



Lebanon Community School District 9
Lebanon, Oregon

REQUEST FOR PROPOSALS

Facility Condition Assessment /
Long-Range Facility Plan /
Seismic Assessment

**Proposal Closing:
12:00 PM, Friday, June 8, 2018**

Submit Proposal Response in a sealed envelope
on or before the proposal closing date and time stated above to:

Lebanon Community School District
District Office
Attn: Julie Hansen
485 S. 5th Street
Lebanon, OR 97355

**LEBANON COMMUNITY SCHOOL DISTRICT 9
Request for Proposals
Facility Condition Assessment & Long-Range Facility Plan**

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LEBANON COMMUNITY SCHOOL DISTRICT 9
LEBANON, OREGON

Notice is hereby given that Lebanon Community School District is seeking proposals from qualified firms to provide a facility condition assessment for all of its facilities, to develop of a long-range facility plan and to provide a seismic assessment. Proposals will be received on May 14, 2018, until the deadline listed below. Interested firms are required to be a certified assessor with the Oregon Department of Education, Office of School Facilities. Interested parties shall submit their proposal documents in a sealed envelope mailed or delivered to the attention of:

Proposals will be accepted at:
Lebanon Community School District
District Office – Business Office
485 S. 5th Street
Lebanon, OR 97355

Up until, and no later than:
PROPOSAL CLOSING:
12:00 PM
Friday
June 8, 2018

Envelopes must be clearly marked **“Proposal Response: Facility Condition Assessment and Long Range Planning Services - Submittal Deadline June 8, 2018, 12:00 p.m.”** Faxed proposals will be considered non-responsive and will not be accepted. The Proposals will be opened publicly following the deadline for submission of proposals. The District will not consider late materials received after the submission deadline, and those materials will be not be opened.

All proposers are required to comply with the provisions of Oregon revised Statutes. Attention is directed to: ORS 244, Government Ethics; ORS 279 Divisions A through C, Public Contracts & Purchasing; and Oregon Administrative Rules 137 Divisions 46 through 49.

Each Proposal shall contain a statement indicating whether the Bidder is a “resident bidder”, as defined in ORS 279A.010 and ORS 279A.120.

RFP PACKETS

Request for Proposal packets outlining submittal details, may be obtained from the Lebanon Community School District, District Office – Business Office, 485 S. 5th Street, Lebanon, Oregon, 97355. Packets may be requested by phone (541-259-8941), or by e-mail at julie.hansen@lebanon.k12.or.us. All communications regarding the RFP process shall be directed to Julie Hansen at 541-259-8941.

REVIEW AND EVALUATION PROCESS

RFPs will be subjected to a committee review and evaluation process based on criteria outlined in the RFP packet. The District reserves the right to: (1) reject any or all Proposals not in compliance with all public bidding procedures and requirements, (2) postpone award of the Contract for a period not to exceed sixty (60) days from the date of proposal opening, (3) waive informalities in the Proposals, and (4) select the Proposal which appears to be in the best interest of the District.

I – INTRODUCTION

The Lebanon School District is requesting sealed proposals from qualified firms for a district facility condition assessment, followed by the development of a long-range master facility plan. Details concerning the project and proposal are as follows:

BACKGROUND/HISTORY OF THE PROJECT:

The Lebanon Community School District (“District”), located in Linn County, serves approximately 4,200 students across 50 square miles, with 536 employees stationed at multiple locations. The District provides educational services to diverse student populations at varying geographical areas throughout the district. In addition to the eight schools listed in the scope of work, the District manages an administration building and assorted maintenance buildings, for a total facilities footprint of approximately 575,469 square feet (not including Land Lab, out-buildings and storage sheds).

Certain building systems within these facilities are demonstrating signs of aging and wear, the extent to which is not completely known. A comprehensive assessment of the condition of each of the facilities will identify current and anticipated issues and their level of severity, providing foundational information that will enable the District to develop a priority ranking of facility conditions across the District. The assessment will be utilized to make decisions such as maintenance activities impacting student learning environments, safety, security, HVAC, energy conservation, communications, site conditions, and deferred maintenance items.

The facility condition assessment will also be used to develop, and be incorporated into, a long-range facility plan. This plan will guide the District in effectively maintaining district assets, in support of the District’s goal of providing high-quality educational services throughout its service area.

