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STATE OF OREGON



COVER PAGE

Oregon Department of Education, Office of Equity, Diversity & Inclusion

Request for Grant Applications (RFA)

INTERIM LATINO/A/X - STUDENT SUCCESS PLAN GRANTS

RFA # ODE-1146-20

Date of Issue: June 30, 2020

Closing Date: July 30, 2020

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SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon, acting by and through its Department of Education (“Agency”), Office of Equity, Diversity & Inclusion (“Office”) is issuing this Request for Applications (“RFA”) to provide funding for the 2019-2021 Interim Latino/a/x Student Success Plan Grant funding as charged by the Oregon Legislature in House Bill 3427 (HB 3427) of the 2019 legislative session.

Agency anticipates awarding multiple grants from this RFA with a maximum allowable funding available up to \$150,000. Regardless of award date, Grants will be made effective August 1, 2020 and will expire June 30, 2021. All funding provided under the resulting Grants must be expended and claimed no later than June 30, 2021. This is an eleven month, one-time Grant opportunity. Applicants will need to reapply for future grant opportunities.

Entities eligible to submit an Application under this RFA must be community-based organizations, early learning hubs, providers of early learning services, school districts, or post-secondary institutions of education to implement the strategies provided in the project description in Section 2.4, Scope of the Project.

All eligible Applicants submitting Applications are referred to as Applicants in this RFA. After execution of a Grant Agreement, the awarded Applicant will be designated as a Grantee.

1.2 SCHEDULE

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

Event	Date	Time
Pre-application webinar (Use this link to register for the webinar)	July 9, 2020	9:00am – 10:30am
Questions / Requests for Clarification Due	July 17, 2020	12:00pm
Closing (Applications Due)	July 30, 2020	4:00pm
Issuance of Notice of Award (approximate)	August 13, 2020	

1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFA is identified on the Cover Page, along with the SPC’s contact information. Applicant shall 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

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

The Agency is issuing this RFA pursuant to ORS 329.845, Statewide education plan for students who are Latino or Hispanic; advisory group; report; grants; rules.

Agency will accept Applications up to the Closing date and time as set forth in Section 1.2 of this RFA. Agency will then evaluate the Applications in accordance with Section 3 of this RFA.

2.2 DEFINITION OF TERMS

For the purposes of this RFA, capitalized words will refer to the following definitions apply.

2.2.1 Program Specific Definitions

“Applicant” means a person, organization, or governmental entity submitting an Application in response to this RFA.

“Community-based organization” means a nonprofit organization that is reflective of a community or significant segments of a community it seeks to serve. This includes culturally specific organizations that have an expressed mission of providing services to specific populations within a community.

“Community Voice” means that members representing the community served by the project must be involved in the design, implementation, and/or provide strategic guidance.

“Culturally Inclusive” means an organization or system is actively welcoming to individuals from systemically oppressed groups. Inclusion advocates that diversity of identity and experience contributes meaningfully to a group in a positive and mutually beneficial way. It focuses on increasing the presence of people who are not currently represented in the existing organization or system

“Culturally Responsive” means the implicit use of the cultural knowledge, prior experiences, frames of reference, and performance styles of students served by the plan to make learning more appropriate and effective for them.

“Culturally Specific” means an organization that services and is led by members or a particular cultural community; these organizations demonstrate intimate knowledge of lived experience of the community, including but not limited to the impact of structural and individual racism or discrimination on the community; knowledge of specific disparities documented in the community and how that influences the structure of their program or service; ability to describe the community’s cultural practices, health and safety beliefs/practices, positive cultural identity/pride/resilience, immigration dynamics, religious beliefs, etc., and how their services have been adapted to those cultural norms.

“Grantee or Sub-recipient” Persons, firms or governmental entities involved in the substantive activities of the program. The Grantee/Sub-recipient performs substantive work on the program to

accomplish the program's purpose.

"Latino/a/x Student Success Grant" means the Grant established in ORS 329.845.

"Interim Latino/a/x Student Success Plan" means the plan established in ORS 329.845 and adopted by the State Board of Education.

"Partnership" means a group of organizations with a common interest who agree to work together. In a partnership, there is a high level of trust and communication. Roles and responsibilities of each organization are well-defined and developed. There might be shared space and staff, shared authority and decision making, and plans and agreements are in writing. Overall, there is a vision.

