

The State Board of Higher Education Acting by and through the  
UNIVERSITY OF OREGON  
("University")

REQUEST FOR PROPOSAL  
("RFP")

RFP Title: **Learning Management System (LMS)**

RFP Number: **PCS# 250000-0011-RFP**

Issuing Office: **Purchasing and Contracting Services**  
**720 East 13<sup>th</sup> Avenue, Suite 302**  
**Eugene, OR 97401**  
[submit1@uoregon.edu](mailto:submit1@uoregon.edu)

Closing Date and Time: **November 15, 2013, 5:00 pm (PST)**  
Proposals must be received by the Issuing Office, no later  
than the Closing Date and Time.  
Postmarks will not be considered.

## **SECTION 1 – GENERAL INFORMATION**

- 1.1. Overview.** University of Oregon (University) is a comprehensive research university that serves its students and the people of Oregon, the nation, and the world through the creation and transfer of knowledge in the liberal arts, the natural and social sciences, and the professions. It is the Association of American Universities flagship institution of the Oregon University System.

Located in Eugene, Oregon, the University serves a population of approximately 25,000 students. The University employs approximately 5,000 full- and part-time staff and faculty. Over 80 separate departments and academic offices work together to provide comprehensive services to our students.

The learning management system University currently licenses its "Blackboard Learn" from Blackboard, Inc. The Blackboard system has been used at the University since 1999 to provide online course materials- such as the syllabus, course readings, and grade information. Blackboard is also used for online class discussions and homework submissions. A few fully online classes are currently conducted using Blackboard.

Blackboard is one of the most heavily used web services on campus, and, along with email, the most mission-critical enterprise systems on campus. Usage statistics also indicate growing usage by current instructors from academic year 2012 to academic year 2013. The following tables provide additional Blackboard usage data.

<b>Academic Year 2011-2012</b>	<b>Fall 2011</b>	<b>Winter 2012</b>	<b>Spring 2012</b>	<b>Summer 2012</b>	<b>Total AY2012)</b>
Courses	2,153	2,133	2,026	916	<b>7,228</b>
Course Instructors	2,199	2,204	2,134	776	<b>7,313</b>
Course Users	22,549	22,085	21,178	8,132	<b>73,944</b>
Total Course Enrollments	88,164	88,920	83,656	21,778	<b>282,518</b>

<b>Academic Year 2012-2013</b>	<b>Fall 2012</b>	<b>Winter 2013</b>	<b>Spring 2013</b>	<b>Summer 2013</b>	<b>Total AY2013</b>
Courses	2,231	2,210	5,887	2,180	12,508
Course Users	24,268	22,921	22,187	8,677	78,053
Course Instructors	2,154	2,140	2,103	746	7,143
Course Users Actually Enrolled	23,206	21,824	21,023	7,844	73,897
Course Enrollments	103,082	80,412	78,075	20,164	281,733

- 1.2. General Purpose.** University is soliciting Proposals from qualified Proposers for a Learning Management System (LMS) solution. University desires to assess and evaluate both hosted and non- hosted LMS solutions.

University is seeking an LMS that is in use currently and is successfully meeting the needs of the medium-to-large academic research university market. University wishes to select an LMS from a vendor that has a record of anticipating changes in the marketplace, responding to its customers' needs, and has a compelling vision of the future of learning management systems. The successful vendor must have a history of successfully deploying technological innovations of high quality and possess a clear development map for the future, with a rich product suite capable of meeting users' needs and bringing integration and management efficiency to learning management systems. The successful vendor must have the ability to incorporate new technologies (including integrating solutions from other systems, e.g. Banner, Luminis), and to meet changing needs, while at the same time, giving University a satisfactory degree of control over the LMS configuration to support local policies and procedures. Expected services and deliverables are listed in "Scope of Services" below.

- 1.3. Closing Date and Time.** All Proposals must be received by University's Issuing Office by **5:00 pm (PST)**, on or before **November 15, 2013** ("Closing Date and Time"). Postmarks will *not* be considered. Electronic submissions of Proposals are required. The Issuing Office's mailing/delivery address and email address are listed on the cover page and in the "Issuing Office" Section below.
- 1.4. Schedule of Events.** These dates are for reference only; University may change these dates at its discretion. Any changes to schedule dates will be posted on the OUS Procurement website: <https://secure.ous.edu/bid/opportunities/>

