

**Portland Public Schools**

School District 1J

Multnomah County, Oregon

**Request for Proposals**

**Architecture and Engineering Consultant Services**

**RFP No.** **####-####**

|  |  |
| --- | --- |
| **Proposals Due:** | **Not Later than 2:00:00 PM Pacific Time,** **Insert Month, Date, Year**Late proposals will not be accepted or considered. |
| **Submit Proposals to:**  | **ELECTRONIC SUBMITTAL****Submit electronically via PlanetBids, The Proposal, including all required documentation, must be submitted through the website not later than 2:00:00 PM on** **in accordance with the PlanetBids internal timestamp. Late Proposals shall be rejected.****HARDCOPY SUBMITTAL****No hardcopy submittals will be accepted.**  |
| **Direct Questions to:**  | **Procurement Contact:**      Email: purchasing@pps.net**Deadline for Questions:**  |
| **Electronic Responses:**  | Electronic responses via PlanetBids are required. E-mailed responses will not be accepted. |

**Pre-Proposal Conference:**

An  pre-proposal conference will be held on Month day, year at        in the conference room name Conference Room, located at 501 N. Dixon Street, Portland, Oregon 97227. Attendance is  Portland Public Schools conducts such meetings in order to clarify information provided in the RFP and to provide interested proposers an opportunity to ask questions about the RFP. Statements made by the District’s representatives at the conference are not binding on the District unless confirmed by written addendum.

PLEASE NOTE: If this is a mandatory conference, the sign-in sheet must be completed prior to the beginning of a site walk. Consultants that arrive after the site walk has started will NOT be considered in attendance and will NOT be added to the attendance roster.

**RFP Availability:**

This RFP is available electronically through the PlanetBids website at:

<http://www.planetbids.com/portal/portal.cfm?CompanyID=22555>. Interested parties must be registered with PlanetBids to obtain and download documents. Registration is at no cost. Future notices regarding this solicitation, including solicitation addenda, will be posted to PlanetBids.

**Proposal Opening:**

A       PM public Proposal Opening will be held in the insert conference room Conference Room located at the Blanchard Educational Service Center, 501 N. Dixon Street, Portland Oregon, 97227. Only the name of the proposer will be read aloud.

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**RFP** **Number**

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# Introduction

Portland Public Schools (“District”) seeks written proposals from qualified vendors able to provide complete Architectural and Engineering Consultant Services for      . The District will determine the number of contracts to be awarded at time of contract award. This determination will be based upon the evaluation of scores underlying the rank of each proposal and the capacity of the proposers, and shall be at the sole discretion of the District. The contract term will be one year with options to renew for four additional one-year terms.

## About Portland Public Schools

Portland Public Schools, founded in 1851, is a PK-12 urban school district in Portland, Oregon. With more than 45,000 students in 81schools, it is one of the largest school districts in the Pacific Northwest.

With highly trained teachers and staff; an engaged parent community; strong partnerships, and a focus on closing the racial educational achievement gap, PPS has seen significant gains in its graduation rate and has enjoyed steady enrollment growth. Thanks to the state Legislature, school funding is improving and thanks to Portland voters, a PPS School Building Improvement Bond is now fueling the modernization of our aging school buildings for 21st century learning.

* 1. **Equity and Certified Business Participation**

The District is dedicated to increasing contracting opportunities for minority-owned businesses, women-owned businesses, service-disabled veteran-owned businesses, disadvantaged businesses, and emerging small businesses (“Certified Businesses”).  Certified Businesses are strongly encouraged to submit proposals in response to this RFP.  In addition, all proposers should seek opportunities to partner or subcontract with Certified Businesses in this work as well as participate meaningfully in minority and women workforce development.

**One of the considerations for selection of a consultant will be the demonstrated willingness and ability of the proposer to identify opportunities to successfully engage Certified Business partners or subconsultants. The District will monitor the consultant’s Certified Business utilization throughout the project.**

## Description of Project

### Background

### Project Description

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### Project Management Communications

The District, Contractor and Architect shall use the Internet web based project management communications tool, E-Builder™ ASP software and protocols included in that software during this project.  The use of project management communications herein described is in addition to and does not replace or change any contractual responsibilities of the participants

## Timeline

|  |  |
| --- | --- |
| **ACTIVITY** | **DATE** |
| Issuance of Request for Proposal |       |
| Pre-Proposal Conference |       |
| Deadline for Questions or Clarifications |       |
| Deadline for Final Addenda |       |
| Proposals Due |       |
| Interviews (if applicable) |       |
| Notice of Intent to Award |       |
| Anticipated Contract Start |       |
| Project Assessment Completion  |       |
| Schematic Design Completion |       |
| Design Development Completion |       |
| 75% Construction Documents Completion |       |
| 100% Construction Documents Completion |       |
| Permit/Bid Set Issuance |       |
| Project Start Date |       |
| Project Completion Date (projects without elevators) |       |
| Anticipated A&E Contract End |       |

The District reserves the right to deviate from this schedule.

