

STATE OF OREGON



COVER PAGE

OREGON EMPLOYMENT DEPARTMENT

is issuing this Intermediate Procurement under

S-47100-00017432 for

LANGUAGE PROFICIENCY ASSESSMENT SERVICES

Date of Issue: July 10, 2026

Opening Date: July 31, 2026 at 9:00 AM

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SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

Oregon Employment Department (“Agency”) is seeking Offerors to provide Language Proficiency Assessment Services. The Agency intends to enter into one Contract for these Services. The Agency will accept and consider Offers from Offerors capable of delivering Language Proficiency Assessment Services (“Services”).

The initial term of the Contract is anticipated to be 2 years with options to renew up to a cumulative maximum of 5 years. Offeror’s Offer is Firm for 180 days following the Closing.

The types of Language Proficiency Assessment Services must include, but are not limited to:

- **Listening Comprehension**
- **Speaking/Oral**
- **Reading Comprehension**
- **Writing**
- **Translating**

Assessments could include options for delivery by a live tester, telephone recording, or by computer. Agency “desires” the Service(s) be capable of being integrated into the state’s employee resource and state workforce Human Resource Information System named “Workday Oregon”

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change. N/A denotes that event is not applicable to this solicitation.

1.2 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change. N/A denotes that event is not applicable to this solicitation.

Event	Date	Time
Pre-offer Conference	N/A	N/A
Questions / Requests for Clarification Due	July 17, 2026	9:00 AM
Opening (offer Due)	July 31, 2026	9:00 AM
Issuance of Notice of Award (approx.)	August 17, 2026	

1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this solicitation is identified on the Cover Page, along with the SPC’s contact information. Offeror shall direct all communications related to any provision of the solicitation, whether about the technical requirements of the solicitation, contractual requirements, the solicitation process, or any other provision only to the SPC.

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

Agency is issuing this solicitation pursuant to its authority under ORS 279A.050 and ORS 279A.140.

Agency is using the Intermediate Procurement solicitation method set forth in ORS 279B.070 and OAR 125-247-0270.

2.2 DEFINITION OF TERMS

For the purposes of this solicitation, capitalized words will refer to the following definitions.

2.2.1 General Definitions

Capitalized terms not specifically defined in this document are defined in OAR 125-246-0110.

2.2.2 Project Specific Definitions

“Agency” means the State of Oregon Employment Department acting on behalf of the Office of Administrative Hearings, Employment Appeals Board, WorkSource Offices, Unemployment Insurance Division, Workforce Economics & Research, Contributions & Recovery, Modernization, Paid Leave and any Shared Service Division.

“Limited English Proficiency” or “LEP” means individuals who do not speak English as their primary language who have the ability to read, speak, write or understand English. LEP statutes and authorities prohibit exclusion from participation in, denial of benefits of, and discrimination under federally associated and/or conducted programs on the grounds of race, color, or national origin.

“Title VI of the Civil Rights Act of 1964” §2000d means prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color or national origin. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

2.3 OVERVIEW AND PURPOSE

The Oregon Employment Department (“Agency”) has identified the need to create uniformity and a streamline process for obtaining high quality employee Language Proficiency Assessment Services. The processes include, but are not limited to, ordering, scheduling, coordinating, invoicing, certifying and paying for the Services.

The Agency hopes to accomplish this by contracting with a company that has standardized timelines, efficient testing controls, and processes that ensure Services meet LEP protocols.

The Agency strives to promote employment of Oregonians through developing a diversified, multi-skilled workforce, and providing support during periods of unemployment.

Through multiple offices across the state, the Agency serves job seekers and employers by helping workers find suitable employment; providing qualified applicants for employers; supplying statewide and local labor market information; and providing unemployment insurance benefits to workers temporarily unemployed through no fault of their own.

The Agency offers a number of services. It serves employers through timely recruitment of a qualified workforce, customizing state and local labor market information for use as a business planning tool, and by offering job-matching services based on the need of each employer. The Agency helps job seekers find jobs that match their skills and employers' needs, provides them with up-to-date information about trends in occupations and skills needed for success in the job market, and works with other agencies to direct them to appropriate training programs and job experiences.