II – GENERAL PROPOSAL PROCESS**RFP TIMETABLE**

Description	Date
RFP issue date	May 14, 2018
RFP due date (12:00 PM PST)	June 8, 2018
District team evaluates RFP proposals	June 11-15, 2018
Notification of intent to award	June 29, 2018
Contract execution (Board Approval)	July 19, 2018
Notice to proceed	August 6, 2018

FORMAT OF BID

All **Proposers** must submit a proposal for services based upon the items described within this RFP. Proposals must be submitted in a sealed envelope, addressed as follows:

**Lebanon Community School District 9
RFP: Facility Condition Assessment & LRFP
Attention: Julie Hansen, Business Department
485 S. 5th Street
Lebanon, OR 97355**

In addition, the **Proposer's** name and address must appear on the outside of the envelope.

PROPOSALS MUST BE TIME STAMPED AT THE LEBANON COMMUNITY SCHOOL DISTRICT OFFICE ON OR BEFORE THE STATED DEADLINE. The District will not consider late materials received after the submission deadline, and those materials will not be opened.

Proposal Submission

The Proposal must be submitted with one original and four hard copies signed by the Proposer and one electronic PDF version of the proposal.

- Proposals must be signed by an officer of the firm with the authority to commit the firm.

It is the sole responsibility of the proposer to ensure the proposal is received prior to the stated submission deadline above in the RFP Timetable. The District is NOT responsible for proposals delivered to any location other than the District Office either by the **Proposer**, postal department or any other method of delivery. Faxed transmissions will not be accepted.

- This RFP document is not to be distributed or made available by the proposer to anyone outside their company. The RFP document is to be released only by the District Office.
- The opening of the Proposals is June 8, 2018. Proposals will not be made a part of the public record until after the evaluation process is complete. The only information that will be shared at the proposal opening is the name of the parties that submitted a proposal.

Prohibition of Alterations

Any and all erasures or corrections in the Proposal documents must be initialed by the Proposer. Proposals which are incomplete or conditioned, or which contain any erasures, alterations, addition of items not called for in the Project Specifications, or that contain irregularities of any kind, or which are not in conformity with the law, may be rejected, as well as proposals that take exception to specifications or those that place conditions on the services, unless specifically indicated as acceptable.

Signature

Any signature or initial relating to this RFP certifies that the individual signing or initialing has read and fully understands all provisions. Anything relating to this RFP shall be deemed to have been properly signed or initialed if the procedures below are adhered to:

1. In the case of an individual Proposer, by each such individual Proposer.
2. In the case of a partnership, the name of the partnership must appear directly above the initial or signature, and the initial or signature must be that of one of the authorized partner(s) of said partnership, signing for and in the name of the partnership. In addition, the names of all partners shall be stated in the document.
3. In the case of a Limited Liability Entity, the entity's name shall be subscribed to by the president or other authorized managing officer, and the name of the office held in (or the capacity in which they act for) such corporation shall be listed under the signature of such officer.
4. All signatures must be in ink.

Proposal Withdrawals

A Proposal may be withdrawn in person with proper identification, or by issuing a written request on company letterhead, signed by an authorized representative, and received by the District prior to the submission deadline on June 8, 2018, by 12:00 PM PST.

Sufficiency

Please provide all requested and required information. Proposals which do not provide all information as required by this RFP will be rejected.

Contract Offer

The Proposers Certifications and Representations (Appendix A) must be signed before an award of the Contract will be made. A Proposal will not be considered for any award of the Contract where the certification has been deleted or modified or not properly signed prior to the date of notice of intent to award.

All Proposers who submit a Proposal must agree that the provisions of this RFP, any addenda items, and the contract provisions are acceptable and that, within ten (10) days after receipt of a notice of intent to award, any Proposer to whom a Contract is awarded will sign the Contract including the aforementioned provisions.

Any objections to such provisions must be stated in writing and received by the district office prior to the Proposal withdrawal deadline of June 8, 2018, 12:00 PM PST.

Rejection of Proposals

It is understood that the District and the Lebanon Community School District Board of Directors reserve the right to reject any or all proposals, or waive as an informality, any irregularities contained in a proposal; and, it is expressly contemplated that no contract exists on the part of the District until formal written notice has been given or until a contract is executed. The information obtained will be used to help determine the suitability of the proposed products and services. It is understood that the Board of Directors reserves the right to award a contract for the proposal in the manner deemed to be in the best interest of the District.

