

STATE OF OREGON



COVER PAGE

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

AFFORDABLE RENTAL HOUSING PARTNERSHIP GRANT

Request for Applications (“RFA”)

RFA #7187

Date of Issue: December 6, 2022

Closing Date and Time: January 13, 2023 at 5:00 p.m. PST

Applications will be reviewed upon submittal, which may be prior to the Closing Date and Time. The final date for Applications to be accepted for review is by the Closing Date and Time above.

Single Point of Contact (“SPC”): DeAundra Lewelling, Procurement & Contracts Specialist

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LIST OF ATTACHMENTS

ATTACHMENT A – GRANT APPLICATION

ATTACHMENT B – SAMPLE BUDGET OUTLINE

ATTACHMENT C- SAMPLE GRANT AGREEMENT

SECTION 4: GENERAL INFORMATION

1.1 INTRODUCTION

- 4.8** Affordable Housing Partnership Grant – This grant provides up to \$25,000 for two-year grants to non-profit organizations, and Native nations in Oregon in support of activities and services provided to residents living in affordable rental housing. Eligible partnership activities include but are not limited to: Fair Housing marketing and leasing activities, resident listening sessions, translation and interpretation, workforce support, and other resident services activities provided by nonprofit and Native community-based organizations.

The State of Oregon, acting by and through its Oregon Housing and Community Services Department (“Agency”) is issuing this Request for Application (“RFA”) as its Affordable Rental Housing (“ARH”) division has made up to \$750,000 of GHAP Capacity Building funds available for the Affordable Housing Partnership Grant (“Partnership Grant”). These funds are available through the Capacity Building Set-Aside of the General Housing Account Program (“GHAP”) to be spent by awardee within two years or to reimburse incurred approved expenses dated no further back than January 01, 2022.

Anticipated Award: Agency anticipates awarding multiple Grant Awards (“Awards”) from this RFA.

Agreement Term: Successful Applicants will then be invited to enter into an agreement with the Agency to set forth the terms and conditions that govern the Award (“Agreement”). The term of the Agreement is anticipated to be (2) two years from Agreement execution.

1.2 BACKGROUND

OHCS’ Housing Stability Council, Developers, and community-based organizations (CBOs) have provided feedback to OHCS through 1:1 conversations and through the recent Policy & Partner Engagement series. This outreach has identified that a primary barrier to partnership and quality resident services is the lack of planned budget resources, or limited resources, to compensate CBOs for work in lease-up and resident support. Some OHCS housing development financing programs currently require applicants to create a budget for partnership activities, some do not.

By providing this grant funding directly to CBOs for their work in support of current and potential residents living in affordable rental housing, OHCS is providing resources to partner CBOs to support their pivotal role in building community and supporting success for individuals living in units within OHCS’ portfolio of affordable rental housing.

As OHCS continues to develop and refine internal and external strategies in service of equity and racial justice, it is critical that the agency continue to provide communication and support to affordable housing development project sponsors and CBOs that are working together to meet both the expectations of funders and the needs of their respective communities.

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 Schedule:

Event	Date	Time
Live Webinar (Recorded)	December 7, 2022	10:30a
Questions / Requests for Clarification Due	December 12, 2022	5:00p
Answers to Questions / Requests for Clarification Issued (approx.)	December 19, 2022	
RFA Protest Period Ends	Schedule defined under OAR 813- 005-0025	
Closing (Application Due)	January 13, 2023 (See RFA cover page)	

1.4 SINGLEPOINT 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 only to the SPC, whether about the technical requirements of the RFA, contractual requirements, the RFA process, or any other provision(s).

SECTION 5: AUTHORITY AND GRANT ACTIVITITES

2.1 AUTHORITY

Agency is issuing this RFA pursuant to its authority under Oregon Administrative Rule (OAR) 125-246-0170(2), Oregon Revised Statute (ORS) chapters 456 and 458 (including but not limited to ORS 458.665), and OAR chapter 813, divisions 5 and 6, as well as other applicable rules.

