

STATE OF OREGON



COVER PAGE

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY SOLUTIONS GRANT – CORONAVIRUS RELIEF (ESG-CV) PROGRAM

Request for Applications (“RFA”)

RFA #914-6041-20

Date of Issue: November 20, 2020

Closing Date and Time: December 27, 2020 at 3:00 PM (PST)

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TABLE OF CONTENTS

SECTION 1: GENERAL INFORMATION.....	4
1.1 INTRODUCTION.....	4
1.2 AGREEMENT TERM:.....	4
1.3 OBJECTIVES.....	4
1.4 SCHEDULE.....	5
1.5 SINGLE POINT OF CONTACT (SPC).....	6
SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE.....	6
2.1 AUTHORITY AND METHOD.....	6
2.2 DEFINITION OF TERMS.....	6
2.3 OVERVIEW.....	7
SECTION 3: PROCUREMENT REQUIREMENTS.....	10
3.1 MINIMUM APPLICANT REQUIREMENTS.....	10
3.2 MINIMUM SUBMISSION REQUIREMENTS.....	11
3.3 APPLICATION REQUIREMENTS.....	11
SECTION 4: SOLICITATION PROCESS.....	13
4.1 PUBLIC NOTICE.....	13
4.2 PRE-APPLICATION CONFERENCE.....	13
4.3 QUESTIONS / REQUESTS FOR CLARIFICATIONS.....	14
4.4 SOLICITATION PROTESTS.....	14
4.5 APPLICATION DELIVERY OPTIONS.....	15
4.6 APPLICATION MODIFICATION OR WITHDRAWAL.....	15
4.7 APPLICATION DUE.....	15
4.8 PUBLIC OPENING.....	16
4.9 APPLICATION REJECTION.....	16
4.10 EVALUATION PROCESS.....	16
4.11 SELECTION PROCESS.....	18
4.12 NEXT STEP DETERMINATION.....	18
SECTION 5: AWARD AND NEGOTIATION.....	18
5.1 AWARD NOTIFICATION PROCESS.....	18
5.2 FUNDING AWARD PROTEST.....	19
5.3 APPARENT SUCCESSFUL APPLICANT SUBMISSION REQUIREMENTS.....	19
5.4 ARGEEMENT NEGOTIATION.....	19
SECTION 6: ADDITIONAL INFORMATION.....	20
6.1 GOVERNING LAWS AND REGULATIONS.....	20
6.2 OWNERSHIP/PERMISSION TO USE MATERIALS.....	20
6.3 CANCELLATION OF RFA; REJECTION OF APPLICATION; NO DAMAGES.....	21
6.4 COST OF SUBMITTING AN APPLICATION.....	22
6.5 CHECKLIST DISCLAIMER.....	22

LIST OF ATTACHMENTS

ATTACHMENT A – SAMPLE GRANT AGREEMENT

ATTACHMENT B – DISCLOSURE EXEMPTION AFFIDAVIT

ATTACHMENT C – APPLICANT INFORMATION AND CERTIFICATION SHEET

ATTACHMENT D – PROJECTED BUDGET

ATTACHMENT E – REQUIREMENTS CHECKLIST

ATTACHMENT F – FILLABLE APPLICATION

ATTACHMENT G – CULTURALLY SPECIFIC ORGANIZATION

(Attachments are posted as separate documents to ORPIN and OHCS' Procurement website)

SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon, acting by and through its Housing and Community Services Department, (“Agency”), is issuing this Request for Applications (“RFA”) to solicit Applications from qualified entities to receive Federal Emergency Solutions Grant (ESG) Coronavirus Relief (“ESG-CV”) program funds to address homelessness, as authorized under the federal Homeless Emergency Assistance and Rapid Transition to Housing (“HEARTH”) Act of 2009 and consistent with state requirements.

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (the “CARES Act”). The CARES Act identified additional funding for the ESG-CV program to be utilized to **prevent, prepare for, and respond to** COVID-19 for individuals and families who are experiencing homelessness or receiving homelessness assistance, and to support additional homelessness assistance and homeless prevention activities to mitigate the impact created by COVID-19. The ESG-CV program funds are made in addition to annual 2019-2020 grants and 2020-2021 grants and are subject to unique CARES Act guidelines provided in the U.S. Department of Housing and Urban Development (“HUD”) guidance.

