

STATE OF OREGON



COVER PAGE

Department of Administrative Services, Procurement Services
on behalf of

Oregon Public Utility Commission

DOCKETS & DISCOVERY SYSTEM

Request for Proposal

DASPS-2215-18

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LIST OF ATTACHMENTS

- **ATTACHMENT A:** *SAMPLE CONTRACT*
- **ATTACHMENT B:** *REQUIREMENTS MATRIX*
- **ATTACHMENT C:** *PROPOSER INFORMATION AND CERTIFICATION SHEET*
- **ATTACHMENT D:** *DISCLOSURE EXEMPTION AFFIDAVIT*
- **ATTACHMENT E:** *PRICE PROPOSAL*
- **ATTACHMENT F:** *REFERENCE CHECK FORM*
- **ATTACHMENT G:** *CERTIFIED DISADVANTAGED BUSINESS OUTREACH PLAN*
- **ATTACHMENT H:** *RESPONSIBILITY INQUIRY*

SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon (“State”), acting by and through the Department of Administrative Services, Procurement Services (“DASPS”), on behalf of the Oregon Public Utility Commission (“OPUC” or “Agency”), is issuing this Request for Proposal (“RFP”) to replace the Agency’s legacy docketing and eDiscovery applications with a new Dockets and Discovery Solution (the “Solution”) providing integrated, secure and enterprise-class content, customer and case management capabilities for Agency and its customers.

All Persons or firms submitting Proposals are referred to as “Proposers” in the RFP. After execution of the Contract, the successful Proposer will be designated as Contractor. This procurement is intended to result in the Award of one (1) Contract from this RFP.

Agency is soliciting proposals to replace a twenty (20) year old custom-built docketing program (“Biz Apps”) and a third-party discovery system with a supported and secure solution that integrates with various other programs, handles a wider range of documents, is easier to upgrade and increases overall efficiency for the Agency and its customers. Services will include, but may not be limited to: project management, requirements validation and analysis, data conversion and migration, testing, training, implementation and ongoing software maintenance and support. Agency expects the successful Proposer to also provide risk mitigation and change management.

Per section 3.1.1, in order to qualify for this Proposer must have completed at least three (3) successful implementations of projects with similar size, scope, and/or complexity as the Solution sought in this RFP, with one (1) of those being completed within the past three (3) years. Proposers who do not meet this minimum qualification will not be considered a Responsive Proposer.

The proposed Solution may be either:

- **Category 1: Software as a Service (“SaaS”) or Vendor Hosted:** A configurable cloud SaaS or vendor hosted Solution. SaaS refers to a subscription-based licensing and software delivery model in which the vendor bears all responsibility for supporting the Solution, including hardware and software. This is the preferred delivery model for related State systems to support strategic goals associated with sustainability. Solution proposals involving software hosted centrally by the Proposer that are not subscription based may also be considered.
- **Category 2: Commercial off-the Shelf (“COTS”) Software hosted by Agency:** Non-cloud, commercially available and configurable software hosted at the Agency’s premises. OPUC is currently migrating it’s on premise data center infrastructure to the Microsoft Azure Government Cloud. Proposed COTS software must meet related technical requirements to successfully operate in this environment.

Agency is seeking Solution proposals that include software that has been successfully implemented for similar customers, is highly configurable and meets all mandatory requirements. For either software delivery model (Category 1 or 2), Agency will consider Solutions with a customization level representing 20% or less of the overall functionality (see section 3.3.5 for further details of the customization requirement).

Proposer shall identify and provide details on the proposed Solution delivery model in addition to Proposer's initial assessment of the alignment between the Agency's Solution Requirements (defined in section 2.4.1 below) and the available software capabilities. If software customization is required, Proposer shall indicate an estimated overall percentage of solution functionality that will require customization (changes to code) vs. configuration using the built-in capabilities of the software in the Technical Proposal's *Requirements Matrix* (Attachment B) response.

Additional details on the anticipated the Solution are described in the Scope of Work (section 2.4) below.

The initial term of the Contract is anticipated to be three (3) years with an option to renew up to a cumulative total of ten (10) years maximum.

1.2 SCHEDULE

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

Event	Date	Time
RFP Release to ORPIN	March 10, 2020	
Pre-Proposal Conference	March 24, 2020	10:00 AM
Questions / Requests for Clarification Due	March 26, 2020	5:00 PM
Answers to Questions / Requests for Clarification Issued (approx.)	April 6, 2020	
RFP Protest Period Ends	7 calendar days prior to RFP Closing	
Closing (Proposal Due)	See RFP cover page	
Demonstrations	To Be Determined	
Issuance of Notice of Intent to Award (approx.)	July 3, 2020	
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

DASPS is issuing this RFP pursuant to its authority under OAR 125-246-0170(2).

DASPS is using the Competitive Sealed Proposal method, pursuant to ORS 279B.060 and OAR 125-247-0260. DASPS may use a combination of the methods for Competitive Sealed Proposals, including optional procedures: a) Competitive Range; b) Discussions and Revised Proposals; c) Revised Rounds of Negotiations; d) Negotiations; e) Best and Final Offers; and f) Multistep Sealed Proposals.

2.2 DEFINITION OF TERMS

For the purposes of this RFP, capitalized words are defined in OAR 125-246-0110, the *Sample Contract* (Attachment A) or the context below.

TERMS	DESCRIPTION
BizApps Dockets	A custom-developed application that OPUC uses for docketing (recording) and maintaining case-related filings, publications, and information.
BizApps eDockets	The custom-developed application that OPUC uses for publishing docket information to the Internet. eDockets excludes certain information, including but not limited to order routing information, interested person contact information, and physical file location information.
BizApps eFiling	Used as a noun, a custom-developed application that OPUC uses to process electronic filings received for dockets. Used as a verb, the process of making a filing using e-mail as the vehicle for attached documents.
BizApps Lists & Labels	A custom-developed application that OPUC uses for recording and maintaining contact information for all participants in OPUC proceedings and business practices.

Company	An entity that provides information for legal correspondence with entities that fall under OPUC's jurisdiction. The information stored for a company includes contact information, aliases, former names, affiliates, and doing business as ("DBA") names.
Contested Case	A generally trial-like proceeding before OPUC in which testimony and exhibits form an evidentiary record and the individual legal rights, duties, or privileges of a specific party are affected by the actions taken by the Commission. The process for contested cases is set forth in Oregon Revised Statutes ("ORS") 756.500 through 756.558, the Administrative Procedures Act, and the Commission's Procedural Rules.
Data Request	In a contested case, a party's request for discovery information on which the party will formulate testimony.
Discovery	The process of asking for and responding to requests for data or information. Data is requested in a contested case proceeding following the guidance of Oregon Rules of Civil Procedure ("ORCP") 36 and the Commission's Procedural Rules. Information is requested in a non-contested proceeding.
Docket	<p>Used as a noun, a docket is a case concerning a specific topic or set of topics and the application to record information and events for cases. In the docket system, each docket contains information about the docket (the caption, the staff and ALJ assigned, event and due date information, and a listing of filings and publications related to the case, with links to filings and publications that do not contain protected information).</p> <p>Used as a verb, the process of reviewing, accepting, posting, and serving a filing to the case docket and the process of posting and serving a Commission or ALJ ruling, memorandum, correspondence, or order to the case.</p>
Filing	A document or set of documents to request an action by OPUC or to provide information to the Commission. Filings include applications, petitions, complaints, motions, responses, replies, comments, testimony, exhibits, and legal briefs.
Filing Center	A third-party solution that OPUC uses to facilitate electronic discovery.
Huddle	OPUC's current third-party solution for facilitating electronic discovery.

Information Request	Staff or a party's request for information from another party in a case that is not using the contested case process.
Intervenor	A gathering of persons, conducted either in person or through an exchange of correspondence via electronic mail.
Motion	A Commission-issued document setting the date for an event such as a workshop, hearing, or conference.
Oregon Administrative Rule	The Commission's rules are found in Chapter 860, Divisions 001-200. Rules implement statutes and provide instruction to participants and regulated entities.
Oregon Asset Classification Level 1 "Published" (Tier 1)	Low-sensitivity information not protected from disclosure; it will not jeopardize privacy or security of agency staff, clients, or partners. Regularly made available to the public.
Oregon Asset Classification Level 2 "Limited" (Tier 2)	Sensitive information that may not be protected from public disclosure but, if easily and readily available, may jeopardize the privacy or security of agency staff, clients, or partners. Agency policies and procedures must state how to provide this to external parties.
Oregon Asset Classification Level 3 "Restricted" (Tier 3)	Sensitive information intended for limited business use that may be exempt from public disclosure because it jeopardizes the privacy or security of agency staff, clients, partners, or individuals who otherwise qualify for an exemption. Internal parties may have access and use Level 3 information only when they are specifically authorized to do so in the performance of their duties. External parties using this information for authorized agency business must be under contractual obligation of confidentiality. Security threats at this level include unauthorized disclosure, alteration or destruction of data, and violation of privacy practices, statutes, or regulations. Security efforts are focused on confidentiality, integrity, and availability.
Oregon Asset Classification Level 4 "Critical" (Tier 4)	Extremely sensitive information intended for use by named individual(s) only. Typically exempt from public disclosure because it may cause major damage or injury up to and including death to the named individual(s), agency staff, clients, partners, or agency.
Oregon Revised Statutes	Where the laws are codified.
Participant	A generic term used to describe persons granted party status in contested cases, persons granted limited party status in non-

	contested case proceedings, and persons who participate in a rulemaking or public meeting process.
Protected Information	Information designated by its owner as protected so that access to that information is limited. It may be exempt from public disclosure.
Service List	An official list of docket participants, including the Administrative Legal Judge, Assistant Attorney General (if applicable) and staff. Responsibility for maintaining the service list is shared by OPUC, DOJ, and external individuals.

2.3 OVERVIEW AND PURPOSE

2.3.1 Agency Overview and Background

2.3.1.1 Agency Overview

OPUC is a three-member commission appointed by the governor. Agency regulates Oregon's investor-owned electric, natural gas, and telephone utilities; and select water companies. Agency does not regulate people's utility districts, cooperatives or municipally owned utilities, except in matters of safety. Agency's mission is to ensure Oregon utility customers have access to safe, reliable, and high-quality utility services at just and reasonable rates. This is done through robust and thorough analysis and independent decision-making conducted in an open and fair process.