Agency and successful Applicants will comply with the requirements identified in OAR chapter 813, division 055.

2.2 DEFINITION OF TERMS

Community Based Organization (CBO)- For the purposes of this grant, a community-based organization is an organization that is representative of a community or significant segments of a community, identifies priority issues and solutions in a process led by or in partnership with the service community, works to meet community needs, and provides educational or direct services to individuals in the community.

Culturally Specific Organization – For the purposes of this grant, a culturally specific organization is a non-profit organization designed to serve historically underserved communities least likely to apply for housing occupancy and that is:

- representative of a community or significant segments of a community;
- provides affordable housing or housing support to very low- and low-income households; and
- can demonstrate primary target populations served to be ‘least likely to apply’, meaning there is an identifiable presence of a specific demographic group in the housing market area, but members of that group are not likely to apply for the housing without targeted outreach, including marketing materials in other languages for limited English proficient individuals, and alternative formats for persons with disabilities. Reasons for not applying may include, but are not limited to, insufficient information about housing opportunities, past involvement with the justice system, cultural barriers, language barriers, or transportation impediments.

Culturally Responsive Services – For the purposes of this grant, “culturally responsive services” means services that: (a) Are adapted to maximize the respect of and relevance to the beliefs, practices, culture and linguistic needs of the diverse client populations and communities being served, including clients and communities of color. (b) Have the capacity to respond to the issues of diverse communities. (c) Assures competent language access and incorporates diverse cultural approaches, strengths, perspectives, experiences, frames of reference, values, norms and performance styles of clients and communities to make services and programs more welcoming, accessible, appropriate and effective for all eligible and intended recipients.

Rural Organization- An organization with its main office(s) or multicounty service areas with a majority of services provided to residents in a Oregon Community outside the Portland Metro Urban Growth Boundary with a population of 15,000 or less in counties within Metropolitan Statistical Areas (Benton, Clackamas, Columbia, Deschutes, Jackson, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties) and in Communities with a population of 40,000 or less in the balance of the state. NOTE: If a city currently has a population that is within 5% (five percent) of the established rural definition above, they can be considered rural for the purposes of this application. Any unincorporated areas are considered rural. (Refer to OHCS’ dataset- <https://www.oregon.gov/ohcs/development/Pages/housing-data-analysis.aspx>)

Affordable Rental Housing – Properties in Oregon that were provided financing through OHCS, HUD, or a regional municipality, and are regularly monitored for compliance and are currently operating under income restrictions as a condition of their OHCS, regional, or federal source of financing.

Resident Services – For the purposes of this grant, resident services are any services provided to residents of OHCS’ portfolio of affordable rental housing with the goal of supporting an affordable housing development project or its residents in: communicating with current and potential residents, affirmative fair housing marketing, building community, accessing information and services in the language and format that best serves their needs, self-sufficiency, maintaining independent living, enhancing quality of life through programs for workforce development, education, income / asset building, child and youth development, access to health services, civic engagement education, addressing resident issues as they arise, and eviction prevention. (This is a non-exhaustive list.)

Nonprofit Organization – A non-profit organization is a group organized for purposes other than generating profit and in which no part of the organization's income is distributed to its members, directors, or officers. It is a business/corporation that has been given tax-exempt status by the [Internal Revenue Service \(IRS\)](#) because they further a religious, scientific, charitable, educational, literary, public safety or cruelty-prevention mission or area of work. An organization needs to request and receive 501(c) status from the IRS prior to operating as a nonprofit with a tax exemption.

Native Nations- For the purposes of this grant, Native nations means federally recognized Native American tribes of Oregon, or the department or housing authority within the tribe, designated by the tribe, to receive federal funds and administer its housing programs.