The ESG program provides grant funding to: **(1)** engage homeless individuals and families living on the street, **(2)** rapidly re-house homeless individuals and families, **(3)** help operate and provide essential services in emergency shelters for homeless individuals and families, **(4)** prevent individuals and families from becoming homeless, **(5)** support data collection, and **(6)** support administrative services. These ESG program activities and COVID-19 specific flexibilities—in conjunction with collaboration across service providers and funding sources—will form the foundation of all ESG-CV projects.

1.2 AGREEMENT TERM:

Successful applicants will be awarded a conditional grant and provided the opportunity to enter into a grant agreement with OHCS outlining the Grant terms and conditions (an “Agreement”). The initial term of each Agreement is March 1, 2020 through June 30, 2022. The termination date of the Agreement could be earlier dependent upon the allowable components in the application (for example, funds for Emergency Shelter must be spent by January 31, 2022, per HUD requirements).

1.3 OBJECTIVES

The Agency is working diligently to ensure that equity is integrated into every aspect of the state’s COVID-19 response and recovery efforts and beyond. COVID-19 does not affect all communities equally, and Black, Indigenous and People of Color (BIPOC) are more likely to experience disproportionate effects of the pandemic. OHCS sought and received flexibility in [HB 4304](#) to allow for a competitive funding process. The new flexibility in the fund allocation process will allow Agency to better address disparities by directing resources for a more equitable approach to service delivery that includes Culturally Specific Organizations.

RFA #914-6041-20, Emergency Solutions Grant (ESG) Program

Agency aims to foster an equity and racial justice oriented response while maintaining statewide investments under which ESG-CV funds are leveraged to achieve the following:

- Prevent, prepare for, and respond to COVID-19 for individuals and families who are experiencing homelessness or receiving homeless assistance and to support additional homeless assistance, and homelessness prevention activities to mitigate the impacts created by COVID-19 under the ESG-CV program.
- Meet the needs of Oregon’s unsheltered and high needs populations first to overcome the disproportionate effects of COVID-19 on communities of color.
- Reimagine and strengthen Oregon’s shelter system under a non-congregate framework to incorporate culturally specific services, key stakeholders and adhere to social distancing guidelines
- Incorporate Culturally Specific Organizations to expand the homeless services network and deepen community penetration to improve services to all Oregonians.
- Utilize [Housing First](#) approaches to connect households to permanent housing and provide supportive services to increase housing retention by coordinating with other state and federal programs to optimize funds across all sources.
- Create a suitable living environment and robust system infrastructure while working with participants to end homelessness.
- Ensure efficient use of funds and effective program administration in accordance with federal rules and regulations.
- Ensure projects funded through regular ESG allocations are not interrupted.

In order to meet these goals, collaboration and coordination is paramount. The Agency is seeking to identify projects that fully incorporate key stakeholders, address part or all of the goals outlined above, and meet the HUD requirements of ESG-CV funds.

1.4 SCHEDULE

Event	Date	Time
Pre-Application Conference	December 9, 2020	2:00 PM (PST)
Questions / Requests for Clarification Due	December 16, 2020	
Answers to Questions / Requests for Clarification Issued (approx.)	December 21, 2020	
RFA Protest Period Ends	Schedule defined under OAR 813- 005-0025	
Closing (Application Due)	See RFA Cover Page	
Additional Rounds of Competition	TBD (Optional at Agency’s Discretion)	
Reservation Notice (approx.)	February 18, 2021	

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

1.5 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFA is identified on the Cover Page, along with the SPC's contact information. Applicants must 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, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

The Agency is issuing this RFA pursuant to its authority under Oregon Administrative Rules (OAR) 125-246-0170(2) and Oregon Revised Statutes (ORS) chapters 456 and 458.

At the Oregon Legislature's Joint Committee on the Second Special Session of 2020, Agency sought and, as provided in HB 4304 Section 41, received discretion to allocate federal funds received by Agency, under the ESG program, in a method that ensures statewide geographic coverage without regard to an existing distribution formula.

The Agency is using the Competitive Procurement Procedures, pursuant to OAR 813 Divisions 5 and 6. The Agency may use a combination of the methods for Competitive Procurement Procedures, including optional procedures: a) Competitive Range; b) Interviews; c) Additional Submittal Items; d) Discussions and Revised Applications; and e) Negotiations.

