



# Oregon State University

## REQUEST FOR PROPOSAL (RFP) #2022-007654

### PARKING LOT SEALING & PAINTING

ISSUE DATE: January 26, 2022

NON-MANDATORY PRE-PROPOSAL CONFERENCE:  
February, 2 2022 at 10:30 AM Pacific Time (PT) via  
Zoom

RFP DUE DATE/TIME:  
February 15, 2022 at 2:00 PM Pacific Time (PT) via  
electronic submission to [bids@oregonstate.edu](mailto:bids@oregonstate.edu)

QUESTION DEADLINE: February 9, 2022 at 5:00 PM Pacific Time (PT)

#### CONTRACT ADMINISTRATOR:

Brooke Davison, Construction Contract Officer  
Construction Contracts Administration  
Oregon State University  
644 SW 13<sup>th</sup> Street  
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Email: [constructioncontracts@oregonstate.edu](mailto:constructioncontracts@oregonstate.edu)

#### APPEALS:

Hanna Emerson, Construction Contracts Manager  
Construction Contracts Administration  
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It is the Proposer's responsibility to continue to monitor the [OSU Business and Bid Opportunities](#) website for Addenda. 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.*

## **1.0 INTRODUCTION**

**1.1** Oregon State University (“OSU” and/or “Owner”) is conducting a competitive **ONE-STEP** Request for Proposals (RFP) process to retain one contractor to provide slurry seal and painting services in various parking lots on the OSU Corvallis campus (*the “Project”*). OSU intends to award a contract for work anticipated to take place in the summer months of 2022 and renewable for up to six (6) additional years at OSU’s discretion.

**OSU WILL ONLY BE ACCEPTING SEALED PROPOSALS ELECTRONICALLY** - Proposals are to be submitted to [bids@oregonstate.edu](mailto:bids@oregonstate.edu) by the Due Date/Time.

**VIRTUAL NON-MANDATORY PRE-PROPOSAL CONFERENCE-** A virtual Non-Mandatory Pre-Proposal Conference will be held at 10:30 AM PT on February 2, 2022 via Zoom. Firms wishing to attend shall e-mail [constructioncontracts@oregonstate.edu](mailto:constructioncontracts@oregonstate.edu) no later than 15 minutes in advance to receive the Zoom link. The email subject line should contain the Solicitation Number/Name and Firm Name.

**SITE-VISITS** –Formal site visits will not be a part of this RFP. However, all parking lots contemplated herein are open to the public. Firms are encouraged to visit the parking lots on their own to view current conditions. Campus Safety Policies for Face Covering and Physical Distancing requirements related to Covid-19 are located at <https://covid.oregonstate.edu/safety-policies>.

All questions shall be submitted via e-mail to [constructioncontracts@oregonstate.edu](mailto:constructioncontracts@oregonstate.edu) by the Question Deadline in order to be addressed. The email subject line should contain the Solicitation Number/Name and Firm Name.

**1.2 Background.** Oregon State University in Corvallis, Oregon is located within the traditional homelands of the Mary's River or Ampinefu Band of Kalapuya. Following the Willamette Valley Treaty of 1855 (Kalapuya etc. Treaty), Kalapuya people were forcibly removed to reservations in Western Oregon. Today, living descendants of these people are a part of the Confederated Tribes of Grand Ronde Community of Oregon (<https://www.grandronde.org>) and the Confederated Tribes of the Siletz Indians (<https://ctsi.nsn.us>).

Founded in 1868 as Oregon’s land grant institution, OSU serves the state, the nation and the world as a premier 21st-century research university. OSU is committed to exceptional research, discovery, innovation and engagement — and to integrating its research and engagement mission with the delivery of a high-quality, globally relevant and affordable education for the people of Oregon and beyond. OSU is one of only two land, sea, space and sun grant universities in the U.S. and is the only university in Oregon to have earned both Carnegie Classifications for Very High Research Activity and Community Engagement.

The university’s 570-acre main campus is located in the city of Corvallis, a vibrant college town of nearly 58,000 in the heart of Western Oregon’s Willamette Valley. Corvallis consistently ranks among the safest, most highly educated and greenest small cities in the nation.

