

# SOUTHERN OREGON UNIVERSITY

## **REQUEST FOR PROPOSAL (RFP)** **RFP 2024-04**

ADMINISTRATOR: Southern Oregon University  
PHONE: (541) 552-6700  
FAX: (541) 552-6138

### **Lithia PV Solar and Hawk PV Solar + Battery Storage**

ISSUE DATE: July 3, 2023

RFP DUE DATE: August 2, 2023 **3:00 PM**

Web Viewers Note: There may be attachments to this RFP.  
Please contact the Procurement Analyst listed to obtain any necessary attachments.

**NO ORAL PROPOSALS WILL BE ACCEPTED**

**NO LATE PROPOSALS WILL BE ACCEPTED**

**Preferred Submittal Location:**

<https://sou.bonfirehub.com/portal>

**Alternative Submittal Location:**

Southern Oregon University  
Service Center, Susanne Homes  
1250 Siskiyou Blvd  
Ashland, OR 97520  
Phone: (541) 552-6700

## **SCHEDULE OF EVENTS**

Request for Proposal Issue Date	July 3, 2023
Deadline for Protest of Proposal Specifications And Requests for Clarification	July 10, 2023
Optional Worksite Walk-Through (1465 Webster Street, Ashland, OR)	July 18, 2023 10:30 AM
Deadline for Contractor Questions	July 24, 2023 3:00 PM
Deadline for SOU Response to Questions	July 27, 2023 3:00 PM
<b>Proposal Due Date</b>	<b>August 2, 2023 3:00 PM</b>
Tentative Installation Dates	Dec 2023-May 2024

**Any changes to schedule dates will be posted on the website**  
**<https://sou.bonfirehub.com/portal>**

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## **I. INTRODUCTION AND BACKGROUND**

### **Project Overview**

Southern Oregon University (SOU) began as Ashland Academy in 1872, and today serves as a regional University and center for education, culture and scholarship. The main campus is located in Ashland, Oregon, combining quality education with a spectacular location. Surrounded by rugged mountains, rivers, and lakes, the beautiful 175-acre campus is home to 6,100 students from around the world.

SOU is a four-year public university specializing in liberal arts, sciences, and select graduate and professional programs. Our faculty and staff create a dynamic environment that engages students in the process of learning. Our strong commitment to each student provides a personalized approach that is both academically challenging and personally supportive. Our rich liberal arts and sciences curriculum is balanced with career-focused preparation. With 100 areas of study including 35 majors, we are committed to making the educational experience unique and enriching for all of our students.

SOU's values are reflected in our mission statement:

Southern Oregon University is a regionally-engaged learning community committed to being the educational provider of choice for learners throughout their lives. We inspire curiosity and creativity, compel critical thinking, foster discovery, and cultivate bold ideas and actions. We achieve student success, professional preparation, and civic engagement through service excellence, evolving technologies, and innovative curriculum. We foster access, equity, inclusion and diversity in thought and practice. We prepare our learners to be responsible, engaged citizens in our democracy. We promote economic vitality, sustainability, cultural enrichment, and social well-being in our region, the state, the nation, and the world.

SOU is committed to the values of Diversity, Equity, Inclusion and Sustainability. One of the ways that SOU has memorialized this dedication is through its Sustainability and Equity in Purchasing Policy and associated Procedure.

SOU would like your proposal to include information about how your company mitigates the environmental impact of its services, such as greenhouse gas emissions, amount of waste generated, water and energy use, or other areas related to your services.

Additionally, please also include information on your supplier diversity strategy as well as your corporate values statement. We believe Diversity, Equity, Inclusion enriches and encourages all of us to engage with the world and to deliver impactful solutions.

You can view SOU's Sustainability and Equity in Purchasing Policy at the following link:  
[\https://inside.sou.edu/assets/policies/Sustainability-and-Equity-in-Purchasing-Policy.pdf](https://inside.sou.edu/assets/policies/Sustainability-and-Equity-in-Purchasing-Policy.pdf)

## **Project Description**

This project is a community energy resilience project to install rooftop solar PV systems on two campus buildings (Building A and B), with battery storage in one of the buildings (Building B). Proposers are invited to submit a proposal for the entire project (both buildings). SOU will also consider proposals for one building (either Building A or Building B) at the Proposer's option.