2.2 DEFINITION OF TERMS

Key terms are defined below. Applicants should refer to 24 C.F.R. Part 576.2 and [Waivers and Alternative Requirements for the Emergency Solutions Grant \(ESG\) Program under the CARES Act](#) ("CPD-20-08 ESG-CV Notice") for additional required definitions.

"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.

“Culturally Responsive Services”, as described in the Application, means services that have been 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. Cultural responsiveness describes the capacity to respond to the issues of diverse communities. To provide culturally responsive services requires the cultural knowledge, prior experiences, frames of reference, and performance styles of diverse client and communities to make services and programs more appropriate and effective for them.

“Eligible Organization” is an entity described as a subrecipient below derived from [24 C.F.R. Part 576.2](#).

“Lead Applicant” is the entity responding to this RFA on behalf of the collaborative. The Lead Applicant will be the Eligible Organization with which Agency awards grant funds. Any funds to be distributed to collaborative partners will be handled by the Lead Applicant.

“Racial equity”, as described in the Application, is the condition that would be achieved if one's racial identity no longer predicted, in a statistical sense, how one fares. When we use the term, we are thinking about racial equity as one part of racial justice, and thus we also include root causes of inequities not just their manifestation. This includes elimination of policies, practices, attitudes and cultural messages that reinforce differential outcomes by race or fail to eliminate them.

“Subrecipient” means a private nonprofit organization or a unit of general purpose local government to which a recipient makes available ESG-CV funds. (Note that for-profit subrecipients are not allowed.):

“Private nonprofit organization” means a private nonprofit organization that is a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 and which is exempt from taxation under subtitle A of the Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. A private nonprofit organization does not include a governmental organization.

“Unit of general purpose local government” means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; an instrumentality of a unit of general purpose local government, including a Public Housing Authority; or a combination of general purpose local governments recognized by HUD.

2.3 OVERVIEW

2.3.1 Collaboration with the Continuum of Care

The ESG Interim Rule (24 CFR Part 576) aligns the ESG program with the Continuum of Care (CoC) program (24 CFR Part 578) to facilitate coordination and foster efficient use of resources to prevent and end homelessness. Applicants can either apply directly for ESG-CV funds or in

collaboration with their CoC, but at a minimum, implementation of all ESG projects should be done in consultation with the CoC. Applicants will be required to elaborate on collaborative applications in the application narrative section. Collaborative applications can utilize subrecipient relationships between the CoC and partner agencies, or include strategies where each applicant is a subrecipient of Agency and collaboration occurs through agreements between all applicants. Collaborative applications must acknowledge a Lead Applicant at time of application submission.

2.3.2 Regional Competitive Allocations

Regional allocations were determined by formula for each of eight Continuum of Care (“CoC”) geographic regions in order to align these funds with ongoing community efforts and planning.

The following amounts of ESG-CV funds are competitively available across the eight [CoC regions](#):

Continuum of Care REGION	Competitive Allocation
OR-500 - Eugene/Springfield/Lane County CoC	\$6,758,209.00
OR-501 - Portland/Gresham/Multnomah County CoC	\$3,082,591.00
OR-502 - Medford, Ashland/Jackson County CoC	\$2,777,195.00
OR-503 - Central Oregon CoC	\$2,396,376.00
OR-504 - Salem/Marion, Polk Counties CoC	\$5,519,336.00
OR-505 - Oregon Balance of State CoC	\$15,623,148.00
OR-506 - Hillsboro/Beaverton/Washington County CoC	\$2,992,498.00
OR-507 - Clackamas County CoC	\$1,159,283.00
Total Allocation Amount Available	\$40,308,636.00

****NOTE:** At least one project in each CoC region will be funded. These award amounts are inclusive of the up to 5% of each award that can be used for administrative costs.*

Applications will be accepted for any Eligible Organization from each of these CoC regions. The allocation amounts above are the total available for each CoC region, within which awards will be granted to the highest-rated projects.

If Agency does not receive any applications, or applications do not meet the criteria outlined in the RFA to utilize the full regional allocation, Agency reserves the right to disburse funding to other applicants selected for the same or other regions to ensure that funds are fully disbursed by February 18, 2021 per HUD requirements.

Funds that are not allocated after the first round of scoring will be allocated to additional projects based on need, alignment with state objectives, and application

performance.

If an applicant wants to submit an application for a project in more than one CoC region, they must submit a separate application for each region. Each application will be reviewed separately, against other applications from the same CoC region and the total allocation for that CoC region.