"Students served by the plan" means a student enrolled in early childhood through post-secondary education who:

- Is Latino/a/x, Hispanic, or indigenous, including individuals or Mexican, Cuban, Puerto Rican, Dominican, South American, Central American descent.
- Has experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

2.3 OVERVIEW

2.3.1 Agency Overview and Background

The Agency oversees the education of over 560,000 students in Oregon's public K-12 education system. The Agency encompasses early learning, public preschool programs, the state School for the Deaf, regional programs for children with disabilities, and education programs in Oregon youth corrections facilities. While the Agency is not in the classroom directly providing services, the Agency (along with the State Board of Education), focuses on helping districts achieve both local and statewide goals and priorities through strategies such as:

- Developing policies and standards
- Providing accurate and timely data to inform instruction
- Training teachers on how to use data effectively
- Effectively administering numerous state and federal grants
- Sharing and helping districts implement best practices

The Agency fosters equity and excellence for every learner through collaboration with educators, partners and communities and guided by integrity, accountability, excellence and equity. The Agency's priorities are graduating Oregon students, college and career ready, closing the achievement gap and opportunity gaps, teacher and administrator effectiveness, increasing performance for all schools and districts, and a strong, seamless education system from early childhood through higher education

2.3.2 Program Overview and Background

The Agency's Office of Equity, Diversity and Inclusion education equity stance is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and

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families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

During the 2019 legislative session, Oregon's leaders made a real commitment to our children, our educators, our schools and our state with the passage of the Student Success Act (SSA). When fully implemented, the Student Success Act is expected to invest \$2 billion in Oregon education every two (2) years; that's a \$1 billion investment in early learning and K-12 education each year.

At the heart of the SSA is a commitment to improving access and opportunities for students who have been historically and are currently underserved by the education system. Under the SSA, the Latino/a/x Student Success Plan will address inequities experienced by Latino/a/x students through focused investments and community partnerships.

However, we are at an unprecedented time as communities across the world are dealing with the COVID-19 pandemic. In Oregon, this crisis has created conditions where Latino/a/x families are experiencing disproportionate impacts due to measures taken to limit the spread of this disease. The pandemic has exacerbated and widened existing inequities faced by Latino/a/x families who are not able to access the resources needed to meet their children's educational, social, emotional, and sometimes, their nutritional needs.

Some of the factors which contribute to this crisis include:

- lack of access to technology for students to connect to their schools, teachers, and peers for distance learning;
- lack of multilingual materials in Spanish and Mesoamerican languages;
- lack of outreach by schools struggling to adopt distance learning for all measures;
- lack of access to resources for families living in rural communities;
- lack of access to childcare due to family members who need to continue working;
- lack of mental health resources and supports for children and families;
- higher risk of exposure to COVID-19 among those who cannot work from home;
- border restrictions and continued efforts to dismantle DACA protections; and
- limited access to unemployment benefits and other financial assistance among Latino/a/x immigrant communities.

2.4 SCOPE OF PROJECT

2.4.1 Purpose

Because of the conditions created by the pandemic, the Agency approved to award funding to support the goals and strategies outlined in the Student Success Act. These funds can be used by Applicants to address some of the urgent educational challenges faced by Oregon's Latino/a/x students and their families while aligning with the statutory requirements of the Student Success Act.

2.4.2 Goals, Descriptions & Expectations

Under the Student Success Act (HB 3427), the goals of the Interim Latino/a/x Student Success Plan must address the following:

1. The disparities experienced by Latino/a/x students in every indicator of academic success, as documented by the department's statewide report card and other relevant reports related to

students served by the plan;

2. The historical practices leading to disproportionate outcomes for Latino/a/x students; and
3. The educational needs of Latino/a/x students from early childhood through post-secondary education as determined by examining culturally appropriate best practices in this state and across the nation.

Additionally, the Office of Equity, Diversity & Inclusion has aligned the strategies of the Student Success Act Latino/a/x sections with the Agency's Distance Learning for All. This established a framework by which community based organizations, school districts, and early learning hubs can support Latino/a/x students and families during these challenging times.

Cultivate connection and relationship. Student connections and relationships with trusted adults promote belonging, which is especially important as learning takes place outside of the school setting.

Increase parental engagement in the education of students served by the plan

Increase early childhood education and kindergarten readiness for students served by the plan

Center in equity and efficacy. Prioritize equity in every decision; build on cultural and linguistic assets to inspire learning and promote student efficacy. Consider how decisions and actions attend to racial equity and social justice (Oregon Educator Equity Lens). Consider the assets of students who experience disability.

