

# STATE OF OREGON



## COVER PAGE

Housing and Community Services Department  
is issuing this Request For Proposals (RFP)  
under OHCS Number #7154-22 (OregonBuys Bid S-91400-00003737)  
for  
**MANAGEMENT OF THE OREGON MULTI-FAMILY ENERGY  
PROGRAM**

Date of Issue: July 12, 2022

Closing Date and Time: July 28, 2022 by 5:00 PM Pacific Time

Single Point of Contact (SPC): Christine Kennedy, Procurement and Contracts Specialist 3  
Address: 725 Summer Street NE, Suite B  
City, State, Zip Salem, OR 97301  
Phone (direct): 971-388-5683  
Email: [OHCS.Contracts@hcs.oregon.gov](mailto:OHCS.Contracts@hcs.oregon.gov)

**This RFP will be posted on OregonBuys for public notice only. However, all other communications, notices and submittals related to this RFQ must be through email to the Authorized Representative. Potential Offerors must acknowledge receipt of this RFP and confirm contact information or send the Authorized Representative updated contact information, including contact name, contact address, contact email address, and contact telephone number.**

The State of Oregon ("State") promotes equal opportunity for all individuals without regard to age, color, disability, marital status, national origin, race, religion or creed, sex or gender, sexual orientation, or veteran status.

# TABLE OF CONTENTS

<b>SECTION 1: GENERAL INFORMATION</b> .....	<b>4</b>
1.1 INTRODUCTION.....	4
1.2 SCHEDULE.....	5
1.3 SINGLE POINT OF CONTACT (SPC).....	5
<b>SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE</b> .....	<b>5</b>
2.1 AUTHORITY AND METHOD.....	5
2.2 DEFINITION OF TERMS.....	5
2.3 OVERVIEW AND PURPOSE .....	7
2.4 SCOPE OF WORK.....	10
<b>SECTION 3: PROCUREMENT REQUIREMENTS</b> .....	<b>14</b>
3.1 MINIMUM QUALIFICATIONS.....	14
3.2 MINIMUM SUBMISSION REQUIREMENTS.....	14
3.3 PROPOSAL REQUIREMENTS.....	15
<b>SECTION 4: SOLICITATION PROCESS</b> .....	<b>19</b>
4.1 PUBLIC NOTICE.....	19
4.2 QUESTIONS / REQUESTS FOR CLARIFICATIONS.....	19
4.3 SOLICITATION PROTESTS.....	19
4.4 PROPOSAL DELIVERY OPTIONS.....	20
4.5 PROPOSAL MODIFICATION OR WITHDRAWAL .....	20
4.6 PROPOSAL DUE.....	20
4.7 PROPOSAL REJECTION .....	20
4.8 EVALUATION PROCESS.....	21
4.9 EVALUATION CRITERIA.....	23
4.10 RANKING OF PROPOSERS .....	33
4.11 ADDITIONAL ROUNDS.....	34
4.12 SCORING AND RANKING OF PROPOSERS FOR SUBSEQUENT ROUNDS.....	34
<b>SECTION 5: AWARD AND NEGOTIATION</b> .....	<b>34</b>
5.1 AWARD NOTIFICATION PROCESS.....	34
5.2 INTENT TO AWARD PROTEST.....	35
5.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS .....	35
5.4 CONTRACT NEGOTIATION .....	36
5.5 CERTIFIED FIRM PARTICIPATION .....	37
5.6 GOVERNING LAWS AND REGULATIONS .....	37
5.7 OWNERSHIP/PERMISSION TO USE MATERIALS.....	38
5.8 CANCELLATION OF RFP; REJECTION OF PROPOSAL; NO DAMAGES. ....	38
5.9 COST OF SUBMITTING A PROPOSAL .....	38
5.10 STATEWIDE E-WASTE/RECOVERY PROCEDURE .....	38
5.11 CHECKLIST DISCLAIMER.....	38

## **LIST OF ATTACHMENTS**

ATTACHMENT A SAMPLE CONTRACT

ATTACHMENT B DISCLOSURE EXEMPTION AFFIDAVIT

ATTACHMENT C PROPOSER INFORMATION AND CERTIFICATION SHEET

ATTACHMENT D KEY PERSONS & REFERENCES

ATTACHMENT E JOINT VENTURE, PARTNERSHIPS, & SUBCONTRACTORS

ATTACHMENT F COBID CERTIFICATION / OUTREACH PLAN

ATTACHMENT G RESPONSIBILITY INQUIRY

ATTACHMENT H CULTURALLY SPECIFIC ORGANIZATION

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

# SECTION 1: GENERAL INFORMATION

## 1.1 INTRODUCTION

The State of Oregon, Housing and Community Services Department (“OHCS” or “Agency”) is seeking through this Request for Proposals (“RFP”) a program management contractor to continue to manage and administer, market and provide effective strategies for Oregon Multi-Family Energy Program (“OR-MEP”) <https://oregonmultifamilyenergy.com/>.

Agency shall select one entity to act as a program manager. The program manager will adhere to all elements required under Oregon Revised Statute (“ORS”) 757.612, ORS 458.625 and the scope of work provided in this RFP (“Scope of Work”). Funding sources for OR-MEP projects will come from the multi-family portion (15%) of public purpose dollars set aside by Agency for these efforts. Agency will give preference to program management strategies that have previously demonstrated cost-effective energy savings. Agency is willing to consider a variety of proposed strategies and products. Agency will dedicate funding toward service-related incentives and the program manager will be responsible for the management of those incentives.

The manual and program description are as follows:

OR-MEP Manual and Program Description; <https://oregonmultifamilyenergy.com/wp-content/uploads/2020/03/OHCS-Multifamily-Energy-Program-Manual-COVID-Addendum.pdf>

Agency seeks to provide an OR-MEP incentive program open to developers and building owners or operators seeking energy efficient upgrades for new construction and for rehabilitation and renovation projects. Due to funding requirements, this program may only serve Portland General Electric (“PGE”) or Pacific Power (“PAC”) customers.

Agency anticipates the award of one (1) contract (“Contract”) pursuant to this RFP.

**Term:** The Contract is anticipated to start August 2022. The total value of the Contract is estimated to be \$4 million. The initial term of the Contract is anticipated to three (3) years with options to renew up to a cumulative maximum term of five (5) years, or as deemed necessary by Agency.

Renewals will be contingent on Agency’s needs and funding availability, as well as the Contractor’s performance. Persons or entities (“Proposers”) that submit proposals (“Proposals”) in response to this RFP are advised that the award and the potential dollar amount of the Contract under this RFP will be contingent upon approval of adequate funding for Agency’s use under this RFP.

Agency will reimburse the program management contractor (“Contractor”) for reasonable costs incurred, including any appropriate payments to subcontractors for technical analysis or energy audits, commissioning services, marketing and incentive payments for measures and packages and studies. Program operations and management will begin no later than 90 days after the Contract is effective. Program management work will be authorized when approved the selected Proposal has been incorporated into a fully executed Contract and ends when funding has been expended, program goals have been met and/or the Contract expires or is terminated. Further details will be specified in the executed Contract. Agency will contract separately for quality assurance and evaluation of the program one (1) year after program initiation. Agency is not obligated to commit all available funds as a result of this RFP.

## 1.2 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change. N/A denotes that event is not applicable to this RFP.

Event	Date	Time
Questions / Requests for Clarification Due	July 22, 2022	03:00 PM PT
Answers to Questions / Requests for Clarification Issued (approx.)	July 25, 2022	
RFP Protest Period Ends	Schedule defined under OAR 813-005-0025	
Closing Date (Proposal Due)	See RFP cover page	
Additional Rounds of Competition	TBD (Optional at Agency's Discretion)	
Issuance of Notice of Intent to Award (approx.)	August 10, 2022	
Award Protest Period Ends	7 calendar days after Notice of Intent to Award	

## 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 ORS 279A.050(6)(g), ORS 456.625(12), OAR 125-246-0170(2), ORS 456.625(12), and OAR 813 Divisions 5 and 6, as applicable.