Non-acceptance of any Proposal will not imply any criticism of the Proposal or convey any indication that the Proposal or proposed products or services were deficient. Non-acceptance of any Proposal may mean that another Proposal was deemed to be more advantageous to the District or that no Proposal was deemed acceptable.

Proposals will be evaluated and, unless all Proposals are rejected, an award of the contract will be made based upon the evaluation process outlined within this RFP. The evaluation may result in the award of the contract being made other than to the lowest priced Proposal.

Required Qualifications

All Proposers must be registered as a certified assessor with the Oregon Department of Education Office of School Facilities. Any proposers who do not meet this standard will have their proposal rejected.

Insurance Requirements

General Insurance. Proposer, or independent consultant, shall furnish a Certificate of Insurance listing the District as an additional insured under blanket Errors and Omissions Coverage in the amount not less than \$1,000,000, provided that the formation of said contract shall not be complete and the District shall not be liable thereon until said contract has been executed by both the successful Proposer and the District and said Certificate of Insurance, properly executed, has been delivered to and accepted by the District.

Commercial General Liability. Proposer, or independent consultant, shall maintain in force for the duration of this agreement a Commercial General Liability insurance policy written on an occurrence basis with limits not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

Workers' Compensation. The Proposer, or independent consultant, shall provide and maintain workers' compensation coverage for its employees, officers, agents, or partners, as required by applicable workers' compensation laws.

Cost Data

All Proposals need to present their cost data for each phase of the project (per listed sites) as outlined on Page 15. The costs quoted shall include all costs for which the District shall be responsible. Any unspecified costs shall be borne by the **Proposer**. Proposals with no pricing information in accordance with this RFP will be rejected.

Taxes

The District is tax exempt. All taxes will be the responsibility of Proposer.

Payment

Unless otherwise provided in the terms and conditions of this RFP or of the anticipated contract provisions, payment will be made 30 days after receipt of invoice and acceptance of goods and/or services provided under this RFP.

Public Information and Trade Secrets

All Proposals and related materials shall be kept by the District for a period of six years and will be considered public information.

Proposers who have concerns about revealing trade secrets or other proprietary information within their Proposal must preface each page of sensitive material with the following text: *"This data constitutes a trade secret under ORS 192.501(2) and shall not be disclosed outside the District or duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate the described products/services or in accordance with Oregon Public Records Law, ORS Chapter 192. This restriction*

does not limit the District's right to use information contained herein if it is obtained from another source." All Proposers who respond to this RFP authorize the release of all information on any page that does not contain said above text.

Oregon Public Records law exempts only bona fide trade secrets from disclosure, "unless the public interest requires disclosure in the particular instance" ORS 192.501(2). Nondisclosure of documents submitted with a Proposal and marked as a trade secret may depend on official or judicial determinations made pursuant to Oregon Public Records Law.

Cost or price information does not constitute trade secrets and must be open to public inspection.

Addenda

If it becomes necessary to modify, revise, or clarify any part of this RFP, addenda will be provided to all Proposers who have received the request for proposal from the District Office.

All written modifications and addenda issued by the designated contact for the District are hereby designated as the sole reference and authority for the preparation of Proposals and take precedence over any other source, either verbal or written.

Inquiries and RFP Requests for Clarifications

No district employee or officer is authorized to make any oral interpretation of any provisions within the RFP or Contract documents. The District will not be responsible for any oral remarks related to this RFP. Prospective Proposers who are in doubt about or who have any objection to any aspect of this RFP, the Anticipated Contract Provisions and all subsequent written modifications and addenda must submit a written objection or request for clarification by June 1, 2018 by 12:00 PM PST.

To be considered, prospective Proposer's written RFP Request for Clarification must be submitted to the District's Office in writing by June 1, 2018 by 12:00 PM PST.

The District's clarification response to a prospective Proposer, whether orally or in writing, does not change the RFP and is not binding on the District unless the District amends the RFP by Addendum. The District reserves the right to cancel the RFP in lieu of clarification under, and in conformance with, OAR 137-047-0660.