Post RFP to above OUS Website	Week of October 7, 2013
Deadline for Proposer inquiries, request for changes or protest of specifications	Ten business days prior to the proposal Closing Date and Time.
RFP closes and Proposals due	November 15, 2013, 5:00 pm (PST)
Sandbox access to LMS for University staff	November 16, 2013 – December 16, 2013
Demonstrations of those Proposers in the Competitive Range	Weeks of December 16, 2013 and February 28, 2014
Proposers in the Competitive Range provide access to complete LMS site for teaching a limited number of classes during Winter and Spring Quarter	From within three days of notification of inclusion in the Competitive Range through June 30, 2014
Evaluation Period	November 16, 2013 – June 30, 2014
Notice of Award	No later than the week of June 23, 2014
Deadline to Protest Award	Three business days after issuance of Notice of Award(s)
Contract Execution	No later than September 1, 2014

- 1.5. Issuing Office.** The University's Purchasing and Contracting Services department is the Issuing Office for this RFP. Proposals must be submitted electronically to the Issuing Office at the following addresses:

Purchasing and Contracting Services  
720 East 13<sup>th</sup> Avenue, Suite 302  
Eugene, OR 97401  
[submit1@uoregon.edu](mailto:submit1@uoregon.edu)

Issuing Office hours for receipt of manually submitted electronic versions on CD or USB of Proposals are Monday through Friday 8 a.m. to 5 p.m. Eugene, Oregon local time.

## 1.6. **General Responsibilities of Proposers.**

- 1.6.1. ***Clarifications for Proposer.*** For additional information or clarification of requirements contact (in accordance with the requirements set forth in Section 4.2 below) the requesting University department:

Helen Chu, Director, Academic Technology  
UO Libraries  
19A Knight Library  
1299 University of Oregon  
Eugene, OR 97403-1299  
[helenc@uoregon.edu](mailto:helenc@uoregon.edu)

- 1.6.2. ***Monitoring.*** This RFP will be posted on the Oregon University System (OUS) website, under "Business Opportunities," accessible at <https://secure.ous.edu/bid/>. Any Addenda including, without limitations, extensions of the Closing Date and Time will be posted to the OUS website. Proposers are responsible for monitoring the OUS website on a periodic basis for any modifications to the RFP. University is not required to issue individual notifications.

- 1.6.3. ***Representations, Certifications and Acknowledgments.*** For consideration, **you must submit your Proposal with a completed and signed Representations, Certifications and Acknowledgments by the Closing Date and Time.** A blank form of the Representations, Certifications and Acknowledgments form for you to complete, sign, and submit is attached to this RFP as **Exhibit A**.

- 1.7. **Definitions.** As used in this Request for Proposal (unless otherwise stated), capitalized terms shall have the meanings set forth in OAR 580-061-0010.

- 1.8. **Other Oregon public institutions.** The resulting agreement from this RFP for a LMS, will allow participation by other Oregon public entities. Each Oregon public entity wishing to utilize the resulting contract for the LMS will execute its own agreement for its requirements with successful Proposer. The other Oregon public entities utilizing this option will be individually responsible for their obligations pursuant to their separate agreements. Likewise, the successful Proposer will be separately responsible to the other Oregon public entities pursuant to those separate agreements. Any such separate agreements with other Oregon public entities will not impact successful Proposer's obligations to University. University makes no representation or guarantee as to volume of such additional purchases by other Oregon public entities.

## **SECTION 2 – SCOPE OF SERVICES**

- 2.1. Statement of Services.** University requires a robust, scalable, flexible, standards-based LMS that is capable of meeting University's current and growing demands. The LMS needs to include an intuitive, accessible interface that enables users to interact with the system easily, to set or change preferences, and to use powerful, easy-to-use functionality that promotes faculty and student productivity and efficiency. The LMS must have the capability of exchanging data with other systems, and must allow the ability to query, modify, and output data into informative reports for management purposes.

As part of its goal to integrate services and resources, University requires an LMS with the following minimum characteristics to meet its needs:

- 2.1.1. A proven LMS that is in production in medium to large university settings, supporting multiple modes of instruction (classroom, hybrid, partially online, fully online) and has the capability of supporting the future growth and needs of University;
  - 2.1.2. An LMS that follows current industry standards in its development to facilitate interoperability, including but not limited to LTI-compliance;
  - 2.1.3. LMS front-end that has been tested successfully for usability and accessibility, and is able to work with computers, browsers and mobile devices in use by most faculty, staff and students at University;
  - 2.1.4. LMS operates with a minimal need for system administration and original programming, yet that will also allow adequate local customization of displays, import/export of data, and features as needed;
  - 2.1.5. An LMS that is robust, stable, highly available (24/7/365), innovative, able to deliver regular enhancements, appropriate for a medium-to-large university environment, able to be customized to accommodate local data, needs, and policies, and able to empower the user for tasks.
  - 2.1.6. **Systems Security: LMS must be designed, developed, and deployed in accordance with industry acceptable standards (e.g., OWASP for web applications) and adhere to applicable legal, statutory, or regulatory compliance obligations (e.g., FERPA, HIPAA).**
- 2.2. Anticipated Term.** It is anticipated that the term of the contract awarded under this RFP, will be for a five-year initial term, with the option, in University's discretion, to extend the contract for five additional two-year period(s), for a total possible contract term of 15 years.
- 2.3. Firm Pricing.** If awarded a contract, proposal pricing must be held firm for the first three years of the initial contract term.