PLEASE NOTE: After an Intent to Award has been issued, all Offerors are welcome to view the solicitation and evaluation file at District offices.  However, a debrief and/or copies of documents in the solicitation file will not be available until after a contract has been fully executed.

## Definitions

* **Project** – means all components of a Contracting’s Agency planned undertaking that gives rise to the need for a Consultant’s Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, or Related Services under a Contract (PPS-48-0110 (6)).
* **Consultant** - means an Architect, Engineer, Land Surveyor, Industrial Hygienist, or provider of Related Services. A Consultant includes a business entity that employs Architects, Engineers, Land Surveyors, or providers of Related Services, or any combination of the foregoing (PPS-48-0110 (4)).
* **Certified Business**, as used in this RFP, means a for-profit company certified by the State of Oregon Certification Office of Business Inclusion and Diversity (COBID) as a Minority-Owned Business (MBE), a Women-Owned Business (WBE), a Service Disabled Veteran Business (SDVBE) and/or an Emerging Small Business (ESB) pursuant to Oregon Revised Statutes Chapter 200; and/or
	+ A company certified in the States of Oregon, Washington and California by the U.S. Department of Transportation (U.S. DOT) as a Disadvantaged Business Enterprise (DBE) pursuant to Code of Federal Regulations (CFR) Title 49, Subtitle A, Parts 23 and 26; and/or
	+ A company certified by the State of Washington Office of Minority and Women’s Business Enterprises as a Minority Business Enterprise (MBE) and/or Woman Business Enterprise (WBE) pursuant to Washington Administrative Code, Title 326, Chapter 326-20.
* **Project Manager** – means the District representative responsible for the management of the Project. The Project Manager is the prime point of contact for the A/E Consultant.
* **Construction Manager** – means the third-party consultant hired by the District to assist in the management of the construction component of the Project.

Additional definitions are provided in the Portland Public Schools Public Contracting Rules, adopted May, 2019: <http://www.pps.net/Page/1584>

## RFP Questions, Clarifications and Changes

Any Proposer requiring clarification of the information provided in this solicitation must submit specific questions or comments in writing to the Procurement Contact shown on page 1 of this document. Email is the preferred form of written communication. The deadline for submitting such questions isshown on page 1 of this document.

Questions should be transmitted by email and should include the solicitation number and title in the subject line of the email. Wherever possible, all questions for a single solicitation should be grouped together in a single email. Such emails must only address one solicitation. If a prospective Bidder has questions across multiple solicitations, the Bidder should submit separate emails for each solicitation, labeled by solicitation number and title.

The District may at its sole discretion reject questions or requests that do not adhere to these guidelines.

**If selected for award, a proposer will be expected to execute a contract with the material terms and conditions of the sample contract included with the solicitation documents.** The material terms and conditions of the sample contract may be modified at the sole discretion of the owner upon determination that the modification is in the best interest of the owner.

If the proposer selected for award as a result of this RFP fails to agree to a contract with the material terms and conditions of the sample contract attached, the District may terminate negotiations with the proposer and commence negotiations with the next highest ranked proposer.

### Addenda

If the District determines that additional information or interpretation is necessary, such information or interpretation will be supplied in addenda, posted on PlanetBids.

Those who have registered their interest in the solicitation through PlanetBids will be notified of addenda via email. Addenda shall have the same binding effect as though contained in this RFP. The Director of Purchasing & Contracting or designee shall issue all addenda not less than 72 hours prior to the submission deadline.

Statements made by the District’s representatives are not binding on the District unless confirmed by written addendum.