2.3.3 SCOPE OF WORK

All projects must meet all applicable HUD ESG requirements in [24 C.F.R. Part 576](#) and HUD ESG-CV requirements (See the [CPD-20-08 ESG-CV Notice](#)). These include but are not limited to delivering services within the allowable Program Components:

- **Street Outreach** 25 CFR §576.101 Street outreach is service delivery for the specific purpose of reaching out to unsheltered people experiencing homelessness while connecting them with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care. Street Outreach provides a critical pathway for people experiencing homelessness to receive life-saving services and supports while living outside of a shelter or housing environment. This includes engagement into services, case management, emergency health and mental health services, transportation and services for special populations including communities of color, youth and victims of domestic violence.
- **Emergency Shelter** 24 CFR §576.102: Emergency shelter includes case management and shelter operations, including onsite services (such as patient health services), renovations (rehab and conversion), maintenance, rent & utilities, security, fuel, equipment, insurance, food, furnishings, supplies, and hotel/motel vouchers. Acquisition of real property.
- **Rapid Rehousing** 24 CFR §576.105: Rapid Rehousing is an evidenced-based practice for quickly engaging an individual or family experiencing homelessness back into permanent housing when long term supports and services are not required to sustain the tenancy of the household. Rapid Rehousing is delivered without pre-conditions such as sobriety, income or employment and services are tailored to meet the unique needs of each household. Eligible activities include rental assistance (arrear included), application fees, security deposits, utility deposits/payments, moving costs, case management, and credit repair.
- **Homeless Management Information System (HMIS)** 24 CFR §576.107: HMIS means the information system designated by the Continuum of Care to comply with the HUD's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at-risk of homelessness. Funds may be used to pay the costs of contributing data to the HMIS designated by the CoC for the area, including the costs of: hardware, software, equipment, technical support, office support, salaries for operating HMIS, training expenses, HMIS participation fees, user accounts or a comparable database for victim services providers.
- **Homelessness Prevention** 24 CFR §576.105: Homelessness Prevention is a critical tool to ensure that individuals and families at risk of homelessness are able to avoid losing their housing in the first place. ESG-CV funds may be used for the costs of providing

housing relocation and stabilization services and/or short and/or medium-term rental assistance necessary to prevent the individual or family from moving into an emergency shelter or into homelessness. Eligible activities under Homelessness Prevention include rental assistance (arrears included), application fees, last month's rent on a new lease, security deposits, utility deposits/payments, moving costs, case management, and credit repair for households at risk of homelessness or imminent homelessness. Income levels for Homelessness Prevention clients cannot exceed 50% AMI.

Please note that Agency and HUD objectives prioritize funding for Emergency Shelter, Rapid Rehousing, Street Outreach activities over Homelessness Prevention in order to meet the immediate needs of literally homeless individuals. Homeless Prevention may be allowed only if the applicant can demonstrate extraordinary needs that homeless individuals (sheltered and unsheltered) within their CoC region are already housed. If the applicant sufficiently demonstrates the need has been met to house homeless individuals, the applicant may apply for funding for Homeless Prevention

2.3.4 REPORTING

Expenditure Milestone Expectations: HUD's expenditure deadlines included in the [CPD-20-08 ESG-CV Notice](#) require subrecipients to meet the following expenditure deadlines for ESG-CV funding. Applicants will be required to confirm they can meet these spenddown targets or provide an alternative timeline to be evaluated by Agency.

Should the applicant not meet the agreed upon expenditure expectations, the Agency in its sole discretion reserves the right to recapture the difference in funds between the actual expenditure amount at the expenditure deadline and expected expenditure. The Agency also reserves the right in its sole discretion to mandate a corrective action or remediation plan to ensure future timely expenditure of ESG-CV funds.

Percentage of ESG-CV Award	Expenditure Deadline
20%	July 31, 2021
40%	September 30, 2021
60%	November 30, 2021
80%	January 31, 2022

Additionally, successful applicants must show how it will advance part, or all, of the State Objectives from Section 1.3.

Successful applicants are required to submit ESG-CV activities quarterly in [Sage](#) beginning in October 2020 (or at the start of the ESG-CV grant), per HUD requirements.

Other reports are submitted as needed or requested by Agency.

SECTION 3: APPLICATION REQUIREMENTS

3.1 MINIMUM APPLICANT REQUIREMENTS

The applicant must fully adhere to all ESG and ESG-CV HUD applicant and service delivery requirements in [24 CFR §576](#) and ESG-CV additional guidance ([CPD-20-08 ESG-CV Notice](#)).