2.3 GRANT DETAILS

Eligibility:

- Applicant is a nonprofit service organization or Native nation.
- Applicant meets at least five of the following eight criteria:

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- Primarily serves low and very low-income individuals.
 - Organization is a Culturally Specific Organization (Refer to 2.2)
 - Organization is based in a rural community or primarily serves rural communities.
 - Organization has the ability to effectively serve Black, Indigenous, or Communities of Color.
 - Primarily serves a community historically targeted by discriminatory housing policies in Oregon.
 - Organization currently has affordable rental housing within their portfolio of properties -Or – Provides ongoing support or resident services to an affordable rental housing property
 - Organization has fewer than 10 individual staff – Or – Has an annual budget of \$1,000,000 or less.
 - Organization primarily serves a community that has been found to be severely rent burdened (paying more than 50% of income on rent) -Or_ is at higher risk of eviction due to the COVID pandemic.
- Application and budget documents are complete and submitted on time.
 - If awarded funds, Applicant must provide documentation of tax-exempt status, be registered as a business in Oregon, and required insurance coverage prior to execution of the grant agreement. See section 5.3 for more information.
 - Agency will accept one application per eligible organization.

2.4 GRANT ACTIVITIES

Allowable activities under any awarded Agreement may include but are not limited to:

- Affirmative Fair Housing Marketing: interpretation and translation, partnership in development of outreach strategy, support for reaching underserved populations to build the wait list for an affordable housing project in development, collaboration in creation and implementation of low-barrier tenant screening
- Inclusive outreach and engagement: participatory design, listening sessions, collaborative development of resident services plan, addressing cultural and language communication and accessibility needs
- Resident services: support for resident asset building strategies, eviction prevention, activities that build resident capacity for self-determination, workforce support, family support services, educational and knowledge-sharing opportunities

Activities ineligible for reimbursement include:

- Materials, activities, or costs not directly tied to the partnership activities outlined in the final grant agreement
- Annual appeals or fund-raising drives

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- Any attempt to: directly influence legislation or public policy; participate in any political campaign on behalf of or in opposition to any candidate for public office; induce or encourage violations of law or public policy or improper private benefit to occur
- Costs of preparing this grant application
- No more than 18% of the total request can be allocated for indirect costs*

Please check with the grant administrator if you have questions about a specific item in your proposed budget.

*Native nations may request adjustment to the indirect cost limit.

2.5 FUNDING

The maximum request for this Agreement is \$25,000 to be spent within two years or to reimburse incurred approved expenses dated no further back than the January 1, 2022.

2.6 REPORTING

Awardees will be required to provide a year-end report for each year of the grant using the Reporting Form (Attachment E). Report will include aggregate data about services and participants, metrics defined by the applicant in their application and other metrics to be defined collaboratively by the grantee and the OHCS grant administrator.

An itemized account of expenditures and required documentation will be submitted with each invoice for reimbursement. The compensation method will be determined by Agency with Applicant's feedback from grant application (Attachment A) and written into the final grant agreement.

SECTION 6: APPLICATION REQUIREMENTS

3.1 MINIMUM APPLICANT REQUIREMENTS

To be considered for evaluation, Applicant must:

- Be an Eligible Organization per definition (Refer to 2.2)
- Complete and submit the information requested on the Grant Application (Attachment A) and in compliance with Section 2.3 Grant Activities.
- Complete and submit a Budget Outline (Attachment B) that corresponds with the planned activities and services
- Complete the additional RFA requirements, which includes but is not limited to the Application Requirements in this Section 3.

3.1.1 Application Format

Applicant shall submit one (1) electronic copy of its Application to OHCS.Contracts@hcs.oregon.gov as an attachment by the Closing Date/Time on the Cover Page. Please reference RFA #7187 in the Subject Line of all e-mail communications.

3.1.2 Authorized Representative

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

3.1.3 Additional Information

The following additional information applies:

- Applications are limited to one per qualified organization.