Increase the engagement of students served by the plan in educational activities before and after regular school hours

Improve literacy and numeracy levels among students served by the plan between kindergarten and grade three

Support plan student transitions to middle school and through the middle school and high school grades to maintain and improve academic performance

Increase attendance of students served by the plan in four-year post-secondary institutions of education

Ensure safety and wellness. Students need food, clothing, a safe place to learn and shelter, as well as a sense of care and connection, in order to engage in challenging intellectual work.

Address the disproportionate rate of disciplinary incidents involving students served by the plan compared to all students in the education system

Increase parental engagement in the education of students served by the plan

<i>Increase the engagement of students served by the plan in educational activities before and after regular school hours</i>
<i>Increase early childhood education and kindergarten readiness for students served by the plan</i>
<i>Improve literacy and numeracy levels among students served by the plan between kindergarten and grade three</i>
<i>Support plan student transitions to middle school and through the middle school and high school grades to maintain and improve academic performance</i>
<i>Support culturally responsive pedagogy and practices from early childhood through post-secondary education</i>
<i>Support the development of culturally responsive curricula from early childhood through post-secondary education</i>
<i>Increase attendance of plan students in community colleges and professional certification programs</i>
<i>Increase attendance of students served by the plan in four-year post-secondary institutions of education</i>
Innovate. Iterate through complex change with a spirit of possibility, centering in deep learning, student agency, and culturally sustaining practices.
<i>Support culturally responsive pedagogy and practices from early childhood through post-secondary education</i>
<i>Support the development of culturally responsive curricula from early childhood through post-secondary education</i>
<i>Address the disproportionate rate of disciplinary incidents involving students served by the plan compared to all students in the education system</i>
<i>Increase attendance of students served by the plan in community colleges and professional certification programs</i>

Applicants will indicate in their Grant Applications which of the strategies listed above as outcomes Applicants will work towards achieving.

2.4.3 Reporting and Accountability

Applicants awarded grants will report project outcomes and evidence demonstrating progress made towards meeting Project goals within the Performance Period of the awarded Grant. These reports may include, but is not limited to; quarterly reports, expenditure reports, data on specific measures of the Project, interim and final grant reports, and other information as needed (e.g., changes to

SECTION 3: APPLICATION REQUIREMENTS AND EVALUATION

3.1 APPLICANT TYPES

3.1.1 To be eligible to receive the Latino/a/x Student Success Grant, an Applicant must::

- *Be a community-based organization, early learning hub, school district, post-secondary institution of education, with priority given to culturally specific organizations; and*
- *Provide data to the Agency documenting that the majority of the students served through programming and resources by the organization are students served by the plan; and*
- *Must demonstrate how community voice composed of Latino/a/x community members is authentically engaged in the design, implementation, and/or strategic guidance of the Project.*
- *A single Grant Application may include more than one eligible Applicant, but the fiscal agent must be one of the eligible applicants identified in the first bullet of this Section.*
- *Grants may be established with other qualified entities for purposes allowed in this rule, but the fiscal agent must be one of the eligible applicants identified in the first bullet of this Section.*

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Application Format and Quantity

- The Application should follow the format and reference the sections listed in the Application Content Requirements, Section 3.4 of this RFA. Responses to each section and subsection should be labeled to indicate the item being addressed. The Application must describe in detail how requirements of this RFA will be met and may provide additional related information.
- Applicant shall submit one (1) electronic copy of its Application to the SPC listed on the Cover Page of this RFA.
- In addition, if Applicant believes any of its Application is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478) Only if applicable to Applicant's submission, Applicant shall complete and submit the Disclosure Exemption (Attachment C) and a fully redacted version of its Application, clearly identified as the redacted version.

3.2.2 Authorized Representative

A representative authorized to bind the Applicant shall sign the Application Cover Sheet Certification (Attachment B). Failure of the authorized representative to sign the Application may subject the Application to rejection by Agency.

3.3 APPLICATION PROCESS

3.3.1 Public Notice

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

Agency will advertise all addenda on ORPIN. Prospective Applicant is solely responsible for checking ORPIN to determine whether or not any addenda have been issued. Addenda are incorporated into

3.3.2 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 only for this RFA.
- Reference the RFA number, #ODE-1146-20.
- 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

3.3.3 Pre-Application Conference

A [pre-Application webinar conference will be held](#) for this RFA on July 09, 2020 from 9:00 am to 10:30 am to respond to clarifying questions. Please see Section 1.2 for schedule of events.

