

STATE OF OREGON

COVER PAGE

[AGENCY NAME]

[RFP TITLE]



Request for Proposal (RFP)

[RFP NUMBER]

Date of Issue: _____

Closing Date: _____

Single Point of Contact (SPC): [Name, Title]

Address: [Address 1]

City, State, Zip [Address 2]

Phone (voice) [phone]

Phone (fax) [fax]

E-mail: [email]

[If ADA language is needed for Agency, remove this note and insert language here]

[If non-discrimination language is needed for Agency, remove this note and insert language here]

[TUTORIAL on UPDATING TABLE OF CONTENTS] - [Update the Table of Contents before publishing. Right click and select "Update Field", "Update entire table".]

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[IF YOU ARE NEW TO THIS TEMPLATE, PLEASE TAKE A LOOK AT THE GENERAL GUIDELINES FOR THE RFP TEMPLATE BY CLICKING HERE – Throughout the template you will see “[HELPx.x]”, by clicking this it will take you to the corresponding section of the guidance document to offer extra explanations on the section as well as example language]

Yellow highlighted areas indicate blanks to be filled in or areas to be revised with information specific to your RFP.

[TUTORIAL for REMOVING NOTES FROM DOCUMENT] - [Notes to buyer that identify sections that are options may be modified or provide other instructions. Notes are to be deleted prior to publishing.]

[TUTORIAL for ADDING SECTIONS]

[TUTORIAL for EDITING HEADERS / FOOTERS]

[If agency is not subject to the Public Contracting Code or DAS Rule, revise citations throughout the document accordingly]

SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

[HELP 1.1]

The State of Oregon, acting by and through the Department of _____, (“Agency”), is issuing this Request for Proposals for [Agency to insert the goods and/or services being solicited.]

[Enter high level information about the RFP here, including: brief description of scope parameters; Executive Policy. Legislation or legislative direction; special circumstances, like responding to an emergency; cooperative procurement. Do not include a detailed Scope of Work in this section. Be sure to include any details that may help prospective Proposer decide if they should read further. Consider if Agency wishes to include budget information.]

Additional details on the Scope of the goods or services or both are included in the Scope of Work section.

[Consider listing actual project dates if available.]

Agency anticipates the award of **one or XX** Contracts/Price Agreements from this RFP. The initial term of the Contract is anticipated to be **XX** years with options to renew up to a maximum of **XX** years.

[If multiple awards, identify the anticipated number of awarded Contracts/Price Agreements]

1.2 SCHEDULE

[HELP 1.2]

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

Event	Date	Time
Pre-Proposal Conference	Xxxx ##, 20##	#:## XM
Questions / Requests for Clarification Due	Xxxx ##, 20##	#:## XM
Answers to Questions / Requests for Clarification Issued (approx.)	Xxxx ##, 20##	
RFP Protest Period Ends	Xxxx ##, 20##	#:## XM
Closing (Proposals Due)	Xxxx ##, 20##	#:## XM
Opening of Proposals	Xxxx ##, 20##	#:## XM
Presentations, Demonstrations, or Interviews	Xxxx ##, 20##	
Issuance of Notice of Intent to Award (approx.)	Xxxx ##, 20##	
Award Protest Period Ends	X days after Notice of Intent to Award	

1.3 SINGLE POINT OF CONTACT (SPC)

[HELP 1.3]

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

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

[HELP 2.1] – [OPTION 1 – Authority by statute, rule, or other – special procurement, federal or private grants]

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

[OPTION 2 – Authority by DAS delegation. If agency delegation is being used, update the following paragraph, if it is not, delete the following paragraph.]

Agency is issuing this RFP under the authority of the Department of Administrative Services (DAS) delegation [redacted] (as amended), (name of delegation).

Agency is using the Competitive Sealed Proposals method, pursuant to ORS 279B.060 and OAR 125-247-0260. Agency 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 will refer to the following definitions.

2.2.1 General Definitions

[HELP 2.2.1]

Capitalized terms not specifically defined in this document are defined in OAR 125-246-0110.

2.2.2 Project Specific Definitions

[HELP 2.2.2] - [List any project specific definitions, not found in OAR 125-246-0110]

XXXXXX: XXXXXX XXXX

2.3 OVERVIEW

[HELP 2.3] - [Enter general information about the RFP here, including:

2.3.1 Agency Overview and Background

[HELP 2.3.1] - [WHO ARE WE? Describe who Agency/division/program is, and its purpose]

2.3.2 Project Overview and Background

[HELP 2.3.2] - [HOW DID WE GET HERE? Provide a high level overview of what led Agency to this point, the reason for soliciting, and any other information that would be helpful to prospective Proposer]

2.3.3 Purpose

[HELP 2.3.3] - [WHERE ARE WE GOING FROM HERE? Provide a high level overview of Agency's goal and what Buyer wishes to achieve from this RFP.

Consider:

Who are the beneficiaries of the anticipated Contract/Price Agreement(s)?