The Agency is comprised of the following divisions:

1. **Utility Program** whose research, analysis and technical support ensures regulated companies provide safe, reliable, and high-quality service at reasonable rates. Their efforts also promote effective competition within those industries.
2. **Residential Service Protection Fund** includes three (3) telephone assistance programs that provide services to qualifying low-income or disabled Oregonians and allow those with hearing and speech disabilities to place and receive calls to and from those without disabilities.
3. **Policy and Administration** is comprised of several divisions within the Agency and includes three (3) commissioners, who head the Agency. The remainder of the program serves the Agency by providing human resources, accounting and budget assistance, information systems support, consumer services, and general administrative support, including support to the Board of Maritime Pilots. The Consumer Services Section assists the public by answering questions and resolving concerns, conflicts and disputes with utility providers.
4. **Administrative Hearings Division** conducts rulemaking and contested case hearings on issues concerning utility services and hosts the OPUC's Filing Center.

2.3.1.1.1 Current Business Processes

The Agency currently receives and processes documents necessary for the conduct of its business in several ways. Utility companies and other intervenors must access several systems to conduct their business before the OPUC. To make filings to open new matters for OPUC consideration, these stakeholders send their filings as attachments to an email (or several emails because of file size limitations) to the OPUC Filing Center. If the filing contains protected information, these stakeholders must exclude that information from the filing emailed to the OPUC Filing Center, and send it in physical form (paper, CD, thumb drive) to be received within 2 days of the email.

Once the email is received by the OPUC Filing Center; its attachments are upload into BizApps eFiling; the Filing Center staff review the filing for basic adherence to the rules and process the filing by assigning/selecting a docket number, assigning/selecting a filing group and type, entering a brief description of the filing and by whom filed and then accepting the filing. This acceptance causes the attachments to be converted to a consolidated PDF document, which is then posted to the designated docket in both Dockets (in-house) and eDockets (public facing) and an automated email is generated with a link to the public version of posted document. The email is addressed (through the automated process) to the service list, the staff list, and the assigned Administrative Law Judge designated in the docket system. The OPUC Filing Center employee reviews the email and may edit to attach documents in their native form (such as an Excel spreadsheet), and then sends to the service list of stakeholders to effect service of the document. The agency Filing Center employee then prints a copy of the filing, a copy of the sent email (to use as a certificate of service), and a copy of the service list to place in the official file for the matter.

If the filing initiates a new matter, when the Filing Center accepts the filing, the system generates a new docket (matter) number for the filing. The OPUC Filing Center employee then adds to the auto-generated email the names from the generic industry list of stakeholders maintained in the Lists & Labels portion of BizApps.

To view filings that were made in a matter, stakeholders and the general public access eDockets from the OPUC's website. The stakeholders enter the docket number and then scroll through the descriptions of the filings, select the PDF icon and view the filing.

If work papers are necessary for Staff and other stakeholder review of calculations, but are not part of the official filing, the stakeholders either email to yet another email address the public version of the work papers, again sending a physical copy of the protected information. In some instances, stakeholders will upload work papers to the third-party service for eDiscovery, but this requires OPUC Staff to set up multiple (up to hundreds) of folders to allow appropriate access to protected materials.

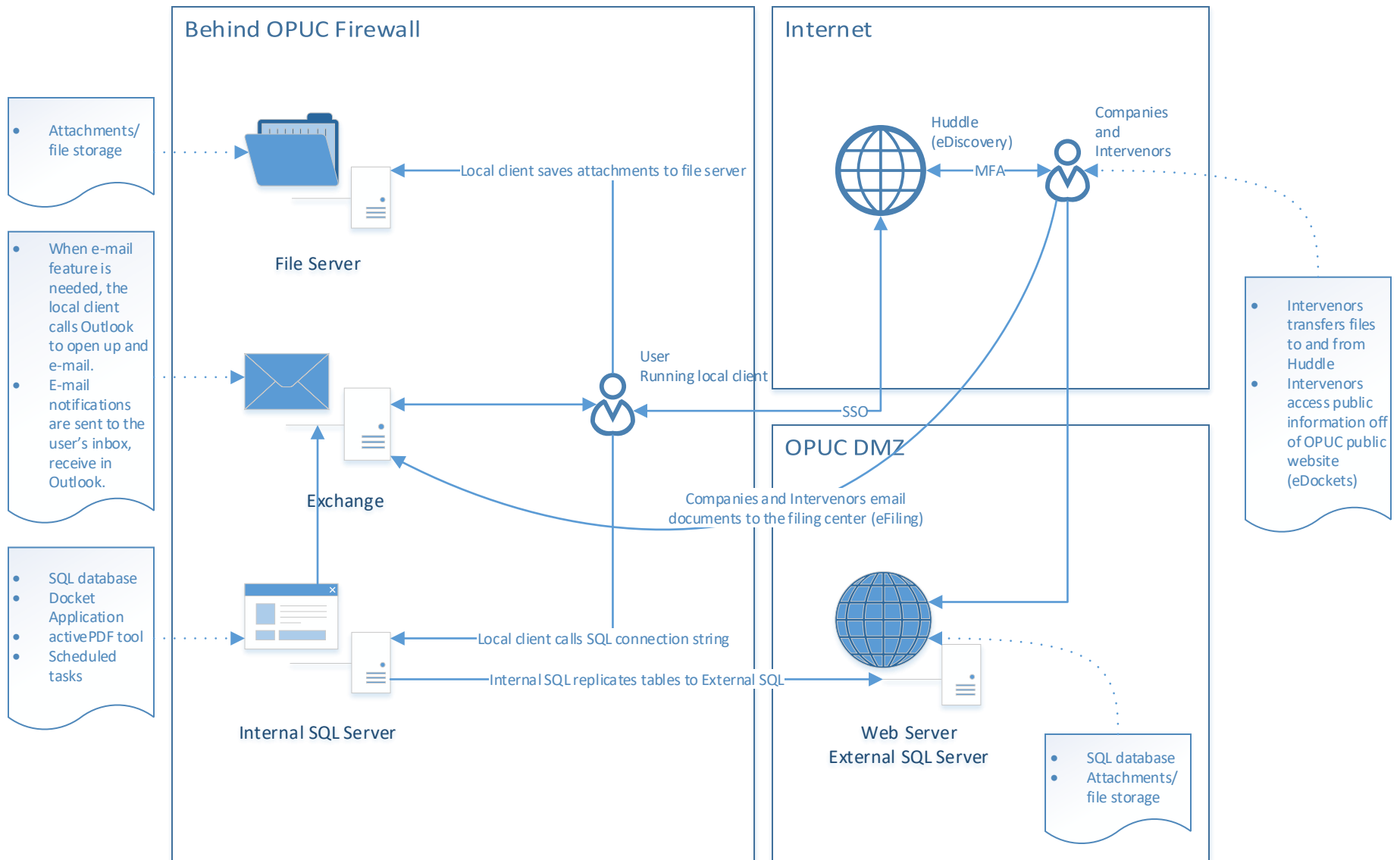
If the matter requires discovery (data or information requests and responses among stakeholders designated as parties to the matter), the stakeholders may be required to request permission to access the third-party service for eDiscovery by making a filing using the method noted above. Once that filing is processed, the OPUC Safety or Utility Support employee, sets up the stakeholders according to the permissions granted in other filings made through the Filing Center and allows access to read, write, or read and write information to folders for public, or public and protected folders within the third-party service. Stakeholders then access the third party service to read and upload documents according to the assigned permissions. When uploading, the stakeholders, also send an email to other stakeholders set up in the third-party service to let them know that new information is uploaded. The OPUC Safety Support person also manages retention of the information uploaded to the third-party service, which entail downloading the information a folder on the OPUC server, renaming files to be readily identifiable, and manually removing files from the server when the retention time is up.

Additionally, discovery for some stakeholders, mostly water companies and telecommunications companies, their stakeholders, and OPUC Staff assigned to those matters is accomplished using email to yet another OPUC email address. The Safety Support employee manages this function by keeping the list of to whom the requests or responses are sent, and saving attachments to the emails (the requests and responses) to a folder on the OPUC server.

When a party to a matter files a request or motion, a schedule needs to be set, or a procedural issue needs addressing, an Administrative Law Judge in the OPUC Administrative Hearings Division will issue a notice, ruling, or memorandum. The Filing Center employee creates a docket entry in dockets describing the document being issued, attaches the document to the docket entry, and saves the entry. Upon saving, the system converts the document to a PDF and posts it to the docket for viewing in both Dockets and eDockets. A service email is also auto-generated at the point addressed to those on the service list and the staff list with a link to the document. The Filing Center employee reviews the email, edits as necessary, and sends the email. The document, the sent email, and the service list are printed and added to the official file. This same process is followed when the OPUC issues orders.

Agency's Information Systems Section currently maintains the Biz Apps Dockets, Dockets, and Lists & Labels applications. Biz Apps is used to support electronic contact management, filing, docketing, and access for all cases involving regulated public utilities. BizApps integrates with agency's current records electronic retention system ("HPeRM"). A third-party system, Huddle, is used to support the discovery process and to accommodate parties' desire for timely access to protected information. The BizApps dockets system has been in use since 1994, continually evolving through custom development to support additional case types and comply with state laws and regulations. BizApps Lists & Labels system is used to maintain stakeholder contact information and to store company specific data regarding regulatory status. eDockets is the public interface to the public information stored in BizApps Dockets, and used to access public information in the docketed cases. Huddle provides a secure system for discovery purposes with two-factor authentication processes so that once permissions for access are established per user per docket by a PUC administrator, protected information in data or information requests and responses may be uploaded and accessed appropriately.

The current system architecture is located on the next page.



2.3.2 Project Background

In 2014, then Chair of the OPUC requested that the agency look into a replacement for the current eDockets and docketing system to allow for greater stakeholder access and public transparency. After looking at several solutions and obtaining some price quotes, the project was tabled because of budgetary concerns. In 2016, the agency again began looking at what is needed to allow greater stakeholder access and ease of use and public transparency. The agency hired a consultant to complete a functional decomposition of the OPUC's current systems and functional requirements for a potential replacement system. Using this information, the agency submitted a policy option package to the legislature to purchase a solution for a new docketing and eDiscovery, which was approved.