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Application Submissions

To be considered for evaluation under this RFA, an Application must contain each of the following elements (as further detailed in the Application Requirements section below):

- ESG-CV Narrative/Fillable Application (Attachment F)
- ESG-CV Projected Budget (Attachment D)
- ESG-CV Requirements Checklist (Attachment E)
- Culturally Specific Organization (Attachment G)
- Disclosure Exemption Affidavit (Attachment B), as applicable
- Applicant Information and Certification Sheet (Attachment C)

3.2.2 Application Format

Applicant must complete all sections of the ESG-CV Application Narrative/Fillable Application (Attachment F) and complete and submit all required attachments listed in Section 3.2.1.

Applicant shall submit one (1) electronic copy of its Application to OHCS.Contracts@oregon.gov as an attachment received by the Agency by the Closing Date/Time on the Cover Page AND include all of the Attachments as listed in Section 3.2.1. Please reference RFA #914-6041-20 in the Subject Line of all e-mail communication. In addition, if Applicant believes any of its Application is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Applicant shall complete and submit the Disclosure Exemption Affidavit (Attachment B) and a fully redacted electronic version of its Application, clearly identified as the redacted version.

3.2.3 Authorized Representative

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

3.3 APPLICATION REQUIREMENTS

An Application must address each of the items listed in this section and all other requirements set forth in this RFA. Successful Applicants must describe the Services to be performed. An Application that merely offers to provide Services as stated in this RFA may be considered non-responsive to this RFA and will not be considered further.

In addition, applicants should provide responses in the following manner:

- Responses to the RFA should be written in plain language. An Application must describe in detail how requirements of this RFA will be met and may provide additional related information.

RFA #914-6041-20, Emergency Solutions Grant (ESG) Program

- When writing narrative responses, do not assume that the Agency application evaluator already knows your program based on previous knowledge or responses to questions earlier in the Application, which populations you serve (e.g., victims of domestic violence only), or the requirements of [24 CFR §576](#) and other related policies and regulations. Make sure to write responses to each response as if the reviewer does not know anything about your program or your processes.
- Demonstrate to the evaluator your knowledge of ESG program definitions, requirements, policies and procedures as outlined in [24 CFR §576](#) and ensure application responses are consistent with said policies. For example, even if your project does not typically serve persons who meet the definition of homeless in Category 4 of the “homeless” definition because people falling under this category are referred to a local Victim Service Provider who is able to serve them, you should still state that Category 4 is a eligible category to be served, but that you refer the person to the local VSP. This ensures we know you understand the allowable criteria and are not omitting the category because you do not know the population is eligible to be served.
- In some cases, you may be asked to answer questions that are similar to questions asked in other sections of the application. Do not assume because you provided information in one section that the reviewer will use that information to score you on another question where you did not provide the information.
- Pay attention to the instructions listed in the application itself, especially when it tells you what you must include to receive maximum points. You might provide a lengthy response, but if you are not being responsive to the specific information requested, you will not receive full points.

3.3.1 COVER PAGE – ATTACHMENT X

A lead applicant must complete the Applicant Information and Certification (Attachment C) and submit with other minimum submission requirements as noted above (Section 3.2).

3.3.2 EVALUATION CRITERIA/APPLICATION NARRATIVE (Attachment G)

Lead applicant must complete the Narrative/Fillable Application (Attachment F) and submit with other minimum submission requirements as noted above (Section 3.2). Lead applicant must address all questions in sections 1, 2, 4, and 5, and any/all applicable sub-sections in section 3. Please see Attachment F for additional scoring detail.

1. Lead Applicant/Joint Applicant Information (10 points)
2. Project Summary (35 pts)
3. Project Details (25 pts)
4. Homeless Service System Collaboration (20 pts)
5. Financial Plan/Budget (10 pts)

3.3.3 Application Information and Certification Sheet

Application shall complete and submit the Applicant Information and Certification Sheet (Attachment C).

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

3.3.4 Certificate of Insurance

Applicants will be required to submit a Certificate of Insurance as outlined in Sample Grant Agreement (Attachment A – Exhibit B) prior to execution of an Agreement. The limits outlined in Exhibit B are anticipated insurance limit requirements and will be agreed upon at grant agreement negotiations and will be dependent upon services being proposed to be provided. Prior to award, an applicant shall secure and demonstrate to Agency proof of insurance as required in this RFA or as negotiated.