PROTESTS

The District's designated Contract Officer for this process is Julie Hansen. The Contract Officer will handle all objections, complaints, and inquiries regarding this RFP, and the selection of a **Contractor**. All complaints and protests will be mailed, emailed or hand-delivered to:

Julie Hansen, Business Department
LEBANON COMMUNITY SCHOOL DISTRICT
485 S. 5th Street
Lebanon, OR 97355
julie.hansen@lebanon.k12.or.us

Any protest of these RFP specifications must be presented to the Contract Officer by June 1, 2018, 12:00
 Lebanon Community School District
 Facilities Condition Assessment & Long-Range Facility Plan RFP

PM PST, and the envelope containing a protest shall be marked as follows: **“PROPOSAL SPECIFICATIONS PROTEST, FCA & LRFP”**

In response to such a protest, an addendum may be issued, if deemed appropriate by the Contract Officer or designee.

A bidder or proposer may protest the award of this contract or notice of intent to award the contract based on the requirements of ORS 279B.410. The District may award a contract while a protest is pending.

The Lebanon Community School District Board of Directors is the public contract review board for the Lebanon Community School District with the power to act in the capacity as defined in Oregon Statutes and Administrative Rules.

ACCEPTANCE OF CONDITIONS:

Each Proposer, by the submission of a proposal, assents to each and every term and condition set forth anywhere in these specifications, or addenda added, and agrees to be bound thereby.

III - PURPOSE AND SCOPE OF WORK

The District is seeking proposals from qualified firms to provide the services required. The term of the contract will start at contract execution and end when the project work is completed to the district's satisfaction (within the agreed scope of work). The District reserves the right to award additional contracts from this RFP during the above stated term.

The District will consider proposals from individuals and firms or from multiple firms working as a team, provided one of the firms serves as the prime with single-source contractual liability for all other team members, including their services, equipment, supplies and all other components that go into making the work complete. The ideal individual/firm(s) will have expertise and experience in facility condition assessments and long-range planning with local public school districts in Oregon or Washington, in the public sector.

Schools and buildings (and any associated outbuildings, including but not limited to maintenance buildings, sheds, supply buildings, etc.) listed below will be included in the scope of work:

BUILDING	BUILDING ADDRESS	GSF (not Including outbuildings)
Cascades Elementary School	2163 Seventh St, Lebanon, OR	GSF 53,086
Green Acres Elementary School	700 Tenth St, Lebanon, OR	GSF 52,870
Hamilton Creek K-8	32135 Berlin Rd, Lebanon, OR	GSF 43,704
Lacomb K-8	34110 E Lacomb Dr, Lebanon, OR	GSF 41,368
Pioneer K-6	500 N 5th St, Lebanon, OR	GSF 52,102
Riverview Elementary School	1011 Mountain River Dr, Lebanon, OR	GSF 53,596
Seven Oak Middle School	550 Cascade Dr, Lebanon, OR	GSF 81,085
Lebanon High School	1700 S 5 th St, Lebanon, OR	GSF 170,158
Land Lab (2 Classrooms)	31000 Land Lab Rd, Lebanon, OR	GSF 900
District Office/Bus Garage/ Transportation Center	485 S 5 th St, Lebanon, OR	GSF 27,500

Part 1: Facility Condition Assessment

The overall purpose for the successful firm is to assist the District with the development of a Long-Range Facility Plan, based on conducting facility assessments and collecting district wide data. The Facility Condition Assessment will be based on all School/District buildings in compliance with facility assessment standards established by the Oregon Department of Education Office of School Facilities. Buildings will be assessed and evaluated per OAR 581-027-0035, and the work and reports must meet the requirements set forth therein. The District will provide any past studies, current bids for work or any applicable reports. A current comprehensive facility report has been conducted and will be made available as a cost saving measure.

Required services shall include, but not limited to:

1. Identifying and documenting current facility condition and deficiencies
2. Recommending corrections for all deficiencies
3. Providing cost estimates for corrections, using industry standard construction and remodeling cost estimating data and formats. The data should be formatted in the method required by the Oregon Department of Education (ODE), Office of School Facilities.
4. Forecasting future facility renewal costs
5. Incorporating pre-existing FCA data
6. Developing a Facility Condition Index rating for each facility
7. Assess Educational Adequacy for each of the eight operating schools, land lab, district office and district maintenance shop.
8. Final report with all pertinent data

Part 2: Long-Range Facility Plan

Building on the facility condition assessment, the District's Long-Range Facility Plan (LRFP) should forecast facilities' needs over a ten-year horizon, and provide a prioritized plan to strategically and efficiently reduce deferred maintenance and identify buildings that may not be economically viable for further investment. All work will meet requirements identified in OAR 581-027-0040, and be conducted in consultation with the Superintendent, District staff and School Board members. The long range facility plan will take into account district budgetary constraints as well as district educational priorities.