2.4 SCOPE OF WORK/SPECIFICATIONS

The following Scope of Work describes Services to be provided by Offeror under any awarded Contract (the "Services").

As part of the Agency's service delivery to the public, there are times when language translation needs arise. To ensure the Agency's response meets industry standards, the Agency is implementing a Language Proficiency Assessment process.

The Agency seeks to align this process with the goal of improving equitable outcomes for customers. To support this effort, the Agency is requesting Offers to develop and implement a Limited English Proficiency (LEP) testing and certification process that, at a minimum, meets industry standards for this type of testing and certification.

2.4.1 Contractor Structure

Offerors must provide **two references** from previous customers for whom the Offerors completed similar work within the past five (5) years. Offeror references provided in accordance with RFP Section 3.3.2 may be used to verify that the Offeror has three (3) years of experience providing employee Language Proficiency Assessment Services as a profession as required in Section 3.1. Offerors should possess a level of qualification, language competency, standard of education and relevant experience appropriate to the complexity of languages being tested.

2.4.1.1 Mandatory Business Requirements

- 2.4.1.1.1 The Offeror must have an existing set of bilingual proficiency tests that would satisfy Agency's need for assessing language proficiency for business professional job descriptions and classifications. .
- 2.4.1.1.2 The Offeror must have extensive experience with services as well as the administrative, and legal attributes related to government services work.
- 2.4.1.1.3 The Offeror must state if language proficiency assessments are specific to any one industry, such as the medical field or education.
- 2.4.1.1.4 The Offeror's language proficiency determinations must be legally sound and able to withstand legal and administrative scrutiny.

2.4.1.1.5 Demonstrate that Offeror's language proficiency assessments provide reliable and validated results regarding language proficiency.

2.4.1.1.6 The Offeror's certification process and content must be based on sound research and validated by extensive professional experience.

2.4.1.1.7 The Offeror must have a measurable reporting system that is consistent, reliable and can create timely reports.

2.4.1.1.8 The Offeror must provide feedback with language proficiency levels and common descriptions of those levels of proficiency.

2.4.1.2 Service Requirements. Provide language proficiency assessments for the following skills: Listening, speaking, reading, writing, and translating. Spanish is the most common language required for these assessments. Other languages may be requested, such as Russian, Vietnamese, Mandarin, Arabic, Cantonese, Korean, Amharic, Farsi, Somali, and Laotian.

2.4.1.2.1 Evaluate Agency job descriptions and classifications to determine appropriate testing required;

2.4.1.2.2 Prepare summaries/findings on evaluation of Agency positions descriptions and the corresponding tests that align with the position descriptions;

2.4.1.2.3 Provide technical assistance for the Agency to determine the language proficiency needed for different position categories within the Agency.

2.4.1.2.4 Provide pre-testing material resources for employees - e.g., provide study materials- Frequently Asked Questions (FAQ'S), demo tests to bilingual employees being certified;

2.4.1.2.5 Provide feedback with language proficiency levels and common description of those levels of proficiency;

2.4.1.2.6 Provide access to testing materials and process electronically;

2.4.1.2.7 Provide language proficiency assessment results to the Agency's Contract Administrator that include a summary of the candidate's performance and the candidate's language proficiency level, using the Interagency Language Roundtable (ILR), American Council on the Teaching of Foreign Languages (ACTFL), or similar scale;

2.4.1.2.8 Record and retain each language proficiency assessment to confirm and support the results;

2.4.1.2.9 Upon test completion, provide reports to Agency within negotiated time frames of pass or fail; and

2.4.1.2.10 Allow candidates to retake the language proficiency assessment upon referral by the Agency.

2.4.1.3 Technical Requirements

2.4.1.3.1 Create, host and maintain a website/portal for Agency to access and facilitate the online scheduling of and preparation for the language proficiency tests.

2.4.1.3.2 Provide Agency access to website User Guides.

2.4.1.3.3 Ensure the website enables the Agency to order tests, view schedules, retrieve test results and print certificates at any time.

2.4.1.3.4 Provide an electronic certificate of language proficiency to staff person who successfully passes test and shall provide copies of certificates to Agency Contract Administrator.

