

# STATE OF OREGON



## COVER PAGE

### OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

### COMMUNICATIONS AND MARKETING OF EMERGENCY RESPONSE PROGRAMS

Request for Proposal ("RFP")

RFP #914-7075-21

Date of Issue: October 19, 2021

Closing Date and Time: November 1, 2021 at 3:00PM (PST)

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## 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 Proposal to implement marketing and communication plans to support the Homeownership Assistance Fund (HAF), Oregon Emergency Rental Assistance Program (OERAP), Wildfire Recovery, and other emergency response programs delivered through the Agency.

Additional details on the Scope of the goods or Services or both are included in Section 2.4 Scope of Work/Specifications.

Agency anticipates the award of (1) one Contract from this RFP.

The initial term of the Contract is anticipated to be two (2) years with options to renew up to a cumulative maximum of three (3) years.

### 1.2 SCHEDULE

Event	Date	Time
Questions / Requests for Clarification Due	October 25, 2021	5:00 PM (PST)
Answers to Questions / Requests for Clarification Issued (approx.)	October 27, 2021	
Closing (Proposal Due)	See RFP cover page	
Additional Rounds of Competition	TBD (Optional at Agency’s Discretion)	
Issuance of Notice of Intent to Award (approx.)	November 15, 2021	
Award Protest Period Ends	7 calendar days after Notice of Intent to Award	

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

### 1.3 SINGLE POINT OF CONTACT (SPC)

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

## SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

### 2.1 AUTHORITY AND METHOD

Agency is issuing this RFP pursuant to its authority under Oregon Revised Statutes (ORS)

chapter 279B, Section 279B.070, as well as applicable rules.

Agency is using the Competitive Procurement Procedures, pursuant to OAR 813 Divisions 5 and 6. Agency may use a combination of the methods for Competitive Procurement Procedures, including optional procedures: a) Interviews.

## 2.2 DEFINITION OF TERMS

For the purposes of this RFP, capitalized words are defined in OAR 125-246-0110 unless provided within this document.

**“BIPOC”** is the acronym used to refer to black, indigenous, and other people of color.

**“Certification Office for Business Inclusion and Diversity (“COBID”) Certified Firm”** is a Minority, Woman, Emergency Small Business, Service-Disabled Veteran, or Disadvantaged Business firm that is certified in Oregon to compete for government contracts regardless of owner ethnicity, gender, disability, or firm size. Certification types include:

- 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 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.

**“Cultural Diversity”** means the existence of a variety of cultural or ethnic groups within a society.

**“Cultural Diversity Experience”** means experience working with or being part of a variety of cultural or ethnic groups within a society. This may include:

- Hiring a diverse workforce to expand knowledge and provide additional services to the public;
- Language diversity within an organization; or
- Experience working with a minority-woman owned business.

**“Culturally Responsive Services”** means work tailored to an individual or communities’

cultural background, beliefs, knowledge, frames of reference, or specific needs in an Underserved Population. This may include:

- Business practices or strategies in place to understand and address the needs of a particular culture;
- A relevant marketing and outreach plan designed to publicize to Underserved Populations the availability of the new housing opportunities;
- Specific services offered in an individual's preferred language;
- Development, sponsorship or management by a diverse and representative leadership; or
- An ongoing service partnership with a culturally specific organization.

**“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.

**“Key Persons”** means the Proposer’s personnel assigned to develop and manage this Work.

**“Inclusion Experience”** means experience with individuals with different identities (including those of different races, ethnicities, genders, ages, religions, disabilities, and sexual orientations) feeling or being valued, leveraged, and welcomed within a given setting (e.g., your team, workplace, or industry). This may include:

- Identifying barriers that stand in the way of people feeling a sense of welcome and belonging;
- Business practices that ensure a diverse team is engaged and part of the decision making process; or
- Evaluation work focused to survey all individuals in a targeted area.

**“Underserved Populations”** means a population whether identified by ethnicity, race, minority factors, culture, or place of origin with a shortage of or obstacle to services.

## 2.3 OVERVIEW AND PURPOSE

### 2.3.1 Agency Overview and Background

Agency is Oregon's HFA, providing financial and program support to create and preserve opportunities for quality, affordable housing for Oregonians of lower and moderate income.