3.3.4 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 and time identified in the Schedule in Section 1.2 ("Closing"). Agency is not responsible for any delays for transmission errors or delays or mistaken delivery. Applications submitted by any other means are not authorized and may be rejected.

3.3.4.1 Submission via ODE District Secure File Transfer Process

An electronic version of the complete Application must be submitted to the SPC using the secure file transfer system available on Agency's district website: <https://district.ode.state.or.us/apps/xfers/>. Follow the instructions provided on the secure file transfer website. Multiple files must be compressed (zipped) into a single folder for submission.

Only complete Applications submitted by Closing will be evaluated and scored. If you need assistance with the secure file transfer process, contact Agency's helpdesk at 503-947-5715 or email at ode.helpdesk@ode.state.or.us

3.3.5 Modification or Withdrawal of Applications

Any Applicant who wishes to make modifications to an Application already received by the Agency shall submit its modification in the manner required in the Application Submission Section and must denote the specific change(s) to the Application submission.

If an Applicant wishes to withdraw a submitted Application, it shall do so prior to the closing deadline specified in Section 1.2 of this RFA (Closing). The Applicant shall submit a written notice signed by an authorized representative of its intent to withdraw its Application. The notice will include the RFA

3.3.6 Application Due

An Application and all required submittal items must be received by the SPC on or before Closing specified in Section 1.2. Any Application received after the Closing **will not** be accepted. All Application modifications or withdrawals must be completed and submitted prior to Closing.

Applications received after Closing are considered **LATE** and will **NOT** be accepted for evaluation. Late Applications will be returned to the respective Applicant or destroyed at the Agency's option.

3.3.7 Application Rejection

The Agency may at its discretion 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; or
- Applicant fails to meet all requirements listed in Section 3.1, Applicant Types.

3.4 APPLICATION CONTENT REQUIREMENTS

The Application must address all requirements set forth in this RFA. Applicant shall fully describe its proposed program plan. An Application that merely offers to perform a program as stated in this RFA will be considered non-responsive to this RFA and will not be considered further.

3.4.1 Application Length and Formatting Requirements

Applications must be in Word format and no more than 5 pages, not including required RFA attachments. Applications should be without extensive artwork, or other materials not essential to the utility and clarity of the Application.

3.4.2 Technical Application Requirements

3.4.2.1 Application Cover Sheet

Applicant must complete all sections of the Application Cover Sheet (Attachment B) including signature from an authorized representative.

3.4.2.2 Project Narrative

Applications must address the following:

1. Applicant and Community Overview
 - a. Applications must describe Applicant's mission, goal, and philosophy for providing services within a community; describe the Applicant's experience providing similar

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services as those described in this RFA; and describe the unique elements and challenges experienced by the Latino/a/x community within Applicant's service area.

2. Project need
 - a. Describes the issues faced by the community (ies) served and how the Applicant's Project will address them.
3. Project description must include:
 - a. Project activities and how they address the Interim Latino/a/x Student Success Plan strategies listed above in section 2.4 of this RFA. Be sure to indicate which strategies are being addressed by the Project activities;
 - b. Forecasted dates of the activities during the performance period of the Project (Project dates are August 1, 2020 to June 30, 2021);
 - c. And how the Project demonstrates commitment and readiness to use best practices and provide programming and services which are culturally responsive, culturally inclusive, and/or culturally specific to address needs for students served by the plan.
4. Progress measures and evaluation
 - a. Describe how the Project will measure success (evaluation).
5. Community voice
 - a. Describe how community voice is involved in the design, implementation, and strategic direction.
6. Community partners – Project clearly demonstrates deep and authentic partnerships with members of the Latino/a/x community.
 - a. Highlights key staff involved with this Project.
 - b. Type of partners involved in this Project.
 - c. Description of how partners will be continually involved in the implementation of the Project.

3.4.2.3 Insurance

Applicant must provide certificates of insurance to document current, effective insurance coverage required in the Exhibit B of the Sample Grant Agreement (Attachment A).

If Applicant does not currently possess insurance in the limits required by this RFA, Applicant must submit a written statement indicating it will obtain such insurance prior to Grant execution.