2.3.3 Purpose

The purpose of this RFP is to solicit responses for a vendor to provide a Solution to modernize Agency's docket management and discovery processes to provide an improved customer experience for all stakeholders through implementation of sustainable technology solutions. Agency's goal is to replace the BizApps, eDockets, eFiling, and Huddle with a Dockets and Discovery Solution providing integrated, secure and enterprise-class content, customer and case management capabilities.

The Agency envisions the Solution will address several challenges in the current environment, including but not limited to:

- Multiple applications required for stakeholders to participate in official proceedings before the Commission – these applications include a custom-built legacy “BizApps” docketing system and contact and company information management system, a related public facing eDockets system allowing the public to view filings, service lists, and schedules of proceedings, and a third-party service for eDiscovery.
- A Filing Center that is email based, which limits file size and file type for processing into the legacy docketing system
- Inability of stakeholders to manage their own contact information – must be submitted in filings and then managed by OPUC Filing Center personnel
- Inability of BizApps docketing to handle confidential or protected information, which must be submitted physically by mail or delivery service and uploaded to eDiscovery third-party solution for stakeholder more immediate access (providing same information in multiple formats in multiple systems). The Agency information used in the system may contain data classified as Level 3 Information and Proposer's proposed solution must be able to provide the appropriate level of protection for Level 3 Information.
- Inability of Filing Center to handle voluminous documents which must be otherwise filed using physical versions slowing down Commissioner access to documents
- Legacy systems are no longer supported by Microsoft causing limitations to integration of new versions of software

- Lack of integrated records management system for the third-party solution for eDiscovery causing OPUC employees to import information into another system.
- Third-party solution for e-discovery is difficult to customize and configure to agency's needs.

Agency is requesting full support from the Proposer in the implementation of the chosen Solution. The Proposer shall provide all software licensing, configuration, documentation, training, technical support, project management and organizational change leadership skills necessary to implement the Solution as outlined in this RFP.

The Dockets and Discovery System Project Team includes the Agency Project Manager, Project Sponsor, various team members and external stakeholders. The successful Proposer will work closely with project team members to ensure the success of the Project. Project requirements are further detailed in the Scope of Work (section 2.4).

2.4 SCOPE OF WORK

The Scope of this RFP includes all tasks necessary to implement a solution to meet the current and future needs of the Agency as described in the Introduction (section 1.1) and all subsections of the Overview and Purpose (section 2.3). The scope includes but is not limited to fulfillment of the functionality requirements outlined in the *Requirements Matrix* (Attachment B), and *Sample Contract* (Attachment A) and all Products, Services and additional Work necessary to implement, maintain and update the Solution to meet the future needs of the Agency.

Proposers should review and comprehend all relevant sections of this RFP, the *Sample Contract* (Attachment A), and all other RFP Attachments in drafting Proposals. As part of their Proposal, Proposers will submit a response to this section 2.4 (Scope of Work) in the Proposer's Project Implementation Plan and Technical Proposal, as set forth in section 3 of this RFP.

The Scope of Work for this procurement includes the following:

2.4.1 Solution Requirements

At a minimum, the Solution must meet the following requirements:

A. Agency Information Systems ("IS") The Requirements for IS include:

1. Enables trusted business users across the Agency to implement workflow changes without Agency's Information Systems Section intervention;
2. Provides both dockets and discovery functionality, rather than requiring the integration and maintenance of separate systems;
3. The Agency information used in the system may contain data classified as Level 3 Information. Proposer's solution must enforce role-based access control for documents and functions based on managed identities and multi-factor authentication for this Level 3 information;
4. Integrates with Agency's records retention system (HP Electronic Records Management) along with the possibility of integrating to Microsoft Office 365;
5. Is delivered with solution-specific documentation that remains current through updates; and

6. Is delivered with known, stable and secure third-party tools, if any are necessary.
- B. Agency Administrative Hearings Division (“AHD”)** currently conducts docket management with extensive manual intervention in the BizApps applications. AHD’s Requirements include:
1. Enables docket participants and other Agency contacts to maintain their contact information rather than requiring AHD to maintain contact information and party groupings;
 2. Enables docket participants to upload documents rather than requiring AHD to download, organize and upload the documents to dockets;
 3. Provides configurable docket management functionality with automated workflows;
 4. Simplifies the process of scheduling and maintaining calendars for docket events rather than requiring AHD to send multiple invitations outside of Biz Apps; and
 5. Provides notification of docket changes.
- C. Agency Utility Division** participates in a highly manual discovery processing using the Huddle application. The Agency Utility Division requirements include:
1. Centralizes access to docket and discovery files;
 2. Improves the timeliness of docket and discovery file availability by accommodating native file format and large file sizes;
 3. Allows for automation of the approval process for Agency-generated data and information requests and responses;
 4. Provides notification of docket changes; and
 5. Improves identification of outstanding docket and discovery responsibilities and tasks.
- D. Oregon Department of Justice (“DOJ”)** provides Assistant Attorneys General (“AAG”) assignments to Agency to support docket management. DOJ requirements include:
1. Allows assignment of AAGs without requiring intervention from Agency AHD;
 2. Centralizes access to docket and discovery files;
 3. Improves the timeliness of docket and discovery file availability by accommodating native file format and large file sizes;
 4. Allows for automation of the approval process for Agency-generated data and information requests and responses; and
 5. Provides notification of docket changes.
- E. Docket participants** currently use two (2) Agency applications to participate in dockets and discovery processes: Biz Apps’ eDockets and Huddle. The participants do not directly interact with dockets, with the exception of uploading and downloading discovery files. Docket Participants’ requirements include:
1. Enables them to manage their contact information, notification preferences and party groupings;
 2. Minimizes the number of places they must go to get docket information, i.e., provides a single source of truth for docket status and information.

3. Centralizes access to docket and discovery files;
4. Improves the timeliness of docket and discovery file availability by accommodating native file format and large file sizes; and
5. Provides notification of docket changes.

F. Members of the public currently use eDockets to monitor Agency proceedings, access case filings and submit public comments. The members of the public's requirements include:

1. Enables them to manage their contact information and notification preferences;
2. Minimizes the number of places they must go to get docket information;
3. Improves the timeliness of docket file availability by accommodating native file format and large file sizes;
4. Provides notification of docket changes; and
5. Enables the submission of public comments regarding a docket

For **Category 1 Solutions**, the Proposer's primary and backup data centers must be Tier 3, meet all statewide security requirements at:

<https://www.oregon.gov/das/OSCIO/Documents/2019StatewideInformationAndCyberSecurityStandardsV1.0.pdf> and be located within the Continental United States in addition to meeting other requirements of the Statewide Cloud Computing policy at: <https://www.oregon.gov/das/policies/107-004-150.pdf>.

For **Category 2 Solutions**, OPUC is currently migrating its data center infrastructure to the Microsoft Azure Government Cloud. The Proposer's COTS Solution is required to meet all statewide security requirements at:

<https://www.oregon.gov/das/OSCIO/Documents/2019StatewideInformationAndCyberSecurityStandardsV1.0.pdf>.

2.4.2 Project Implementation Plan and Requirements

2.4.2.1 Project Implementation Plan

The Contractor shall deliver a Project Implementation Plan that includes the plan to carry out the major activities of the project in context with this Scope of Work (section 2.4). At a minimum, the Project Implementation Plan should include:

- a. The phasing for roll-out of Solution including the implementation of a pilot program
- b. Explanation of advantages and risks associated with this plan
- c. Description of implementation tasks and activities
- d. Description of key deliverables
- e. Contractor and Agency staffing and roles for the Project
- f. Description of the approach to data conversion and migration services
- g. Description of the approach to system interfaces

- h. Description of training approach including supporting documentation
- i. Description of the Quality Assurance Plan

2.4.2.2 Functional design and configuration

Once the Contractor has completed analyzing the requirements, the Contractor will develop a functional design specifications document. This document will identify exactly how the Solution meets the requirements, and the Work required to implement each requirement. The Contractor will develop and manage all configuration and integration activities against the functional design specifications document.

2.4.2.3 Data conversion and migration

Prior to performing the data conversion and migration services, Contractor will identify the scope of data conversion services required. As a part of the Project Implementation Plan, Contractor will describe the approach of how the conversion of the historical data to the new Solution will be provided, identify risks regarding data migration and how those risks will be avoided or mitigated. In the Project Implementation Plan, the Contractor will also include identification of the roles and responsibilities between the Contractor's team and OPUC related to data conversion activities.

2.4.2.4 System Interfaces

The Contractor will interface the new Solution with multiple OPUC databases and systems. In the Project Implementation Plan, the Contractor will describe their approach towards interfacing and integration with other solutions (e.g. XML, Web Services) including use of specific tools, methods and standards. The Contractor can refer to the *Requirements Matrix* (Attachment B) for specific system interface requirements.

2.4.2.5 System Testing

The Contractor shall assist Agency in conducting testing ("User Acceptance Testing" or "UAT") as part of their quality assurance plan for the Solution, including but not limited to: security, functional, unit, regression, smoke, load/performance and/or stability tests. Each applicable test shall be identified by the Agency, and the use of industry-standard automated testing software is strongly encouraged. Prior to UAT, the software will be flexible to handle changes and requirements of any complexity and allow for ensuring that all requirements are met and that regression testing will fully test all previous functionality.

2.4.2.6 Disaster Recovery Plan ("DRP")

For all proposed Solutions, the Contractor shall support Agency's development of a DRP prior to go-live.

For Category 1 Solutions, the Contractor must describe in the DRP the backup environment and describe its service level commitment for both technical and business purposes and how downtime and disaster recovery is managed. Contractor's description must meet agency Recovery Time Objective ("RTO"), see *Requirements Matrix* (Attachment B) requirement NF2.

2.4.2.7 System Security Plan ("SSP")

Contractor shall support Agency's development of the SSP for the Solution prior to go-live and following go-live. The template for the SSP can be found at:

<https://www.oregon.gov/das/OSCIO/Documents/SystemSecurityPlan.docx>

2.4.2.8 Go-Live and Initial Operation Support

Upon successful completion of all testing, the Solution must be deployed into production.