2.4.1.3.5 Provide helpdesk customer s via phone and email.

SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION

3.1 MINIMUM OFFER REQUIREMENTS

To be considered for evaluation, Offer must demonstrate the Offeror possesses a minimum of three (3) years of experience providing employee language proficiency assessment Services professionally within the last (5) five years. Offeror references provided should services as a confirmation of quality of previous, related Services and years of experience providing employee language proficiency assessment Services

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Offeror Submissions

To be considered for evaluation, a Offer **must** contain each of the following elements:

- Attachment A - Mandatory Offer Form-12 page limit
- Key persons and resumes-Not included in page limits
- Attachment B - Disclosure Exemption Affidavit- Not included in page limits
- Attachment C - Offer Information And Certification Sheet- Not included in page limits
- Attachment D - Reference Check Form- Not included in page limits
- Attachment E - Cost Sheet- Not included in page limits
- Attachment F - COBID Certification and Outreach Plan, **if applicable**- Not included in page limits
- Attachment G - Responsibility Inquiry- Not included in page limits
- Attachment I – Key Person(s) – Not included in page limits

The completed Offer Form is limited to 12 pages. The page limit does not include Mandatory RFP Attachments B through G or Resumes.

3.2.2 Offeror Format and Quantity

Offeror should follow the format and reference the sections listed in the Offeror Content Requirements section 3.4. Responses to each section and subsection should be labeled to indicate the item being addressed. Offeror must describe in detail how requirements of this solicitation will be met and may provide additional related information.

Cost information must be submitted as a separate electronic file.

Offeror shall submit one electronic copy of its Offer. In addition, if Offeror believes any of its Offer is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Offeror shall complete and submit the Disclosure Exemption Affidavit (Attachment B), and Offeror shall submit a fully redacted version of its Offer, clearly identified as the redacted version.

3.2.3 Key Person(s)

Successful Offerors shall provide a current resume (not to exceed two pages each) for each individual Key Person who has authority to resolve issues with performance, billing, and contract administration.

Offeror shall identify each Key Person's work phone number and work email address of those qualified persons responsible for assuring the language provided under the Contract is performed accurately.

3.2.4 Authorized Representative

A representative authorized to bind the Offeror shall sign the Offer. Failure of the authorized representative to sign the Offer may subject the offer to rejection by Agency.

3.3 PROCUREMENT PROCESS

3.3.1 Public Notice

The solicitation, including all Amendments and attachments, are published in the [OregonBuys e-procurement system](#). Solicitation documents will not be mailed to prospective Offerors.

Agency shall advertise all Amendments on OregonBuys e-procurement system. Prospective Offeror is solely responsible for checking OregonBuys to determine whether or not any Amendments have been issued. Amendments are incorporated into the solicitation by this reference.

3.3.2 Questions / Requests for Clarification

All inquiries, whether relating to the solicitation process, administration, deadline or method of award, or to the intent or technical aspects of the solicitation must:

- Be emailed to the SPC
- Reference the OregonBuys bid number
- Identify Offeror's name and contact information
- Be sent by an authorized representative
- Refer to the specific area of the solicitation being questioned (i.e. page, section and paragraph number); and
- Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule

3.3.3 Pre-Offer Conference

A pre-submittal conference will not be held for this solicitation.

3.3.4 Offer Submission

Offeror is solely responsible for ensuring its Offer is received by the SPC in accordance with the solicitation requirements before Opening. Agency is not responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Offers submitted by any means not authorized may be rejected.

3.3.4.1 Submission Options

OregonBuys Electronic Response. Offeror should submit its Offer electronically through OregonBuys. Offeror should follow the procedures outlined in detailed instructions on how to submit an Offer can be found at OregonBuys Vendor Formal Solicitation Response.pdf

The cost sheet must be submitted as a separate electronic response file.

Offeror shall submit one copy of its Offer and all other submittal requirements, with Attachment C - Offeror Information and Certification Sheet bearing the Offeror's authorized representative's Signature, in one of the following formats: Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx). If Offeror believes any of its Offer is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Offeror shall complete and submit the Disclosure Exemption Affidavit (Attachment B). Offeror shall also mark as "Confidential" in OregonBuys all attachments to its Offer that Offeror believes are exempt from disclosure

The Offeror Information and Certification Sheet (Attachment C) must bear the Offeror's authorized representative's Signature.