OSU Transportation Services purpose is to “Provide safe, sustainable, customer-focused and fiscally-sound transportation programs and services.” They are a self-supported auxiliary, meaning all revenue collected supports the services and infrastructure for parking on the OSU Corvallis Campus.

**1.3 Location.** OSU Transportation Services maintains approximately 90 parking lots and the parking garage on the OSU Corvallis campus. Each year of the anticipated contract, different lots will be selected for crack sealing, slurring and or repainting. The lots anticipated for 2022 are as follows:

- 1.3.1 Crack Seal and Restripe Only Lots**
  - 1.3.1.1** Gill Coliseum West
  - 1.3.1.2** South 17<sup>th</sup> Street and A Avenue
  - 1.3.1.3** Dixon Recreation Center East
  - 1.3.1.4** Student Legacy Park South
  - 1.3.1.5** Orchard Avenue North
  - 1.3.1.6** Energy Center East
  - 1.3.1.7** Bloss Hall South
  - 1.3.1.8** Campus Way and 35<sup>th</sup> Street
  - 1.3.1.9** Oldfield Animal Teaching Facility West
  - 1.3.1.10** Oak Creek Building South
- 1.3.2 Crack Seal, Slurry and Restripe**
  - 1.3.2.1** Washington Avenue Southwest
  - 1.3.2.2** Washington Avenue Southeast
  - 1.3.2.3** Washington Avenue and 11st Street Southeast
  - 1.3.2.4** Bloss Hall West
  - 1.3.2.5** Cascade Hall South

**1.4 Summary of Work.** OSU intends to maintain all surface parking lots on the Corvallis campus at a Pavement Condition Index (PCI) rating of 7 or better to extend the life of the assets. This will be accomplished through the following:

- 1.4.1** Task 1 – Lots listed in 1.3.1 above shall be crack filled and restriped every three years.
  - 1.4.1.1** If the contract is renewed, specific parking lots will identified by the Owner and are anticipated to follow a similar process and schedule
- 1.4.2** Task 2 – Lots listed above in 1.3.2 shall be slurry sealed every six years.
  - 1.4.2.1** If the contract is renewed, specific parking lots will identified by the Owner and are anticipated to follow a similar process and schedule
- 1.4.3** Task 3 - All concrete lots will be seam sealed every year.

**1.5 Scope of Services.** OSU will identify different lots each year to maintain OSU’s target PCI rating.

Key components of the work in each lot shall include the following:

- 1.5.1** Removing old built-up parking lot striping and ADA symbols
- 1.5.2** Cleaning
- 1.5.3** Crack and seam sealing
- 1.5.4** Slurry sealing (selected lots every 6 years)
- 1.5.5** Painting on clean pavement surfaces:
  - 1.5.5.1** Parking lot striping layout
  - 1.5.5.2** 4-inch striping
  - 1.5.5.3** ADA symbols,
  - 1.5.5.4** Stencil lettering signage,

- 1.5.5.5 12-inch stop bars,
- 1.5.5.6 Stencil turn arrows,
- 1.5.5.7 12-inch crosswalk lines
- 1.5.6 Re-installing existing wheel stops

The Scope of work anticipated to occur during the summer of 2022 is identified in Exhibit 1.

Scopes of Work for subsequent summers will be provided by OSU each spring prior to the summer work required, respectively and only if the Contract is renewed for that year. The Scope of Work for summer 2022 will be similar in scope for future years with some variations, if contract is renewed.

All Work will be based on a square footage per parking lot basis, which will incorporate all Work, including but not limited to mobilization, traffic and pedestrian control, catch basin erosion control on designated parking lots, protection for manholes, catch basins, clean outs, and valve covers on designated parking lots, and parking lot cleaning prior to applying sealants, for each parking lot described in Section 1.3 and Exhibit 1. Specified materials for any related work is found in the [OSU Construction Standards](#). Any materials used that are not identified or addressed in the OSU Construction Standards must be approved by OSU. The Work schedule shall be coordinated with the Owner's Authorized Representative, and shall be planned to minimize parking lot closure for the Work.

Each summer, including 2022, work may not begin prior to commencement (generally the second weekend in June) and must be completed no later than August 20.

