



**REQUEST FOR PROPOSAL
No. SF192429P**

PRODUCE PRODUCTS

PROPOSAL DUE DATE AND TIME
October 17, 2018 (2:00 PM, PT)

SUBMITTAL LOCATION

Oregon State University
Procurement, Contracts and Materials Management
644 SW 13th Avenue
Corvallis, Oregon 97333

OSU Procurement, Contracts and Materials Management Offices are open Monday through Friday 8:00 am-12:00 noon and 1:00 pm-5:00 pm.
Offices are closed during the 12:00 noon-1:00 pm lunch hour.

ELECTRONIC SUBMITTAL ADDRESS

bids@oregonstate.edu

1.0 GENERAL

1.01 SCHEDULE OF EVENTS

- Issue Date September 26, 2018
- Deadline for Requests for Clarification or Change October 8, 2018 (2:00 pm, PT)
- Proposal Due Date and Time October 17, 2018 (2:00 pm, PT)

This Schedule of Events is subject to change. Any changes will be made through the issuance of Written Addenda.

1.02 ISSUING OFFICE

The Procurement, Contracts and Materials Management (PCMM) department of Oregon State University ("OSU") is the issuing office and is the sole point of contact for this Request for Proposal. Address all concerns or questions regarding this Request for Proposal to the Administrative Contact identified below.

1.03 ADMINISTRATIVE CONTACT

Name: Shannon Fanourakis
Title: Purchasing Analyst
Telephone: (541) 737-6995
Fax: (541) 737-2170
E-Mail: Shannon.Fanourakis@oregonstate.edu

1.04 DEFINITIONS

As used in this Request for Proposal, the terms set forth below are defined as follows:

- a. "Addenda" means an addition to, deletion from, a material change in, or general interest explanation of the Request for Proposal.
- b. "Exhibits" means those documents which are attached to and incorporated as part of the Request for Proposal.
- c. "Proposal" means an offer, binding on the Proposer and submitted in response to a Request for Proposal.
- d. "Proposer" means an entity that submits a Proposal in response to a Request for Proposal.
- e. "Proposal Due Date and Time" means the date and time specified in the Request for Proposal as the deadline for submitting Proposals.
- f. "Request for Proposal" (RFP) means a Solicitation Document to obtain Written, competitive Proposals to be used as a basis for making an acquisition or entering into a Contract when price will not necessarily be the predominant award criteria.
- g. "Responsible" means an entity that demonstrates their ability to perform satisfactorily under a Contract by meeting the applicable standards of responsibility outlined in OSU Standard 580-061-0130.
- h. "Responsive" means a Proposal that has substantially complied in all material respects with the criteria outlined in the Request for Proposal.
- i. "Written or Writing" means letters, characters, and symbols that are intended to represent or convey particular ideas or meanings and are made in electronic form or inscribed on paper by hand, print, type, or other method of impression.
- j. "Local Produce" means produce grown and distributed within a 150 mile radius of Oregon State University, Corvallis, OR campus.

2.0 INTRODUCTION AND BACKGROUND

2.01 INTRODUCTION

Procurement, Contracts and Materials Management is seeking Responsive Responsible Proposers to submit Proposals for a company to provide conventional and organic produce to Oregon State University - University Housing & Dining Services, herein referred to as OSU UHDS. It is anticipated that OSU UHDS will procure the majority of these items from the contractor; however, the contract will not limit or restrict OSU UHDS from procuring these products from other suppliers when it is in the best interest of OSU UHDS to do so.

2.02 BACKGROUND

OSU UHDS summarizes their philosophy with the following mission statement. *“The UHDS Culinary Team is committed to providing an inspirational culinary experience through a food-first philosophy: integrating nutrition, quality, and passion in food. This team is dedicated to sustainable practices, food innovation, and supportive work environments. Food is a voice to expressing these values along with educating students, staff, guests, and the OSU community.”*

UHDS delivery areas are:

- Marketplace West
- McNary Central Dining
- Southside Station @ Arnold Dining
- Cascadia Market @ Into Living Learning Center
- Cascades Dining, Bend, OR
- Memorial Union Foodservice locations

Estimated amount: OSU estimates the annual contract usage is between \$1.4 and \$1.5 million. This amount is an estimate only and OSU does not guarantee this as a contracted amount.