Agency is using the Competitive Procurement Procedures, pursuant to OAR 813-006-0025. Agency may use a combination of the methods for Competitive Procurement Procedures, including optional procedures: a) Competitive Range; b) Presentations; c) Demonstrations; d) Interviews; e) Additional Submittal Items; f) Discussions and Revised Proposals; g) Negotiations; h) Revised Rounds of Negotiations; and i) Best and Final Offers.

### 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.

**"Agency" or "OHCS"** means the State of Oregon's Housing and Community Services Department, and its agents, officers, employees, and assigns.

**"Certification Office for Business Inclusion and Diversity ("COBID") Certified Firm"**, includes the following certification types:

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

**“Community of Color”** means an identity-based community that holds a primary racial identity that describes the racial characteristics of the community that its members share (such as being African American) that supports self-definition by community members, and that typically denotes a shared history and current/historic experiences of racism. The community may or may not also be a geographic community. Given that race is a socially-defined construct, the definitions of these communities are dynamic and evolve across time. For the purpose of this RFP, 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 businesses.

**“Culturally Specific Organization”** means an entity that provides services to a cultural community and that 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 the entity 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 Organization”** means the cultural responsiveness is more than just

"expressing sensitivity or concern" for individuals from all cultures (cultural sensitivity). A culturally responsive organization is one that is designed to effectively meet the needs of individuals from diverse cultural backgrounds and experiences. It involves understanding not only the societal oppressions faced by various groups of people, but also respecting the strengths and assets inherent in different communities. This understanding is then reflected in program services, personnel, staffing, philosophies, and policies.

**"Culturally Responsive Services"** means work tailored to an individual's or a community's 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.

**"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., the individual's 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

The Housing and Community Services Department is Oregon's housing finance agency, providing financial and program support to create and preserve opportunities for quality, affordable housing for Oregonians of lower and moderate income.

The current agency was created in 1991, when the legislature merged the Oregon Housing Agency with State Community Services. The coordination between housing and services creates a continuum of programs that can assist and empower lower-income individuals and families in their efforts to become self-reliant.

The Agency administers federal and State antipoverty, homeless and energy assistance, as well as community service programs.

The Agency also assists in the financing of single-family homes, the new construction or rehabilitation of multifamily affordable housing developments, and provides grants and tax credits to promote affordable housing.

### 2.3.2 Project Overview and Background

In 1999, the Oregon Legislature enacted Senate Bill 1149 (ORS 865) to introduce competition into the retail electricity markets of Oregon's two largest utilities – PGE and Pacific Power. Starting March 2002, PGE and Pacific Power began collecting a three percent public purpose charge from customers as required by SB 1149. These public purpose funds are used to finance programs that save electricity, develop renewable energy resources, and weatherize the homes of low-income households. For purposes of this program, "low income" is defined as those households with an income at or below 200 percent of Federal Poverty Level. The money collected by the utilities is divided into five programs, each administered separately:

- 56.7 percent of the available public purpose charge funds are administered by The Energy Trust of Oregon, a non-profit organization created after the Public Purpose Charge legislation.
- 17.1 percent of the funds collected are dedicated for the building of new renewable resource power plants and other renewable resource projects. The Energy Trust of Oregon also administers these funds.
- 10 percent of the funds collected are dedicated for energy conservation in schools. School Districts receive these funds and reimburse completed projects budgets with programmatic and technical assistance from the Oregon Department of Energy.
- 11.7 percent of the funds collected are dedicated for the weatherization of homes of low-income households. The Agency administers these funds. These funds are dedicated for the weatherization of dwellings of low-income residents in the PGE and Pacific Power service areas of Oregon. 85 percent of these funds are allocated to the low-income energy conservation service provider network, which also delivers the federal weatherization programs, which can be found here:

<https://www.oregon.gov/ohcs/energy-weatherization/Pages/weatherization-services.aspx>

The remaining 15% of this weatherization portion is used for the OR-MEP program specific to PGE and Pacific Power customers for new and existing affordable housing multi-family development.

- 4.5 percent (%) of the funds collected are dedicated for the construction and rehabilitation of low-income housing. The Agency also administers these funds. These funds are dedicated to low-income housing development projects. These projects involve construction of new housing or rehabilitation of existing housing for low-income families through the Agency's Housing Development Guarantee Account. This funding is also allocated through the Agency's NOFA process.

Multi-family housing has long been identified as a particularly challenging area for energy conservation. Eligible multifamily properties (“Eligible Multifamily Properties”) are properties with at least five (5) units, having a primary purpose of residential housing, and in which a majority of the units are reserved for low-income households as defined by the U.S. DOE Weatherization Assistance Program.

Rising energy costs can pose a significant threat to maintaining affordable rental housing. Energy efficiency upgrades in rental housing provide a cost-effective approach to lowering operating expenses, maintaining affordability for low-income households, reducing carbon emissions, and creating healthier, more comfortable living environments for low-income families.

**Current conditions:**

In Oregon’s 2021 legislative session, HB 3141 was passed, which will increase funding for OR-MEP beginning in July of 2022 by no less than 60%.

The OR-MEP program has an established program management and operations. OR-MEP currently has a waiting list of projects with a combined total of nearly 5,000 units that spans the next two (2) years of future funding for estimated project needs.

Agency has directed the adaptation and development of OR-MEP policies and practices to eliminate systemic racism from program management and implementation of this Contract.

Equitably engaging all applicable communities and customers to participate in OR-MEP and prioritizing those with the highest energy burden will be a critical focus moving forward.

### **2.3.3 Overall Program Goals**

The goals of the OR-MEP program include the following elements:

- a. Manage the marketing and administration of the program and provide technical advice for building improvements; Deliver robust technical assistance and a workforce development plan;
- b. Leverage multiple partnerships and funding opportunities throughout the housing and energy industries in both the management and implementation of the program;
- c. Help to produce significantly higher rates of multi-family housing affordability and energy efficiency program production;
- d. Increase participation in multi-family housing affordability and energy efficiency programs statewide, including single point of contact and encourage stakeholder involvement in program design and enhancements;
- e. Increase the number of services and energy efficiency measures installed per building and motivate deeper energy savings;
- f. Reduce the administrative cost per building by providing energy efficiency and conservation services;
- g. Improve the overall health, safety and comfort of the tenants while improving the durability of the buildings;

- h. Illustrate program value in energy savings per funds expended, including non-energy benefits such as climate impacts; Provide clear incentive structure;
- i. Demonstrate how life cycle savings from energy efficiency measures bolster housing projects that are required to remain affordable for 60 years; and
- j. Integrate Culturally Responsive Organizations, services, communities, coalitions, and stakeholders.

## **2.4 SCOPE OF WORK**

The requirements of the Agency include, but are not limited to the following services:

### **2.4.1 Program Management**

The management work may be conducted in stages as necessary, with portions of the program rolling out while other portions remain in the management and development stage, including but not limited to;

- a. outreach activities that take longer to effectively develop;
- b. any development of strategic partnerships intended to reduce costs; and
- c. any elements contingent on program activity or results.

#### **2.4.1.1 Management Elements**

Program management may include the development of alternative incentive plans and packages for building owners. Proposals geared towards refining the existing program management, incentive levels, procedures and forms are also acceptable.

