Grant; 2) Competitive Procurement Grant; 3) Education Grant; 4) Technical Assistance Grant; and 5) Producer Infrastructure Grant. The successful Offeror will be tasked with evaluating all five Programs’ effectiveness since its inception.

The goals of each individual program is as follows:

1) Non-Competitive Procurement Grant:

To support the purchasing of Oregon grown and processed food for CNP Sponsors that might otherwise be cost prohibitive, and thus support Oregon’s economy.

2) Competitive Procurement Grant:

To encourage and sustain successful efforts to purchase or promote Oregon foods while incentivizing the healthiest, most impactful purchases.

3) Education Grant:

To teach Oregon students about the Oregon grown and processed food.

4) Technical Assistance Grant:

To provide assistance for sponsors as well as other entities that would contribute to the success of their Oregon Farm to School Grant Programs, to receive the technical assistance, training, and resources they need for the successful operation of their grant programs.

5) Producer Infrastructure Grant:

To help Oregon farmers, ranchers, seafood harvesters, and food processors get more of their local products into more of Oregon’s participating CNPs via the Farm to School Procurement Grants, by providing funds to bolster their infrastructure so that they may be ready to sell their products to Sponsors.

## 2.4 SCOPE OF WORK

2.4.1 Offeror shall evaluate the following grant programs: 1) Non-Competitive Procurement Grant; 2) Competitive Procurement Grant; 3) Education Grant; 4) Technical Assistance Grant; and 5) Producer Infrastructure Grant.

2.4.2 Offeror will evaluate the overall impact and effectiveness of the Oregon Farm to School Grant Program.

2.4.3 Offeror will evaluate the economic impacts, the educational impacts, and health outcomes of the Programs.

2.4.4 Offeror shall evaluate Agency’s administration of the grant Programs.

2.4.5 Offeror shall produce a final comprehensive evaluation report that includes both the evaluation of the Oregon Farm to School Program in general and detailed evaluations of the individual Programs.

2.4.6 Offeror shall analyze a variety of documents pertaining to each Program’s administration and support including but not limited to: baseline, progress and final grant reports; and reimbursement claims.

2.4.7 Offeror shall provide recommendations and process improvements to the current data collection or reporting requirements for all Programs.

2.4.8 Offeror shall provide feedback on suggestions to increase the effectiveness of the Program.

## SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION

### 3.1 MINIMUM OFFEROR REQUIREMENTS

To be considered for evaluation, Offer must demonstrate how Offeror meets all requirements below:

- At least (10) years of combined experience evaluating programs with at least (2) years of experience working on program evaluations that focus on education, agricultural products, and/or nutrition;
- At least (5) years of experience working with the Oregon Farm to School Program/Grants to possess a thorough understanding of the entire program to perform evaluation;
- At least (5) years of experience working on methodology for measuring various impacts of program effectiveness;
- Education or equivalent professional experience to perform the evaluation work. Highly preferred: Master's degree or higher held by Key Person(s) in program evaluation, public administration, public health, or a social science field with emphasis on research and evaluation; or equivalent professional experience.

## **3.2 MINIMUM SUBMISSION REQUIREMENTS**

### **3.2.1 Proposal Submissions**

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

- Qualification, Experience, and Management
- Technical Proposal
- A detailed budget of expenses on Price Proposal Form (Attachment E) showing how you will accomplish the above objectives
- Disclosure Exemption Affidavit (Attachment B) – submit 1 copy only
- Offeror Information and Certification Sheet (Attachment C)
- Reference Check Form (Attachment D)
- COBID Certification / Outreach Plan (Attachment F) – submit 1 copy only
- Responsibility Inquiry (Attachment G) – submit 1 copy only

### **3.2.2 Offer Format and Quantity**

Offer should follow the format and reference the sections listed in the Offer Content Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed. Offer must describe in detail how requirements of this solicitation will be met and may provide additional related information. Cost information must be submitted as a separate electronic file.

Offeror shall submit one electronic copy of its Offer. In addition, if Offeror believes any of its Offer is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Offeror shall complete and submit the Disclosure Exemption Affidavit (Attachment B) and a fully redacted version of its Offer, clearly identified as the redacted version.

### **3.2.3 Authorized Representative**

A representative authorized to bind the Offeror shall sign the Offer. Failure of the authorized representative to sign the Offer may subject the Offer to rejection by Agency.

### **3.3 PROCUREMENT PROCESS**

#### **3.3.1 Public Notice**

The solicitation, including all Addenda and attachments, is published in the Oregon Procurement Information Network (ORPIN) at <http://orpin.oregon.gov>. Solicitation documents will not be mailed to prospective Offerors.

Agency shall advertise all Addenda on ORPIN. Prospective Offeror is solely responsible for checking ORPIN to determine whether or not any Addenda have been issued. Addenda are incorporated into the solicitation by this reference.