What is the context of the Contract/Price Agreement(s) outcomes within the Scope of the overall related mission or objective?

Are there benchmarks or past performance under previous agreements that may be predictors of future needs (such as spend volume on a previous agreement for repetitive purchases, etc.)?

Will this be a Contract/Price Agreement that permits repetitive purchases? What are the past and projected purchases?

What are the driving factors? Is there state or federal legislation, business operational needs, an approved Special Procurement, a declared emergency, grant requirements, a Governor's executive order?

Are there existing circumstances that may affect performance under the Contract/Price Agreement, such as the current technical environment or project participation by an independent quality assurance manager?

Are there any exclusions from competition, such as those required by ORS 279B.210 and OAR 125-247-0690(2)? See ORS 279B.040 and exception process and required prequalification process.

Is there a budget limitation, and should it be stated in the RFP?]

2.4 SCOPE OF WORK

[HELP 2.4] - [SCOPE vs STATEMENT of WORK] - [Insert Scope of Work and Specifications or

provide reference to attachment. NOTE: The Scope of Work in an RFP is intended to be a description of what the Agency is looking for vs. the Statement of Work in a Contract that is intended to describe the Work to be completed as agreed to by the parties.]

SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION

3.1 MINIMUM REQUIREMENTS

[HELP 3.1] - [Fill in information related to the requirements of your RFP here]

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

3.1.1 Minimum Proposer Requirements

[HELP 3.1.1] - [What the Proposer must be or have to be eligible to offer a Proposal. Consider things such as D&B ratings, number of years' experience, licenses or certifications a Proposer must have, etc. The following are some examples:]

3.1.1.1 Licensing requirements

3.1.1.2 Registration requirements

3.1.1.3 Meet or exceed 2 or more of the following:

- 5 years' experience _____
- 3 successful _____, completed within the last 7 years
- [etc.]

3.1.2 Minimum Key Person Requirements

[HELP 3.1.2] - [Delete this section if there are no key person requirements. If Buyer uses this section, ensure it is aligned with the key persons and their Resumes section. Include items that the Proposer's key persons must be or have to be eligible to offer a Proposal. Consider things such as, number of years' experience, licenses or certifications, education that a key person must have, etc. Consider listing the specific key persons positions requested. The Business and Technical sections below are examples of the information you may need to include.]

Proposer must employ or contract key person(s) that meet all of the requirements in this section. Proposer may submit 1 or more key person(s) so long as all requirements are met.

5 years' experience within the last 7 years of the following:

3.1.2.1 BUSINESS

- [insert business experience requirements here]

3.1.2.2 TECHNICAL

- [insert technical experience requirements here]

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Proposal Format and Quantity

[HELP 3.2.1]

Proposal should follow the format and reference the sections listed in the Proposal Content Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed. Proposal must describe in detail how requirements of this RFP will be met and may provide additional related information. Cost information must be submitted as a separate **electronic file/sealed envelope**.

[Buyer may want to have only hard copies, only electronic copies, or a combination thereof. Select and modify the option that best fits Agency's need and delete the others]

[OPTION 1 –hard copies only]

Proposer shall submit its Proposal using only white 8 ½” x 11” Recycled Paper, without extensive art work, unusual printing, or other materials not essential to the utility and clarity of the Proposal. Proposer shall submit an original, bearing the Proposer's authorized representative's Signature, and **XX** copies of its Proposal. In addition, if Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (**ORS 192.410 through 192.505**), Proposer shall complete and submit the Affidavit of Trade Secret (Attachment B) and 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.

[OPTION 2 – electronic copy only]

Proposer shall submit one copy of its Proposal by **USB drive, DVD, or CD** in one of the following formats: **Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx)**. In addition, if Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (**ORS 192.410 through 192.505**), Proposer shall complete and submit the Affidavit of Trade Secret (Attachment B) and a fully redacted version of its Proposal, clearly identified as the redacted version.

[OPTION 3 - combination]

Proposer shall submit its Proposal without extensive art work, unusual printing or other materials not essential to the utility and clarity of the Proposal. Proposer shall submit both a hard copy on white 8 ½” x 11” Recycled Paper and an electronic copy on electronic media such as thumb drive or CD.

Proposer shall submit an original, bearing the Proposer's authorized representative's Signature, and **XX** copies of the un-redacted Proposal. In addition, if Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (**ORS 192.410 through 192.505**), Proposer shall complete and submit the Affidavit of Trade Secret (Attachment B) and 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.

Proposer's electronic copy of the Proposal by **USB drive, DVD, or CD** must be formatted using **Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx)**.

3.2.2 Proposal Page Limit

[HELP 3.2.2] - [State whether or not there is a page limit for Proposals. Below is an example of

language Buyer may use if there will be a limit to the number of pages.]