Offer must be submitted electronically through [OregonBuys](#).

3.3.5 Modification or Withdrawal of Quotes or Offers

Any Offeror who wishes to make modifications to an Offer already received by Agency shall submit its modification in one of the manners listed in the offer Submission Options section and must denote the specific change(s) to the offer submission.

If an Offeror wishes to withdraw a submitted Offer, it shall do so prior to Opening. The Offeror shall submit a Written notice Signed by an authorized representative of its intent to withdraw its Offer in accordance with OAR 125-247-0440. The notice must include the OregonBuys Bid number and be submitted to the SPC.

3.3.6 Offer Opening Date

Offer and all required submittal items must be received by the SPC on or before Opening. All Offer modifications or withdrawals must be completed prior to Opening.

Offers received after Opening are considered LATE and will NOT be accepted for evaluation. Late Offers will be returned to the respective Offeror or destroyed.

3.3.7 Offer Rejection

Agency may reject an Offer for any of the following reasons:

- Offeror fails to substantially comply with all prescribed solicitation procedures and requirements, including but not limited to the requirement that Offeror's authorized representative sign the offer.
- Offeror fails to meet the responsibility requirements of ORS 279B.110.

- Offeror has undisclosed liquidated and delinquent debt owed to the State of Oregon or any of its agencies, boards, commissions, departments or divisions.
- Offeror makes any contact regarding this solicitation with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Offeror attempts to inappropriately influence a member of the Evaluation Committee.
- Offeror is conditioned on Agency's acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the solicitation or Amendment.

3.3.8 Opening of Offers

There will be no public Opening of Offers. Offers received will not be available for inspection until after the evaluation process has been completed and the Notice Award is issued. However, Agency will record and make available the identity of all Offerors after Opening.

3.4 OFFERS CONTENT REQUIREMENTS

Offeror must address each of the items listed in this section and all other requirements set forth in this solicitation. Offeror shall describe the Goods to be provided or the Services to be performed or both. An Offer that merely offers to provide the goods or services as stated in this solicitation will be considered non-Responsive to this solicitation and will not be considered further.

3.4.1 Offeror Information and Certification Sheet

The Offeror shall complete and submit the Offeror Information and Certification Sheet (Attachment C).

3.4.2 References

Provide at least **2 references** from current or former client firms for similar projects performed for any clients within the last 3 years. References must verify the quality of previous, related Work.

Agency may check to determine if references provided support Offeror's ability to comply with the requirements of this solicitation. Agency may use references to obtain additional information, break tie scores, or verify any information needed. Agency may contact any reference (submitted or not) to verify Offeror's qualifications.

Offeror shall send the Reference Check Form (Attachment D) to its references. Reference forms must be completed by the reference, returned to the Offeror and submitted with the Offer prior to opening.

3.4.3 Costs

Submit a detailed Cost Sheet (Attachment E) stating the price for each Service identified in Cost Sheet. If additional Services may be provided and included in Scope of Work, list Service types and Cost associated with the Service. Cost Sheet must be submitted on separate document than Offer.

3.4.4 Public Record/Confidential or Proprietary Information

All Offers are public record and are subject to public inspection after Agency issues the Notice of the Intent to Award. If an Offeror believes that any portion of its Offer contains any information that is a trade secret under ORS Chapter 192.345(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.311 through 192.478), Offeror shall complete and submit the Disclosure Exemption Affidavit (Attachment B) and a fully redacted version of its Offer.

Offeror is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) and identifying the Offer, in whole, as exempt from disclosure is not acceptable. Agency advises each Offeror to consult with its own legal counsel regarding disclosure issues.

If Offeror fails to identify the portions of the Offer that Offeror claims are exempt from disclosure, Offeror has waived any future claim of non-disclosure of that information.