**1.6 Minimum Qualifications.** In order to qualify as a Responsive Proposer, the Proposer shall meet the following minimum qualifications

- 1.6.1 Active CCB License from the Oregon Construction Contractor's Board;
- 1.6.2 Proposer or Proposers' subcontractor must have recent experience (within the past 5 years) in slurry sealing and crack filling;
- 1.6.3 Proposer or Proposers' subcontractor must have recent experience (within the past 5 years) with predominately parking lot layout and stripping, especially with off, curved or non-conventional configurations.;
- 1.6.4 Proposer must demonstrate knowledge and proven history in the applications of all types of pavement sealants per Oregon Department of Transportation standards;
- 1.6.5 Proven experience working in a busy campus environment;
- 1.6.6 Proven ability to work with and quickly respond to flexible lot availability schedules and prioritization.

**1.7 Preferred Qualifications.** OSU may consider the following preferred qualifications in the evaluation process as described in **Section 7.7** below.

- 1.7.1 Certified Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Emerging Small business (ESB), or Disabled Service Veteran (DSV) by the State of Oregon Office for Business Inclusion and Diversity;
- 1.7.2 Recent experience (within the last 5 years) with compressed work schedules;
- 1.7.3 Recent experience (within the last 5 years) with moderate to high foot traffic;
- 1.7.4 Recent experience (within the last 5 years) with performing work at an institution of higher education;
- 1.7.5 Recent experience (within the last 5 years) striping on new pavement and various surface

coatings.

## **2.0 SCHEDULE**

Issue Date	January 26, 2022
<b>Non-Mandatory Pre-Proposal Conference</b>	<b>February 2, 2022 10:30 AM via Zoom</b>
Question Deadline	February 9, 2022 5:00 PM
Final Addendum Issuance (if necessary)	By February 11, 2022
Proposal Due Date/Time	February 15, 2022 2:00 PM

### **The following dates are tentative and subject to change without notice:**

Notice of Intent to Award	By February 23, 2022
Estimated Contract execution	By March 15, 2022
Estimated Notice to Proceed	By June 13, 2022

OSU will make every effort to adhere to the above schedule. It is however, subject to change.

## **3.0 QUESTIONS, SOLICITATION REVISION REQUESTS, CHANGE OR MODIFICATION, APPEALS**

### **3.1 Questions.**

**3.1.1** All questions and contacts with OSU regarding any information in this RFP must be addressed in writing via email to [constructioncontracts@oregonstate.edu](mailto:constructioncontracts@oregonstate.edu) no later than the **Question Deadline** as stated in Section 2.0. If a Proposer is unclear about *any* information contained in this document or its exhibits (Project, scope, etc.), they are urged to submit those questions for formal clarification.

### **3.2 Solicitation Process Revision Requests.**

**3.2.1** Proposers may submit a written request for change of particular solicitation process provisions to the **Construction Contracts Manager** at the address or email listed in this document. Such requests for change shall be received no later than the **Question Deadline** listed above.

**3.2.2** Such requests for change shall include the reasons for the request and any proposed changes to the solicitation process provisions.

### **3.3 Change or Modification.**

**3.3.1** Any change or modification provided by the Owner for this RFP or the documents included as exhibits to this RFP shall be made by a duly issued Addendum made available to all firms on the [OSU Business and Bid Opportunities](#) website. It is the responsibility of each Proposer to visit the website and download any addenda. No information received in any manner different than as described herein shall serve to change the RFP in any way, regardless of the source of the information.

**3.3.2** OSU will not be responsible for any other explanation or interpretation of this RFP or

the documents included as exhibits to this RFP.

### **3.4. Appeals.**

**3.4.1** Appeals related to the OSU solicitation process and award decisions and actions shall be pursuant to OSU Standards ([Procurement Thresholds and Methods, Procurement Solicitations and Contracts](#)). All written appeals must be delivered to the **Construction Contracts Manager**, at the address given in this RFP.

## **4.0 PUBLIC RECORD**

**4.1** OSU will retain an electronic copy of this RFP and one electronic copy of each Proposal received, together with electronic copies of all documents pertaining to the award of a contract. These documents will be made a part of a file or record, which shall be open to public inspection after OSU has announced its intent to award a contract. If a Proposal contains any information that is considered a trade secret under ORS 192.345(2), you must mark each trade secret with the following legend: **“This data constitutes a trade secret under ORS 192.345(2), and shall not be disclosed except in accordance with the Oregon Public Records Law, ORS Chapter 192.”**

**4.2** The Oregon Public Records Law exempts from disclosure only bona fide trade secrets, and the exemption from disclosure applies only “unless the public interest requires disclosure in the particular instance.”