3.4.2.4 Grant Agreement

Applicant must submit a written statement indicating it will agree to the terms and conditions outlined in the Sample Grant Agreement (Attachment A). Applicant may request changes to the form of Grant in Attachment A by submitting, as part of its Application, alternative proposed language.

3.4.2.5 Budget Worksheet:

The maximum allowable amount for this RFA's resulting Grant award is up to \$150,000 per Grant awarded. Fill out Applicant's proposed budget utilizing Attachments D. It is vital that an Applicant does not sacrifice efforts to stretch dollars too thin to be successful in delivering its proposed Latino/a/x services.

Applicant's budget should demonstrate equitable distribution of grant funds and resources and describe this in more detail in the budget narrative.

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Grantee may request in advance of expenditures up to 25% upon execution of the Agreement. All subsequent requests shall be on a cost-incurred basis. The agency may withhold funds until reporting is complete.

3.4.3 Public Record/Confidential or Proprietary Information

All Applications are public record and are subject to public inspection after the Agency issues the Notice of Award. If an Applicant believes that any portion of its Application contains any information that is exempt from disclosure as a trade secret or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.410 through 192.505), Applicant shall follow the process set forth in Section 3.2.1.

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

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

3.5 EVALUATION PROCESS

3.5.1 Responsiveness Determination

Applications received prior to Closing will be reviewed for responsiveness to all RFA requirements including compliance with the Minimum Submission Requirements Section 3 and Application Content Requirements Section 3. 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 at its sole discretion. SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Applications. A response to a clarification request will be only to clarify or explain portions of the already submitted Application and must not contain new information not included in the original Application.

3.5.2 Evaluation Criteria (98 Points Possible)

Applications meeting the requirements outlined in the Minimum Submission Requirements Section 3 and the Application Content Requirements Section 3 will be evaluated by an Evaluation Committee. Evaluators will assign a score for each evaluation criterion as listed below in this Section.

The Agency shall award grants to eligible recipients based on the following criteria:

- Whether the Grant Application meets the objectives and strategies as provided in the Interim Latino/a/x Student Success Plan;
- Whether the Grant Applicant demonstrates commitment and readiness to use best practices and provide programming and services which are culturally responsive, culturally inclusive, and/or culturally specific to address needs for students served by the plan; and
- Whether the Grant Application demonstrates equitable distribution of grant funds and resources.

The Agency will give priority to Applications that:

- Clearly demonstrate deep and authentic partnerships with members of the Latino/a/x community.

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Culturally specific and community based organizations may apply independently, however, all other eligible applicants must demonstrate how they engage community voice in the Project;

- Reflects geographic diversity of services and programs to ensure representation of grant recipients and students served by the plan throughout the state. This includes areas of the state that demonstrate the greatest need for students served by the plan;
- Clearly document how it will effectively implement the objectives and strategies as provided in the Interim Latino/a/x Student Success Plan; and
- Clearly demonstrate authentic partnerships between community-based, school districts, early learning hubs, post-secondary institutions, and/or Tribe(s) toward common goals and strategies.

3.5.2.1 Applicants Project Narrative (Maximum points: 55)

The Applicants Project Narrative must include:

1. Applicant and Community Overview (5 points)
2. Project need (10 points)
 - a. Describes the issues faced by the community (ies) served and how the Applicant's Project will address them.
3. Project description (20 points)
 - a. Project activities and how they address the Interim Latino/a/x Student Success Plan strategies listed above in section 2.4 of this RFA.
 - b. Forecasted dates of the activities during the performance period of the Project (Project dates are August 1, 2020 to June 30, 2021).
 - c. How the Project demonstrates commitment and readiness to use best practices and provide programming and services which are culturally responsive, culturally inclusive, and/or culturally specific to address needs for students served by the plan.
4. Progress measures and evaluation (10 points)
 - a. How the Project will measure success (evaluation).
5. Community voice (5 points)
 - a. Describes how community voice is involved in the design, implementation, and strategic direction.
6. Community partners – Project clearly demonstrates deep and authentic partnerships with members of the Latino/a/x community. (5 points)
 - a. Highlights key staff involved with this Project.
 - b. Type of partnerships involved in this Project.

3.5.2.2 Budget and Strategy Outline (Maximum points: 30)

The Applicant's Budget and Strategy Outline must explain:

1. How the Grant Application demonstrates equitable distribution of Grant funds and resources.
2. Salaries, hourly wages, and FTE (how many of Applicant's staff will be provided salaries to, what will be their roles, how much FTE for staff hired will be for the implementation of the

proposed Applicant's Project and the purpose of these staff roles).