Agency administers programs that provide housing stabilization – from preventing and ending homelessness, assisting with utilities to keep someone stable, to financing multifamily affordable housing, to encouraging homeownership. It delivers these programs primarily through grants, contracts and loan agreements with local partners and community-based providers and has limited direct contact with low-income beneficiaries. Agency's sources of funds are varied and include federal and state resources that have complex regulatory compliance requirements, and thus stewardship, compliance monitoring, and asset management are all critical functions played by Agency.

The mission of Agency is to provide stable and affordable housing and engage leaders, to develop integrated statewide policy that addresses poverty and provides opportunity for Oregonians.

### 2.3.2 Project Overview and RFP Purpose

Agency is seeking proposals from qualified firms to develop, support and implement marketing and communication plans for the Agency's emergency response programs, including but not limited to:

#### **Homeownership Assistance Fund (HAF)**

Agency has received and will administer federal emergency resources to stabilize homeowners after a remarkably challenging year. This program will be delivered in two phases: 1) Pilot Mortgage Assistance Program will act as a stop gap pilot to help Oregonians stay in their homes while U.S. Department of Treasury ("Treasury") required planning and development occurs. Fewer households will likely be served under this first phase of the program because programs will seek to reinstate escrow arrears although more households might be served at a lower income or loan payment level. Rather than procuring and working with an out-of-state service provider to build a turnkey platform, Agency plans to implement a pilot program with limited setup by targeting at-risk households that are a part of the Oregon Bond Residential Lending Program; 2) the main Mortgage Assistance Program will allow for a larger reach of our program to ensure we assist as many Oregonians at risk of foreclosure as possible. Agency plans to secure legal aid services for qualifying homeowners that are or soon will be at risk of foreclosure. Agency plans to enlist partners to create multimedia informational programming in multiple languages to further assist homeowners to understand the critical juncture and complex processes when coming off forbearance and seeking mortgage reinstatement or other workouts.

#### **Oregon Emergency Rental Assistance Program (OERAP)**

Agency has received and will administer federal emergency resources to assist eligible low-income households with their past due rent and utilities. Oregon's Eviction Moratorium ended June 30, 2021, it is important to highlight Senate Bill 278 which was passed by the Oregon Legislature in the 2021 Regular Session to help keep at-risk Oregonians protected from eviction. Oregonians who apply to OERAP will be covered by these protections.

#### **Wildfire Recovery**

Labor Day weekend 2020, after weeks of dry weather conditions, usually high winds caused multiple wildfires to rapidly expand and spread through different regions across Oregon. When the fires finally subsided, all told, one million acres burned and over 4,000 homes were destroyed, including 1,700 manufactured homes in 20 manufactured home parks. Thousands of Oregonians found refuge with a family member, friend, or in a non-congregate shelter setting quickly stood up by the American Red Cross in coordination with local, state, and federal government. Working closely with the American Red Cross, Oregon Department of Human Services is the lead state agency overseeing “Mass Care” to ensure survivors can access shelter at hotels across Oregon. Spurred into action, with equity and racial justice embedded from the beginning, Agency assembled an Oregon Disaster Housing Task Force (ODHTF) bringing together key housing partners across levels of government, non-profit, and private sector. In Oregon’s Disaster Recovery Plan (ODRP), Agency is designated as the lead for State Recover Function 5 – Disaster Housing, responsible for convening the Task Force and developing the Disaster Housing Recovery Action Plan (DHRAP).

## 2.4 SCOPE OF WORK

Proposers from qualified firms shall submit a proposal on how the firm intends to develop, support and implement marketing and communication plans to support the Agency’s emergency response programs.

Support includes, but is not limited to:

- Development of strategic communication plans that include:
  - Strategic Counsel and Crisis response planning
  - Public engagement and outreach strategies
  - Marketing plan development and implementation
  - Writing/copyediting
  - Message development
  - Recommended timelines and platforms
  - Assistance with outlining communications deliverables including assistance with infographics, press releases and talking points.
- Implementation support for Agency Public Affairs Division and program staff with content development, message creation, and deployment methods.
- Public Engagement and Outreach support.
  - Work with Agency to create an outreach and engagement plan (both paid/unpaid) that include strategies to broaden program awareness statewide, that considers the demographic and specific needs of different communities and that is aligned with Agency values and Equity, Diversity and Inclusion (EDI) goals.
- Content Development.
  - Write, produce, and publish professional materials and website content as needed to enhance the engagement plans
- Provide strategic guidance to Public Affairs Division and program staff as needed.
- Provide program website options and potentially build social media and web platforms specific to the program need.
- Work in collaboration with Public Affairs Division and program staff to design a marketing and media campaign for the HAF program, in particular, that specifically enhances Agency outreach efforts with BIPOC stakeholders.