Building System Inventory

The types of building systems to be assessed may vary with each building and shall include, but are not limited to, the following:

- Exterior Systems: foundation, walls, window systems, exterior doors, civil/structural components, siding
- Interior Systems: walls, doors, flooring, ceiling, hardware, architectural components
- Fire/Life Safety issues, including hazards, alarms, fire escapes, exit codes
- Heating, Ventilation and Air Conditioning, including controls and terminal units (condition), duct work, insulation
- Boiler Systems
- Electrical and Electrical Distribution (condition, not load analysis) and generator systems

- Plumbing Systems: fixtures, supply, storm and sanitary drainage, on and off valves, irrigation, septic system
- Wells (2 schools)
- Lighting, both interior and exterior
- Technology Network
- Water treatment systems
- Parking Lot Systems
- Seismic Compliance
- Roofing and Gutters
- Security and Alarm Systems
- ADA Requirements

Part 3: Seismic Assessment on 2 Buildings

A seismic assessment is to be performed on the following district buildings:

- Lebanon High School
- Seven Oak Middle School

Each building will be assessed and evaluated per OAR 851-027-0035 and the contractors' work and report must meet the requirements set forth. The assessment will be utilized to make decisions with regard to upgrading facilities for student safety and security issues as well as compliance with today's building codes and the educational needs of today's students.

Consultant Deliverables/Project Milestones:

The following will be developed with District staff input and direction, and produced at relevant project milestones:

- Facility Condition Assessment Report
 - Completion Deadline: October 12, 2018
 - Report will include an executive summary, analysis, evaluation, calculations, photos, diagrams, etc., together with all necessary appendices. The report will also include a cost report for all deficiencies.
 - The database needs to be in the format required by the Oregon Department of Education.
 - Provide 10 printed copies of the report, in addition to a digital file.
- Long-Range Facility Plan
 - Completion Deadline of May 3, 2019
 - Coordinate the efforts to develop a LRFP, including community involvement.
 - Final report that will address needs identified in the Facilities Condition Assessment and a ten-year plan for addressing these issues.
 - Availability to present the LRFP to the Board and other stakeholders.
 - Provide 10 printed copies of the report, in addition to a digital file.

- Seismic Assessment
 - Completion Deadline of December 7, 2018
 - Report will include an executive summary, analysis, evaluation, calculations, photos, diagrams, etc., together with all necessary appendices. The report will also include a cost report for all proposed upgrades.
 - The database needs to be in the format required by the Oregon Department of Education.
 - Provide 10 printed copies of the report, in addition to a digital file.

Lebanon Community School District will be accepting bids as follows:

- Parts 1-3 must be bid separately OR in combination.

IV. ORGANIZATION OF THE SUBMITTAL PROPOSAL

The RFP information shall be organized per the Submittal Format. Organization and brevity will be appreciated. The sections of the RFP shall be indexed (no tabs) per the (5) sections noted below for easy reference.

Each proposal shall be submitted electronically in PDF format and accompanied by four hard copies.

Tab 1 - Letter of Interest

A maximum two page letter of interest that includes a synopsis of the firm, business principals, selected planning team members, general qualifications and distinguishing characteristics, primary contact information (mailing address, email address, telephone and facsimile numbers), and signed by the principal-in-charge representing the contractual authority of the firm.

Tab 2 - Project Approach to Master Plan

Based upon the Scope of Services and Project data provided in this RFP, provide a narrative description of the work to be accomplished. The overview should articulate an understanding of the Owner and Owner's needs. The overview should describe the proposed work and all applicable requirements.

Tab 3 - Planning Team Key Personnel

Include resume information for each member of the planning team. Identify the specific role and phase of participation anticipated for this Project and highlight the unique elements and qualifications provided to the design team. Provide background information including education, professional titles, related qualifications, specific roles in past projects, and relevant experience.

Tab 4 – Schedule

It is the intent of the Lebanon Community School District to complete the facilities assessment and master plan document by December 7, 2018. Provide a milestone schedule, and demonstrate your firm's ability to meet this schedule.

Tab 5 – Work Plan

Provide a work plan that delineates the proposed labor-hours for each portion of the scope of work along with an estimated average hourly rate.

Tab 6 – Relevant Experience & References

Provide a list, project description, and contact information for up to five (5) previous school clients. Include relevant information about each project that applies to the experience of your firm relevant to the current RFP.