Proposal is limited to XX pages. Any pages exceeding this limit will not be provided to the evaluation committee or considered in the evaluation. The following items do not count toward the page limit:

- Proposal Certification Sheet (Attachment C)
- Proposer Information Sheet (Attachment D)
- Any required forms
- Cost Proposal

3.2.3 Authorized Representative

[HELP 3.2.3]

A representative authorized to bind the Proposer shall sign the Proposal. Failure of the authorized representative to sign the Proposal may subject the Proposal to rejection by Agency.

3.3 [ROUND 1] PROCUREMENT PROCESS

[HELP 3.3] - [Remove the references to [Round 1] or [Round 2] if only one round is being used in the process.]

3.3.1 Public Notice

[HELP 3.3.1]

The RFP, including all Addenda and attachments, is published in the Oregon Procurement Information Network (ORPIN) at <http://orpin.oregon.gov>. RFP documents will not be mailed to prospective Proposers.

Agency shall advertise all Addenda on ORPIN. Prospective Proposer is solely responsible for checking ORPIN to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

3.3.2 Questions / Requests for Clarification

[HELP 3.3.2]

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

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

3.3.3 Pre-Proposal Conference

[HELP 3.3.3] - [OPTION 1 – no pre-Proposal conference]

A pre-Proposal conference will not be held for this RFP.

[OPTION 2 – pre-Proposal conference – if mandatory, state mandatory in this section and include a minimum Proposer requirement as having attended the mandatory pre-Proposal conference.]

A pre-Proposal conference will be held at the date and time listed in the Schedule.

Prospective Proposers' participation in this conference is **mandatory/highly encouraged but not mandatory**.

The purpose of the pre-Proposal conference is to:

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

Statements made at the pre-Proposal conference are not binding upon Agency. Proposers may be asked to submit questions in Writing.

3.3.3.1 Attendance at Pre-Proposal Conference

[HELP 3.3.3.1] - [Include specific instructions on how, where, when, etc. the conference will be held and how Proposer may participate. For example in person, by phone, webinar, if you require an RSVP, etc.]

3.3.4 Solicitation Protests

3.3.4.1 Protests to RFP

[HELP 3.3.4.1]

Prospective Proposer may submit a Written protest of anything contained in this RFP, including but not limited to, the RFP process, Specifications, Scope of Work, and the proposed **Contract/Price Agreement**. This is prospective Proposer's only opportunity to protest the provisions of the RFP, except for protests of Addenda or the **terms and conditions of the proposed Contract/Price Agreement**, as provided below.

3.3.4.2 Protests to Addenda

[HELP 3.3.4.2]

Prospective Proposer may submit a Written protest of anything contained in the respective Addendum. Protests to Addenda, if issued, must be submitted by 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.

3.3.4.3 Protests must:

[HELP 3.3.4.3]

- Be **delivered** to the SPC **via email, facsimile, hard copy**
- Reference the RFP number
- Identify prospective Proposer's name and contact information
- Be sent by an authorized representative

- State the reason for the protest, including:
 - the grounds that demonstrate how the Procurement Process is contrary to law, Unnecessarily Restrictive, legally flawed, or improperly specifies a brand name; and
 - evidence or documentation that supports the grounds on which the protest is based
- State the proposed changes to the RFP provisions or other relief sought
- Protests to the RFP must be received by the due date and time identified in the Schedule
- Protests to Addenda must be received by the due date identified in the respective Addendum

3.3.4.4 **Protest Response**

[HELP 3.3.4.4]

Agency 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.

3.3.5 **Proposal Submission Options**

[HELP 3.3.5]

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before Closing. Agency is not responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Proposal submitted by any means not authorized will be rejected.

3.3.5.1 **Submission through ORPIN**

[HELP 3.3.5.1] - [Select one of the options below and delete the other]

[OPTION 1 – submission through ORPIN allowed]

Proposal may be submitted electronically through ORPIN. Supplier eBidding Instructions – User Guide can be found at:

<http://www.oregon.gov/DAS/EGS/ps/Pages/eBidding.aspx>

[OPTION 2 – submission through ORPIN not allowed]

Submission through ORPIN is not allowed for this RFP.

3.3.5.2 **Submission through Mail or Parcel Carrier**

[HELP 3.3.5.2]

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.

3.3.5.3 **Submission in Person**

[HELP 3.3.5.3]

Proposal may be hand delivered, and must be clearly labeled and submitted in a sealed envelope, package or box. Proposal will be accepted, prior to Closing, during Agency's normal Monday – Friday business hours of 8:00 am to 5:00 pm Pacific Time, except during State of Oregon holidays and other times when Agency 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.

3.3.6 Proposal Modification or Withdrawal

[HELP 3.3.6]

Any Proposer who wishes to make modifications to a Proposal already received by Agency shall submit its modification in one of the manners listed in the Proposal Submission Options section and must denote the specific change(s) to the Proposal submission.

If a Proposer wishes to withdraw a submitted Proposal, it shall do so prior to Closing. The Proposer shall submit a Written notice Signed by an authorized representative of its intent to withdraw its Proposal in accordance with OAR 125-247-0440. The notice must include the RFP number and be submitted to the SPC.