OSU reserves the right to award to one contractor or to multiple contractors based on all items, group of items, or any combination of items, whichever is in the best interest of OSU.

2.03 OREGON STATE UNIVERSITY

Founded in 1868, Oregon State University is a comprehensive, research-extensive, public university located in Corvallis. Oregon State is one of only two American universities to hold the Land Grant, Sea Grant, Space Grant and Sun Grant designations. Oregon State is also the only Oregon institution to have earned both Carnegie Foundation classifications for Highest Research Activity and Community Engagement, a recognition of the depth and quality of its graduate education and research programs.

Through its centers, institutes, Extension offices and Experiment Stations, Oregon State has a presence in all of Oregon's 36 counties, including its main campus in Corvallis, the Hatfield Marine Sciences Center in Newport and OSU-Cascades Campus in Bend. Oregon State offers undergraduate, master's and doctoral degrees through 11 academic colleges, the Honors College, Graduate School and online Ecampus, enrolling more than 31,000 students from every county in Oregon, every state in the country and more than 110 nations.

3.0 STATEMENT OF WORK

3.01 SAMPLE CONTRACT AND STATEMENT OF WORK

A sample contract containing a Statement of Work and Contractual Terms and Conditions is included at Exhibit A.

4.0 PROPOSER QUALIFICATIONS

4.01 MINIMUM QUALIFICATIONS:

In order to qualify as a Responsive Proposer, Proposer needs to meet the minimum qualifications below.

- a. Proposer must be an established business with a minimum of three (3) years providing the services and volume levels required in this Request for Proposal.

4.02 PREFERRED QUALIFICATIONS:

OSU will award additional points for Proposers able to meet the preferred qualifications below.

- a. Ability to outline sales strategies detailing creative, proactive and strategic methods to improve customer service, competitive pricing and other price savings with OSU UHDS.

- b. Demonstration of experience with Universities or similar institutions with cost plus contract management pricing.
- c. Demonstration of ability to meet OSU UHDS sustainability goals as well as utilizing local suppliers.

5.0 REQUIRED SUBMITTALS

5.01 QUANTITY OF PROPOSALS

Submit one (1) electronic or hard copy via any of the methods detailed in the section below titled SUBMISSION. If submitting via hard copy, include one (1) electronic copy (PDF format) of Proposal on CD/DVD/flash drive. Proposals should contain original signatures on any pages where a signature is required (in the case of electronic submissions, either electronic signatures or scans of hand-signed pages should be included). Proposals should contain the submittals listed in this section below.

5.02 REQUIRED SUBMITTALS

It is the Proposer's sole responsibility to submit information in fulfillment of the requirements of this Request for Proposal. If submittals are not substantially compliant in all material respects with the criteria outlined in the RFP, it will cause the Proposal to be deemed non-Responsive.

Proposers must submit the following information:

- Description of how the goods or services offered specifically satisfy the statement of work described in section 3 (Exhibit A Sample Contract).
- Detailed information about how the Proposer meets the minimum qualifications described in section 4.
- Complete and itemized pricing of the goods or services requested.
- Exhibit B: Certifications, fully completed.
- Exhibit C: References, fully completed.
- Exhibit D: Price Sheets, fully completed.

In addition to the above, Proposers must submit the following information with proposal:

- a. Policy regarding sale of broken cases and individual sale items. Proposer must indicate if any additional cost will be charged to OSU UHDS for partial cases or individual items ordered. Proposer must provide details on special order products and thresholds for bringing requested products into stock for future orders.
- b. Policy regarding special cut items. This information shall include the ability to produce such items and the associated time frame for delivery of custom produce items that require special preparation to OSU UHDS's specifications, such as stir-fry vegetables, and how they are priced.
- c. Policy regarding how new products are introduced and priced
- d. Statement indicating cut-off times, no earlier than 3:00 pm, for orders to be placed for each delivery.
- e. Complete list of all items stocked, all available special-order items, all resources for specialty/exotic produce, all current associated pricing and delivery lead-times. The list shall be separate and in addition to the Price Sheet, Exhibit D.
- f. Resume for an in-house Customer Service Representative who will be assigned to assist OSU UHDS in placing orders by phone and/or with on-line support, available 7 days a week.
- g. Resume for a knowledgeable Sales Representative and outline of a strategic plan detailing how they will carry out the duties listed below:

- Familiarize themselves with the menus and operations of the various OSU UHDS venues
 - Make recommendations on new and different products for OSU UHDS venues
 - Supply information on market conditions, new products and industry trends
 - Supply a newsletter and additional product and industry information on a regular and continued basis
 - Provide OSU UHDS up to date information on supply and delivery issues to avoid shortages and substitutions.
- h. Plan outlining how both the representatives will interact with OSU UHDS personnel including Proposer's strategy to develop successful working relationships as well as weekly check-ins.
- i. Sample weekly sales report detailing total purchases by item for the previous week, including all out-of-stock shortages, backordered items, late delivered items, substitutions and other activities for the week. Proposers shall detail how this report will be produced and provided and include a complete listing and description of the required information as well as any additional information their report provides. Low fill rates could lead to the cancellation of the contract.
- j. Outline of exactly what information will be needed from UHDS in order to place an order expediently.
- k. Statement agreeing to the price audits outlined in the proposed contract.
- l. Food safety handling information including the following:
 - Facility USDA inspection results
 - Suppliers that are third-party certified
 - Documentation detailing applications of the HACCP principles
 - Protocols for any level of recall or trace-back programs
- m. Online training program for OSU UHDS employees, if available.
- n. Information about Educational Programming for students, if available.
- o. Ability to deliver to OSU Cascades Campus, Bend, OR, including pricing structure to include percentage (%) Mark-Up.

6.0 EVALUATION

6.01 EVALUATION

The stages of review and evaluation are as follows:

- a. Determination of Responsiveness:
OSU will first review all Proposals to determine Responsiveness. Proposals that do not comply with the instructions, that are materially incomplete, that do not meet the minimum requirements, or that are submitted by Proposers who does not meet minimum qualifications may be deemed non-Responsive. Written notice will be sent to Proposers whose Proposal is deemed non-Responsive identifying the reason. A Proposer has the right to appeal the decision pursuant to OSU Standard 580-061-130(5).
- b. First Stage Evaluation:
Those Proposals determined to be Responsive will be evaluated using the required submittals. Proposals will be scored based on the evaluation criteria listed below. Scores will be used to determine Proposers within a competitive range. The competitive range will be made of Proposers whose individual scores, when viewed together, form a group of the highest ranked Proposers above a natural break in the scores.

OSU reserves the right to ask follow-up questions of Proposers during first stage evaluations. The

questions will be for the purpose of clarification of information already contained in submittals and not be an opportunity to submit additional documentation or change existing documentation.

OSU may award after the first stage evaluation to the highest ranked Proposer without moving on to the second stage evaluation. If this option is selected, Written notice of intent to award the Contract to the highest ranked Proposer will be provided to all Responsive Proposers, or an award may be made directly without notice of intent in those instances of a single Responsive Proposer.

c. Second Stage Evaluation:

If award is not made after the first stage evaluation, OSU may choose any of the following methods in which to proceed:

- i. Issue a Written invitation to Proposers within the competitive range requesting an interview, presentation, site visit or any other evaluative method that is relevant to the goods or services solicited in the Request for Proposal. Written invitations will contain the evaluation criteria and scoring that will be used by the evaluation committee.
- ii. Engage in oral or Written discussions with and receive best and final Proposals from all Proposers in the Competitive Range or all Proposers submitting Responsive Proposals. Discussions may be conducted for the following purposes:
 - Informing Proposers of deficiencies in their initial Proposals;
 - Notifying Proposers of parts of their Proposals for which OSU would like additional information; or
 - Otherwise allowing Proposers to develop revised Proposals that will allow OSU to obtain the best Proposal based on the requirements set forth in this Request for Proposal.