The program developed shall include at a minimum the following management elements:

- a. An implementation plan describing the overall execution of the program, including proposed budget, monitoring and verification for measurement and reporting of performance, energy savings and a detailed timeline with milestones and deliverables at each stage
- b. A comprehensive outreach, advertising and marketing campaign intended to reach multi-family building owners in the targeted utility territories (PGE/PAC) informing them of details of the program. The campaign should encourage building owners to participate in the program and include printed materials, promotional and advertising strategies, and strategies for co-marketing with other organizations. Value propositions to increase the likelihood that building owners will agree to participate may also be included as elements of program management.
- c. The outreach campaign shall include a plan to educate and attract building owners with little experience in energy efficiency. The plan shall provide property owners with the tools and knowledge to benchmark energy efficiency information specific to their property. The plan should incentivize building owners to participate in the program and the program should target a diverse group of building owners.
- d. Management of the incentive program for cost-effective, proven energy upgrades using existing Agency incentive guidelines or other incentive mechanisms that will

- result in greater participation by developers, owners, contractors and consultants.
- e. Monitor and verify the cost savings resulting from the new construction and retrofit energy efficiency measures provided and also include a method of communicating those results to both the building owners and the building tenants.
  - f. Process incentives, track and monitor the completion of the new construction and energy efficient measures, develop a process for work inspected, audit performance measures, and provide regular reports to the Agency.
  - g. Maintain and expand the project impact table, inclusive of projected savings and actual savings, to account for the total number of buildings / units per project year.
  - h. Program management team shall deliver cost effective management services to the greatest number of eligible properties to the extent practicable.

#### **2.4.2 Program Optimization**

The program management shall promote cost effectiveness without circumventing health and safety issues for existing units / buildings.

Incentives shall align with Agency objectives and be a balance of the following elements:

- a. Innovation;
- b. practicality and durability of comprehensive measures to be installed;
- c. other relevant incentives available to affordable housing providers;
- d. balance of equitable applicable services available to urban and rural units / buildings; and
- e. achieved historical saving when available.

#### **2.4.3 Incentive Availability**

Incentives must be available only for measures that are within the cost-effectiveness limits chosen by Agency. Cost-effectiveness must be considered for a package of measures, instead of individual measures where it is more logical, practical or equitable to do so. Scenarios where such an approach may apply include;

- a. a package of measures is more cost-effective than the individual measures (saves more or costs less),
- b. marketing a cost-effective measure is reliant on offering more costly measures,; or
- c. analysis of individual measures is impractical or too costly relative to savings.

#### **2.4.4 Program Delivery and Management**

The program developed shall include at a minimum the following delivery and management elements;

- a. a map of zones or regions that includes the geographic locations and types of buildings being targeted. A detailed written narrative is also an acceptable format,
- b. a data system capable of centralizing business processes, reporting, and incentive tracking,

- c. a comprehensive system that ensures the sharing of information among partner organizations and comprehensive reporting for consumers of costs for energy, health and safety, energy related repairs and overall construction. This system must supply monthly reports,
- d. a budgeting plan that has measures in place that ensure operations remain within applicable budgets,
- e. a quality control plan that ensures program quality, including the analysis of project savings for eligible measures. The quality control plan shall include effective customer service and support that monitors and verifies course of action and resolution, and
- f. a communication plan intended to allow stakeholders and customers to remain involved and informed about implementation activities and any program developments including the projected and actual savings of each installed measure.

#### **2.4.5 Program Transition Plan**

The program developed shall include at a minimum the following program transition elements;

- a. A program transition plan that outlines the steps necessary to turn all of the developed program tools, products and services over to the Agency or the newly awarded program management firm for on-going delivery and operations. This plan shall ensure that all of the necessary steps are identified and linked with affected program outcomes.
- b. An outline of the materials that will be provided to support the program transition, including, but not limited to, operations manuals, instructions, tutorials processes and procedures.
- c. A migration plan that ensures a seamless transition from program developer into selected business IT environment. Contractor's migration plan must be approved by Agency and must comply with Statewide Information and Cyber Security Standards as published at <https://www.oregon.gov/das/OSCIO/Pages/SecurityGuidance.aspx>.
- d. A list of action items detailing the steps required to transition program management in a "turnkey" fashion.

#### **2.4.6 Work Plan**

A draft work plan will be required with the Proposal submission. A final work plan will be negotiated after Proposal selection, but prior to Contract award. The draft work plan submitted by the Proposer must include a detailed description of each activity to be performed, including activity milestones, timelines for completion of the activity milestones, and timelines for when and how the funds will be used. The draft work plan must be sufficiently detailed, including marketing and outreach, budget information, oversight and/or monitoring purposes and must identify the performance goals and objectives to be achieved, including any deliverable documents and/or program accomplishments or outputs. The Agency will approve the work plan or notify the Proposer of matters that need to be addressed prior to and as a condition of its approval and the award of the Contract by

the Agency.

#### **2.4.7 Program Transition Plan**

Contractor shall fully cooperate with Agency to effectively carry out the transfer of the developed program to Agency staff or a subsequent contractor (program management personnel). Contractor agrees to work with Agency and program management personnel to create and implement a transition plan that ensures an effective and efficient transition between program management providers occurs with no lapse in service.

Contractor agrees to provide the program management personnel with any details pertinent to services provided to property owners and tenants under the Contract.

#### **2.4.8 IT Standards**

- a. Contractor must meet or exceed the State of Oregon's security standards based on NIST 800-53 Security and Privacy Controls, for level 2 data and low impact systems, or identified equivalent industry security standard. Statewide Information and Cyber Security Standards dated 2019 can be found at <https://www.oregon.gov/das/OSCI0/Pages/SecurityGuidance.aspx>, which may be amended from time to time.
- b. Contractor must work with Agency to complete a System Security Plan in accordance with the Statewide Information Security Plan dated August 1, 2018, <https://www.oregon.gov/das/OSCI0/Documents/StatewideInformationSecurityPlan.pdf> which may be amended from time to time.
- c. Proposer must provide its IT architectural plan, including a diagram, with its Proposal detailing the database and security infrastructure required to support OR-MEP.
- d. Proposer must provide Performance Standards and Service Level Agreements.
- e. Proposer must provide its firm's emergency protocol related to disaster recovery and data breach.

Additional IT requirements will be detailed in the Contract.

#### **2.4.9 Additional Provisions**

See the Sample Contract set forth in Attachment A to this RFP for additional requirements related to the Scope of Work.

#### **2.4.10 Agency Services**

Agency shall provide the following services:

- Provide oversight function to program management Contractor in the development, implementation and management of the OR-MEP.

- Monitor and verify installations, cost containment and general quality assurance.
- Review and approve progress payment requests.

### **3 PROCUREMENT REQUIREMENTS**

#### **3.1 MINIMUM QUALIFICATIONS**

To be considered for evaluation, Proposal must demonstrate how Proposer meets all requirements of this Section 3.

#### **3.2 MINIMUM SUBMISSION REQUIREMENTS**

##### **3.2.1 Proposal Submissions & Format**

To be considered for evaluation, Proposal must contain each of the following elements (further detailed in Section 3.3, Proposal Requirements below). Proposals must be organized into the following primary sections in the following order:

- Proposer Information and Certification Sheet (Attachment C)
- Minimum Proposer Requirements (Sections 3.3.1 – 3.3.15)
- Financial Statement (Section 3.3.7)
- Proposal Content Requirements (Section 4.3)
- Draft Work Plan (Section 2.4.6)
- IT requirements (Section 2.4.8 and Sections 3 and 4)
- Key Persons (Resumes) and References (Attachment D)
- Joint Venture, Partnerships, and Subcontractors (Attachment E)
- Disclosure Exemption Affidavit (Attachment B) - Optional
- COBID Certification / Outreach Plan (Attachment F)
- Responsibility Inquiry (Attachment G)
- Culturally Specific Organization (Attachment H)

THE CHECKLIST ABOVE IS PROVIDED AS A COURTESY TO PROPOSERS. PROPOSER IS SOLELY RESPONSIBLE FOR REVIEWING AND UNDERSTANDING THE ENTIRE RFP (AND ANY ADDENDA) AND COMPLYING WITH ALL THE REQUIREMENTS OF THIS RFP, WHETHER LISTED ABOVE OR NOT.