For the purpose of this procurement, Proposers will propose based on the following schedule for initial operation. The parties may negotiate the deployment process.

Contractor will complete a 90-day pilot project for one rate case prior to go-live. Once the pilot has been completed and approved by Agency, Contractor, along with Agency support, will implement the Agency accepted go-live implementation plan. During this phase, the Contractor must provide initial go-live support and prepare for successful ongoing Solution use. Upon final deployment acceptance, the Solution will enter a 30-day system stabilization period with a 30-day Warranty period to follow.

2.4.2.9 Documentation and Guides

The Contractor shall provide Agency the functional specification documents (as referenced in section 2.4.2.2) and develop a formal user guide including but not limited to screen shots of user interface, step by step guide to login and upload procedures, and reports guide. The Contractor shall also provide additional reference guides such as system design diagram and the technical requirements reference guides.

2.4.2.10 Training Requirements

OPUC prefers training services that include live "Train-the-Trainer" with live "Question and Answer" sessions. OPUC would like to explore the advantages, disadvantages and related price between the "Train the Trainer" approach and an "End-User Training" approach. In the Project Implementation Plan, the Contractor will include training approaches and the advantages and disadvantages to each style. Contractor will provide sample training reference materials with the training approach.

The OPUC's expectations for each training alternative are described below:

1. **Train-the-Trainer Approach:** The Contractor will incorporate a “Train-the-Trainer” approach where key OPUC team leads and subject matter experts (“SME”) will be trained through implementation on their modules and then they will train the remainder of the OPUC staff in their respective areas. As part of the training, the Contractor will provide OPUC team leads and SME with live question and answer sessions.
2. **End-User Approach:** All end-user and technical training will be performed on-site through implementation and be performed by the Contractor.
End-user implementation training will be provided by the Contractor and include joint participation by the relevant OPUC process owner team lead supporting the process area in the new Solution.

2.4.2.11 Knowledge Transfer

For Category 2 Solutions, Contractor shall provide transfer of knowledge to support system configuration and interfaces for the Solution such that OPUC staff are capable of supporting and maintaining the Solution in the most proficient manner once the implementation is complete.

2.4.3 Support Requirements

2.4.3.1 Ongoing Technical Support

The Contractor will provide support to troubleshoot a Solution problem Monday through Friday between 8am-5pm PT. The Contractor will provide a team of highly trained technicians and experts who can troubleshoot the problem, answer a question or assist in completing a task. The point of contact from OPUC will be OPUC IT staff. Contractor shall provide support during the Warranty Period and during all subsequent periods of support set forth in the Contract and the Service Level Agreement.

2.4.3.2 System Security Assessments/Audits: The Contractor will complete System Security Assessments/Audits as required by Agency. Once completed the Agency will require a report with the results of security and vulnerability assessments and audits.

2.4.3.3 Service Level Agreement(s)

Contractor will provide the Solution in accordance with the Service Level Agreement set forth in the Contract. The Service Level Agreement will addresses ongoing needs of the Agency over the course of the Contract period. The Service Level Agreement will describe the key elements such as a description of services, service standards and metrics, service tracking and reporting, periodic review and change process, and responding to software incidents and problems.

The Service Level Agreement may provide a schedule of service level credits and the conditions under which OPUC will be entitled to such credits for Contractor’s failure to meet its service level commitments.

SECTION 3: PROCUREMENT REQUIREMENTS

3.1 MINIMUM QUALIFICATIONS

To be considered for evaluation, Proposal must demonstrate how Proposer meets all requirements of this section:

3.1.1 Organization's Experience

Established through the Proposer's Administrative Proposal (reference RFP section 3.3.3). The Proposer must have completed at least three (3) successful implementations of projects with similar size, scope, and/or complexity as the Solution sought in this RFP, with one (1) of those being completed within the past three (3) years.

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 ROUND 1: Proposal Submissions

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

1. *Proposer Information and Certification Sheet* (Attachment C)
2. Executive Summary
3. Administrative Proposal
4. Project Implementation Plan Proposal
5. Technical Proposal
6. Security Proposal
7. Support Proposal
8. Equipment Requirements
9. Value Added Services
10. *Price Proposal* (Attachment E)
11. *Reference Check Form* (Attachment F)
12. *Disclosure Exemption Affidavit* (Attachment D)
13. *Certified Disadvantaged Business Outreach Plan* (Attachment G)
14. *Responsibility Inquiry* (Attachment H)

3.2.2 Proposal Format and Quantity

Proposal must follow the format and reference the sections listed in the Proposal Requirements section in the order set forth in the RFP. Responses to each section and subsection should be labeled to indicate the item being addressed. The *Price Proposal* (Attachment E) information must be submitted as one separate electronic file and one single hard copy in a separate sealed envelope.

Proposer may submit a Proposal offering a SaaS Solution or a Proposal offering a COTS Solution. Proposer may submit alternate Proposals. If Proposer offers both a SaaS Solution and a COTS Solution, Proposer shall submit two (2) separate Proposals

Proposer shall submit its Proposal and all other submittal requirements by both one (1) hard copy on white 8 ½" x 11" Recycled Paper and six (6) electronic copies on an electronic media USB drive. Proposer's electronic copy of the Proposal on a USB Drive must be formatted using Adobe Acrobat (pdf), Microsoft Word (docx) or Microsoft Excel (xlsx). The submittal requires a minimum of a 12-point font on all documents.

The total combined size of the electronic copy of the Proposal should be compressed so it does not exceed 10 megabytes. Electronic media and files must not be encrypted or otherwise secured in a way requiring use of a secondary program or application to access the files.

The *Proposer Information and Certification Sheet* (Attachment C) must bear the Proposer's Authorized Representative's Signature. If Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall submit a fully redacted version of its Proposal, clearly identified as the redacted version.

Proposer shall submit its Proposal in a sealed package addressed to the SPC with the Proposer's name and the RFP number clearly visible on the outside of the package.

3.2.3 Authorized Representative

Failure of the Authorized Representative to sign the Proposal may subject the Proposal to rejection by DASPS.

3.3 ROUND 1: MANDATORY PROPOSAL REQUIREMENTS

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

Proposal should not include extensive artwork, unusual printing or other materials not essential to the utility and clarity of the Proposal. Do not include marketing or advertising material in the Proposal, unless requested. Proposal should be straightforward and address the requests of the RFP. Proposal containing unsolicited marketing or advertising material may receive a lower evaluation score if specific information is difficult to locate.

So that each Proposal can receive an orderly review, Proposal contents must be in the order outlined below. If a Proposal does not contain content in the order outlined below, the Proposal may be considered non-Responsive.

The following are the mandatory proposal requirements:

3.3.1 Proposer Information and Certification Sheet (Not Scored)

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

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

3.3.2 Executive Summary (Not Scored)

Proposer shall provide an Executive Summary, not to exceed three (3) pages, that describes how the proposed Solution will meet Agency's needs. The Executive Summary should serve to summarize how the functional and non-functional features will fulfill OPUC's needs.

The Executive Summary may also contain a high-level "block" diagram of the proposed Solution in addition to the three (3) pages. Proposer's response shall delineate any potential single points of failure in the proposed Solution.

The Executive Summary should also summarize how the depth and breadth of the experience of Proposer, Key Persons and any other personnel will meet the Agency Solution needs, and summarize the advantages Proposer will bring to the Implementation and on-going operations.

3.3.3 Administrative Proposal (Scored)

In its Administrative Proposal, Proposer shall describe their experience in providing the Solution in IT engagements comparable to the scale and requirements of Agency's needs. The following subsections describe the minimum information to be provided in the Administrative Proposal.

3.3.3.1 Profile of Proposer's Organization

Proposer must provide a profile of its organization. This is Proposer's opportunity to give an overview of its organization, describe the structure of its business, and discuss how its organization can effectively deliver the Solution required in this RFP.

1. Ownership. If incorporated, the state in which the organization is incorporated and the date of the incorporation;
2. Location of the organization's offices (headquarters and branches);
3. Location of the office from which employees will be assigned to work on the proposed Solution for Agency;
4. Number of employees located in the Pacific Northwest, nationally, and internationally;
5. Established business relationships with proposed subcontractors (e.g. hosting services vendor), and
10. Organization's client base.

11. Description and documentation of Proposer's organizational security program, including policies, processes, and procedures, including but not limited to business continuity, disaster recovery, incident response, and risk management plans.

3.3.3.2 Key Persons, Organizational Chart and Subcontractors.

Key Persons. Specify key persons to be assigned to the Solution and include a resume (not to exceed two (2) pages each) for each individual that demonstrates qualifications for the Solution proposed.

Organizational Chart. Provide an organizational chart identifying the staffing that will provide the Solution required by this RFP, illustrating the lines of authority as appropriate. If the organizational chart will be different after implementation of the Solution, Proposal will include a separate organizational chart outlining the operations and maintenance staffing and lines of authority as appropriate.

Subcontractors. If Proposer intends to work with subcontractor(s), Proposer shall include a statement detailing any subcontracting firms or individual subcontractors that may be engaged as part of the Proposal to this RFP, with those entities and the services they will provide clearly identified.

3.3.3.3 Experience and Capabilities.

Proposer must have completed at least three (3) successful implementations of projects with similar size, scope, and/or complexity as the Solution sought in this RFP with one (1) of those being completed within the past three (3) years. Preference would be given to Proposer who provides a detailed description of a similar system developed by the Proposer that is currently in operation, including how the system is being used by other entities.

3.3.4 Project Implementation Plan Proposal (Scored)

Proposer shall submit a comprehensive Project Implementation Plan that the Proposer intends to follow, including a timeline of major events based on an April 1, 2020 start date. The Project Implementation Plan will illustrate how it will serve to streamline, coordinate and accomplish all Project Implementation Plan and Requirements listed in the Scope of Work in section 2.4.

3.3.5 Technical Proposal (Scored)

Proposer must submit a Technical Proposal that includes all requested information in the *Requirements Matrix* (Attachment B) describing the proposed Solution's ability to meet Agency's mandatory and desirable requirements. Proposer must complete the *Requirements Matrix* (Attachment B) per the instructions outlined in the tab titled "Instructions" in the document.