- 2.4. Price Escalation.** The contract to be awarded will allow the pricing to be updated on the first day of the fourth year of the initial contract term, and thereafter on the first day of the first year of any renewal option, if exercised, by the lesser of the yearly increase of the Consumer Price Index published by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor or three percent. Comparisons shall be made using the index entitled “All Urban Consumers: Portland-Salem, OR-WA” or the nearest comparable data on changes in the cost of living, if such index is no longer published. The change shall be determined by comparison of the figure for a date which is twelve months prior to the adjustment date.
- 2.5. Anticipated Warranty.** It is anticipated that the warranty term on the LMS will be for not less than a one-year term and provide full coverage without additional cost. It is anticipated services and support will commence upon expiration of the warranty term.

### **SECTION 3 – PROPOSER SUBMITTALS AND OTHER REQUIREMENTS**

#### **3.1. Overview.**

- 3.1.1. Proposer **MUST** submit the information required or requested in this Section in accordance with the procedures and instructions set forth in this RFP.
- 3.1.2. ***Mandatory and Evaluated Information.***
- 3.1.2.1. Submittals may be designated as Mandatory “(M)” or Evaluated “(E)”, or both “(M/E)”.
- 3.1.2.2. **Mandatory Requirement.** If the submittal is marked “(M)” or with the words “must,” “shall,” or “will”, the submittal is mandatory and the Proposer **MUST** meet this requirement. The determination as to whether the Proposer meets the mandatory requirement rests solely with University. If University determines that a Proposer does not meet a mandatory requirement as specified, or has not included mandatory information, the Proposal may be deemed “non-responsive”, and no further evaluation will occur.
- 3.1.2.3. **Evaluated Specification.** If the submittal is marked “(E)”, the submittal is evaluated and Proposers are expected to provide comprehensive written responses to the evaluated specifications. A qualitative/descriptive (adjectival) rating will be awarded based on the degree to which the University’s evaluators determine that the Proposer meets the evaluated specification. A Proposer that does not respond to an evaluated specification will receive no rating for that specification.
- 3.1.2.4. **Mandatory/Evaluated Specification.** If the submittal is marked “(M/E)”, Proposer must provide a response and the submitted response is evaluated pursuant to the terms set forth in the above Section.

#### **3.2. Cover Letter. (M/E)** Proposer must submit a cover letter summarizing the Proposal.

- 3.3. Contact Information. (M)** Proposer must submit the name and title of its primary contact regarding this RFP, the business name, the primary address, the primary contact's telephone number, and the primary contact's email address.
- 3.4. Entity Verification. (M)**
- 3.4.1. If the Proposer is an entity other than a sole proprietorship, Proposer must submit evidence in the form of a Secretary Certificate (or equivalent documentation) that the individual submitting the Proposal is authorized to act for and bind the Proposer in all matters relating to the Proposal and possible subsequent contract. This type of written documentation is commonly in the form of a Secretary's Certificate or Officer's Certificate issued by the board or committee governing the entity. The written documentation, however, is not required to be in any particular form as long as it clearly shows the individual signing the Proposal has authority to bind the Proposer.
- 3.4.2. If Proposer is an entity other than a sole proprietorship and the entity was not organized or incorporated in the State of Oregon, Proposer must submit written evidence that Proposer is in good standing in its state of organization or incorporation. This type of written documentation is commonly in the form of a certificate of good standing. The written documentation, however, is not required to be a certificate of good standing. For example: A corporation incorporated in California could go to the California Secretary of State's website, perform a business entity search on itself, and submit with its Proposal a copy of the record retrieved from that site.
- 3.5. Financial Capability. (M)** Proposer must submit sufficient evidence of financial capability to meet the responsibilities to perform the contract which may include balance sheets, income statements, financial statements, independent financial compilation/review or other financial information whereby University can determine Proposer's credit rating or financial capability. Additionally, please list any pending or known potential litigation or actions that may affect your financial capability. It will be at University's sole discretion to determine if evidence submitted is sufficient to determine financial capability or to deem a Proposer responsible to perform under a contract. University reserves the right to request further information as needed for clarification purposes. The successful Proposer to which the contract is awarded may, at the discretion of University, be required to provide periodic (in no case more than two (2) times per year) updates to the financial capabilities report submitted pursuant to this RFP.
- 3.6. Profile and Qualifications. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit B**. Proposer's responses may be completed in the space provided on **Exhibit B** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.
- 3.7. References. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit B**. Proposer's responses may be completed in the space provided on **Exhibit B** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.