3.3.5 Supporting Documents

Applicant must label supporting documents in the Application as follows:

- Attachment G (a-e) Required documentation as listed in the Culturally Specific Organizations form (Attachment G), if applicable.

SECTION 4: SOLICITATION PROCESS

4.1 PUBLIC NOTICE

The RFA, including all Addenda and attachments, is published in the Oregon Procurement Information Network (“ORPIN”) <https://orpin.oregon.gov> and Agency’s 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 ORPIN and Agency’s Procurement website. Prospective Applicant is solely responsible for checking ORPIN or Agency’s Procurement website to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFA by this reference.

4.2 PRE-APPLICATION CONFERENCE

A Pre-Application Conference Webinar will be held at the date and time listed in the Schedule. Prospective Applicants’ participation in this conference is highly encouraged but not mandatory. For those who cannot attend, the conference will be recorded and shared on OHCS’ website. OHCS will also post an FAQ of questions posed at the conference on their website.

The purpose of the Pre-Application Conference is to:

- Provide additional description of ESG-CV
- Explain the RFA process; and
- Provide a space for Applicants to ask any questions they may have related to ESG CV or the process. Agency commits to addressing questions during the webinar or by

written follow-up after the webinar.

Statements made at the Pre-Application Conference are not binding upon Agency.

Pre-Application Conference Line Information:

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_vG1G0lqWSHuubBysUkYCaA

Recommended Action: In an effort to maximize the number of questions and answers during the Pre-Application Conference Call, Applicants are encouraged to submit questions in writing to OHCS.Contracts@oregon.gov at least three (3) days prior to the Pre-Application Conference Call. The Agency will make its best efforts to address the questions received during the call or through formal communication.

4.3 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 SPC by the due date and time for Questions/Requests for Clarification identified in the Schedule.

4.4 SOLICITATION PROTESTS

4.4.1 Protests to RFA

Prospective Applicant may submit a written protest of anything contained in this RFA, including but not limited to, the RFA process, Specifications, Scope of Work, and the proposed Sample Grant Agreement. This is a 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 marked as negotiable as set forth in the Negotiations Section.

4.4.2 Protests to Addenda

Prospective Applicant may submit a written protest of anything contained in the respective Addendum. Protests to Addenda, if issued, must be received by Agency by 5 p.m. Pacific Time of the second Business Day of Agency's issuance of the Addendum 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.

4.4.3 All Protests must:

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

RFA #914-6041-20, Emergency Solutions Grant (ESG) Program

- 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 Agency by the due date and time identified in the Schedule; and
- Protests to Addenda must be received by Agency by the due date identified in the respective Addendum.

4.4.4 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 may not be considered.

4.5 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.

4.6 APPLICATION MODIFICATION OR WITHDRAWAL

If an Applicant wishes to make modifications to a submitted Application, it must submit its modification in the authorized format listed in Section 3.2.3. To be effective the notice and modification must include the RFA number and be submitted to and received by 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 and be received by the SPC prior to Closing

4.7 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 in Agency's sole

discretion.

4.8 PUBLIC OPENING

There will not be a public opening for this RFA. Applications received will not be available for inspection until after the evaluation process has been completed and the Notice of Reservation is issued. Inspection of applications may require a formal Public Records Request.

4.9 APPLICATION REJECTION

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

- Applicant fails to substantially comply with all prescribed RFA procedures and requirements, including but not limited to the requirement that Applicant's authorized representative sign the Application, although an electronic signature is acceptable.
- Applicant has liquidated and delinquent debt is owed to the State or any department or agency of the State.
- Applicant fails to meet the responsibility requirements of ORS 279B.110.
- 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.

4.10 EVALUATION PROCESS

4.10.1 Responsiveness and Responsibility Determination

4.10.1.1 Responsiveness Determination

An Application received prior to Closing will be reviewed to determine if it is Responsive to all RFA requirements including compliance with Requirements Checklist (Attachment E) and Minimum Submission Requirements section. If the Application is unclear, the SPC may request clarification from Applicant. Applicant must respond within three (3) business days of the date an email has been sent from Agency. 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 mistakes in accordance with OAR chapter 813, divisions 5 and 6.