For either software delivery model (Category 1 or 2), Agency will consider Solutions with a customization level representing 20% or less of the overall functionality. If software customization is required, in Column F of the Mandated Requirements tab, Proposer shall provide a description and indicate an estimated overall percentage of solution functionality that will require customization (changes to code) vs. configuration using the built-in capabilities of the software with the Technical Proposal's *Requirements Matrix* (Attachment B) response. The customization is based on Mandatory Requirements only and the Proposer shall attest to the customization level representing no more than 20% by signing the Mandated Requirements document

3.3.6 Security Proposal (Pass/Fail).

Proposer must reflect in its Security Proposal the Proposer's ability and intention to satisfy the list of security requirements in the *Requirements Matrix* (Attachment B). Instructions for completing the security section of the *Requirements Matrix* (Attachment B) are located in the document tab labeled "Instructions". If any security requirement is answered No, the Proposer will fail this pass/fail requirement.

3.3.6.1 Security Statement

Proposer must submit a statement pertaining to security checks and non-disclosure agreement. The statement must demonstrate Proposer's agreement that if awarded a Contract:

1. Proposer and its employees, subcontractors and affiliates will submit to all security checks requested by Agency, which may include any combination of fingerprinting, Oregon LEDS and FBI CJIS background checks, and comply with the following State of Oregon security standards:
 - a. Privileged Access Monitoring and Reporting located at:
<https://www.oregon.gov/das/Policies/107-004-140.pdf>
 - b. State Information and Cyber Security Standards located at:
<https://www.oregon.gov/das/OSCIO/Documents/2019StatewideInformationAndCyberSecurityStandardsV1.0.pdf>
 - c. Statewide Information Security Plan located at:
<https://www.oregon.gov/das/OSCIO/Documents/StatewideInformationSecurityPlan.pdf>
2. Contractor will be subject to confidentiality and security provisions set forth in the Contract.
3. Proposer shall protect at all times State of Oregon sensitive material.

3.3.7 Support Proposal (Scored)

Proposer must submit a proposal outlining the ability and intention to satisfy the support requirements outlined in section 2.4.3 Support Requirements.

Proposer shall submit all applicable vendor agreements set forth below. Agency will evaluate Proposer's maintenance and support offerings, including the strength of service levels provided by Proposer, including any service level credits offered by Proposer.

For Category 1 Solutions, Proposers shall describe how the Solution is independently audited by a third-party in terms of performance, security, and disaster recovery. Please include any supporting audit reports, if available.

3.3.7.1 Vendor Agreements

For Category 1 Solutions, the Proposer shall provide any subscription agreements, maintenance and support agreements, and hosting service licensing (including any service levels applicable to any of the agreements) necessary to deliver the proposed Solution and provide any SaaS agreement documents.

For Category 2 Solutions, the Proposer shall provide any Software License Agreement documents and maintenance and support agreements (including any service levels applicable to any of the agreements).

3.3.8 Equipment Requirements (Not Scored)

Proposer must provide a statement with the recommended computer equipment and configuration required in order for end users to make optimal use of the Solution, including servers, printers, operating system, web browsers/versions, and memory, processing speed, and Internet bandwidth. This requirement will not be part of the overall Technical Proposal score.

3.3.9 Value Added Service(s) (Not Scored)

If Proposer is proposing any additional Service(s), that will enhance the usability of the Solution, include a description of the value added Service(s) and include the price in the Options section of the *Price Proposal* (Attachment E). Additional Service(s) should not be identical to those required for the Proposal. If there are options available for the proposed value added Service(s), identify the options and describe what function each option provides. Value added services reasonably related to the scope of work of this RFP are within the scope of this procurement and may be negotiated as part of the Contract.

3.3.10 Price Proposal (Scored)

Proposer shall submit its Price Proposal using the *Price Proposal* (Attachment E), provide a high-level summary of the price to implement and operate the Solution for five (5) years.

3.3.11 Reference Check Forms (Not Scored)

Using the *Reference Check Form* (Attachment F), Proposer must provide three (3) **completed** *Reference Check Forms* (Attachment F) from current or former client firms for similar projects performed within the last ten (10) years. References must be able to verify the quality of previous, related Work.

DASPS may check to determine if references provided support Proposer's ability to comply with the requirements of this RFP. DASPS may use references to obtain additional information, or verify any information needed. DASPS may contact any reference (submitted or not) to verify Proposer's qualifications.

3.3.12 Sample Contract (Not Scored)

Proposer shall review the attached *Sample Contract (Attachment A)* and note exceptions. The Sample Contract is based on a Category 2 solution. Agency expects to modify Sample Contract if a Category 1 solution is chosen to address differences in the Contract based on the different category of Solution.

Proposer must submit those exceptions to DASPS in their Proposal response. Unless DASPS agrees to modify any of the terms and conditions, DASPS intends to enter into a Contract with the successful Proposer substantially in the form set forth in *Sample Contract (Attachment A)*.

3.3.13 Disclosure Exemption Affidavit (Attachment D) (Not Scored)

Proposer shall complete and submit the *Disclosure Exemption Affidavit (Attachment D)* as part of the Proposal. Submission is required even if the Proposer is not identifying confidential or propriety information and data for disclosure. If identifying items for nondisclosure as confidential or proprietary, please be certain to provide an appropriately redacted single hard copy and single electronic copy of the original Proposal submission (see section 3.2.2).

3.3.14 Certified Disadvantaged Business Outreach Plan (Attachment G) (Not Scored)

Proposer shall complete and submit *Disadvantaged Business Outreach Plan (Attachment G)*.

3.3.15 Responsibility Inquiry (Attachment H) (Not Scored)

Proposer shall complete and submit *Responsibility Inquiry (Attachment H)*.

SECTION 4: SOLICITATION PROCESS

4.1 PUBLIC NOTICE

The RFP and attachments are published in the Oregon Procurement Information Network (ORPIN) at <https://orpin.oregon.gov>. RFP documents will not be mailed to prospective Proposers.

Modifications, if any, to this RFP will be made by written Addenda published in ORPIN. Prospective Proposer is solely responsible for checking ORPIN to determine whether any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

4.2 VOLUNTARY PRE-PROPOSAL CONFERENCE

DASPS and Agency will conduct a Pre-Proposal conference at the date and time listed in the Schedule. A Prospective Proposers' participation in this conference is highly encouraged but not mandatory. Prospective Proposers may attend either in person or via conference call. Please note, in person attendees need to be escorted from the building's lobby to the conference room. If attending in person, please arrive 10 minutes prior to the pre-proposal conference start time.

Location: Oregon Public Utility Commission
Meadow Conference Room
201 High St. SE #100
Salem, OR 97301

Conference Line: 888-363-4735

Access Code: 3958564

The purpose of the Pre-Proposal conference is to:

1. Provide additional description of the project;
2. Explain the RFP process; and
3. Answer any questions Proposers may have related to the project or the process.

Statements made at the Pre-Proposal conference are not binding upon DASPS or Agency. DASPS will ask prospective Proposers who pose questions during the call to subsequently submit their questions in Writing by the due date and time for Questions/Requests for Clarification identified in the Schedule.

DASPS will release an Addendum to the RFP following the pre-proposal conference that will identify the conference participants, summarize the proceeding, and respond to submitted written questions. Thereafter, RFP requirements will change, and official response to questions released, only through any subsequent written Addenda issued by DASPS and posted on the ORPIN system.

RSVP: If a prospective Proposer intends to participate in the Pre-Proposal conference, prospective Proposer must send an email to the SPC no later than one (1) business day before the conference. Please include the following information in the RSVP:

1. Name of Organization
2. For Each Person Attending, include:
 - a. Name
 - b. Title
 - c. Telephone Number
 - d. Email Address
 - e. Whether the participation will be in person or via telephone

- f. List of questions for clarification (this is not the Proposer's only opportunity to provide questions or ask for clarifications; please see section 4.3 for additional information).

Within two (2) calendar days following the conduct of the Pre-Proposal conference, please email the SPC with any questions posed during the call (or additional questing in Writing), provide the name, and contact information for the participating organization's representative who will serve as the organization's point of contact for the remainder of the solicitation.

4.3 QUESTIONS / REQUESTS FOR CLARIFICATIONS

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

1. Be delivered to the SPC via email or hard copy;
2. Reference the RFP number;
3. Identify Proposer's name and contact information;
4. Refer to the specific area of the RFP being questioned (i.e. page, section and paragraph number); and
5. Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule.

4.4 SOLICITATION PROTESTS

4.4.1 Protests to RFP

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 (section 2.4), and the proposed *Sample Contract* (Attachment A). This is prospective Proposer's only opportunity to protest the provisions of the RFP, except that Proposer may protest Addenda as provided below and Proposer may take exception to the terms and conditions of the *Sample Contract* (Attachment A) marked as negotiable as set forth in the Negotiations Section.

4.4.2 Protests to Addenda

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

4.4.3 All Protests must:

1. Be delivered to the SPC via email or hard copy;
2. Reference the RFP number;
3. Identify prospective Proposer's name and contact information;
4. Be sent by an Authorized Representative;

5. 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
6. State the proposed changes to the RFP provisions or other relief sought;
7. Protests to the RFP must be received by the due date and time identified in the Schedule; and
8. Protests to Addenda must be received by the due date identified in the respective Addendum.

4.4.4 Protest Response

DASPS will respond timely to all protests submitted by the due date and time listed in the Schedule. Protests that are not received timely or do not include the required information may not be considered.

4.5 PROPOSAL DELIVERY OPTIONS

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before Closing. DASPS is not responsible for any delays in mail or by common carriers or by transmission errors or delays, or for any mis-delivery for any reason. A Proposal submitted by any means not authorized below will be rejected. The following delivery options are permitted for this RFP:

4.5.1 Delivery through Mail or Parcel Carrier

A Proposal may be submitted through the mail or via parcel carrier, and must be clearly labeled and submitted in a sealed envelope, package or box. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be sent to the attention of the SPC at the address listed on the Cover Page.

4.5.2 Delivery in Person

A Proposal may be hand delivered, and must be clearly labeled and submitted in a sealed envelope, package or box. A Proposal will be accepted, prior to Closing, during DASPS' normal Monday – Friday business hours of 8:00 a.m. to 5 p.m. Pacific Time, except during State of Oregon holidays and other times when DASPS is closed. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be delivered to the attention of the SPC at the address listed on the Cover Page.