##### **3.2.2 Proposal Page Limits**

Proposals are limited to 50 pages single-sided or 25 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:

- Proposer Information and Certification Sheet (Attachment C)
- Financial Statement
- Price Proposal
- Key Persons (Resumes) and References (Attachment D)

- Joint Venture, Partnerships, and Subcontractors including supporting documents (Attachment E)
- Disclosure Exemption Affidavit (Attachment B)
- COBID Certification / Outreach Plan (Attachment F)
- Responsibility Inquiry (Attachment G)
- Culturally Specific Organization (Attachment H)
- Draft Work Plan
- Work samples
- IT requirements
- Map or narrative in response to evaluation criteria Section 4.9.4.4.1, Program Logistics

### **3.2.3 Proposal Format**

Proposals should follow the format and reference the applicable sections listed in this Section 3.

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 specified on the Cover Page (“Closing”). Please reference the RFP# in the Subject Line of all e-mail communication.

The Proposal must include Attachment C - Proposer Information and Certification Sheet, bearing the signature of the Proposer’s authorized representative, in one of the following formats: Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx).

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 Disclosure Exemption Affidavit (Attachment B), along with a fully redacted electronic version of its Proposal, clearly identified as the redacted version. Proposer shall also mark as “Confidential” in OregonBuys all attachments to its Proposal that Proposer believes are exempt from disclosure.

### **3.2.4 Authorized Representative**

Failure of Proposer’s authorized representative to sign the Proposal may result in rejection of the Proposal by Agency.

## **3.3 PROPOSAL REQUIREMENTS**

Proposals must address each of the items listed in this Section 3.3 and all other requirements set forth in this RFP. Proposer shall describe the services to be performed. A Proposal that merely offers to provide the services as stated in this RFP will be considered non-Responsive to this RFP and will not be considered further. If a complete response cannot be provided without referencing supporting documentation, Proposer must provide such documentation with the Proposal indicating where the supplemental information can be found.

Responses to each section and subsection of this RFP should be labeled to indicate which item is being addressed.

Proposals should not include extensive artwork, unusual printing or other materials not essential to the utility and clarity of the Proposal and should not include marketing or advertising material, unless requested by Agency. 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 required

information is difficult to locate.

### **3.3.1 Minimum Proposer Requirements**

- Eligible Proposers must have experience successfully developing and implementing energy efficiency programs and must have relevant commercial new construction and major renovation expertise.
- Proposers must have an infrastructure capable of meeting the goals and work proposed.
- Proposers must identify any existing energy efficiency programs developed or operated by Proposer, and must include in Attachment D (Key Persons & References) a minimum of three (3) reference contacts, including name, title, address, telephone numbers, and e-mail addresses, who are knowledgeable about Proposer's company generally and about the previous program experience of the Key Persons listed in Attachment D.
- Proposers are encouraged to consider teaming with other organizations to provide a complete package of services. Proposers must reference any such organizations on Attachment E (Joint Venture, Partnerships and Subcontractors) and must include the organizational relationships and resumes of the key personnel of such organizations who would be participating in the implementation of the program.
- For joint ventures and partnerships, Proposers must identify the lead program manager and include a brief description of relevant experience and tenure for personnel responsible for the following areas:
  - Program planning and management;
  - Program management;
  - Program delivery;
  - Program administrative support;
  - Program marketing and outreach;
  - Preparation of program procedures, forms, and legal documents;
  - Incentive processing.
- Proposers must identify in Attachment E (Joint Venture, Partnerships and Subcontractors) subcontractors, if any, to be used to develop or implement the program as part of Proposer's team. Discuss the assurance of such support and the experience these parties have in managing, developing and implementing similar programs.

Eligible Multifamily Properties are properties with at least five (5) units, having a primary purpose of residential housing, in which a majority of units are reserved for low-income households as defined by the US DOE Weatherization Assistance Program.

The determination of a Proposer's ability or inability to satisfy these minimum requirements will be at the Agency's sole discretion.

### **3.3.2 Proposal Submittal Requirements (Pass/Fail)**

#### **Submission Deadline Date and Time**

Proposals must be submitted before the Closing Date and Time specified on the Cover Page (page 1) of the RFP in order to be considered.

### **3.3.3 Proposal Information and Certification Sheet (Pass/Fail)**

The Proposer shall complete and submit the Proposal 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.

### **3.3.4 Joint Ventures/Partnerships (Pass/Fail/N/A)**

Joint Ventures and partnerships must provide, with RFP submission, the name of the contact person for the joint venture or partnership. Prior to any award, joint ventures and partnerships submitting RFPs must provide a copy of the joint venture agreement or partnership agreement evidencing authority to submit a Proposal in response to this RFP and to enter into the resulting Contract that may be awarded, together with corporate resolutions (if applicable) evidencing corporate authority to participate in a joint venture or as a partner. A contact person must also be established for purposes of receiving all notices and communications under the Contract. All parties to joint ventures and partnerships will be required to sign the awarded Contract (Attachment A), which may be modified by Agency to encompass the relationship of the parties.

PROPOSER TO SUBMIT WITH PROPOSAL A COMPLETE LIST OF JOINT VENTURES AND PARTNERSHIPS BY COMPLETING ATTACHMENT E, AS APPLICABLE.

If Proposer does not complete and submit Attachment E with its Proposal, Proposer must indicate "N/A" for this Joint Ventures/Partnerships section to indicate that no joint ventures or partnerships will provide services or be otherwise involved in the Proposal.

### **3.3.5 Subcontractor Use (Pass/Fail/N/A)**

Proposers with one (1) or more subcontractors must include in their Proposals the name of the contact person for each subcontractor. The required experience and qualifications information must include the proposing firm and its subcontractors that comprise the Proposer's team, or the partners or parties to the joint venture, as the case may be.

PROPOSER TO SUBMIT WITH PROPOSAL A COMPLETE LIST OF SUBCONTRACTORS BY COMPLETING ATTACHMENT E, AS APPLICABLE.

If Proposer does not complete and submit Attachment E with its Proposal, Proposer must indicate "N/A" for this Subcontractor section to indicate that no subcontractors will be utilized.

### **3.3.6 Responsibility Inquiry Form (Pass/Fail)**

The Proposer shall complete and submit the Responsibility Inquiry Form (Attachment G).

### **3.3.7 Financial Statement (Pass/Fail)**

Proposer must include a brief description of Proposer's experience with, and current strategies for, ensuring that the Proposer conducts business in a fiscally responsible manner and remains financially solvent through the proposed term of the Contract. Proposer must demonstrate a reserve sufficient to continue operations for at least two (2) months (annual expenses for the last completed fiscal year divided by six) if no additional funds were received. Agency reserves the right to request additional information at such time as it deems necessary. Proposers must demonstrate they meet the responsibility standards provided in ORS 279B.110 and OAR 137-047-0050.

### **3.3.8 IT Architectural Plan (Pass/Fail)**

Proposer must provide its IT architectural plan including a diagram detailing the database and security infrastructure required to support OR-MEP as described in Sections 2.4.8 and Section 4.

### **3.3.9 Performance Standards and Service Level Agreements ("SLAs") (Pass/Fail)**

Proposer must provide an SLA in accordance with Section 2.4.8 and Section 4.

### **3.3.10 Emergency Protocol (Pass/Fail)**

Proposer must provide its firm's emergency protocol related to disaster recovery and data breach in accordance with Section 2.4.8 and Section 4.

### **3.3.11 Key Persons (Pass/Fail-Scored)**

Proposers shall submit on Attachment D descriptions of the qualifications and expertise of the Key People that will be assigned to the project and attach resumes. Proposer shall provide the descriptions specified in Section 4.

### **3.3.12 References (Pass/Fail-Scored)**

Proposer must submit three (3) references as described in Section 4 of this RFP. The references must be submitted on Attachment D.

### **3.3.13 Demonstrated Experience (Optional Response/Scored)**

Points will be given to Proposers that demonstrate experience working with the types of entities, organizations or institutions described in Section 4.