### **Building A – PV Solar Lithia Motors Pavilion (1465 Webster Street, Ashland)**

The Lithia Motors Pavilion is a 94,021 square foot building constructed in 2018. The facility has a 63 kW rooftop grid-tied PV array that was installed in 2019. This project is intended to maximize the PV output on the roof. Preliminary investigations indicate the building will accommodate an additional 200+ kW of PV panels. This project also includes installation of a customer owned, utility grade meter that Bonneville Power Administration (BPA) will use to monitor the output of both the new PV arrays and the existing 63 kW array.

### **Building B – PV Solar and Battery Storage Hawk Dining Facility (438 Wightman Street, Ashland)**

Hawk Dining is a 24,324 square foot food service facility that was constructed in 2012. This project is intended to maximize grid-tied PV output at the south, east and west facing roofs. Preliminary investigations indicate that the building will accommodate 150+ kW of PV panels. Building B will also include 125 kWh (minimum) of battery storage to be located in the mechanical penthouse, and a manual transfer switch to enable minimal building operations during extended electric utility outages.

This project is for design and construction of complete, fully functional PV systems including, but not limited to:

- Design drawings and specifications
- Plan review and permitting through the City of Ashland
- Grid-tied solar PV panels mounted on different roof types depending on the location (standing seam metal, single ply membrane, composition shingle)
- Inverter systems
- Utility disconnects per City of Ashland standards
- Installation of a customer owned meter to monitor PV output at the Lithia Motors Pavilion (Building A)
- Installation of a minimum 125 kWh lithium-ion battery storage (expandable) at the Hawk Dining Facility (Building B)
- Installation of a manual transfer switch and reconfiguration of subpanels and some circuits at Hawk Dining (Building B). The intent is to enable SOU to provide limited food service operations on battery power in the event of an extended utility power outage.
- Connection to existing SOU solar PV remote monitoring systems
- Complete systems installation, start-up and commissioning
- As-Built drawings, Operations/Maintenance manuals, Owner Training
- Warranty service

## **Submittal options**

**SOU encourages Proposers to submit proposals for either one or both buildings:**

- Option 1 – Submittals welcomed for Building A (Lithia Motors Pavilion PV Solar) only
- Option 2 – Submittals welcomed for Building B (Hawk Dining Facility PV Solar and Battery Storage) only
- Option 3 – Submittals welcomed for Building A and Building B combined, and managed as one project.

The systems shall be designed to maximize the solar output for the site. In the evaluation process, SOU will consider system output and cost per watt produced. Proposers must submit details and costs for their proposed system(s) on the Price Sheet (Attachment C1 and C2).

SOU will be applying for the “Direct Pay” for these installations under the Inflation Reduction Act 2022. The Inflation Reduction Act of 2022 (IRA) updated and expanded the Investment Tax Credit (ITC) for solar and battery storage resilient power projects. The IRA expanded the ITC in three crucial ways: 1) nonprofits with no tax liability can now apply for direct pay reimbursement equal to the value of the tax credit; 2) storage-only projects are now eligible for the ITC; 3) the ITC now includes several ‘bonus credits’ which can significantly increase savings for projects serving low-income and underserved communities.

### **Administrative Requirements**

The form of Agreement between SOU and the contractor will be the Design/Build Agreement. A Sample Owner-Design Builder Agreement is included (Attachment F). This agreement will form the contract between SOU and the contractor. If you are unable to comply with these terms and conditions without any material modifications, then you should not submit a Proposal for this Project.

The Design/Build Agreement that may result from this RFP will include the design, documentation, permitting, construction and commissioning of the complete grid-tied PV systems. The Hawk Dining Facility project will also include an integrated battery storage.

The Design/Build firm shall be skilled in design, construction, understanding construction methods and techniques, selecting subcontractors, coordinating construction processes, and be capable of providing consultation and assistance to the Owner. The Design/Builder must be able to communicate the design and construction-related aspects of the Project to all team members throughout the design and construction process.