## Equity in Public Purchasing & Contracting Policy

The District strives to achieve race and gender equity and expects any firm contracting with Portland Public Schools to do the same. The District is dedicated to increasing contracting opportunities for Minority Business Enterprises (MBE), Women Business Enterprises (WBE), businesses owned by Service Disabled Veterans (SDV) and/or Emerging Small Businesses (ESB) and also for minority, women, and service disabled veteran workforce development.

Additionally, the District will partner with its awarded Contractors and Consultants to provide career learning opportunities for students, providing them exposure to various potential career paths, including, but not limited to, construction, architecture, engineering, and related services through programmatic involvement with the District’s Career Pathways Program and Career Related Learning Experiences. (See Attachment D)

## CERTIFIED BUSINESS Utilization Reporting

The District has implemented an online Certified Business utilization tracking system. This web-based software system facilitates Certified Business utilization reporting for all construction, architecture, engineering, and related services contractors doing business with Portland Public Schools. The system is designed to streamline and automate subcontractor utilization reporting requirements and includes the following key features:

* Automated tracking of Certified Business utilization, using the COBID database
* Online verification of subcontractor payments
* Automated communication with contractors via email regarding reporting status

Prime contractors will be required to use the online system to submit first tier subcontractor data and monthly reports on progress payments to all subcontractors. Subcontractors will be required to use the online system to verify payments received from prime contractors, identify any further tiers of subcontractors, and submit monthly reports on progress payments to their own subcontractors. Prime contractors and subcontractors must access the system at least monthly, when prompted, to manage contract information and provide the required subcontractor and payment information. Prime contractors are responsible for ensuring that all subcontractors comply with the utilization tracking requirements.

The Certified Business utilization tracking system is online at <https://pps.diversitysoftware.com>. Access information will be provided to the designated point of contact for each contractor after contract award.

* 1. **Partnerships**

It is the goal of the District to provide opportunities for Certified Businesses. To this end, the District strongly encourages partnerships between larger and smaller firms. Proposals submitted by multiple firms submitting as partners or joint ventures will be considered provided that any such proposal:

* + 1. Is accompanied by a letter of intent between all the parties who comprise the consortium, partnership, or joint venture; and
		2. Includes a certification by each member of the consortium, partnership, or joint venture that each member agrees to, and is bound by, all terms and conditions of this RFP.

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# Scope of Work

## Scope of Work

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## General Background of Consultant Services Requested

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## District Deliverables

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## District Responsibilities

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## Contractor and Subcontractor Fingerprint-Based Criminal History Verification

Performance under this Contract may require or cause Contractor to have direct, unsupervised contact with students. The District requires all Contractor personnel who may have direct, unsupervised contact with students to pass the District fingerprint-based criminal history verification. The Contractor is solely responsible for the cost of these verifications. The current cost is $94.50 and is subject to change. Proposers are advised to consider this cost when responding to price proposal evaluation criteria as the District will not pay for, or reimburse, such costs. Additional information about this verification process may be found at <https://www.pps.net/Page/184>

Additional information is contained in Attachment A, Sample Contract.

## Sustainable Business Practices

Proposers must also demonstrate a commitment to reliable, safe, clean and well-merchandised operations, as well as a proactive and consistent approach to preserving the units (including equipment).

Proposers should prioritize sustainable business practices, including but not limited to:

* 1. Apply route optimization strategies when providing services, which reduces dependency on oil, saves money, and reduces climate changes when feasible.
	2. Your organization will, where possible, and in accordance with the scope of services to be provided under this contract, recycle, reuse, and reduce waste going to landfill.
	3. Your organization will include, where possible, diverse suppliers, vendors and subcontractors when conducting business and in the supply chain. This includes an emphasis on local product sourcing.
	4. Apply water conservation measures to reduce water loss, water usage, and improve water management; including high efficiency fixtures, employee education, and a comprehensive water conservation management plan with actionable goals.
	5. Expanded use of renewable energy
	6. Maintain a comprehensive and sustainable waste reduction and recycling plan

Proposers should have a toxic waste reduction plan, including but not limited to the following approaches, as applicable:

* 1. Using certified green cleaning products (i.e. Ecologo, GreenSeal, etc.)
	2. Technology toxicity (i.e. using EPEAT registered computers)
	3. Building or remodeling with the intent to be LEED certified with a focus on the environmental health of buildings
	4. Look for low VOC paints and sealants and HPD-Healthy Purchasing Declarations when purchasing new goods.