3.3.7 Proposal Due

[HELP 3.3.7]

Proposal and all required submittal items must be received by the SPC on or before Closing. Proposal received after the Closing will not be accepted. All Proposal modifications or withdrawals must be completed prior to Closing.

Proposals received after Closing are considered LATE and will NOT be accepted for evaluation. Late Proposals will be returned to the respective Proposer or destroyed.

3.3.8 Proposal Rejection

[HELP 3.3.8]

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

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

3.3.9 Opening of Proposal

[HELP 3.3.9] - [Select one of the below options and delete the other.]

[OPTION 1 – no public 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. However, Agency will record and make available the identity of all Proposers after Opening.

[OPTION 2 – public Opening]

A public Opening will be held on the date and time listed in the Schedule and at the location, stated on the Cover Page. Only the name of the Proposer will be read at the Opening, no other information will be made available at that time. 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.

3.4 [ROUND 1] PROPOSAL CONTENT REQUIREMENTS

[HELP 3.4] - [If only one round is being used in your process you can remove the words “Round 1” from the document.]

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

3.4.1 Proposal Certification Sheet

[HELP 3.4.1]

The Proposer shall complete and submit the Proposal Certification Sheet (Attachment C).

3.4.2 Proposer Information Sheet

[HELP 3.4.2]

The Proposer shall complete and submit the Proposer Information Sheet (Attachment D).

3.4.3 Tax Affidavit

[HELP 3.4.3] - [OPTION 1 - If Agency conducts responsibility check for all Proposers, the Tax Affidavit requirement remains here. If responsibility check is only conducted on the apparent successful Proposer, remove this section and leave the Tax Affidavit requirements in section 4.3.3.]

The Proposer shall complete and submit the Tax Affidavit (Attachment E).

Failure to demonstrate compliance with Oregon Tax Laws may result in a finding of non-responsibility.

3.4.4 Key Persons and their Resumes

[HELP 3.4.4] - [Be sure this aligns with the Minimum key person Requirements section]

Specify key persons to be assigned to this Project, and include a current resume (not to exceed 2 pages each) for each individual that demonstrates qualifications and experience for the Work described.

3.4.5 References

[HELP 3.4.5] – [TUTORIAL for REFERENCES] - [Scoring options - Scores are typically assigned one of two ways: Score assigned by the reference is then totaled or averaged by SPC, or a narrative response is provided by the reference, then the narrative responses are evaluated by the evaluation committee. These are offered as examples only. Agency may remove or revise as necessary to meet Agency’s needs. Consider whether references for the Proposer, or individuals such as Key Persons, are required and identify.]

Provide at least **XX** references from current or former client firms for similar projects performed for any clients within the last **XX** years. References must verify the quality of previous, related Work.

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

[EXAMPLE 1 – Reference sends completed reference form to SPC]

Proposer shall send the Reference Check Form (Attachment F) to its references. Reference forms must be completed by the reference, and sent to the SPC. Reference forms must be received prior to Closing. Reference forms not received before Closing will not be scored.

[EXAMPLE 2 – Reference returns completed reference form to Proposer, Proposer submits form with Proposal]

Proposer shall send the Reference Check Form (Attachment F) to its references. Reference forms must be completed by the reference, returned to the Proposer and submitted with the Proposal.

[EXAMPLE 3 – SPC contacts reference, reference provides score]

Proposer shall submit reference names and contact information. Agency will make **3 attempts** to contact each of the references provided by the Proposer. If these attempts are unsuccessful, the Proposer will receive a score of zero for that reference.

3.4.6 Project Implementation Plan

[HELP 3.4.6]

Briefly describe how Proposer would carry out the major activities of this project in context with the Scope of Work. Provide a comprehensive management plan that the Proposer intends to follow. Illustrate how the plan will serve to coordinate and accomplish the Work.

[HELP 3.4.add] - [Insert any additional Proposal content requirements here before the Cost Proposal.]

3.4.7 Cost Proposal

[HELP 3.4.7] - [Describe the requirements of the Cost Proposal, consider rates, lump sum, price per deliverable, milestone payments, etc., and create a Cost Proposal (Attachment G) specific to Agency’s RFP.]

[EXAMPLE – Time and Materials]

Submit a detailed Cost Proposal (Attachment G) that includes the following items:

- For each activity described in the Scope of Work, the Cost Proposal must include identifiable costs, time estimates for completing each activity, and a summary of all proposed costs,
- The Cost Proposal must include separate line items for personnel, travel, supplies, other costs, and administrative and overhead charges; and
- For all fully loaded personnel costs, the Cost Proposal must include the name and title of all positions for each individual staff person who will perform the Work, and list the salary/wage and fringe rate separately for each such individual.