- 3.8. **Infrastructure and Accessibility. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit C**. Proposer's responses may be completed in the space provided on **Exhibit C** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.
- 3.9. **LMS Features. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit C**. Proposer's responses may be completed in the space provided on **Exhibit C** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.
- 3.10. **Implementation Plan. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit C**. Proposer's responses may be completed in the space provided on **Exhibit C** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.
- 3.11. **Training. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit C**. Proposer's responses may be completed in the space provided on **Exhibit C** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.
- 3.12. **System Support. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit C**. Proposer's responses may be completed in the space provided on **Exhibit C** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.
- 3.13. **Data and System Security. (M/E)** Proposals must fully answer or respond to each of the Submittal Requirements set forth in **Exhibit C**. Proposer's responses may be completed in the space provided on **Exhibit C** or may be separate document(s) that are clearly labeled with the corresponding RFP Exhibit number.
- 3.14. **Price Proposal. (M/E)** Provide a separate price proposal for hosted and non-hosted LMS configurations. Complete **Exhibit D** (or sheet similar to Exhibit D) for each price proposal. Each price proposal must include the total and complete cost for the items listed on **Exhibit D**
- 3.15. **Sandbox Access. (M/E)** As part of the evaluation of Proposals, Proposers will be required to provide "sandbox" access for at least 19 University staff and other individuals serving on the Committee with the goal of selecting proposers "in the Competitive Range." Proposers must include sandbox access instructions in their Proposals.
- 3.16. **Other Proposer Requirements. (M)** Proposer must not be listed on the Federal Excluded Parties or Debarred Contractors listing. Proposer must not be excluded from contract awards by either the federal government or the State of Oregon. No written response from Proposer is necessary for this Section. Upon closing of this RFP, and as part of University's initial review of mandatory requirements, University will verify whether Proposer is excluded from contract awards by either the federal government or the State of Oregon.



- 3.17. **Representations, Certifications and Acknowledgements.** (M) Proposer must submit a completed and signed Representations, Certifications and Acknowledgments form. A blank form of the Representations, Certifications and Acknowledgments for you to complete, sign, and submit is attached to this RFP as **Exhibit A**.
- 3.18. **Acknowledgement of Addenda.** (M) Proposer must acknowledge that Proposer has received, reviewed, and agrees to all of the terms conditions added to this RFP via any and all Addenda that are posted on the OUS website.

Any Addenda including, without limitations, extensions of the Closing Date and Time will be posted on the OUS website, under “Business Opportunities,” accessible at <https://secure.ous.edu/bid/>. Proposers are responsible for monitoring the OUS website on a periodic basis for any and all modifications to this RFP.

- 3.18.1. ***Addenda Posted Prior to Proposer’s Submission of Proposal.*** Proposer must either (i) check the “Acknowledgement of Addenda” box on the Representations, Certifications and Acknowledgments, or (ii) sign and submit a copy of each Addendum.
- 3.18.2. ***Addenda Posted After Proposer’s Submission of Proposal.*** If Proposer has already submitted a Proposal, Proposer may (i) modify the previously submitted Proposal (in accordance with the procedures set forth in Section 4 below) to include a signed copy of each Addendum not previously acknowledged, or (ii) withdraw the previously submitted Proposal (in accordance with the procedures set forth in Section 4 below).

## **SECTION 4 – PROPOSER INSTRUCTIONS AND PROPOSAL PROCEDURES**

- 4.1. **Overview.** Proposer MUST comply with all Proposal procedures and follow all Proposer instructions set forth in this Section.
- 4.2. **Requests for Change.**
- 4.2.1. ***Timing.*** Requests for change or protests of solicitation specifications or contract provisions must be received by University, in writing, no later than seven (7) calendar days prior to the Closing Date and Time. No requests for change or protests of solicitation specifications or contract provisions will be considered after the deadline stated above.
- 4.2.2. ***Requirements.*** Such requests for change or protests will include the reasons for the request for change or protest, and proposed changes to specifications or provisions. Envelopes or e-mails containing requests for change or protest must be marked **SOLICITATION SPECIFICATION REQUEST FOR CHANGE or CONTRACT PROVISION PROTEST**, and must identify the RFP Title, RFP Number and the Closing Date and Time. University reserves the right to amend this RFP, extend the Closing Date and Time, or deny the request or protest.
- 4.2.3. ***Proposer Requests Not Addenda.*** Only documents issued as Written Addenda by University serve to change the RFP in any way. No other direction received by the Proposer, written or verbal, serves to change the RFP.