The conditions, terms, or price of the Proposal may be altered or otherwise changed during the course of the discussions provided the changes are within the scope of the Request for Proposal. Best and final Proposals will be scored based on the evaluation criteria listed below.

Points awarded in the first stage evaluation will not be carried to the second stage evaluation. If a second stage evaluation of all Proposers does not produce an award that is in OSU's best interest, OSU may return to the first stage evaluation to advance additional Proposers to a second stage evaluation.

d. Additional Stages of Evaluation:

If after completion of the second stage of evaluation, an award is not made, OSU may add another stage of evaluation using any of the methods outlined in the second stage evaluation above.

6.02 EVALUATION CRITERIA

Points will be given in each criteria and a total score will be determined. The maximum points available for each criterion are identified below.

<u>Evaluation Criteria</u>	<u>Points</u>
Produce Products	60
Delivery Schedule	10
Additional Items	05
Sales Support	15
Sales Reports, Order Guides, Online Training Program, and Educational Programming	10
Ordering and Invoicing	15
Food Safety Programs	10
Experience and Past Performance	20
Price	55
Total	200

Definitions of Evaluation Criteria listed above:

- a. **Produce Products:** Includes quality standards as outlined in Exhibit A, Section 2.E titled "Quality Control, Inspection and Acceptance". The evaluation committee will review the complete list of items stocked, available special order items, cost reasonableness and availability of exact items listed in Exhibit D. The proposal offering the largest quantity of items, the greatest availability of stock items, online access to inventory quantities, and cost reasonableness will be awarded the highest number of points.
- b. **Delivery Schedule:** Proposals offering early morning guaranteed delivery, the most additional days of delivery, and the least amount of time between customer ordering and product delivery will be awarded the highest number of points.
- c. **Additional Items:** The evaluation committee will review proposer's policy on breaking of cases, sale of individual items, preparation of special cut items, with the lead time needed for these, and the additional cost of the services. The proposal offering the least restrictive policies at reasonable cost will be awarded the highest number of points.
- d. **Sales Support:** The evaluation committee will review proposer's resumes for the account sales representative and the in-house customer service representative. The committee will also review the proposed informational sources for market conditions/industry trends, newsletter, online product information, and manufacturer's information. The best qualified team supplying the best information, as deemed by OSU, will be awarded the highest number of points.
- e. **Sales Reports, Order Guides, and Online Training Program, and Educational Programming:** The proposal offering the cleanest complete reporting, the best access to online market forecasting, the best ordering guide, the best online training program for OSU UHDS employees, and best Educational Programming will be awarded the highest number of points.
- f. **Ordering and Invoicing:** The evaluation committee will review the proposed options for order placement via electronic submission, phone, and fax, as well as the proposed invoicing system. The proposal offering the easiest and most efficient ordering system options and invoicing system will be awarded the highest number of points.
- g. **Food Safety Programs:** The proposal offering the most comprehensive food safety program will be awarded the highest number of points.
- h. **Experience and Past Performance:** It is desired that the list of references provided in Exhibit C are from universities, schools, or similar institutions utilizing cost plus contract management pricing. Complete contact information must be provided in Exhibit C. The following questions will be asked of each reference:
 - What has the quality of the product been like over the term of your use of this vendor?
 - What is the practical fill rate percentage and what is the company policy fill rate percentage?
 - How was the overall delivery performance and did the vendor maintain promised delivery schedules?
 - Was order scheduling responsive to your needs and did the vendor meet scheduling promises?
 - Did the vendor provide you with a responsive, knowledgeable, and dedicated sales team?
 - Did the vendor provide accurate invoicing?
 - Did the prices remain market competitive?
 - How was overall communication, trouble-shooting, and problem resolution?

The evaluation committee will attempt to contact each reference during normal OSU business hours. A maximum of three (3) attempts over a period of no more than five (5) working days will be made to contact each reference. If the three (3) attempts are unsuccessful, the proposal will receive zero (0) points for that

reference.

i. Price: The evaluation committee will use Exhibit D pricing for calculations and then compare the total order cost. The proposal offering the lowest cost order will be awarded the highest number of price points. Proposals with higher cost orders than the lowest cost order will receive proportionately fewer price points, as demonstrated in the example below.