[EXAMPLE – Fixed Price with Deliverable Payments]

Submit a detailed Cost Proposal (Attachment G) stating the cost for each deliverable and the total cost for the entire project. Include a breakdown of all labor, profit and expenses.

[EXAMPLE – Fixed Price – Lump Sum Payment]

Submit a detailed Cost Proposal (Attachment G) stating the total cost for the entire project. Include a breakdown of all labor, profit and expenses.

[EXAMPLE – Goods Only]

Submit a Cost Proposal (Attachment G) stating the cost for each delivered item based on the required delivery schedule.

3.4.8 Public Record/Confidential or Proprietary Information

[HELP 3.4.8]

All Proposals are public record and are subject to public inspection after Agency issues the Notice of the Intent to Award. If a Proposer believes that any portion of its Proposal contains any information that is a trade secret under ORS Chapter 192.501(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.410 through 192.505), Proposer shall complete and submit the Affidavit of Trade Secret (Attachment B) and a fully redacted version of its Proposal.

Proposer is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.410 through 192.505) and identifying the Proposal, in whole, as exempt from disclosure is not acceptable. Agency 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.

3.5 [ROUND 1] EVALUATION PROCESS

[HELP 3.5] - [If only one round is being used in your process you can remove the words “Round 1” from the document.]

3.5.1 Responsiveness and Responsibility Determination

[HELP 3.5.1]

Proposals received prior to Closing will be reviewed for Responsiveness to all RFP requirements including compliance with Minimum Requirements section and Proposal Content Requirements 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, Agency may waive mistakes in accordance with OAR 125-247-0470.

In accordance with OAR 137-047-0261(6)(a)(A), Agency may establish a Competitive Range of all Proposers who have made a good faith effort in submitting a Proposal in response to this RFP for the purpose of correcting deficiencies in Proposals for determining responsiveness during Round 1.

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

3.5.2 Evaluation Criteria

[HELP 3.5.2] - [The following is an example of how an evaluation could be structured and may be modified to meet Agency needs.]

Proposals meeting the requirements outlined in the Proposal Content Requirements section will be evaluated by an Evaluation Committee. Evaluators will assign a score of 0 to 10 for each evaluation criterion listed below in this section.

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposals. 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.

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

[Rename the Evaluation items below to match your specific criteria]

3.5.2.1 Evaluation Item 1 (for example, management plan)

[HELP 3.5.2.1] - [Include information on exactly what will be evaluated for scoring. Be sure that this section aligns with the submission requirements so it is easy to follow along.]

- How well does ___?
- How well does ___?

3.5.2.2 Evaluation Item 2

- How well does ____?
- How well does ____?

3.6 [ROUND 1] NEXT STEP DETERMINATION

[HELP 3.6]

Agency may determine Apparent Successful Proposer at the conclusion of Round 1 evaluation, or Agency may conduct additional rounds of competition if in the best interest of the State. Additional rounds of competition may consist of, but will not be limited to:

- Establishing a Competitive Range
- Presentations/Demonstrations/Additional Submittal Items
- Interviews
- Best and Final Offers

3.7 [ROUND 1] COMPETITIVE RANGE

[HELP 3.7] - [REMOVE this ROUND 1 COMPETITIVE RANGE section if only one round]

3.7.1 Competitive Range Determination

[HELP 3.7.1]

Proposers with the **XX** highest scoring Round 1 Proposals will advance to Round 2. Agency may increase or decrease the number of Proposers advancing to Round 2 if there is a natural break in the scores. Agency will post a notice in ORPIN of the Competitive Range Determination for Round 1, which includes the Proposers advancing to Round 2.

3.7.2 Competitive Range Protest

[HELP 3.7.2] - [Allowing for protest at this point is optional. You may move through all rounds without allowing protests, however, you must allow Competitive Range protest at the time of award protest.]

Proposers excluded from Round 2 may submit a Written protest of Competitive Range. Protests must:

- Be emailed to the SPC;
 - Reference the RFP number;
 - Identify Proposer's name and contact information;
 - Be sent by an authorized representative
 - State the reason for the protest;
 - Be received by the due date and time identified in the Notice of Competitive Range;
- and

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

3.8 [ROUND 2] PROCUREMENT PROCESS

[HELP 3.8] – [TUTORIAL for REMOVING ROUND 2] - [REMOVE reference to “Round 2” if SINGLE ROUND] - [Include a high-level overview of all Round 2 activities (i.e. interviews, establishing the competitive range, presentations, demonstrations, additional submittal items, and best and final offers) and any additional information that may be required.]

[EXAMPLE – Interviews]

3.8.1 Interviews

[HELP 3.8.1]

Proposers progressing to Round 2 will be invited to participate in Proposer interviews. Interviews may be in person at a location determined by Agency; however, Agency may elect to conduct interviews via teleconference or video conference. Further details will be included with Notice of Competitive Range.