University will post Addenda on the OUS website.

### 4.3. Proposal Preparation.

- 4.3.1. **Completeness.** Unless Proposers are specifically authorized by this RFP to take exceptions or to leave terms open to negotiation, Proposals will be a complete offer and will be subject to the terms of this RFP. Proposals must include all information required herein to be fully responsive to this RFP and to be evaluated and considered for award. Failure to do so may be deemed sufficient cause for rejection of the Proposal as “non-responsive.”
- 4.3.2. **Organization.** Proposal responses must follow the organization and format described in this RFP. Proposal responses must clearly identify the question or request to which the Proposer is addressing and restate the Section number with each response. All responses must be organized in the order in which the question or request was presented in the RFP. Proposals that do not follow the format described in this RFP may at University’s sole discretion be deemed “non-responsive,” and receive no further consideration.
- 4.3.3. **Writing and Signature.** Proposals must be in writing and must be signed by an authorized representative of the Proposer. Alterations or erasures must be initialed in ink by the person signing the Representations, Certifications and Acknowledgments. No verbal Proposals will be accepted.

### 4.4. Proposal Submission.

- 4.4.1. **Form.** Proposals must be submitted electronically.
- 4.4.1.1. **Electronic Submissions.** Proposers are required to submit their Proposals electronically. Electronic submission to the e-mail address provided on the cover page and in Section 1, above is preferred. The subject line should clearly state that it is a “**PROPOSAL**”, noting the RFP Title, RFP Number, and the Closing Date and Time. Electronic Proposals must be in MS Word or Excel. Supporting documentation such as graphics, pictures, and financial statements may be in .pdf or other appropriate format. **Do not submit electronic copies through use of a Drop Box account or other such Web or cloud based product. Electronic submittals of proposals may be made by manually submitting an electronic version on CD or USB device.** All Proposals must be submitted by individuals with authority to legally bind the Proposer.
- 4.4.2. **Consistency.** Proposers must electronically submit any requests for modifications and requests to withdraw via e-mail.
- 4.4.3. **Receipt of Proposal by University.** All Proposals must be received by University’s Issuing Office by the Closing Date and Time. Postmarks will not be considered.

It is Proposer’s responsibility to ensure that the Proposal is received by University at the required delivery point (as indicated in Section 1 of this RFP), prior to the Closing Date and Time, regardless of method used to submit the Proposal.

University will not be responsible for the proper identification and handling of Proposals not submitted in the designated manner or format as required by this RFP.

**4.5. Proposer's Costs.**

4.5.1. University is not responsible for any costs of Proposers incurred in connection with submitting or presenting a Proposal. All Proposers who respond to solicitations do so solely at their own expense.

4.5.2. University is not responsible for any costs in connection with obtaining "sandbox" access as part of its evaluation of submitted Proposals.

4.5.3. Notwithstanding the foregoing, University will provide a stipend in the amount of \$1,000.00 to each Proposer ranked in the Competitive Range that, upon request by University, provides University with full LMS access on a limited-time trial basis to allow for testing of the LMS. Such trial basis shall run from three days after notice to Proposer of inclusion in the Competitive Range through June 30, 2014 ("Trial Period").

**4.6. Binding Offer.** Submission of a Proposal constitutes a firm, binding and irrevocable offer for a period of ninety (90) calendar days following the Notice of Award.

**4.7. Modification of Proposal by Proposer.** Proposers may modify a previously submitted Proposal prior to the Closing Date and Time. Modifications must be made in writing and signed by an authorized representative. Modifications must be submitted electronically. The e-mail subject line must be clearly marked "**PROPOSAL MODIFICATION,**" and must display the RFP Title, RFP Number, and the Closing Date and Time. Verbal modifications or corrections will not be recognized or considered.

**4.8. Withdrawal of Proposal by Proposer.** Proposals may be withdrawn at any time prior to the scheduled Closing Date and Time. Withdrawal can only be accomplished by written notification, signed by an authorized representative. Notification of withdrawal must be submitted electronically. The written notification must be received by University prior to the Closing Date and Time. The e-mail subject line must be clearly identified with the words "**PROPOSAL WITHDRAWAL,**" and must display the RFP Title, RFP Number, and the Closing Date and Time.