4.6 PROPOSAL MODIFICATION OR WITHDRAWAL

If a Proposer wishes to make modifications to a submitted Proposal it must submit its modification in one of the authorized methods listed in the Proposal Delivery Options section. To be effective the notice must include the RFP number and be submitted to the SPC prior to Closing.

If a Proposer wishes to withdraw a submitted Proposal, it must submit a Written notice signed by an Authorized Representative of its intent to withdraw to the SPC via email or hard copy prior to closing in accordance with OAR 125-247-0440. To be effective the notice must include the RFP number.

4.7 PROPOSAL DUE

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

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

4.8 PROPOSAL OPENING

There will be no public Opening of Proposals. Proposals received will not be available for inspection until after the evaluation process has been completed and the Notice of Intent to Award is issued pursuant to OAR 125-247-0630.

4.9 PROPOSAL REJECTION

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

1. 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.
2. Proposer has liquidated and delinquent debt owed to the State or any Department of Agency of the State.
3. Proposer fails to meet the responsibility requirements of ORS279B.110.
4. Proposer makes any contact regarding this RFP with State Representatives such as State Employees or Officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
5. Proposer attempts to influence a member of the Evaluation Committee.
6. Proposal is conditioned on DASPS' acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFP or Addenda.

4.10 ROUND 1: EVALUATION PROCESS

4.10.1 Responsiveness and Responsibility determination

4.10.1.1 Responsiveness determination

A Proposal received prior to Closing will be reviewed to determine if it is Responsive to all RFP requirements including compliance with Minimum Qualifications section, Minimum Submission Requirements and the Mandated Requirements of the *Requirements Matrix* (Attachment B) section. If the Proposal is unclear, the SPC may request clarification from Proposer. However, 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, DASPS may waive mistakes in accordance with OAR 125-247-0470.

4.10.1.2 Responsibility determination

DASPS will determine if an apparent successful Proposer is a Responsible Proposer prior to Round 2. As described in section 3.3.15, Proposers shall submit a Signed *Responsibility Inquiry* (Attachment H) with Proposal.

At any time prior to Award, DASPS may reject a Proposer found to be not a Responsible Proposer.

4.10.2 Round 1: Evaluation Criteria

Each Proposal meeting all Responsiveness requirements will be independently evaluated by members of an Evaluation Committee. Evaluation Committee members may change and DASPS may have additional or fewer evaluators for optional rounds of competition.

Evaluators will assign a score of 0%-100% according to Table 4.10.2 below for each evaluation criterion listed for scored evaluation. These scores represent the percentage of total points available for distribution that the Evaluation Committee will award to an evaluated Proposal. Evaluators will use the assigned percentages to calculate the total points awarded for each evaluation criterion listed below in this section up to the maximum points available in the Point and Score Calculation section.

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

The rating scale for points awarded for the entire Proposal except the Price Proposal is described in Table 4.10.2.

TABLE 4.10.2 Rating Scale for Points Awarded	
Relative Point Scale	EXPLANATION
81%-100%	OUTSTANDING - Response meets all 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.
61%-80%	VERY GOOD – Response demonstrates above average knowledge and ability with no apparent deficiencies noted. Response provides useful information, while showing experience and knowledge within the category.
41%-60%	ADEQUATE – Response meets all requirements in an Adequate/average manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
21%-40%	FAIR – Proposer meets minimum requirements in a below average manner, and does not demonstrate sufficient knowledge of the subject matter.
0%-20%	RESPONSE OF NO VALUE – An unacceptable response that does not meet some or all the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

4.10.2.1 Administrative Proposal

How well do Proposer’s organization, proposed personnel and demonstrated business experience forecast effective delivery of required Dockets and Discovery Solution and Services?

4.10.2.2 Project Implementation Plan Proposal

How well does the Proposer’s Project Implementation Plan elements align with the Project Implementation Plan in the Scope of Work (section 2.4.2.1) of the Dockets and Discovery System. How well does Proposer’s Solution approach and strategies forecast successful delivery of the required Solution and Services?

4.10.2.3 Technical Proposal

Does the Proposer’s Solution reflect the ability and intention to satisfy the requirements tasks described in the Scope of Work (section 2.4)?

Does the Proposer’s Solution meet all the Mandated Requirements in the *Requirements Matrix* (Attachment B) for the Dockets and Discovery System? If Proposer cannot meet all the Mandated Requirements, the proposal will be considered non-responsive (see section 4.10.1.1).

The Desirable Requirements will be scored on a point scale based on the ability of Proposer to meet the Desirable Requirements in the *Requirements Matrix* (Attachment B) There will be 3 points given to the Proposer who can meet the Desirable requirement, 2 points given to the Proposer who can meet the Desirable Requirement upon implementation, 1 point given to the Proposer who can meet the Desirable Requirement within 1 year of implementation and 0 points to the Proposer who will not meet the Desirable Requirement.

4.10.2.4 Support Proposal

How well does the Proposers Solution's on-going technical support, software maintenance and Service Level Agreement(s) forecast successful delivery of ongoing needs and maintenance of the Solution for the Agency?

4.10.2.5 Price Proposal Evaluation

For Category 2 Solutions, the Price Proposal shall include costs associated with Agency hosting.

The Price Proposal will be scored by a Weighted Ratio Method:

$$L/X \text{ times } A = B$$

Where: L= Lowest Price Proposed

X= Proposer's Price

A= Available Price Proposal Points for the Proposer

B= Awarded Price

Example:

A RFP has reached its first round of evaluation and there are 167 points (70%) available for the Proposal, not including the 75 points (30%) for the Price Proposal, for a total of 242 points.

Step one of the Weighted Ratio Method is to calculate the price points available for each Proposer, which is the percent of demonstration points awarded:

- a. Proposer A receives a score of 140 (84% of 167 points available) on the first round of evaluation. Proposer A can receive up to 84% of the 75 price points available, or (rounding up) 63 price points. Proposer A's price proposal is \$80.
- b. Proposer B receives a score of 123 (74% of 167 points available) on the first round of evaluation. Proposer B can receive up to 74% of the 75 price points available, or (rounding up) 56 price points. Proposer B's price proposal is \$100.

Step two is to score the price proposals:

Proposer A: $(80/80) \times 63 = 63$	Proposer B: $(80/100) \times 56 = 45$
L= Lowest Price Proposed- 80 X= Proposer A's Price - 80 A= Available Price Proposal Points- 63 B= Awarded Price Score = 63	L= Lowest Price Proposed- 80 X= Proposer B's Price - 100 A= Available Price Proposal Points- 56 B= Awarded Price Score = 45

The results are:

	Proposer A		Proposer B	
	Proposed Price	Awarded Score	Proposed Price	Awarded Score
Total Price Proposal/Points	\$80	203	\$100	168

4.10.3 Preferences

4.10.3.1 Reciprocal Preference

For evaluation purposes per OAR 125-246-0310, DASPS shall add a percent increase to each out-of-state Proposer's Proposal Price that is equal to the percent preference, if any, given to a Resident Proposer in the [Proposer's state](#).

4.10.3.2 Recycled Materials

In comparing Goods from two (2) or more Proposers, if at least one (1) Proposer offers Goods manufactured with Recycled Materials, and at least one (1) Proposer does not, DASPS will select the Proposer offering Goods manufactured from Recycled Materials if each of the conditions specified in ORS 279A.125 (2) exists following any adjustments made to the price of the Goods according to any applicable reciprocal preference.

4.10.3.3 Tiebreakers

Oregon Supplies: If DASPS receives Proposals identical in price, fitness, availability and quality and chooses to Award a Contract, DASPS shall Award the Contract in accordance with the procedures outlined in OAR 125-246-0300.

4.11 ROUND 1: POINT AND SCORE CALCULATIONS

Scores are the values assigned by each evaluator based on the total number of points available for each criterion. The maximum number of points possible for each criterion are set out in Table 4.11 on the next page.

TABLE 4.11 EVALUATION CRITERIA POINTS		
SECTION #	EVALUATION CRITERIA	POINTS
3.3.3	Administrative Proposal TOTAL	16
3.3.4	Project Implementation Plan Proposal TOTAL	58
3.3.5	Technical Proposal TOTAL	33
3.3.7	Support Proposal TOTAL	60
3.3.10	Price Proposal TOTAL	75
	TOTAL POSSIBLE POINTS	242

4.12 ROUND 1: 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).

SPC will combine the average score for each Proposal with Proposal's price score. After any applicable preference has been applied, SPC will describe the rank order for each Proposer, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

DASPS will rank all Proposers at the conclusion of the evaluation and scoring and 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.

4.12.1 Competitive Range Determination

If DASPS, in its sole discretion, determines that one (1) 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 DASPS' sole discretion, some (based primarily on a natural break in the distribution of scores), of the Proposers from a previous round. DASPS will post a notice in ORPIN of its Competitive Range Determination and provide details about the process and schedule for the subsequent round.

4.12.2 Competitive Range Protest

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

1. Be emailed to the SPC;
2. Reference the RFP number;
3. Identify Proposer's name and contact information;
4. Be sent by an Authorized Representative
5. State the reason for the protest; and
6. 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.

DASPS 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 may not be considered by DASPS.

4.13 ROUND 2: PROCUREMENT PROCESS

Unless DASPS and Agency elect to award after Round 1 (as set forth above) following the later of the expiration of the Protest period for the Competitive Range or resolution of any protests to the Competitive Range, DASPS and Agency will conduct and score Demonstrations. Proposers who chose to move forward and are in the Competitive Range will be required to make a Demonstration related to their proposals. Proposers may be required to have a sandbox or site the Evaluation Committee can work in and manipulate data in the proposed Solution.

Demonstrations and Round 2 Price Proposal (Scored)

Proposers progressing to Round 2 will be invited to:

1. Provide a mandatory, on-site demonstration of the proposed Solution for the Evaluation Committee; and
2. Following demonstration, Proposer shall submit a final and detailed price breakdown for the proposed Solution.

Each Proposer will be given approximately (3) hours for the demonstration, which includes time for questions and answers from the Evaluation Committee.