### **3.3.14 Culturally Specific Organization (Attachment H) (Optional Response/Evaluated for Certification Eligibility/Not Scored)**

If Proposer desires to qualify as a Culturally Specific Organization under this RFP, Proposer must complete and return Attachment H and supporting documents with its Proposal. If Proposer has already been certified by Agency as a Culturally Specific Organization, Proposer must note that in Attachment H and return the form as described in the RFP.

### **3.3.15 Forms (Pass/Fail)**

Attachments to the RFP, which are incorporated by reference into this RFP and the resulting Contract.

## **4 SOLICITATION PROCESS**

### **4.1 PUBLIC NOTICE**

This RFP and attachments are published in the State of Oregon's electronic procurement system OregonBuys at <https://oregonbuys.gov/> and OHCS' Procurement website at <https://www.oregon.gov/ohcs/procurement/Pages/procurement-opportunities.aspx> (the "Websites"). RFP documents will not be mailed to prospective Proposers.

Modifications, if any, to this RFP will be made by written Amendments published on the Websites. Prospective Proposer is solely responsible for checking the Websites to determine whether or not any Amendments have been issued. Amendments are incorporated into the RFP by this reference.

This RFP will be posted on OregonBuys for public notice only. However, all other communications, notices and Proposals related to this RFP must be submitted by email to the SPC listed on the Cover Page of this RFP.

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

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

- Be delivered to the SPC via email to [OHCS.Contracts@hcs.oregon.gov](mailto:OHCS.Contracts@hcs.oregon.gov)
- Reference the OregonBuys RFP #;
- 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 the Schedule in Section 1.2.

### **4.3 SOLICITATION PROTESTS**

Prospective Proposer may submit a written protest of anything contained in this RFP, including but not limited to, the RFP process, Specifications, Scope of Work, and the Sample Contract. This is prospective Proposer's only opportunity to protest the provisions of the RFP, except that Proposer may submit a protest of an Addendum as provided below.

#### **4.3.1 Protests to Addenda**

Prospective Proposers may submit a written protest of anything contained in an Addendum. Protests to an Addendum, if issued, must be submitted by 5:00 p.m. Pacific Time on the second business day following the issuance date of the Addendum or on the date/time specified in the respective Addendum, or they will not be considered. Protests of matters not added or modified by an Addendum will not be considered.

#### **4.3.2 Requirements for Protests**

All protests must:

- Comply with the procedures under OAR 813-005-0025;
- Be delivered to the SPC via email to [OHCS.Contracts@hcs.oregon.gov](mailto:OHCS.Contracts@hcs.oregon.gov);
- Reference the RFP #;
- Identify prospective Proposer'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; and
- State the proposed changes to the RFP provisions or other relief sought.

Protests to the RFP must be received by the due date and time identified in the Schedule in Section 1.2. Protests to Addenda must be received by the due date identified in the applicable Addendum.

#### **4.4 PROPOSAL DELIVERY OPTIONS**

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before the Closing. Agency is not responsible for any transmission errors or delays, or for any mis-delivery for any reason. Proposals must be delivered by email to the attention of the SPC at the address listed on the Cover Page. A Proposal submitted by any other means will be rejected.

#### **4.5 PROPOSAL MODIFICATION OR WITHDRAWAL**

If a Proposer wishes to make modifications to a submitted Proposal, the Proposer must submit its modification in the authorized method listed in Section 4.4 (Proposal Delivery Options). To be effective the modification 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 via email, prior to the Closing in accordance with OAR 137-047-0440, a written notice to the SPC, signed by an authorized representative, of the Proposer's intent to withdraw. To be effective the notice must include the RFP number.

#### **4.6 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 also 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.

#### **4.7 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.

## **4.8 EVALUATION PROCESS**

Proposals submitted in response to the RFP will be evaluated as prescribed in Section 4 below to determine the extent to which they demonstrate the respective Proposer's ability to meet material and technical requirements as described below. Evaluators will be assigning scores to Proposer responses to the evaluation criteria as provided in this Section 4.

### **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 Section 3.1 (Minimum Qualifications) and Section 3.2 (Minimum Submission Requirements). Clarifications may not be used to rehabilitate a non-Responsive proposal. If the SPC finds the Proposal non-Responsive, the Proposal may be rejected; however, Agency may waive mistakes in accordance with OAR 137-047-0470 and OAR chapter 813, divisions 5 and 6.

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

#### **4.8.1.2 Responsibility Determination**

Agency will determine if an apparent successful Proposer is Responsible prior to award and execution of the Contract. Proposers shall submit a signed Responsibility Inquiry form (Attachment G) with Proposal.

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

### **4.8.2 Evaluation Criteria**

Each Proposal meeting all Responsiveness requirements and receiving a PASSING evaluation from Section 3 will be independently evaluated by members of an Evaluation Committee. The composition of the 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 listed below in this Section 4.8.2 up to the maximum points available as specified in Section 4.9.1 (Point and Score Calculation).

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of a Proposal. A response to a clarification request may only clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original

Proposal.

#### **4.8.5 KEY PERSONS (Scored)**

Proposers shall submit on the provided Attachment D the following information: contact name, work phone number, and work email address of all Key Persons that will be assigned to the project. Proposer shall list Key Persons in descending order, starting with the Key Person with the highest qualifications as the number one (1) Key Person on Attachment D. Proposer shall provide the descriptions described below for the two (2) most qualified Key Persons (numbered one (1) and two (2) on Attachment D) responsible for assuring the services provided under the Contract are performed. Include resumes.

**4.8.5.1 Key Person Qualifications** - provide a description of the two (2) most qualified Key Persons' qualifications to deliver the services required in the RFP and Attachment A. To include, but not limited to:

- i. years and general subjects of education and training,
- ii. credentials, such as degrees, licenses and certifications; and
- iii. any qualifications supportive of Agency's goals and objectives.

**4.8.5.2 Key Person Experience** - provide a Description of the two (2) most qualified Key Persons' work experience to deliver the services required in the RFP and Attachment A. To include, but not limited to:

- i. years of work experience, job titles, and employers,
- ii. how work experience relates to goals and objective of the Agency;
- iii. Cultural Diversity and Inclusion experience; and,
- iv. any experience or expertise supportive of Agencies goals and objectives.

#### **4.8.6 REFERENCES (Scored)**

Proposer must submit three (3) references on the provided Attachment D. References must be for weatherization program development and weatherization program management. The work must be for services provided within the last five (5) years. Information provided must include:

- Client name, telephone number and address;
- Type of services provided (e.g. outreach, awareness or brand reinforcement);
- Description of services provided (including Culturally Responsive Services);
- Dates of services provided;
- Client representative name and telephone number;
- Client representative email address.

Agency will check to determine if references provided are supportive of the Proposer's ability to comply with the requirements of this RFP. Failure to provide complete and accurate information in Proposal may be cause for rejection. Agency will make reasonable 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.

Agency may conduct other reference checks with persons whose names have not been provided by Proposer, but are known to Agency. Agency may use references to obtain additional information, break tie scores, or verify any information needed.

References will be scored based on the criteria in Section 4.9.6.

Three (3) references are required. If the Proposer submits more than three (3) references, only the first three (3) references will be used.

**4.8.7 TIEBREAKERS**

In selecting between two or more equally qualified bidders in a competitive procurement, preference will be given to maximizing program objectives, which includes demonstration of firm’s Cultural Diversity experience, personnel residing in Oregon and businesses that have an office in Oregon. OHCS shall award the Contract in accordance with the procedures outlined in OAR 813-006-0010(8).

**4.9 EVALUATION CRITERIA**

**4.9.1 Point and Score Calculations**

The following table outlines how the evaluators will score each of the evaluated sections of the RFP.

**SECTIONS WITH TEN (10) POSSIBLE POINTS**

10	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
6 - 9	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
5	ADEQUATE – Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
1 - 4	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

**SECTIONS WITH TWENTY (20) POSSIBLE POINTS**

16-20	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
-------	--

11 - 15	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
6-10	ADEQUATE – Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
1 -5	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

**SECTIONS WITH FIFTY (50) POSSIBLE POINTS**

45-50	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
35 - 44	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
25-34	ADEQUATE – Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
15 - 24	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0-14	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

The table below exhibits the total available points for each of the evaluated sections.

