



**REQUEST FOR PROPOSAL
No. 2022-006982**

**Program Development and Marketing Support Services
for Marine Energy: PacWave and PMEC**

CLOSING

November 08, 2021 (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

It is the Proposers responsibility to continue to monitor the OSU Business and Bid Opportunities website for Addenda <https://bid.oregonstate.edu/>. Failure to acknowledge any Addenda in the Transmittal Letter may cause your proposal to be considered non-responsive.

OSU standards and policies govern this solicitation (Procurement Thresholds and Methods, Procurement Solicitations and Contracts) unless otherwise referenced or stated.

(Updated: October 2, 2019)

1.0 GENERAL

1.01 SCHEDULE OF EVENTS

- Issue Date..... October 08, 2021
- Deadline for Requests for Clarification or Change..... October 25, 2021 (2:00 pm, PT)
- Closing..... November 08, 2021 (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 PRE-PROPOSAL CONFERENCE

A Pre-Proposal Conference will not be held.

1.03 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.

1.04 ADMINISTRATIVE CONTACT

Name: Ben Baggett
Title: PacWave Contract Officer
Telephone: 541-737-2526
E-Mail: Benjamin.Baggett@oregonstate.edu

1.05 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. "Closing" means the date and time specified in a Request for Proposal as the deadline for submitting offers.
- c. "Days" means calendar days, including weekdays, weekends, and holidays, unless otherwise specified.
- d. "Attachments" means those documents which are attached to and incorporated as part of the Request for Proposal, unless specified otherwise.
- e. "Proposal" means a binding offer submitted by an entity in response to a request for proposal issued by the university.
- f. "Proposer" means an entity that submits a response to a request for proposal issued by the university.
- g. "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.
- h. "Responsible" means when an entity has demonstrated their ability to perform satisfactorily under a contract by meeting the applicable standards of responsibility outlined in OSU Standard 03-015, Sec. 5.16.3.i
- i. "Responsive" means when the solicitation response is substantially compliant in all material respects with the criteria outlined in a Invitation to Bid.
- j. "Sealed" means a solicitation response to a solicitation document that has not been opened by the university or a solicitation response delivered by electronic means that has not been distributed beyond university personnel responsible for receiving the electronically submitted solicitation response.
- k. "Signed" means any mark, word, or symbol that is made or adopted by an entity indicating an intent to be bound.
- l. "Solicitation response" means a binding offer submitted by an entity in response to a solicitation document issued by the university.
- m. "Work" means the furnishing of all materials, equipment, labor, transportation, services, and incidentals necessary to successfully complete any individual item or the entire contract and carrying out and completion of all duties and obligations imposed by the contract.

2.0 INTRODUCTION AND BACKGROUND

2.01 INTRODUCTION

Procurement, Contracts and Materials Management is seeking Responsive Responsible Proposers to submit Proposals for program development and marketing support services related to marine energy activities for engagement with the U.S. Federal Government, the National Laboratories, technology developers, utilities, international partners and other interested parties. The goal will be to strengthen ties between OSU and the above mentioned entities to foster and improve relationships and position OSU for future federal funding opportunities.

This effort would support both the Pacific Marine Energy Center (PMEC), a collaborative research center, and PacWave, a multi-site test facility off the coast of Newport, Oregon.

2.02 BACKGROUND

Pacific Marine Energy Center (PMEC)

Oregon State University, along with the University of Washington and the University of Alaska – Fairbanks, co-manage the Pacific Marine Energy Center (PMEC). Designated as a U.S. Department of Energy (DOE) National Marine Renewable Energy Center in 2009, PMEC is an internationally recognized leader in efforts to commercialize the marine energy industry through research, development and testing support activities.

The PMEC team works closely with technology developers, regulatory and resource agencies, and community stakeholders to advance the marine energy industry. Faculty and students collaborate with developers on specific device related projects, communities on outreach initiatives, and the broader marine industry to conduct sector-wide research. Device developers rely on the PMEC test facilities to prove and develop their technologies; while PMEC faculty and staff are recognized by the regulatory and resource agencies as experts in multi-faceted aspects of various technologies. PMEC students are sought after by a variety of entities, including industry, government labs and funding agencies.