V. FEE STRUCTURE

The project costs need to be listed by each phase. Proposers may supplement with more detailed budgets, but must include at a minimum the information in the format below. The District may award contracts that do not include all sites listed on page 11 and 13.

Phase 1 – Facility Condition Assessment (Per site, listed on Page 11)

- Base Fee: Lump Sum of \$ _____ as expressed by \$ _____ per square foot.
- Anticipated reimbursable expenses: \$ _____

Total Cost of Phase 1 (all sites): \$ _____

Phase 2 – Long-Range Facility Plan (Per site, listed on Page 11)

- Base Fee: Lump Sum of \$ _____
- Anticipated reimbursable expenses: \$ _____

Total Cost of Phase 2 (all sites): \$ _____

Phase 3 – Seismic Assessment (Per site, listed on Page 13)

- Base Fee: Lump Sum of \$ _____
- Anticipated reimbursable expenses: \$ _____

Total Cost of Phase 3 (all sites): \$ _____

VI. EVALUATION AND SELECTION CRITERIA

Evaluation of the proposals will be based on criteria listed below. Scores will be based on a total maximum of 100 points. All criteria should be addressed in the proposal in the same order as the evaluation criteria.

This is the specific scoring criteria which will be used to determine how the most responsive, responsible Proposal will be selected:

Evaluation Criteria	Maximum Points Available
Firm description and experience (including work with Oregon K-12 schools, preparing facilities conditions assessments and preparing facilities long-range planning services)	25
Project manager and key staff assigned to project, including relevant experience and expertise	20
Project approach to completing the work, including a project schedule	25
Fee structure	25
References from previous projects	5
Copy of State of Oregon business license included in proposal	Pass/Fail
Certified Assessor with the Oregon Department of Education, Office of School Facilities (district will verify)	Pass/Fail
TOTAL	100

1. Selection/Award Process

- A. The proposals shall be subjectively evaluated by a committee with points assigned based upon desirable features. Those proposals submitted that do not meet mandatory requirements will not be rated. A possible 100 points may be accumulated.
- B. The role of the Evaluation Committee shall include a complete review of all documents submitted and may include conferring with selected clients of the Proposer. The Lebanon Community School Board of Directors will make the final decision on hiring a contractor based on a recommendation from the Evaluation Committee.
- C. Scoring: The committee will jointly score the proposals to come up with a final score for each proposal. The highest scoring proposals will be identified and those Proposers may be invited to an interview with the evaluation committee.
- D. Interview: In those cases where it is felt that a clearer understanding of the proposal is in order, an interview will be scheduled at a time convenient for both parties. If a Proposer is unable to participate in the interview, the District reserves the right to remove that Proposer from consideration.
- E. Final Scoring: The interview will also be scored and evaluated. After the interview, scores from the written Proposal and interview will be summed, resulting in a final score. The award recommendation will be given to the Proposal having the highest final scores.

F. The Contract will be awarded to the highest-ranking Proposer under the foregoing criteria.

2. Notice of Intent to Award

A. The District will provide written notice of its Intent to Award to all Proposers at least seven (7) days before the Award of a Contract. The District's Award will not be final until the later of either:

1) The expiration of the Award Protest period date on July 3, 2018, at 12:00 PM, PST.

OR

2) The District provides written decisions to all timely-filed protests denying the protests and affirming the Award.

B. The apparent Successful Proposer will be notified in writing of its apparent winning Proposal, and a contract will be drawn that will include reference to this RFP, its attachments and addenda, the apparent winning Proposal, and any additional contract language that may be required by District or by law. All other Proposers will be notified that the apparent winning Proposal has been selected.

3. Award Protest

A. Protests of an award are allowed only if the Proposer can demonstrate that it would be eligible to be awarded the public contract in the event the protest was successful. Before seeking judicial review of an Award of the Contract, an adversely affected Proposer must file a written protest with the District and exhaust all administrative remedies.

B. Right to Protest Award of Contract: In order to be an adversely affected Proposer with a right to submit a written protest, a Proposer must itself claim to be eligible for Award of the Contract in the event the Protest was successful and must be next in line for the Award. In addition, the adversely affected Proposer must demonstrate that the reason for the Protest is that:

1. (a) All higher-ranked Proposers are ineligible for Award of the Contract because their Proposals were non-responsive; (b) the District has failed to conduct the evaluation of Proposals in accordance with the criteria or processes described in this RFP; (c) the District has abused its discretion in rejecting the Protesting Proposer's Proposal as nonresponsive; or (d) the District's evaluation of the Proposals or its subsequent determination of award is otherwise in violation of ORS Chapter 279A.