- In the strategy and planning phase, Contractor shall perform a discussion with Public Affairs Division about priority audiences and create a media and communications plan with the goal of reaching target audiences.
- Develop creative campaigns and messaging that supports Agency.
- Manage and implement media campaigns on behalf of Agency.
- Implement paid marketing campaigns on behalf of agency

**Implementation Timeline Expectations for HAF:**

***Contract Execution – January 2022***

- Engage Stakeholders and homeowners on program design
- Finalize HAF plan and initial programs
- Prepare for launch of program

***November– February2021***

- Implement pilot mortgage assistance program
- Submit plan to Housing Stability Council and U.S. Department of Treasury
- Design and prepare program materials and prepare for launch of main program
- Prepare for foreclosure moratorium termination (possible extension through December 2021)
- U.S. Department of Treasury review and approval of HAF plan
- Continued preparation for launch of program

***December 2021 – March 2022***

- Launch main mortgage reinstatement and payment assistance programs

**SECTION 3: PROCUREMENT REQUIREMENTS**

**3.1 MINIMUM PROPOSER REQUIREMENTS**

To be considered for evaluation, Proposer or Proposer’s Key Person(s) must demonstrate a minimum of five (5) years of experience performing similar work to the Scope of Work section in this RFP.

**3.2 MINIMUM SUBMISSION REQUIREMENTS**

**3.2.1 Proposal Submissions**

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

- Response to the Round 1 Evaluation Criteria
- Disclosure Exemption Affidavit (Attachment B), as applicable
- Proposer Information and Certification Sheet (Attachment C)

- Reference Check Form (Attachment D)
- Supporting Documents (Section 3.3.5)
- Key Persons and Resume (Appendix 1)
- Culturally Specific Organization (Appendix 2) as applicable

### 3.2.2 Proposal Page Limits

Proposals are limited to 20 pages single-sided or 10 pages double-sided. Any pages exceeding this limit will not be provided to the evaluation committee or considered in the evaluation. The following items do not count toward the page limit:

- Cover Page
- Table of Contents
- Disclosure Exemption Affidavit (Attachment B)
- Proposer Information and Certification Sheet (Attachment C)
- Reference Check Form (Attachment D)
- Cost Proposal
- Supporting Documents (section 3.3.5)
- Certified Disadvantaged Business Outreach Plan (Attachment E)
- Responsibility Inquiry (Attachment F)
- Response to Information in section 5.3
- Culturally Specific Organization (Appendix 2) as applicable

### 3.2.3 Proposal Format

Proposals should follow the format and reference the sections listed in Section 3.3, the Proposal Requirements.

**Proposer shall submit one (1) electronic copy of its Proposal to [OHCS.Contracts@oregon.gov](mailto:OHCS.Contracts@oregon.gov) as an attachment by the Closing Date/Time on the Cover Page. Please reference RFP #914-7075-21 in the Subject Line of all e-mail communication.** In addition, if Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall complete and submit the Affidavit of Trade Secret (Attachment B) and a fully redacted electronic version of its Proposal, clearly identified as the redacted version.

### 3.2.4 Authorized Representative

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

## 3.3 PROPOSAL REQUIREMENTS

Proposals must address each of the items listed in this section and all other requirements set forth in this RFP. Proposer shall describe the Services to be performed. A Proposal that merely offers to provide Services as stated in this RFP may be considered non-Responsive to this RFP and will not be considered further.

Proposals should be straightforward and address the requests of the RFP. Proposals containing unsolicited marketing or advertising material may receive a lower evaluation score if specific information is difficult to locate.

### **3.3.1 Proposer Information and Certification Sheet**

Proposers shall complete and submit the Proposer Information and Certification Sheet (Attachment C).

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

### **3.3.2 References**

Provide a minimum of three (3) reference contacts from current or former client firms for similar projects performance for any clients within the last five (5) years on the Reference Check Form (Attachment D) including any Culturally Responsive Services. Agency will make three attempts to contact each of the references provided by the Proposer. If these attempts are unsuccessful, the Proposer will receive a score of zero for that reference.