3.5 EVALUATION PROCESS

3.5.1 Responsiveness and Responsibility Determination

Offers received prior to Opening will be reviewed for Responsiveness to all solicitation requirements including compliance with Minimum Requirements section and offer Content Requirements section. If the Offer is unclear, the SPC may request clarification from Offeror. However, clarifications may not be used to rehabilitate a non-Responsive Offer. If the SPC finds the Offer non-Responsive, the Offer may be rejected, however, Agency may waive mistakes in accordance with OAR 125-247-0470.

In accordance with OAR 137-047-0261(6)(a)(A), Agency may establish a Competitive Range of all Offerors who have made a good faith effort in submitting an offer in response to this solicitation for the purpose of correcting deficiencies in Offers for determining responsiveness during Round 1.

At any time prior to award, Agency may reject an Offeror found to be not Responsible.

3.5.2 Evaluation Criteria

Offers meeting the requirements outlined in the Offer Content Requirements section will be evaluated by an Evaluation Committee. Evaluators will assign a score of 0 to 10 for each evaluation criterion listed below in this section.

SCORE	EXPLANATION
10	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Offeror provides insight into its expertise, knowledge, and understanding of the subject matter.
6 – 9	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
5	ADEQUATE – Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Offeror.
1 – 4	FAIR – Offeror meets minimum requirements but does not demonstrate sufficient knowledge of the subject matter.
0	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the solicitation. Offeror has not demonstrated knowledge of the subject matter.

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of offers. A response to a clarification request must be to clarify or explain portions of the already submitted Offer and may not contain new information not included in the original Offer.

Minimum Qualifications.

To be considered for evaluation, an Offer must:

1. Demonstrate that the Offeror possesses a minimum of three (3) years of related Service experience within the last (5) five years.
2. Include two previous clients as references, from within the last (3) three years, able to verify the quality of previously provided Services and years of experience providing related services.
3. Include a narrative statement of the related experience the Offeror believes qualifies them to provide the Services described in this RFP. At a minimum, the statement shall describe three (3) assignments within the last five (5) years, including Services provided and why the Services(s) were determined to be successful.

3.5.2.1 Evaluation Item 1 Offeror Infrastructure

3.5.2.1.1 How well does the Offeror meet the Minimum Requirements and possesses the ability to provide Services described in this RFP?

3.5.2.1.2 Does the Offeror possess professional qualifications and specialized experience of Offeror's business on projects similar to scope and magnitude related to government agencies.

3.5.2.1.3 Does the Offeror possess professional qualifications and specialized experience of Key Person(s) and availability of Key Person(s) committed to Agency?

3.5.2.1.4 Does the Offeror have past and current performance of contracts in terms of quality of services, operating within budget and compliance with performance schedules?

3.5.2.2 Evaluation Item 2 Service Requirements

3.5.2.2.1 How well does the Offeror describe the ability to provide Services listed in this RFP Section 2.1.4.2? Does the Offeror include position description evaluations, ordering and testing processes, and data access and reporting?

3.5.2.2.2 How well does the Offeror describe methods of Quality Assurance and Quality Control?

3.5.2.3 Evaluation Item 3 Technical Requirements

3.5.2.3.1 How well does the Offeror describe website and online account management?

3.5.2.3.2 How well does the Offeror provide overview of Information Technology (IT) website helpdesk?

3.5.2.3.3 How well does the Offeror provide an overview of user manual(s)?

3.6 OFFEROR REFERENCES

See Section 3.4.2, References

Offeror must provide its references with the form, Reference Check Form (Attachment D), which asks for the number of years the Offeror has been providing services with the reference.

The Offeror's references will be asked to rate the Offeror's performance to four (4) service elements. Scores provided by the reference will be totaled and divided by two (the number of references) with the result being the Offeror's score for references. References from OED will not be accepted.