#### **3.3.2 Questions / Requests for Clarification**

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

- Be emailed to the SPC
- Reference the RFP number
- Identify Offeror's name and contact information
- Be sent by an authorized representative
- Refer to the specific area of the solicitation 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

#### **3.3.3 Offer Conference**

A pre-Proposal conference will not be held for this solicitation.

#### **3.3.4 Offer Submission**

Offeror is solely responsible for ensuring its Offer is received by the SPC in accordance with the solicitation requirements before Closing. Agency is not responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Offer submitted by any means not authorized may be rejected.

#### **3.3.5 Modification or Withdrawal of Proposals**

Any Offeror who wishes to make modifications to an Offer already received by Agency shall submit its modification in one of the manners listed in the Offer Submission Options section and must denote the specific change(s) to the Offer submission.

If an Offeror wishes to withdraw a submitted Offer, it shall do so prior to Closing. The Offeror shall submit a Written notice Signed by an authorized representative of its intent to withdraw its Offer in accordance with OAR 125-247-0440. The notice must include the RFP number and be submitted to the SPC.

### **3.3.6 Offer Due Date**

Offer and all required submittal items must be received by the SPC on or before Closing. Offer received after the Closing will not be accepted. All Offer modifications or withdrawals must be completed prior to Closing.

Offers received after Closing are considered LATE and will NOT be accepted for evaluation. Late Offers will be returned to the respective Offeror or destroyed.

### **3.3.7 Offer Rejection**

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

- Offeror fails to substantially comply with all prescribed solicitation procedures and requirements, including but not limited to the requirement that Offeror's authorized representative sign the Offer in ink.
- Offeror fails to meet the responsibility requirements of ORS 279B.110.
- Offeror makes any contact regarding this solicitation with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Offeror attempts to inappropriately influence a member of the Evaluation Committee.
- Offer 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.

### **3.3.8 Opening of Offers**

There will be no public Opening of Offers. Offers received will not be available for inspection until after the evaluation process has been completed and the Notice Award is issued. However, Agency will record and make available the identity of all Offerors after Opening.

## **3.4 OFFER CONTENT REQUIREMENTS**

Offer must address each of the items listed in this section and all other requirements set forth in this solicitation. Offeror must describe how the Services will be performed. An Offer that merely offers to provide the services as stated in this solicitation will be considered non-Responsive to this solicitation and will not be considered further.

Additionally, Offeror must submit evidence that the Offeror meets the Minimum Offeror Requirements in Section 3.1

### **3.4.1 Offeror Information and Certification Sheet**

The Offeror shall complete and submit the Offeror Information and Certification Sheet (Attachment C).

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

### **3.4.2 References**

Provide (2) references from current or former client firms for similar projects performed for any clients within the last 5 years. References must verify the quality of previous, related Work.

Agency may check to determine if references provided support Offeror's ability to comply with the requirements of this solicitation. Agency may use references to obtain additional information, break tie scores, or verify any information needed. Agency may contact any reference (submitted or not) to verify Offeror's qualifications.

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

### **3.4.3 Costs**

Submit a detailed Cost Sheet (Attachment E) stating the price for each deliverable and the total price for the entire project. Include a breakdown of all labor, profit and expenses.

### **3.4.4 Key Persons and their Resumes**

Specify key persons to be assigned to this project, and include a current resume (not to exceed two pages each) for each individual that demonstrates qualifications and experience for the Work described. Key Persons are Project Manager and Project Assistant(s).

### **3.4.5 Responsibility Inquiry**

Prior to award, Offeror shall be required to complete and submit Attachment G — Responsibility Inquiry.

### **3.4.6 Public Record/Confidential or Proprietary Information**

All Offers are public record and are subject to public inspection after Agency issues the Notice of the Intent to Award. If an Offeror believes that any portion of its Offer contains any information that is a trade secret under ORS Chapter 192.345(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.311 through 192.478), Offeror shall complete and submit the Disclosure Exemption Affidavit (Attachment B) and a fully redacted version of its Offer.

Offeror is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) and identifying the Offer, in whole, as exempt from disclosure is not acceptable. Agency advises each Offeror to consult with its own legal counsel regarding disclosure issues.

If Offeror fails to identify the portions of the Offer that Offeror claims are exempt from disclosure, Offeror has waived any future claim of non-disclosure of that information.

## **3.5 EVALUATION PROCESS**

**3.5.1 Responsiveness and Responsibility Determination**

Offers received prior to Closing will be reviewed for Responsiveness to all solicitation requirements including compliance with Minimum Requirements section and Offer Content Requirements section. If the Offer is unclear, the SPC may request clarification from Offeror. However, clarifications may not be used to rehabilitate a non-Responsive Offer. If the SPC finds the Offer non-Responsive, the Offer may be rejected, however, Agency may waive mistakes in accordance with OAR 125-247-0470.