### **3.3.3 Key Persons and their Resumes**

Specify Key Persons to be assigned to this project and include a current resume for each individual that demonstrates qualifications and experience for the Services requested in the Scope of Work. Include the primary responsibilities assigned to each person.

### **3.3.4 Certificate of Insurance**

Submit Proposer's most recent Certificate of Insurance, if available. This document is not a mandatory submittal item. At Proposal submittal, this Certificate of Insurance does not need to match the insurance requirements listed in the Sample Contract (Attachment A – Exhibit B); however, the insurance requirements in the Sample Contract (Attachment A – Exhibit B) will be required prior to execution of the Contract and is subject to negotiations.

### **3.3.5 Supporting Documents**

Proposer shall label supporting documents in the Proposal as follows:

- Proposer Information and Certification – Attachment C
- References – Attachment D
- Key Persons and Resumes – Appendix 1
- Culturally Specific Organization – Appendix 2, as applicable

## **SECTION 4: SOLICITATION PROCESS**

### **4.1 PUBLIC NOTICE**

This RFP, including all Addenda and attachments, is published in the OregonBuys eProcurement System (“OregonBuys”) <https://oregonbuys.gov/bsol/> and OHCS' Procurement website at

<https://www.oregon.gov/ohcs/procurement/Pages/procurement-opportunities.aspx>. RFP documents will not be mailed to prospective Proposers.

Agency shall advertise all Addenda, if any, on OregonBuys and OHCS' Procurement website. Prospective Proposer is solely responsible for checking OregonBuys or OHCS' Procurement website to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

#### **4.2 QUESTIONS / REQUESTS FOR CLARIFICATIONS**

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

- Be delivered to the SPC via email;
- Reference the RFP number;
- Identify Proposer's name and contact information;
- Refer to the specific area of the RFP 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 Section 1.2, the Schedule.

#### **4.3 PROPOSAL DELIVERY OPTIONS**

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before Closing. Agency is not responsible for any delays in transmission errors (electronic or otherwise). Proposals submitted by any means not authorized may be rejected.

#### **4.4 PROPOSAL MODIFICATION OR WITHDRAWAL**

If a Proposer wishes to make modifications to a submitted Proposal, it must submit its modification in the authorized method listed in Section 4.5. To be effective the notice must include the RFP number and be submitted to the SPC prior to Closing.

If a Proposer wishes to withdraw a submitted Proposal, it must submit a Written notice signed by an authorized representative of its intent to withdraw to the SPC via email or hard copy prior to closing in accordance with OAR 137-047-0440. To be effective the notice must include the RFP number.

#### **4.5 PROPOSAL DUE**

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

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

#### **4.6 PUBLIC OPENING**

There will not be a public opening for this RFP. Proposals received will not be available for

inspection until after the resulting Contract is executed.

## **4.7 PROPOSAL REJECTION**

Agency may reject a Proposal for any of the following reasons:

- Proposer fails to substantially comply with all prescribed RFP procedures and requirements, including but not limited to the requirement that Proposer's authorized representative sign the Proposal, although an electronic signature is acceptable.
- Proposer has liquidated and delinquent debt owed to the State or any department or agency of the State.
- Proposer fails to meet the responsibility requirements of ORS 279B.110.
- Proposer makes any contact regarding this RFP with State representatives such as State employees or officials other than the SPC or persons authorized by the SPC, or makes inappropriate contact with the SPC.
- Proposer attempts to influence a member of the Evaluation Committee.
- A Proposal is conditioned on Agency's acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFP or Addenda.

## **4.8 EVALUATION PROCESS**

### **4.8.1 Responsiveness and Responsibility Determination**

#### **4.8.1.1 Responsiveness Determination**

A Proposal received prior to Closing will be reviewed to determine if it is Responsive to all RFP requirements including compliance with the Minimum Proposer Requirements section and the Minimum Submission Requirements section. If the Proposal is unclear, the SPC may request clarification from the Proposer. The Proposer must respond within three (3) working days of the date an email has been sent from the Agency. However, clarifications may not be used to rehabilitate a non-Responsive proposal. Responsibility Determination

Agency will determine if an apparent successful Proposer is Responsible prior to award and execution of the resulting Contract describing the terms and conditions of the Award. Selected Proposer(s) shall submit a signed Responsibility Inquiry form (Attachment F) within 5 Business Days of receipt of an Intent to Award notice.

At any time prior to award, Agency may reject a Proposer found to be not Responsible.