**4.2.1** Therefore, non-disclosure of documents or any portion of a document submitted as part of a Proposal may depend upon official or judicial determination made pursuant to the Public Records Law.

**4.3** In order to facilitate public inspection of the non-confidential portion of the Proposal, material designated as confidential shall accompany the Proposal, but shall be readily separable from it. Prices, makes, model or catalog numbers of items offered, scheduled delivery dates, and terms of payment shall be publicly available regardless of any designation to the contrary. Any Proposal marked as a trade secret in its entirety may be considered non-responsive and be rejected.

## **5.0 FORM OF AGREEMENT**

A Sample Public Improvement Contract is included as an exhibit and contains contract terms and conditions applicable to the work. The sample contract may contain certain notes or alternative provisions. Those alternative provisions will be included at the sole discretion of OSU.

## **6.0 RESERVED OR BUREAU OF LABOR AND INDUSTRIES (BOLI) PREVAILING WAGES**

In compliance with Oregon Prevailing Wage Law, the following is incorporated into this RFP:

The Contractor and all subcontractors shall comply with the provisions of ORS 279C.800 through 279C.870, relative to Prevailing Wage Rates (PWR) as outlined in Sections C.1 and C.2 of the General Conditions. The resulting Supplement is subject to the following BOLI wage rate requirements, which are incorporated herein by reference:

- 6.1 Reserved
- 6.2 January 1, 2022 PWR Apprenticeship Rates
- 6.3 January 1, 2022 Prevailing Wage Rates for Public Works Contracts in Oregon
- 6.4 July 1, 2018 Definitions of Covered Occupations for Public Works Contracts in Oregon

These BOLI wage rates are available here:

[https://www.oregon.gov/boli/WHD/PWR/Pages/pwr\\_state.aspx](https://www.oregon.gov/boli/WHD/PWR/Pages/pwr_state.aspx).

## **7.0 INSTRUCTIONS TO OFFERORS**

**7.1 Summary of Work.** The Work contemplated in this document shall be for OSU in connection with the Project described in Section 1.0 of this document.

### **7.2 Pre-Proposal Conference and Site Visit.**

**7.2.1** The Pre-Proposal Conference will be administered virtually via Zoom. Proposers **must** contact the **Contract Administrator** to request virtual Conference access. This request must occur no later than fifteen (15) minutes prior to the meeting time, as stated in this RFP.

Attendance will be documented by OSU.

**7.2.2** No statement made by any officer, agent, or employee of OSU in relation to the physical conditions pertaining to the Work site will be binding on OSU, unless included in writing in the documents included as exhibits to this RFP or an Addendum.

**7.2.3** Date and Time of a Pre-Proposal Conference is located on the cover sheet of this RFP.

**7.2.4** Reserved.

**7.2.5** Should on campus site visits occur, the COVID Safety & Success Policy is located here: <https://covid.oregonstate.edu/safety-policies>

### **7.3 Proposal Submission.**

**7.3.1** Submit **one (1) electronic version via email** to be received by the Due Date/Time listed in this document to [bids@oregonstate.edu](mailto:bids@oregonstate.edu) as stated in this RFP. **Electronic versions must be sized appropriately for transfer (under 10 mb).**

**7.3.2** All Proposals must be received by OSU before the Due Date/Time. OSU's official clock shall prevail in any time conflict. Any Proposal received after the Due Date/Time will be rejected and will be retained and made part of OSU's archive records in accordance with OSU Standards.

**7.3.3** All Proposers must be registered and licensed with the Oregon Construction Contractors Board and have on file with the Construction Contractors Board the required public works bond prior to submitting Proposals. Failure to be licensed and have the bond in

place will be sufficient cause to reject Proposals as non-responsive.