# Proposal Format, Content, and Submission

## Proposal Format

District proposal standards:

1. Proposal includes a one-page cover letter as the first page of the proposal. Do not include additional cover image and title page and/or a back cover.
2. Proposal includes Attachment B as the second page of the proposal.
3. Proposal addresses all evaluation criteria in the order presented in 3.2.
4. Proposal is fifteen (15) pages or less in length, including reports, resumes, and like attachments. \*PLEASE NOTE: ATTACHMENTS ARE INCLUDED IN PAGE COUNT FOR THIS SOLICITATION.
5. Proposals must be submitted electronically via PlanetBids. No hardcopy or e-mailed submittals will be accepted.
6. District preference is to use Arial font size 10 or larger.
7. ***Please do not include sales or promotional materials as part of proposal***

## Proposal Content

Include the content listed in Table 3.2-1.

Proposals shall include all designated mandatory requirements. Proposals lacking one or more of the mandatory requirements may be rejected as non-responsive. Mandatory requirements are designated by a check mark in the “Mandatory” column of Table 3.2-1 below.

### Table

|  |  |  |  |
| --- | --- | --- | --- |
| **Proposal Content** |  | **Mandatory** | **Scored** |
| Proposer Certifications and Representations, signed in ink or indelible pencil | Attachment B | [x]  | [ ]  |
| Response to Section 3.3 “A” |  | [ ]  | [x]  |
| Response to Section 3.3 “B” |  | [ ]  | [x]  |
| Response to Section 3.3 “C” |  | [ ]  | [x]  |
| Response to Section 3.3 “D” |  | [ ]  | [x]  |
| Response to Section 3.3 “E” |  | [ ]  | [x]  |
| References | Attachment C | [x]  | [x]  |
| Partnership – Letter of Intent |  | [x]  for Partnerships |  |
| Partnership - Certification |  | [x]  for Partnerships |  |

### Attachment B: Proposer Certifications and Representations

Include a completed Attachment B: Proposer Certifications and Representations form, signed in ink or indelible pencil. If submitting electronically via PlanetBids, a scanned copy will be accepted. Digital and stamped signatures are not accepted. **If providing an Offer as a partnership both firms must sign and date this form.**

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## Proposal Responses to Evaluation Criteria

Address each of the following Evaluation Criteria completely, and in the order provided. **Partnerships must provide separate responses, respective to each company in the partnership, for Written Evaluation Criteria A, B, and C.**:

|  |
| --- |
| Written Evaluation Criteria |
| Firm’s Qualifications (     pages)Proposer must currently hold the following license(s). Include a copy of the license and/or certifications in proposal. Proposer must currently hold the following certification(s). Include a copy of the certification(s) in proposal.  | **PASS/FAIL** |
| Firm’s Experience (     pages)Provide 1 page per project for a maximum of three (3) project examples, completed during the past five (5) years, which collectively demonstrate similar design services as follows: * PK-12, higher education, or equivalent
* Seismic
* ADA compliance
* fire life safety
* full roofing installation projects larger than 20 thousand square feet

These projects should be valued at not less than $1 million dollars in construction costs. For projects which indicate a greater than 10% increase from the original budget, provide an explanation for the increase.Use Attachment C to provide specific information regarding each project listed above. | **Maximum Points Available:**  |
| Project Team Experience and Capacity (     pages)Provide a diagram, chart and/or description that identifies the principal-in-charge, the assigned project manager and/or other key staff members who will comprise each project and/or site (i.e. licensed architects, designer, hazmat consultant, engineer, estimator(s).Provide the team proposed to perform the work and each member's relevant experience in the following: * PK-12, higher education, or equivalent
* Seismic
* ADA compliance
* fire life safety
* full roofing installation projects larger than 20 thousand square feet