### **4.8.2 Evaluation Overview**

Members of an Evaluation Committee will independently evaluate each Proposal 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 score for each evaluation criterion based on the categories described below, and the Proposer must describe how they meet any other requirements that may be specified in this RFP.

SPC may request further clarification and reserves the right to request additional information to

assist the Evaluation Committee in gaining additional understanding of a Proposal. Agency may conduct additional evaluation rounds, interviews, discussions and negotiations with interested Proposers who submit Proposals 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 award a Contract to a Proposer whose Proposal is most advantageous to Agency. Agency reserves the right to award a Contract to the Proposer who will best meet the requirements of this RFP, and not necessarily to the interested Proposer with the lowest cost price.

#### 4.8.3 Evaluation Criteria

Scoring is based on the categories described below, and the Proposer must describe how they meet any other requirements that may be specified in this document. **A total of 170 maximum points are possible for Round 1.** Proposer must respond to the evaluation criteria in chronological order and label each response with the evaluation criteria number and title.

**1. Firm Qualifications and Experience (Total maximum 40 points) -**  
Proposer must demonstrate the following:

- a. List the date the firm was established and confirm that the firm or Proposer's Key Person(s) listed in Attachment D was providing services similar to the Services described in this RFP during the required timeframe.
- b. Describe the firm's relevant qualifications, and other documentation that demonstrate that it is qualified and experienced in delivering the Services and able to meet the anticipated needs of Agency. Use metrics and examples. Describe any ways in which your firm and its capabilities are uniquely valuable to Agency and its requirements.
- c. Illustrate how the firm intends to work with Agency, local agencies, providers, and program recipients.
- d. Describe how the firm intends to establish and maintain functional, productive working relationships with Agency, staff, and related workgroups.
- e. Indicate the different languages your firm provides. If various translation services are not available within your firm, explain how you will achieve translation services when needed in conducting the evaluation of the Programs with various clients and customers.

**2. Project Implementation Plan; Deliverables (Total maximum 60 points) -** Proposer must provide written statements that address the following:

- a. Using the set of requirements shown in Scope of Services and based on your interpretation of the needs of Agency, describe how Proposer would carry out the major activities of required by the Services. Provide a comprehensive management plan that the Proposer intends to follow. Illustrate how the plan will serve to coordinate and accomplish the Services. Include any contingencies in your ability to fully perform Services. Be specific and detailed enough in your response so that we can envision how Services would be provided. Please provide examples of work equivalent to what would be provided for Agency.
- b. Identify and describe any additional services not identified in the Scope of Work that, based on your firm's experience, you anticipate Agency will require, including the steps your firm would take to deliver these services. Please provide examples where appropriate and useful.
- c. Describe how the firm can begin providing the Services, which could include the tasks below and provide a general timeline, if selected:
  - Evaluation design
  - Sample design
  - Conducting surveys and interviews
  - Qualitative and quantitative data analysis, including document reviews
  - Relationship building with local agencies, providers, and community organizations

**3. Project Teams' Qualifications, Role on the Team, and Years of Experience and Expertise (Total maximum 20 points). Up to 10 preference points will be given for a firm's cultural diversity and equity experience, which includes the two Key Persons' experience listed in Attachment D.** - Proposer must provide written statements that address the following:

- a. Describe Proposer's key person or proposed project team and summarize the qualifications of each staff person who will be assigned to this work, including the role of each staff member, the numbers of years of related experience, and their expertise. Explain where the project team would be located. Please relate this experience back to specific requirements of the Services so that we can see all requirements are well covered.
- b. Describe the equity analysis within the organization. Identify the cultural diversity of the intended project team. Illustrate experience in assessing culturally specific strategies for delivery.

**4. Recent and Related Work (Total maximum 20 points)** - Proposer must provide a written statement and related samples of experience that describe and address the following:

- a. List clients and show examples of related Services and work product that

the firm or Proposer’s Key Person(s) has performed, completed, and were accepted by the firm’s clients. Make sure to include a minimum of two (2) similar work samples within the last five (5) years relevant to the Services required herein.

- b. Proposer must include the following information: client name, address, type of services delivered, list of team members who delivered the related Services, contact person, contact person’s title, phone numbers, email address, samples of work delivered, date services were performed, clients’ industry type, summary of work performed, and also include cultural diversity and equity services/analysis performed.