**4.9. Public Records / Property of University.** All Proposals submitted in response to this RFP become the property of University. By submitting a Proposal in response to this RFP, Proposer grants the University a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Proposal solely for the purpose of evaluating the Proposal, negotiating a contract, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Laws. Proposals, including supporting materials, will not be returned to Proposer.

**4.10. Trade Secrets.** This RFP and one copy of each original Proposal received in response to it, together with copies of all documents pertaining to the award of a contract, will be retained by requesting University department for the required retention period, and

made a part of a file or record which will be open to public inspection. If a Proposal contains any information that is considered a "trade secret" under ORS 192.501(2), the Proposer must mark each sheet of such information with the following legend:

"This data constitutes a trade secret under ORS 192.501(2), and will not be disclosed except in accordance with the Oregon Public Records Law, ORS Chapter 192."

Failure to mark a specific page with the legend set forth in this Section will conclusively establish that the information on that page does not constitute a trade secret as defined in ORS 192.501(2). Notwithstanding the foregoing, University will not consider pricing provided in a Proposal a trade secret.

The Oregon Public Records law exempts from disclosure only bona fide trade secrets, and the exemption from disclosure applies "unless the public interest requires disclosure in the particular instance". See ORS 192.501(2). As such, non-disclosure of documents or any portion of a document submitted as part of a Proposal may depend upon official or judicial determinations made pursuant to the Public Records Law.

**Proposals in which the entire document is marked or otherwise identified in its entirety as confidential or a "trade secret" may be rejected. If the Proposal is not rejected, the response will be deemed available for disclosure to the public.**

- 4.11. **University's Right to Amend.** University reserves the right, at its option, to amend this RFP. Any Addenda including, without limitations, extensions of the Closing Date and Time will be posted on the OUS website, under "Business Opportunities," accessible at <https://secure.ous.edu/bid/>. Proposers are responsible for monitoring the OUS website on a periodic basis for any modifications to the RFP. University is not required to issue individual notifications.
- 4.12. **University's Right to Reject.** University reserves the right, at its option, to reject any or all Proposals. Notification of Proposal rejection will be made in writing. University reserves the right to waive minor informalities and irregularities in Proposals.
- 4.13. **University's Right to Cancel.** University reserves the right, at its option, to cancel this RFP.

## **SECTION 5 – EVALUATION AND AWARD**

- 5.1. **Evaluation by Committee.** Proposals will be evaluated by a committee consisting of representatives of the requesting University department, and/or other interested individuals, as University deems appropriate ("Committee").
- 5.2. **Initial Evaluation.**
  - 5.2.1. ***Completeness and Compliance of Proposal.*** Proposals will be evaluated for completeness and compliance with the mandatory requirements of this RFP. Those Proposals that meet Mandatory (M) requirements are considered "responsive".  
  
Those Proposals which are incomplete, which do not meet all Mandatory (M) requirements of this RFP or are otherwise deemed by University to be "non-

responsive," will be rejected.

- 5.2.2. **Responsibility of Proposer.** Proposers will be evaluated for their demonstrated ability to perform responsibly under a contract awarded pursuant to this RFP. At the discretion of the University, those Proposers who satisfactorily demonstrate their ability to perform responsibly under a contract awarded pursuant to this RFP are considered "responsible".

Those Proposers who are unable to satisfactorily demonstrate to University that they are able to perform responsibly under a contract awarded pursuant to this RFP are considered "non-responsible".

- 5.3. **Criteria Evaluation.** Responsive Proposals received from responsible Proposers will be further evaluated by the Committee. For each of these Proposals, the evaluated specification and the overall Proposal will be rated by a qualitative/descriptive (adjectival) method. The following qualitative/descriptive ratings shall be used:

- 5.3.1. **A – EXCEPTIONAL:** The Proposer has demonstrated an approach that is considered to significantly exceed stated criteria in a way that is beneficial to University. This rating indicates a consistently outstanding level of quality, with very little or no risk that this Proposer would fail to meet the requirements of this RFP. There are essentially no weaknesses.
- 5.3.2. **B – GOOD:** The Proposer has demonstrated an approach that is considered to exceed stated criteria. This rating indicates a generally better than acceptable quality, with little risk that this Proposer would fail to meet the requirements of this RFP. Weaknesses, if any, are very minor.
- 5.3.3. **C – ACCEPTABLE:** The Proposer has demonstrated an approach that is considered to meet the stated criteria. This rating indicates an acceptable level of quality. The response/Proposal demonstrates a reasonable probability of success. Weaknesses are minor and can be readily corrected.
- 5.3.4. **D - POTENTIAL TO BECOME ACCEPTABLE.** The Proposer has demonstrated an approach that fails to meet stated criteria as there are weaknesses and/or deficiencies, but they are susceptible to correction through discussions. The response is considered marginal in terms of the basic content and/or amount of information provided for evaluation but overall the Proposer is capable of providing an acceptable or better Best and Final Offer.
- 5.3.5. **F – UNACCEPTABLE:** The Proposer has demonstrated an approach that indicates significant weaknesses/deficiencies and/or unacceptable quality. The Proposal fails to meet the stated criteria and/or lacks essential information and is conflicting and/or unproductive. There is no reasonable likelihood of success; weaknesses/deficiencies are so major and/or extensive that a major revision to the Proposal through a Best and Final Offer process would be necessary.