If subcontracting a portion of the work: Describe three projects of similar scope subcontractor completed on time, on budget and to a high quality standard. including project start and end dates, client and cost. Provide for all subcontractors. Use Attachment C to provide specific information regarding each project listed above, specifying that it is for subcontractors.Identify the individual responsible for sustainable business practices at your organization, as discussed in Section 2.Provide three (3) supporting letters of recommendation from previous clients. Such letters should address: ability to meet deadlines, accuracy of estimates and quality of work. | **Maximum Points Available:** |
| Design Philosophy and Approach (     pages)Provide a draft project schedule for the scope of work. Describe any potential design or constructability issues identified and proposed solution(s).Explain your firm’s design philosophy and approach to the Architectural, Engineering and Land Surveying Services or Related Services described in the RFP. | **Maximum Points Available:** |
| Certified Business Participation Strategy It is the expectation of the District that the A/E firm will develop an effective and thoughtful approach to the recruitment of Certified Business subconsultants to perform work on this project.* What about your business practices and approach to this work will position your firm to outperform others in the successful recruitment of Certified Business partners or subconsultants on this project? Identify the Certified Businesses you plan to engage on this project and any subconsultant work you will target for Certified Business participation.
* PPS expects the lead A/E firm to develop an effective and thoughtful approach to maximize the percentage of Certified Business utilization (i.e., percent of total contract value that will be paid to Certified Businesses) for this project. Please provide your firm’s plan to recruit and utilize Certified Business subconsultants to participate in the performance of this contract. Based on your plan and approach, what is the percentage of Certified Business subconsultant utilization that is realistic and achievable for this project?
* Describe your two most recent projects of similar size (i.e., at least 50% of the proposed contract value for this project) that have tracked Certified Business utilization and list the project owner and dates of work. Provide the stated original Certified Business utilization percentage goal, the Certified Business utilization percentage you achieved, the total value of your contract vs. the amount paid to Certified Business subconsultants, and the total number of subconsultants vs. the number of Certified Business subconsultants. Describe how you were successful in achieving this level of Certified Business participation. If you were not successful in meeting the utilization percentage goal, explain the reasons and any lessons learned; what would you do differently now?
* If you have worked on one or more Portland Public Schools projects, include the most recent of these projects in your response.

An ideal proposal will demonstrate: 1. Proposer has a comprehensive and detailed Certified Business utilization plan and has already engaged Certified Businesses as a significant part of the project team.
2. Proposer has a demonstrated history of successfully partnering and/or subcontracting with Certified Businesses.
3. Proposer has a realistic and attainable Certified Business utilization goal and plan for reaching that goal on this project.
 | **Maximum Points Available:**  |
| Sustainable Business PracticesDescribe your organization’s internal and external approaches to the use of renewable energy, including purchasing energy from low carbon and renewable sources, avoiding products that draw power when not in use, and improving the insulation, lighting, and building envelope features of organization facilities.Provide detail about potential procurement and/or sourcing of products or services from local, small and/or disadvantaged businesses. As possible, identify suppliers and their ownership.Describe how your organization will perform all the Sustainable Business Practices listed in Section 2.Describe and include any sustainability accreditations and/or certifications your organization holds.How does your organization promote use of public transportation and/or telecommuting for its employees?What business value have you seen from your sustainability efforts?How does your company’s innovation impact your customers?Describe your toxic waste reduction planDescribe how your IT equipment is provided by suppliers that promote positive sustainability impacts. Describe requirements your organization has for suppliers to develop pollution prevention plans to eliminate hazardous exposures and discharges from all facilities. Describe how your organization prioritizes safety and environmental protection in its acquisition and disposal of IT equipment. Provide the details of your energy conservation efforts in the form of metrics, practices, and/or processes.An ideal proposal will demonstrate: Offeror prioritizes sustainable business practices within the organization, and has a plan in place to increase sustainability within its operations.  | **Maximum Points Available:** |
| Internal Workforce Equity and Diversity Practices Describe your local/regional workforce demographics and any measurable steps taken to ensure a diverse internal workforce (e.g., women and people of color). * How do you approach internal on-the-job training, mentoring, technical training, and/or professional development opportunities for women and people of color?
* What strategies do you use to overcome any existing lack of regional or industry diversity in order to ensure a diverse internal workforce?
* List the top three actions/ongoing practices you have implemented to ensure a diverse workforce is represented at all levels (e.g., upper management, middle management and lower-level management). Reference implementation dates, timelines, and any performance metrics that characterize these achievements.
 | **Maximum Points Available:** |
| **Written Evaluation Criteria Total** | **Total Points Available: 100** |

|  |  |
| --- | --- |
| Interview Evaluation Criteria |  |
| Firm Experience & Capacity       | **Maximum Points Available:** |
| Proposed Project Team Experience & Capacity      | **Maximum Points Available:**  |
| Design Philosophy and Approach      | **Maximum Points Available:**  |
| Certified Business Plan and Participation      | **Maximum Points Available:**  |
| **Interview Evaluation Criteria Total** | **Total Points Available: 100** |

## Proposal Submission

**Electronic Submittal**

If submitting electronically via PlanetBids, all required sections of the Proposal must be submitted through the website in accordance with the PlanetBids internal timestamp.