**5. Cost Proposal (Total maximum 15 points):** Include in your Proposal a Cost Proposal that explains how Proposer prefers to charge for Services including an all-inclusive hourly rate. Also include a Cost Proposal stating the price for each deliverable category found under the Scope of Work section and the total price for the entire project. Include a breakdown of expenses including travel.

**6. Proposal Structure (Total maximum 5 points):** Proposal will be evaluated based on following the requirements in Section 3, which includes but is not limited to:

- Submission of completed documents/forms;
- Addressing each of the items listed and referenced in Section 3;
- Proposal is within the page limit;
- Responses to evaluation criteria are in chronological order; and
- Labeling of each response with the evaluation criteria number and title.

**4.9 POINT AND SCORE CALCULATIONS**

Scores are the points assigned by each evaluator.

The maximum points possible for each evaluation item are listed in the table below.

<b>TOTAL POINTS POSSIBLE FOR ROUNDS:</b>		220
<b>ROUND 1 POINTS POSSIBLE (Section 4.9.1)</b>		170
A	Background and Experience	40
B	Cost Proposal	15
C	Project Team Qualifications and Cultural Diversity and Inclusion Experience	30
D	Project Implementation Plan and Approach	60
E	Recent and Related Work	20
F	Proposal Structure	5

<b>ADDITIONAL ROUNDS POINTS POSSIBLE</b>		50
4.14	Interviews (Optional – At Agency’s Discretion)	50

**4.10 RANKING OF PROPOSERS**

The SPC will average the scores for each Proposal in a given round of competition (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members).

Agency will rank all Proposals at the conclusion of the evaluation and scoring and may, in Agency’s sole discretion, determine an apparent successful Proposal with no additional rounds of competition. If additional rounds are conducted, Agency will rank advancing Proposal at the conclusion of each subsequent round and may determine an apparent successful Proposal at any time during the solicitation process.

The SPC will combine the average score for each Proposal. SPC will describe the rank order for each Proposal, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

**SCORING AND RANKING OF PROPOSERS FOR SUBSEQUENT ROUNDS**

If Agency conducts two or more rounds of competition, the SPC will determine the cumulative score for Proposers advancing through all rounds of competition by adding the scores from each completed round. The Proposer with the highest cumulative score will receive the highest final ranking.

**4.11 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
- Additional Submittal Items
- Discussions and Submittal of Revised Proposals
- Serial or Simultaneous Negotiations
- Revised Rounds of Negotiations
- Best and Final Offers

**4.12 ADDITIONAL ROUND PROCUREMENT PROCESS - INTERVIEWS (OPTIONAL)**

If Agency, at its sole discretion, decides to proceed to this Additional Round; Interviews, Proposers progressing to this round will be invited to participate in Proposer interviews. Interviews may be in person at a location determined by Agency; however, Agency may elect to conduct interviews via teleconference or video conference. Interviews will be scored (total maximum 50 points) on how well the Proposer’s response clarifies the Proposal and responds to any additional Proposal questions. Additional Proposal questions will be emailed to the Proposers progressing to this Round prior to the interview.

## **SECTION 5: AWARD AND NEGOTIATION**

### **5.1 AWARD NOTIFICATION PROCESS**

#### **5.1.1 Award Consideration**

Agency, if it awards a Contract, shall award a Contract to the proposer whose proposal best serve the interests of the Agency, taking into account price as well as considerations, including but not limited to: experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility (under ORS 279B.110).and based upon the scoring methodology and process described in Section 4.9. Agency may award less than the full Scope defined in this RFP. Agency, in its sole discretion, may make additional award(s) for up to 24 months following the close of this solicitation. Agency may select the next ranked Responsive and Responsible Proposer, issue an Intent to Award notice. If agreement with that Proposer is not reached, Agency may offer award to the next ranked Proposer and so on until agreement is reached or until Agency terminates the process. Agency may require reconfirmation of the qualifications and staffing of any Proposer.

#### **5.1.2 Intent to Award Notice**

Agency will notify all Proposers in writing by issuing an Intent to Award notice that Agency intends to award a Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

### **5.2 INTENT TO AWARD PROTEST**

#### **5.2.1 Protest Submission**

An Affected Proposer shall have seven (7) calendar days from the date of the Intent to Award notice to file a Written protest.