In accordance with OAR 137-047-0261(6)(a)(A), Agency may establish a Competitive Range of all Offerors who have made a good faith effort in submitting an Offer in response to this solicitation for the purpose of correcting deficiencies in Offers for determining responsiveness during Round 1.

At any time prior to award, Agency may reject an Offeror found to be not Responsible.

**3.5.2 Evaluation Criteria**

Offers meeting the requirements outlined in the Offer Content Requirements section will be evaluated by an Evaluation Committee. Evaluators will assign a score of 0 to 10 for each evaluation criterion listed below in this section.

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

SCORE	EXPLANATION
10	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Offeror provides insight into its expertise, knowledge, and understanding of the subject matter.
6 – 9	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
5	ADEQUATE – Response 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 Offeror.
1 – 4	FAIR – Offeror meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the solicitation. Offeror has not demonstrated knowledge of the subject matter.

**3.5.2.1 Evaluation Item 1 – Offeror’s Technical Approach to Evaluations**

- How well does Offeror explain its technical approach?

- What type of methodology does the Offeror propose and how accurately will the methodology measure the effectiveness of the Farm to School Grant Program?
- How applicable is the Offeror’s methodology in providing recommendations to improve the effectiveness of the Program with changes, including but not limited to, Agency’s approach, process, and procedures?

**3.5.2.2 Evaluation Item 2 – Offeror’s Overall Qualifications and Experience**

- How much prior experience of comparable evaluation projects does Offeror demonstrate to successfully complete this evaluation?
- How well does Offeror demonstrate the key person’s qualification through education or equivalent professional experience demonstrating knowledge and skills to perform required services?
- How much prior experience does Offeror have working with Oregon Farm to School Programs and Grants? Is the Offeror familiar with the Oregon Farm to School programs, policy, and practices?
- Does the Offeror demonstrate availability and capacity with adequate staffing to perform the service by the deadline of June 30, 2021?

**3.5.2.3 References from past clients (public and/or private entity clients)**

- Does the Offeror have quality references and have submitted the required number of references?

**3.6 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 Offeror’s price using the following formula:

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

**3.7 NEXT STEP DETERMINATION**

Agency may conduct additional rounds of competition if in the best interest of the State. Additional rounds of competition may consist of, but will not be limited to:

- Establishing a Competitive Range
- Presentations/Demonstrations/Additional Submittal Items
- Interviews
- Best and Final Offers

If Agency elects to conduct additional round(s), Agency shall provide written notice to all Offerors describing the next step. At any time, Agency may dispense with the selected additional round and: (1) issue a Notice of Intent to Award to the highest ranking Responsible Offeror; or (2) elect to conduct an alternative round of competition; or (3) cancel the solicitation.

### 3.8 PREFERENCES

#### 3.8.1 Oregon Supplies and Services

Agency prefers Oregon goods and services, and for evaluation purposes, per ORS 279A.128, Agency shall subtract 10% from the price for any Offeror proposing all Goods fabricated or processed or all Services performed entirely in Oregon before calculating the price score.

#### 3.8.2 Tiebreakers

Oregon Supplies: If Agency receives Offers 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.

### 3.9 POINT AND SCORE CALCULATIONS

Scores are the values (0 through 10) assigned by each evaluator.

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

The SPC will average all scores for each evaluation criterion. The average score will be used as a percentage multiplier of the maximum possible points for that criterion. 1=10%, 5=50%, 9=90%, etc.

Price points are calculated as stated in the Price Evaluation section. Points possible are as follows:

<b>TOTAL POINTS POSSIBLE :</b>		<b>100</b>
<b>POINTS POSSIBLE</b>		<b>100</b>
3.5.2.1	Evaluation Item 1 – Technical Approach (30 points)	
	• Technical approach	10
	• Methodology of measuring effectiveness	10
3.5.2.2	• Applicability of the methodology for Program improvement recommendations	10
	Evaluation item 2 – Qualification, Experience & Management (50 points)	
	• Prior experience of comparable evaluation projects	20
	• Education or equivalent professional experience demonstrating knowledge and skills to perform required service	10
3.5.2.2	• Level of work experience and familiarity with Oregon Farm to School Program / Grants	10
	• Availability and capacity with adequate staffing to complete the work by the deadline	10

3.5.2.3	Evaluation Item 3 – References from past clients (10 points)	10
3.5.2.4	<b>PRICE POINTS POSSIBLE</b>	10

**EXAMPLE:**

Offeror A receives scores of 10, 9, and 8 for a criterion worth 50 points. The SPC averages 10, 9, and 8 for a score of 9. 9 is used as a 90% multiplier to the possible points of 50. 50 multiplied by 90% is 45. Offeror A’s points for the criterion is 45.