2. In addition, the written protest shall specify the grounds upon which the protest is based and suggested changes that may remedy the defects.

3. An issue that could have been addressed pursuant to an inquiry or request for clarification under Section II.

C. Award of Contract Protest Submission Requirements. To be considered, Proposer's written Award Protest may be submitted via e-mail or be delivered to the District.

- D. Time Limitation on Protest: To be considered by the District, a written protest must be received by the District within five (5) days after issuance of the Notice of Intent to Award Contract.
- E. Authority to Resolve Protests: The Superintendent of the District, or such person's designee, shall have the authority to settle or resolve a written protest submitted in accordance with the requirements of this section.
- F. Decision: If the protest is not settled or resolved by mutual agreement, the Superintendent of the District, or such person's designee, shall issue a written decision on the protest in a timely manner.
- G. After the District has issued its response, Proposer may seek judicial review in the manner provided in ORS 279B.415.
- H. Right to Cancel RFP. The District reserves the right to cancel the RFP in conformance with OAR 137-047-0600.

I. DISCLOSURE

Proposals will not be made a part of the public record until after the evaluation process is completed. Said files, including the evaluation report, will then be available for public review.

J. DISCLOSURE OF INTEREST

No employee or elected official of the District may own more than 5% of a business that is submitting a proposal on any awards with the District unless it is fully disclosed in the proposal documents.

APPENDIX A - Proposers Certifications and Representations

The undersigned hereby certifies that Proposer:

1. Has the authority and/or responsibility to submit a proposal and to represent the organization in all phases of this RFP process.
2. The information is true and accurate to the best of their knowledge.
3. Shall furnish, within the time specified, the Proposer's Submittal, the items/services as indicated in the RFP and the Resultant Contract.
4. Is a Resident Proposer, Non-Resident Proposer, as defined in ORS 279A.120, of the State of Oregon, and has not discriminated against any minority, women, or emerging small business enterprises in obtaining any required subcontracts, in accordance with ORS 279A.110.

ORS 279A.120 (2) states "For the purposes of awarding a public contract, a contracting agency shall:

- (a) Give preference to goods or services that have been manufactured or produced in this state if price, fitness, availability and quality are otherwise equal; and
- (b) Add a percent increase to the bid of a nonresident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides."

"Resident bidder" means a bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the bid, has a business address in this state and has stated in the bid whether the bidder is a "resident bidder". (ORS 279A.120 (b))

"Non-resident bidder" means a bidder who is not a "resident bidder" as defined above. (ORS 279A.120 (a))

5. Understands any false statement may disqualify this proposal from further consideration or be cause for contract termination.
6. Understands by submitting this RFP Proposal, the undersigned certifies conformance to the applicable Federal Acts, Executive Orders and Oregon Statutes and Regulations concerning Affirmative Action toward equal employment opportunities. All information and reports required by the Federal or Oregon State Governments, having responsibility for the enforcement of such laws, shall be supplied to the District upon request for purposes of investigation to ascertain compliance with such acts, regulations, and orders.
7. Has not discriminated and will not discriminate against minority, women or emerging small business enterprises in obtaining any required subcontracts, and that the Proposer is not in violation of any discrimination laws.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS -
The Proposer certifies to the best of its knowledge and belief that neither it nor any of its principals:**

- a. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;
- b. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in paragraph b above, of this certification;
- d. Have, within a five-year period preceding the date of this certification had a judgment entered against proposer or its principals arising out of the performance of a public or private contract;
- e. Have pending in any state or federal court any litigation in which there is a claim against proposer or any of its principals arising out of the performance of a public or private contract; and
- f. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Proposer is unable to certify to any of the statements in this certification, Proposer shall attach an explanation to their offer. The inability to certify to all of the statements shall not necessarily preclude Proposer from award of a contract under this procurement.

Proposer’s Federal Tax ID # (EIN) _____

FAILURE TO SIGN AND SUBMIT THIS FORM MAY BE CAUSE FOR PROPOSAL REJECTION

Signature _____ Name _____

(Printed)

Title: _____ Date: _____

Company Name _____

Street Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Email _____