3.7 COST EVALUATION

The SPC will conduct the cost evaluation. The SPC will award a score to each Cost Sheet based upon the percentage of the proposed cost as compared to the lowest Offeror's cost using the following formula:

$$\frac{\text{lowest cost of all Offerors}}{\text{cost being scored}} \times \text{cost points possible} = \text{cost score}$$

3.8 NEXT STEP DETERMINATION

Agency may conduct additional rounds of competition if in the best interest of the State. Additional rounds of competition may consist of, but will not be limited to:

- Establishing a Competitive Range
- Presentations/Demonstrations/Additional Submittal Items
- Interviews
- Best and Final Offers

If Agency elects to conduct additional round(s), Agency shall provide written notice to all Offerors describing the next step. At any time, Agency may dispense with the selected additional round and: (1) issue a Notice of Intent to Award to the highest-ranking Responsible Offeror; or (2) elect to conduct an alternative round of competition; or (3) cancel the solicitation.

3.9 PREFERENCES

3.9.1 Tiebreakers

Oregon Supplies: If Agency receives Offerors identical in cost, fitness, availability and quality and chooses to award a Contract, Agency shall award the Contract in accordance with the procedures outlined in OAR 125-246-0300.

3.10 POINT AND SCORE CALCULATIONS

Scores are the values (0 through 10) assigned by each evaluator.

Points are the total possible value for each section as listed in the table below.

The SPC will average all scores for each evaluation criterion. The average score will be used as a percentage multiplier of the maximum possible points for that criterion. 1=10%, 5=50%, 9=90%, etc.

Cost points are calculated as stated in the Cost Evaluation section. Points possible are as follows:

TOTAL POINTS POSSIBLE :		150
POINTS POSSIBLE		150
3.5.2.1	Offeror Infrastructure	20
3.5.2.2	Service Requirements	40
3.5.2.3	Technical Requirements	40
3.6	Offeror Reference Points	40
3.7	Cost Evaluation Points	10

EXAMPLE:

Offeror A receives scores of 10, 9, and 8 for a criterion worth 50 points. The SPC averages 10, 9, and 8 for a score of 9. 9 is used as a 90% multiplier to the possible points of 50. 50 multiplied by 90% is 45. Offeror A's points for the criterion is 45.

3.11 RANKING OF OFFERORS

The SPC will total the final average score (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members), together with references, and final price. After each applicable preference has been applied, SPC will determine rank order for each respective Offer and Offeror, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

SECTION 4: AWARD AND NEGOTIATION

4.1 AWARD NOTIFICATION PROCESS

4.1.1 Award Consideration

Agency, if it awards a Contract, shall award a Contract to the highest-ranking Responsible Offeror(s) based upon the scoring methodology and process described in Section 3. Agency may award less than the full Scope defined in this solicitation.

4.1.2 Notice of Award

Agency will notify all Offerors in Writing that Agency has awarded a Contract to the selected Offeror(s) subject to successful negotiation of any negotiable provisions.

4.2 SUCCESSFUL OFFEROR SUBMISSION REQUIREMENTS

4.2.1 Insurance

Prior to execution of the Contract, the apparent successful Offeror shall secure and demonstrate to Agency proof of insurance coverage meeting the requirements identified in the solicitation or as otherwise negotiated.

Failure to demonstrate coverage may result in Agency terminating Negotiations and commencing Negotiations with the next highest-ranking Offeror. Offeror is encouraged to consult its insurance agent about the insurance requirements contained in Insurance Requirements (Exhibit B of Attachment H) prior to offer submission.

4.2.2 Taxpayer Identification Number

The apparent successful Offeror shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed [W-9 form](#) if either of the following applies:

- When requested by Agency (normally with an intent to award notice), or
- When the backup withholding status or any other information of Offeror has changed since the last submitted W-9 form, if any.

Agency will not make any payment until Agency has a properly completed W-9.

4.2.3 Business Registry

If selected for award, Offeror shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Contract. The selected Offeror shall submit a current Oregon Secretary of State Business Registry number, or an explanation if not applicable.

All Corporations and other business entities (domestic and foreign) must have a Registered Agent in Oregon. See requirements and exceptions regarding Registered Agents. For more information, see Oregon Business Guide, How to Start a Business in Oregon and Laws and Rules. The titles in this subsection are available at the following Internet site: <http://www.filinginoregon.com/index.htm>.

4.3 CONTRACT NEGOTIATION

4.3.1 Negotiation

By submitting an offer, Offeror agrees to comply with the requirements of the solicitation, including the terms and conditions of the Sample Contract (Attachment H), with the exception of those terms reserved for negotiation.