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

4.10.2 Evaluation Overview

Members of an Evaluation Committee will independently evaluate each Application meeting all Responsiveness requirements. Evaluation Committee members may change and Agency may have additional or fewer evaluators for optional rounds of competition. Evaluators will assign a

RFA #914-6041-20, Emergency Solutions Grant (ESG) Program

score for each evaluation criterion based on the categories described below for the Region the Applicant identified in the application narrative, and the Applicant must describe how they meet any other requirements that may be specified in this RFA.

SPC may request further clarification and reserves the right to request additional information to assist the Evaluation Committee in gaining additional understanding of Application. Agency may conduct additional evaluation rounds, interviews, discussions and negotiations with interested Applicants who submit Applications found to be reasonably likely to be selected for an award. If such negotiations are held, Agency may establish a date for best and final offers.

Agency may issue an award to an Applicant whose Application is most advantageous to Agency. Agency reserves the right to issue an award to the Applicant who will best meet the requirements of this RFA, and not necessarily to the interested Applicant with the lowest cost price.

4.10.1 Evaluation Scoring

Scoring is based on the categories described below, and the Applicant must describe how they meet all requirements that are specified in this RFA. A total of 100 maximum points are possible. See below for a detailed breakdown by category.

In the Narrative/Fillable Application (Attachment F), when it says “please describe” or “please explain,” applicants will be scored not only on the extent to which a thorough explanation was provided, but also on the quality of the proposal. In other words, even if you provide an extensive response, you must also propose a plan that is reasonable, explicitly articulated, and well thought out for your specific project component to receive full points.

Category	Points Possible
A. Applicant(s) Information	10
B. Project Summary	35
C. Project Details	25
D. Homeless Service System Collaboration	20
E. Project Budget	10
Total Points Possible	100

4.11 SELECTION PROCESS

In general, Applicants will be scored based on the sum total points for each component in the table above based on the responses to section 3.3.2. As outlined in the Agency objectives, Agency has placed priority on funding projects across the services spectrum with a focus on Emergency Shelter, Street Outreach, and Rapid Re-Housing in order to meet the immediate needs of literally homeless individuals and in accordance with HUD guidance.

- Agency intends to fund projects based on applicant information, homeless system collaboration, project summary, project details, and the projected budget (Attachment D). The Agency's goal is to fund a range of projects to meet the varied needs of the homeless system and geographic distribution, while ensuring that the strongest applications receive funding based on their total scores. In accordance with these goals, Agency reserves the right to make a funding award to lower scoring projects to achieve Agency objectives. Agency reserves the right to limit the award amount.
- Agency reserves the right to fund part of a proposed project. For example, if an Application is for street outreach and rapid re-housing, Agency will only fund the allowable activities that meet project requirements, standards, and quality.

4.12 NEXT STEP DETERMINATION

At the conclusion of a round of competition, Agency may choose to conduct additional round(s) of competition if in the best interest of the State. Additional rounds of competition may consist of, but will not be limited to:

- Interviews
- Pre-Award Risk Assessment of Eligible Organization
- Additional Submittal Items
- If Agency does not receive any applications or applications do not meet the criteria outlined in the RFA to utilize the full regional allocation, Agency reserves the right to disburse funding to other applicants selected for the same or other regions to ensure that funds are fully disbursed by February 18, 2021 per HUD requirements.
- Funds that are not allocated after the first round of scoring will be allocated to additional projects based on need, alignment with state objectives and application performance.

SECTION 5: AWARD AND NEGOTIATION

5.1 AWARD NOTIFICATION PROCESS

5.1.1 Award Consideration

Agency will issue awards in accordance with the process in Section 4. Agency may award less than the full Scope defined in this RFA. Agency, in its sole discretion, may make additional award(s) for up to sixteen (16) months following the close of this solicitation. In making additional awards, Agency may select the next ranked Applicant and issue an Intent to Award notice. If agreement with that Applicant is not reached, Agency may offer an award to the next ranked Applicant and so on until agreement is reached or until Agency

terminates the process. Agency may require reconfirmation of the qualifications and staffing of any Applicant.

5.1.2 Reservation Notice

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

5.2 FUNDING AWARD PROTEST

5.2.1 Protest Submission

A protesting 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 protesting Applicant. Protests that do not include the required information may not be considered by Agency.

5.3 APPARENT SUCCESSFUL APPLICANT SUBMISSION REQUIREMENTS

Each 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 receiving an Award, Applicant must 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 A.