All designs and construction materials shall meet or exceed federal, state and local laws, regulations, ordinances and building code requirements. The PV system shall specifically meet all requirements of the Oregon Electrical Specialty Code and the Oregon Solar Installation Specialty Code. The PV system shall be designed and installed using UL- or ETL-listed components. The PV system shall be a complete functioning system. All design and engineering related services must be performed by professionals registered and licensed in Oregon in the appropriate professional discipline. All renewable energy credits and incentives resulting from this project will be the property of SOU.

**A performance and payment bond will be required** for this project. A bid bond is not required.

All Proposers must be registered with the Oregon Construction Contractors Board and have the required Public Works Bond on file with the Construction Contractors Board (CCB) prior to submitting a Proposal. Failure to be registered and have the bond in place will result in the rejection of your Bid as non-responsive. All subcontractors must file a Public Works Bond with the CCB prior to starting work on the project, unless exempt.

State of Oregon Bureau of Labor and Industries (BOLI) Prevailing Wage Rates are applicable to the construction phase of this Project. The Design/Builder and all subcontractors shall comply with the provisions of ORS 279C.800 through 279C.870 relative to Prevailing Wage Rates. See SOU General Conditions, Sections C.1 and C.2, regarding wage rate compliance and payroll certification requirements. Workers shall be paid the applicable rates per the January 5, 2023 BOLI Prevailing Wage Rate including all subsequent amendments. Prevailing wage rates are available at <http://www.oregon.gov/BOLI>. If a contractor fails to pay for labor or services, SOU can pay and withhold these amounts from payments due the Design/Builder (ORS 279C.5.15). The Design/Builder and their subcontractors shall provide a written schedule to employees showing the number of hours per day and days per week the employee may be required to work (ORS 279C.520). The Design/Builder and their subcontractors must promptly pay for any medical services they have agreed to pay (ORS 279C.530).

### **Detailed Submittal Requirements**

**PROPOSAL FORMAT:** The Proposal must follow the format outlined below in numerical order, and must be limited to **no more than 12 single sided 8.5 x 11-inch pages** including pictures, charts, graphs and text that the proposing firm deems appropriate in the proposal. The narrative text font should be no smaller than 10 point and in a style that is easy to read. The front and back cover, tab pages, Transmittal, Proposer Certification and resumes of key personnel are exempted from the 12-page limit.

**SUBMITTAL CRITERIA:** Respondents will be evaluated based on the following criteria. Please structure your proposal to follow the format outlined below in numerical order.

#### Tab 1 – Transmittal Letter

Provide a cover letter including phone number and email address of a person to answer inquiries about the Proposal. The cover letter must be signed in ink by an officer of the company with authority to commit the firm. (Weight: 0 points)

#### Tab 2 – Proposer Certification

Provide a completed and signed “Proposer Certification” document (Attachment B). (Weight: 0 points)

#### Tab 3 – Firm Information and Comparable Project History

Provide a brief description of your firm. Provide information for at least (3) comparable projects your firm has completed that are similar in size and complexity to this project. Include contact information (Project Owner) for each project listed. As per SOU’s Sustainability and Equity in Purchasing Policy referenced above on page 4, provide information on your company’s Equity, Diversity and Inclusion policies and your company’s Sustainability (environmental and social) policies. Indicate if your firm is a registered MWESB. Include information on your company’s sustainability/environmental policy. Does your firm have an apprenticeship program in place? If yes, provide a brief description and history of your program. (Weight: 30 points)

**Tab 4 – Proposed Staff Qualifications**

List the names of all key staff who will be “hands on” doing work on this project. Provide a brief education background and recent work history for the proposed staff. Indicate relevant professional certifications or accreditations. Resume(s) may be attached to the back of the submittal and will not count in the (12) page limit. (Weight: 20 points)

**Tab 5 – Proposed Products and Pricing**

Submit completed Price Sheet(s) (Attachments C1 and C2). Proposers are invited to submit a price sheet for either Building A (Lithia Motors Pavilion), Building B (Hawk Dining) or for both buildings. SOU will apply for Direct Pay now available to tax exempt entities under the IRA. The selected contractor will be required to assist SOU with submittals for IRA Direct Pay reimbursements. Clearly identify any exclusions or qualifications to your pricing in the space provided. Insert any additional information not covered elsewhere that the Proposer considers relevant to the SOU evaluation committee. (Weight: 40 points)

**Tab 6 – References**

Provide the names, addresses, emails, and phone numbers of three recent clients, as references for your firm's qualification for this Project (no SOU references permitted). These references should be from Owners of completed projects that are comparable in size and complexity to this project. For each reference, list the following: *client, system size, date installed, and client contact information*. In addition to the listed references, SOU may check with other reliable sources who can provide information on the past work of your firm. (Weight: 10 points).