A projector and access to the internet will be provided.

Proposer must bring its own laptop or other equipment, if needed.

Proposer will be notified of the specific time and the location for the demonstration by the SPC.

The Evaluation Committee will score the demonstration and Round 2 Price Proposal using the scores set below:

Solution Demonstration Maximum Score 700 points

Detail Price Proposal Maximum Score 300 points

Further details and scoring criteria of the demonstration and Round 2 Price Proposal will be provided in an Addendum prior to scheduling the demonstrations.

4.14 NEXT STEP DETERMINATION

DASPS may determine Apparent Successful Proposer at the conclusion of Round 2 evaluation, or DASPS may conduct additional rounds of evaluation if it is in the best interest of the Agency. Additional rounds of evaluation may consist of, but will not be limited to:

1. Interviews.
2. Additional Presentations/Demonstrations/Additional Submittal Items,
3. Discussions and submittal of revised Proposals,
4. Serial or simultaneous negotiations,
5. Requesting Best and Final Offers, and
6. Any other process permitted by the applicable Rules.

4.15 SCORING AND RANKING OF PROPOSERS FOR SUBSEQUENT ROUNDS

If Agency conducts two or more rounds of competition, the rounds will be scored independently. Once the ranking from a previous round is complete and a Competitive Range has been determined, Proposers participating in a subsequent round will compete on an equal basis – scores from the previous round will be set aside and will not carry over. The Proposer with the highest score from the final round will receive the highest final ranking.

SECTION 5: AWARD AND NEGOTIATION

5.1 AWARD NOTIFICATION PROCESS

5.1.1 Award Consideration

DASPS, if it Awards a Contract, shall Award a Contract to the highest ranking Responsible Proposer(s) based upon the scoring methodology and process described in section 4.10. DASPS may Award less than the full Scope defined in this RFP.

5.1.2 Intent to Award Notice

DASPS will notify all Proposers in Writing that DASPS intends to Award a Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

5.2 INTENT TO AWARD PROTEST

5.2.1 Protest Submission

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

A Proposer is an Affected Proposer only if the Proposer would be eligible for 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:

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

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

5.2.1.2 Protests must:

1. Be delivered to the SPC via email or hard copy
2. Reference the RFP number
3. Identify Proposer's name and contact information.
4. Be signed by an Authorized Representative
5. Specify the grounds for the protest
6. Be received within 7 calendar days of the Intent to Award notice

5.2.2 Response to Protest

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

5.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS

The Proposer who 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, the selected Proposer shall secure and demonstrate to DASPS proof of insurance as required in this RFP or as negotiated. Insurance Requirements are found in *Insurance Requirements* (Exhibit C) of the *Sample Contract* (Attachment A).

Failure to demonstrate coverage may result in DASPS terminating Negotiations and commencing Negotiations with the next highest-ranking Proposer. Proposer is encouraged to consult with its insurance agent about the insurance requirements contained in *Insurance Requirements* (Exhibit C) of the *Sample Contract* (Attachment A).

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 Pay Equity Certification

If selected for Award and the Contract value exceeds \$500,000 and Proposer employs 50 or more full-time workers, Proposer shall submit to DASPS a true and correct copy of an unexpired Pay Equity Compliance Certificate, issued to the Proposer by the Oregon Department of Administrative Services. For instructions on how to obtain the Certificate, visit www.oregon.gov/das/Procurement/Documents/SB491PayEquity.pdf.

ORS 279B.110(2)(f) requires that Proposer provide this prior to execution of the Contract.

5.3.5 Nondiscrimination in Employment

As a condition of receiving the Award of a Contract under this RFP, Proposer must certify by their Signature on the *Proposer Information and Certification Sheet* (Attachment C), 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 of a policy that both prohibits, and prescribes disciplinary measures for, conduct that constitutes sexual harassment, sexual assault, or unlawful discrimination.

5.3.6 Pay Equity Compliance

As required by ORS 279B.235, Proposer shall comply with ORS 652.220 and shall not discriminate against any of Proposer's employees in the payment of wages or other compensation for work of comparable character, the performance of which requires comparable skills, or pay any employee at a rate less than another for comparable work, based on an employee's membership in a protected class.

Commencing on January 1, 2019, Proposer must comply with ORS 652.220 as amended and shall not unlawfully discriminate against any of Proposer's employees in the payment of wages or other compensation for work of comparable character based on an employee's membership in a protected class. "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age. Proposer's compliance with this section constitutes a material element of the Contract and a failure to comply constitutes a breach that entitles Agency to terminate the Contract for cause.

Proposer may not prohibit any of Proposer's employees from discussing the employee's rate of wage, salary, benefits, or other compensation with another employee or another person. Proposer may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits, or other compensation with another employee or another person.

5.4 CONTRACT NEGOTIATION

5.4.1 Negotiation

After selection of a successful Proposer, DASPS may enter into Contract negotiations with the successful Proposer. By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of the *Sample Contract* (Attachment A), with the exception of those terms listed below for negotiation.

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

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

DASPS is willing to negotiate all items, except those listed below:

1. Choice of law
2. Choice of venue
3. Constitutional requirements
4. Requirements of applicable federal and State law

In the event that the parties have not reached mutually agreeable terms within thirty (30) calendar days, DASPS may terminate Negotiations and commence Negotiations with the next highest-ranking Proposer.

SECTION 6: ADDITIONAL INFORMATION

6.1 CERTIFIED FIRM PARTICIPATION

Pursuant to Oregon Revised Statute (ORS) Chapter 200, DASPS 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. DASPS 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 Disadvantage Business Outreach Plan* (Attachment G) prior to execution.

6.2 GOVERNING LAWS AND REGULATIONS

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

6.3 OWNERSHIP/PERMISSION TO USE MATERIALS

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

If Proposer believes that any portion of its Proposal contains any information that is a trade secret under ORS Chapter 192.345(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall complete and submit the Disclosure Exemption Affidavit (Attachment D) with its Proposal, and a fully redacted electronic version of its Proposal, clearly identified as the redacted version.

Proposer is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) and identifying the Proposal, in whole, as exempt from disclosure is not acceptable. DASPS advises each Proposer to consult with its own legal counsel regarding disclosure issues.

IF PROPOSER FAILS TO IDENTIFY THE PORTIONS OF THE PROPOSAL THAT PROPOSER CLAIMS ARE EXEMPT FROM DISCLOSURE, PROPOSER HAS WAIVED ANY FUTURE CLAIM OF NON-DISCLOSURE OF THAT INFORMATION.

All Proposals submitted in response to this RFP become the Property of DASPS. 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 unless the Proposal is submitted late.

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

Pursuant to ORS 279B.100, DASPS 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 DASPS, as determined by DASPS. Neither the State nor DASPS is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, Award, or rejection of any Proposal.

6.5 COST OF SUBMITTING A PROPOSAL

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

6.6 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 and use the search bar feature to locate the procedure.

6.7 RECYCLABLE PRODUCTS

Proposer shall use recyclable products to the maximum extent economically feasible in the performance of the Services or Work set forth in this document and the subsequent Contract. (ORS 279B.025)

RFP #DASPS-2215-18

DOCKETS & DISCOVERY SYSTEM

ATTACHMENT A

SAMPLE CONTRACT

*****SEE ATTACHED DOCUMENT*****

RFP #DASPS-2215-18

DOCKETS & DISCOVERY SYSTEM

ATTACHMENT B

REQUIREMENTS MATRIX

*****SEE ATTACHED DOCUMENT*****

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DOCKETS & DISCOVERY SYSTEM

ATTACHMENT C - PROPOSER INFORMATION AND CERTIFICATION SHEET

Legal Name of Proposer: _____

Address: _____ City, State, Zip: _____

State of Incorporation: _____ Entity Type: _____

Contact Name: _____ Telephone: _____ Email: _____

Oregon Business Registry Number (if required): _____

Any individual signing below hereby certifies they are an authorized representative of Proposer and that:

1. Proposer understands and accepts the requirements of this RFP. By submitting a Proposal, Proposer agrees to be bound by the Contract terms and conditions in the *Sample Contract* (Attachment A) and as modified by any Addenda, except for those terms and conditions that Agency has reserved for negotiation, as identified in the RFP.
2. Proposer acknowledges receipt of any and all Addenda to this RFP.
3. Proposal is a Firm Offer for one-hundred and eighty (180) days following the Closing.
4. If Awarded a Contract, Proposer agrees to perform the Scope of Work and meet the performance standards set forth in the final negotiated Scope of Work of the Contract.
5. I have knowledge regarding Proposer's payment of taxes and by signing below I hereby certify that, to the best of my knowledge, Proposer is not in violation of any tax laws of the State or a political subdivision of the State, including, without limitation, ORS 305.620 and ORS chapters 316, 317 and 318.

6. Proposer does not discriminate in its employment practices with regard to race, creed, age, religious affiliation, gender, disability, sexual orientation, national origin. When Awarding subcontracts, Proposer does not discriminate against any business certified under ORS 200.055 as a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business. If applicable, Proposer has, or will have prior to Contract execution, a Written policy and practice, that meets the requirements described in ORS 279A.112 (formerly HB 3060), of preventing sexual harassment, sexual assault and discrimination against employees who are members of a protected class. Agency may not enter into a Contract with an anticipated Contract price of \$150,000 or more with a Proposer that does not certify it has such a policy and practice. See <https://www.oregon.gov/DAS/Procurement/Pages/hb3060.aspx> for additional information and sample policy template.
7. Proposer and Proposer's employees, agents, and subcontractors are not included on:
 - A. the "Specially Designated Nationals and Blocked Persons" list maintained by the Office of Foreign Assets Control of the United States Department of the Treasury found at: <https://www.treasury.gov/ofac/downloads/sdnlist.pdf>, or
 - B. the government wide exclusions lists in the Solution for Award Management found at: <https://www.sam.gov/portal/>
8. Proposer certifies that, to the best of its knowledge, there exists no actual or potential conflict between the business or economic interests of Proposer, its employees, or its agents, on the one hand, and the business or economic interests of the State, on the other hand, arising out of, or relating in any way to, the subject matter of the RFP. If any changes occur with respect to Proposer's status regarding conflict of interest, Proposer shall promptly notify the State in Writing.
9. Proposer certifies that all contents of the Proposal (including any other forms or documentation, if required under this RFP) and this Proposal Certification Sheet are truthful and accurate and have been prepared independently from all other Proposers, and without collusion, fraud, or other dishonesty.
10. Proposer understands that any statement or representation it makes, in response to this RFP, if determined to be false or fraudulent, a misrepresentation, or inaccurate because of the omission of material information could result in a "claim" {as defined by the Oregon False Claims Act, ORS 180.750(1)}, made under Contract being a "false claim" {ORS 180.750(2)} subject to the Oregon False Claims Act, ORS 180.750 to 180.785, and to any liabilities or penalties associated with the making of a false claim under that Act.
11. Proposer acknowledges these certifications are in addition to any certifications required in the Contract at the time of Contract execution.