A Proposer is an Affected Proposer only if the Proposer would be eligible for a Contract award in the event the protest was successful and is protesting for one or more of the following reasons as specified in ORS 279B.410:

- All higher ranked Proposals are non-Responsive.
- Agency has failed to conduct an evaluation of Proposals in accordance with the criteria or process described in the RFP.
- Agency abused its discretion in rejecting the protestor's Proposal as non-Responsive.
- Agency's evaluation of Proposal or determination of award otherwise violates ORS Chapter 279B or ORS Chapter 279A.

If Agency receives only one Proposal, Agency may dispense with the evaluation process and Intent to Award protest period and proceed with a Contract Negotiations and award.

### **5.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS**

A Proposer who is selected for an award under this RFP will be required to submit additional information and comply with the following:

#### **5.3.1 Insurance**

Prior to award, Proposer shall secure and demonstrate to Agency proof of insurance as required in this RFP or as negotiated. Insurance Requirements are found in Exhibit B of Attachment A.

### 5.3.2 Taxpayer Identification Number

A Proposer must provide its Federal 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 Proposer has changed since the last submitted W-9 form, if any.

### 5.3.3 Business Registry

If selected for award, Proposer must be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the resulting Contract. Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

### 5.3.4 Responsibility Inquiry

Prior to an award, a Proposer will be required to complete and submit the Responsibility Inquiry (Attachment F).

## 5.4 CONTRACT NEGOTIATION

### 5.4.1 Negotiation

After selection of a successful Proposer, Agency may enter into Contract negotiations with the successful Proposer. By submitting a Proposal, Proposer agrees to comply with the requirements of this RFP, including the terms and conditions of the Sample Contract (Attachment A), with the exception of those terms reserved for negotiation such as the Statement of Work and Insurance requirements.

In submitting its response to this RFP, a Proposer must review the attached Sample Contract and note exceptions.

To be considered in the Contract negotiation stage, Proposers must submit those exceptions to Agency during the Questions / Requests for Clarification period set forth in Section 1.2. Unless Agency agrees to modify any of the terms and conditions, Agency intends to enter into a Contract with the successful Proposer substantially in the form set forth in Sample Contract (Attachment A).

It may be possible to negotiate some provisions of the final Contract; however, Agency is not required to make any changes and many provisions cannot be changed. Proposers are cautioned that the State of Oregon views 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 Proposal.

The Contract, including any subsequent negotiated changes, is subject to prior approval by the Oregon Department of Justice.

Agency is unable to negotiate those 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 of the Intent to Award notice, Agency may terminate Negotiations and commence Negotiations with the next highest-ranking Proposer.

## **SECTION 6: ADDITIONAL INFORMATION**

### **6.1 CERTIFIED FIRM PARTICIPATION**

ORS Chapter 200, Agency encourages the participation of small businesses, certified by the Oregon Certification Office for Business Inclusion and Diversity (“COBID”) in all contracting opportunities. This includes certified small businesses in the following categories: disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business. Agency also encourages joint ventures or subcontracting with certified small business enterprises. For more information, visit:

<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>

If the Contract has potential subcontracting opportunities, the successful Proposer may be required to submit a completed Certified Disadvantaged Business Outreach Plan (Attachment E) prior to execution.

### **6.2 GOVERNING LAWS AND REGULATIONS**

This RFP is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFP, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

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

All Proposals 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 a Proposal, 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 a Proposal may depend upon official or judicial determination made pursuant to Oregon law. Please identify in your Proposal any materials that you deem to constitute trade secrets. Failure to do so may be deemed by Agency as a waiver of this records exemption by the Proposer.

- B. The PRL exempts to one degree or another certain records, communications and information obtained by Agency, including through this RFP. 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 RFP, the terms of individual Proposals 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 RFP have been given, and perhaps longer) if (i) the competitive purposes of the RFP are to be realized, (ii) the confidential distinguishing aspects of Proposals are to be protected, and (iii) Agency’s interest in maximizing the number and innovative nature of Proposals is to be achieved. If the Proposer identifies that its Proposal is being submitted in confidence pursuant to ORS 192.355(4) by so stating in writing on its Proposal through Attachment B, Agency hereby obliges itself in good faith not to disclose the Proposal 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 RFP, 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 RFP.

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

#### **6.4 CANCELLATION OF RFP; REJECTION OF PROPOSAL; NO DAMAGES.**

Agency may reject any or all Proposals in-whole or in-part, or may cancel this RFP 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 Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

#### **6.5 COST OF SUBMITTING A PROPOSAL**

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

## 6.6 CHECKLIST DISCLAIMER

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