**Project Term**

The term for the contract awarded pursuant to this Request for Proposal (RFP) shall be for a period effective from the date of contract execution and extending until completion of the project as detailed herein. SOU, at its sole discretion, may choose to amend any ensuing contract for additional work.

Time is of the essence for this project. Proposer to enter construction duration (number of weeks) in the space provided on the price sheet.



## **II. Minimum Specifications**

Refer to Attachment D1 & D2 (Specifications and Drawings).

Technical Contacts:

Email technical questions to [sou-rfp@sou.edu](mailto:sou-rfp@sou.edu)

or

Fax technical questions to (541) 552-6138; be sure to reference RFP #2024-04 on your fax cover sheet

# SOUTHERN OREGON UNIVERSITY INSTRUCTIONS TO PROPOSERS

All proposals are subject to the provisions and requirements of the applicable Oregon Revised Statutes, Oregon Administrative Rules, and Southern Oregon University Policies.

## PROPOSAL PREPARATION

**PROPOSAL FORMAT:** Proposals must be typewritten or prepared in ink and must be submitted as detailed on pages 7-8 of this RFP. Proposals may be submitted in writing to the SOU Service Center via e-mail, mail, or in person. Proposals may also be submitted on the Bonfire Procurement Portal: <https://sou.bonfirehub.com/portal>.

### **NO ORAL OR FACSIMILE PROPOSALS WILL BE ACCEPTED.**

**CONFORMANCE TO PROPOSAL REQUIREMENTS:** Proposals must conform to the requirements of the Request for Proposal. Proposal prices must also reflect consideration of all terms and conditions contained in the Request for Proposal, including, but not limited to, the Southern Oregon University Standard Contract Provisions for Goods and Services Contract. Failure to comply with all requirements may result in proposal rejection.

**ADDENDA:** Only documents issued as addenda by the SOU Service Center serve to change the RFP in any way. No other direction received by the proposer, written or verbal, serves to change the RFP document. **NOTE: IF YOU HAVE SUBMITTED A PROPOSAL, YOU SHOULD CONSULT THE BONFIRE WEBSITE TO ASSURE THAT YOU HAVE NOT MISSED ANY ADDENDA ANNOUNCEMENTS. PROPOSERS ARE NOT REQUIRED TO RETURN ADDENDA WITH THEIR PROPOSAL. HOWEVER, PROPOSERS ARE RESPONSIBLE TO MAKE THEMSELVES AWARE OF, OBTAIN AND INCORPORATE ANY CHANGES MADE IN ANY ADDENDA ISSUED, AND TO INCORPORATE ANY CHANGES MADE BY ADDENDUM INTO THEIR FINAL PROPOSAL. FAILURE TO DO SO MAY, IN EFFECT, MAKE THE PROPOSER'S PROPOSAL NON-RESPONSIVE, WHICH MAY CAUSE THE PROPOSER'S PROPOSAL TO BE REJECTED.**

**PRODUCT IDENTIFICATION:** Proposers must clearly identify all products used for proposing in the Price Sheet. SOU reserves the right to reject any proposal when the product information submitted with the proposal is incomplete.

**DELINQUENT OREGON TAXES:** Proposers must certify, under penalty of perjury, that they are not in violation of any Oregon tax laws. No contract for the purchase of goods and/or services will be awarded to a proposer who cannot so certify.

**DEVIATIONS:** Any deviation from proposal specifications, terms and conditions may result in proposal rejection.

**SIGNATURE ON PROPOSAL:** The Price Sheet and the Proposer Certifications must be signed in ink by an authorized representative of the proposer. Signature on these documents certifies that the proposal is made without connection with any person, firm or corporation making a proposal for the same goods and/or services and is in all respects fair and without collusion or fraud.