SECTION 7: SOLICITATION PROCESS

4.1 PUBLICNOTICE

The RFA, including all Addenda and attachments, is published on OHCS' Procurement website at <https://www.oregon.gov/ohcs/procurement/Pages/procurement-opportunities.aspx>. RFA documents will not be mailed to prospective Applicants.

Agency shall advertise all Addenda, if any, on OHCS' Procurement website. Prospective Applicant is solely responsible for checking OHCS' Procurement website to determine whether any Addenda have been issued. Addenda are incorporated into the RFA by this reference.

4.2 QUESTIONS/ REQUESTS FOR CLARIFICATIONS

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 delivered to the SPC via email;
- Reference the RFA number;
- Identify Applicant's name and contact information;
- 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.

4.3 PROTESTS

4.3.1 Protests to RFA

Prior to Closing, prospective Applicant may submit a written protest of anything contained in this RFA. This is prospective Applicant's only opportunity to protest the provisions of the RFA, except that Applicant may protest Addenda as provided below and Applicant may take exception to the terms and conditions of the Sample Grant Agreement (Attachment A) marked as negotiable as set forth in the Negotiations Section.

4.3.2 Protests to Addenda

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

All Protests must:

- Comply with procedure under OAR 813-005-0025;

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- Be delivered to the SPC via email;
- Reference the RFA number;
- Identify prospective Applicant's name and contact information;
- Be sent by an authorized representative;
- State the reason for the protest, including:
 - the grounds that demonstrate how the Procurement Process is contrary to law, Unnecessarily Restrictive, legally flawed, or improperly specifies a brand name; and
 - evidence or documentation that supports the grounds on which the protest is based
- State the proposed changes to the RFA provisions or other relief sought;
- Protests to the RFA must be received by the due date and time identified in the Schedule (see table in Section 1.3 of this document); and
- Protests to Addenda must be received by the due date identified in the respective Addendum.

Protest Response

Agency will endeavor to respond to all protests submitted in a timely manner while giving due consideration to the nature of the protests. Protests that do not comply with OAR 813-005-0025 and this Section 4 of the RFA will not be considered.

4.3 APPLICATION DELIVERY OPTIONS

Applicant is solely responsible for ensuring its Application is received by the SPC in accordance with the RFA requirements before Closing. Agency is not responsible for any transmission errors (electronic or otherwise) or delays or mistaken delivery. Applications submitted by any means not authorized may be rejected.

4.4. APPLICATION MODIFICATION OR WITHDRAWAL

If an Applicant wishes to make modifications to a submitted Application, it must submit its modification in the authorized representative listed in Section 3.1.1. To be effective the notice must include the RFA number and be submitted to the SPC prior to Closing.

If an Applicant wishes to withdraw a submitted Application, it must submit a written notice signed by an authorized representative of its intent to withdraw to the SPC via email prior to closing in accordance with OAR 137-047-0440. To be effective the notice must include the RFA number.

4.5 APPLICATION DUE

This offering is provided with a rolling application window. All qualifying applications that meet the eligibility criteria will be accepted until all available funds have been committed.

All Application modifications or withdrawals must be received prior to completion of grant agreement.

4.6 APPLICATION REJECTION

Only complete Applications will be evaluated. Additionally, Agency may reject an Application for any of the following reasons:

- Applicant fails to substantially comply with prescribed RFA procedures and requirements, including but not limited to the requirement that Applicant's authorized representative sign the Application, although an electronic signature is acceptable.
- Applicant has liquidated and delinquent debt owed to the State or any department or

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agency of the State.

- Applicant fails to meet the responsibility requirements of this RFA.
- 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 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.