5.3.2 Taxpayer Identification Number

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

5.4 AGREEMENT NEGOTIATION

5.4.1 Negotiation

After selection of a successful Applicant, Agency may enter into Agreement negotiations with the successful Applicant. 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 A), with the exception of those terms reserved for negotiation such as the Statement of Work and Insurance Requirements.

Applicant must review the attached Sample Grant Agreement and note exceptions.

Applicant must submit those exceptions to Agency during the Questions / Requests for Clarification period set forth in Section 1.4. Unless Agency agrees to modify any of the terms and conditions, Agency intends to enter into an Agreement with the successful Applicant substantially in the form set forth in Sample Grant Agreement (Attachment A).

It may be possible to negotiate some provisions of the final Sample Grant Agreement; however, Agency is not required to make any changes and many provisions cannot be changed. Applicant is cautioned that the State of Oregon believes modifications to the standard provisions constitute increased risk and increased cost to the State. Therefore, Agency will consider the scope of requested exceptions in the evaluation of an Application.

Any negotiated changes are subject to prior approval of the Oregon Department of Justice.

Agency is unable to negotiate the items listed below:

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

In the event that the parties have not reached mutually agreeable terms within 30 calendar days, Agency may terminate Negotiations and commence Negotiations with the next highest-ranking Applicant for the selected Region or otherwise.

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 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 OWNERSHIP/PERMISSION TO USE MATERIALS

All Applications are public record and are subject to public inspection. Application of the Oregon Public Records Law will determine whether any information is actually exempt from disclosure.

The Oregon Public Records Law (“PRL”) may provide confidentiality protection to some or all of your Application, at least on a limited basis.

- A. The PRL exempts purported trade secrets from disclosure only so far as they qualify as bona fide trade secrets, and the exemption in ORS 192.345(2) from disclosure applies only "unless the public interest requires disclosure in the particular instance". Therefore, non-disclosure of a document or any portion of a document submitted as part of an Application may depend upon official or judicial determination made pursuant to Oregon law. Please identify in your Application any materials that you deem to constitute trade secrets. Failure to do so may be deemed by Agency as a waiver by Applicant of this records exemption.
- B. The PRL exempts to one degree or another certain records, communications and information obtained by Agency, including through this RFA. This protection normally is discretionary with Agency. Please refer to ORS 192.355(24) for the specifics of this exemption.
- C. The PRL, in ORS 192.355(4), allows information submitted to a public body in confidence and not otherwise required by law to be submitted to that body, "where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure." In a competitive solicitation such as this RFA, the terms of individual Applications manifestly must be deemed and treated as confidential (at least through the point in time when Notice of Intent to Award is made with respect to this RFA have been given, and perhaps longer) if (i) the competitive purposes of the RFA are to be realized, (ii) the confidential distinguishing aspects of Applications are to be protected, and (iii) Agency's interest in maximizing the number and innovative nature of Applications is to be achieved. If the Applicant identifies that its Application is being submitted in confidence pursuant to ORS 192.355(4) by so stating in writing on its Application through Attachment B, Agency hereby obliges itself in good faith not to disclose the Application to the public consistent with the terms of ORS 192.355(4) - at least through the point in time when Notice of Intent to Award is fully provided under this RFA, and perhaps longer if Agency determines, inter alia, that such additional confidentiality serves the purposes of Agency programs, the public, or the purposes of this RFA.

All Applications submitted in response to this RFA become the property of Agency. By submitting an Application in response to this RFA, Applicant grants the State a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Application solely for the purpose of evaluating the Application, negotiating an Agreement, if awarded to Applicant, or as otherwise needed to administer the RFA process, and to fulfill obligations under PRL (ORS 192.311 through 192.478). Applications, including supporting materials, will not be returned to Applicant unless the Application is submitted late, then it may be returned at Agency's discretion.

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 will pay all the costs of 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.

6.5 CHECKLIST DISCLAIMER

Any checklists that may be contained in this RFA are provided only as a courtesy to prospective Applicant. Agency makes no representation as to the completeness or accuracy of any Checklist. An Applicant is solely responsible for reviewing and understanding the RFA and complying with all the requirements of this RFA, whether listed in a checklist or not. Neither the State nor Agency is liable for any claims, or subject to any defenses, asserted by Applicant based upon, resulting from, or related to, Applicant's failure to comprehend all requirements of this RFA.