Signature on these documents also certifies that the proposer has read, fully understands, and agrees to be bound by the Request for Proposal, which includes the SOU procurement policies, Instructions to Proposers, Southern Oregon University's Standard Contract Provisions, and all Attachments and Addenda

to the Request for Proposal. No consideration will be given to any claim resulting from proposing without comprehending all requirements of the Request for Proposal.

**PROPOSAL MODIFICATION:** Modifications or erasures made before proposal submission should be initialed in ink by the person signing the proposal. Proposals, once submitted, may be modified in writing before the time and date set for proposal closing. Any modifications should be prepared on company letterhead, signed by an authorized representative, and state that the new document supersedes or modifies the prior proposal. Proposers may not modify proposals after proposal closing time.

**PROPOSAL WITHDRAWALS:** Proposals may be withdrawn in writing on company letterhead signed by an authorized representative and received by the SOU Service Center prior to proposal closing time. Proposals may also be withdrawn in person before proposal closing time upon presentation of appropriate identification.

**CANCELLATION:** SOU reserves the right to cancel or postpone this RFP at any time or to award no contract and to do so for any reason.

**PROTEST OF PROPOSAL SPECIFICATIONS AND REQUESTS FOR CLARIFICATION:** A proposer who believes proposal specifications are unnecessarily restrictive or limit competition may submit a protest, in writing, to the SOU representative identified below. A proposer who does not understand the proposal specifications may also submit a request for clarification, in writing, to the SOU representative identified below. To be considered, protests and requests for clarification should be submitted via email, facsimile, or in person to the SOU representative by the date listed in the SCHEDULE OF EVENTS.

No information obtained in any conversation with any SOU personnel will serve to change the requirements of the RFP.

The purpose of the period for protests and requests for clarification is to permit SOU to correct specifications, prior to the opening of proposals. This period allows SOU to make needed corrections through the issuance of addenda, prior to the opening of proposals. SOU will consider all properly made protests and requests for clarification, and, if appropriate, amend the RFP.

Protests or requests for clarification submitted to anyone other than the SOU representative listed below may not be considered. SOU is not responsible for any protests or requests that are not submitted by the due date and time specified in the Schedule of Events. Protests should be marked as follows:

Proposal Specification Protest for RFP #2024-04, Closing Date: (August 2, 2023 3:00 PM)

Submit Protests and Requests for Clarification to:

Southern Oregon University  
Service Center, Susanne Homes Hall  
1250 Siskiyou Blvd  
Ashland, OR 97520  
E-Mail: [sou-rfp@sou.edu](mailto:sou-rfp@sou.edu)  
Voice: (541) 552-6700  
Fax: (541) 552-6138

**REQUIRED SUBMITTALS:** It is the proposer's sole responsibility to submit information in fulfillment of the requirements of this Request for Proposal. If pertinent information or required submittals are not

included within the proposal, it may cause the proposal to be rejected or have an adverse impact on evaluation.

**PROPOSAL SUBMISSION:** Proposals may be submitted to the SOU Service Center in one of the following methods. No oral or telephone quotes will be accepted.

**Preferred Method.** Complete proposals (including all attachments) may be submitted online at <https://sou.bonfirehub.com/portal>. The proposals must be electronically received by the Closing Date and Time indicated by the Schedule of Events.

**Alternative Method.** An original and electronic copy (on alternative electronic storage device) of the complete proposal may be mailed or hand-delivered to the SOU Service Center per the contact information provided below prior to the Closing Date and Time indicated by the Schedule of Events. The envelope/package containing the response must be clearly marked **“Response to RFP #2024-04.”**

The original proposal must be signed by an authorized representative of the proposer. Alterations or erasures shall be initialed in ink by the person signing the proposal. Proposals may not be submitted by telephone or fax.