Proposer A's cost order is \$1000 (the lowest)
Proposer A is awarded 50 price points (the maximum)

Proposer B's cost order is \$1500
Proposer B is awarded 33.3 price points ($1000/1500 \times 50$)

In the event of a discrepancy between unit prices and extended (arithmetically calculated) prices, unit prices will prevail over extended prices.

6.03 NEGOTIATIONS

OSU may commence serial negotiations with the highest ranked Proposer or commence simultaneous negotiations with all Responsive Proposers within the competitive range. OSU may negotiate:

- a. The Statement of Work;
- b. The Contract price as it is affected by negotiating the Statement of Work; and
- c. Any other terms and conditions as determined by OSU.

6.04 INVESTIGATION OF REFERENCES

OSU reserves the right to investigate and to consider the references and the past performance of any Proposer with respect to such things as its performance or provision of similar goods or services, compliance with specifications and contractual obligations, and its lawful payment of suppliers, subcontractors, and workers. OSU may postpone the award or execution of the Contract after the announcement of the notice of intent to award in order to complete its investigation.

6.05 CONTRACT AWARD

Contract will be awarded to the Proposer who, in OSU's opinion, meets the requirements and qualifications of the RFP and whose Proposal is in the best interest of OSU. If a successful Contract cannot be completed after award, OSU may conclude contract negotiations, rescind its award to that Proposer, and return to the most recent RFP evaluation stage to negotiate with another Proposer(s) for award.

7.0 INSTRUCTIONS TO PROPOSERS

7.01 APPLICABLE STATUTES AND RULES

This Request for Proposal is subject to the applicable provisions and requirements of the Oregon Revised Statutes, Oregon Administrative Rules, and OSU Policies and Procedures.

7.02 COMMUNICATIONS DURING RFP PROCESS

In order to ensure a fair and competitive environment, direct communication between OSU employees other than the Administrative Contact or other PCMM representative and any party in a position to create an unfair advantage to Proposer or disadvantage to other Proposers with respect to the RFP process or the award of a Contract is strictly prohibited. This restricted period of communication begins on the issue date of the solicitation and for Proposer(s) not selected for award ends with the conclusion of the protest period identified in OSU Standard 580-061-0145(3) and for Proposers(s) selected for award ends with the contract execution. This restriction does not apply to communications to other OSU employees during a Pre-Proposal conference or other situation where the Administrative Contact has expressly authorized direct communications with other staff. A Proposer who intentionally violates this requirement of the RFP process or otherwise deliberately or unintentionally benefits from such a violation by another party may have its Proposal rejected due to failing to

comply with all prescribed solicitation procedures. The rules governing rejection of individual solicitation responses and potential appeals of such rejections are at OSU Standard 580-061-0130.

7.03 MANUFACTURER'S NAMES AND APPROVED EQUIVALENTS

Unless qualified by the provision "NO SUBSTITUTE" any manufacturers' names, trade name, brand names, information and/or catalogue numbers listed in a specification are for information and not intended to limit competition. Proposers may offer any brand for which they are an authorized representative, which meets or exceeds the specification for any item(s). If Proposals are based on equivalent products, indicate in the Proposal form the manufacturers' name and number. Proposers shall submit with their Proposal, sketches, and descriptive literature, and/or complete specifications. Reference to literature submitted with a previous Proposal will not satisfy this provision. Proposers shall also explain in detail the reason(s) why the proposed equivalent will meet the specifications and not be considered an exception thereto. Proposals that do not comply with these requirements are subject to rejection. Proposals lacking any written indication of intent to provide an alternate brand will be received and considered in complete compliance with the specification as listed in the RFP. Sample(s) may be requested by OSU-UHDS to evaluate the substitution at no cost to OSU-UHDS.