PMEC's programmatic strength is derived from its ability to conduct both fundamental research and physical/numerical testing in an iterative and integrated manner for wave, current and offshore wind energy. PMEC's world-class test facilities include the Large Wave Flume and Directional Wave Basin at O.H. Hinsdale Wave Research Laboratory, the Wallace Energy Systems and Renewables Facility, the Robotic Decision Making Laboratory, the Hatfield Marine Science Center, and PacWave.

PacWave

OSU and its team have been working since 2011 to develop PacWave, an offshore test facility near Newport, Oregon, to test the performance, environmental interactions, and survivability of multiple wave energy converter ("WEC") technologies. In 2012, OSU established PacWave North, a non-grid connected test facility.

With support from the U.S. Department of Energy ("DOE") and other non-federal sources of cost match, OSU is now designing and building the PacWave South wave energy test facility located off the Oregon Coast, between Newport and Waldport, the nation's first grid-connected, pre-permitted wave energy test facility ("PacWave" or "PacWave South" or "PacWave Project" or "Project") for utility scale WEC arrays in the United States. PacWave is supported by DOE's Office of Energy Efficiency and Renewable Energy (under the Water Power Program Award Number DE-EE0007899), the State of Oregon and other public and private entities. PacWave will support the development of new, clean, renewable energy technologies and provide future power for local needs.

One of only a few such facilities in the world, PacWave will support advancing wave energy from early-stage, ocean testing through final demonstration for commercialization, serving as an integrated testing center and training ground for those who will fill the marine energy industry jobs of the future. The PacWave facility will provide key capabilities to support the U.S. Department of Energy's Water Power Technologies Office mission to develop and deploy innovative marine energy systems that have the potential to be cost competitive with other forms of electricity generation and enable new markets off the grid. PacWave will provide a unique facility where researchers and testing clients can prove concepts and cost reduction expectations.

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.

2.04 U.S. Department of Energy Funding Agreement terms

PacWave is supported by DOE's Office of Energy Efficiency and Renewable Energy (under the Water Power Program Award Number DE-EE0007899) and must comply with the terms of this Program Award ("Funding Agreement"). Copies of the *Water Power Program Award Number DE-EE0007899* ("Grant Agreement") are available by request to the Administrative Contact.

Agency Approval prior to Expenditure

The Funding Agreement requires that DOE must first review and approve any proposals prior to expenditure of funds. OSU reserves the right to rescind any proposal that the funding agency determines is not approved for expenditure.

Unallowable Expenditures

Term 12 'Lobbying' of the Funding Agreement between Oregon State University and the funding Agency, DOE. Such compliance may include identifying activities in violation of Term 12 in an invoice submission such that OSU will ensure DOE funds are not expended on such activities.

Term 12 'Lobbying' of the Grant Agreement states the following:

None of the funds obligated on the Award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. § 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

3.0 SCOPE OF WORK / SAMPLE CONTRACT

Specifically, OSU requires support in the following areas "Scope of Work:"

- **Task 1: Program Development** – Support OSU to develop a strategy related to securing additional federal funding to support future PMEC and PacWave activities.
- **Task 2: Marketing Strategies** – Provide guidance on future federal marketing strategies for PMEC and PacWave activities.
- **Task 3: Industry Outreach** – Work to build future collaborations between PMEC/PacWave and marine energy technology companies. Communications with private sector wave/tidal energy technology developers, the U.S. Navy, and National Lab staff to market OSU PMEC research, device testing capabilities, and workforce development.
- **Task 4: Funding** – Recommendations related to ongoing and emerging efforts to secure dedicated research and center funding. Provide guidance on future funding announcements that would potentially support PMEC and PacWave activities.

- **Task 5: Teaming Opportunities** – Advise on strategies to engage the federal entities and broaden funding support for PMEC and PacWave. Provide recommendations on potential partnering options for future funding opportunities, including with the National Laboratories.
- **Task 6: Federal Contracting** – Provide guidance on potential contracting and cost share issues related to future funding opportunities.
- **Task 7: General Policy Support** – Provide recommendations on evolving policy language in marine energy related legislation.