It is the responsibility of the proposer to ensure that proposals arrive by the Closing Date and Time. **LATE PROPOSALS WILL NOT BE ACCEPTED.** Proposals may be hand delivered, or mailed to:

**Hand Delivery:** *(Including UPS, FEDEX)*

Southern Oregon University  
Service Center  
1250 Siskiyou Boulevard  
Susanne Homes Hall  
Ashland, Oregon 97520

**Mailing Address:**

Service Center  
Southern Oregon University  
1250 Siskiyou Boulevard  
Ashland, Oregon 97520

SOU shall not be responsible for identifying or considering any proposal not properly marked and not submitted in a timely manner.

**PROPOSAL OPENING:** Proposals will be opened at the scheduled opening time at SOU Service Center (unless otherwise specified), 1250 Siskiyou Blvd, Susanne Homes Hall, Ashland, OR. Proposers may be present; however, award decisions will not be made at the opening. Only names of those companies that submitted proposals will be announced.

## PROPOSAL EVALUATION AND AWARD

**EVALUATION PROCESS:** Proposals will be awarded based upon the evaluation criteria in the Request for Proposal and in applicable SOU Policies and Oregon Administrative Rules.

Ordinarily, proposals will be evaluated to identify the "highest ranked" responsive proposer who has substantially complied with all requirements of the Request for Proposal and who can be expected to deliver promptly and perform reliably.

However, SOU may engage in the Negotiations process, the "Low Tie" Proposals process, or other processes identified in the applicable SOU Policies and Oregon Administrative Rules to determine the contract award.

If a contract is awarded, SOU will issue a Design/Build Agreement (Attachment F) that incorporates the RFP terms and conditions and proposer's Proposal Form with Price Sheet and Proposer's Certifications.

The stages of review and evaluation are as follows:

- a. **Determination of Responsiveness:**  
SOU will first review all accepted proposals to determine Responsiveness. Proposals that do not comply with the instructions or are incomplete may be deemed non-Responsive. Written notice will be sent to proposers whose proposal is deemed non-Responsive identifying the reason. A proposer has the right to appeal the decision pursuant to SOU's Procurement and Contracting Code (FAD.057 (580-061)).
- b. **First Stage Evaluation:**  
SOU may request in writing additional information from all qualified proposers prior to completing the first stage evaluation.

Those proposals determined to be Responsive will be evaluated using the requirements identified in the Submittal Criteria, above at page 8. Proposals will be scored based on the evaluation criteria listed below. Scores will be used to determine proposers within a competitive range. The competitive range will be made of proposers whose individual scores, when viewed together, form a group of the highest ranked proposers above a natural break in the scores.

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

- c. **Second Stage Evaluation:**  
If an award is not made after the first stage evaluation, SOU may choose any of the following methods in which to proceed:
  - i. Issue a Written Invitation to Proposers within the competitive range requesting an interview, presentation, site visit or any other evaluative method that is relevant to the goods or services solicited in the Request for Proposal. SOU may also request in writing additional information from any or all proposers in the competitive range through the written invitation. Written invitations will contain the evaluation criteria and scoring that will be used by the evaluation committee.

- ii. Engage in oral or written discussions with and receive best and final proposals from all proposers in the competitive range or all proposers submitting responsive proposals. Discussions may be conducted for the following purposes:
  - Informing proposers of deficiencies in their initial proposals;
  - Notifying proposers of parts of their proposals for which SOU would like additional information; or
  - Otherwise allowing proposers to develop revised proposals that will allow SOU to obtain the best proposal based on the requirements set forth in this Request for Proposal.

The conditions, terms, or price of the proposal may be altered or otherwise changed during the course of the discussions provided the changes are within the scope of the Request for Proposal. Best and final proposals will be scored based on the evaluation criteria listed below. Points awarded in the first stage evaluation will not be carried to the second stage evaluation. Contract will be awarded to the proposer who, in SOU’s opinion, best meets the requirements and qualifications of the RFP and SOU’s needs.

d. Additional Stages of Evaluation:

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

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

Evaluation Criteria	Points
Company History, Firm Information, Comparable Projects	30
Personnel Qualifications and Experience	20
Proposed PV and Battery Equipment, Performance, Warranties and Pricing	40
References	10
<b>Total</b>	<b>100</b>

**NEGOTIATIONS:** SOU may commence serial negotiations with the highest ranked proposer or commence simultaneous negotiations with all eligible proposers. SOU may negotiate:

- a. The statement of work;
- b. The Contract price as it is affected by negotiating the statement of work; and
- c. Any other terms and conditions determined by SOU in its sole discretion to be reasonably related to those expressly authorized for negotiation.