7.04 REQUESTS FOR CLARIFICATION OR CHANGE

Requests for clarification or change of the Request for Proposal must be in Writing and received by the Administrative Contact no later than the Deadline for Request for Clarification or Change as specified in the Schedule of Events. Such requests for clarification or change must include the reason for the Proposer's request. OSU will consider all timely requests and, if acceptable to OSU, amend the Request for Proposal by issuing an Addendum. Envelopes, e-mails or faxes containing requests must be clearly marked as a Request for Clarification or Change and include the RFP Number and Title.

7.05 ADDENDA

Only documents issued as Written Addenda by PCMM serve to change the Request for Proposal in any way. No other direction received by the Proposer, written or verbal, serves to change the Request for Proposal. Addenda will be publicized on the OSU procurement website. Proposers are advised to consult the OSU procurement website prior to submitting a Proposal in order to ensure that all relevant Addenda have been incorporated into the Proposal. Proposers are not required to submit Addenda with their Proposal. However, Proposers are responsible for obtaining and incorporating any changes made by Addenda into their Proposal. Failure to do so may make the Proposal non-Responsive, which in turn may cause the Proposal to be rejected.

7.06 PREPARATION AND SIGNATURE

All Required Submittals must be Written or prepared in ink and signed by an authorized representative with authority to bind the Proposer. Signature certifies that the Proposer has read, fully understands, and agrees to be bound by the Request for Proposal and all Exhibits and Addenda to the Request for Proposal.

7.07 PUBLIC RECORD

Upon completion of the Request for Proposal process, information in all Proposals will become subject records under the Oregon Public Records Law. Only those items considered a "trade secret" under ORS 192.501(2), may be exempt from disclosure. If a Proposal contains what the Proposer considers a "trade secret" the Proposer must mark each sheet of information as such. Only bona fide trade secrets may be exempt and only if public interest does not require disclosure.

7.08 SUBMISSION

Proposals must be received in the PCMM office no later than the Proposal Due Date and Time; it is the Proposer's responsibility to ensure that the Proposal is received prior to the Proposal Due Date and Time indicated in this RFP, regardless of the method used to submit the Proposal. Proposals may be submitted via the following method(s):

- 1) Electronic copy in PDF format included as attachment(s) in an e-mail sent to bids@oregonstate.edu. The e-mail subject line should contain the RFP No. and RFP title. Only those Proposals received at this e-mail address by the Due Date and Time will be considered Responsive; do not e-mail a copy of the Proposal to any other e-mail address. Proposals submitted directly to the Administrative Contact e-

mail address will NOT be considered Responsive. It is highly recommended that the Proposer confirms receipt of the email with the Administrative Contact noted above or by calling 541-737-4261. The Administrative Contact may open the e-mail to confirm receipt but will NOT verify the integrity of the attachment(s), answer questions related to the content of the Proposal, or address the overall Responsiveness of the Proposal.

- 2) Hard copy in a sealed package or envelope dropped off in person or delivered to the submittal location listed on the Request for Proposal cover sheet. The package or envelope should be addressed to the Administrative Contact. It is highly recommended that the Proposer confirms receipt of the Proposal with the Administrative Contact prior to the Proposal Due Date and Time.

All Proposals, including those submitted through electronic methods (if allowed), must contain Written signatures indicating intent to be bound by the offer. If the Proposer submits multiple versions of the Proposal via different methods and does not explicitly direct OSU as to which version to use, OSU will determine which version of the Proposal will be used for evaluation.

7.09 MODIFICATION

Prior to submittal, Proposers should initial modifications or erasures in ink by the person signing the Proposal. After submittal but prior to the Proposal Due Date and Time, Proposals may be modified by submitting a Written notice indicating the modifications and a statement that the modification amends and supersedes the prior Proposal. After the Proposal Due Date and Time, Proposers may not modify their Proposal.

7.10 WITHDRAWALS

A Proposer may withdraw their Proposal by submitting a Written notice to the Administrative Contact identified in this Request for Proposal prior to the Proposal Due Date and Time. The Written notice must be on the Proposer's letterhead and signed by an authorized representative of the Proposer. The Proposer, or authorized representative of the Proposer, may also withdraw their Proposal in person prior to the Proposal Due Date and Time, upon presentation of appropriate identification and evidence of authority to withdraw the Proposal satisfactory to OSU.