3.9 [ROUND 2] SUBMITTAL REQUIREMENTS

[HELP 3.9] - [Agency to describe the specific submittal requirements]

3.10 [ROUND 2] EVALUATION PROCESS

3.10.1 Responsiveness Determination

[HELP 3.10.1] - [OPTION 1 – Round 2 evaluates demonstrations, presentations or interviews, nothing is submitted]

Proposers being interviewed will be evaluated by a committee as described below:

[OPTION 2 – Round 2 requires the submission of additional Proposal documents]

Proposals received prior to the due date and time for Round 2 Proposals will be reviewed for completeness and compliance with Round 2 Proposal Content Requirements section. If the Proposal is unclear, Proposer may be asked to provide clarification. Proposals meeting all requirements will be evaluated by an Evaluation committee as described below:

3.10.2 Evaluation Criteria

[HELP 3.10.2] - [OPTION 1 – Round 2 evaluates demonstrations, presentations or interviews, nothing is submitted]

Round 2 Proposers will be independently evaluated by the members of the evaluation committee. Evaluators will assign a score of 0 to 10 for each evaluation criterion listed below in this section. The assigned score from each evaluator will be averaged for each item, and that number will be used as a percentage multiplier of the maximum possible points for that item. 1=10%, 5=50%, 9=90%, etc.

[OPTION 2 – Round 2 requires the submission of additional Proposal documents]

Proposals meeting the requirements of the Round 2 Proposal Content Requirements section will be evaluated by a committee. Evaluators will assign a score of 0 to 10 for each evaluation criterion listed below in this section.

Agency may request clarification to gain understanding of Proposals. A response to a clarification must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

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

3.10.2.1 Evaluation Item 1

[HELP 3.10.2.1] - [Include information on exactly what will be evaluated for scoring. Be sure that this section aligns with the submission requirements so it is easy to follow along.]

- How well does ___?
- How well does ___?

3.10.2.2 Evaluation Item 2

- How well does ___?
- How well does ___?

3.11 [ROUND 2] NEXT STEP DETERMINATION

[HELP 3.11]

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

- Establishing a Competitive Range
- Presentations/Demonstrations/Additional Submittal Items
- Interviews
- Best and Final Offer

3.12 COST EVALUATION

[HELP 3.12] - [Following is an example of how cost can be evaluated. If using a different method remove language and edit as necessary.]

The SPC will conduct the cost evaluation. The SPC will award a cost score to each Cost Proposal based upon the percentage of the proposed cost as compared to the lowest Proposer's cost using the following formula:

$$\frac{\text{lowest cost of all Proposers}}{\text{cost being scored}} \times \text{cost points possible} = \text{cost score}$$

3.13 PREFERENCES

3.13.1 Oregon Supplies and Services

[HELP 3.13.1] - [The following preference is an option (that may not be allowable in federally funded RFPs). This preference allows Agency to apply up to a 10% preference to the cost portion. The percentage may be increased if a justification is Written.]

Agency prefers Oregon goods and services, and for evaluation purposes, per ORS 279A.128, Agency shall subtract XX% from the cost for any Proposer proposing all Goods fabricated or processed or all Services performed entirely in Oregon before calculating the cost score.

3.13.2 Reciprocal Preference

[HELP 3.13.2]

For evaluation purposes per OAR 125-246-0310, Agency 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 Offeror of the Proposer's state.

3.13.3 Recycled Materials

[HELP 3.13.3]

In comparing Goods from two or more Proposers, if at least one Proposer offers Goods manufactured with Recycled Materials, and at least 1 Proposer does not, Agency 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.

3.13.4 Tiebreakers

[HELP 3.13.4]

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

3.14 POINT AND SCORE CALCULATIONS

[HELP 3.14] - [This is example language you may use. If Agency use another method, ensure that the methodology, including cost, meets the requirements of ORS 279B.060]

Scores are the values (0 through 10) assigned by each evaluator.

Points are the total possible value for each section as listed in the table below.

The SPC will average all scores for each evaluation criterion. The average score will be used as a

percentage multiplier of the maximum possible points for that criterion. 1=10%, 5=50%, 9=90%, etc.

Cost points are calculated as stated in the Cost Evaluation section. Points possible are as follows:

TOTAL POINTS POSSIBLE :		XX
[ROUND 1] POINTS POSSIBLE		XX
3.5.2.1	Evaluation Item 1	XX
3.5.2.2	Evaluation item 2	XX
Etc.	Etc.	XX
[ROUND 2] POINTS POSSIBLE		XX
3.9.2.1	Evaluation Item 1	XX
3.9.2.2	Evaluation item 2	XX
Etc.	Etc.	XX
[ADDITIONAL ROUNDS] POINTS POSSIBLE		XX
Etc.	Etc.	XX
3.12	COST POINTS POSSIBLE	XX

EXAMPLE:

Proposer A receives scores of 10, 9, and 8 for a criterion worth 50 points. The SPC averages 10, 9, and 8 for a score of 9. 9 is used as a 90% multiplier to the possible points of 50. 50 multiplied by 90% is 45. Proposer A's points for the criterion is 45.