Terms and conditions within the sample contract that are unrelated to the statement of work or Contract price may be negotiated after award, but before legal review or execution of the Contract. If a successful contract cannot be negotiated in a timely manner after award, SOU may conclude contract negotiations and rescind its award to that proposer and return to the most recent RFP stage to negotiate with another proposer for award.

**PRIOR ACCEPTANCE OF DEFECTIVE PROPOSALS:** Due to limited resources, SOU generally will not completely review or analyze proposal responses which on their faces fail to comply with the requirements of the proposal documents or which clearly are not the best proposals, nor will SOU generally investigate the references or qualifications of those who submit such proposal responses. Therefore, neither the release of a proposer’s proposal bond (if applicable), the return of a proposal

response, nor acknowledgment that the selection is complete operates as a representation by SOU that an unsuccessful response was complete, sufficient, or lawful in any respect.

### **ADDITIONAL INSTRUCTIONS**

**DELIVERY:** Significant delays in delivery of product or services specified may be considered in determining award if early delivery is required.

**CASH DISCOUNTS:** Cash discounts will not be considered for award purposes unless stated in the proposal documents.

**PAYMENT:** Proposals which require payment in less than 30 days after receipt of invoice or delivery of goods, whichever is later, may be rejected.

**INVESTIGATION OF REFERENCES AND CONSIDERATION OF PAST PERFORMANCES:** SOU reserves the right to investigate the references and the past performance of any proposer, including but not limited to the proposer's performance of similar services, compliance with specifications and contractual obligations, and its lawful payment of suppliers, sub-contractors, and workers. SOU may postpone the award or execution of the contract after the announcement of the apparent successful proposer in order to complete its investigation and may take the results of its investigation into account when conducting proposal evaluations. SOU reserves the right to reject any proposal response or to reject all proposal responses at any time prior to SOU's execution of contract if it is determined to be in the best interest of SOU to do so.

**PROPOSALS ARE OFFERS:** The proposal is the proposer's offer to enter into a Contract pursuant to the terms and conditions specified in the Request for Proposal, its Exhibits, and Addenda. The offer is binding on the proposer for thirty (30) days. SOU's award of the Contract constitutes acceptance of the offer and binds the proposer. The proposal must be a complete offer and fully Responsive to the Request for Proposal.

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

**METHOD OF AWARD:** SOU reserves the right to make the award by item, groups of items, or entire proposal, whichever is in the best interest of SOU.

**RIGHT TO REJECT:** SOU may reject, in whole or in part, any proposal not in compliance with the Request for Proposal, Exhibits, or Addenda, if upon SOU's written finding that it is in the public interest to do so. SOU may reject all proposals for good cause, if upon SOU's written finding that it is in the public interest to do so. Notification of rejection of all proposals, along with the good cause justification and finding of public interest, will be sent to all who submitted a proposal.

**PROPOSAL RESULTS:** Ordinarily, only proposers who receive awards will be notified of proposal results; unsuccessful proposers will not be notified. Intents-to-award will be posted on the SOU Bonfire procurement portal.

Proposers may view tabulations of awarded proposals by requesting a copy of such from the SOU Service Center.

**PUBLIC RECORD:** Upon completion of the Request for Proposal process, information in your proposal will become subject records under the Oregon Public Records Law. Only those items considered a “trade secret” under ORS 192.345(2) may be exempt from disclosure. If a proposal contains what the proposer considers a “trade secret” the proposer must mark each sheet of information as such. Only bona fide trade secrets may be exempt and only if public interest does not require disclosure.

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

**PROTEST OF CONTRACTOR SELECTION, CONTRACT AWARD:** Any proposer who feels adversely affected or aggrieved may submit a protest within three (3) business days after SOU issues a notice of intent to award a Contract. The protest must be clearly identified as a protest, identify the type and nature of the protest, and include the Request for Proposal number and title. The rules governing protests are at SOU’s Procurement and Contracting Code (FAD.057 (580-061)).

**End of RFP**