7.11 LATE SUBMITTALS

Proposals and Written notices of modification or withdrawal must be received no later than the Proposal Due Date and Time (in the case of electronic submissions, the time/date stamp of the email received at the PCMM office must be no later than the Proposal Due Date and Time). OSU may not accept or consider late Proposals, modifications, or withdrawals except as permitted in OSU Standard 580-061-0120. Sole responsibility rests with the Proposer to ensure OSU's receipt of its Proposal prior to the Proposal Due Date and Time. OSU shall not be responsible for any delays or misdeliveries caused by common carriers or by transmission errors, malfunctions, or electronic delays. Any risks associated with physical delivery or electronic transmission of the Proposal are borne by the Proposer.

7.12 PROPOSAL OPENING

Proposals will be opened immediately following the Proposal Due Date and Time at the Submittal Location. Proposer may attend the Proposal opening. Only the names of the Proposers submitting Proposals will be announced. No other information regarding the content of the Proposals will be available.

7.13 PROPOSALS ARE OFFERS

The Proposal is the Proposer's offer to enter into a Contract pursuant to the terms and conditions specified in the Request for Proposal, its Exhibits, and Addenda. The offer is binding on the Proposer for one hundred twenty (120) days. OSU's award of the Contract constitutes acceptance of the offer and binds the Proposer. The Proposal must be a complete offer and fully Responsive to the Request for Proposal.

7.14 CONTINGENT PROPOSALS

Proposer shall not make its Proposal contingent upon OSU's acceptance of specifications or contract terms that conflict with or are in addition to those in the Request for Proposal, its Exhibits, or Addenda.

7.15 RIGHT TO REJECT

OSU may reject, in whole or in part, any Proposal not in compliance with the Request for Proposal, Exhibits, or Addenda, if upon OSU's Written finding that it is in the public interest to do so. OSU may reject all Proposals for good cause, if upon OSU's Written finding that it is in the public interest to do so. Notification of rejection of all Proposals, along with the good cause justification and finding of public interest, will be sent to all who submitted a Proposal.

7.16 AWARDS

OSU reserves the right to make award(s) by individual item, group of items, all or none, or any combination thereof. OSU reserves the right to delete any item from the award when deemed to be in the best interest of OSU.

7.17 LEGAL REVIEW

Prior to execution of any Contract resulting from this Request for Proposal, the Contract may be reviewed by a qualified attorney for OSU pursuant to the applicable Oregon State University Standards, Oregon Revised Statutes and Oregon Administrative Rules. Legal review may result in changes to the terms and conditions specified in the Request for Proposal, Exhibits, and Addenda.

7.18 PROPOSAL RESULTS

A Written notice of intent to award will be issued to all Proposers. The Proposal file will be available for Proposer's review during the protest period at the PCMM Department. Proposers must make an appointment with the Administrative Contact to view the Proposal file. After the protest period, the file will be available by making a Public Records Request to OSU Office of General Counsel.

7.19 PROPOSAL PREPARATION COST

OSU is not liable for costs incurred by the Proposer during the Request for Proposal process.

7.20 PROPOSAL CANCELLATION

If a Request for Proposal is cancelled prior to the Proposal Due Date and Time, all Proposals that may have already been received will be returned to the Proposers. If a Request for Proposal is cancelled after the Proposal Due Date and Time or all Proposals are rejected, the Proposals received will be retained and become part of OSU's permanent Proposal file.

7.21 PROTEST OF CONTRACTOR SELECTION, CONTRACT AWARD

Any Proposer who feels adversely affected or aggrieved may submit a protest within three (3) business days after OSU issues a notice of intent to award a Contract. The protest must be clearly identified as a protest, identify the type and nature of the protest, and include the Request for Proposal number and title. The rules governing protests are at OSU Standard 580-061-0145.

**EXHIBIT B
CERTIFICATIONS**

By signature on this certification the undersigned certifies that they are authorized to act on behalf of the Proposer and that under penalty of perjury the undersigned will comply with the following:

SECTION I. OREGON TAX LAWS

The undersigned hereby certifies under penalty of perjury that the Proposer, to the best of the undersigned's knowledge, is not in violation of any tax laws described in ORS 305.380(4).