3. Project and service costs.
4. Administrative costs, including indirect costs of the Project.
5. Budget and Strategy Outline must explain how specific itemized Budget line costs connect to strategies that are forecasted to positively impact the selected indicators(s).

3.5.2.3 Bonus Points – Area of Focus (Maximum Points: 13)

The Applicant may receive bonus points if Applicant can demonstrate:

1. Clearly demonstrates deep and authentic partnerships with members of the Latino/a/x community. (5 points)
2. Reflects geographic diversity of services and programs to ensure representation of grant recipients and students served by the plan throughout the state. This includes areas of the state that demonstrate the greatest need for students served by the plan. (5 points)
3. Clearly demonstrate authentic partnerships between community-based, school districts, early learning hubs, post-secondary institutions, and/or Tribe(s) toward common goals and strategies. (3 points)

SECTION 4: AWARD AND NEGOTIATION

4.1 AWARD NOTIFICATION PROCESS

4.1.1 Award Consideration

Agency, if it awards a Grant, shall award a Grant to the highest ranking responsible 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 and awards are dependent upon receipt of sufficient funding, appropriations, expenditure limitation, allotments or other necessary expenditure authorizations to allow the Agency to disburse the awarded amount from the appropriate funding source.

AGENCY RESERVES THE RIGHT TO NOT SELECT ANY APPLICANTS UNDER THIS RFA IF AGENCY DETERMINES IN ITS SOLE DISCRETION THAT A SELECTION SHOULD NOT BE MADE OR GRANT FUNDS DISTRIBUTED.

4.1.2 Notice of Award

The Agency will notify all Applicants in writing that the Agency is awarding a grant to the selected Applicants.

4.1.3 Appeal Process

There will not be an appeal process and the rankings by the evaluation team are final.

4.2 SUCCESSFUL APPLICANT SUBMISSION REQUIREMENTS

4.2.1 Insurance

If not already supplied under Section 3.4 as part of the Application, prior to execution of the Grant, the

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apparent successful Applicant shall secure and demonstrate to Agency proof of insurance coverage meeting the requirements identified in the RFA or as otherwise negotiated.

Failure to demonstrate coverage may result in Agency terminating the award of a grant agreement. Applicant is encouraged to consult its insurance agent about the insurance requirements contained in Insurance Requirements (Exhibit B of Attachment A) prior to Application submission.

4.2.2 Taxpayer Identification Number

The apparent successful Applicant 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 a Notice of Award), or

When the backup withholding status or any other information of Applicant has changed since the last submitted W-9 form to the Agency, 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 and if applicable, Applicant shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Grant. The selected Applicant 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 GRANT NEGOTIATION

By submitting an Application, Applicant agrees to comply with the requirements of this RFA, including the terms and conditions of the Sample Grant (Attachment A), with the exception of those terms reserved for negotiation. Applicant shall review the attached Sample Grant and note exceptions. Unless Applicant notes exceptions in its Application, Agency intends to enter into a Grant with the successful Applicant substantially in the form set forth in the Sample Grant (Attachment A). 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 Agency. 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; and
- All applicable federal and state requirements

In the event that the parties have not reached mutually agreeable terms within five (5) calendar days, Agency may terminate negotiations and commence negotiations with the next highest ranking Applicant

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 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.

5.2 OWNERSHIP/PERMISSION TO USE MATERIALS

All Applications submitted in response to this RFA become the property of the Agency. By submitting an Application in response to this RFA, Applicant grants the Agency 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, if awarded to Applicant, or as otherwise needed to administer the RFA process, and to fulfill obligations under Oregon Public Records Law (ORS 192.410 through 192.505). Applications, including supporting materials, will not be returned to the Applicant unless the Application is submitted late.

5.3 CANCELLATION OF RFA; REJECTION OF APPLICATIONS; NO DAMAGES.

The 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 Agency, as determined by the Agency. The Agency is not 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, or costs to participate in demonstrations.

SECTION 6: LIST OF ATTACHMENTS

- ATTACHMENT A SAMPLE GRANT WITH INSURANCE
- ATTACHMENT B APPLICATION COVER SHEET
- ATTACHMENT C DISCLOSURE EXEMPTION
- ATTACHMENT D BUDGET