Authorized Signature: _____ Date: _____

Printed Name and Title: _____

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DOCKETS & DISCOVERY SYSTEM

ATTACHMENT D — DISCLOSURE EXEMPTION AFFIDAVIT

_____ (Affiant), being first duly sworn under oath, and representing [*insert Proposer Name*] (hereafter “Proposer”), hereby deposes and swears or affirms under penalty of perjury that:

12. I am an employee of the Proposer, I have knowledge of the Request for Proposals referenced herein, and I have full authority from the Proposer to submit this affidavit and accept the responsibilities stated herein.
13. I am aware that the Proposer has submitted a Proposal, dated on or about [*insert date*] (the “Proposal”), to the State of Oregon (State) in response to Request for Proposals DASPS-2215-18 for dockets and discovery Solution, and I am familiar with the contents of the RFP and Proposal.
14. I have read and am familiar with the provisions of Oregon’s Public Records Law, Oregon Revised Statutes (“ORS”) 192.311 through 192.478, and the Uniform Trade Secrets Act as adopted by the State of Oregon, which is set forth in ORS 646.461 through ORS 646.475. I understand that the Proposal is a public record held by a public body and is subject to disclosure under the Oregon Public Records Law unless specifically exempt from disclosure under that law.
15. I have reviewed the information contained in the Proposal. The Proposer believes the information in the Proposal is exempt from public disclosure (collectively, the “Exempt Information”), which is incorporated herein by this reference. It is my opinion that the Exempt Information is exempt from disclosure under Oregon’s Public Records Law under the specifically designated sections as set forth in the Proposal or constitutes “Trade Secrets” under either the Oregon Public Records Law or the Uniform Trade Secrets Act as adopted in Oregon because that information is either:
 - A. A formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:
 - i. is not patented,
 - ii. is known only to certain individuals within the Proposer’s organization and that is used in a business the Proposer conducts,
 - iii. has actual or potential commercial value, and
 - iv. gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

-OR-

B. Information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:

- i.** derives independent economic value, actual or potential, from not being generally known to the public or to other Persons who can obtain economic value from its disclosure or use; and
- ii.** is the subject of efforts by the Proposer that are reasonable under the circumstances to maintain its secrecy.

16. I understand that disclosure of the information referenced in the Proposal may depend on official or judicial determinations made in accordance with the Public Records Law.

Affiant's Signature

State of _____)

) ss:

County of _____)

Signed and sworn to before me on _____ by _____
(date) (Affiant's name)

Notary Public for the State of _____

My Commission Expires: _____

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DOCKETS & DISCOVERY SYSTEM

ATTACHMENT E — PRICE PROPOSAL

*****SEE ATTACHED DOCUMENT*****

RFP #DASPS-2215-18

DOCKETS & DISCOVERY SYSTEM

ATTACHMENT F — REFERENCE CHECK FORM

Please fill out the following information and copy to any additional documentation.

Proposer Name: _____

Reference Entity: _____

Reference Contact Name: _____

Contact Telephone Number: _____

Contact Email Address: _____

Please respond to the following questions on a separate sheet of paper:

17. For what type of Services did you engage Proposer?
18. Describe the Services listed in response to question 1.
19. Describe Proposer's customer Service.
20. Describe your satisfaction with the business relationship with Proposer.
21. Describe Proposer's methods for problem resolution.
22. How likely would you be to use Proposer's Services again?
23. With which aspect(s) of Proposer's Services are you the most satisfied?
24. With which aspect(s) of Proposer's Services are you the least satisfied?
25. How well did Proposer stay within the proposed timeline?
26. How did the final project cost compare to the initial proposed cost?

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DOCKETS & DISCOVERY SYSTEM

ATTACHMENT G — CERTIFIED DISADVANTAGED BUSINESS OUTREACH PLAN

Proposer Name: _____ Date: _____

Contact Name: _____ Telephone: _____ Email: _____

“Certified Firm” means a small business certified under ORS 200.055 by the Oregon Certification Office for Business Inclusion and Diversity (COBID) as minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own, and emerging small businesses.

Certified Firms must have an equal opportunity to participate in the performance of Contracts financed with State funds. By submitting its Proposal, Proposer certifies that it has taken, and if there are further opportunities, will take reasonable steps to ensure that Certified Firms are provided an equal opportunity to compete for and participate in the performance of any subcontracts resulting from this Procurement.

The information submitted in response to this clause will not be considered in any scored evaluation.

1. Is Proposer an Oregon certified firm? Yes ☐ No ☐

If yes, indicate all certification type(s): DBE ☐ MBE ☐ WBE ☐ SDV ☐ ESB ☐ and supply

Oregon State Certification Number: _____

2. Include a list of Certified Firms that Proposer has had a contractual relationship with within the last two (2) years.

3. Include a list of firms that Proposer has had a contractual relationship with within the last two (2) years that are not Certified Firms but may be minority-owned, woman-owned, service-disabled veteran-owned or emerging small businesses.

4. Does Proposer foresee any subcontracting opportunities for this Procurement? Yes ☐ No ☐

If no, do not complete the rest of this form and submit this first page with the Proposal.

If yes, please complete the following questions 5-7 and submit with the Proposal.

5. Describe the steps Proposer will take to solicit Certified Firms for subcontracting opportunities if Awarded a Contract from this Procurement.

6. Describe the subcontracting opportunities and the approximate dollar value of each that may be available, if Awarded a Contract.

7. Would Proposer be willing to report the identity of each subcontractor and the value of each subcontract to COBID if Awarded a Contract from this Procurement?

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DOCKETS & DISCOVERY SYSTEM

ATTACHMENT H - RESPONSIBILITY INQUIRY

Agency will determine responsibility of a Proposer prior to Award and execution of a Contract. In addition to this form, Agency may notify Proposer of other documentation required, which may include but is not limited to recent profit-and-loss history, current balance statements and cash flow information, assets-to-liabilities ratio, including number and amount of secured versus unsecured creditor claims, availability of short and long-term financing, bonding capacity, insurability, credit information, materials and equipment, facility capabilities, personnel information, record of performance under previous Contracts, etc. Failure to promptly provide requested information or clearly demonstrate responsibility may result in an Agency finding of non-responsibility and rejection.

27. Does Proposer have available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to demonstrate the capability of Proposer to meet all contractual responsibilities?

YES ☐ / NO ☐

Within the last five (5) years, how many Contracts of a similar nature has Proposer completed that, to the extent that the costs associated with and time available to perform the Contract remained within Proposer's control, Proposer stayed within the time and budget allotted, and there were no Contract claims by any party? Number: ____

How many Contracts did not meet those standards? Number: ____ If any, please explain.

Response:

Within the last three (3) years has Proposer (incl. a partner or shareholder owning 10% or more of Proposer's firm) or a major subcontractor (receiving 10% or more of a total Contract amount) been criminally or civilly charged, indicted or convicted in connection with:

- obtaining, attempting to obtain, or performing a public (Federal, State, or local) Contract or subcontract?
- violation of federal or State antitrust statutes relating to the submission of Bids or Proposals, or
- embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property?

YES ☐ / NO ☐

If "YES," indicate the jurisdiction, date of indictment, charge or judgment, and names and summary of charges in the response field below.

Response:

Within the last three (3) years, has Proposer had:

any Contracts terminated for default by any government Agency, or
any lawsuits filed against it by creditors or involving Contract disputes? **YES** ☐ / **NO** ☐

If "YES," please explain. (With regard to judgments, include jurisdiction and date of final judgment or dismissal.)

Response:

Does Proposer have any outstanding or pending judgments against it? **YES** ☐ / **NO** ☐

Is Proposer experiencing financial distress or having difficulty securing financing? **YES** ☐ / **NO** ☐

Does Proposer have sufficient cash flow to fund day-to-day operations throughout the proposed Contract period? **YES** ☐ / **NO** ☐

If "YES" on the first question or second question, or "NO" on the third question, please provide additional details.

Response:

Within the last three (3) years, has Proposer filed a bankruptcy action, filed for reorganization, made a general assignment of assets for the benefit of creditors, or had an action for insolvency instituted against it? **YES** ☐ / **NO** ☐

If "YES," indicate the filing dates, jurisdictions, type of action, ultimate resolution, and dates of judgment or dismissal, if applicable.

Response:

Does Proposer have all required licenses, insurance and/or registrations, if any, and is Proposer legally authorized to do business in the State of Oregon? **YES** ☐ / **NO** ☐

If "NO," please explain.

Response:

Pay Equity Certificate. This certificate is required if Proposer employs 50 or more full-time workers and the prospective Contract price is estimated to exceed \$500,000. [This requirement does not apply to architectural, engineering, photogrammetric mapping, transportation planning or land surveying and Related Services Contracts.]

Does a current Authorized Representative of Proposer possess an unexpired Pay Equity Certificate issued by the Department of Administrative Services? **YES** ☐ / **NO** ☐ / **N/A** ☐ [If the certificate was provided with the Bid or Proposal submitted for a Solicitation related to the prospective Contract, then it is not necessary to resubmit it. Just indicate “see Bid” or “see Proposal” in the response field. Otherwise, if applicable, submit a copy of the certificate with this form.]

Response:

AUTHORIZED SIGNATURE

By Signature below, the undersigned Authorized Representative on behalf of Proposer certifies to the best of his or her knowledge and belief that the responses provided on this form are complete, accurate, and not misleading.

Proposer Name:	RFP: Project Name:
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Authorized Signature

Date

Print Name

Title