3.15 RANKING OF PROPOSERS

[HELP 3.15] - [NOTE: Agency to describe the method for ranking Proposers for award. The following is an example ranking method.]

[EXAMPLE 1 – all points are cumulative for final score]

SPC will rank all Proposers advancing through all rounds of evaluation. The SPC will total the final average score (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members) from all rounds of competition, together with references, and final cost. After each applicable preference has been applied, SPC will determine rank order for each respective Proposal and Proposer, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

[EXAMPLE 2 – each round is scored independently and points are not cumulative]

SPC will rank all Proposers advancing through all rounds of evaluation. The SPC will total the points from the final round of evaluation and cost to determine final ranking

SECTION 4: AWARD AND NEGOTIATION

4.1 AWARD NOTIFICATION PROCESS

4.1.1 Award Consideration

[HELP 4.1.1]

Agency, if it awards a **Contract/Price Agreement**, shall award a **Contract/Price Agreement** to the highest ranking Responsible Proposer(s) based upon the scoring methodology and process described in Section 3. Agency may award less than the full Scope defined in this RFP.

4.1.2 Intent to Award Notice

[HELP 4.1.2]

Agency will notify all Proposers in Writing that Agency intends to award a **Contract/Price Agreement** to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

4.2 INTENT TO AWARD PROTEST

4.2.1 Protest Submission

[HELP 4.2.1]

An Affected Offeror shall have **XX** calendar days from the date of the intent to award notice to file a Written protest.

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

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

If Agency receives only one Proposal, Agency may dispense with the intent to award protest period and proceed with **Contract/Price Agreement** Negotiations and award.

4.2.1.1 Protests must:

[HELP 4.2.1.1]

- Be delivered to the SPC **via email, facsimile or hard copy**
- Reference the RFP number
- Identify prospective Proposer's name and contact information
- Be signed by an authorized representative
- Specify the grounds for the protest
- Be received within 7 calendar days of the intent to award notice

4.2.2 Response to Protest

[HELP 4.2.2]

Agency 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 Agency.

4.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS

[HELP 4.3] - [Insert any additional submittal items in this section]

4.3.1 Insurance

[HELP 4.3.1]

Prior to execution of the **Contract/Price Agreement**, the apparent successful Proposer shall secure and demonstrate to Agency proof of insurance coverage meeting the requirements identified in the RFP or as otherwise negotiated.

Failure to demonstrate coverage may result in Agency terminating Negotiations and commencing Negotiations with the next highest ranking Proposer. Proposer is encouraged to consult its insurance agent about the insurance requirements contained in **Insurance Requirements (Exhibit XX of Attachment A)** prior to Proposal submission.

4.3.2 Taxpayer Identification Number

[HELP 4.3.2]

The apparent successful Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form if either of the following applies:

- When requested by Agency (normally in an intent to award notice), or
- When the backup withholding status or any other information of Proposer has changed since the last submitted W-9 form, if any.

Agency will not make any payment until Agency has a properly completed W-9.

4.3.3 Tax Affidavit

[HELP 4.3.3] - [OPTION 2 - If Agency conducts responsibility check only for the apparent successful Proposer, the Tax Affidavit requirement remains here and the Tax Affidavit requirement in section 3.4.3 is removed.]

Prior to execution of the **Contract/Price Agreement**, the apparent successful Proposer shall complete and submit the Tax Affidavit (Attachment E) to demonstrate compliance with Oregon Tax Laws.

Failure to demonstrate compliance may result in a finding of non-responsibility.

4.3.4 Business Registry

[HELP 4.3.4]

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/Price Agreement**. The selected Proposer shall submit a current Oregon Secretary of State business registry number, or an explanation if not applicable.

All Corporations and other business entities (domestic and foreign) must have a Registered Agent in Oregon. See requirements and exceptions regarding Registered Agents. For more information, see Oregon Business Guide, How to Start a Business in Oregon and Laws and Rules.

4.4 CONTRACT/PRICE AGREEMENT NEGOTIATION

4.4.1 Negotiation

[HELP 4.4.1] - [OPTION 1 – Agency designates negotiable items]

After selection of a successful Proposer, Agency may negotiate the Statement of Work and the following terms and conditions:

[Note – Agency to list negotiable items here, such as Methods of Payment, Term of Contract/Price Agreement, and Pricing]

In the event that the parties have not reached mutually agreeable terms within **XX** calendar days, Agency, at its discretion, may terminate Negotiations and commence Negotiations with the next highest ranking Proposer.

[OPTION 2 – Agency designates what is not negotiable]

By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of the Sample **Contract/Price Agreement** (Attachment A), with the exception of those terms reserved for negotiation. Proposer shall review the attached Sample **Contract/Price Agreement** and note exceptions. Unless Proposer notes exceptions in its Proposal, the State intends to enter into a **Contract/Price Agreement** with the successful Proposer substantially in the form set forth in Sample **Contract/Price Agreement** (Attachment A). It may be possible to negotiate some provisions of the final **Contract/Price Agreement**; however, 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, Agency will consider the Scope of requested exceptions in the evaluation of Proposals.