SECTION II. AFFIRMATIVE ACTION

The undersigned hereby certifies that they have not discriminated against Minority, Women or Emerging Small Business Enterprises in obtaining any required subcontracts, pursuant to OSU Standard 580-061-0030 (3).

SECTION III. COMPLIANCE WITH SOLICITATION

The undersigned agrees and certifies that they:

1. Have read, fully understands and agrees to be bound by the Request for Proposal and all Exhibits and Addenda to the Request for Proposal; and
2. Are an authorized representative of the Proposer, that the information provided is true and accurate, and that providing incorrect or incomplete information may be cause for rejection of the Proposal or Contract termination; and
3. Will furnish the designated item(s) and/or service(s) in accordance with the Request for Proposal and the Contract; and
4. Has provided a correct Federal Employer Identification Number or Social Security Number with the Proposal.

SECTION IV. PERMISSIVE COOPERATIVE PROCUREMENTS

If Proposer is awarded a contract from this Request for Proposal, Proposer hereby (check one)

- agrees
- disagrees

to offer the resulting contractual terms and prices to other public institutions.

Authorized Signature: _____ Date: _____

Name (Type or Print): _____ Telephone:(_____)_____

Title: _____ Fax:(_____)_____

FEIN ID# or SSN# (required): _____ Email: _____

Company: _____

Address, City, State, Zip: _____

Construction Contractors Board (CCB) License Number (if applicable): _____

Business Designation (check one):

- Corporation Partnership LLC Sole Proprietorship Non-Profit

**EXHIBIT C
REFERENCES**

REFERENCE 1

COMPANY: _____ CONTACT NAME: _____
ADDRESS: _____ PHONE NUMBER: _____
CITY, STATE ZIP: _____ FAX NUMBER: _____
WEBSITE: _____ E-MAIL: _____
GOODS OR SERVICES PROVIDED: _____

REFERENCE 2

COMPANY: _____ CONTACT NAME: _____
ADDRESS: _____ PHONE NUMBER: _____
CITY, STATE ZIP: _____ FAX NUMBER: _____
WEBSITE: _____ E-MAIL: _____
GOODS OR SERVICES PROVIDED: _____

REFERENCE 3

COMPANY: _____ CONTACT NAME: _____
ADDRESS: _____ PHONE NUMBER: _____
CITY, STATE ZIP: _____ FAX NUMBER: _____
WEBSITE: _____ E-MAIL: _____
GOODS OR SERVICES PROVIDED: _____

**EXHIBIT D
PRICE SHEETS**

Pricing on Exhibits D1 and D2 must be submitted as a cost-plus, indicating the Proposer's aggregate cost times the proposed percentage mark-up.

Cost (Cost = *item cost and documented freight charges*) x Quantity x Percentage Mark-UP = Total Price to OSU UHDS.

Example: Roma Tomatoes

Cost to Contractor = \$25.00 per case x Quantity 2 = \$50.00

Documented Freight Charge = \$5.00 per case x Quantity 2 = \$10.00

Total cost of product and freight = \$50.00 + \$10.00 = \$60.00

Mark-Up is 15%. Cost to OSU UHDS: \$60.00 x 1.15 (15%) = \$69.00

Amount invoiced to OSU UHDS is \$69.00

Proposer will verify cost-plus by submitting recent copies of invoices and documented freight charges, in the order given on the price sheet, just as they would be expected to supply these costs to meet audit requirements. ***Pricing shall be submitted with Market Pricing from the week of October 2-8, 2018 only.***

Proposer shall indicate whether or not they can supply each listed product by stating "Yes" or "No" in the last column. The sections below represent Standard product for production, Value Added product for production, Value Added product for resale and Organic product. Purchases indicated are for one month.

Exhibit D1 - Delivery to OSU Campus - Corvallis, OR (Mark-up must be the same on all items)

Complete and submit attached spreadsheet

Exhibit D2 - Delivery to OSU Cascades Campus – Bend, OR (Mark-up must be the same on all items)

Complete and submit attached spreadsheet