Deliverables:

- Bi-weekly telephone calls
- Quarterly reports detailing activity
- Attend in-person meetings throughout the year
 - in Oregon twice annually
 - in Washington D.C. twice annually
- Other deliverables as mutually agreed to (through contract amendment)

Schedule

Work is expected to commence on or after January 1, 2022 calendar year and last one year with the option to extend for additional 1-year intervals up to 3 additional years per the contract terms and conditions.

3.01 SAMPLE CONTRACT

A sample contract containing contractual terms and conditions is included as a separate PDF as Attachment A.

4.0 PROPOSER QUALIFICATIONS

PROPOSER QUALIFICATIONS

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

a. Experience and Capabilities

Provide information about your proposed team’s experience and capabilities performing similar services as described in this RFP, including details and discussion on your success in program development, program marketing, and securing opportunities for federal funding consistent with the scope of this RFP.

Provide a brief summary of three or more successful endeavors similar to that described in this RFP, that your proposed team has completed or are currently contracted to complete, including methods of approach and timelines. Include details specific to your success in the marine energy space, including any examples representing Oregon or the west coast region of the United States. Identify clients you have served in the west coast region.

Describe your experience in engaging Oregon elected officials, U.S. Congress, including any members and staff on committees of jurisdiction, industry, and US Department of Energy national laboratories, consistent with the work described in the Scope of this RFP.

b. Qualifications

Provide a brief description of your proposed team and their overall qualifications related to the description of services sought in this RFP. Provide an organization chart with names, title, and job classification of personnel and identify key personnel, along with subconsultant’s key personnel as applicable, to be assigned to the Scope in this Project. Please provide percentage of time allocated for each team member assigned. Include proposed key personnel’s CV or resumes including their project experience and identify their roles in scopes of work similar to the scope in this RFP. If different personnel are to be involved for different aspect of the RFP scope of work, those personnel shall be

listed separately. Indicate current availability and proposed percentage of involvement for this Scope and whether the proposed team has worked together on previous projects.

5.0 REQUIRED SUBMITTALS

5.01 QUANTITY OF PROPOSALS

Submit one (1) electronic copy as detailed in the section below titled SUBMISSION. 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 and in the order of the Evaluation Criteria in Section 6.02.

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 services offered specifically satisfy the scope of work described in section 3.
- Detailed information about how the Proposer meets the qualifications described in section 4.
- Complete and itemized pricing sheet of the services requested detailed for a year 1, 2, 3, and 4, including estimated direct expenses for travel, per diem, and other associated costs. Pricing calculation is as described in Section 6.02 'Evaluation Criteria.'
- A statement of notification of the proposing firms' existence at the time of proposals submission of a 'covered relationship' as defined by 5 CFR 2635.502(a) & (b) between the Proposer (Contractor) and OSU which creates at a minimum an apparent conflict of interest. Please provide detailed information and justification (including, for example, mitigation measures) as to why the relationship under this Contract does not create an actual conflict of interest.
- Attachment B: Certifications, fully completed.
- Attachment C: References, fully completed.

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. OSU reserves the right to reject any Proposals 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 03-015, Sec. 5.20.
- 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>
Proposal relative to the Scope of Work	50
Proposer's qualifications relative to Section 4.0	25
Price of the Services	25
Total	100

Pricing Calculation:

Pricing calculation is based on the total combined cost, including estimated direct expenses for travel, per diem, and other associated costs, for year 1 only. Year 1 is to be based on the calendar year 2022, from January 1, 2022, to December 31, 2022. In the event of a discrepancy between unit prices and extended (arithmetically calculated) prices, unit prices will prevail over extended prices.

The Proposal that contains the lowest price to OSU will receive the maximum number of price points. A Proposal whose price is higher than the lowest submitted price will receive proportionately fewer price points, as demonstrated in the example below.

Proposer A's price is \$450 (the lowest)
Proposer A is awarded 20 price points (the maximum)

Proposer B's price is \$500
Proposer B is awarded 18 price points ($450/500 \times 20$)

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 Scope of Work;
- b. The Contract price as it is affected by negotiating the Scope 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 appeals period identified in OSU Standard 03-015, Sec. 5.20.8(b) 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 03-015, Sec. 5.20.

