

STATE OF OREGON



COVER PAGE

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

COVID-19 REMOTE OPERATIONS SUPPORT FUNDS

Request for Applications (“RFA”)

RFA #6007

Date of Issue: 09/01/2020

Closing Date and Time: 10/27/2020 at 3:00 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”): Jessica Nelson, Senior Procurement Specialist

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City, State, Zip 725 Summer Street NE, Suite B, Salem, OR 97301
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LIST OF ATTACHMENTS

ATTACHMENT A – GRANT APPLICATION

ATTACHMENT B – SAMPLE GRANT AGREEMENT

ATTACHMENT C – DISCLOSURE EXEMPTION AFFIDAVIT

SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION & PROJECT OVERVIEW

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 \$400,000 in capacity building funds for Coronavirus Disease of 2019 (“COVID-19”) remote operations support available through the Capacity Building Set-Aside of the General Housing Account Program (“GHAP”). There is a maximum of \$20,000 available per Eligible Organization, as defined in Section 2.2, to be spent within six (6) months or to reimburse incurred approved-expenses dated no further back than March 8, 2020.

Anticipated Award: Agency anticipates awarding multiple Grant Awards (“Awards”) from this RFA to provide maximum COVID-19 remote operations support funds to Eligible Organizations.

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 initial term of the Agreement is anticipated to be six (6) months from Agreement execution, or as deemed necessary by Agency.

1.2 SCHEDULE

Event	Date	Time
Questions / Requests for Clarification Due	October 16, 2020	
Answers to Questions / Requests for Clarification Issued (approx.)	October 21, 2020	
RFA Protest Period Ends	Schedule defined under OAR 813- 005-0025	
Closing (Application Due)	See RFA Cover Page	

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

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 only to the SPC, whether about the technical requirements of the RFA, contractual requirements, the RFA process, or any other provision.

SECTION 2: AUTHORITY AND GRANT ACTIVITIES

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

For the purposes of this RFA, capitalized words are defined in OAR 813-005-0005 (“General Definitions”) unless provided within this document.

“Certification Office for Business Inclusion and Diversity (“COBID”) Certified Firm”, which includes the following certification types:

- Disadvantaged Business Enterprise (“DBE”)
- Businesses owned by Service-Disabled Veteran (“SDV”)
- Emerging Small Businesses (“ESB”)
- Minority Business Enterprises (“MBE”)
- Woman Business Enterprises (“WBE”)

“Community of Color” means identity-based communities that hold a primary racial identity that describes the racial characteristics of the community that its members share (such as being African American) that supports self-definition by community members, and that typically denotes a shared history and current/historic experiences of racism. The community may or may not also be a geographic community. Given that race is a socially-defined construct, the definitions of these communities are dynamic and evolve across time. For the purpose of this RFA, Agency defines communities of color to include Native Americans, Latinos, Asian and Pacific islanders (further disaggregated according to local preferences), African Americans, African Immigrants and Refugees, Middle Eastern, and Slavic communities.

“Culturally Specific Organization” means an entity that provides services to a cultural community and the entity has the following characteristics:

- (a) Majority of members and/or clients are from a particular community of color;
- (b) Organizational environment is culturally focused and the community being served recognizes it as a culturally-specific entity that provides culturally and linguistically responsive services;
- (c) Majority of staff are from the community being served, and the majority of the leadership (defined to collectively include board members and management positions) are from the community being served;
- (d) The entity has a track record of successful community engagement and involvement with the community being served; and
- (e) The community being served recognizes the entity as advancing the best interests of the community and engaging in policy advocacy on behalf of the community being served.

“Eligible Organization” means a nonprofit organization established under ORS Chapter 65 or a housing authority established under ORS 456.055 to 456.235 that is an owner or operator of one (1) or more projects within Agency’s Affordable Rental Housing portfolio, which serves households at low to very low income as described under OAR 813-055-010 and OAR 813-055-0020(3).

“Rural Organization” means an organization with its main office(s) or multicounty service areas primarily based in a Oregon Communities outside the Portland Metro Urban Growth Boundary with a population of 15,000 or less in counties within Metropolitan Statistical Areas (Benton, Clackamas,

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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.

“Small Organization” means owners and/or operators with less than 10 total staff dedicated to property management, asset management, and/or compliance. In Attachment A, please do not include resident services staff or maintenance staff in the count, combine your onsite and office staff dedicated to the listed work to calculate your staff total. Additionally, if your organization contracts for any of the listed services, do not include them in your total staff count. Do not double count staff that work multiple roles.