**Hardcopy Submittal**

**No hardcopy submittals will be accepted.**

# Proposal Evaluation and Award

## Clarification of Responses

In the event that one or more proposals need clarification, the District will request such clarification in writing and will afford the Proposer(s) contacted an opportunity to respond in kind, with the necessary clarification.

## Proposal Evaluation

The evaluation process of this RFP will be comprised of written proposal tier (Tier 1) and may include an interview evaluation tier (Tier 2).

An Evaluation Committee, consisting of not less than three individuals, shall evaluate the proposals. Each evaluator will independently evaluate and score proposals in accordance with the Evaluation Criteria. The District may assign certain evaluators specific Evaluation Criteria, in alignment with the evaluator’s expertise.

The District may appoint separate evaluation teams for each tier of the evaluation process.

### Ranking of Proposals

Evaluations will be scored by rank. The highest-ranked proposal will be determined as follows:

1. Each evaluator will assign a ranking to each proposal, based on the total score he or she awarded each proposal based on the evaluation criteria points.
2. The proposal to which the evaluator awarded the most points will receive an Evaluator Final Rank of 1. The proposal to which the evaluator awarded the second most points will receive an Evaluator Final Rank of 2, and so forth.
3. The District will then sum the Evaluator Ranks for each proposal. The proposal with the lowest total rank (the sum of all Evaluator Ranks) will be ranked first. The proposal with the second lowest rank will be ranked second, and so on. The proposal with the highest rank will be ranked last.

### Tier 1: Written Proposal Evaluation

1. Each evaluator shall independently score and then rank written proposals in accordance with the Evaluation Criteria.
2. District Purchasing & Contracting department, or its designee, shall evaluate fee proposals.
3. The District shall sum the Tier 1 rankings per proposal for a total written evaluation ranking for each proposal.

### Establishment of the Competitive Range

1. The District shall establish a Competitive Range after evaluating all responsive proposals in accordance with the Evaluation Criteria.
2. The District anticipates establishing a Competitive Range which will consist of a minimum of one or more Proposers.
3. The District will notify Proposers of the Competitive Range. Notice of Intent to Award issued on PlanetBids shall qualify as this notification in the event there is no Tier 2 evaluation.

### Tier 2: Invitation for Interview

1. The District may invite all Proposers in the Competitive Range to an interview with the Evaluation Committee.
2. At its sole discretion, the District may eliminate the Tier 2 evaluation if the results are unlikely to change the outcome of the solicitation, or if the District determines the Tier 1 evaluation was sufficient for selection
3. No additions, deletions or substitutions may be made to proposals during the interview/presentation that cannot be viewed as clarification.

### Tier 2: Interview Evaluation

1. Each evaluator shall independently score and then rank the interview in accordance with the Interview Evaluation Criteria.
2. The District will sum the Tier 2 rankings per proposer for a total interview evaluation ranking for each proposal.
3. After scoring is completed, the District, if necessary, will apply tier weighting to the evaluator ranks.
4. The District will sum weighted Tier 1 total written evaluation rankings and the weighted Tier 2 total interview evaluation rankings to achieve a total rank per proposal.

### Best and Final Offers

1. At its sole discretion, the District may require Best and Final Offers.
2. At its sole discretion, the District may re-establish the competitive range, based on written and interview rankings. If the District exercises this option, it will require Best and Final Offers from Proposers within the re-established Competitive Range.
3. In the event District requires Best and Final Offers, it shall establish a common date and time by which eligible Proposers must submit such Best and Final Offers. The District shall evaluate Proposals as modified by the Best and Final Offer, and on the basis of the Evaluation Criteria.
4. If a Proposer does not submit a Best and Final Offer or a notice of withdrawal, the Proposer’s original proposal shall be construed as its Best and Final Offer.

### References

The District reserves the right to investigate references, including customers other than those listed in a Proposer’s submission. This inquiry may include without limitation, investigation of past performance of any Proposer with respect to its successful performance of similar projects, compliance with specifications and contractual obligations, completion or delivery of a project on schedule, and its lawful payment of employees and subcontractors.