4.7 EVALUATION PROCESS

4.7.1 Responsiveness Determination

Each application will be reviewed to determine if it is responsive to all RFA requirements including compliance with Minimum Applicant Requirements (Section 3.1). If the Application is unclear, the SPC may request clarification from Applicant or seek additional information, as deemed necessary by Agency. Applicant must respond within three (3) working days of the date an email has been sent from Agency. If the SPC finds the Applicant non-responsive, the Application may be rejected, however, Agency may waive mistakes in accordance with OAR 137-047-0470 and OAR chapter 813, divisions 5 and 6.

Agency may use its discretionary action in accordance with OAR 813-006-0040.

4.7.2 Evaluation Overview

Members of an Evaluation Committee will independently evaluate each Application meeting all responsiveness requirements. The size of the Evaluation Committee will be determined by the Agency. Evaluation Committee members may change, and Agency may have additional or fewer evaluators. Evaluator(s) will assign a PASS or FAIL determination for each evaluation criterion based on the categories described below. Applications will be scored on the component areas listed in Sec. 4.8.

4.7.3 Evaluation Criteria

An Applicant must meet the following threshold requirements to be eligible for funding.

Applicant must be:

- A nonprofit organization or Native nation (as defined in Sec 2.2 of the RFA).
- Organization meets five of the eight listed attributes (refer to Sec 2.2)

(Applicant to indicate this information in Attachment A)

Proposed activities must serve:

- Residents of an affordable rental housing property, which includes but is not limited to:
 - Properties approved for OHCS development funding
 - Existing properties currently held within OHCS' portfolio of affordable housing
 - Properties with restricted income requirements held within regional or federal portfolios

Application – Attachment A

- Applicant must complete and submit the Grant Application – Attachment A with its Application following the requirements in the RFA.

And

- Proposed grant-funded activities have been reviewed by the grant administrator and determined to be eligible for reimbursement through this offering.

Budget Outline – Attachment B

- Applicant must complete and submit a Budget Outline – Attachment B with its Application following the requirements in the RFA.

And

- Proposed budget will be reviewed by the grant administrator and must be determined to be aligned with the proposed activities and associated costs. Significant inaccuracies will disqualify the application.

7.2 SELECTION PROCESS

Agency will be evaluating Applications based on the criteria identified in Section 4.7, and then applications may be ranked in order to create a balance of service provisions across the state and a diverse cohort of grantees. OHCS reserves the right to target funding for geographic locations which may include focused populations or areas of greatest need identified at the agency’s discretion, and in accordance with the requirements in this RFA and applicable ORSs and OARs.

In selecting between two or more equally qualified applicants, preference will be given to the application maximizing grant objectives. **Applications will be scored on the following component areas:**

- **Mission, representation, impact, and qualifications (10 points)**
 - Narrative responses indicate a well-planned project, program, or activities with purpose, and description of qualifications meets the grant mission. Demonstrates institutional policies and practices that prioritize equitable outcomes, are data-informed, and include community participation on project/program design.
- **Alignment with OHCS’ 2019-2023 Statewide Housing Plan priorities (10 points)**
 - Desired outcomes of proposed work and service communities align with the priorities outlined in OHCS’ current statewide housing plan. (www.oregon.gov/ohcs/oregon-state-wide-housing-plan.aspx). Organization is aware of housing barriers and provides good descriptions of these barriers in their community. Organization is actively working on addressing one or more of these barriers.
- **Scope of work, feasibility, and readiness to proceed (10 points)**
 - Thorough description of scope of work and plans for implementation. Indicates clearly the expected outcomes of activities. Shows thorough

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understanding of how and what data should be collected. Has clear timeline, with milestones and demonstrated organizational commitment and partnerships that support completing work within the timeline.