**General Qualifications and Experience (80 possible points)**

4.9.3.1	Comparable Projects	10
4.9.3.2	Program Financing (Historical)	10
4.9.3.3	Process Development	20
4.9.3.4	Report Requirements and Tools	20
4.9.3.5	Capacity and Project Readiness	20

**Program Management (500 possible points)**

**4.9.4.1 Management Elements (180 possible points)**

4.9.4.1.1	Implementation	10
4.9.4.1.2	Outreach and Marketing (Diversity, Equity & Inclusion (“DEI”))	50
4.9.4.1.3	Knowledge and Tools	10
4.9.4.1.4	Accessibility and Collaboration (DEI)	50
4.9.4.1.5	Benchmarking and Validation	30
4.9.4.1.6	Calculations and Tables	10
4.9.4.1.7	Service Delivery	20

**4.9.4.2 Program Optimization (70 possible points)**

4.9.4.2.1	OHCS Objectives and Health & Safety	20
4.9.4.2.2	Practicality and Durability	10
4.9.4.2.3	Other Incentives	10
4.9.4.2.4	Historical Savings	10
4.9.4.2.5	Diversity, Equity & Inclusion	20

**4.9.4.3 Incentive Availability (40 possible points)**

4.9.4.3.1	Cost Effectiveness	20
4.9.4.3.2	Packages of Measures	20

**4.9.4.4 Program Delivery and Management (120 possible points)**

4.9.4.4.1	Program Logistics	10
4.9.4.4.2	Business Function	10
4.9.4.4.3	Collaboration	20

4.9.4.4.4	Budget Functions	10
4.9.4.4.5	Customer Service	20
4.9.4.4.6	Communication Plan	20
4.9.4.4.7	Cost Proposal	30
<b>4.9.4.5 Program Transition Plan (60 possible points)</b>		
4.9.4.5.1	Transition Steps	20
4.9.4.5.2	Transition Materials	20
4.9.4.5.3	Data Migration	10
4.9.4.5.4	Action Items	10
<b>4.9.4.6 Additional Provisions (30 possible points and PASS/FAIL)</b>		
4.9.4.6.1	Additional Services	10
4.9.4.6.2	Technology Approach	10
4.9.4.6.3	Safety and Security	10
4.9.4.6.4	Emergency Protocol ( <i>Mandatory but Not Scored</i> )	P/F
4.9.4.6.5	IT Architectural Plan ( <i>Mandatory but Not Scored</i> )	P/F
4.9.4.6.5	Performance Standards and Service Level Agreements ("SLA's") ( <i>Mandatory but Not Scored</i> )	P/F

**KEY PERSONS (100 POINTS POSSIBLE)**

4.9.5.1	Key Persons Qualifications (DEI)	50
4.9.5.2	Key Persons Experience (DEI)	50

**REFERENCES (60 POINTS POSSIBLE)**

4.9.6.1	Program Planning	10
4.9.6.2	Program Management	10
4.9.6.3	Marketing and Outreach	10
4.9.6.4	Procedures, Forms and Document Development	10
4.9.6.5	Incentive Processing	10
4.9.6.6	Construction and Renovation Work	10

**DEMONSTRATED EXPERIENCE (50 POINTS POSSIBLE)**

4.9.7	Demonstrated Experience	50
-------	-------------------------	----

<b>TOTAL PROPOSAL POINTS POSSIBLE:</b>	<b>790</b>
--	------------

## 4.9.2 PROPOSAL CONTENT REQUIREMENTS

Proposals will be evaluated to determine the extent to which they demonstrate the respective Proposer's ability to meet material and technical requirements as defined below:

### 4.9.3 GENERAL QUALIFICATIONS AND EXPERIENCE (80 POSSIBLE POINTS)

Describe two (2) energy efficiency programs the Proposer has developed and implemented within the last five (5) years that are comparable to the requested services in this RFP and Attachment A:

- 4.9.3.1 Comparable Projects - (10 points)** Does the Proposal describe how these projects are comparable to the program being requested? Are the projects comparable to the programs being requested? Are the projects described in the Proposal supportive of the Proposer's ability to develop and manage OR-MEP?
- 4.9.3.2 Program Financing (Historical) - (10 points)** Does the Proposal provide a detailed description of how the projects and programs were financed? Did the Proposal include leveraged funds or alternative revenue streams? Is the Proposal supportive of the Proposer's ability to fund and finance the project and support the program?
- 4.9.3.3 Process Development - (20 points)** Does the Proposal describe the development process and include project milestones and substantial deliverables? Does duration from implementation to program status for the number of units and overall utilities savings support the Proposer's ability to develop an effective process to complete the work and manage the projects and program?
- 4.9.3.4 Report Requirements and Tools - (20 points)** Does the Proposal describe the performance reports required and any return on investment (ROI) tools utilized? Does the report evaluate and compare the initial cost of the measure with the monthly or annual energy savings? Does the report evaluate and compare one energy efficient measure over another? Does the report include the consideration of financial incentives?
- 4.9.3.5 Capacity and Project Readiness - (20 points)** Does the Proposal include concrete evidence of project milestones achieved? Does the Proposal identify remaining milestones? Does the Proposal indicate that the Proposer has the financial capacity and ability to commit to project readiness on Agencies behalf?

### 4.9.4 PROGRAM MANAGEMENT (500 POSSIBLE POINTS)

Proposer's Proposal should identify management work stages, identify any portions that may remain in developmental stages longer than others, and specify an anticipated full implementation date. Management work could include outreach activities, the development of strategic partnerships intended to reduce costs, and any elements (such as Executive Orders or new laws or building codes) that could impact program activity or results.

#### 4.9.4.1 Management Elements (180 points)

Program management may include the development of alternative incentive plans and packages for building owners. Programs geared towards refining the existing program management, incentive levels, procedures and forms are encouraged. The existing multi-family energy efficiency NOFA program uses one dollar (\$1.00) awarded for every 1 kilowatt-hour saved per first year savings for awards. Proposer's Proposal should describe, at a minimum, the following management elements:

- 4.9.4.1.1 **Implementation – (10 points)** Does the Proposal describe the proposed implementation plan? Does the implementation plan include details about the overall execution of the program? Does the Proposal include a proposed budget that has monitoring and verification capabilities? Does the Proposal identify tools for the measurement and reporting of performance to include energy savings? Does the Proposal include a detailed timeline with milestones and deliverables at each stage? Does the Proposal present an effective implementation plan that is well developed? (e.g. addresses branding, marketing, ramp-up needs).
- 4.9.4.1.2 **Outreach and Marketing - (50 points)** Does the Proposal describe an outreach, advertising and marketing campaign? Does the Proposal detail how the campaign will reach multi-family building owners in the targeted utility territories (PGE/PAC)? Does the Proposal identify an effective means of delivering building owners the details of the program? Does the Proposal identify how the campaign will encourage building owners to participate in the program? Will the Proposer's campaign include printed materials, promotional and advertising strategies? Does the Proposal indicate the presence of any strategies for co-marketing with other organizations? Does the Proposer's campaign include a value proposition that will increase the likelihood that building owners will agree to participate? Describe your plan to integrate Culturally Responsive Organizations in connection with outreach activities and the performance of Services.
- 4.9.4.1.3 **Knowledge and Tools - (10 points)** Does the Proposal explain the Proposer's plan to provide energy efficiency education to building owners with minimal or no experience in energy efficiency? Does the Proposal explain how the Proposer will provide property owners the tools and knowledge to benchmark energy efficiency information specific to their property? Does the Proposal describe how the Proposer plans to incentivize building owners to participate in the program? Does the Proposal indicate how the Proposer will ensure that it targets a diverse group of building owners?
- 4.9.4.1.4 **Accessibility and Collaboration – (50 points)**
- Does the Proposal describe an easily-accessed incentive program? Does the Proposal anticipate the use of existing Agency incentive guidelines or another incentive mechanism? Does the Proposal indicate how it will provide for highly cost-effective, proven energy upgrades? Does the Proposal explain how multiple developers, owners, contractors and consultants can effectively participate in the aggregation of services? Does the Proposal describe the Proposer's plan to integrate for Culturally Responsive Organizations in connection with outreach activities and the performance of Services.