Any Proposal that is conditioned upon Agency’s acceptance of any other terms and conditions may be rejected. Any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice.

All items, except those listed below, may be negotiated between Agency and the apparent successful Proposer in compliance with Oregon State laws:

- Choice of law
- Choice of venue
- Constitutional requirements
- xxxxxxxx

In the event that the parties have not reached mutually agreeable terms within **XX** calendar days, Agency may terminate Negotiations and commence Negotiations with the next highest ranking Proposer.

4.4.2 Contractor Selection Methodology

[HELP 4.4.2] - [If single award, remove this section. Determine the methodology that will be used by Agency, below is one example.]

In the event multiple **Contract/Price Agreements** are awarded, Agency will use the following methodology to determine from which contractor to purchase.

- Issue all purchases to the highest ranked contractor.
- Determine a list of the most commonly purchased items, price compare this list between all awarded contractors. Issue all purchases to the contractor with the most favorable Offer. A new comparison will be conducted at least once per year.
- Compare each item between all awarded contractors, issue Purchase Order to the contractor with the most favorable Offer.

SECTION 5: ADDITIONAL INFORMATION

5.1 OMWESB PARTICIPATION

[HELP 5.1]

Pursuant to **Oregon Revised Statute (ORS) Chapter 200**, and as a matter of commitment, Agency encourages the participation of minority, women, and emerging small business enterprises in all contracting opportunities. Agency also encourages joint ventures or subcontracting with minority, women, and emerging small business enterprises. For more information please visit <http://www.oregon4biz.com/How-We-Can-Help/OMWESB/>

If the **Contract/Price Agreement** results in subcontracting opportunities, the successful Proposer may be required to submit a completed OMWESB Outreach Plan (Attachment H) prior to execution.

5.2 GOVERNING LAWS AND REGULATIONS

[HELP 5.2]

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 from the jurisdiction of any court.

5.3 OWNERSHIP/PERMISSION TO USE MATERIALS

[HELP 5.3]

All Proposals submitted in response to this RFP become the Property of Agency. By submitting an 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 an Agreement, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (**ORS 192.410 through 192.505**). Proposals, including supporting materials, will not be returned to Proposer unless the Proposal

is submitted late.

5.4 CANCELLATION OF RFP; REJECTION OF PROPOSALS; NO DAMAGES.

[HELP 5.4]

Pursuant to **ORS 279B.100**, Agency may reject any or all Proposals in-whole or in-part, or may cancel this RFP at any time when the rejection or cancellation is in the best interest of the State or Agency, as determined by Agency. Neither the State nor Agency is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

5.5 COST OF SUBMITTING A PROPOSAL

[HELP 5.5]

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.

5.6 STATEWIDE E-WASTE/RECOVERY POLICY

[HELP 5.6]

If applicable, Proposer shall include information in its Proposal that demonstrates compliance with the Statewide E-Waste/Recover Policy effective July 1, 2012.

5.7 RECYCLABLE PRODUCTS

[HELP 5.7]

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/Price Agreement**. (**ORS 279B.025**)

5.8 PRINTING, BINDING, AND STATIONERY WORK

[HELP 5.8] - [NOTE: Delete language if this RFP does not include significant printing]

Except as provided in **ORS 282.210(2)**, all printing, binding and stationery work, including the manufacture of motor vehicle registration plates and plates required to be affixed to motor carriers, for the State or any county, city, town, port district, school district, or other political subdivision, must be performed within the State.

5.9 CHECKLIST DISCLAIMER

[HELP 5.9] - [If no checklists are provided, remove this section.]

Any checklists that may be contained in this RFP are provided only as a courtesy to prospective Proposer. Agency makes no representation as to the completeness or accuracy of any Checklist. Prospective Proposer is solely responsible for reviewing and understanding the RFP and complying with all the requirements of this RFP, whether listed in a checklist or not. Neither the

State nor Agency is liable for any claims, or subject to any defenses, asserted by Proposer based upon, resulting from, or related to, Proposer's failure to comprehend all requirements of this RFP.

SECTION 6: LIST OF ATTACHMENTS

[HELP 6] - [Remove or add attachment references as needed]

ATTACHMENT A SAMPLE CONTRACT/PRICE AGREEMENT

ATTACHMENT B AFFIDAVIT OF TRADE SECRET

ATTACHMENT C PROPOSER CERTIFICATION SHEET

ATTACHMENT D PROPOSER INFORMATION SHEET

ATTACHMENT E TAX AFFIDAVIT

ATTACHMENT F REFERENCE CHECK FORM

ATTACHMENT G COST PROPOSAL FORM

ATTACHMENT H OMWESB OUTREACH PLAN

ATTACHMENT I PROPOSAL CHECKLIST