In assigning ratings University may assign "+" or "-" (such as "A -", "B+", "C+") to the ratings to better differentiate within a rating in order to more clearly differentiate between the Proposals.

	<b>Criteria to Be Evaluated</b>	<b>Rank available for each criteria: A, B, C, D, and F</b>
1	Cover Letter, Summary, and Profile and Qualifications	<b>A, B, C, D, and F</b>
2	References	<b>A, B, C, D, and F</b>
3	Infrastructure and Accessibility	<b>A, B, C, D, and F</b>
4	LMS Features	<b>A, B, C, D, and F</b>
5	Implementation Plan	<b>A, B, C, D, and F</b>
6	Training	<b>A, B, C, D, and F</b>
7	System Support	<b>A, B, C, D, and F</b>
8	Data and System Security	<b>A, B, C, D, and F</b>
9	Price Proposal	<b>A, B, C, D, and F</b>
10	Sandbox Access Review	<b>A, B, C, D, and F</b>
	<b>TOTAL:</b>	<b>A, B, C, D, and F</b>

Although the general criteria to be used for final evaluation has been provided in this RFP; it is not intended to limit imagination or creativity in preparing a Proposal that will accomplish the same goals and expectations.

#### 5.4. Competitive Range Evaluation.

5.4.1. **Establishing a Competitive Range.** Based on the rankings calculated in accordance with Section 5.3 above, the Committee will establish a range of Proposals which are deemed to have a reasonable likelihood of being selected for award (“Competitive Range”). The Competitive Range is expected to consist of no more than three Proposals; however, University reserves the right to expand or reduce the number of Proposals to be included in the Competitive Range.

University will notify a Proposer if it is in the Competitive Range via the email address provided in the Proposal. If no response is received by University within 24 hours after the notification is sent, a follow-up phone call will be made to the Proposer via the phone number provided in the Proposal. If no response is received by University within 48 hours after the initial notification is sent, the Proposal may be removed from the competitive range. University will provide written notice of such removal to the Proposer.

5.4.2. **Evaluating Competitive Range Proposals.**

5.4.2.1. **On-site Technical Presentations.** Proposers of Proposals within the Competitive Range may be asked to prepare and present a live presentation of their Proposal to be delivered to the Committee at University. The Proposers’ presentations will take place during the weeks of December 16, 2013 – February 28, 2014, as scheduled by University. Any special accommodations required for the live

presentations (technical or otherwise) must be communicated to University at least three business days prior to the scheduled presentation. University will make all reasonable efforts to accommodate such requests. The purpose of the live presentations will be to allow the Proposers to provide supplemental information in order to provide clarification of the Proposal contents, as well as to inform the Committee as they recommend a Proposer for ultimate award of the contract under this RFP.

5.4.2.2. **Trial Period – Complete Access to LMS.** During the Trial Period, those Proposers ranked in the Competitive Range will be requested to provide pilot LMS environments accommodating up to 25 credit-bearing course sites during the Winter 2014 and Spring 2014 quarters. These environments will remain active for evaluation on during the entire Trial Period. In the event the committee concludes the evaluation period and announces the intent to award a contract prior to June 30, 2014, the LMS environments must remain available and fully functional through June 30, 2014. These course environments will be governed by the separate contract attached as **Exhibit E.**

5.4.2.3. The Committee may also consider and assess other factors, including but not limited to, any information submitted in response to this RFP; best value; experience working with other organizations, including higher education institutions; references; financial condition of the Proposer; resources of the Proposer; clarifications provided in response to inquiries by University; proposed additional terms for providing the service; and experience of persons assigned to this project.

5.4.2.4. University reserves the right to require a “Best and Final Offer” pursuant to OAR 580-061-0155(3) from Proposers within the Competitive Range.

**5.5. Final Determination.** After considering and assessing all factors it deems relevant, the Committee will make a recommendation to University’s Committee, who will then make a decision as to how to proceed.