#### **7.4 Proposal Submission Requirements.**

**7.4.1** Your Proposal must be contained in a document not to exceed Twenty (20) single sided pages including pictures, charts, graphs, tables and text you deem appropriate to be part of OSU's review of your Proposal. Resumes of key individuals proposed to be involved in this Project are exempted from the page limit and must be appended to the end of your Proposal. No supplemental information to the page limit will be allowed. Appended resumes of the proposed key individuals, along with a Transmittal letter, table of contents, front and back covers, references, exceptions and blank section dividers will not be counted in the page limit.

**7.4.2** Your Proposal must follow the format outlined below and include a Transmittal/Cover Letter signed by an officer of your firm(s) with the authority to commit the firm(s) and must also acknowledge receipt of all addenda. Include an email address for communication purposes.

**7.4.3** Any/all exceptions to the Terms and Conditions included in the Sample Contract shall be clearly identified and appended to the Proposal in order to be considered by OSU during the negotiation period.

**7.4.4** The electronic Proposal should be **should be sized appropriately for transfer (under 10 MB)** and formatted with page size of **8 ½ x 11 inches** with no fold-outs (except for any large format documents required by evaluation criteria). The basic text information of the Proposal should be presented in standard business font size, and reasonable margins.

**7.4.5** 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.

**7.4.6** Note that throughout this procurement process, OSU will not accept Proposals that require OSU to pay the cost of production or delivery.

**7.4.7** Telephone and facsimile transmitted **Proposals will not be accepted**. Proposals received *after* the Due Date/Time **will not be considered**.

**7.4.8** Each Proposal shall be emailed to [bids@oregonstate.edu](mailto:bids@oregonstate.edu). Proposals must be received by the date/time and in the format specified herein. The email line should contain the Solicitation Number/Name and Firm Name. Only those Proposals received at this email address by the Proposal Due Date/Time shall be considered responsive. Proposals submitted directly to the **Contract Administrator** will NOT be considered responsive. It is highly recommended that the Proposer confirms receipt of the email with the **Contract Administrator or designee**. The **Contract Administrator** or designee may open the email 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.

#### **7.5 Acceptance or Rejection of Solicitation Responses by OSU.**



**7.5.1** The procedures for Contract awards shall be in compliance with the provisions of OSU standards and policies adopted by OSU.

**7.5.2** OSU reserves the right to reject any or all Proposals and to waive minor informalities in compliance with the provisions of OSU standards and policies adopted by OSU.

**7.6 Withdrawal of Solicitation Response.**

**7.6.1** At any time prior to the Due Date/Time, a Proposer may withdraw its Proposal in accordance with OSU Standards. This will not preclude the submission of another Proposal by such Proposer prior to the Due Date/Time.

**7.6.2** After the Due Date/Time, Proposers are prohibited from withdrawing their Proposal, except as provided by OSU Standards.

**7.7 Evaluation Process.**

The written response to this RFP is the only step in the selection of a firm for this Project. The Proposals received in response to this RFP will be evaluated by a selection committee.

The members of the selection committee will discuss the strengths and weaknesses of all Proposers. The members of the selection committee will then score the Proposers based on all information received and presented in the Proposals. Optional Reference Checks may be undertaken to aid in final scoring. Upon completion of final scoring, an Intent to Award will be issued identifying the Apparent Successful Proposer and negotiations may commence with the Apparent Successful Proposer in order to finalize a contract in accordance with Section 7.12 below.

**7.8 Evaluation Criteria.** The following questions constitute the evaluation criteria for the selection committee to score Proposals. For ease in reviewing, provide tabs keyed to each of the following criteria:

**7.8.1 Firm Description (5 Points)**

Provide a brief description of your firm. List the projects your firm is currently contracted for and at what stage the projects are in terms of completion.

**7.8.2 Minimum Qualifications (25 Points)**

Provide detailed information about how your firm meets the minimum qualifications listed in **Section 1.6** above.

**7.8.3 Key Personnel (20 Points)**

Describe the positions you would identify as “key personnel” for the Project and the amount of time they will be on site during the Project. Identify your proposed key personnel and their specific experience with projects of a similar nature, using specific examples and include their role and responsibilities in the project. Describe their success in projects with similar requirements and schedules. Identify which project(s) you feel to be the closest to this project in terms of size and complexity and their specific role in each project.