- **Budget alignment and justification (10 points)**
 - Project/program budget leaves no doubt that the associated costs are adequate and realistic. Budget is itemized and completed, and descriptions are provided and relevant. Budget identifies contributions of partnerships and other funding sources that will increase impact of services in combination with this grant. Budget narrative includes if and how funding expands or enhance an existing program

Priority Points (additional 5%)

Agency may give priority points to applications for activities in service of:

- Historically underserved communities or those considered to not likely to apply for affordable housing without targeted outreach, including marketing materials in other languages for limited English proficient individuals, and alternative formats for persons with disabilities. Reasons for not applying may include, but are not limited to, insufficient information about housing opportunities, past involvement with the justice system, cultural barriers, language barriers, or transportation impediments.
- Affordable housing projects currently in the 4% LIHTC pipeline of projects, as well as those in the pipeline within the last year, that were approved prior to changes to the state’s 2021/2022 Qualified Action Plan.
- Native nations and rural communities

If Agency approves an Application, in whole or part, Agency will indicate which of the proposed activities have been approved and the amount of funds the Applicant is eligible for reimbursement in the Agreement.

SECTION 8: AWARD AND NEGOTIATION

8.1 AWARD NOTIFICATION PROCESS

8.1.1 Award Consideration

Agency, if it makes an Award of funding pursuant to this RFA, shall enter into an Agreement with the successful Applicant in accordance with the process described in Section 4. Agency may award less than the full Grant Activities defined in this RFA.

8.1.2 Notice of Award

Applicants will be notified if the Agency intends to award funds or will decline to fund the selected Applicant(s). Award is subject to successful negotiation of any negotiable provisions of the Agreement.

8.2 FUNDING AWARD PROTEST

8.2.1 Protest Submission

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An Affected Applicant may submit a written protest in accordance with procedures and timeline outlined in OAR 813-005-0025.

8.2.2 Response to Protest

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

8.3 APPARENT SUCCESSFUL APPLICANT SUBMISSION REQUIREMENTS

An Applicant who is selected for an Award under this RFA will be required to submit additional information and comply with the following:

8.3.1 Insurance

Prior to execution of an Agreement, Applicant shall secure and demonstrate to Agency proof of insurance as required in this RFA or as negotiated. Insurance Requirements are found in Attachment C.

8.3.2 Employer or Taxpayer Identification Number

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

8.3.3 Business Registry

If selected for Award, Applicant must be validly existing, in good standing, and duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Agreement. Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

8.4 AGREEMENT NEGOTIATION

8.4.1 Negotiation

By submitting an Application, Applicant agrees to comply with the requirements of the RFA, including the terms and conditions of the Sample Grant Agreement (Attachment D), with the exception of those terms reserved for negotiation such as the Grant Activities and Insurance Requirements. Applicant must review the attached Sample Grant Agreement (Attachment D) and note exceptions. Unless Applicant notes exceptions in its Application, Agency intends to enter into a Sample Grant Agreement (Attachment D) with the successful Applicant substantially in the form set forth in the Sample Grant Agreement (Attachment D). It may be possible to negotiate some provisions of the final Agreement; however, many provisions cannot be changed. Applicant is cautioned that Agency believes modifications to the standard provisions constitute increased risk and increased cost to the State. Therefore, Agency may consider the scope of requested exceptions in the evaluation of Applications.

In the event that the parties have not reached mutually agreeable terms within 30 calendar days, Agency may terminate Negotiations.

SECTION 9: ADDITIONAL INFORMATION

9.1 GOVERNING LAWS AND REGULATIONS

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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 consent to the jurisdiction of any court.

9.2 PUBLIC INFORMATION

All Applications are public record and are subject to public inspection after Agency issues the Award. If an Applicant believes that any portion of its Application 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), Applicant must complete and submit the Disclosure Exemption Affidavit (Attachment C) and a fully redacted version of its Application.

An Applicant is cautioned that budget information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) 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 an Applicant claims are exempt from disclosure, the Applicant has waived any future claim of non-disclosure of that information.

9.3 CANCELLATION OF RFA; REJECTION OF APPLICATION; 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.

9.4 COST OF SUBMITTING AN APPLICATION

Applicant must pay all the costs in compiling required information and 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.