7.03 (RESERVED)

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 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 Attachments 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

Each Proposal shall be submitted electronically and received by the date and time as stated in this RFP. Submit one (1) electronic copy of the Proposal via e-mail to bids@oregonstate.edu by the Proposal Due Date and Time and properly addressed to the Administrative Contact. The e-mail subject line should contain the RFP No. and RFP title. Only those Proposals received at this e-mail address by the Closing 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.

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 as listed in Section 5.02 'Required Submittals.'

Your proposal response must be contained in a digital document not to exceed five pages including any pricing sheets, pictures, charts, graphs, tables and text the proposer deems appropriate to be part of the review of the proposer's response. Accompanying documentation exempt from the five-page proposal limit, includes: Cost tables, Transmittal letter, table of contents, front and back covers, blank section dividers, CVs or resumes of proposed key individuals, as well as any accompanying technical documentation, financial statements, sales

literature, brochures, or diagrams, will not be counted in the page limit. No supplemental information to the five page proposal response or exempted accompanying documentation, will be accepted.

Information should be presented in the same order as the evaluation criteria in Section 6.02 'Evaluation Criteria.' The electronic proposal response should be sized appropriately for transfer (under 1 GB). The basic text information of the response should be presented in standard business font size, and reasonable margins. Your proposal response must be signed by an authorized representative of your company with the authority to bind the Proposer and contain contact information including email for communication purposes. Signature certifies that the Proposer has read, fully understands, and agrees to be bound by the Request for Proposal and all Attachments and Addenda to the Request for Proposal.

OSU may reject any proposal not in compliance with all applicable OSU solicitation procedures and requirements, and may cancel this solicitation or reject for good cause, all proposals upon a finding by OSU that it is in the public interest to do so. Note that OSU will not accept proposal responses or queries that require OSU to pay the cost of production. Telephone, facsimile, or paper submittals will not be accepted. Proposal responses received after the closing date and time will not be considered.

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 Closing, 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 Closing, 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 Closing. 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 Closing, 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 Closing (in the case of electronic submissions, the time/date stamp of the email received at the PCMM office must be no later than the Closing). OSU may not accept or consider late Proposals, modifications, or withdrawals except as permitted in OSU Standard 03-015, Sec 5.9. Sole responsibility rests with the Proposer to ensure OSU's receipt of its Proposal prior to the Closing. 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 electronic transmission of the Proposal are borne by the Proposer.

7.12 PROPOSAL OPENING

Proposals will be opened immediately following the Closing at the Submittal Location through a virtual online meeting. Any person(s) interested in attending the Closing must request a meeting invitation link by contacting the Administrative Contact no later than 10 days prior to the RFP closing date. 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 Attachments, and Addenda. The offer is binding on the Proposer for one-hundred twenty 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 Attachments, 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, Attachments, 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, Attachments, 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 appeal period at the PCMM Department. Proposers must make an appointment with the Administrative Contact to view the Proposal file. After the appeal 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 Closing, all Proposals that may have already been received will be returned to the Proposers. If a Request for Proposal is cancelled after the Closing or all Proposals are rejected, the Proposals received will be retained and become part of OSU's permanent Proposal file.

7.21 APPEAL OF CONTRACTOR SELECTION, CONTRACT AWARD

Any Proposer who feels adversely affected or aggrieved may submit an appeal within three (3) business days after OSU issues a notice of intent to award a Contract. The appeal must be clearly identified as an appeal, identify the type and nature of the appeal, and include the Request for Proposal number and title. The rules governing appeals are at OSU Standard 03-015, Sec. 5.20.

**ATTACHMENT A
TERMS AND CONDITIONS / SAMPLE CONTRACT**

[Remainder of this page left intentionally blank, Attachment A is a separate attachment]

**ATTACHMENT 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

**ATTACHMENT C
REFERENCES**

Use this form to provide references with current contact information for three past clients of a similar Scope as the scope described in this RFP. Verify that the individuals provided as a reference had direct contact with the representative services provided by your firm. Do not include references for any person(s) employed by your firm or other firms identified in your proposed team or any references of OSU personnel.

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: _____