- 4.9.4.1.5 **Benchmarking and Validation – (30 points)** Does the Proposal describe the system and process for monitoring the effectiveness of installed measures? Does the Proposal describe the verification process? Is the proposed system applicable to new construction and retrofit energy measures? Does the Proposal describe an effective means of communicating results to both the building owners and their tenants? Does the Proposal illustrate experience in assessing culturally specific strategies, and in particular those related to Communities of Color, for benchmarking.
- 4.9.4.1.6 **Calculations and Tables – (10 points)** Does the Proposal describe the project impact tables that will be utilized to calculate and exhibit projected savings against actual savings? Do the proposed tables account for the total number of buildings / units per project year? Are the new construction tables based on the Oregon Energy Code? Does the retro fit comparison base appear to rely on historical actuals?
- 4.9.4.1.7 **Service Delivery - (20 points)** Does the Proposal describe the program’s cost effectiveness as it relates to service delivery capacity? Does the Proposal include a description of how the program will deliver services to the greatest number of eligible properties to the extent practicable?

#### **4.9.4.2 Program Optimization (70 points)**

- 4.9.4.2.1 **OHCS Objectives and Health & Safety – (20 points)** Does the Proposer describe the process to optimize the program to align with Agency objectives? Does the Proposer describe measures to ensure that health and safety protocols are not circumvented?
- 4.9.4.2.2 **Practicality and Durability - (10 points)** Does the Proposal describe the process to ensure that the program balances innovation, practicality and durability for each installed measure?
- 4.9.4.2.3 **Other Incentives - (10 points)** Does the Proposal describe how the program will incorporate other available incentives? Does the proposed program appear to maintain a balance of equitable services to both urban and rural buildings?
- 4.9.4.2.4 **Historical Savings - (10 points)** Does the Proposal describe how the program will leverage any available historical savings?
- 4.4.4.2.5 **Diversity, Equity, & Inclusion – (20 points)** Does the Proposer describe its work to meet Culturally Responsive Organizations Inclusion strategies of the Agency?

#### **4.9.4.3 Incentive Availability (40 points)**

- 4.9.4.3.1 **Cost Effectiveness - (20 points)** Does the Proposer describe how the program will ensure that proposed measures remain within Agency cost effectiveness guidelines (one kilowatt hour saved per one dollar invested)?
- 4.9.4.3.2 **Packages of Measures – (20 points)** Does the Proposal describe how the program will evidence that a package of measures may be more effective than a

single measure?

#### **4.9.4.4 Program Delivery and Management (120 points)**

- 4.9.4.4.1 **Program Logistics – (10 points)** Does the Proposal describe the types of buildings targeted by the program? Did the Proposer provide either a map or narrative description of the locations of the buildings targeted by the program?
- 4.9.4.4.2 **Business Function – (10 points)** Does the Proposer describe how the system will centralize the business functions, track the status of incentives and generate comprehensive reports?
- 4.9.4.4.3 **Collaboration - (20 points)** Does the Proposal describe a system to ensure information sharing between partners? Does the proposed system seem to be capable of supplying comprehensive reports to energy consumers? Does the Proposal describe whether the reports will convey the relative, health and safety information to the energy consumer? Does the Proposal indicate whether the reports would include overall energy related repair and construction costs? Does the Proposal indicate the frequency of the reports?
- 4.9.4.4.4 **Budget Functions – (10 points)** Does the Proposal describe the measures that will be utilized to ensure the program remains within any applicable budgets? Do the proposed measures seem effective?
- 4.9.4.4.5 **Customer Service - (20 points)** Does the Proposal describe an effective quality control plan for providing customer service and support? Does the Proposal describe a process for verification of steps toward resolution and confirmation of customer satisfaction? Does the Proposal indicate how project savings for the installed measures would be incorporated into the quality control plan?
- 4.9.4.4.6 **Communication Plan - (20 points)** Does the Proposal describe a proposed communication plan? Does the proposed plan appear to be sound and include a means of keeping the stakeholders and customers informed? Does the communication plan include sequential process steps from program implementation through project completion?
- 4.9.4.4.7 **Cost Proposal – (30 points)** – Does the Proposal include a detailed Cost Proposal with the cost for each deliverable and the total cost for the initial three (3) year term. Breakdown of costs should include all labor, overhead and expenses, as well as all applicable hourly rates.

#### **4.9.4.5 Program Transition Plan (60 points)**

- 4.9.4.5.1 **Transition Steps - (20 points)** Does the Proposal describe an effective and efficient means of transitioning the program to Agency or a newly awarded program management firm??
- 4.9.4.5.2 **Transition Materials - (20 points)** Does the Proposal provide an outline of the materials that will be provided to support the program transition? Did the

transition plan describe any operations manuals, instructions, tutorials, processes or procedures that will be included?

4.9.4.5.3 **Data Migration - (10 points)** Does the Proposal describe the Proposer's approach to a migration plan to be able to turn over program administration to Agency or another administrator at the end of Contract term?

4.9.4.5.4 **Action Items - (10 points)** Does the Proposal provide a list of action items detailing the steps necessary to complete the transition between program development firm and program management in a turnkey fashion? Does the Proposal present effective measures for ensuring no lapse in service occurs during the transition?

#### **4.9.4.6 Additional Provisions (30 Points)**

4.9.4.6.1 **Additional Services - (10 points)** 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.

4.9.4.6.2 **Technology Approach - (10 points)** Provide a description of your organizational and technological approach to performing your firm's responsibilities as administrator. Identify the software used by your firm to administer the program.

4.9.4.6.3 **Safety and Security - (10 points)** Provide information regarding your organization's independently verified approach and certifications related to data security. Detail your approach to data security, safeguards for protecting personally identifiable information ("PII") and overall cyber security, including any cyber liability insurance coverage your organization has in place.

4.9.4.6.4 **Emergency Protocol (Mandatory but Not Scored)** Provide your firm's emergency protocol related to disaster recovery and data breach.

4.9.4.6.5 **IT Architectural Plan (Mandatory but Not Scored)** In order to ensure compliance with Oregon statewide security standards, please include in your Proposal an IT architectural plan, including a diagram form, detailing the database and security infrastructure required to support OR-MEP. Describe who would own the data at each point of the diagram. See Section 2.4.8.

4.9.4.6.6 **Performance Standards and Service Level Agreements ("SLA's") (Mandatory but Not Scored).** Proposer shall provide its Service Level standards and an SLA table detailing: (a) response times for day-to-day inquiries and issues and (b) calculations used to determine up-time for any hosted system.

#### **4.9.5 KEY PERSONS (100 POSSIBLE POINTS)**

Proposers shall submit on the provided Attachment D the following information: contact name, work phone number, and work email address of all Key Persons that will be assigned to the project. Proposer shall list Key Persons in descending order, starting with the Key Person with the highest qualifications as the number one (1) Key Person on Attachment D. Proposer shall provide the descriptions described below for the two (2) most qualified Key Persons (numbered one (1) and two (2) on Attachment D) responsible for ensuring the services provided under the Contract are performed. Include resumes.

**4.9.5.1 Key Person Qualifications (50 Points)** – Does the Proposal include a description of the qualifications of the two (2) most qualified Key Persons that will deliver the services required in the RFP? Do the Key Persons’ qualifications exhibit education, training and credentials supportive of the ability to develop and implement an Outreach and Awareness campaign that aligns and supports the Agency’s vision, goals and objectives? Do the Key Persons’ qualifications include Cultural Diversity and Inclusion experience?