## Notification of Intent to Award

The District shall notify Proposers of its Intent to Award by posting such notification on PlanetBids.

## Negotiation

1. After the District has issued the Notice of Intent to Award, the District will commence serial negotiations with the highest-ranked eligible Proposer.
2. At any time during negotiations, the District may terminate negotiations with the highest ranked Proposer, or the eligible Proposer with whom it is currently negotiating if the District believes that:
	1. The eligible Proposer is not negotiating in good faith; or
	2. Further negotiations or negotiations with the eligible Proposer will not result in the parties agreeing to the terms and conditions of the final Contract in a timely manner.
3. If the District terminates negotiations with an eligible Proposer, the District may then commence negotiations with the next highest-ranked eligible Proposer.
4. The District reserves the right to negotiate final contract terms with the selected Proposer(s) to the fullest extent allowed by law and as in the best interest of the District.

# Solicitation Terms and Conditions; Protest of Solicitation or Award

## Solicitation Document

This solicitation document may be viewed at the Portland Public Schools Bid Desk, located at the Blanchard Educational Service District Building, 501 N. Dixon St., 2nd Floor, Portland, Oregon 97227.

## Proposer Cost of Response Preparation

Proposers will bear sole responsibility for all costs incurred in preparing and providing their proposals in response to this RFP.

## Submitted Materials are District Property

All materials submitted for any proportion of a Proposal in response to this RFP, or during any tier of this solicitation, will become the property of the District and will not be returned to proposers.

## Proposal Validity

Proposals will remain valid for a period of 90 days following the Proposal submission deadline.

## Solicitation Cancellation, Rejection of a Proposal or All Proposals

The District may cancel the Procurement or reject any or all Proposals in accordance with ORS 279B.100.

The District is not liable to any Proposer for any loss or expense caused by or resulting from the cancellation of a solicitation or rejection of a Proposal.

## Disputes

In case of any doubt or difference of opinion as to:

1. The items or service to be furnished under this RFP, or
2. The interpretation of the provisions of the RFP, the decision of the District will be final and binding upon all parties.

## Publicity

News releases relating to this RFP will not be made without prior approval by, and in coordination with, the District Community Involvement and Public Affairs Department.

## Preference for Recycled Materials

The District will give preference for Recycled Materials as set forth in ORS 279A.125 if:

1. The Recycled Product is available;
2. The Recycled Product meets applicable standards
3. The Recycled Product can be substituted for a comparable non-recycled product; and
4. The Recycled Product’s costs do not exceed the costs of non-recycled products by more than 5%, or a higher percentage if the District makes such a written determination.

## Performance within state of public printing, binding and stationary work

1. Except as provided in subsection (b) of this section, all printing, binding and stationery work, including the manufacture of motor vehicle registration plates and plates required to be affixed to motor carriers, for the state or any county, city, town, port district, school district, or other political subdivision thereof, will be performed within the state. All requests for proposals and all contracts for such work shall so stipulate.
2. The work referred to in subsection (a) of this section may be performed outside the state if it is established that:
	1. The work cannot be performed within the state;
	2. The lowest price for which such work can be procured within the state exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality; or
	3. All proposals for the work, or any part thereof, are excessive and not reasonably competitive.

## Confidentiality

1. The District is subject to the Oregon Public Records Law (ORS 192.311 to 192.478), which requires the District to disclose all records generated or received in the transaction of District business, except as expressly exempted in ORS 192.345, 192.355, or other applicable law.  Examples of such exemptions include:  trade secrets (ORS 192.345 (2)) and computer programs (ORS 192.345 (15)).
2. The District will not disclose records submitted by a proposer that are exempt from disclosure under the Oregon Public Records Law, subject to the following procedures and limitations:
3. The Proposer shall mark all proposal pages containing the records it has determined as confidential under Oregon Public Records Law and shall segregate those pages in the following manner:
4. Such pages will be clearly marked “Confidential” on each page of the confidential document.
5. Proposer will separate confidential pages from its other Proposal pages y providing the confidential pages to the District in a separate envelope or package.
6. In its proposal, Proposer will cite the specific statutory exemption in Oregon Records Law exempting such pages from disclosure.
7. Items 5.10 a) and 5.10 b) will prevail in the event these provisions conflict with formatting or response instructions elsewhere in this document.
8. Proposers may not mark an entire Proposal confidential. Should a proposal be submitted in this manner, the District will hold no portion of the proposal as confidential, unless such a portion is segregated as per 5.10 b) and is determined exempt from Oregon Public Records Law.
9. Notwithstanding the above procedures, the District reserves the right to disclose information that the District determines, in its sole discretion, is not exempt from disclosure or that the District is directed to disclose by the Multnomah County District Attorney or a court of competent jurisdiction.
10. Prior to disclosing such information, the District will make reasonable attempts to notify the proposer of the pending disclosure.