**7.8.4 Schedule (25 Points)**

Propose a rough schedule (no more than one page (fold out is acceptable, but not required)), for the Project. Assume a mid-June construction start date and an August 20 completion date. Propose a different schedule if you feel that an August 20 completion date is not feasible. Demobilization will be required at the end of each summer, address how you will phase the work. (i.e.: will you be working on multiple parking lots in a short period of time). Portions of the parking lots may be occupied during the Work. Address your firm's planning, scheduling, phasing, and project monitoring skills and processes as it pertains to the Project. Include how the Work for OSU will be coordinated with other work for which your firm is contracted. Provide examples of how your firm will coordinate complex scheduling needs that may require your firm to start and stop work for reasons such as, but not limited to, other projects, events and parking lot customers.

#### **7.8.5 Proposed Site Coordination (20 Points)**

Describe your firm's approach to the management and administration of on-site activities. Address mobilization, parking lot staging, parking lot closure communication, site access, vehicular circulation, pedestrian circulation, noise and other related factors. Demonstrate an understanding of OSU's need to maintain work areas and to continue to use adjacent buildings, streets and parking areas concurrent with the Work. Identify activities required to maintain safe user access to continued operation of the adjacent spaces.

#### **7.8.6 Summer 2022 Work Compensation Proposal (25 Points)**

Provide a unit price per parking lot (based on the square footage of each lot) bid for the scope of work defined for summer 2022. As stated in Section 1.5 above, pricing per lot must be inclusive of all labor, materials, equipment, overhead and profit. Bid must be provided on the form provided in this RFP. The Proposer with the lowest Compensation Proposal will receive full points, higher cost Proposals will receive proportionally lower points according to the following formula:

$$[1 - (\text{Proposer's Compensation Proposal} - \text{Low Proposer's Compensation Proposal}) / \text{Proposer's Compensation Proposal}] * \text{Fee Points Available (rounded to the nearest half point)}$$

#### **7.8.5 Workforce Diversity Plan (15 Points)**

(a) Provide a description and identification of MBE, WBE, ESB, or DSV certifications for your team and a description of your nondiscrimination practices. Provide historical information on MBE, WBE, ESB, or DSV Joint Ventures, subcontracting or mentoring plan, and utilization history for projects completed by your firm within the past three (3) years.

(b) Provide a narrative description of your current workforce diversity program/plan, and the plan for obtaining subcontracting, consulting, and supplier diversity for this Project. Include a description of the outreach program or plan, including a schedule of events and specific steps that will be taken to maximize broad based and inclusive participation and the plan to provide mentoring, technical or other business development services to subcontractors/subconsultants needing or requesting such services.

The Contractor must perform the Work according to the means and methods described in the workforce plan described in its Proposal, unless changes are requested and approved in writing in advance by OSU or are required by applicable laws, ordinances, codes, regulations,

rules or standards.

## 7.9 Point Summary Table.

Criteria	Point Value
Firm Description	5 Points
Minimum Qualifications	25 Points
Key Personnel	20 Points
Schedule	25 Points
Proposed Site Coordination	20 Points
Summer 2022 Work Compensation Proposal	25 Points
Workforce Diversity Plan	20 Points
Total Points Available	140 Points

## 7.10 Optional Preferred Qualifications and Reference Checks (35 Points).

### 7.10.1 Preferred Qualifications (25 Points)

Provide detailed information about how your firm meets the preferred qualifications listed in Section 1.7 above.

### 7.10.2 Optional Reference Checks (10 Points).

In addition to responding to the evaluation criteria above, provide the names, addresses, phone numbers and e-mail addresses of four (4) of each of the following: owners, subcontractors to be used as references for your firm. Also, provide current contact information for at least one client and one subcontractor to be used as references for each of the key personnel identified in your Proposal. All references must relate to projects of a size, scope and/or complexity comparable to this Project. Key personnel references must have had direct contact with your team member. Do not include references from any firms or individuals included in your team for this Proposal or any OSU personnel. OSU may check with these references and with other references associated with past work of your firm.

OSU *may* check with these references or other references associated with past work of your firm.

**7.11 Equity Contracting.** OSU will require the successful Proposer to comply with OSU Standards, policies, rules and procedures requiring good faith efforts in subcontracting with minority, women, emerging small business or service-disabled veteran owned business enterprises.