**4.9.5.2 Key Person Experience (50 Points)** - Does the Proposal provide a description of the experience of the two (2) most qualified Key Persons that will deliver the services required in the RFP? Does the experience of the Key Persons exhibit education, training and credentials supportive of the ability to develop and implement an Outreach and Awareness campaign that aligns and supports the Agency’s vision, goals and objectives? Does the Proposal describe Proposer’s Cultural Diversity and Inclusion experience as it relates to the goals of this RFP and the mission of the Agency?

#### **4.9.6 REFERENCES (60 POSSIBLE POINTS)**

Proposer’s references will be provided with the following six questions and will be directed to apply a score of 0-10 for each question. The scores from each of the three (3) references will be totaled and divided by three (3) with that sum being the score applied for Section 4.8.6.

**4.9.6.1 Program Planning (10 Points)** - Please rate the program planning and management provided to your entity, firm or company by Proposer.

**4.9.6.2 Program Management (10 Points)** - Please rate the program management performed for your entity, firm or company by Proposer.

**4.9.6.3 Marketing and Outreach (10 Points)** - Please rate the marketing and outreach activities provided to your entity, firm or company by Proposer.

**4.9.6.4 Procedure, Forms and Document Development (10 Points)** - Please rate the development of procedures, forms and legal documents provided to your entity, firm or company by Proposer.

**4.9.6.5 Incentive Processing (10 Points)** - Please rate the incentive processing provided to your entity, firm or company by Proposer.

**4.9.6.6 Construction and Renovation Work (10 Points)** - Please rate the construction and renovation work provided to your entity, firm or company by Proposer.

#### 4.9.7 DEMONSTRATED EXPERIENCE (OPTIONAL RESPONSE/50 POSSIBLE POINTS)

Preference will be given to Proposers that can demonstrate experience working as and/or with the following:

- a. Treasury-certified community development financial institutions with affordable housing development and rehabilitation programs;
- b. National, regional, or local private or non-profit entities currently administering affordable housing development, rehabilitation programs and/or weatherization programs, including technical assistance and training programs;
- c. Special purpose financing entities, such as housing trust funds, whose primary purpose is the preservation, rehabilitation, and/or new construction of affordable rental housing serving low-income households;
- d. Nonprofit or for-profit organizations (and/or consortia thereof) that own or control a portfolio of income Eligible Multifamily Properties; and
- e. Companies on the Department of Energy list of Qualified Energy Service Companies:

**Link:** [Department of Energy's Qualified List of Energy Service Companies May 2022](#)

([https://www.energy.gov/sites/default/files/2022-05/doe-ql\\_0522.pdf](https://www.energy.gov/sites/default/files/2022-05/doe-ql_0522.pdf))

#### 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). The SPC will combine the average score for each Proposal with the reference score.

After any applicable preference has been applied, the SPC will determine the rank of each Proposal, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

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

#### 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
- Presentations/Demonstrations/Additional Submittal Items
- Discussions and submittal of revised Proposals
- Serial or simultaneous negotiations

- Best and Final Offers

#### **4.10.1 Competitive Range Determination**

If Agency, in its sole discretion, determines that one or more additional rounds of competition is necessary, it will select a Competitive Range to indicate the Proposers that will be invited to participate in a subsequent round. The Competitive Range may include all or, at Agency's sole discretion, some (based primarily on a natural break in the distribution of scores) of the Proposers from a previous round. Agency will post a notice in OregonBuys of its Competitive Range Determination and provide details about the process and schedule for the subsequent round.

#### **4.10.2 Competitive Range Protest**

Proposers excluded from a round may submit a written protest of Competitive Range. Protests must:

- Be emailed to the SPC;
- Reference the RFP number;
- Identify Proposer's name and contact information;
- Be sent by an authorized representative
- State the reason for the protest; and
- Be received within seven (7) calendar days after issuance of the Notice of the Competitive Range unless a different due date and time is specified in such notice.

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

#### **4.11 ADDITIONAL ROUNDS**

To be detailed in the Notice of Competitive Range, if applicable.

#### **4.12 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.

## **5 AWARD AND NEGOTIATION**

### **5.1 AWARD NOTIFICATION PROCESS**

#### **5.1.1 Award Consideration**

Agency, if it awards a Contract, will award a Contract to the highest-ranking Responsible Proposer based upon the scoring methodology and process described in Section 4. Agency may award less than the full Scope of Work described in this RFP.

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

Agency will notify all Proposers in writing that Agency intends to award a Contract to the selected Proposer, 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 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 Proposals 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 Contract negotiations and award.

Protests must:

- Be delivered to the SPC via email
- Reference the RFP number
- Identify Proposer's name and contact information
- Be signed by an authorized representative
- Specify the grounds for the protest
- Be received within seven (7) calendar days of the Intent to Award notice

### **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 Proposer. Protests that do not include the required information will not be considered by Agency.

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

The Proposer that is selected for a Contract 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 (Sample Contract) to this RFP.

### **5.3.2 Taxpayer Identification Number**

Proposer shall 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 Proposer has changed since the last submitted W-9 form, if any.

### **5.3.3 Business Registry**

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

### **5.3.4 Nondiscrimination in Employment**

As a condition of receiving the award of a Contract under this RFP, Proposer must certify by its signature on Attachment C - Proposer Information and Certification Sheet, in accordance with ORS 279A.112, that it has in place a policy and practice of preventing sexual harassment, sexual assault, and discrimination against employees who are members of a protected class. The policy and practice must include giving employees a written notice that the policy both prohibits, and prescribes disciplinary measures for, conduct that constitutes sexual harassment, sexual assault, or unlawful discrimination.

### **5.3.5 Final Work Plan**

Contractor’s final work plan will be negotiated after selection and included in the executed Contract.

### **5.3.6 Joint Venture Agreement**

Prior to any award to a joint venture or partnership, the joint venture or partnership must provide a copy of the joint venture agreement or partnership agreement evidencing authority to submit a Proposal in response to this RFP and to enter into the resulting Contract that may be awarded, together with resolutions (if applicable) evidencing authority to participate in a joint venture or as a partner. A contact person must also be established for purposes of receiving all notices and communications under the Contract. All parties to joint ventures and partnerships will be required to sign the awarded Contract (Attachment A), which may be modified by the State to encompass the relationship of the parties.

## **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 the 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 as constituting increased risk and increased cost to the State. Therefore, Agency will consider the scope of requested exceptions in the evaluation of Proposals.

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 14 calendar days of the Intent to Award notice, Agency may terminate negotiations and commence negotiations with the next highest-ranking Proposer.

## **5.5 CERTIFIED FIRM PARTICIPATION**

Pursuant to Oregon Revised Statutes 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 F) prior to execution.

## **5.6 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 5.6 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.

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

All Proposals are public records and are subject to public inspection after Agency issues the Notice of Intent to Award. Application of the Oregon Public Records Law will determine whether any information is exempt from disclosure.

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 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, except in the case of Proposals that were submitted late and rejected by Agency.

## **5.8 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 or any Contract award, or rejection of any Proposal.

## **5.9 COST OF SUBMITTING A PROPOSAL**

Proposer shall pay all costs incurred in connection with 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, and costs associated with protests.

## **5.10 STATEWIDE E-WASTE/RECOVERY PROCEDURE**

If applicable, Proposer shall include information in its Proposal that demonstrates compliance with the Statewide E-Waste/Recovery Procedure #107-011-050\_PR. Visit the DAS website [www.oregon.gov/das](http://www.oregon.gov/das) and use the search bar feature to locate the procedure.

## **5.11 CHECKLIST DISCLAIMER**

Any checklists that may be contained in this RFP are provided only as a courtesy to prospective Proposer. Agency makes no representation as to the completeness or accuracy of any checklist. Prospective Proposer is solely responsible for reviewing and understanding the RFP and complying with all the requirements of this RFP, 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 or comply with all requirements of this RFP.