2.3 GRANT ACTIVITIES

Applicant may submit an Application for the following expenses, which must relate to necessary adaptations due to COVID-19’s impacts on the Applicant’s operations (whether already expended but dated no further back than March 8, 2020 or still needed) that were required to increase the Applicant’s skills and ability to develop, preserve, and operate housing affordable to low and very-low-income Oregonians, including but not limited to:

- Hardware:
 - Smartphones
 - Laptops
 - Scanners
 - Printers, paper, and ink
 - Ethernet connectivity devices
 - Broadband/internet connectivity devices
- Software:
 - Language barrier reduction needs
 - Adaptive resident services needs
 - Adaptive property management needs
 - Adaptive compliance needs
 - Adaptive asset management needs

SECTION 3: APPLICATION REQUIREMENTS

3.1 MINIMUM APPLICANT REQUIREMENTS

To be considered for evaluation, Applicant must:

- ✓ Be an Eligible Organization.
- ✓ Meet at least one (1) Eligible Organization Type.
- ✓ Complete and submit the information requested on the Grant Application (Attachment A) and in compliance with Section 2.3 Grant Activities.
- ✓ 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@oregon.gov as an attachment by the Closing Date/Time on the Cover Page.

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Please reference RFA #6007 in the Subject Line of all e-email 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 (1) per Eligible Organization.
- For approved Applications resulting in a subsequent Award and Agreement, Agency is not responsible for the purchase, installment, training, compliance, or oversight of the services and products purchased with awarded funds under this RFA; Grantee is the sole party in privity with any and all providers of services and products purchased by the Grantee. (*See Sample Grant Agreement (Attachment B).*)
- Grantees will not be awarded funds for travel reimbursement under this RFA.

SECTION 4: SOLICITATION PROCESS

4.1 PUBLIC NOTICE

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 or not 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 B) 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 or the date/time specified in the respective Addendum, or they will not be considered. Protests of matters not added or modified by the respective Addendum will not be considered.

4.3.3 All Protests must:

- Comply with procedure under OAR 813-005-0025;
- Be delivered to the SPC via email or hard copy;
- 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; and
- Protests to Addenda must be received by the due date identified in the respective Addendum.

4.3.4 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.

4.4 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 delays in mail or by common carriers or by transmission errors (electronic or otherwise) or delays or mistaken delivery. Applications submitted by any means not authorized may be rejected.

4.5 APPLICATION MODIFICATION OR WITHDRAWAL

If an Applicant wishes to make modifications to a submitted Application, it must submit its modification in the authorized method listed Section 3. 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.

4.6 APPLICATION DUE

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

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

4.7 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 all 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 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.

4.8 EVALUATION PROCESS

4.8.1. Responsiveness Determination

An Application received prior to Closing 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 Application 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.

4.8.2 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. Complete Applications will then be evaluated based on applicability to the COVID-19 impacts on operations as outlined in Section 2.2.

4.8.3 Evaluation Criteria

An Applicant must receive a PASS in all categories to be eligible for funding.

1. Eligible Organization (PASS/FAIL)

Applicant must be:

- An Eligible Organization.

(Applicant to indicate this information in Attachment A)

2. Eligible Organization Type (PASS/FAIL):

- Identify as a Culturally Specific Organization;
- Identify as a Small Organization; or
- Identify as a Rural Organization.

Refer to Section 2.2 and Attachment A for additional eligibility information.

3. Reservation Application – Attachment A (PASS/FAIL)

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

4.9 SELECTION PROCESS

Agency will be evaluating Applications based on the process identified in Section 4.8, and then selected on a first come first serve basis based on available funding, and in accordance with the requirements in this RFA and applicable ORSs and OARs.

If Agency approves an Application, in whole or part, Agency will indicate which of the proposed expenses for COVID-19 impacts on operations have been approved and the amount of funds the Applicant is eligible for reimbursement in the Agreement.

SECTION 5: AWARD AND NEGOTIATION

5.1 AWARD NOTIFICATION PROCESS

5.1.1 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.

5.1.2 Notice of Award

Agency will notify all Applicants that Agency intends to award funds to the selected Applicant(s), subject to successful negotiation of any negotiable provisions of the Agreement.

5.2 FUNDING AWARD PROTEST

5.2.1 Protest Submission

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

5.2.2 Response to Protest

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

5.3 APPARENT SUCCESSFUL APPLICANT SUBMISSION REQUIREMENTS

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

5.3.1 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 Exhibit B of Attachment B.

5.3.2 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, if any.

5.3.3 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.

5.4 AGREEMENT NEGOTIATION

5.4.1 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 B), 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 B) and note exceptions. Unless Applicant notes exceptions in its Application, Agency intends to enter into a Sample Grant Agreement (Attachment B) with the successful Applicant substantially in the form set forth in the Sample Grant Agreement (Attachment B). 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 6: ADDITIONAL INFORMATION

6.1 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

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amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

6.2 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.

6.3 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.

6.4 COST OF SUBMITTING AN APPLICATION

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