## 7.12 Negotiations.

**7.12.1** OSU may commence General and/or Best and Final Offer (BAFO) Negotiations in accordance with OSU Standards ([Procurement Thresholds and Methods, Procurement Solicitations and Contracts](#)) following final scoring under either a one or two-step process.

**7.12.2** Any/all exceptions to the Term and Conditions included in the Sample Contract/Agreement shall be clearly identified and appended to the Proposal in order to be

considered by OSU during the negotiation period.

**7.12.3** OSU reserves the right to deny contract term negotiations with the Apparent Successful Proposer if such contract terms were not received by OSU in the Solicitation response pursuant to Section **7.12.2** above.

**7.12.4** OSU reserves the right to defer decision(s) on requests for contract terms and conditions revisions until after a notice of intent to award is published.

**7.12.5** If OSU and the Apparent Successful Proposer are unable to reach agreement on contract terms and conditions, OSU may cease negotiations with the Apparent Successful Proposer and enter negotiations with the next highest scoring Proposer, etc.

## **8.0 MISCELLANEOUS**

### **8.1 Financial Responsibility.**

**8.1.1** OSU reserves the right to investigate, at any time prior to execution of the contract, the Proposers financial responsibility to perform the anticipated services. Submission of a Proposal will constitute approval for OSU to obtain any credit report information OSU deems necessary to conduct the evaluation. OSU will notify Proposers, in writing, of any other documentation required, which may include, but need not be limited to: recent profit-and-loss history; current balance statements; assets-to-liabilities ratio, including number and amount of secured versus unsecured creditor claims; availability of short and long-term financing; bonding capacity and credit information. Failure to promptly provide this information may result in rejection of the Proposal.

**8.1.2** OSU may postpone the selection of finalists or execution of a contract in order to complete its investigation and evaluation. Failure of a firm to demonstrate financial responsibility may render it non-responsible and constitute grounds for Proposal rejection.

### **8.2 Project Termination.**

**8.2.1** OSU reserves the right to terminate the Project or contract during any phase in the Project.

#### **8.2.2 Reserved**

**8.3 Insurance Provisions.** During the term of the resulting contract, the awardee will be required to maintain in full force, at its own expense, from insurance companies authorized to transact the business of insurance in the state of Oregon, each insurance coverage/policy as set forth in the contract.

**8.4 Nondiscrimination.** By submission of a Proposal, the Proposer certifies under penalty of perjury that the Proposer will not discriminate against minority, women, emerging small business or service-disabled veteran owned business enterprises in obtaining any required subcontracts.

**8.5 AA/EEO Employer.** OSU is an AA/EEO employer.

**8.6 Compliance with Applicable Law.** Proposer agrees to comply with all federal, state, county, and local laws, ordinances, and regulations as well as all applicable OSU Standards and Policies while on campus.

**8.6.1 Smoke and Tobacco Free Campus.** Owner’s grounds and premises are smoke and tobacco free. Contractor and Contractor’s employees, agents, Subcontractors, if any, agree not to smoke or use tobacco products while on Owner property.

**8.6.2 Sexual Harassment Policy.** The Owner has policies that prohibit sexual harassment of members of the university community and in keeping with those policies Contractor and Contractor’s employees, agents, and Subcontractors are prohibited from engaging in sexual harassment of members of the university community.

**8.6.3 Firearms Policy.** The Owner has adopted a policy that prohibits Contractor and Contractor’s employees, agents and Subcontractors from possessing firearms on Owner’s property.

**8.7 Reserved.**

**8.8 Execution of Agreement.**

**8.8.1** The Proposer shall be required to execute the Contract as provided, within any time period provided in an award notification. The Contract Documents shall be delivered to OSU in the manner stated in an award notification.

**8.8.2 Work/Services Commencement.** Work/Services shall not commence until execution of a Contract and subsequent issuance of a notice to proceed letter with the selected Proposer.

**9.0 EXHIBITS**

Exhibit 1 – Bid Form

Exhibit 2 – Sample Public Improvement Contract

Exhibit 3 – General Conditions

Exhibit 4 – MWESB Instructions and Form

Exhibit 5 – Payment and Performance Bonds

Exhibit 6 – Division 01

**END OF RFP**