**3.10 RANKING OF OFFERORS**

The SPC will total the final average score (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members), together with references, and final price. After each applicable preference has been applied, SPC will determine rank order for each respective Offer and Offeror, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

**SECTION 4: AWARD AND NEGOTIATION**

**4.1 AWARD NOTIFICATION PROCESS**

**4.1.1 Award Consideration**

Agency, if it awards a Contract, shall award a Contract to the highest ranking Responsible Offeror(s) based upon the scoring methodology and process described in Section 3. Agency may award less than the full Scope defined in this solicitation.

**4.1.2 Notice of Award**

Agency will notify all Offerors in Writing that Agency is awarding a Contract to the selected Offeror(s) subject to successful negotiation of any negotiable provisions.

**4.2 SUCCESSFUL OFFEROR SUBMISSION REQUIREMENTS**

**4.2.1 Insurance**

Prior to execution of the Contract, the apparent successful Offeror shall secure and demonstrate to Agency proof of insurance coverage meeting the requirements identified in the solicitation or as otherwise negotiated.

Failure to demonstrate coverage may result in Agency terminating Negotiations and commencing Negotiations with the next highest ranking Offeror. Offeror is encouraged to consult its insurance agent about the insurance requirements contained in Insurance Requirements (Exhibit B of Attachment A) prior to Offer submission.

**4.2.2 Taxpayer Identification Number**

The apparent successful Offeror shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed [W-9 form](#) if either of the following applies:

- When requested by Agency (normally in an intent to award notice), or
- When the backup withholding status or any other information of Offeror has changed since the last submitted W-9 form, if any.

Agency will not make any payment until Agency has a properly completed W-9.

#### **4.2.3 Business Registry**

If selected for award, Offeror shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Contract. The selected Offeror shall submit a current Oregon Secretary of State Business Registry number, or an explanation if not applicable.

All Corporations and other business entities (domestic and foreign) must have a Registered Agent in Oregon. See requirements and exceptions regarding Registered Agents. For more information, see Oregon Business Guide, How to Start a Business in Oregon and Laws and Rules. The titles in this subsection are available at the following Internet site:  
<http://www.filinginoregon.com/index.htm>.

### **4.3 CONTRACT NEGOTIATION**

#### **4.3.1 Negotiation**

By submitting an Offer, Offeror agrees to comply with the requirements of the solicitation, including the terms and conditions of the Sample Contract (Attachment A), with the exception of those terms reserved for negotiation. Offeror shall review the attached Sample Contract and note exceptions. Unless Offeror notes exceptions in its Offer, the State intends to enter into a Contract with the successful Offeror substantially in the form set forth in Sample Contract (Attachment A). It may be possible to negotiate some provisions of the final Contract; however, many provisions cannot be changed. Offeror 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 Offers.

Any Offer 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 Offeror 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 15 calendar days, Agency may terminate Negotiations and commence Negotiations with the next highest ranking Offeror.

## **SECTION 5: ADDITIONAL INFORMATION**

### **5.1 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 Offeror may be required to submit a completed Certified Disadvantaged Business Outreach Plan (Attachment F) prior to execution.

### **5.2 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 from the jurisdiction of any court.

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

All Offers submitted in response to this RFP become the Property of Agency. By submitting an Offer in response to this RFP, Offeror 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 Offer solely for the purpose of evaluating the Offer, negotiating an Agreement, if awarded to Offeror, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Offers, including supporting materials, will not be returned to Offeror unless the Offer is submitted late.

### **5.4 CANCELLATION OF RFP; REJECTION OF OFFERS; NO DAMAGES.**

Pursuant to ORS 279B.100, Agency may reject any or all Offers in-whole or in-part, or may cancel this solicitation 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 Offeror for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the solicitation, award, or rejection of any Offer.

## 5.5 COST OF SUBMITTING A PROPOSAL

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

## 5.6 STATEWIDE E-WASTE/RECOVERY PROCEDURE

If applicable, Offeror shall include information in its Offer that demonstrates compliance with the Statewide E-Waste/Recovery Procedure 107-011-050\_PR. Download the procedure by visiting [www.oregon.gov/DAS](http://www.oregon.gov/DAS), then enter the procedure number into the search bar, and find the procedure in the search results window.

## 5.7 RECYCLABLE PRODUCTS

Offeror 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)

## SECTION 6: LIST OF ATTACHMENTS

ATTACHMENT A	SAMPLE CONTRACT
ATTACHMENT B	DISCLOSURE EXEMPTION AFFIDAVIT
ATTACHMENT C	OFFEROR INFORMATION AND CERTIFICATION SHEET
ATTACHMENT D	REFERENCE CHECK FORM
ATTACHMENT E	COST SHEET
ATTACHMENT F	COBID CERTIFICATION / OUTREACH PLAN
ATTACHMENT G	RESPONSIBILITY INQUIRY