Offeror shall review the attached Sample Contract and note exceptions. Unless Offeror notes exceptions to the terms and conditions identified as negotiable in its Offer, the State intends to enter into a Contract with the successful Offeror substantially in the form set forth in Sample Contract (Attachment H). It may be possible to negotiate some provisions of the final Contract; however, many provisions cannot be changed. Offeror is cautioned that the State of Oregon believes modifications to the standard provisions constitute increased risk and increased cost to the State.

Any Offer that is conditioned upon Agency's acceptance of any other terms and conditions may be rejected. Any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice.

Agency will only negotiate the following provision:

- Statement of Work

In the event that the parties have not reached mutually agreeable terms within 14 calendar days, Agency may terminate Negotiations and commence Negotiations with the next highest-ranking Offeror.

SECTION 5: ADDITIONAL INFORMATION

5.1 COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION

The State of Oregon is committed to taking active steps toward increasing and promoting diversity, equity, and inclusion values across procurement processes for minority, women, emerging small, and service-disabled veteran owned businesses by reducing barriers to compete for and be awarded state contracts. All interested businesses are encouraged to submit Offers for this contracting opportunity.

5.2 CERTIFIED FIRM PARTICIPATION

Pursuant to Oregon Revised Statute (ORS) Chapter 200, Agency encourages the participation of small businesses, certified by the Oregon Certification Office for Business Inclusion and Diversity (“COBID”) in all contracting opportunities. This includes certified small businesses in the following categories: disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business. Agency also encourages joint ventures or subcontracting with certified small business enterprises. For more information, visit [the COBID website](#) or email [COBID](#).

If the Contract has potential subcontracting opportunities, the successful Offeror may be required to submit a completed Certified Disadvantaged Business Outreach Plan (Attachment F) prior to execution.

5.3 GOVERNING LAWS AND REGULATIONS

This intermediate procurement is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this intermediate procurement, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

5.4 OWNERSHIP/PERMISSION TO USE MATERIALS

All Offers submitted in response to this solicitation become the property of Agency. By submitting an Offer in response to this solicitation, Offeror grants the State a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Offer solely for the purpose of evaluating the Offer, negotiating a Contract, if awarded to Offeror, or as otherwise needed to administer the intermediate procurement process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478).

5.5 CANCELLATION OF SOLICITATION; REJECTION OF OFFERS; NO DAMAGES.

Pursuant to ORS 279B.100, Agency may reject any or all Offers in-whole or in-part or may cancel this solicitation at any time when the rejection or cancellation is in the best interest of the State or Agency, as determined by Agency. Neither the State nor Agency is liable to any Offeror for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the solicitation, award, or rejection of any Offer.

5.6 COST OF SUBMITTING AN OFFER

Offeror shall pay all the costs in submitting its offer, including, but not limited to, the costs to prepare and submit the offer, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with protests.

5.7 STATEWIDE E-WASTE/RECOVERY PROCEDURE

If applicable, Offeror shall include information in its offer that demonstrates compliance with the Statewide E-Waste/Recovery Procedure 107-011-050_PR. Download the procedure by visiting www.oregon.gov/DAS, then enter the procedure number into the search bar, and find the procedure in the search results window.

5.8 RECYCLABLE PRODUCTS

Offeror shall use recyclable products to the maximum extent economically feasible in the performance of the Services or Work set forth in this document and the subsequent Contract. (ORS 279B.025)

SECTION 6: LIST OF ATTACHMENTS

ATTACHMENT A	MANDATORY OFFER – 12 PAGE LIMIT
ATTACHMENT B	DISCLOSURE EXEMPTION AFFIDAVIT
ATTACHMENT C	OFFEROR INFORMATION AND CERTIFICATION SHEET
ATTACHMENT D	REFERENCE CHECK FORM
ATTACHMENT E	COST SHEET
ATTACHMENT F	COBID CERTIFICATION / OUTREACH PLAN
ATTACHMENT G	RESPONSIBILITY INQUIRY
ATTACHMENT H	SAMPLE CONTRACT
ATTACHMENT I	KEY PERSON(S)