University plans to award this project to the firm or individual who best meets the overall selection criteria detailed in this RFP. University reserves the right to make its final decision based upon the solution that best meets the University’s needs. The lowest cost Proposer may not be awarded a contract.

**5.6. Award Notice.** The apparent successful Proposer will be notified in writing of its status and a contract will be provided to the apparent successful Proposer, with terms and conditions in substantially similar those terms included in the form contract attached as **Exhibit F** to this RFP. All other Proposers will be notified in writing that the apparent winning Proposal has been selected.

University anticipates that the Notice of Award will be released on or about the week of June 23, 2014 (“Anticipated Award Notice Date”).

- 5.7. **Award Protest.** Protest of the selection or award may be made pursuant to the conditions and limitations of OAR 580-061-0145.

## **SECTION 6 –EVALUATION AND AWARD**

- 6.1. **Separate Contract.** The contract award will be pursuant to a separate contract which will include terms and conditions substantially as set forth in the form contract attached as **Exhibit F**. Those provisions of the sample contract that will be in any awarded contract are marked as “Required” at the beginning of the provision.
- 6.2. **Modification of Form Contract.** If you have questions, concerns or proposed modifications regarding any of the terms and conditions contained in this RFP, including the attached form of contract, you must address those during the time prescribed for questions, changes, or protests as set forth in Section 4 above.
- 6.3. **No additional or Supplemental Terms or Conditions.** Additional or supplemental terms and conditions submitted by a Proposer as part of its response may be evaluated or considered at the sole discretion of University. If additional or supplemental terms and conditions, either intentionally or inadvertently appear separately in a Proposal (e.g. in transmittal letters, specifications, literature, price lists or warranties), it is understood and agreed that the terms and conditions contained in this RFP are the only terms and conditions applicable to this RFP and any ensuing contract, and the Proposer’s authorized signature affixed to its Proposal attests to this.
- If you condition your Proposal on any additional terms and conditions, which have not been accepted by a written Addendum to the RFP, your Proposal may be deemed non-responsive.
- 6.4. **University Review.** Proposers agree that University will have the right to review and require modification of any terms or definitions used in the final contract. Failure to agree upon acceptable contract definitions or terms may result in cancellation of the intended award.



## EXHIBIT A

### Learning Management System (LMS) PCS# 250000-0011-RFP

*(Must Complete, Sign and Submit with your Proposal by the Closing Date and Time)*

#### REPRESENTATIONS, CERTIFICATIONS, AND ACKNOWLEDGEMENTS

By submitting this Proposal in response to this RFP, Proposer represents and warrants that:

1. Proposer has read all of the terms and conditions of this RFP; Proposer understands that by signing below and submitting a Proposal, if awarded the contract, Proposer will be bound by the terms and conditions of this RFP and its Proposal.
2. **Prices proposed shall be firm for 90 days after the Notice of Award;** and, if awarded the contract, Proposer must furnish any and all goods and/or services at the prices offered within the terms and time specified.
3. Proposer has the power and authority to enter into and perform the contract awarded as a result of this RFP.
4. The individual signing for Proposer is authorized to execute this Proposal on behalf of Proposer.
5. Proposer is an independent contractor and not an employee, partner, or agent of University.
6. Proposer's name, as it appears in this Proposal, is Proposer's legal name, as it will appear in the Proposer's W-9, and if Proposer is an entity rather than an individual that the entity named in this Proposal is validly-existing and in good standing.
7. Proposer has not discriminated against Historically Underrepresented Businesses (defined in OAR 580-061-0010) in obtaining any required subcontracts.
8. No officer, agent or employee of University has participated on behalf of University in preparation of the Proposal, that the Proposal is made in good faith, without fraud, collusion, or connection of any kind with any other proposer for the same work, and that the Proposer is competing solely on Proposer's own behalf without connection with, or obligation to any undisclosed person or firm.

#### **Acknowledgment of Addenda**

By checking this box, Proposer acknowledges Proposer has received, reviewed, and agrees to the all terms and conditions added to this RFP via any Addenda that were posted on the OUS website, under "Business Opportunities," accessible at <https://secure.ous.edu/bid/>.

#### **Business Designation (check one):**

- Corporation       Partnership       Sole Proprietorship  
 Governmental/Non-profit       Limited Liability Company

**Please indicate your Minority Women or Emerging Small Business (MWESB) Status:**

Women Owned  Self Report  State Certified #

Minority Owned  Self Report  State Certified #

Emerging Small Business  Self Report  State Certified #

None of the Above

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

**Above information must be provided prior to the Closing Date and Time for the Proposal to be considered responsive.**