## Protests

### Protest of Solicitation or Contract Documents

1. Any Proposer wishing to protest this RFP or any provision, specification or contract term herein, must submit such questions, comments or protests to:
2. The Procurement Contact and Bid Desk location listed on the first page of this RFP.
3. The deadline for submitting such protests is the same date as the deadline for questions listed on the first page of this RFP.

### Content of Solicitation Protest

The prospective Proposer’s written solicitation protest must include all of the following:

1. Sufficient information to identify the solicitation that is the subject of the protest;
2. The grounds that demonstrate how the procurement process is contrary to law or how the solicitation document is unnecessarily restrictive, is legally flawed, or improperly specifies a Brand Name;
3. Evidence or supporting documentation that supports the grounds on which the protest is based; and
4. A statement of the desired changes to the Procurement process or the solicitation document that the prospective Proposer believes will remedy the conditions upon which the prospective Proposer based its protest.

### Protest of Contract Award

1. Adversely affected Proposers who wish to protest the Competitive Range, proposal rejection as non-responsive, the Intent to Award a contract, may do so providing:
2. The Proposer is adversely affected because the Proposer would be eligible to be awarded the contract in the event that the protest were successful: and
3. The reason for the protest is:
4. All higher-ranked proposals are non-responsive;
5. The District has failed to conduct the evaluation of Proposals in accordance with the criteria or processes described in the solicitation materials;
6. The District has abused its discretion in rejecting the protestor’s Proposal as non-responsive or;
7. The District’s evaluation of Proposals or the District’s subsequent determination of Award is otherwise in violation of Portland Public Schools Public Contracting Rules or the Public Contracting Code.
8. An affected Proposer may only protest its exclusion from a tier of competition if the Proposer is responsible, submitted a responsive proposal and, but for the District’s mistake in evaluating the Proposer’s offer, or other Proposer Offers, the protesting Proposer would have been eligible to participate in the next tier of competition.
9. All protests must be in writing and physically received by the Director of Purchasing & Contracting or designee no later than 2:00 PM Pacific Time on the seventh (7th) calendar day after the posted Notice of Intent to Award or postmarked rejection. Address protest to the Procurement Contact on the first page of this RFP.
10. Protests must specify the grounds for the protest including the specific citation of law, rule, regulation, or procedure upon which the protest is based. The judgment used in scoring by individual evaluators is not grounds for protest.
11. Protests not filed within the time specified in i. above, or which fail to cite the specific law, rule, regulation, or procedure upon which the protest is based shall be dismissed. An issue that could have been raised by request for clarification or protest of specifications as provided in 5.11.1 is not grounds for protest.

## Intergovernmental Permissive Cooperative Agreement

At the discretion of the Contractor and pursuant to ORS 279A and District procurement rules, other public agencies shall have the ability to purchase the awarded goods and services from the awarded Contractor(s), under terms and conditions of the resultant contract.

Any such purchases shall be between the Contractor and the participating public agency and shall not impact the Contractor’s obligations to the District. Any estimated purchase volumes listed herein do not include other public agencies and the District makes no guarantee as to their participation.

# Contract Terms and Conditions

## Contract Award and Term

The contract award and term are as noted under section 1 of this RFP.

## Portland Public Schools Contract

Proposers are advised to thoroughly review and familiarize themselves with the District sample standard contract incorporated as Attachment A.

The successful proposer will be invited to enter into a contract in substantially the form attached hereto as Attachment A.

Any contract resulting from this RFP shall be based on the RFP documents and in compliance with Portland Public Schools Public Contracting Rules and the Public Contracting Code.

## Insurance

Proposers are advised to carefully review the insurance requirements contained in the sample standard contract.

### Insurance Certificates

Contractor will promptly provide Certificates of Insurance at the District’s request.

## Asbestos Abatement

The Contractor or subcontractor  required to possess an asbestos abatement license per ORS 468A.710.